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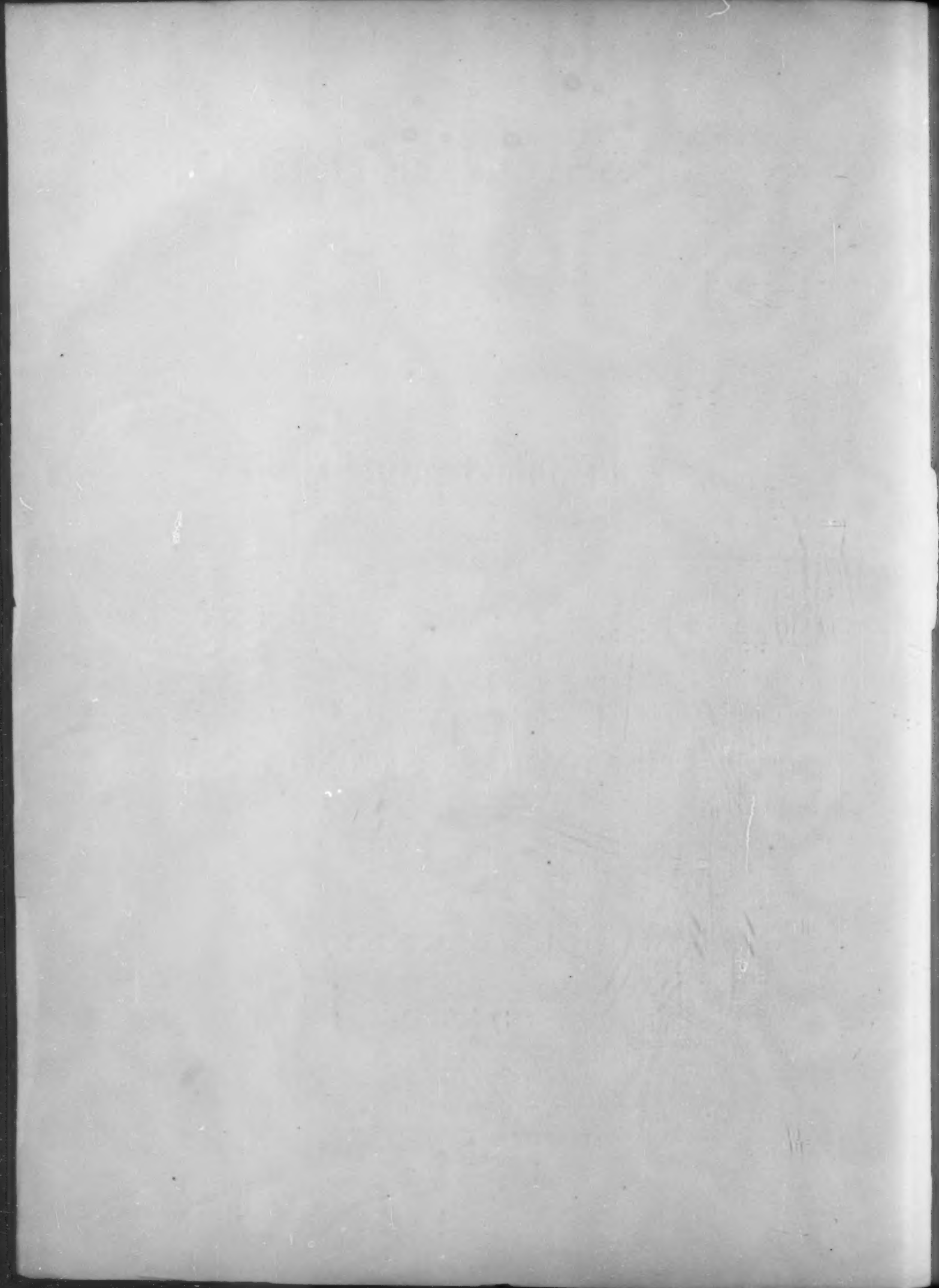
THE PROCEEDINGS AND DEBATES

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VOLUME XXXI PART II

CONGRESSIONAL RECORD

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES

charged with the duty of affixing the stamp, the tax will practically come out of their pockets or out of the pockets of the consumers, and whether the retailer can charge it over or not is a question that I refer to the Senator from Indiana [Mr. TURPIE].

Mr. PLATT of Connecticut. If the Senator will allow me, he will remember the complaint made by the retail dealers was that it would not be fair to oblige them to go through their stock and put stamps upon all the stock on hand, because they were carrying a large amount of stock they never would sell, which they call dead stock.

Mr. ALLISON. Yes; that is true.

Mr. PLATT of Connecticut. If, however, the stamp is only to be placed on articles which are sold, it would be satisfactory.

Mr. FRYE. I understand that will be satisfactory.

Mr. ALLISON. I understand that to be in the main true; but it seems to me that the same rule ought to apply to wholesale dealers as to retail dealers.

Mr. COCKRELL. How can you determine what stock is on hand on the day this bill goes into effect?

Mr. ALLISON. There is no opportunity of knowing, of course, and the only way whereby it can be ascertained is to rigidly enforce the rule against manufacturers and compounders. There will be probably some little difficulty in enforcing it in every way, but Senators will remember that there is only a tax of 1 cent in each particular instance, or a half cent, or a quarter of a cent, as the case may be. The judgment, I think, of the committee and of the Commissioner of Internal Revenue is that there is not likely to be any very great fraud in connection with the administration of this provision.

Mr. MONEY. I should like to ask another question of the Senator before he takes his seat. The Senator mentioned a moment ago that it was the intention of the committee to discuss this provision of the bill to-morrow, and he also said to the Senate that the wholesale dealers ought to be in the same position the retail dealers are as to the payment of the tax on the stock on hand and unsold.

Mr. ALLISON. I did not say that.

Mr. MONEY. I understood the Senator to state that to be his opinion.

Mr. ALLISON. I say it seems to me, since this provision has been reported from the committee, that perhaps we ought to include the wholesale dealers as well as the retail dealers; but I only speak for myself, and not for anybody else.

Mr. MONEY. I desire to ask, Is it the Senator's intention to introduce an amendment to that effect?

Mr. ALLISON. It is not at present. I shall subject myself in that case, as I always do, to the majority of my brethren on the committee.

Mr. FRYE. But with great reluctance.

Mr. ALLISON. With perhaps great reluctance, except in the cases which I specified on Monday.

Mr. MONEY. From the Senator's previous statement, I hoped that he would offer an amendment in the line which has been suggested.

Mr. DANIEL. Mr. President, I was glad to hear the Senator from Iowa express the unanimous sense which was entertained in the committee as to the retroactive clause of this bill as affecting the subject of tobacco. I wish that that general sense of objection to retroactive taxes could be made applicable throughout in every topic that is taxed. While that subject has been called to the attention of the Senate, I beg to make the observation that a very little reflection on the practical operation of this tax will satisfy a just-minded man, in my opinion, that it is a very impolitic and very wrongful tax.

Tobacco is now taxed 6 cents per pound. The bill as it came from the House doubled the tax to 12 cents per pound. The Senate amendment has increased the tax to 16 cents per pound. The bill as it came from the House made the tax of 12 cents a pound applicable not only to all future manufactures of tobacco, but to all stocks of tobacco which are now on hand, having been manufactured under the laws of the Government and having already paid the tax required when the manufacture took place.

Mr. WHITE. Will the Senator from Virginia allow me to interrupt him for a moment? I understand—I do not know whether the Senator from Virginia has been so advised—that the tobacco-tax matter, regarding which I fully agree with him, is to be reconsidered in the committee to-morrow. I merely mention the fact so that perhaps we may be able to avoid some trouble about it. I think the Senator is right in his position about it, and I simply give him the information.

Mr. DANIEL. I was not aware of that fact, but while the matter has been brought to the attention of the Senate, I wish to advise my colleagues of what, according to my information from the tobacco trade, are serious and substantial objections to the retroactive feature which appears in the bill as it came from the House and which happily, as I conceive, the Senate committee has canceled.

Let us take the case of a merchant or manufacturer who has a

stock of tobacco on hand. He has complied with all the demands of the Government and has paid in advance his tax of 6 cents per pound. Then his whole scheme of investment, his estimates of cost of raw material and of labor and of marketing his products are absolutely thrown to the winds by the intervention of a new element of cost, and his goods are thrown entirely out of their relation to the market which they were projected to possess, and which they would possess but for this interposition of a new and unanticipated and unanticipatable incident.

Further than that, it deranges the business of every man who may have tobacco on hand for sale and subjects him perhaps to an absolutely ruinous burden in this wise. We will take the case of tobacco which is put up in packages of six or eight packages per pound. Each of those packages has a stamp. A box may contain 100, 300, 400, 500, or a thousand of those packages. The commission merchant or the purchaser of the tobacco who may have it for sale, by the subjection of this new tax, has got to take the goods asunder, take out every package and put on a new stamp, a burden of labor cost in addition to the tax itself which is almost immeasurable.

Then, Mr. President, it is a burden which the person who may have the tobacco in stock is wholly unprepared to bear, a burden which, indeed, could be but poorly borne by any one but the original manufacturer. The original manufacturer, having the raw tobacco in hand, with expert hands employed to handle it, assort and arranges his tobacco and puts it up in little bunches and packages and in large boxes and sends it off to the market. He can do the work at a minimum cost and with readiness and ease. But the man in whose hands the tobacco has gone for the purpose of the retail trade or for mercantile distribution in a market center is wholly unprepared for the work. He has to break open the box and he has to segregate, separate, and rehandle every package. He has to do it with his force, which may be totally unprepared and inexperienced in the business, and the burden of doing the thing which he is required to do by law may amount to as much or more than the tax itself. No one but an expert could calculate it, but any one, even the most inexpert, can see that it is a heavy burden, distracting to the trade, and obnoxious to every element of fair business.

There has come from every mercantile center in the United States a storm of protests against the retroactive clause upon tobacco. There are many manufacturers and traders in tobacco in my own State, and every one with whom I have communicated or of whom I have any knowledge urges the Congress not to impose upon their trade and business this burden. It is inconceivable, Mr. President, that any one in the tobacco trade should desire such a tax, should tolerate the idea of such a tax upon any other basis than that it would ruin all small competitors and leave the business in the hands of a few monopolies. There is not a single suggestion of sound reason or of business sagacity which could induce any person who has any mercantile or manufacturing connection with the subject-matter to be otherwise than bitterly opposed to it.

Then, Mr. President, it is unjust per se. All tax laws ought to contemplate their subjects as much as possible in perspective, and in the perspective of futurity. It is a great burden to impose upon a particular trade in this country which is segregated from all other trades. None of those who are willing to impose it upon the tobacco trade would sit patient if we undertook to deal with any merchant or manufacturer of the thousand and one necessities and luxuries of life in the same way. It would ruin any public man and any party that undertook to apply that scheme of taxation to the general business of this country. It would lead to a political revolution.

It is unjust per se, Mr. President, because it imposes the burden of a heavier capital to handle the trade which no man could have contemplated in his business, and in just so far as it contemplates a heavier burden of capital and a like heavier burden of labor, so it throws the vantage ground in the play to those who have such tremendous capital and such large facilities of labor that they may profit by the wreck and ruin of those who are struggling in competition with them.

Mr. President, I have found in my own State, and I doubt not that such is the experience of every other Senator here in dealing with his own constituents, the expression of a perfect willingness on the part of the people to bear their just share of any burden which the war with Spain may impose. I am glad to say for those whom I have the honor to represent in part that while very many of them do dislike the idea of having the tax on their business doubled, I have not received a protest or an unpleasant criticism or any comment otherwise than what was patriotic upon this subject.

They have all said, "We expect to be taxed, and we are willing to be taxed, and desire to make our contribution, whatever it may be, to the cause of the country at this time; but we do object and we do not think it is reasonable or just that we should be separated from the rest of the business community, from our

fellow-citizens in all other parts of the country, and should have imposed upon us a tax which means infinite irritation, entanglement, complication, and in many cases absolute ruin." I do not believe, Mr. President, that in the reflecting and fair-minded Senate, nor, indeed, if the matter were fully canvassed and thoroughly understood in the House, this tax would have a corporal's guard to support and commend it. I hope when the time comes to vote the Senate may be as unanimous in its conclusion as the committee up to date has been in its recommendation.

Mr. BACON. Mr. President, as the Senator from Iowa says the committee will take up this question to-morrow, I desire to say a word with reference to the question of these taxes upon the druggists. My information is not such as has been intimated by some other Senators, that the proposed arrangement satisfies them. They do not think that what is commonly called, whether properly or not, a retroactive tax should be imposed, whether it be arranged in one way or the other.

Very much that could be said upon this subject has already been said by the Senator from Virginia as applicable to tobacco, and it applies with equal force to the proposed retroactive tax upon drugs. But what I want to call the Senator's attention to particularly is this: It would manifestly be an extremely great hardship to impose the tax and require its immediate payment upon all stocks in hand. It would be unbearable, if such should be the case, for the reason stated by the Senator from Connecticut; and the point to which I desire to call the Senator's attention is that the proposed arrangement to tax each package as it is sold is not practicable, and therefore I hope the entire retroactive tax as to drugs will be abandoned. I say "drugs," using the term generically; I refer to all the things enumerated in this section and commonly sold in drug stores.

The Senate will remark that all the goods in a drug store are not liable to this tax, but only such as fall within the designation on the fifty-third page—those which are of a certain class, not by description, but those which are proprietary articles, those which are compounded by secret process, and there are various other definitions. I wish to call attention to the fact that the clerk in a large drug store has to be able to determine for himself in dealing with his customer whether or not that is one of the classes of goods liable to the tax. He can not every time a little sale is made by him go into the counting room to have the question discussed and determined. That is impracticable in the ordinary course of business. He must determine then and there, when he makes up the package and sells it, and before he wraps it, whether he shall put upon it the stamp.

It must be obvious to everyone that that is not practicable to be done. There is no class of business hardly in which there is such a great variety of goods to be sold as in the drug business, and yet every clerk must know and be able to determine promptly in such a way as not to impede the proper conduct of the business exactly whether that is a class of goods which falls within this definition or does not fall within it. Not only so, Mr. President, but—I counted them rapidly and I may not have counted them accurately—there are about sixteen or seventeen different grades of taxes imposed upon articles sold in a drug store. So the drug clerk has not only to determine whether an article is subject to the tax at all—and that is not an easy thing to do always—but he has to determine then and there promptly what is the proper tax to put upon it, whether it is one-quarter of a cent or 50 cents or whatever it may be. I say that in conducting a large business, and a great many of these are large businesses, or even in conducting the average drug business, it is not practicable to carry this method of taxation into effect and at the same time not impede the proper conduct of the business.

In view of the fact that it would not do to tax them all in advance by requiring them to put labels or stamps upon everything in the store, some of which might never be sold—as it is not practicable to do that in the ordinary course of business, and as there are the same general objections to this retroactive tax upon drugs that there are to the retroactive tax upon tobacco, it does seem to me the committee should eliminate this particular feature from the bill. It seems to me it is a class of merchandise that would naturally appeal to the Government not to impose a burden upon it. Largely the tax is going to fall upon the unfortunate, upon the invalid class, upon those who are sick, those, as it has been said by some one, who in a large measure are not able to employ doctors and who go to the drug stores for these little appliances and these little remedies; and unless it is an absolute necessity that this class of goods shall be taxed for the raising of the revenue required, it does seem to me that these considerations would demand that the tax upon drugs, both in the hands of wholesalers and retailers, should be eliminated from the bill, and I hope it will be done.

I am asked by the Senator from Florida [Mr. MALLORY] whether an estimate has been made by the committee. I do not know, and therefore I ask the committee to respond to the question: How much of revenue is it estimated will be realized from this tax, if an estimate has been made?

Mr. ALDRICH. There has been no estimate made from any official source, I think, but I have seen in a trade paper an estimate of \$15,000,000.

Mr. BACON. The Senator, though, does not draw a distinction between the revenue which is to be derived from that which hereafter comes from the hands of the manufacturers and that which has already passed out of their hands and is in the hands of wholesale dealers and retail dealers. So far as the manufacturers are concerned, I do not ask, whether this particular scheme of stamp tax is carried out or not, that they be released from the tax, but I speak of goods in the hands of wholesalers and retailers. Has the Senator any information or estimate as to the amount of tax which would be lost by not taxing goods now in the hands of wholesale and retail dealers?

Mr. ALDRICH. I understood the question of the Senator from Georgia to include the stocks in the hands of wholesale and retail dealers. I suppose he also intended to include the stocks in the hands of manufacturers. If it should be in their hands any time prior to the 1st of June, when the bill goes into effect—

Mr. BACON. Speaking for myself, I should be perfectly content if the stocks on hand with retail and wholesale dealers were relieved from this burden, if it should be required to be paid by the manufacturers whenever they sold goods hereafter.

Mr. ALDRICH. Does the Senator think there would be any stock in the hands of the manufacturers if the change suggested by him were made?

Mr. BACON. I am unable to say.

Mr. ALDRICH. It is perfectly safe to say there would not be, I assume.

Mr. BACON. The Senator probably misunderstood me. I said that I would be willing that the stocks on hand and hereafter to be manufactured by manufacturers should be taxed; in other words, that the dealers—

Mr. ALDRICH. When the Senator says "hereafter" he means after the bill goes into effect?

Mr. BACON. Yes; whatever stock is on hand when the bill goes into effect, or whatever they manufacture hereafter. However, that is a matter of detail.

Mr. ALDRICH. That would be true in any event. I have not any doubt that it is the intention of the committee and of the Senate, and it will be the intention of Congress, to tax all goods that are manufactured after the law goes into effect. There is no suggestion that I know of that those shall be exempted.

Mr. BACON. No.

Mr. ALDRICH. As to the class of goods to which the Senator refers, I saw in a trade paper, with facilities for making estimates, that it would require \$15,000,000 to pay the stamp taxes on proprietary articles now in the hands of manufacturers and wholesale and retail dealers.

Mr. BACON. That includes manufacturers. Has the Senator an estimate as to the stock on hand with the wholesale and retail dealers, exclusive of manufacturers?

Mr. ALDRICH. The Senator must understand as well as I do that if there is a tax on the one and not on the other there will be no stock, except in the hands of the wholesale and retail dealers; there will be no stock in the hands of the manufacturers. The stock will be in the possession of those people in whose hands it will be not taxable.

Mr. MANTLE. Mr. President, I do not think there can be very much question but that if the retroactive clause is to remain in the bill, as it relates to stocks on hand in drug stores, the conclusion arrived at by the committee to affix the stamps at the time the goods are sold is the very wisest solution that can be made of that matter. It renders it very easy and simple and plain of understanding and of operation.

The objection which has come to me in such communications as I have had on this subject seems to lie very largely against what they feel is a discrimination against that particular branch of business, by retaining the retroactive clause as it relates to them while taking it out as it relates to other branches of business; and I suggest that if there is good ground for this feeling among people engaged in this particular business, it is well worthy of our consideration. We can not afford very well, in levying these taxes, to subject ourselves to the criticism that we are discriminating against any particular branch of business. I do not know whether that feeling is warranted, but that is the statement which reaches me and that unquestionably is the feeling which many of these men entertain in respect to this matter.

There are some very good reasons, I think, why these retroactive features of the measure should be eliminated, if it is possible to do it, because I feel myself that this phase of the revenue measure is likely to prove the most unpopular, to be regarded as the most unjust, to be found the most onerous and difficult to carry into execution, of all the propositions advanced in the revenue bill. It has been suggested to me that if there is any thought of eliminating this provision as it relates to stocks of drugs, a date stamp might be used, that stocks on hand might have this date stamp affixed for the purpose of recognition, and in that manner there

could, of course, be no defrauding of the Government. Goods sold could easily be required to have the date stamp or the revenue stamp upon them when sold.

I have not anything to say particularly upon the merits of the matter, but I thought in justice to those who have addressed themselves to me upon this subject, considering what seemed to me to be the justice of the objections urged, I ought to present them for the consideration of the Senate.

Mr. GALLINGER. Mr. President, in common with other Senators I have had a deluge of letters on this subject. I want especially to call the attention of the Senator from Georgia to a letter that came to me, I think, in yesterday's mail, and to which the Senator from Maine referred. It is a communication from the New England Retail Druggists' Union. They say they represent 3,000 druggists of New England, and I observe that a very prominent druggist in my own State is vice-president of the union. After calling attention to House bill No. 10100, respectfully protesting against that provision which would require the stamping of all proprietary goods in stock, they say:

We believe we should be required to stamp such goods only when they are sold.

So this union, representing 3,000 druggists, seems to have come to the conclusion that the provision the Senate has inserted is a just provision.

Mr. BACON. There can be no question about the fact that if the tax is to be imposed, however inconvenient it may be, that is the only way there can be any justice in it.

Mr. GALLINGER. The only further suggestion that these gentlemen make is the statement that in their opinion—

All trade-mark goods, in whatever line of trade or business, should be as amenable to taxation as the proprietary or trade-mark preparations for the sick, thus lightening the burden on all.

I am inclined to think that is a pretty good point, and that all trade-mark goods, if those goods are to be singled out because they are trade-mark or proprietary goods, should be dealt with in the same way.

Mr. President, my first inclination when I received these communications from personal friends was to give my vote, if I had an opportunity, against this retroactive legislation, but I confess my feeling has been considerably modified in view of the amendment the Senate has inserted, making the stamp tax apply only when the goods are actually sold to consumers. All things considered, considering the necessity there is for raising a large sum of money in a bill that at best is an unpopular bill, and must necessarily be so, because it deals with the subject of taxation, I am not quite sure that the Senate has not perhaps suggested a wise course, and one that ought to be supported; and yet I shall, if I have an opportunity to be in the Senate, listen with a great deal of interest to the discussion that will ensue to-morrow or at some near day on the question of retroactive taxation. I am inclined to think that the principle is not a very sound one and that the separating of one line of business from all others and imposing a tax upon it simply because it chances to be a manufacture of proprietary or trade-mark goods is not grounded in very good logic or upon the principles of equal and just taxation. That is the feeling I have about it, and yet, as I said, I am not prepared to say what my vote shall be on it. But I felt like calling the attention of the Senate to the statement of this union, representing 3,000 druggists, who seem to be pretty well satisfied with the bill as the Senate has amended it in that particular.

Mr. CLAY. I have on my desk more than fifty letters from druggists of Georgia protesting against this feature of the bill. That protest is made on two grounds. One is that the bill taxes all the drugs now on hand as well as those that will be purchased hereafter. That feature of the bill has been remedied. They also protest against it because the tax is too high. I hold in my hand a letter which sets forth fully and forcibly and clearly the reasons why they protest against the passage of this measure. I ask that the letter may be inserted in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the letter will be inserted.

The letter referred to is as follows:

GEORGIA PHARMACEUTICAL ASSOCIATION,
Rome, Ga., May 9, 1898.

To the Finance Committee, United States Senate, Washington, D. C.

DEAR SIRS: Having carefully examined bill now pending, designated H. R. 10100, I take the liberty of addressing the committee to which it will be referred, calling attention to the burdensome features as it applies to retail druggists.

I do not think that the committee having this measure in charge desire or intend that the necessary revenues for war expenses shall fall heavily on any one class of dealers; but by referring to its provisions and taking into consideration the fact that it applies to fully 60 per cent of the sales made by retail druggists, it will be readily seen that it is unreasonable and burdensome, as the 30,000 retail druggists, representing one five-hundredth of the adult male population, will be required to contribute a sum sufficient to maintain an army of not less than 30,000 men.

Schedule B, pages 39, 40, and 41, requires adhesive stamps on medicines, proprietary articles and preparations. For and upon every packet, box, bot-

tle, pot, or phial, or other inclosure containing any pills, powders, tinctures, troches, or lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, all preparations or compositions whatsoever, made and sold or removed for sale by any person or persons whatever, wherein the person making or preparing the same has, or claims to have, any private formula or occult secret or art for the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under letters patent, or which, if prepared by any formula published or unpublished, are held out or recommended to the public by the makers, vendors, or proprietors thereof as proprietary medicines, or proprietary articles or preparations, or as remedies or specifics for any disease, diseases, or affections whatever, affecting the human or animal body, as follows:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of 10 cents, one-half of 1 cent.

Where each packet, etc., shall exceed the retail price or value of 10 cents, and not exceed the retail price or value of 25 cents, 1 cent.

Where each packet, etc., shall exceed the retail price or value of 25 cents, and not exceed the retail price or value of 50 cents, 2 cents.

Where each packet, etc., shall exceed the retail price or value of 50 cents, and not exceed the retail price or value of 75 cents, 3 cents.

Where each packet, etc., shall exceed the retail price or value of 75 cents, and not exceed the retail price or value of \$1, 4 cents.

Where such packets, etc., shall exceed the retail price or value of \$1, for each and every 50 cents or fractional part thereof over and above \$1 as before mentioned, an additional 2 cents.

Page 41, beginning with line 3. Perfumery and cosmetics: For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any essence, extract, toilet water, cosmetic, vaseline and all like substances, hair oil, pomade, hair dressing, hair restorative, hair dye, tooth wash, dentifrice, tooth paste, aromatic cachous, or any similar article, by whatever name the same have been, now are, or may hereafter be called, known or distinguished; used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin; made, prepared, and sold, or removed for consumption and sale in the United States; when such packet, box, etc., shall not exceed the retail price or value of 25 cents, 1 cent.

Continuing on page 42, the increase is the same as on medicines, proprietary articles, etc.

While the tax on medicines, etc., will prove onerous, this is even more so, from the fact that a great many articles under this classification are retailed at 5 cents each, while the tax required will be 1 cent, or 20 per cent of the retail price. The greater number retailed at 10 cents will be taxed 10 per cent of their retail value.

The tax on all classes of goods referred to in this communication will be paid by the retail dealer, and the time-worn phrase, "The consumer pays the tax," will not apply in this case. In support of this statement I submit the following resolution, adopted by a largely attended meeting of the manufacturers and proprietors held in New York on the 2d instant:

"Resolved, That it is the sense of this meeting that proprietors should advance the price of their goods (to dealers) at least the cost of stamps required by the proposed law."

The following was also adopted: "It is the sense of this meeting that each proprietor immediately notify the jobbing trade of his proposed individual action in case of the stamp act going into effect."

Since this meeting adjourned I have seen numerous notices from proprietors, and all who make a definite statement of prices propose to advance about 50 per cent over and above cost of stamps. The retail price, being established and printed on almost every article of necessity, remains the same.

To a casual observer this bill would no doubt appear innocent and harmless. But when it is considered that 60 per cent of the goods we sell will be at an advanced cost of 12½ to 15 per cent, and allowing that each will sell three times as much per annum as stock would invoice, it can be readily seen that dividends on capital invested will be reduced more than 30 per cent, which necessitates a corresponding reduction in expenses or the retirement from business of a very large majority.

Referring to page 24, I find the following:

"Sec. 21. That any maker or manufacturer of any of the articles or commodities mentioned in Schedule B, as aforesaid, or any other person, who shall sell, send out, remove, or deliver any article or commodity manufactured as aforesaid, before the duty thereon shall have been fully paid by affixing thereon the proper stamp, as in this act provided, or who shall hide or conceal, or cause to be hidden or concealed, or who shall remove or convey away, or cause to be removed or conveyed away from or deposited in any place, any such articles or commodity, to evade the duty chargeable thereon, or any part thereof, shall be subject to a penalty of \$100, together with the forfeiture of any such article or commodity."

Every druggist has in stock articles coming under Schedule B for which there is little or no demand, but continued in stock with the hope of being able to dispose of it at some future date, and if the above section becomes a law we will be required to affix stamps to each and every package in stock June 1, necessitating a considerable outlay, for which we will probably get no return whatever.

For this and other reasons it would be a great relief to so modify this bill that we would not be required to affix the stamps before said packets, etc., were sold or removed for sale. This would cause stamps to be promptly affixed to all staple and salable goods, while those for which there was little or no demand would not be stamped until sold.

It is doubtless true that this measure is based on the bill in force from 1886 to 1887, with due allowance for the increased population, but without taking into consideration the enormous increase in the sale and consumption of goods under this head. Having been actively in business during a portion of the time covered by the old war measure and to present time, I firmly believe that the bill now pending will produce a revenue of ten to twenty times the amount contemplated by the committee having the matter in charge.

Being fully convinced that this estimate is conservative and borne out by facts and figures, I write, as a representative of the Georgia Pharmaceutical Association, to petition your committee, in the event they consider it necessary to tax these articles, to have this bill amended to read "one-tenth of 1 cent on each packet, box, etc., not exceeding the retail price of 10 cents, and one-tenth of 1 cent for each multiple of 10 cents increase in retail price."

So amended, it would raise 20 to 25 per cent of total amount that would be received from the bill under consideration, and I am firmly persuaded that revenue derived would be very largely in excess of the most sanguine expectations of your committee.

In conclusion, I will ask your pardon for intruding upon your time, and assure you that I only write after being fully satisfied that the bill, if passed in its present shape, would prove onerous, and would require the druggist to pay into the Treasury a much larger sum than is contemplated or desired by its strongest advocates.

Very respectfully,

H. H. ABBINGTON, President.

Mr. CLAY. I desire to ask the junior Senator from Texas [Mr.

CHILTON] whether the following amendment affecting druggists is now a part of the bill:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers or of wholesale or retail dealers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for, but it shall be deemed a compliance with this act as such articles on hand in the hands of wholesale or retail dealers as aforesaid who are not manufacturers to affix the proper adhesive tax stamp at the time the packet, box, bottle, pot, or phial, or other inclosure with its contents is sold at retail.

Mr. CHILTON. I will state to the Senator from Georgia that that provision has not yet been adopted.

Mr. CLAY. But it has been agreed to by the committee.

Mr. CHILTON. Yes, sir; and it is the intention that it shall be proposed in the Senate. It was intended to meet the complaints which were made by retail druggists that they should not be required to go over their stocks and stamp goods which might be sold now or a year hence, or which might not be sold at all, but that they should be allowed the privilege of stamping those goods at the time when they made a retail sale of them. That was the intention.

Mr. CLAY. I so understood when I made my remarks before.

The VICE-PRESIDENT. The Secretary will read amendment No. 177.

The next amendment of the Committee on Finance was, on page 59, after line 2, to insert:

EXCISE TAXES ON PERSONS, FIRMS, COMPANIES, AND CORPORATIONS.

That from and after the passage of this act every person, firm, company, or corporation owning or possessing, or having the care or management of, any railroad, street railroad, sleeping car, canal, steamboat, ship, barge, canal boat, or other vessel, or any stage coach or other vehicle, except hacks or carriages not running on continuous routes, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, shall be subject to and pay a special annual excise tax equivalent to one-fourth of 1 per cent of the gross receipts from passengers, mails, shippers, or freighters of any such railroad, street railroad, sleeping car, canal, steamboat, ship, barge, canal boat, or other vessel, or such stage coach, or other vehicle: *Provided*, That the assessment hereby made shall not include any amount for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port; but such tax shall be rated for the transportation of persons, freight, or mails from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freight, or mails.

That any person, firm, company, or corporation carrying on or doing an express business shall be subject to and pay a special annual excise tax equivalent to one-fourth of 1 per cent on the gross amount of all the receipts from such express business.

That any person, firm, company, or corporation owning or possessing, or having the care or management of, any telegraphic or telephone line by which telegraphic or telephone dispatches or messages are received or transmitted shall be subject to and pay a special annual excise tax of one-fourth of 1 per cent on the gross amount of all receipts of such person, firm, company, or corporation for the transmission of dispatches and messages.

That every person, firm, company, or corporation who shall own or conduct or have the care and management of any business for life, fire, marine, or accident insurance, or for security and assurance of employers against losses by negligence or other misconduct of employees, shall pay a special annual excise tax equivalent to one-fourth of 1 per cent of the gross amount of all the receipts from premiums and assessments collected, and the duties by law accruing thereon; and a like tax shall be paid by the agent of any foreign person, firm, company, or corporation having an office in or doing business in the United States.

That every person, firm, company, or corporation carrying on or doing the business of furnishing gas or electric light, electric power, steam heat, or steam power, refining petroleum, or refining sugar shall be subject to and pay a special annual excise tax equivalent to one-fourth of 1 per cent of the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business.

That every person, bank, association, company, or corporation engaged in the business of banking shall pay a special excise tax which shall be equal to one forty-eighth of 1 per cent each month upon the average amount of the deposits of money subject to payment by check or draft, or represented by certificate of deposit or otherwise, whether payable on demand or at some future day.

And a true and accurate return of the amount of deposit as aforesaid shall be made and rendered monthly by each of such banks, associations, corporations, companies, or persons to the collector of the district in which any such bank, association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned for a term not exceeding six months, or both, at the discretion of the court.

SEC. —. That every corporation doing business in the United States, whether chartered under the laws of the United States, or of any State or Territory of the United States, or any foreign country, shall pay a special annual excise tax; and said tax shall be the equivalent of one-fourth of 1 per cent of the whole amount of the gross receipts of such corporations derived from such business: *Provided*, That this section shall not apply to any corporation that is subjected to excise tax under section — of this act, nor to religious, educational, benevolent, eleemosynary, or cemetery corporations; municipal or other public corporations; fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations, and dependents of such members; building and loan associations which make loans only to their shareholders; nor shall corporations which buy and sell raw or unmanufactured domestic agricultural products be required to pay any tax with respect to such dealings except as otherwise provided in Schedule A of this act.

SEC. —. That every person, firm, company, or corporation subject to a tax under sections — and — of this act shall, within twenty days after the end of each and every month, respectively, make a list or return in duplicate to the collector of the district, stating the gross amount of their receipts, re-

spectively, for the month next preceding, which return shall be verified by the oath or affirmation of such person, firm, president, or chief officer in the manner and form to be prescribed from time to time by the Commissioner of Internal Revenue, and shall also pay to the collector the full amount of duties which have accrued on such receipts for the month aforesaid. And in case of neglect or refusal to make said lists or return for the space of ten days after such return should have been made as aforesaid, the collector shall proceed to estimate the amount received and the duties payable thereon, and shall add thereto 10 per cent; and for the purpose of making such assessment, or of ascertaining the correctness of such return, the books of any such person, firm, company, or corporation shall be subject to the inspection of the collector on his demand or request therefor. And in case of neglect or refusal to pay the duties, with the addition aforesaid, when the same have been ascertained, for the space of ten days after the same shall have become payable, the said person, firm, company, or corporation shall pay in addition 10 per cent on the amount of such duties or addition; and for any attempt knowingly to evade the payment of such duties the said person, firm, company, or corporation shall be liable to pay a penalty of \$1,000 for every such attempt, to be recovered as provided in sections 722, 730, 919, and 3213 of the Revised Statutes.

When the Secretary had read the foregoing amendment to line 24 on page 63.

Mr. BACON. I ask that that section may go over for the present. The Senator from Maryland [Mr. GORMAN] I know desires to offer some amendments to it.

Mr. ALLISON. To which section of the amendment does the Senator refer?

Mr. CULLOM. The excise-tax section.

Mr. BACON. I do not desire to stop the reading of the amendment before it is read through, but I would be glad to have its consideration go over. The Senator from Maryland was obliged to leave the Chamber on account of indisposition.

Mr. ALLISON. I will say to the Senator that it was not expected that the amendment would be taken up for debate to-night. We are only making such progress as we can with a view of utilizing the time in reading the amendment, so that it will not have to be read to-morrow.

Mr. HAWLEY. I appeal to the Senator from Iowa. Can we not have an executive session now?

Mr. ALLISON. I hope the Senator will allow the amendment to be read through, and then I will yield to the Senator from Connecticut for an executive session.

Mr. HAWLEY. Very well.

The Secretary resumed and concluded the reading of the amendment as given above.

Mr. MCENERY. I offer an amendment to the amendment, which I send to the desk.

The VICE-PRESIDENT. The Senator from Louisiana proposes an amendment to the amendment, which will be read.

The SECRETARY. On page 63, line 21, after the word "shareholders," insert:

Limited liability commercial partnerships, or corporations, and companies or corporations of limited liability conducting planting or farming business, or preparing for market products of the soil.

The VICE-PRESIDENT. The amendment to the amendment will be printed and lie over until the amendment of the committee is again taken up.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees.

The message also announced that the House insists upon its amendments to the bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. FISCHER, and Mr. LEWIS of Georgia managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, disagreed to by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. SHANNON, and Mr. RICHARDSON managers at the conference on the part of the House.

EXECUTIVE SESSION.

Mr. ALLISON. I now yield to the Senator from Connecticut, who desires to move an executive session, or I will make that motion myself.

The VICE-PRESIDENT. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, May 20, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 19, 1898.

COLLECTOR OF CUSTOMS.

Charles T. Stanton, of Connecticut, to be collector of customs for the district of Stonington, in the State of Connecticut, to succeed Cornelius B. Crandall, resigned.

ASSAYER.

Edward Elias, of California, to be assayer of the mint of the United States at San Francisco, Cal., to succeed John W. Pack, appointment to take effect August 11, 1898.

POSTMASTER.

Maryneal Hutches Smith, to be postmaster at Urbana, in the county of Champaign and State of Ohio, in the place of W. T. Weat, whose commission expired March 15, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

First Regiment of Volunteer Engineers.

TO BE COLONEL.

Eugene Griffin, of New York.

TO BE FIRST LIEUTENANTS.

Algernon Sartoris, of the District of Columbia.

Fitzhugh Lee, jr., of Richmond, Va.

Carlos Carbonel, of Troy, N. Y.

Thomas J. Sullivan, of Colorado.

Karl Fisher Hansen, of New York.

To be commissary of subsistence with the rank of major.

William M. Abernethy, of Missouri.

To be engineer officers with the rank of major.

Charles Lincoln Woodbury, of Vermont.

Capt. William D. Beach, Third United States Cavalry.

Capt. George H. Sands, Sixth United States Cavalry.

Capt. William A. Shunk, Eighth United States Cavalry.

To be assistant quartermaster with the rank of captain.

First Lieut. George S. Cartwright, Twenty-fourth United States Infantry.

To be commissaries of subsistence with the rank of captain.

Frederick W. Hyde, of New York.

William H. Anderson, of Greenville, Ohio.

George B. McCullom, of Pulaski, Tenn.

To be assistant adjutant-general with the rank of captain.

Putnam Bradlee Strong, of New York.

To be additional paymaster.

William B. Schofield, of San Francisco, Cal.

WITHDRAWALS.

Executive nominations withdrawn May 19, 1898.

NOMINATED FOR THE APPOINTMENT OF CAPTAIN AND ASSISTANT QUARTERMASTER.

G. H. Holden, of Minnesota.

H. W. D. Nicholson, of the District of Columbia.

C. B. Worthington, of Iowa.

NOMINATED FOR THE APPOINTMENT OF CAPTAIN AND COMMISSARY OF SUBSISTENCE.

E. B. Fenton, of Michigan.

M. M. Marshall, of Iowa.

R. H. Beckham, of Texas.

NOMINATED FOR THE APPOINTMENT OF CAPTAIN AND ASSISTANT ADJUTANT-GENERAL.

Bradley Strong, New York.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 19, 1898.

RECEIVER OF PUBLIC MONIES.

David S. Hooper, of Redfield, S. Dak., to be receiver of public moneys at Pierre, S. Dak.

SURVEYOR OF CUSTOMS.

William L. Kessinger, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be inspectors-general with the rank of major.

Capt. Jesse M. Lee, Ninth United States Infantry.

Capt. George S. Anderson, Sixth United States Cavalry.

Capt. Earl D. Thomas, Fifth United States Cavalry.

Capt. Alexander Rodgers, Fourth United States Cavalry.

Capt. John M. K. Davis, First United States Artillery.

Capt. Philip Reade, Third United States Infantry.

Capt. Thomas M. Woodruff, Fifth United States Infantry.

Capt. Benjamin H. Cheever, Sixth United States Cavalry.

Capt. Stephen Y. Seyburn, Tenth United States Infantry.

Capt. Stephen C. Mills, Twelfth United States Infantry.

Capt. Herbert J. Slocum, Seventh United States Cavalry.

Capt. Harry C. Benson, Fourth United States Cavalry.

Capt. William P. Duvall, First United States Artillery.

G. Creighton Webb, of New York.

Russell B. Harrison, of Indiana.

To be quartermasters with the rank of major.

Capt. Charles G. Penney, Sixth United States Infantry.

Capt. John W. Summerhayes, assistant quartermaster, United States Army.

Capt. Samuel R. Jones, assistant quartermaster, United States Army.

Capt. Medad C. Martin, assistant quartermaster, United States Army.

Capt. Oscar F. Long, assistant quartermaster, United States Army.

Capt. Guy Howard, assistant quartermaster, United States Army.

Capt. Frederick Von Schrader, assistant quartermaster, United States Army.

Capt. J. Estcourt Sawyer, assistant quartermaster, United States Army.

Capt. Frederick G. Hodgson, assistant quartermaster, United States Army.

Capt. James B. Aleshire, assistant quartermaster, United States Army.

Capt. Thomas Cruse, assistant quartermaster, United States Army.

First Lieut. Eugene F. Ladd, Ninth United States Cavalry.

William A. Wadsworth, of New York.

To be assistant quartermasters with the rank of captain.

First Lieut. Chauncey B. Baker, Seventh United States Infantry.

First Lieut. Charles C. Walcutt, jr., Eighth United States Cavalry.

First Lieut. Julius A. Penn, Second United States Infantry.

First Lieut. Ulysses G. McAlexander, Thirteenth United States Infantry.

Hiram E. Mitchell, of Oregon.

John B. Jeffery, of Illinois.

William D. Jenkins, of Texas.

Benjamin Johnson, of California.

James R. Hosmer, of New York.

William A. Harper, of New York.

Thomas H. Cavanaugh, of Michigan.

Elias H. Parsons, of Utah.

Edward C. McDowell, of Tennessee.

Francis M. Schreiner, of the District of Columbia.

Arthur Thompson, of New Hampshire.

Charles M. Augur, of Colorado.

William K. Alexander, of Virginia.

William G. Ball, of Ohio.

Abraham S. Bickham, of Ohio.

George G. Bailey, of New York.

Edwin F. Barrett, of Minnesota.

Britton Davis, of Texas.

Ambrose E. Gonzales, of South Carolina.

Lloyd Carpenter Griscom, of Pennsylvania.

To be commissaries of subsistence with the rank of captain.

First Lieut. Eli D. Hoyle, Second United States Artillery.

First Lieut. Parker W. West, Third United States Cavalry.

First Lieut. Omar Bundy, Third United States Infantry.

First Lieut. Elmore F. Taggart, Sixth United States Infantry.

First Lieut. Alexander R. Piper, Fifteenth United States Infantry.

Second Lieut. Harold E. Cloke, Sixth United States Artillery.

Richard W. Thompson, jr., of Indiana.

Daniel Van Voorhis, of Ohio.

Samuel B. Boots, of Ohio.

Lee Linn, of Indiana.

William A. Tucker, of Tennessee.

Theodore B. Hacker, of Tennessee.

Frank H. Lord, of New York.

John H. Earle, of South Carolina.

Jay Cooke, third, of Pennsylvania.

Thomas C. Catchings, jr., of Mississippi.

Joseph A. Cox, of Pennsylvania.

To be assistant adjutants-general with the rank of major.

Capt. Walter S. Schuyler, Fifth United States Cavalry.

Capt. Louis V. Caziarc, Second United States Artillery.

Capt. William W. McCammon, Fourteenth United States Infantry.

Capt. James S. Pettit, First United States Infantry.

Capt. Alfred C. Sharpe, Twenty-second United States Infantry.

Capt. Hugh L. Scott, Seventh United States Cavalry.
 Capt. Edward Davis, Third United States Artillery.
 First Lieut. Frederick S. Strong, Fourth United States Artillery.
 First Lieut. Herbert H. Sargent, Second United States Cavalry.
 First Lieut. Clarence R. Edwards, Twenty-third United States Infantry.
 First Lieut. Samuel D. Sturgis, Sixth United States Artillery.
 First Lieut. Samuel Reber, Signal Corps, United States Army.
 Campbell E. McMichael, of Pennsylvania.
 George H. Hopkins, of Michigan.
 John A. Logan, jr., of Illinois.

To be assistant adjutants-general with the rank of captain.

First Lieut. Erasmus M. Weaver, jr., Second United States Artillery.
 First Lieut. Francis P. Fremont, Third United States Infantry.
 First Lieut. Charles M. Truitt, Twenty-first United States Infantry.
 First Lieut. Edwin St. J. Greble, Second United States Artillery.
 First Lieut. John H. Beacom, Third United States Infantry.
 First Lieut. Harvey C. Carbaugh, Fifth United States Artillery.
 First Lieut. John B. McDonald, Tenth United States Cavalry.
 First Lieut. Albert L. Mills, First United States Cavalry.
 First Lieut. Charles G. Treat, Fifth United States Artillery.
 First Lieut. John A. Dapray, Twenty-third United States Infantry.
 First Lieut. William F. Hancock, Sixth United States Artillery.
 First Lieut. William H. Smith, Tenth United States Cavalry.
 First Lieut. John F. Morrison, Twentieth United States Infantry.
 First Lieut. Benjamin Alvord, Twentieth United States Infantry.
 First Lieut. Henry C. Cabell, Fourteenth United States Infantry.
 First Lieut. Godfrey H. Macdonald, First United States Cavalry.
 First Lieut. William H. Johnston, Sixteenth United States Infantry.
 First Lieut. John L. Sehon, Twentieth United States Infantry.
 First Lieut. Grote Hutcheson, Ninth United States Cavalry.
 First Lieut. James K. Thompson, Twenty-third United States Infantry.
 First Lieut. Carl Reichmann, Ninth United States Infantry.
 First Lieut. Cornelis De W. Willcox, Seventh United States Artillery.
 First Lieut. Willard A. Holbrook, Seventh United States Cavalry.
 First Lieut. Robert E. L. Michie, Second United States Cavalry.
 First Lieut. Daniel B. Devore, Twenty-third United States Infantry.
 First Lieut. Lucien G. Berry, Seventh United States Artillery.
 First Lieut. John E. McMahon, Fourth United States Artillery.
 First Lieut. T. Bentley Mott, Seventh United States Artillery.
 First Lieut. Samuel Seay, jr., Fourteenth United States Infantry.
 First Lieut. Robert G. Paxton, Tenth United States Cavalry.
 First Lieut. Robert L. Howze, Sixth United States Cavalry.
 First Lieut. George B. Duncan, Fourth United States Infantry.
 First Lieut. Walter A. Bethel, Third United States Artillery.
 First Lieut. Edmund L. Butts, Fifth United States Infantry.
 First Lieut. Charles W. Fenton, Fifth United States Cavalry.
 First Lieut. Louis C. Scherer, Fourth United States Cavalry.
 Second Lieut. Douglas Settle, Tenth United States Infantry.
 Second Lieut. Walter C. Short, Sixth United States Cavalry.
 Second Lieut. Robert Sewell, Seventh United States Cavalry.
 Second Lieut. Henry H. Whitney, Fourth United States Artillery.
 Second Lieut. Edward B. Cassatt, Fourth United States Cavalry.
 Second Lieut. John C. Gilmore, jr., Fourth United States Artillery.
 Jacob E. Bloom, of New York.
 William E. Horton, of the District of Columbia.
 William McKittrich, of California.
 Joseph B. Foraker, jr., of Ohio.
 James A. Colvin, of New York.
 Edward Murphy, 2d, of New York.
 Joseph B. Morton, of Illinois.
 Charles H. McGill, of Minnesota.
 Larz Anderson, of the District of Columbia.
 Augustus P. Gardner, of Massachusetts.
 Gordon Voorhies, of Kentucky.
 Samuel W. Belford, of Colorado.
 First Lieut. De Rosey C. Cabell, Eighth United States Cavalry.

POSTMASTERS.

Samuel Howerth, to be postmaster at Gallatin, in the county of Sumner and State of Tennessee.

F. B. Taylor, to be postmaster at South Orange, in the county of Essex and State of New Jersey.

W. D. Greason, to be postmaster at Paola, in the county of Miami and State of Kansas.

Moses M. Beck, to be postmaster at Holton, in the county of Jackson and State of Kansas.

Eugene S. Low, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri.

W. C. Clemens, to be postmaster at Virginia City, in the county of Madison and State of Montana.

R. C. Spence, to be postmaster at Forney, in the county of Kaufman and State of Texas.

Joseph A. Schmitt, to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas.

George W. Dicus, to be postmaster at Rochelle, in the county of Ogle and State of Illinois.

Simon Nusbaum, to be postmaster at Santa Fe, in the county of Santa Fe and Territory of New Mexico.

Jacob B. Matthews, to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico.

John A. Wheeler, to be postmaster at Independence, in the county of Polk and State of Oregon.

William M. Allison, to be postmaster at Mifflintown, in the county of Juniata and State of Pennsylvania.

George G. Losey, to be postmaster at Lemont, in the county of Cook and State of Illinois.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 19, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CARRIERS IN INTERSTATE COMMERCE AND THEIR EMPLOYEES.

Mr. GROSVENOR. Mr. Speaker, I desire to call up the bill H. R. 4372, on the Speaker's table, with Senate amendment.

The amendment was read, as follows:

IN THE SENATE OF THE UNITED STATES, May 12, 1898.

Resolved, That the bill from the House of Representatives (H. R. 4372) entitled "An act concerning carriers engaged in interstate commerce and their employees" do pass with the following amendment:

Strike out all after the enacting clause and insert:

"That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

"The term 'railroad' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term 'transportation' shall include all instrumentalities of shipment or carriage.

"The term 'employees' as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

"SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the Chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

"SEC. 3. That whenever a controversy shall arise between a carrier subject to this act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however*, That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees. The two thus

chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall specify the time and place of meeting of said board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

"First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

"Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

"Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

"Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

"Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section 4. That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding, unless the said individual employees shall give assent in writing to become parties to said arbitration.

"Sec. 4. That the award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

"At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

"The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

"If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

"Sec. 5. That for the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February 4, 1887, and the amendments thereto.

"Sec. 6. That every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of a district or circuit court of the United States, and when so acknowledged a copy of the same shall be transmitted to the Chairman of the Interstate Commerce Commission, who shall file the same in the office of said commission.

"Any agreement of arbitration which shall be entered into conforming to this act, except that it shall be executed by employees individually instead of by a labor organization as their representative, shall, when duly acknowledged as herein provided, be transmitted to the Chairman of the Interstate Commerce Commission, who shall cause a notice in writing to be served upon the arbitrators, fixing a time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however*, That the said Chairman of the Interstate Commerce Commission shall decline to call a meeting of arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

"Sec. 7. That during the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided*, That nothing herein contained shall be construed to prevent any employee, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such reduction.

"Sec. 8. That in every incorporation under the provisions of chapter 557 of the United States Statutes of 1885 and 1886 it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

"Sec. 9. That whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

"Sec. 10. That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than \$100 and not more than \$1,000.

"Sec. 11. That each member of said board of arbitration shall receive a compensation of \$10 per day for the time he is actually employed, and his traveling and other necessary expenses; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed \$10,000 in any one year, to be approved by the Chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June 30, 1898, and June 30, 1899, out of any money in the Treasury not otherwise appropriated.

"Sec. 12. That the act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October 1, 1883, is hereby repealed.

Resolved, That the Senate request a conference with the House of Representatives on the said bill and amendments.

Ordered, That Mr. KYLE, Mr. GEAR, and Mr. LINDSAY be the conferees on the part of the Senate.

Mr. GROSVENOR. Mr. Speaker, I would like to state very briefly to the House the provisions that have been added to the bill by the Senate, and then I shall move to concur in the amendment.

Mr. DOCKERY. Mr. Speaker, I desire to suggest to the gentleman from Ohio that this is a new bill. As I understand, everything in the House bill is stricken out after the enacting clause.

Mr. GROSVENOR. That is true. Originally there were two bills, identical in every respect, one introduced in the Senate and one in the House. The Senate took up its own bill and added some amendments, and then struck out of the House bill all after the enacting clause and inserted the Senate bill as amended.

Mr. DOCKERY. Then do I understand that this bill, in the nature of a substitute to the House bill, is in fact the House bill?

Mr. GROSVENOR. I have just stated—

Mr. BLAND. I would like to have the gentleman from Ohio explain the differences between the two bills.

Mr. GROSVENOR. I propose to do so. Similar bills were introduced in the Senate and in the House. The House passed its bill and sent it to the Senate. The Senate took up its own bill, put certain amendments into it, then struck out all after the enacting clause of the House bill and put in the Senate bill with amendments as a substitute. So that the effect of it is to have the House bill with Senate amendments, and to those amendments I propose to call attention.

I may say in this connection that immediately after the passage of the bill by the Senate these amendments were submitted to the original friends of the bill through Mr. Moseley, who has been the promoter of the measure in a large part, and I have their answer, in which, while the railroad companies have suggested an important amendment which I declined to offer, all the other parties to the interests involved have agreed to these amendments. I will briefly state what the amendments are. The first one is on page 4 of the Senate bill, and provides that—

In cases where the majority of such employees are not members of any labor organization, said employees may, by a majority vote, select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees.

That is to say, where it is not a labor organization, but there is a certain number of laboring men who desire an arbitration, they

may get together and elect a committee, and that committee shall have the same power and authority as a labor organization has under the general features of the bill. That was done so as not to exclude from the benefits of the law unorganized labor, but to put unorganized labor on an equal footing with organized labor.

Then comes the provision, which is totally unnecessary, but which was put in on the suggestion of some one who thought he did not see the same provision in the bill, and it reads this way:

That no employee shall be compelled to render personal service without his consent.

Of course everybody knows that that comes close to the line of absurdity, for there was nothing in the bill that was coercive in any direction, and it was wholly unnecessary; but I do not care to have a committee of conference on an unimportant declaration of a fact that existed before.

Mr. BRUCKER. To what sections does that refer?

Mr. GROSVENOR. The first subdivision of the stipulation of the arbitration is found on page 4 of the bill, and this provision is at the end of the first subdivision.

Now, here is a short amendment which I do think is important and valuable to all parties. In the second stipulation it is added that "the award and the papers and proceedings, including the testimony relating thereto"—now comes the amendment—"certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions." That simply takes the record, and instead of having to make a new record, as a lawyer would understand, and have it certified in the form of a bill of exceptions, it takes the record of the hearing before the arbitrators and transmutes that into a record.

Now, here is another provision put in in the first stipulation which is totally unnecessary and need not have been put there. They strike out these words: "No person shall, however, be punished for his failure to comply with the award, as for contempt of court;" and they put this language in: "Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service."

That was totally unnecessary, as the common law of employment, established in favor of laborers, and the plain stipulation of the bill itself are already effectual in that direction. But this provision was put in to gratify somebody's view, and I do not care to have a controversy about it.

Now, at the end of the fifth stipulation, on the sixth page, will be found this language:

That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding, unless the said individual employees shall give assent in writing to become parties to said arbitration.

It would seem very strange that in an act of legislation there should be a disclaimer of a purpose to bind anybody who was not a party to the proceeding; but lest somebody should think that when a certain number of an organized body of laborers had demanded an arbitration they would thereby bind their associates who did not join in the demand, this provision has been put in, making the bill absolutely clear of any coercive effect upon anybody but those seeking the arbitration.

That is all there is in these amendments.

Mr. BLAND. I should like to ask the gentleman a question. I am not as familiar with the bill as perhaps I ought to be, but I have understood it provides that where damages may be awarded to any employee on account of injuries received in the course of his employment, the amount of such damages is to be deducted from the amount which would be received from any mutual aid society or insurance company.

Mr. GROSVENOR. There is nothing in the bill that has the slightest reference to that subject.

Mr. BLAND. Then I may have misunderstood.

Mr. GROSVENOR. There is nothing that affects that question one way or the other.

Now, Mr. Speaker, I move that the House concur in the amendments of the Senate.

Mr. McEWAN. I should like to occupy the floor about five minutes.

Mr. GROSVENOR. I yield to the gentleman five minutes.

Mr. McEWAN. Mr. Speaker, I was informed that a motion to concur in the Senate amendments would be made this morning, and I was told that the effect, whether intentional or otherwise, would be that the bill would not go back to the Senate. I happen to know that if the bill should go back to the Senate it would be changed to a great degree, and certain Senators, having reflected further upon it, would vote against the bill. I know of no more vicious bill that can come before any legislative body at any time than the present bill. It will, in my judgment, entirely do away with all labor organizations. I believe that is the purpose of the bill. It has been drawn with a great deal of skill. It provides that railroad companies, after an alleged arbitration has been decided, shall not dismiss employees except for one of three causes.

The first is inefficiency; the second, violation of the law; and the third I have forgotten, as I merely made some hasty notes while the bill was being read and have not had opportunity to read it. What other reasons need be given for dismissal? These would be bases for any charge. The bill also provides that the railroad company may dismiss employees whether they have been engaged in strikes or otherwise, for the purpose of decreasing the number of employees, thus giving to the railroad company—not avowedly, but that will be the result—the power to dismiss men in case they go out on a strike, and giving to the workmen (no matter whether the bill pretends otherwise or not) no power whatever of redress.

Certainly a bill of this magnitude, instead of being brought up here to be disposed of on four or five minutes' debate, ought to be referred back to the committee, in order that it might come again before the House for careful and deliberate consideration. When I read the speeches of Senators ALLEN and TURNER on this subject, my views as to the inadvisability of passing the bill were confirmed. However, I want to say that the representatives of the Brotherhoods of Locomotive Engineers, of Firemen, of Conductors, and of Trainmen have asked me in writing not to oppose this bill.

I said, "I will not oppose it as strongly as it ought to be opposed, because you have asked me to refrain from opposing it; but I know," I said to this representative, "you will regret your action in this matter, for instead of favoring the bill you ought to do all you can to help me have it recommitment, even defeated." He said that those organizations were willing to take their chances. I think he and they have made a mistake. But what I now say shows where I stand in reference to this measure. It seems to me, as I have said, that a bill of this magnitude ought to be re-committed, that we ought to have an extended debate upon it. If anything ought to be considered in this country, it is the rights of the workmen, who constitute the majority of the people of the country, and who, in fact, are the country, because, being the majority, they are entitled to rule.

Mr. BLAND. Did I understand the gentleman to say that the labor organizations are in favor of this bill?

Mr. McEWAN. No; I said that the four railroad organizations that I named wanted it. I think they are mistaken in so desiring.

Mr. LIVINGSTON. I wish to put a question to the gentleman in charge of the bill. I find in section 2 this language:

Shall use their best efforts by mediation and conciliation to amicably settle the same, and if such efforts shall be unsuccessful shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

Then, in section 3, it is provided that if neither the interposition of the Commissioner of Labor or of the Interstate Commerce Commission should bring about a conciliation, then an arbitration "may" be had. Why not use the word "shall" instead of "may"?

Mr. GROSVENOR. If the gentleman from Georgia will examine the context, he will find that the word "may" practically has the same meaning as "shall" in that connection. And to amend the bill now by substituting the one word for the other would send it back to the Senate again, and would be in the nature of a delay which might possibly jeopardize its passage during this Congress.

I will say to the House that the bill in its present form originated with the only men in the world who are seriously affected by it. Step by step they have been watching this legislation, and they are now here asking the Congress of the United States to take this decided and necessary step toward an arbitration of the labor difficulties that from time to time must arise in this country.

Mr. LIVINGSTON. I understand that to be entirely true. Mr. Speaker. But the question is whether we are to make the bill effective to meet the very object the gentleman suggests.

Mr. GROSVENOR. The bill does not undertake to provide compulsory arbitration.

Mr. LIVINGSTON. I understand that.

Mr. GROSVENOR. Because the very first and essential element in a settlement of this character is that the arbitration shall be a mutual arrangement between the parties.

Mr. WALKER of Massachusetts. Will the gentleman from Ohio allow me a few minutes?

Mr. GROSVENOR. Certainly.

I wish to say, first, to the gentleman from Georgia that this bill has been passed here by Congress after Congress. Both Houses passed it in the last Congress, and this Congress has also passed it, and it is believed to be potential in the interest of the laboring people of this country—the most important element in the population of the country.

Mr. LIVINGSTON. But suppose the laborer refuses to accept the arbitration?

Mr. GROSVENOR. It is not compulsory, and that ends it.

Mr. LIVINGSTON. Then the bill is no improvement, as I understand it, over the present law. You can not compel arbitration, of course, under it?

Mr. GROSVENOR. Certainly not. Would the gentleman vote for a compulsory arbitration bill? Because if the gentleman from Georgia would vote for such a bill, he would place himself in the line of fire of the labor organizations, and you would need to have a search warrant to hold a funeral over his political remains in future. [Laughter.] That is one of the things—compulsory arbitration—that labor will not and ought not to submit to.

Mr. LIVINGSTON. Then why have anything of the kind in the bill? That is the point I am making.

Mr. GROSVENOR. My friend of course knows that no legislation of this character can be perfect in the very beginning. This is a start in the right direction; and hereafter such modifications and amendments as are necessary can be made to it.

Mr. WALKER of Massachusetts. Will the gentleman from Ohio now yield to me for a while?

Mr. GROSVENOR. I hope, Mr. Speaker, the gentleman from Massachusetts is not going to open up this whole question to debate now. Let us get a vote on it.

Mr. WALKER of Massachusetts. I think I can pour as much oil on the troubled waters as the gentleman from Ohio. [Laughter.]

Mr. GROSVENOR. I think I will demand the previous question.

Mr. WALKER of Massachusetts. I ask the gentleman to give the Committee on Labor just ten minutes.

Mr. GROSVENOR. I must insist upon the demand.

The SPEAKER. The gentleman from Ohio demands the previous question.

The question was taken; and on a division (demanded by Mr. GROSVENOR) there were—ayes 65, noes 75.

Mr. GROSVENOR. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

Mr. DOCKERY. Mr. Speaker, pending that, I ask unanimous consent to request the attention of the gentleman from Ohio for a moment.

I ask consent that debate on the Senate amendment be limited to thirty minutes.

Mr. GROSVENOR. Say twenty minutes.

Mr. DOCKERY. Thirty minutes. Some gentlemen desire to be heard. I have no desire myself to occupy the time.

Mr. GROSVENOR. Mr. Speaker, I have no disposition whatever to cut off any proper debate, or any debate that is practical and to the purpose, but this bill has been disposed of so often and it is so thoroughly understood that I do not want to have it defeated on a yeas-and-nays vote.

Mr. DOCKERY. No one desires to defeat the bill, as I understand.

Mr. GROSVENOR. I am perfectly willing to yield ten minutes to any gentleman on the other side who desires to be heard on the question.

Mr. DOCKERY. That will be entirely satisfactory to me.

Mr. GROSVENOR. And I will give five minutes to the gentleman from Massachusetts [Mr. WALKER] if he desires to occupy the floor for that length of time.

The SPEAKER. Is there objection to the proposition that the motion for the previous question be considered as withdrawn, and that ten minutes be allowed on a side?

Mr. WALKER of Massachusetts. And that the previous question then be considered as ordered.

The SPEAKER. And that the previous question then be considered as ordered.

There was no objection.

Mr. GROSVENOR. I yield five minutes to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. I do not believe there is a gentleman on this floor who would vote against this bill did he thoroughly understand it—understand its purpose and understand the extreme care with which the bill has been drawn. This is entering, in this country, upon a new type of legislation. Such legislation must not be mandatory to too great an extent at the beginning. It must be largely permissive. The purpose of the bill is to open the courts of this country to the adjustment of difficulties that arise between capital and labor, to provide for a method of determining controversies between wage earners and their employers, and in order that we may get an initiatory point, in order that we may have a beginning, in order that we may establish a precedent or create precedents, that the laboring man working with his hands shall have the same chance and opportunity before the courts that the great corporations have, a law of this kind is necessary.

The corporations have had laws for centuries and decisions of courts for centuries defining the rights of tangible property, which they can quote and which are their defense. While the individual laborer, as such, has not been brought within the purview of laws and courts up to the present time. This is an initiatory step. That is all there is of it, and the laboring people dare not enter upon mandatory provisions. On account of the mistakes which

courts have made, by pushing precedents too far and not taking modern conditions into consideration, the experience of the laboring people has been such that they are not justified in permitting compulsory arbitration to be forced upon them. Every laboring man in the country affected by this bill asks for it. There are some laboring men not affected by it, who are afraid that even this bill goes too far.

Mr. GAINES. I should like to ask the gentleman from Massachusetts a question for information. Under what circumstances do the courts take hold of the matter?

Mr. WALKER of Massachusetts. Whenever any difficulty arises and the parties desire to have the court take hold of it. It provides courts of arbitration; that is the point of the thing. It is much like going into a court of equity.

Mr. GAINES. Does it provide that the contract may be enforced by imprisoning the parties who are refractory?

Mr. McEWAN. By contempt; yes.

Mr. GAINES. I am told it does and that it does not. What is the fact?

Mr. WALKER of Massachusetts. There is an amendment here that cuts out the possibility of imprisonment of the laboring man for contempt for quitting work. In this bill the laboring man are put at every advantage and the corporations at every disadvantage, as far as it is safe to go.

Mr. GAINES. A gentleman who represents labor organizations said this morning to me that it does provide as I have suggested.

Mr. WALKER of Massachusetts. I want to say to the gentleman that there are always contentions among labor organizations, as there are between political parties. Labor organizations not affected by this bill are some of them opposing it, but not a man connected with a labor organization affected by this bill opposes it. They are all in favor of it.

Mr. SHAFROTH. Have any of them expressed a desire to have the bill passed?

Mr. WALKER of Massachusetts. Every single man of them.

Mr. HENRY of Mississippi. I should like to ask the gentleman from Massachusetts a question for information. We do not understand the status of this matter. I understand that the Senate struck out all after the enacting clause of our bill and presented a new bill. Is that so?

Mr. WALKER of Massachusetts. Yes; but the new bill is identical with our bill. Mr. GROSVENOR introduced the bill in the House and it was introduced in the Senate, the same identical bill; but having amended their bill in the Senate, they sent us their bill by way of a substitute, as a shorter way, but it is substantially our bill, which the gentleman from Ohio [Mr. GROSVENOR] introduced.

Mr. GREENE. Is there any provision in this bill which gives the court authority, after having heard these matters, to render a judgment that the court can in any manner enforce?

Mr. WALKER of Massachusetts. Well, practically, against the corporations it can, and against the individual workingman it can not. That is the real fact.

Mr. GREENE. Do you believe that any court—

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. HENRY of Mississippi. I move that the gentleman's time be extended five minutes.

The SPEAKER. The gentleman's time has expired.

Mr. GREENE. I simply want to ask—

Mr. GROSVENOR. The debate has been limited to twenty minutes.

The SPEAKER. The gentleman's time has expired. The gentleman from Missouri [Mr. DOCKERY] is recognized.

Mr. DOCKERY. I yield three minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, I am not rising in opposition to this bill. In the Fifty-fourth Congress a bill of this sort was passed by the House and sent over to the Senate, and the Senate changed it entirely. In the beginning of this session the gentleman from Ohio [Mr. GROSVENOR] introduced a bill covering the provisions of the Senate bill, as I understand it. We passed unanimously on the bill in the Committee on Labor, and that bill was passed by the House and went to the Senate, and they have changed it entirely, so that we do not understand what we are voting upon. I think we ought to refuse to concur in the Senate amendments, and let this bill go to a conference, so that these amendments can be examined to the satisfaction, at least, of the members of the Committee on Labor.

I will not go so far as to say that the bill ought to be recommended, but my contention is that it ought to go to a conference, so that these matters can be looked into and see what is the purport of these amendments added by the Senate. This is not the same bill as it passed the House. It is altogether different. While the members of the Committee on Labor were unanimously in favor of the bill as it came before the Committee on Labor and

indorsed it, they do not indorse what is purported to be carried out in this bill with the Senate amendments attached.

They do not know what is in the bill. They do not know whether they indorse it or not; and as I understand it, the members of the organizations representing labor, as I have been informed, have already asked members of this House to oppose the bill in its present condition. I therefore hope the House will not concur in the Senate amendments, but will ask for a conference, so that the matter can be investigated and looked into. The representatives of labor indorsed the bill as it was before the Committee on Labor, but they do not indorse it as it is now.

Mr. TAWNEY. The gentleman will permit me to ask him a question. Does he not know what these Senate amendments are?

Mr. TALBERT. I understand from representations made to members of this House that the bill has been changed so that we do not know what is in the bill. It is not stated here—the gentleman from Ohio may have stated it—but my contention is that we ought not to rush a thing of this kind through here in this hot haste. We have more time than money, I suppose, and let us look into the matter. This is not a war measure, not an emergency measure. We have licked the Spaniards once or twice, and we can lick them again, without this bill. I hope gentlemen will not impeach our patriotism and stand up here and refuse a little more time for an investigation in regard to this bill. I am in favor of the bill as it passed the Committee on Labor, and passed it unanimously. Now, let us have a little more time to look into it, and then, if it is all right, this House will pass it again unanimously.

Mr. TAWNEY. Will the gentleman now answer a question?

Mr. TALBERT. Certainly; if I can.

Mr. TAWNEY. Do you not know that these organizations have had representatives here looking after this legislation now provided?

Mr. TALBERT. Certainly; they favored the bill as it was reported by the House Committee on Labor, but they can not keep up with the changes that are made from one House to the other. Gentlemen representing a number of labor organizations have asked members to vote against this bill in its present shape. As I have already said, we do not want to vote blindly, but want to vote intelligently after we have had an opportunity to consider it, and I only ask that we be allowed to send the bill to a conference and not to recommit it, so that we can find out what is intended to be done by the Senate amendments.

The SPEAKER. The time of the gentleman has expired.

Mr. DOCKERY. I yield two minutes to the gentleman from Michigan.

Mr. BRUCKER. Mr. Speaker, so that there may be no misunderstanding with reference to the position that we upon this side of the Chamber occupy with reference to this bill, let me say that as this bill was reported from the Committee on Labor, and as it passed the House and went to the Senate, no member on this side raised any objection to it. Now, the bill comes back with certain amendments attached to it by the Senate. My understanding was, being a member of the Committee on Labor, that the bill as reported to the House by the Committee on Labor, and as it was passed, met the universal indorsement of the representatives of organized labor throughout the United States.

I want to say to the House that within the last forty-eight hours gentlemen who represent, not the organized railroad employees, but organized labor outside of railroads, in consultation with me made the statement that the amendments incorporated and adopted by the Senate materially alter and change the provisions of this bill.

Mr. GROSVENOR. Will the gentleman allow me to say—

Mr. BRUCKER. I do not know whether that statement is true or not.

Mr. GROSVENOR. Will the gentleman allow me to say that these amendments were proposed by such gentlemen as Senators NELSON of Minnesota and ALLEN of Nebraska, all of them representing in the strongest sense the labor interests of the country?

Mr. BRUCKER. Now, that may be true; but as a matter of fact, I want to investigate the amendments myself. I am a member of the Committee on Labor of the House, and do not propose to vote for the Senate amendments until I have had an opportunity to investigate them. This is not an emergency measure, and we are not going to delay its passage. The friends of this bill as reported by the Committee on Labor and the friends of this bill as it passed the House simply ask that these amendments go to a committee of conference instead of being rushed through at this break-neck speed; and there is no reason for passing it in this hasty and unusual way. We only ask that the amendments passed by the Senate may be referred to a committee of conference, so that that committee can prepare and present an intelligent report stating the nature and effect of the amendments, so that we may know what we are doing and that no mistake may be made.

Mr. DOCKERY. I yield half a minute to my colleague [Mr. COCHRAN of Missouri].

Mr. COCHRAN of Missouri. Mr. Speaker, I desire to say that the Senate amendments to this bill are being considered under one of the fundamental rules of procedure in this House; that is, in proportion to the importance of the measure the time is limited. We never pretend to discuss a measure of any importance. The Senate amendments have not been printed for our information. We do not know what they are, or whether the bill as it is reported back from the Senate is satisfactory to the men who have come here as the authorized agents of labor organizations to ask for the passage of a labor-arbitration bill. The discussion is limited probably because this bill is loaded, and the amendments ought to be voted down and sent to conference.

Mr. BLAND. Mr. Speaker, under the conflicting statements we have as to the opinion of the labor organizations upon this question, it would be difficult to say what they did want. The bill, however, has this merit in it: It is a voluntary bill; it can not be enforced without the consent of the labor organizations. I have not been able to investigate the bill so as to pass any opinion upon it, but I think it is the saving clause for these labor organizations that it is a voluntary measure. One trial, in my opinion, will satisfy them, and they never will try it again.

Mr. LINNEY. Will the gentleman from Missouri allow me a question?

Mr. BLAND. Yes, sir.

Mr. LINNEY. I understand you to say the bill is entirely voluntary. If the gentleman will examine section 4, he will find that it provides for a judgment on the award, and that can be enforced by execution.

Mr. BLAND. My understanding of it is that it never can be got into court without the consent of the labor organization.

Mr. LINNEY. No; no arbitration can ever get into court without the consent of the arbitrators.

Mr. BLAND. That is what I mean. Now, I hold here in my hand the card of a gentleman who represents the Brotherhood of Locomotive Engineers and Locomotive Firemen, and they are in favor of it.

Mr. DOCKERY. I now yield one minute to the gentleman from Kentucky [Mr. RHEA].

Mr. RHEA of Kentucky. Mr. Speaker, as a member of the Labor Committee, I see this danger in the amendment put upon the House bill by the Senate. Originally the House bill said that no employee should be fined as for contempt for refusal to abide by an award of the commission or court. That is stricken out and a clause inserted which says, "No injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service," but it leaves him subject to all the processes of contempt the court may issue against him. It leaves it open to doubtful construction, to say the least of it. Yes; you gentlemen on the other side may smile and vote and vote and smile, as you always do when a serious proposition comes before the House. [Laughter on the Republican side.]

Mr. McMILLIN. Will the gentleman from Missouri [Mr. DOCKERY] permit me, without taking it out of the gentleman's time? I ask unanimous consent that fifteen minutes on a side more time be given to this measure, for it is a very important measure, and gentlemen ought to understand it.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that fifteen minutes more time on each side be allowed. Is there objection? [After a pause.] The Chair hears none.

Mr. DOCKERY. I believe in the principle of voluntary arbitration and in the power of organized labor. Labor has achieved substantially all of its notable triumphs by organization. In the brief moments remaining to me, Mr. Speaker, I desire to say that during the time I have had the honor to be a Representative on this floor, I have earnestly supported all measures looking to the arbitration of differences between employers and employees, have voted for all bills limiting the hours of labor, and for every other proposition reported by the Committee on Labor designed to uplift the arms of labor and bring happiness and contentment to this great body of our people. The bill under consideration comes back from the Senate substantially a new bill.

The gentleman from Ohio [Mr. GROSVENOR] says the amendments to the House bill are in fact few, and he has stated them to the House. I have had no opportunity to read the amendments, no opportunity to read the bill as amended, because it has not yet been printed. I wish to say, however, that two representatives of labor organizations, Mr. E. A. Moseley, secretary of the Interstate Commerce Commission, and Mr. W. F. Hynes, representing the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, the Order of Railroad Telegraphers, the Brotherhood of Locomotive Firemen, and the Brotherhood of Railway Trainmen, have urged me to support this bill as amended by the Senate substitute.

I intend to vote for the bill. I shall do so on the statements of these gentlemen, representing the labor organizations, and the

statement of the gentleman from Ohio [Mr. GROSVENOR] in charge of the bill. I believe the gentleman from Ohio is a friend of labor, and he assures us that the only changes made by the Senate are the ones he has noted, and yet I wish we could have more time for consideration than the fifteen minutes secured by the gentleman from Tennessee [Mr. McMILLIN].

I would like time to thoroughly examine the bill, but the representatives of these laboring men urge us to accept the Senate amendments without delay; and the gentleman from Ohio adds his persuasive plea. I shall vote for the bill as amended; but still it seems to me that with no great volume of business pressing, with the agreement already effected that the House will adjourn until Monday, we might have time to print the bill and amendments and critically scrutinize the Senate propositions. I view this bill with some apprehension, because I have heretofore seen measures passed by this House, ostensibly in the interest of the people and of labor; but when they were put into operation, they were found to be hostile to their interests.

I trust this apprehension may be groundless. I know the gentlemen representing the labor organizations are sincere and the gentleman from Ohio is frank and honest. I accept the judgment of these gentlemen, and will vote for the bill as it comes from the Senate.

Now, Mr. Speaker, it seems proper for me to yield the control of the additional fifteen minutes to some gentleman on the Labor Committee, and I will yield it to the gentleman from South Carolina [Mr. TALBERT].

Mr. GROSVENOR rose.

Mr. BARTLETT. May I ask the gentleman from Ohio [Mr. GROSVENOR] a question while he is on the floor?

Mr. GROSVENOR. If I can have the attention of the Chair. I have twenty minutes, as I understand?

The SPEAKER. The gentleman from Ohio has twenty minutes.

Mr. BARTLETT. In the bill as passed by the House I find in section 7, page 5, the following language:

No person shall, however, be punished for his failure to comply with the award as for contempt of court.

Now, I understand from the statement made by the gentleman from Ohio that in the Senate amendments this provision of the bill has been stricken out, and in lieu thereof the Senate has substituted an amendment providing simply that no injunction shall be issued—

Mr. TAWNEY. "Or other legal process." The language covers everything.

Mr. GROSVENOR. The gentleman is mistaken if he thinks the amendment narrows or impairs at all the provision of the House bill.

Mr. BARTLETT. The amendment provides that no injunction or other process shall be issued to compel the employee to continue his labor.

Mr. GROSVENOR. The language of the Senate amendment is:

That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

This provision was inserted at the instance of the friends of labor lest the provisions of the bill as passed by the House should be too narrow. They wanted it made broader, and it was put in at their suggestion.

Mr. BARTLETT. I understand the gentleman from Ohio, then, to say that this provision of the House bill was stricken out and the Senate amendment put in at the request of the labor organizations.

Mr. GROSVENOR. I do say so; and in a moment I will show what the mover of the amendment had to say about it.

Mr. BARTLETT. I do not doubt the gentleman's statement.

Mr. TALBERT. I yield one minute to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. I should like to ask the gentleman from Ohio whether he has any assurance from the representatives of the labor organizations that they are satisfied with and indorse the Senate amendments?

Mr. GROSVENOR. I have already said twice over, as loudly as my voice would permit, that these amendments have been sent to every one of these organizations, and that every one of them has indorsed them and asked that they be concurred in; and gentlemen representing those organizations are in the galleries of the House now, listening to find out whether the amendments are to be successful or not.

Mr. HANDY. If I can have the attention of the gentleman from Ohio for a moment, I wish to ask him whether the Senate amendments are in print, so that members may look at them?

Mr. GROSVENOR. I have them here, and will furnish a copy to the gentleman from Delaware with great pleasure.

Mr. HANDY. I tried to get them at the Doorkeeper's desk and was not successful.

Mr. GROSVENOR. The gentleman from Delaware will find

that my statement of them was exactly correct. They are all in the interest of labor and against corporations—every one of them.

Mr. HANDY. Does the gentleman refer to a manuscript copy of the amendments?

Mr. GROSVENOR. It is a typewritten copy, which shows exactly what they are.

Mr. OTJEN. Will not the gentleman from Ohio explain the difference between the bill as now amended by the Senate and the bill as passed by the House?

Mr. GROSVENOR. I have done so already. I have gone over the Senate amendments step by step very carefully. I could do so again, but it would consume a good deal of time.

Mr. OTJEN. I was not in the House at the early stage of this discussion.

Mr. GROSVENOR. Well, I shall wait now until gentlemen on the other side consume some of their time.

Mr. TALBERT. I yield three minutes to the gentleman from Washington [Mr. LEWIS].

Mr. LEWIS of Washington. Mr. Speaker, this time has been accorded me by the committee to express my views on the amendments. They are to some extent those I proposed here in the House. It will be recalled that when this bill was under consideration in the House I offered several amendments, contending at that time that the measure was obnoxious to many legitimate objections. It is true that many of the amendments which I offered at that time have been to some extent adopted in the bill.

I have very little hope and less confidence that the arbitration feature of this bill will prove an advantage to anybody. But I have some hope of and much reliance on the features of the bill which prevent corporations and employers from discharging or blacklisting their employees because they may be members of labor organizations. This provision may be effective. Therefore my support of this bill is rather in the line of the Merchant of Venice: "I do a little wrong that I may do a great good."

I think that the amendments which come to us from the Senate conform very largely to those amendments which I tendered in the House. That being so, I am inclined to waive my convictions on other points and support the amendments. In this respect I disagree with many of my friends on this side, who favor sending the bill to conference. I concur heartily with the expression of my friend from Missouri [Mr. DOCKERY] that too many measures come into this House masked with favor or benefit to the poor, but carrying beneath the surface the iron hand of oppression exerted in behalf of power. But if this bill, coming from those who have given it consideration, carries with it no such secret persecutions, then we have to assent to the honest conclusions of those gentlemen who have given the matter calm investigation, and having faith in our fellow-members, abide by those conclusions.

I regret that time will not be afforded to discuss seriatim the provisions of the bill. As it now stands, I think it presents more good than evil; and purely upon that doctrine of ratio do I sustain it.

Mr. TALBERT. I ask the gentleman from Ohio whether he will not now occupy some of his time?

Mr. GROSVENOR. I think your side has more time than we have. You have time "to burn."

Mr. TALBERT. I yield five minutes to the gentleman from Nebraska [Mr. GREENE].

Mr. GREENE. Mr. Speaker, I do not know that I have anything particular to say on this subject. [Laughter.]

I have been listening, Mr. Speaker, with a great deal of patience to hear something said with reference to the bill to throw some light upon its provisions, and which would enable me to determine what effect or value, if any, it possesses. But so far I have failed to hear a word that was convincing either for or against it, or in any manner elucidates its vague and mysterious sections. [Laughter.]

Now, I confess I do not know much about it myself, and suspect that there are others in my condition. I have read it as originally passed by the House. I have not read the amended bill that comes from the Senate, because I have not had the time; but as the gentleman from Ohio [Mr. GROSVENOR], its author, says it is substantially the same, I accept that statement, and I only take this opportunity of saying that I am in favor of any bill or any legislation that will do anything to assist labor to gain its just and legitimate rights, rights so long in a great measure denied. If this bill shall prove even the harbinger of legislation that will secure such rights, and that can be enforced, then it will prove of some value to these long-oppressed people, as well as to preserve the rights of all our people affected by these common carriers, railroads.

Mr. GAINES. Will the gentleman allow an interruption?

Mr. GREENE. Certainly.

Mr. GAINES. I understand that this is the bill I hold in my hand that we are trying to pass. Suppose the gentleman takes the bill and shows to the House exactly what it is. I ask him to take this bill and allow the members of this body an opportunity to understand how it has been amended.

Mr. GREENE. Well, Mr. Speaker, in the five minutes accorded to me I could not, of course, go through all of these amendments. If time permitted, I would be pleased to do so for the benefit of both my friend and the House.

Mr. GAINES. Well, give it a slap, anyhow.

Mr. GREENE. I have an impression—a vague impression—that the bill does not amount to very much anyway. In fact, I do not think it really amounts to anything, either for or against labor. That, of course, is a matter of my own candid judgment, and I do not speak for other members. It does not strike me as a matter of consequence whether you pass the bill or reject it, as far as the interest of labor is concerned. The bill, in other words, is, in my judgment, a species of buncombe. It is a step taken, ostensibly, in the interest of labor, which can neither be benefited nor injured by it. It is easy to get such legislation through, but hard to get any that will really benefit our laboring people. What does this bill provide? It provides, for instance, for arbitration with the consent of all parties, and allows a judgment of a court to be rendered on the award which may be agreed upon by the arbitration board. Now, I would like some lawyer on this floor—and I see plenty of able ones right around me here—to tell me what kind of a judgment such a court could render.

A MEMBER. "Guilty." [Laughter.]

Mr. GREENE. I want you to tell me what kind of a judgment your court will render on an arbitration when the award has been made by this board. Suppose an arbitration committee determines the question at issue, as to whether a corporation is paying to its employees too much or too little for their services, and the board decides that it is not paying enough. What manner of judgment could a court render under such circumstances?

Mr. LINNEY. The court will render the judgment that the award says ought to be rendered.

Mr. GREENE. Can a court render a judgment compelling the making of a future contract? Courts only determine existing rights as between litigants, and have no power to make new or different contracts than those made by the parties. Arbitrations take the place of a trial to determine existing rights, and, under proper forms and agreements, regulated by law, where such board has determined the existing rights of the parties to the arbitration, the court may render a judgment thereon as on a verdict; but in no case can new rights or obligations be created by such arbitration, and especially is this true when the parties have not agreed to be bound in that regard. This bill provides for no such an agreement. To illustrate: Suppose railway employees are working for the company at an agreed price of \$100 per month, and because of changed conditions they conclude they ought to have \$150 per month. The road refuses to pay it. Arbitration follows under this bill. The board finds that the employees ought to have \$125 per month. The road has not agreed to be bound by said finding or award.

Now, what will be the judgment of the court? I suppose it would adjudge and decree that the road ought to pay \$125 per month, but how will it enforce it? The absurdity appears at once, and the utter inefficiency of this bill becomes perfectly manifest. A bill of this kind, to be effective, ought to make provision by which parties to an arbitration should bind themselves in advance to be bound by the findings, and contain provisions by which the court could render an intelligent judgment, as well as to contain provisions for its enforcement. This would give labor some relief, but nothing short of it will.

Mr. LINNEY. No; but the court would render a judgment, and could render a judgment, on a contract already existing, if this had been submitted for arbitration.

Mr. GREENE. The gentleman is quite right as to existing contracts, but did you ever hear of a court rendering a judgment enforcing a contract which had never been entered into, or to compel a contract to be entered into in the future? If it did, how will the court enforce such a judgment under such circumstances? Why, you say, by execution and legal process. But what kind of execution and what kind of legal process would you establish to enforce contract not in existence, or to compel a contract to be entered into between parties where no contract had previously existed? You could not expect the court to undertake to compel the railroad company to make a contract with an employee or the employee with the road.

I am talking of this matter, Mr. Speaker, in a plain, common-sense way, as an ordinary member of this House, and of the provisions of this bill as they exist.

Mr. LINNEY. There never could be, by any possibility, such a condition of affairs as the gentleman suggests.

Mr. GREENE. In what respect?

Mr. LINNEY. No court could be required or expected or would undertake to compel parties to enter into a contract.

Mr. GREENE. I perfectly agree with the gentleman, and that is why I say this bill amounts to but little or nothing. The provision in the bill for arbitration and the settlement of disputes thereby, and the rendition of a judgment by the court on the

award of the arbitration board, strikes me as being mere foolishness, child's play, boy's play—unworthy of the attention of this body.

And more than that, you will never get an intelligent court in this country to entertain jurisdiction of such a question for fifteen minutes, much less to render a judgment that could never be enforced under any possible circumstances.

Now, a court that would do that ought to be in a lunatic asylum. That is where it belongs. So the whole bill amounts to nothing, neither for labor nor against labor. Why not bring forward a bill that will really relieve labor, and not a mere sop like this? Now, I will vote for it—

Mr. HENRY of Indiana and others. Why?

Mr. GREENE. I will tell you why. For the same reason that gentlemen here have introduced the bill. I will be frank. Because it is as harmless as an infant. While it does no good, it is also powerless for harm, but may tend to agitate the question until something effectual will be done.

The SPEAKER. The time of the gentleman has expired.

Mr. MAHANY. I ask that the gentleman's time be extended five minutes, in order that he may explain his explanation. [Laughter.]

Mr. GREENE. I will explain. Republicans can vote for it because it in no way affects corporations, and Populists and Democrats can vote for it because it in no way hurts labor. It ought to be called a bill to propagate "obiter dicta."

The SPEAKER. The Chair does not understand the gentleman's proposition.

Mr. MAHANY. I request that the gentleman be given time to illuminate his thoughts.

The SPEAKER. The gentleman from New York asks unanimous consent that the time of the gentleman from Nebraska be extended five minutes. Is there objection?

Mr. GROSVENOR. There is time enough on that side without any extension. I object.

The SPEAKER. The gentleman from Ohio objects.

Mr. TALBERT. I understood the gentleman to say he wanted to use more of his time. Does the gentleman from Ohio want to use a portion of his time now?

Mr. GROSVENOR. I am ready to call for a vote when the gentleman is through speaking.

Mr. TALBERT. I yield five minutes to the gentleman from Kentucky [Mr. RHEA].

Mr. RHEA of Kentucky. Mr. Speaker, adverting to the few remarks which I offered a while ago, I wish to suggest one of the dangers which I apprehend in the amendment proposed by the Senate. The bill as offered originally and passed in this body, in section 3, on page 5, contained the following provision:

That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit; no person shall, however, be punished for his failure to comply with the award as for contempt of court.

Mr. GROSVENOR. I should like to ask the gentleman from Kentucky if it is not a fact that when the bill was pending before the House on its final passage that particular paragraph of the bill was condemned on that side of the House for fear that an injunction would be used for some purpose in connection with this law, and whether speech after speech was not made upon a motion to strike out that provision, and whether the gentleman himself did not support that proposition at the time?

Mr. RHEA of Kentucky. Answering for myself, I say no.

Mr. GROSVENOR. How do you answer for the others?

Mr. RHEA of Kentucky. Now, Mr. Speaker, what are the powers of a court of equity to enforce its decrees? How may those powers be exercised or carried into effect? One of the commonest means is by a rule for contempt, citing those in contempt to appear before that court and purge themselves. Looking to that very existence of power in a court of equity, and to shield against its use by a court of equity, the Labor Committee added to that clause these words:

No person shall, however, be punished for a failure to comply with the award as for a contempt of court.

Now, the Senate has stricken out that clause, leaving the court, if nothing else would interfere with it by construction or otherwise, in full possession of all its power to rule for contempt any person who is in disobedience of any decree or order issued growing out of this award.

Mr. TAWNEY. Will the gentleman read the substitute for that which is stricken out?

Mr. RHEA of Kentucky. I was coming to that. In lieu of that clause the Senate have inserted the following:

Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

But I submit to the candid judgment of every lawyer of this House that that clause does not rob a court of equity of its power to rule for contempt any person who disobeys the decree entered.

Mr. TAWNEY. Would not the words "or other legal process" cover that?

Mr. RHEA of Kentucky. I hold that there is a distinct and well-defined difference between a rule for contempt and a legal process, as ordinarily understood.

Mr. GROSVENOR. The gentleman is a lawyer. Will he, as a lawyer, state what the difference is?

Mr. RHEA of Kentucky. The gentleman knows I have not time in five minutes to enter into all the legal arguments involved, but I state a proposition which, it seems to me, ought to commend itself even to the understanding of the gentleman from Ohio; that is, that there is a well-known difference between the powers and jurisdiction of a court of equity and a legal process, which is most usually restricted to such processes as are authorized by code or statute. [Applause on the Democratic side.]

Mr. GREENE. May I ask the gentleman a question for information?

Mr. RHEA of Kentucky. Yes.

Mr. GREENE. Does not the gentleman think the title of this bill ought to be changed and that it ought to be called a bill for the propagation of obituary dicta? [Laughter.]

Mr. RHEA of Kentucky. Oh, well, I have not time to enter into all that. But I ask even the gentleman from Ohio [Mr. GROSVENOR] if this clause down here does restrict a court of equity or deny it the right to bring into court as for contempt any employee who fails to comply with any award made or any decree entered, why he opposes this addition to this section here? Let the clause forbidding a person to be punished for contempt stand in addition to the clause inserted by the Senate.

Mr. GROSVENOR. I do not oppose it. This amendment was made in the Senate.

Mr. TALBERT. I yield one minute to the gentleman from New Jersey [Mr. McEWAN].

Mr. McEWAN. Mr. Speaker, my vote, if this bill be pressed to a final passage, will be governed by the same reasons that have been expressed by the gentleman from Missouri [Mr. DOCKERY]; and yet I want to say this, as was said by Senator ALLEN in the Senate last Wednesday, "Let the laboring people, especially the railway men, whose friend I have always been, and by whom I have always stood through good as well as through evil report, know that they are being led into a trap by the passage of this bill, which means to them involuntary servitude," and who voted for this bill. Therefore, when the question comes up on the final vote, I shall vote for the passage of this bill; but I say to the railroad men who have asked me to vote for it, that "their blood be on their own heads."

The SPEAKER. The time of the gentleman has expired.

Mr. TALBERT. May I be allowed one minute? I do not want to be understood as being opposed to the passage of the bill. My contention is that we should send it to a committee of conference, so as to be investigated before we take a final vote upon it, and I hope the motion to concur will be voted down. These Senate amendments, for all I know, may be against the interest of the laboring man instead of in his favor. I am and always have been in favor of any legislation which will lift up and benefit the laboring people of our country. These are my reasons for wanting this bill to go to conference, so as to find out these things. If you refuse this, why, I will vote for the bill on its final passage anyway.

Mr. GROSVENOR. One word. If this bill is what it is claimed to be, and if gentlemen have not assailed it for some purpose other than what appears, I can not ask those gentlemen to vote for it. It would be a violation, it seems to me, of their duty. But I can say very truthfully that it is the first time since I have had some little smattering knowledge of law that I ever heard anyone who claimed to be a lawyer say that a rule against an individual for contempt of court was not a process, a legal process. I give it up now; that is a new development. Now, Mr. Speaker, I ask the yeas and nays on my motion.

The SPEAKER. The question is on concurring in the Senate amendments; and on that the gentleman from Ohio asks the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 236, nays 5, answered "present" 10, not voting 114; as follows:

YEAS—236.

Adams,	Benton,	Burke,	Cousins,
Adamsen,	Bingham,	Burton,	Cowherd,
Aldrich,	Bishop,	Butler,	Cox,
Alexander,	Bland,	Cannon,	Crump,
Allen,	Bodine,	Capron,	Crumppacker,
Babcock,	Boklin,	Castle,	Cummings,
Bailey,	Boutwell, Ill.	Catchings,	Curtis, Iowa,
Baker, Ill.	Brantley,	Chickering,	Curtis, Kans.
Ball,	Brenner, Ohio,	Clardy,	Dalzell,
Barham,	Brower,	Clark, Mo.	Danford,
Barlow,	Broderick,	Clarke, N. H.	Davenport,
Bartholdt,	Bronson,	Clayton,	Davison, Ky.
Bartlett,	Brown,	Cochrane, N. Y.	Dayton,
Belford,	Brownlow,	Coddling,	De Armond,
Belknap,	Brum,	Connolly,	De Graffenreid,
Bennett,	Ball,	Cooper, Wis.	Dingley,

Dockery,	Hopkins,	McMillin,	Smith, Ill.
Dorr,	Howard, Ga.	Maddox,	Smith, Ky.
Eddy,	Howe,	Mahany,	Smith, S. W.
Elliot,	Hull,	Mann,	Snover,
Ellis,	Hunter,	Maxwell,	Southwick,
Ermentrout,	Hurley,	Meekison,	Spalding,
Faria,	Jenkins,	Mercer,	Sparkman,
Fenton,	Jett,	Miera, Ind.	Sperry,
Fischer,	Jones, Va.	Miller,	Stallings,
Fitzgerald,	Jones, Wash.	Minor,	Stark,
Fleming,	Joy,	Mitchell,	Steele,
Fletcher,	Kelley,	Moon,	Stevens, Minn.
Fowler, N. C.	Kerr,	Morris,	Stewart, N. J.
Fox,	Ketcham,	Northway,	Stewart, Wis.
Gaines,	Kirkpatrick,	Norton, Ohio,	Sturtevant,
Gardner,	Kitchin,	Odell,	Tawney,
Gibson,	Kleberg,	Osborne,	Taylor, Ohio,
Gillet, N. Y.	Knowles,	Otjen,	Terry,
Gillett, Mass.	Knox,	Overson,	Thorp,
Graft,	Lacey,	Payne,	Tongue,
Greene,	Lamb,	Pearson,	Underwood,
Griffin,	Latimer,	Perkins,	Updegraff,
Griffith,	Lantz,	Peters,	Van Voorhis,
Grosvenor,	Lewis, Ga.	Pitney,	Yeholage,
Grout,	Lewis, Wash.	Powers,	Wadsworth,
Grow,	Linney,	Ray,	Walker, Mass.
Gunn,	Littauer,	Reeves,	Walker, Va.
Hager,	Little,	Richardson,	Ward,
Hamilton,	Livingston,	Ridgely,	Warner,
Handy,	Lloyd,	Rixey,	Weymouth,
Hardman,	Lorimer,	Robb,	Wheeler, Ky.
Hawley,	Loudenslager,	Robertson, La.	White, Ill.
Hay,	Love,	Robinson, Ind.	White, N. C.
Henry, Conn.	Lovering,	Royce,	Williams, Miss.
Henry, Ind.	Lybrand,	Russell,	Williams, Pa.
Henry, Miss.	McAleer,	Sayers,	Wilson,
Hepburn,	McCall,	Shafroth,	Wise,
Hilborn,	McCleary,	Shattuc,	Young,
Hitt,	McCulloch,	Sherman,	Zenor
Hooker,	McDowell,	Simpson,	
	McEwan,	Slayden,	

NAYS—5.

Berry,	Cochran, Mo.	Talbert,	Vandiver.
Brucker,			

ANSWERED "PRESENT"—10.

De Vries,	King,	McClellan,	Rhea.
Griggs,	Latham,	Maguire,	
Hinrichsen,	Lawrence,	Otey,	

NOT VOTING—114.

Acheson,	Cranford,	McDonald,	Shuford,
Arnold,	Davey,	McIntire,	Sims,
Baird,	Davidson, Wis.	McRae,	Skinner,
Baker, Md.	Davis,	Mahon,	Smith, Wm. Alden
Bankhead,	Dinsmore,	Marsh,	Southard,
Barber,	Dolliver,	Marshall,	Sprague,
Barney,	Dovener,	Martin,	Stephens, Tex.
Barrett,	Driggs,	Mesick,	Stokes,
Barrows,	Evans,	Meyer, La.	Stone, C. W.
Beach,	Fitzpatrick,	Mills,	Strait,
Belden,	Footo,	Moody,	Strode, W. A.
Bell,	Foss,	Mudd,	Strode, Nebr.
Benner, Pa.	Harmer,	Newlands,	Strowd, N. C.
Booze,	Heatwole,	Norton, S. C.	Sullivan,
Boutelle, Me.	Hemenway,	Ogden,	Sulloway,
Bradley,	Henderson,	Olmsted,	Sulzer,
Brewster,	Henry, Tex.	Packer, Pa.	Sutherland,
Bromwell,	Hicks,	Parker, N. J.	Swanson,
Brosius,	Hill,	Pearce, Mo.	Tate,
Brundidge,	Howard, Ala.	Pierce, Tenn.	Taylor, Ala.
Burleigh,	Howell,	Prince,	Todd,
Campbell,	Johnson, Ind.	Pugh,	Vincent,
Carmack,	Johnson, N. Dak.	Quigg,	Wanger,
Clark, Iowa,	Kulp,	Robbins,	Weaver,
Colson,	Landis,	Seuerharing,	Wheeler, Ala.
Connell,	Laster,	Settle,	Wilber,
Cooney,	Loud,	Shannon,	Yocet
Cooper, Tex.	Low,	Sheldon,	
Corliss,	McCormick,	Showalter,	

So the Senate amendments were concurred in.

The following pairs were announced:

Until further notice:

Mr. MILLS with Mr. McCORMICK.

Mr. HICKS with Mr. BANKHEAD.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. HOWELL with Mr. FITZPATRICK.

Mr. WM. ALDEN SMITH with Mr. STROWD of North Carolina.

Mr. JOHNSON of Indiana with Mr. PIERCE of Tennessee.

Mr. WILLIAM A. STONE with Mr. McCLELLAN.

Mr. STRODE of Nebraska with Mr. CARMACK.

Mr. BARRETT with Mr. MARSHALL.

Mr. SHELTON with Mr. TODD.

Mr. JOHNSON of North Dakota with Mr. SWANSON.

Mr. LOUD with Mr. DE VRIES.

Mr. BARNEY with Mr. CRANFORD.

Mr. MAHON with Mr. OTEY.

Mr. PUGH with Mr. RHEA of Kentucky.

Mr. MESICK with Mr. TATE.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. KIRKPATRICK with Mr. BURKE.

Mr. WARD with Mr. BERRY.

Mr. FOOTE with Mr. GRIGGS.

Mr. PRINCE with Mr. HINRICHSSEN.

Mr. EVANS with Mr. CAMPBELL.

For this day:

Mr. BELDEN with Mr. MAGUIRE.
Mr. DINGLEY with Mr. COOPER of Texas.
Mr. BURLEIGH with Mr. McRAE.
Mr. HENDERSON with Mr. LANHAM.
Mr. SOUTHARD with Mr. MEYER of Louisiana.
Mr. HARMER with Mr. NORTON of South Carolina.
Mr. MUDD with Mr. KING.
Mr. STEELE with Mr. SULZER.
Mr. JOY with Mr. DAVIS.
Mr. LANDIS with Mr. DRIGGS.
Mr. CORLISS with Mr. HENRY of Texas.
Mr. MOODY with Mr. FITZGERALD.
Mr. SAUERHERING with Mr. LESTER.
Mr. ACHESON with Mr. BRUNDIDGE.
Mr. BARROWS with Mr. BENNER of Pennsylvania.
Mr. RHEA of Kentucky. Mr. Speaker, I am paired with my colleague, Mr. PUGH. I desire to withdraw my vote and be marked "present."

Mr. McCLELLAN. Mr. Speaker, I have a general pair with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. I voted "yea." I desire to withdraw my vote and be marked "present."

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from New York, Mr. FOOTE, and desire to be marked "present." The vote was then announced as above recorded.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9604) to grant a right of way to the village of Flaudreau, S. Dak.

The message also announced that the Senate had passed the bill (S. 4621) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 23, 1898; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4414. An act granting a pension to Georgia H. Berry—to the Committee on Invalid Pensions.

S. R. 167. Joint resolution ratifying and confirming certain temporary appointments of officers of the Navy—to the Committee on Naval Affairs.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On May 16, 1898:

H. R. 90. An act granting a pension to Ira Ingraham;

H. R. 8793. An act granting an increase of pension to James F. McKinley; and

H. R. 8833. An act granting an increase of pension to Michael H. J. Crouch.

On May 17, 1898:

H. R. 4099. An act to confer jurisdiction upon the circuit courts in certain cases;

H. R. 5521. An act declaring the Federal jail at the city of Fort Smith, Ark., a national prison for certain purposes; and

H. R. 6161. An act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes.

On May 18, 1898:

H. R. 9556. An act granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona; and

H. Res. 214. Joint resolution authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition.

On May 19, 1898:

H. R. 1596. An act to amend the postal laws relating to use of postal cards;

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1288. An act for the relief of Samuel McKee; and

H. Res. 237. Joint resolution appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8953. An act to provide an American register for the steamer *Catania*;

S. 4532. An act to provide an American register for the steamship *Centennial*;

S. 3145. An act to establish an assay office at Seattle, Wash; and

S. 995. An act for the relief of George M. Anderson, of the State of Nebraska.

ORDER OF BUSINESS.

Mr. HOPKINS. Mr. Speaker, I move that when the House adjourn to-day, it adjourn to meet on Monday next.

The motion was agreed to.

VISITORS TO WEST POINT, ANNAPOLIS, COLUMBIA HOSPITAL, AND DEAF AND DUMB ASYLUM.

The SPEAKER. The Chair will announce the following appointments: Visitors to West Point, Mr. HULL of Iowa, Mr. ADAMS of Pennsylvania, and Mr. TATE of Georgia; Visitors to Annapolis, Mr. HILBORN of California, Mr. WANGER of Pennsylvania, and Mr. WHEELER of Kentucky; to the Columbia Hospital, Mr. LIVINGSTON of Georgia and Mr. BARROWS of Massachusetts; to the Columbia Deaf and Dumb Asylum, Mr. PAYNE of New York and Mr. SAYERS of Texas.

EULOGIES ON THE LATE SENATOR GEORGE.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the special order fixing the eulogies upon the late Senator George for Saturday of this week be postponed until Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. DALZELL]? [After a pause.] The Chair hears none.

JURISDICTION OF WILLS BY SUPREME COURT OF DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I desire to call up from the Speaker's table Senate bill 1910, an act conferring on the supreme court of the District of Columbia jurisdiction in the matter of wills. This bill was amended by the House, and the Senate refused concurrence, and I move that the House insist on its amendment and agree to a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House insist and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. JENKINS, Mr. SHANNON, and Mr. RICHARDSON.

TAMPA BAY, FLORIDA.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 150, directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Port Tampa to its mouth in the Gulf of Mexico.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to submit plans and estimates for the improvement of Tampa Bay, from Port Tampa to the mouth of the bay, in the Gulf of Mexico, so as to give a depth of water 30 feet deep at mean low water, 500 feet wide on the bar at the entrance of Tampa Bay, and 300 feet wide in the bay itself.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. DOCKERY. It seems to me, Mr. Speaker, that the bill ought to carry the usual provisions.

Mr. HOOKER. I am perfectly willing it should be amended so as to submit the views of the Department.

The Clerk read the amendment, as follows:

And that the Secretary of War be, and is hereby, requested to inform Congress of his views as to the advisability of the proposed improvement.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. TONGUE. Mr. Speaker, I rise to a question of privilege. The SPEAKER. The gentleman will state it.

Mr. TONGUE. Mr. Speaker, I hold in my hand a circular, without signature, without the imprint of the printer, claiming to be certified from the CONGRESSIONAL RECORD, circulated extensively in the State of Oregon, intended to affect the election

which takes place there two weeks from next Monday. It purports to give a statement of my action and votes upon various measures before Congress, and citing the pages of the RECORD to substantiate the statement. There is not in this circular a single truth stated in a truthful way. Three-quarters of it is absolutely untrue and without foundation.

I find the circular has been forwarded under the authority of a committee that is composed wholly of members of the United States Senate and members of this House. It is forwarded under the authority of a committee that calls itself a Democratic Congressional committee. That committee is presided over by Senator WHITE as chairman, and its vice-chairman is Mr. OSBORNE, a member of this House. It has for its executive committee four Senators, eight Representatives, and one Delegate, and the chairman of this executive committee is the distinguished Senator from Arkansas, who is also the chairman of the national committee.

This, Mr. Speaker, is the committee that has circulated in my district an anonymous slander upon my personal and official record, and falsifying the records of this Congress. I desire briefly to call the attention of this House to some of these statements. I want to deny them here, where the records can be produced, and where my statements can be contradicted if they are not true.

Mr. RICHARDSON. Does the gentleman refer to the gentleman from Wyoming [Mr. OSBORNE]?

Mr. TONGUE. I did.

Mr. RICHARDSON. I want to call his attention to the fact that Mr. OSBORNE is not in his seat.

Mr. HANDY. If the gentleman from Oregon will permit me, I am a member of the executive committee. I am not familiar with the paper he is about to criticize, but I suggest that he have the paper read in full, so that to-morrow's RECORD may show what it is, and we can find out about it.

Mr. TONGUE. I have called the attention of the chairman of the committee to the circular, I have called the attention of the vice-chairman to the circular, I have been to the rooms of the committee from which it has been forwarded and called attention to its misstatements, and I have shown it to numerous members on that side of the House, and I have not shown it to one who has not denounced it as undignified, unbecoming, and largely untrue.

Mr. BRUCKER. In view of the fact that I am a member of the executive committee, I would—

Mr. HOPKINS. Mr. Speaker, I insist that the gentleman in making his personal explanation ought not to be interrupted.

Mr. RICHARDSON. But if the gentleman yields, I insist that it is perfectly proper.

Mr. TONGUE. Permit me to say, Mr. Speaker, that while making this personal explanation I decline further interruption. At the close of my remarks I shall be glad to answer any questions. I simply hope that the members upon the executive committee will disavow any authorship of this slander and express their views on the propriety of the committee having circulated it.

The first charge is that during this entire session of Congress, covering about nine months, I have been absent or failed to respond to twenty-six roll calls. Now, I have not taken the pains to verify this statement. The charge is that I have failed to do my duty or have dodged my responsibility as a member. I want simply to say that every member of this House knows how these roll calls are sometimes made. I have a minute of one occasion when there were seven divisions and seven roll calls in one afternoon. It was at a time when the gentleman from Texas [Mr. BAILEY] was not desiring to do business, and he called for these divisions and roll calls when on four votes there were less than five members voting in the negative.

I have not missed an important session of this House nor a vote upon an important question when it was possible to be present, and believe my attendance will compare favorably with that of any member of the House.

Another charge is this:

True to his English instincts, he voted to allow pelagic sealing in the waters of the Pacific, thereby continuing the destruction of the seals.

So far as that matter is concerned, I want to say what every member of the House knows that under the decision of the Paris Tribunal citizens of every country on earth have the right to fish for seals in the open sea. The bill introduced in Congress undertook to preclude American citizens from enjoying the precise privileges enjoyed by the citizens of Canada; and one of the members of this committee in voting against this bill denounced it because of that fact; and most of the committee, I think, voted against it. I voted against excluding an American citizen from privileges enjoyed by all the world.

Another charge is:

He voted on January 11, 1898, to cut off debate and to railroad through a bill under consideration involving \$21,562,425.65. (See RECORD, page 554.)

This is an absolute, unqualified misrepresentation. The bill referred to was a bill providing appropriations for legislative, executive, and judicial expenses. It was a bill involving very little controversy; yet having been introduced on the 14th of December,

it was debated on every legislative day from that time until the 11th of January. At that time I voted at the opening of the session to terminate debate at 5 o'clock that evening. Yet a bill that was under discussion longer than any other bill that has been under discussion in this House this session I am charged with "railroading through." I am further charged with having—

Voted to make the producers and miners of gold in Oregon pay the cost of transportation to the mints from the assay offices, thereby putting an additional burden on an important industry of his State.

Permit me to say, Mr. Speaker, that this charge is absolutely incorrect. There is no assay office in the State of Oregon. The miners are now compelled to send the products of their mines to the mint at San Francisco, or sometimes to the assay office in Idaho. I am anxious to have an assay office established in my State. I was inclined to think that the most effective way to do so was to vote to amend the law with respect to the payment for transporting bullion from the assay offices to the mint; and I did so vote for that purpose. But that measure does not lay a single additional burden upon a single miner in the State of Oregon.

I am also charged with having "voted in favor of an extravagant monument in the little town of Danville, Ill., involving half a million dollars of expense" [laughter], while there is nothing to show that I have attempted to do a like thing for the people of my district.

Permit me to say, with reference to that, Mr. Speaker, that the bill referred to as a measure for "an extravagant monument" provided for the completion of the construction of a soldiers' home at Danville, Ill. The construction of that home had been authorized by a previous law of Congress and an appropriation of \$100,000 had been made for that purpose.

The Appropriations Committee unanimously reported in favor of an appropriation of \$200,000 to carry on that work; and I voted against the motion to strike it out. Upon that motion 75 voted "aye," 123 "no," and 158 failed to vote; and only two of the members of this executive committee voted to strike it out. If that was "an extravagant monument," then those members of the executive committee who voted for it were failing to do their duty.

"An extravagant monument!" It will be, Mr. Speaker, when it is completed, a "monument" of the gratitude of this nation to its brave defenders in the hour of its great peril, and it is a "monument" for which I am proud to have had the privilege of recording my vote.

Again it says, on January 25, when the proposition to appropriate \$288,000 for the Methodist Book Agents' Association was being considered and adopted by the House, "he dodged the question and did not vote." In extenuation or explanation of that, Mr. Speaker, it is only necessary for me to say, with reference to the little truth embodied in the statement, that when this matter was before the House and was being discussed, in my judgment unnecessarily, with a certainty that on a final vote the bill would be passed by a large majority, I did not stop to find out when the vote would be taken or to listen to the discussion, because there was no question as to what the vote of the House would be.

I had work to do, and have had work to do, outside of my duties in connection with the sessions of the House of Representatives. I have been necessarily compelled to go to the various Departments of the Government to look after matters there in which my constituents were interested. I may state, in passing, that I have secured over 100 pensions in my district, something like 40 new post-offices, and increased mail facilities in 20 different localities. I have visited the War Department many times to urge prosecution and completion of needed public improvements. It is important that a member who performs the duties he ought to perform for the benefit of his constituents should attend to these outside matters as well as to his duties in Congress.

It is further alleged that I voted in favor of "paying United States bonds in gold, thus adding to the profits of the bondholders and increasing the burdens of those engaged in agriculture and every other producing interest." This is not true in any sense of the word. There has never been a measure introduced here to pay United States bonds in gold. They are not paying them in gold to-day. Out of the payments during the last year by the Treasury of the United States, including every dollar paid upon United States bonds, amounting to something like \$217,000,000 paid through the Treasury, the subtreasuries, and the clearing house in New York, less than \$4,000,000 was paid in gold, and \$37,000,000 of interest paid upon bonds was included in the sums thus paid. In these payments more than six dollars was paid in silver and silver certificates to every dollar in gold.

Mr. BLAND. Will the gentleman allow me to make a correction there?

Mr. TONGUE. I decline to be interrupted.

Mr. BLAND. The gentleman desires to be correct?

Mr. TONGUE (continuing). And I am proud of my vote, Mr. Speaker, against the Teller resolution.

Mr. BLAND. Mr. Speaker—

The SPEAKER. The gentleman from Oregon has stated that he declined to be interrupted.

Mr. TONGUE. I have already said that after I have finished my statement I would be perfectly willing to yield to any interruption, but I must decline to be interrupted now.

I say, therefore, that that statement is absolutely and unqualifiedly without foundation.

It is further alleged that I "dodged the vote" when the bankruptcy bill was under consideration in the House, a bill "which would give relief to hundreds of debtors in his own State" and throughout the country. That is absolutely untrue also. The very page of the RECORD to which reference is made here contradicts the story and shows its falsity. I voted with the gentleman from Arkansas [Mr. TERRY] to recommit the bill with instructions, and I also voted on the passage of the bill.

And this bill, if it was supposed to give so much relief, as it is alleged that it would, ought to have met at least the concurrence of the committee. It was passed almost exclusively by Republican votes, I believe, the Democrats and Populists as a rule voting against it. And if the relief to be afforded by the bill is so important, the committee itself was recreant to its duty, because only one member voted for it. The leader of both parties on that side of the House opposed it and voted against it upon its final passage.

I am charged with voting for a measure tending to injure and limit the circulation of country newspapers.

That is absolutely unfounded. I take some interest in the country newspapers, and it would certainly be the farthest from my motives to vote to injure them. I presume this alludes to the Loud bill. I voted for it. It was a good bill. I believed it was then; I believe so now. I believe the House made a mistake in not passing it.

So far as injury to country newspapers is concerned, it would have helped them instead of injuring them. These advertising sheets that are now published under the name of newspapers and sent out under the same rate of postage as legitimate newspapers, are destroying the advertising business of country newspapers. The cheap literature sent out through the mails from large cities at a loss to the Government is destroying the legitimate book business throughout other sections of the country.

Another charge:

He voted to authorize the merging of street railways in the District of Columbia, thus giving corporations the right and opportunity to increase their capital and still further water their stock.

This is absolutely untrue. I have voted for no bill that would authorize the watering of stock of any railroad or any street railroad. In the bill to which I presume reference is made, there was an amendment proposing to permit street railroads to lease other roads and to extend their construction upon the express condition that in increasing their capital it should not be watered and should not exceed the cost of purchase or the cost of construction.

Again—

On April 5, 1898, he voted to make a gift of \$350,000 of the people's money to a shipbuilding firm. The shipbuilders of his own State are neglected.

Now, there are two statements in that. So far as the shipbuilders of my own State are concerned, I have besieged the Departments, almost making life burdensome to them, to insist that some portions of the contracts for shipbuilding should be given to Oregon firms, and it has been done, and the shipbuilders in my State do not complain. So far as making a gift is concerned, it was not a gift. It was an act of justice long delayed. It was an endeavor to repair an act done by the last Administration, which broke up and ruined one of the most enterprising of American citizens, drove him out of business, broke his heart, and shortened his life. This was an act of long-delayed justice.

Another charge:

On April 21, he voted to seat a Gold Democrat as a Representative and attempted to turn out of his seat a regular Democrat.

Citing the page of the RECORD, this is absolutely incorrect. I presume this refers to the case of Patterson vs. Carmack. The vote to which reference is made was a vote to take up the case. I did not vote to turn out Mr. CARMACK or to seat Mr. Patterson.

Again:

On April 28 he voted to allow railroad companies in the Indian Territory to merge and to lease their lines, thus giving railroad companies in that section an opportunity to increase and water their capital stock, and add to the burdens of those who are compelled to use the railroads in marketing their agricultural products.

That is not correct. On April 28, 1898, there was no bill of that kind nor anything near it under consideration. Some ten days before there had been a bill passed regarding railroads in the Indian Territory. It made no provision whatever for an increase of stock. It was reported unanimously by the Indian Affairs Committee, Democrats and Republicans alike, and as amended it was finally passed unanimously, and no one objected.

But, Mr. Speaker, about the worst and the most aggravating charge is that I voted against taking any action in the Cuban matter, and the page of the RECORD is cited. On that page I voted for the resolution authorizing the President to put an end

to the war in Cuba and to establish a free and independent government there. There were 19 votes against it. Three of those were Republicans and one of those voting "no" was one of the gentlemen on this executive committee that makes this incorrect charge against me.

There are several claims that I voted against the recognition of Cuba. It is difficult to tell what they mean. I voted against the proposition to recognize the independence of the Republic of Cuba. I voted against the policy that would send us into the most righteous war of the century with a lie upon our lips. I voted against a policy of declaring to the civilized world that that Republic of Cuba was independent and was in the exercise of sovereignty when there was not a word of truth in it. I voted against the policy that would contradict and be inconsistent with the very action that we took.

I have voted in support of the policy of intervention in Cuba that would eventually make Cuba free and independent; and I voted for a policy, Mr. Speaker, that would result in driving from the American Continent as well as from the Asiatic Continent, from the land and the sea, the most cruel, most corrupt, and most tyrannical Government that exists to-day. I voted in favor of a policy that will enable us to write one of the most glorious pages of American history and inscribe upon it the victory of Manila; that will add to the long list of American heroes who will fire the hearts of American youth and will be an inspiration and example—the name of George Dewey.

Mr. COCHRAN of Missouri. I rise to a point of order.

The SPEAKER. The gentleman must confine himself to the charges made against him.

Mr. TONGUE. Now, I want simply to say in conclusion, Mr. Speaker, that I regret, and I think every member upon both sides of this House will regret, that a committee composed as this is, having for its chairman and members distinguished Senators and members of this House, have so far forgotten the proprieties of their situation, their duties, and their own dignity as to countenance and support under their authority the publication of an anonymous attack upon the private or public record of any member of this House. It is possible, as one of the gentlemen has said, that he knows nothing about it.

I simply want to call their attention to the fact, and to say that through that committee and upon the strength of the reputation and standing of that committee this circular has been published in nearly every Democratic and Populist paper in my district.

Mr. HANDY. I wish, as the gentleman is calling attention to this committee and this anonymous circular, to ask the gentleman, in order that he may call our attention to it and in order that we may know its length and breadth, that he will send the document to the Clerk's desk and let us hear it all read together.

Mr. TONGUE. I will send it to the gentleman, and he can have a copy.

Mr. HANDY. I would like to have it read at the Clerk's desk. As the gentleman has read parts of it as samples, I would like to have it all read.

Mr. PAYNE. I make the point of order that it can not be read at the Clerk's desk. It is not entitled to that privilege. The gentleman, of course, can furnish the gentleman from Delaware and other members of this committee with this circular, but so far as it being read and appearing in the RECORD is concerned, I shall object.

Mr. HANDY. Mr. Speaker, I wish to submit a parliamentary inquiry.

A MEMBER. Regular order!

The SPEAKER. The gentleman will state it.

Mr. HANDY. The situation is this: The gentleman from Oregon has produced a paper which he alleges has been issued by a committee of which I am a member. I want to know whether it would be in order for me to take the floor as a matter of personal privilege—he says he will furnish me the paper—and from my place read that paper as a matter of information to myself and to the House as to what this specific charge is?

The SPEAKER. The Chair thinks it could not be submitted for that purpose; but if the gentleman reads it as a matter of privilege, the Chair will pass upon it.

Mr. WHEELER of Kentucky. Mr. Speaker, has not any member the right to have any paper that he is discussing read at the Clerk's desk?

The SPEAKER. If the member has the floor and it is a subject proper for discussion. When a gentleman has asked recognition for that purpose, and has proceeded, the Chair has endeavored to confine the gentleman strictly to the matter before the House. The gentleman is very well aware that the present occupant of the chair does not encourage any such matters any more than he can help.

Mr. WHEELER of Kentucky. I do not understand that any objection has been made to the reading of the paper. The gentleman from New York makes the point of order that it can not be read when objection is made, but otherwise it can be read.

The SPEAKER. A point of order under those circumstances would be in the nature of an objection.

Mr. HANDY. I ask unanimous consent—

Mr. SHERMAN. Mr. Speaker, I rise to submit a privileged motion.

Mr. HANDY. Will the gentleman permit me a moment? Will the gentleman permit me to ask—

The SPEAKER. The gentleman from New York rises to present a privileged motion.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from New York states that he rises to a privileged question.

Mr. WILLIAMS of Mississippi. I rose to propound a parliamentary inquiry.

The SPEAKER. Does it relate to the matter called up by the gentleman from New York?

Mr. WILLIAMS of Mississippi. It relates to the other matter.

WASHINGTON IMPROVEMENT AND DEVELOPMENT COMPANY.

Mr. SHERMAN. Mr. Speaker, I move that the House further insist on its amendments to the Senate bill 4108, on the Speaker's table, and agree to the conference requested.

Mr. BAILEY. A parliamentary inquiry. The Clerk has not read the title of the bill.

The Clerk read as follows:

A bill (S. 4108) granting the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington.

The SPEAKER. Does the gentleman from New York move that the House further insist and agree to a conference?

Mr. SHERMAN. I do, Mr. Speaker.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. FISCHER, and Mr. LEWIS of Georgia.

Mr. PAYNE. Mr. Speaker, I move that the House now adjourn. The question was taken; and on a division (demanded by Mr. BAILEY) there were—ayes 92, noes 71.

Mr. BAILEY. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 96, answered "present" 8, not voting 133; as follows:

YEAS—118.

Adams,	Dalzell,	Hull,	Pitney,
Aldrich,	Davenport,	Hurley,	Powers,
Alexander,	Dorr,	Kirkpatrick,	Ray,
Babcock,	Dovener,	Landis,	Reeves,
Barham,	Eddy,	Linney,	Russell,
Bartholdt,	Ellis,	Littauer,	Shannon,
Belford,	Faris,	Lorimer,	Sherman,
Bolksnap,	Fenton,	Loudenslager,	Southwick,
Berry,	Fischer,	Lovering,	Sperry,
Bingham,	Fletcher,	Low,	Steele,
Bishop,	Fowler, N. J.,	McCleary,	Stevens, Minn.,
Boutell, Ill.,	Gardner,	McClellan,	Stewart, Wis.,
Boutelle, Mo.,	Gibson,	McEwan,	Stone, C. W.,
Bromwell,	Gillet, N. Y.,	McIntire,	Sturtevant,
Brown,	Gillet, Mass.,	Mahony,	Tawney,
Burton,	Graff,	Mann,	Taylor, Ohio,
Butler,	Griffin,	Marsh,	Thorp,
Cannon,	Grout,	Mercer,	Updegraff,
Capron,	Grow,	Miller,	Van Voorhis,
Chickering,	Hager,	Minor,	Walker, Va.,
Clarke, N. H.,	Hamilton,	Mitchell,	Wanger,
Cochrane, N. Y.,	Hawley,	Morris,	Ward,
Coddling,	Henry, Conn.,	Northway,	Warner,
Colson,	Henry, Ind.,	Odell,	Weymouth,
Connolly,	Hepburn,	Otjen,	White, N. O.,
Cooper, Wis.,	Hibborn,	Overstreet,	Williams, Pa.,
Crump,	Hitt,	Payne,	Yost,
Crumpacker,	Hoker,	Pearce, Mo.,	Young,
Curtis, Iowa,	Hopkins,	Pearson,	
Curtis, Kans.,	Hewe,	Perkins,	

NAYS—96.

Adams,	De Armond,	Kleberg,	Ridgely,
Allen,	De Graffenreid,	Lacey,	Riley,
Bailey,	Dismore,	Lalmer,	Robb,
Baker, Ill.,	Dockery,	Lantz,	Robertson, La.,
Barlow,	Driggs,	Lester,	Robinson, Ind.,
Bartlett,	Elliot,	Lewis, Ga.,	Sayers,
Bell,	Fitzgerald,	Lewis, Wash.,	Settle,
Benton,	Fleming,	Little,	Shafroth,
Bodine,	Fowler, N. C.,	Livingston,	Simpson,
Botkin,	Fox,	Lloyd,	Smith, Ky.,
Bradley,	Gaines,	Love,	Stark,
Brantley,	Greene,	McCulloch,	Stephens, Tex.,
Brenner, Ohio,	Griffith,	McDowell,	Stokes,
Broussard,	Gunn,	McMillin,	Strowd, N. C.,
Brucker,	Handy,	McRae,	Sullivan,
Brundidge,	Hay,	Maddox,	Sutherland,
Burke,	Heary, Miss.,	Maxwell,	Talbert,
Castle,	Howard, Ga.,	Meekison,	Terry,
Clardy,	Hunter,	Miers, Ind.,	Underwood,
Cochran, Mo.,	Jett,	Moon,	Vehslage,
Cowherd,	Jones, Wash.,	Ogden,	Vincent,
Cox,	Kelley,	Osborne,	Wheeler, Ky.,
Cummings,	King,	Peters,	Williams, Miss.,
Davis,	Kitchin,	Richardson,	Zenor,

ANSWERED "PRESENT"—8

De Vries,	Griggs,	Lanham,	Shelden,
Ermentrout,	Hinrichsen,	Rhea,	Stewart, N. J.

NOT VOTING—133.

Acheson,	Cousins,	Lamb,	Sims,
Arnold,	Cranford,	Lawrence,	Skinner,
Baird,	Danford,	Loud,	Slayden,
Baker, Md.,	Davey,	Lybrand,	Smith, Ill.,
Ball,	Davidson, Wis.,	McAleer,	Smith, S. W.,
Bankhead,	Dayton, Ky.,	McCall,	Smith, Wm. Alden,
Barber,	Dayton,	McCormick,	Snover,
Barney,	Dingley,	McDonald,	Southard,
Barrett,	Dolliver,	Maguire,	Spalding,
Barrows,	Evans,	Mahon,	Sparkman,
Beach,	Fitzpatrick,	Marshall,	Sprague,
Belden,	Footo,	Martin,	Stallings,
Bennet, Pa.,	Foss,	Mesick,	Stone, W. A.,
Bennett,	Grosvenor,	Meyer, La.,	Strait,
Bland,	Harmer,	Mills,	Strode, Nebr.,
Booze,	Hartman,	Moody,	Sullivan,
Brewer,	Heatman,	Mudd,	Sulzer,
Brewster,	Hemenway,	Newlands,	Swanson,
Broderick,	Henderson,	Norton, Ohio,	Tate,
Brodus,	Henry, Tex.,	Norton, S. C.,	Taylor, Ala.,
Brownlow,	Hicks,	Olmsted,	Todd,
Brumm,	Hill,	Otey,	Tongue,
Bull,	Howard, Ala.,	Packer, Pa.,	Vandiver,
Burleigh,	Howell,	Parker, N. J.,	Wadsworth,
Campbell,	Jenkins,	Pierce, Tenn.,	Walker, Mass.,
Carmack,	Johnson, Ind.,	Prince,	Weaver,
Catchings,	Johnson, N. Dak.,	Pugh,	Wheeler, Ala.,
Clark, Iowa,	Jones, Va.,	Quigg,	White, Ill.,
Clark, Mo.,	Joy,	Robbins,	Wilber,
Clayton,	Kerr,	Royce,	Wilson,
Connell,	Ketchum,	Sauerharing,	Wise,
Cooney,	Knowles,	Shattuc,	
Cooper, Tex.,	Knox,	Shawalter,	
Corliss,	Kulp,	Shuford,	

So the motion to adjourn was agreed to.

Pending the announcement, the following additional pairs were announced:

Until further notice:

Mr. FOSS with Mr. CLAYTON.

Mr. MUDD with Mr. SIMS.

For this day:

Mr. WHITE of Illinois with Mr. COONEY.

Mr. SHATTUC with Mr. SLAYDEN.

On this question:

Mr. LYBRAND with Mr. BALL.

Mr. GROSVENOR with Mr. CLARK of Missouri.

Mr. ALLEN. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. ALLEN. I was in the Hall and listening for my name on the second call, but did not hear it.

The SPEAKER. Was the gentleman listening at the time his name should have been called?

Mr. ALLEN. I was.

The SPEAKER. The gentleman's name will be called.

The Clerk called Mr. ALLEN's name, and he voted "no."

Mr. DE VRIES. Mr. Speaker, I voted "no," but I am paired with my colleague, Mr. LOUD, and I desire to withdraw my vote.

Mr. BERRY. Mr. Speaker, I desire to vote. I did not hear my name called.

The SPEAKER. Was the gentleman within the rule; was he present and listening at the time when his name should have been called and did not hear it?

Mr. BERRY. I was.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. BERRY's name, and he voted "aye."

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from New York, Mr. FOOTE. I desire to withdraw my vote. I voted "no."

By unanimous consent, leave of absence was granted to Mr. COLSON indefinitely.

The result of the vote was then announced as above recorded; and accordingly the House, in pursuance of its previous order (at 2 o'clock and 44 minutes p. m.), adjourned until Monday next at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War in relation to the credit to the account of Maj. W. H. Heuer—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for maintaining the automatic fire-alarm system in the Treasury and Winder buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a

communication from the Secretary of War recommending an appropriation in credit on the accounts of Capt. C. McD. Townsend—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10051) to increase the number of post quartermaster-sergeants in the United States Army, reported the same without amendment, accompanied by a report (No. 1366); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4556) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes, reported the same with amendment, accompanied by a report (No. 1367); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9513) to construct a telephone from Table Bluff to Salmon Creek, in Humboldt County, Cal., reported the same without amendment, accompanied by a report (No. 1369); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred House bill 7443, reported in lieu thereof a bill (H. R. 10403) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, accompanied by a report (No. 1375); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10280) to require the Brightwood Railroad Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets, reported the same with amendment, accompanied by a report (No. 1368); which said bill and report were referred to the House Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10381) to amend the law providing for the police fund and firemen's relief fund of the District of Columbia, reported the same without amendment, accompanied by a report (No. 1377); which said bill and report were referred to the House Calendar.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 2917) fixing the salary of the postmaster at Washington, D. C., reported the same without amendment, accompanied by a report (No. 1381); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, reported the same with amendment, accompanied by a report (No. 1386); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10106) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1387); which said bill and report were referred to the House Calendar.

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1754) to acquire by condemnation land and water rights at the Great Falls of the Potomac, reported the same with amendment, accompanied by a report (No. 1388); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10294) relative to the control of wharf property and certain public spaces in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1389); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RAY of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10090)

granting a pension to Frances E. Utley Davis, reported the same without amendment, accompanied by a report (No. 1370); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4400) granting an increase of pension to Joel Blackman, reported the same without amendment, accompanied by a report (No. 1371); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3668) granting an increase of pension to Ephraim C. Baldwin, reported the same with amendment, accompanied by a report (No. 1372); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10117) granting a pension to Martha Jennie Freer, reported the same with amendment, accompanied by a report (No. 1373); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7293) granting a pension to Della E. Spaulding, permanently helpless child of Alfred O. Spaulding, late of Company G, One hundred and sixty-first Regiment New York Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 1374); which said bill and report were referred to the Private Calendar.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which was referred House bill 4718, reported in lieu thereof a bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss., accompanied by a report (No. 1378); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 171) for the relief of Mrs. Baker, reported the same without amendment, accompanied by a report (No. 1379); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6100) for the relief of George Ritchey, reported the same without amendment, accompanied by a report (No. 1382); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 5831) for the relief of the legal representatives of Chauncey M. Lockwood, reported the same adversely, accompanied by a report (No. 1376); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2679) for the relief of Bessie McAlester McGuirk, reported the same adversely, accompanied by a report (No. 1380); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7925) for the relief of Henry D. Smith, of Basic City, Va., reported the same adversely, accompanied by a report (No. 1383); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7300) for the relief of M. D. Crow, reported the same adversely, accompanied by a report (No. 1384); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6330) for the relief of Joseph C. Hogan and snreties, of North Carolina, reported the same adversely, accompanied by a report (No. 1385); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL (by request): A bill (H. R. 10395) to authorize the construction of a bridge across the Anacostia or Eastern Branch of the Potomac River, on a line with First street SW.—to the Committee on the District of Columbia.

Also, a bill (H. R. 10396) providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service—to the Committee on Military Affairs.

Also, a bill (H. R. 10397) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for

other purposes," approved April 23, 1898—to the Committee on Military Affairs.

Also, a bill (H. R. 10398) providing for the entry, free of customs duties, of certain bells presented by Edwin M. Stanton to the Iowa Agricultural College, of Ames, Iowa—to the Committee on Ways and Means.

By Mr. WHITE of Illinois: A bill (H. R. 10399) to extend Rhode Island avenue—to the Committee on the District of Columbia.

By Mr. TODD: A bill (H. R. 10400) to provide means for carrying on the war with Spain—to the Committee on Ways and Means.

By Mr. POWERS: A bill (H. R. 10401) granting condemned cannon, and so forth, to the Dorset Soldiers' Memorial Free Public Library—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 10402) to remove the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 10403) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States (in lieu of H. R. 7443)—to the Union Calendar.

By Mr. HULL: A joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders—to the Committee on Military Affairs.

By Mr. BROMWELL: A joint resolution (H. Res. 271) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic—to the Committee on Military Affairs.

By Mr. FERGUSON: A resolution (House Res. No. 800) providing a time for the consideration of H. R. 8226, entitled "A bill to make certain grants of land to the Territory of New Mexico, and for other purposes"—to the Committee on Rules.

By Mr. GROUT: A memorial of the legislature of the State of Vermont, expressing appreciation of the great victory at Manila and recommending the promotion of Commodore George Dewey—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEACH: A bill (H. R. 10404) granting a pension to Minnie A. Imber—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 10405) authorizing the President to appoint and retire James P. W. Neill, late captain of Seventh United States Infantry and brevet major, United States Army, with the rank and grade of captain—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 10406) to refer the claim against the United States of Elizabeth Haden to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 10407) for the relief of the heirs at law of William F. Martin, deceased—to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 10408) to remove the charge of desertion against July Scott, late private in Company K, Twenty-first Regiment United States Colored Troops—to the Committee on Military Affairs.

By Mr. ERMENTROUT: A bill (H. R. 10409) pensioning Clara Geiser—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 10410) for the relief of Sarah A. Clapp—to the Committee on War Claims.

By Mr. McALEER: A bill (H. R. 10411) for the relief of Bridget Barry, widow of Daniel Barry, late private Battery D, Second United States Artillery—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 10412) to remove the charge of desertion from the military record of Andrew Carney and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. PUGH: A bill (H. R. 10413) for the relief of Joseph M. Wilburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10414) for the relief of D. F. Danner—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 10415) granting a pension to Francis Marilla Buell—to the Committee on Invalid Pensions.

By Mr. TODD: A bill (H. R. 10416) for the relief of Henry Myers—to the Committee on Military Affairs.

Also, a bill (H. R. 10417) for the relief of James H. Nichols—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 10418) for the relief of Rachel C. Stiefvater, of Chattanooga, Tenn., to reimburse for the use and destruction of property by United States Army in 1864—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 10419) granting a pension to Leo Sampson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Protest of the Trades League of Philadelphia, Pa., against that part of House bill No. 10100 imposing a tax upon the gross receipts of corporations—to the Committee on Ways and Means.

By Mr. BARTLETT: Petition of W. T. Morgan, H. J. Lamar & Sons, College Hill Pharmacy, Sol. Hoge, Lamar, Cheatham & Co., Campbell T. King, Mossenberg & Son, Goodwyn Drug Company, John Ingalls, N. O. Bruner & Co., W. E. Shelverton, D. McCrory, all druggists of Macon, Ga., protesting against the tax on proprietary medicines in the proposed war-revenue bill—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of the Trades League of Philadelphia, Pa., protesting against a tax on gross receipts of corporations—to the Committee on Ways and Means.

Also, papers to accompany House bill authorizing the President to appoint and retire James P. W. Neill, late captain of Seventh United States Infantry and brevet major of United States Army, with rank and grade of captain—to the Committee on Military Affairs.

By Mr. BROWN: Petition of the Methodist Episcopal Church of Loveland, Ohio, praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Loveland, Epworth League of Maineville, and the annual convention of the Twentieth District Woman's Christian Temperance Union, at Springfield, Ohio, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. CAPRON: Petitions of the Free Baptist Church and the Methodist Episcopal Church of Olneyville, Broadway Baptist Church, of Providence, R. I., and citizens of Johnston, R. I., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, protest of the New England Druggists' Union, against stamping druggists' goods in stock—to the Committee on Ways and Means.

By Mr. CLARKE of New Hampshire: Petition of the Young Woman's Christian Temperance Union of Epping, N. H., in favor of the bill to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNELL: Petition of the Board of Trade of Scranton, Pa., protesting against the proposed Senate amendments to the Post-Office appropriation bill striking out \$1,000,000 for carrier service and reducing the number of deliveries to not more than four daily in the business centers of large cities—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Board of Trade of Scranton, Pa., indorsing House bill No. 9879, to regulate the issue of United States bonds—to the Committee on Ways and Means.

By Mr. ELLIOTT: Paper to accompany House bill to remove the charge of desertion against July Scott, late private in Company K, Twenty-first Regiment United States Colored Troops—to the Committee on Military Affairs.

By Mr. FLETCHER: Resolution of the Society of Colonial Wars in the State of Minnesota, through its secretary, Mr. Edgar Campbell Bower, in favor of the bill for the purchase, restoration, and preservation of the battle grounds of Fort Ticonderoga, N. Y.—to the Committee on Military Affairs.

By Mr. GREENE: Petition of the W. H. Allen Labor Assembly, No. 1562, Knights of Labor, of Brooklyn, N. Y., protesting against the issue of bonds—to the Committee on Ways and Means.

Also, petitions of the Sunday school of Heath, Nebr., to raise the age of protection for girls, to forbid the interstate transmission of lottery messages by telegraph, and in favor of a bill to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petition of the Sunday school of Heath, Nebr., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. GROUT: Memorial of the New England Druggists' Union, C. P. Flynn, secretary; also memorial of O. J. Paquette, D. O. Cowles, and H. R. Kimball, druggists of Hardwick, Vt., protesting against the clause in House bill No. 10100 requiring wholesalers and retailers to stamp existing stock of proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Norman S. Brewer and other citizens of East Hartford and Burnside, Conn., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. KITCHIN: Petition of A. J. Cook and other druggists

of Fayetteville, N. C., protesting against the clause in House bill No. 10100 imposing a tax on patent medicines in stock—to the Committee on Ways and Means.

By Mr. LAMB (by request): Petitions of Peter Traser and 9 others, of Granite; R. E. Richardson and 9 others, of New Kent, and A. E. Dickinson and others, of Richmond, all in the State of Virginia, favoring the passage of House bill No. 7180 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MCALEER: Resolutions of the Commercial Exchange, also of the Builders' Exchange, of Philadelphia, Pa., against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY: Resolutions of the fire department of Rochester, Minn., and of the hook and ladder company of Canby, Minn., through O. N. Rund, secretary, protesting against the passage of Senate bill No. 2736, to establish a division of the Treasury Department for the regulation of insurance companies—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: Petition of Herbert Todd and others, of the city of New York, in favor of legislation abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCULLOCH: Petition of Dr. N. P. Beauchamp and other citizens of Riverside, Ark., in opposition to House bill No. 10100, known as the war-revenue bill—to the Committee on Ways and Means.

By Mr. MCINTIRE: Petition of Francis M. Smith, for increase of pension—to the Committee on Invalid Pensions.

By Mr. MOON: Paper to accompany House bill for the relief of Rachel C. Steifvater, of Chattanooga, Tenn.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petitions of Liberty Assembly, No. 2815, of Fort Wayne, Ind., against the bond issue, and in favor of coinage of the seigniorage, issue of Treasury notes or greenbacks, and in favor of income tax—to the Committee on Ways and Means.

Also, petitions of Martin H. Wefel, of Fort Wayne, Ind., S. R. Otis, of Kendallville, Ind., protesting against a war tax on drug stocks on hand—to the Committee on Ways and Means.

By Mr. SOUTHWICK: Petition of the Woman's Christian Temperance Union of Albany, N. Y., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of Albany, N. Y., asking for the passage of bills to forbid the interstate transmission of lottery messages and other gambling matter by telegraph, to protect anti-cigarette laws, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. TODD: Paper to accompany House bill granting a pension to James H. Nichols—to the Committee on Invalid Pensions.

Also, resolutions of the Mohawk Club, of Detroit, Mich., in opposition to the issue of Government bonds—to the Committee on Ways and Means.

Also, resolutions of Battle Creek Lodge, No. 35, Knights of Pythias, of Battle Creek, Mich., in support of House bill No. 6468, granting land at Hot Springs, Ark., for the purpose of erecting and maintaining a sanitarium thereon—to the Committee on the Public Lands.

Also, memorials of H. S. Blackmar, of Charlotte; Lee & Riley, of Climax; Shannon & Black, of Camden, and certain druggists of Kalamazoo, all in the State of Michigan, protesting against certain provisions in the pending war-revenue bill—to the Committee on Ways and Means.

Also, memorial of the Hillsdale and Lenawee County Historical Society, by Orin O. Harrow, secretary, consisting of 150 members, asking for the enforcement of uniform freight rates and the enlargement of the powers of the Interstate Commerce Commission to secure the same—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Methodist Episcopal Church of Climax, Mich., and the Baptist and Presbyterian churches, Young People's Union, Christian Endeavor, and Epworth League, of Tekonsha, Mich., favoring the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of certain churches and societies of Tekonsha, Mich., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS of Pennsylvania: Resolutions of Silver Wave Lodge, No. 243, of Freeland, Pa., Knights of Pythias, in support of House bill No. 6468, granting land at Hot Springs, Ark., for the purpose of erecting and maintaining a sanitarium thereon—to the Committee on the Public Lands.

SENATE.

FRIDAY, May 20, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry retail liquor dealers of Hannibal, Mo., remonstrating against an increase of the tax on beer; which was ordered to lie on the table.

Mr. STEWART presented the memorial of W. L. Devereux and 9 other citizens of Wayne County, N. Y., remonstrating against the issuance of \$500,000,000 of gold bonds; which was ordered to lie on the table.

Mr. FAIRBANKS presented the petitions of W. H. Turley and 38 other citizens, of J. W. Gray and 14 other citizens, of Samuel Hege and sundry other citizens, of David Biggs and 47 other citizens, and of Adam Stoker and 39 other citizens, all in the State of Indiana, praying for the enactment of legislation to prohibit the sale of adulterated food products as pure food—which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of James L. Sheets and 17 other citizens, of Thomas H. Watlington and 17 other citizens, of William T. Harris and 13 other citizens, of John W. Gresham and 38 other citizens, of George A. Altizer and 31 other citizens, and of L. W. Thomas and 11 other citizens, all in the State of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of George Brown and 17 other citizens, of John W. Gresham and 29 other citizens, of Charles S. Green and 21 other citizens, and of R. Selby and 12 other citizens, all in the State of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of sundry citizens of Chattanooga, Tenn., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. PERKINS presented petitions of the congregations of the Methodist Episcopal Church of Saratoga; the First Presbyterian Church of Santa Clara; the Church of Christ of Santa Clara; the Methodist Episcopal Church of Santa Clara; the Baptist Church of Santa Clara; the St. John's Episcopal Church of Marysville; the Woman's Christian Temperance Union of Saratoga, and the Woman's Christian Temperance Union of Placer County, all in the State of California, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Free Methodist Church of Alameda, the First Presbyterian Church of Alameda, the First Presbyterian Church of Santa Clara, the Baptist Church of Santa Clara, the Church of Christ of Santa Clara, the St. John's Episcopal Church of Marysville, the First Methodist Episcopal Church of Alameda, the First Congregational Church of Alameda, the First Baptist Church of Alameda, the United Presbyterian Church of Alameda, the Santa Clara Avenue Methodist Episcopal Church, Alameda, and of the Woman's Christian Temperance unions of Arcata, Pescadero, Saratoga, and Placer County, all in the State of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance unions of Auburn and Pescadero; of the congregations of the Free Methodist Church of Alameda, the First Presbyterian Church of Alameda, the First Methodist Episcopal Church of Alameda, the Santa Clara Avenue Methodist Episcopal Church, of Alameda, the First Baptist Church of Alameda, the United Presbyterian Church of Alameda, the First Baptist Church of San Jose, the First Presbyterian Church of Blue Lake, the First Presbyterian Church of Santa Clara, the Methodist Episcopal Church of Santa Clara, the Baptist Church of Santa Clara, the Church of Christ of Santa Clara, and St. John's Episcopal Church, of Marysville, all in the State of California, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by mail or telegraph; which were referred to the Committee on the Judiciary.

Mr. SEWELL presented a petition of the Woman's Foreign Missionary Society and the Epworth League of Burlington, N. J.,

praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Foreign Missionary Society and the Epworth League of Burlington, N. J., and a petition of the Citizens' Committee of Vineland, N. J., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Citizens' Committee of Vineland, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Citizens' Committee of Vineland, N. J., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

Mr. TILLMAN presented a memorial of Mount Clio Grange, No. 415, of Lee County, S. C., remonstrating against the Government of the United States borrowing a large sum of money for the purpose of carrying on the war with Spain; which was ordered to lie on the table.

Mr. MCBRIDE presented a petition of the conference of the United Evangelical Church of Portland, Oreg., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Bellfountain Grange, No. 277, Patrons of Husbandry, of Oregon, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bellfountain Grange, No. 277, Patrons of Husbandry, of Oregon, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bellfountain Grange, No. 277, Patrons of Husbandry, of Oregon, praying for the enactment of legislation to secure to the people of the country protection against the use of adulterated food products; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Ladies' Missionary Society of The Dalles, of the congregations of the Baptist Church of Ashland, the Methodist Episcopal Church, the Trinity Episcopal Church, the Methodist Episcopal Church, the Congregational Church, and the Christian Church, the United Artisans, the Young Woman's Christian Association, the Rathbone Sisters, the Independent Order of Good Templars, and the Ladies' Working Society of the Methodist Episcopal Church, all of Forest Grove, Oreg., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. STEWART. I am instructed by the Committee on Claims, to whom was referred the bill (S. 1243) for the relief of Lincoln W. Tibbetts, to report it adversely. I ask that the bill be placed upon the Calendar with the adverse report.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6460) for the relief of Galen C. Greene, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3277) to authorize the appointment of a military storekeeper in the Army, reported it without amendment.

AUXILIARY NAVAL FORCE.

Mr. HALE. I report back favorably from the Committee on Naval Affairs with amendments the joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary naval force for coast defense. I ask for its present consideration, as it is very important that the joint resolution shall be passed at once.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The first amendment of the Committee on Naval Affairs was, in section 1, line 3, after the word "force," to strike out the words "for coast defense;" and in line 5, after the word "necessary," to insert the words "not exceeding 3,000 enlisted men;" so as to make the section read:

That a United States auxiliary naval force is hereby authorized to be established, to be enrolled in such numbers as the President may deem neces-

sary, not exceeding 3,000 enlisted men, for the exigencies of the present war with Spain, and to serve for a period of one year or less, and shall be disbanded by the President at the conclusion of the war.

The amendment was agreed to.

The next amendment was, in section 7, line 10, after the word "Navy," to strike out the words "and said force shall constitute the inner line of defense;" and in line 11, before the word "million," to strike out "four" and insert "three;" so as to make the section read:

SEC. 7. That the officers, warrant officers, petty officers, and enlisted men and boys of the United States auxiliary naval force thus created shall be paid from the appropriation "Pay of the Navy;" and the sum of \$3,000,000, or so much thereof as may be required, is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the purchase or hire of vessels necessary for the purposes of this resolution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution providing for the organization and enrollment of the United States auxiliary naval force."

Mr. HALE. I ask to have printed in the RECORD a memorandum touching the measure which has just been passed, which is very valuable as giving the facts.

The VICE-PRESIDENT. If there be no objection, the order is made.

The memorandum referred to is as follows:

Memorandum in regard to House resolution 257, "providing for the organization and enrollment of the United States auxiliary naval force in coast defense."

It is hoped that section 6 of the joint resolution will pass the Senate in its present form. This section will enable the Navy Department to at once avail itself of the Naval Militia. There are in this force at the present time about 5,000 men under waiting orders. These men have been trained and instructed for the purpose of serving in the coast defense under plans prepared by the Department about three years ago, and they are armed, uniformed, and fully equipped with hammocks, blankets, mess gear, signal outfit, and everything that is necessary to enable them to go at once into active service. The men in the organization on the seacoasts have an intimate knowledge of the local waters, that will be of great service and advantage in coast defense. They have been instructed with special reference to the service contemplated by the joint resolution. The Department has stated in the reports of its inspecting officers and boards appointed to investigate the proficiency of the Naval Militia that a large percentage of the men are thoroughly well prepared for their duties.

Under the terms of section 6, the Department can muster in the coast defense in whole "or any part of the organization in the Naval Militia of any State." No organization or individual not fully qualified can therefore be imposed upon it. It has the option of selecting these organizations or parts thereof that it knows are fully competent and thoroughly equipped.

In several of the States the Naval Militia has already been mobilized and the informal consent of the governors of these States has been obtained, and in some instances already the voluntary service of the Naval Militia has been formally tendered. It is a fact easily demonstrated and generally acknowledged by experts that the best work can be gotten out of men if they are kept under their own officers. The Department under this section can impose such examinations as it deems best before issuing commissions, but for the most part the qualifications of the various officers in the Naval Militia are thoroughly well known and are on file in the records of the Department, and in many instances these men are ex-officers of the Navy. This section also reserves to the Department the power of appointing and disarming (reducing to the ranks) petty officers of the militia. The Department can therefore select such organizations or parts of organizations that are best fitted for the work, and satisfy itself of the proficiency of the officers or petty officers so as to commission, arm, and equip them accordingly, and it can avoid the large expense of uniforming, arming, and equipping an equal number of men.

Although the Naval Militia are best fitted for work in the various branches of the coast-defense service, such as scouting, patrolling, signaling, carrying dispatches, and transporting men, ammunition, and stores, and assisting in the general work of harbor defense, when mustered into the United States service they are, if the emergency arises, available anywhere, and although it would be wasting their special knowledge and training, they can be put in fighting ships, as they have made excellent gunnery records in their practice work. There is no legal restriction upon their being ordered to any duty at any place. (See *High Smith vs. Usary*, 25 Texas, 108.)

(They should have the same pay and right of pension as men in the regular service of the Navy. The sacrifices they personally make to serve are in many instances much greater than those made by any class of men entering the Navy. Their service, such as patrolling the fields of submarine mines, etc., is as hazardous as any attempted in the Navy with the exception of actual fighting, and they should receive the same treatment as the National Guard regiments which come into the Volunteer Army.)

Men from the Naval Militia have already left their State organizations and enlisted in the Navy together with their officers in sufficient numbers to man U. S. S. *Yankee*, *Prairie*, *Dixie*, *Yosemite*, *Badger*, *Resolute*, and other vessels, as well as the single-turret monitors that have been put in commission for harbor defense. The men from this service are also manning the coast-signal stations, thirty-four in number, from the most easterly point of Maine to the western coast of Texas. Some of their officers are doing bureau work in the Department, and the Department deems it of the highest importance to encourage and develop this Naval Militia force that has been so readily and economically available.

The passage of this resolution will entirely do away with the hesitation, questioning, and friction that has attended the securing of the service of some of these organizations heretofore.

Weight can also be given to the fact that the Naval Militia is an excellent recruiting factor, and is an elastic body from which the Department can draw from time to time for additional men at no expense to the Government; that is to say, it reaches the class of men who are not applicants for enlistment in the Navy and who, in a war of the present character, do not feel called upon to enter the regular service. Local pride, however, and the confidence that comes from a thorough knowledge of local waters, leads them to enter the State service, and then esprit de corps prompts them to enter the national service. The Naval Militia is therefore actually performing in this

war the function which properly belongs to the National Naval Reserve, which should be organized later. The section in question has been drawn after careful consideration of the situation, and has been accepted by the Naval Militia through the president of the Association of Naval Militias of the United States.

The men in the Naval Militia who are still awaiting orders can be at once put at the disposition of the officer in charge of the coast defense. These will include organizations and officers in Massachusetts, Maine, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Louisiana, Ohio, Illinois, Michigan, California, and an organization is also being formed in New Hampshire.

H. L. SATTERLEE,
Captain Naval Militia, New York.

WASHINGTON, D. C., May 19, 1898.

STENOGRAPHER FOR COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. McMILLAN on the 4th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the District of Columbia be, and it is hereby, authorized to employ a stenographer to report the hearings before that committee, the stenographer to be paid from the contingent fund of the Senate.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

Mr. PETTIGREW. I am instructed by the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 168) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,835.76, in accordance with the decision of the Secretary of the Interior, dated March 3, 1898, to report it without amendment, and I ask for its immediate consideration.

Mr. GORMAN. Let it be read for information.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. TELLER. I should like to know what committee reports the joint resolution.

The VICE-PRESIDENT. The Committee on Indian Affairs.

Mr. TELLER. Then I presume it has been considered. It is difficult to determine from the reading of the long preamble just what the facts are.

Mr. PETTIGREW. I will state the facts, if the Senator from Colorado desires.

Mr. TELLER. I hope the Senator from South Dakota will briefly state the facts.

Mr. PETTIGREW. Some years ago the Milwaukee road surveyed a line from the Missouri River to the Black Hills across the Sioux Reservation, and they made an agreement with the chiefs and headmen for a right of way for one section of land on the Missouri River. The road was never built. The Indians afterwards ceded the land to the Government and it has now been disposed of, the company receiving no consideration for the money whatever. The section of land was taken up and is a town site.

Mr. TELLER. Was the money paid into the Treasury?

Mr. PETTIGREW. The money was paid into the Treasury, and, although the Secretary of the Interior ordered it to be refunded, when he sent up his recommendation to the Treasury Department he was informed that the Department could not return it without an act of Congress.

Mr. TELLER. And this is simply to return the money?

Mr. PETTIGREW. It is simply to return the money which the railway company have paid and for which they have received no consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

HARBOR OF SABINE PASS.

Mr. PASCO. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 195) calling upon the Secretary of War for information concerning the port of Sabine Pass, to report it favorably without amendment. It is a mere application for information, and has passed the House of Representatives. I ask that it be now considered.

There being no objection, the joint resolution was considered as in Committee of the Whole. It directs the Secretary of War to furnish Congress as soon as possible all information and copies of such reports as he may have relative to any enterprise or construction, in the way of a ship canal or otherwise, known to him to be in process of completion in or about the harbor of Sabine Pass, and as to whether any plans or estimates have been submitted to and approved by him or the Department of Engineers for any such enterprise or construction; and whether, in the opinion of the United States Engineer Department, there is any possibility of any such enterprise or construction obstructing or lessening the depth of the harbor of Sabine Pass.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4631) granting an increase of pension to Sarah A. Core; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4632) to amend section 2757 of the Revised Statutes of the United States, concerning the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 4633) for the relief of Thomas E. Streeter, of Allegan, Mich.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4634) granting a pension to Turner J. Bowling; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4635) granting a pension to John B. Boggs, Olney, Ill.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McBRIDE introduced a bill (S. 4636) granting a pension to Vincent de Frietas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4637) relating to quarantine; which was read twice by its title, and ordered to lie on the table.

Mr. BACON introduced a joint resolution (S. R. 171) for the relief of Ex-Cadet Midshipman Thomas H. Gignilliat; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO WAR REVENUE BILL.

Mr. PLATT of New York submitted an amendment intended to be proposed by him to the bill (H. R. 10100) to provide ways and means to meet war expenditures; which was referred to the Committee on Finance, and ordered to be printed.

WAR REVENUE BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the revenue bill, House bill 10100.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

The VICE-PRESIDENT. The next amendment of the Committee on Finance will be stated.

The SECRETARY. On page 64, beginning at line 7, the Committee on Finance report to strike out the following:

SEC. 25. That every person, firm, or corporation who shall have made any contract prior to the passage of this act, and without other provision therein for the payment of taxes imposed by law enacted subsequent thereto, upon articles to be delivered under such contract, is hereby authorized and empowered to add to the price thereof so much money as will be equivalent to the tax imposed on said articles by this act, and not previously paid by the vendee, and shall be entitled by virtue hereof to be paid, and to sue for and recover, the same accordingly. And in all cases of articles manufactured or produced, in whole or in part, upon commission, or where the material is furnished by one party and manufactured by another, if the manufacturer shall be required to pay under this act the tax hereby imposed, such person or persons so paying the same shall be entitled to collect the amount thereof of the owner or owners, and shall have a lien for the amount thus paid upon the produced or manufactured goods.

Mr. GORMAN. I should like to ask the Senator in charge of the bill in regard to this amendment. The provision, it seems to me, as it comes from the House, is a very wise one. By the method of transacting business now pursued the vast majority of the business of the country in manufactured goods is done by contracts for future delivery, the bulk for one year hence, and they are made, of course, in immense numbers. Some firms have brought to my attention the details of their business, which it is not necessary or proper to put into the RECORD, but they show that this tax, added to the price of the sales heretofore made, will be very embarrassing. We have, for instance, in the city of Baltimore some 4,000 corporations, all of which have been formed within the last ten years, having taken the place of firms, and they are corporations with small capital. The average capital is not over \$15,000. They were put into the form of corporations so as to keep the business within the family or within the members of the firm. There are some advantages under the laws of the States, and that is one of the reasons why the small corporations were formed.

Mr. SPOONER. And to prevent dissolution of partnership in case of death.

Mr. GORMAN. Yes; it has that advantage also. In case of death it prevents the dissolution of the partnership. I think it is absolutely just that under this extraordinary war measure which we are passing they shall have the right simply to add the tax to the price of the goods already contracted to be delivered. Unless there is some very strong reason which I am not advised of, I trust the committee will not insist, at all events, upon the adoption of this amendment, but will permit the House provision to stand in the bill.

Mr. WOLCOTT. With the permission of the Senator from

Iowa, I think I can say a word to the Senator from Maryland on the subject of the amendment that will be entirely satisfactory to him.

The House bill as it came to the Senate had in it this section 25, which the committee has stricken out. It is a reproduction of the section in the old law. The effect of that section in the old law was countless suits all over the country upon questions arising under it, almost invariably ending in a compromise between the buyer and the seller.

The section as it came from the House is inherently vicious in this respect: Suppose a merchant has a thousand dollars ready to meet a contract which he has made for goods, having contracted, we will say, last March for goods to be delivered in September, as is often the case. When his contract is to be met and the goods to be shipped, he finds himself confronted with a bill for fifteen hundred dollars, the tax having gone upon those goods, and he must meet a bill for \$500 beyond his means and beyond his credit. This is an attempt by law to say that debtor must pay that amount, whether he will or not.

Mr. President, if it is a matter which needs legislation there is but one fair provision to be inserted into such a section, if it should stand, and that would be, if the consignor or seller of the goods shall seek to enforce this contract, then the buyer of the goods may at his option declare the contract canceled. Otherwise you would destroy the credit and the ability to buy on the part of small dealers.

But, Mr. President, there is another and a better construction, it seems to me, to be put upon the transaction. If the right exists at law for the seller of goods to collect in addition to the contract price the tax which the law has subsequently imposed, then it needs no legislation. If he has not that right, then it had better rest between the parties to determine the question for themselves.

But it is not right, and it is not fair, and it is not equitable for Congress to interpose and lay down a rigid law that the seller of goods shall have the right to collect from the purchaser who has purchased under a contract before the tax was imposed the additional tax levied. It is a matter that had better rest between the parties. The buyers and sellers in this country meet upon friendly terms. One sale does not consummate the relation between the buyer and the seller; it extends to a variety and to an infinite number of transactions; and men, if they are not hampered by legislation, meet and face those propositions upon some equitable basis. If we let it alone, as this tax has for war purposes been imposed upon these goods, then the seller is to meet the buyer in some fair spirit and come to an understanding outside the law.

In the committee the Senator from Indiana [Mr. TURPIE] who sits on the left of the Senator from Maryland explained to us at some length from his own experience a great number of causes that arose under a similar provision in the old law, which always worked inequitably, and which were almost invariably settled out of court by an agreement between the parties. For that reason it seemed to us wisest that the matter should not rest on legislation, but that the parties should be relegated to their rights at law.

Mr. ALLEN. I should like to ask the Senator from Colorado a question.

Mr. WOLCOTT. With pleasure.

Mr. ALLEN. What power have we to legislate to increase the price of goods and change the terms of a contract already made?

Mr. WOLCOTT. The Senator raises a very important constitutional question which nobody is better able to answer than himself.

Mr. ALLEN. Is it not quite apparent that the courts will not enforce a law of that kind?

Mr. WOLCOTT. The Senator has had also fully as much experience in the courts as the rest of us.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee striking out section 25, on page 64. The amendment was agreed to.

Mr. ALDRICH. Mr. President—

Mr. SEWELL. I should like to offer an amendment, if the Senator from Rhode Island will allow it, on page 62.

Mr. ALDRICH. That is not now in order, I think.

Mr. ALLISON. I suggest that the amendments of the committee are to be first considered under the rule, and the Senator from New Jersey will please withhold his amendment.

Mr. SEWELL. I thought amendments were being offered and acted upon.

Mr. ALDRICH. From the committee, I think.

Mr. SPOONER. And amendments to amendments of the committee.

The VICE-PRESIDENT. Amendment No. 177 was read last night, and no action was taken upon it.

Mr. ALDRICH. On page 36, the amendment after line 3 was passed over yesterday by my suggestion. I now offer the amendment of which I then gave notice, to take the place of the com-

mittee amendment. On page 36, after line 3, I propose to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 3, page 36, the committee amendment down to and including line 5, on page 37, is withdrawn, and the following is offered in lieu thereof:

Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, either for present or future delivery, for each \$100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional \$100 or fractional part thereof in excess of \$100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

Mr. BACON. I think, upon reading the amendment submitted by the Senator from Rhode Island, the change proposed in it covers the point suggested by me yesterday.

Mr. ALDRICH. It was intended to do so.

Mr. BACON. I think it does fully.

I desire to make one other suggestion, with the permission of the Senator. The enumeration of places contemplated by the statute at which the sales can take place is quite limited here. It speaks of any exchange or board of trade. The suggestion I wish to make is as to whether there should not be some words of a general character immediately following the word "trade," for the reason that this is a penal statute, which is always construed strictly by the courts. I think after the word "trade" the words "or like place of exchange," or something of that kind, should be inserted.

Mr. SPOONER. The words "like place" would be enough.

Mr. BACON. "Like places" would be enough.

Mr. ALDRICH. It seemed to the committee that the word "exchange," which is a very general term and applies to all public places, would be sufficient. None of these transactions take place, so far as I know, in private places, except where they are strictly private, and of course it is not intended to cover any such transactions.

Mr. BACON. There are places which are not known as exchanges.

Mr. TILLMAN. Would the provision cover what are called "bucket shops?"

Mr. ALDRICH. I think it would. I think the word "exchange" would cover any public place where these articles are sold.

Mr. BACON. The point, if the Senator will permit me, is that, while the language might be sufficient in an ordinary statute, when you pass a criminal statute it is necessary to be very precise in the use of language. Therefore I suggest the insertion of the words "or like place."

Mr. ALDRICH. "Or other similar place."

Mr. BACON. "Or other similar place."

Mr. ALDRICH. I have no objection to that amendment.

Mr. BACON. Very well. After the word "trade" I move to insert in line 3 the words "or other similar place."

Mr. ALLISON. I merely wish to say that I do not think that that in any sense improves the provision, nor do I think it very greatly embarrasses it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BACON] to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Finance was, on page 65, to strike out section 26, in the following words:

TONNAGE TAX.

SEC. 26. That in lieu of the tax on tonnage imposed by section 11 of chapter 481 of the laws of 1886, approved June 10, 1886, a duty of 8 cents per ton, not to exceed in the aggregate 50 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or the Hawaiian Islands, or Newfoundland, and a duty of 20 cents per ton, not to exceed \$2.40 per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

From the receipts from duties on tonnage provided by this section there is hereby appropriated, to be expended under the direction of the Secretary of the Treasury for the maintenance of the Marine-Hospital Service, for the fiscal year 1899, the sum of \$500,000, or so much thereof as may be necessary.

And the Secretary of the Treasury shall submit, in the estimates of appropriations for the fiscal year 1900 and annually thereafter, estimates in detail for the expenses of maintaining the Marine-Hospital Service.

Section 15 of chapter 121 of the laws of 1884, approved June 26, 1884, sections 11 and 12 of chapter 421 of the laws of 1886, approved June 19, 1886, and section 4282 of the Revised Statutes, are hereby repealed.

This section shall take effect on July 1, 1898.

The amendment was agreed to.

Mr. ALLISON. Now let us go back to amendment No. 177.

Mr. DANIEL. Mr. President, it is important for us to bear in mind, in considering this bill, certain important facts.

In the first place, we ought to remember that Congress meets next December. We should remember this, because if perchance we should not provide an abundance of money to meet the necessities of war, there will be early and full opportunity to provide it at that time. In the second place, we ought to take consolation and encouragement to ourselves that there is no possible condition in which the President will not be armed by every dollar and by every man needed or desired to prosecute this war.

It is a strengthening and a delightful fact that the whole people of this country are behind their Chief Magistrate in the pending conflict. Neither Washington, in conducting the Revolution, nor Madison, in conducting the war of 1812, nor Polk, in the war with Mexico, nor Lincoln, in the unhappy fratricidal strife which has now become an ancient tale, had public sentiment so unanimously supporting his efforts to wage war as has now the honored President of this Republic, who, himself nobly guiding the way to congenial union, has the felicity of fortune to contemplate united and trusting ranks around him.

So, Mr. President, let us all remember that there is no possible exigency and no conceivable circumstance in which this Administration can be possibly embarrassed by any lack of resources, whether of treasure or manhood, to uphold the flag of the Republic and to bear it to that victory which is already assured.

NO NECESSITY OR PLAUSIBLE PRETEXT FOR BONDED DEBT AT THIS TIME.

There is another fact which is as transparent, and which if not transparent to all minds is incapable of easy demonstration. There is not the slightest occasion or plausible pretext for plunging this country at this time into any bonded debt for the purpose of prosecuting this war. If any man were dreaming in his heart of that thing which would give this Republic prestige among the nations of the earth, there is nothing conceivable which would assure that prestige more than to give demonstration to the world that it is so great, so powerful, so patriotic, so united, and so ready to respond in treasure and in blood to the calls of its Chief Magistrate that he could conduct a war without plunging this people and future generations in a public debt.

I am for meeting this war, Mr. President, in direct, plain, heroic, American fashion. We are in it for better or for worse. It imposes the highest duties and responsibilities and the sternest tasks, and they should be met here, as on land and sea, in field and in council, without flinching from their consequences. War must be paid for. There comes in the grievous burdens of taxation, but the people will bear them with a brave, self-sacrificing spirit. They will not shrink from them. No great people like the American people ever shrink from taxation honestly imposed, fairly distributed, and justly applied to a patriotic purpose.

I am not afraid of my constituents, Mr. President, to vote taxes upon them to maintain this Administration and the cause of this Republic, although they are in no good condition for those taxes to be borne. I am unwilling to mortgage posterity and to hand down a great public debt which will be the fruitful source of many burdens and a standing temptation to extravagance.

THE ESTIMATES OF EXTRAORDINARY EXPENDITURES FOR WAR.

Look, Mr. President, at the estimates which are given us by the Secretary of the Treasury, by the Secretary of War, by the Secretary of the Navy, and by the House committee, which has submitted its report in connection with the bill which has come to us. There is a general assent to the proposition that the war will cost in extraordinary expense about \$25,000,000 per month. In that estimate 10 per cent of the estimates of the War Department as given us by the Secretary are added just to meet contingencies which are not foreseen. This estimate of \$25,000,000 per month covers the next fiscal year—that is, carries us to July 1, 1899. Congress meets at the midway house of that period. If we provide a revenue for the whole year, or means for raising it, we will meet here and be able to correct any miscalculation which we may have made or any unforeseen exigency which may arise.

PAY AS YOU GO.

Pay as you go, Mr. President, is the manly, wise, honest maxim for man and nation. The great financiers have been the men who wanted to pay as they went. The great statesman of Great Britain who now lies dead, mourned by the civilized world and honored everywhere by the English-speaking race, was a man who had the courage to say, "Pay as you go." Give the right to issue great amounts of bonds, and ten thousand cormorants will lend their wits to invent objects of expenditure.

THE HOUSE BILL A BORROWING BILL MORE THAN A TAX BILL.

Mr. President, when we come to contemplate the House bill which is laid before the Senate we find no such heroic, manly, just, financial doctrine. It is, Pay to-morrow, or the next day after to-morrow, or in the next generation, and "Mañana, mañana," the Spanish cry, not "here and now," the American creed, becomes the watchword.

My honorable friend from Iowa [Mr. ALLISON] said in his remarks in explaining the bill to the Senate that it came to us from the House of Representatives as an internal-revenue bill, and that it came from the Senate committee to the Senate an internal-revenue bill. My honorable friend must have used his microscope to have detected the signs of its being an internal-revenue bill. In the space that it fills in the publication it is an internal-revenue bill, but there is a postscript added to the bill, which, like the traditional postscript in a lady's letter, contains the main matter of import.

A seventh part of this bill is internal revenue, an effort to raise \$100,000,000 of taxes by jumping on the subjects-matter that are already taxed and increasing those taxes and by adding one or two sporadic subjects of taxation, which have been selected for some cause or other, not for any cause that I can discover known to the teachings of sound finance. One hundred millions of internal-revenue taxation and six hundred millions of debt! That is what my honorable friend calls an internal-revenue bill, because, forsooth, the many prolix clauses which concern internal revenue cover fifty or sixty pages, and because the debt of six hundred millions is disposed of in a few lines, to which should be prefaced the usual words that come in on the heading of postscript: "N. B. (nota bene).—Six hundred millions of debt."

I am opposed to the debt part of the bill, except such part as may be needed in temporary loans to preserve the Administration from any possible momentary embarrassment.

WE SHOULD PROVIDE ONE HUNDRED AND FIFTY MILLIONS BY TAXATION AND A LIKE AMOUNT BY TEMPORARY LOAN.

I do not wish, Mr. President, that the Executive of this country or any of his agents shall have a moment in this war for an anxious thought as to a dollar. I hope that Congress will so provide the means of conducting it that their brows may be unclouded from the beginning to the end of the war by any troubles about men or money.

If we shall provide in this bill \$150,000,000 of taxation and will provide for temporary loans—call it greenbacks, call it Treasury notes, call it certificates of indebtedness or demand notes, call it by any one of the familiar names and methods of providing for such contingency—we will have a fair perspective before us for a year; and I repeat, Mr. President, Congress meets next December. It is the peculiar duty of Congress to provide the ways and means of government; and Congress will be here to resume its business at its old constitutional stand, with the assurance to every man, woman, and child in the country that there is not a man in Congress, be he Democrat, be he Populist, or be he Republican, who does not stand at the back of the President ready to vote to him every man and every dollar that he may need, want, or desire.

Congress gives no indication that it intends to abrogate its function; and though some who now constitute it may have passed away before December comes, the body will be here, the power will be here, the disposition will be here to meet every liability and duty. To plunge this country into a great public debt now is to do so only because we want to do so, only because we are bent on doing so, whether there be a necessity or pretext for it or not, only because we are predestined and foreordained and determined to do so, although the facts stare us in the face that there is no necessity to do so; and there is nothing but the smallest color of pretext for such a contention.

THE FINANCES OF THE CIVIL WAR.

Mr. President, the Republican party of this country undertook from 1861 to 1865 one of the greatest financial enterprises of modern times—to provide ways and means for conducting one of the great wars of history. In that war there were fought over 2,300 battles. There was a battle for every day of four long years. There were over 2,200,000 men under arms in one section of the country, and they were provided with all the implements and sustained by all the resources of enlightened modern war, while a great Navy lined the Southern coasts with blockading squadrons and was equally busy on the inland waters.

There are few achievements of history which are greater than the financial conduct of the civil war, however much it may be blurred here and there by extortions.

THE STRIKING FEATURES OF CIVIL-WAR FINANCE—THE MASSES SUSTAINED THE GOVERNMENT.

There were certain striking features of that financial conduct. The first was bold and heavy taxation. Congress tried, as far as possible, the "pay-as-you-go policy," levying enormous taxes, and the exaction of an enormous fund of ready cash from the great body of the people.

It was not the great capitalists of this country, Mr. President, who sustained the Republican party in their conduct of the war. It was, first, the State banks which came forward with their issues and placed themselves at the disposal of the Government. It was the great body and mass of the brave, patriotic people of the North who were its chief reliance, as the like class were the reliance of the South. They came and poured out their treasures; they opened their purses when they sent their sons to battle.

Secretary Chase, in his report of December, 1863, said in respect to the 5-20 loan that the bonds "could not be disposed of to capitalists in amounts sufficient for prompt payment of the Army and Navy; and for the satisfaction of the just claims of public creditors generally, without serious loss, the Secretary determined to employ a general agent, under adequate bonds, and confide the whole work of distribution, except so far as it could be effected by the Treasurer, assistant treasuries, and designated depositories, to him and to subagents responsible immediately to him." Under this plan of popular loan, \$400,000,000 of the 5-20 bonds in denominations of \$50, \$100, \$500, and \$1,000 were distributed, as he says, "among all classes of our countrymen."

While the people thus subscribed, they also paid heavily in taxes.

There is a sentence in Mr. Bolle's Financial History of the Civil War which carries a great lesson. He says:

Internal taxation began to yield heavily just as the war was drawing to a welcome close. For the fiscal year 1866 \$310,906,984 were collected, a larger amount than was ever drawn by a nation from internal sources in twelve months. Yet this enormous sum was paid by a generation that knew no more about internal taxation than about tithes or ship money.

Crudely laid as were the internal-revenue taxes they crippled no considerable industry. They injuriously affected some minor industries, particularly those in which alcohol was used to a considerable degree in production.

Over thirty years ago, Mr. President, when we were 30,000,000 of people, and when we were torn asunder by war, this Government raised over \$300,000,000 of internal revenue without crippling any of the industries of the country, only some minor ones, and conducted to a successful issue a war which had over 2,200,000 men in the field, fighting battles for breakfast, dinner, and supper every day that the sun rolled around. One feature, I repeat, of that war was that patriotism stood up and had its dollars counted, and paid for the cause in which it had enlisted.

BONDED DEBT COMPARATIVELY SMALL DURING THE CIVIL WAR.

Another of the striking features of the finances of the civil war was this, that the bonded debt, in proportion to the greatness of the occasion and to the demands upon the Government, was economically and sparingly employed for the conduct of that war. I have made an estimate of the amounts of money which were borrowed during the civil war on permanent bonded obligations. It was a little over \$1,000,000,000, about twice as much as it is proposed in this bill to borrow now upon the threshold of this war with Spain, before we have fought a land battle.

I will give the items of this statement, Mr. President, which is one made by myself from a collation of the reports, so that its correctness may be examined and tested. More bonds were indeed authorized by the Congress, but not more than the sum stated were negotiated and used. On the 8th of February, 1861, Congress authorized 6 per cent bonds to the amount of \$25,000,000. They were issued at a discount of a little over \$2,000,000, and only to the extent of \$18,415,000. On July 17, 1861, \$250,000,000 of 7 per cent twenty-year bonds were authorized, of which \$44,000,000 were issued in 1862 and \$76,000,000 in 1863; in all, up to July 1, 1865, \$247,000,000. But I have here the items of this calculation.

Mr. MORGAN. I suggest to the Senator to insert the memorandum in full in his remarks.

Mr. DANIEL. I shall give the statement in extenso, that its accuracy may be tested, and that, if any mistake may have crept therein, it may be happily corrected.

WAR LOANS ON INTEREST-BEARING BONDS, 1861-1865.

On the 8th of February, 1861, Congress authorized 6 per cent bonds to the amount of \$25,000,000 to be issued.

There were issued at a discount of \$3,019,776.10... \$18,415,000.00
July 17, 1861, \$250,000,000 7 per cent twenty-year bonds were authorized, of which there were issued—

In 1862.....	44,661,231.91
In 1863.....	76,000,500.00
In 1864.....	30,565,875.45
In the first quarter of 1865.....	78,963,524.55
In the second quarter of 1865.....	17,561,900.00

Total..... 247,753,031.91

On February 25, 1862, \$500,000,000 6 per cent bonds, payable in twenty years, but redeemable after five years (called the fifties of 1862), were authorized. On March 3, 1864, \$11,000,000 of similar bonds were authorized, and on January 28, 1865, \$4,000,000 more; in all, \$515,000,000.

Of these there were issued—

In 1862.....	\$13,845,500.00
In 1863.....	175,032,123.00
In 1864.....	321,841,179.08
In 1865, first quarter.....	201,357.15
In 1865, second quarter.....	51,300.00

Total..... 510,771,459.23

On March 3, 1863, \$900,000,000 6 per cent bonds, redeemable not less than ten nor more than forty years (the ten-forties of 1863), were authorized. Of these there were issued—

In 1864.....	\$42,141,771.05
In 1865.....	32,175,805.23

Total..... 74,317,576.28

On March 3, 1864, 10-40 6 per cent bonds were authorized to the amount of \$200,000,000, of which there were issued—

In 1864.....	\$73,337,680.00
In 1865 (first quarter).....	6,910,680.50
In 1865 (second quarter).....	36,486,469.50

Total..... 116,734,830.00

On June 30, 1864, \$400,000,000 5-30 6 per cent bonds were authorized. There were issued of these in 1865, \$90,736,354.25.

Total of bonded debt created during the war, 1861-65, \$1,068,738,251.67.

Mr. ALLISON. If I do not interrupt the Senator, I should like to ask him a question.

Mr. DANIEL. Very well.

Mr. ALLISON. Does that statement include all the interest-bearing debt?

Mr. DANIEL. I am coming to that now.

Mr. ALLISON. I beg pardon.

Mr. DANIEL. I shall not overlook that. I am discriminating between the three sources of revenue which supplied the Government. The first was taxation; the second was bonded indebtedness.

There were other sources of revenue than taxation and the bonded indebtedness, and they were various in form and in use.

THE GREENBACK ISSUES OF \$450,000,000 DURING THE WAR.

The first source of money other than taxation and bonded indebtedness was the greenbacks. They were the legal-tender Treasury notes of the United States, of which \$1,600,559,947 was issued for the purpose of conducting the war. I do not mean that it should be understood that \$1,600,559,947 of paper was created, except in a modified sense; and that sense will be understood when I refer to the statute.

On February 25, 1862, an issue of \$150,000,000 of greenbacks was authorized; on July 11, 1862, \$150,000,000 more were authorized, and on March 3, 1863, \$500,000,000 more were authorized—an authorization of \$450,000,000 of greenbacks. But with the authorization of their issue was the power to reissue them when they came into the Treasury through taxation; and their original issue and their repeated issue under the same authority amounted to an issue of one billion six hundred and odd million dollars, though, of course, it was but \$450,000,000 that this Government was required to redeem otherwise than through the successive payments into and out of the Treasury in their employment as money.

Mr. ALLISON. Now, Mr. President—

Mr. DANIEL. Perhaps I may answer the question the Senator intends to ask in a moment, and I will ask him only to reserve it for a moment, until I get through with this part of my statement.

Mr. ALLISON. Very well.

Mr. DANIEL. Certificates of indebtedness bearing 6 per cent interest, payable one year after date, a temporary loan of \$561,753,241.65, were issued. Then there was the employment, from time to time, under various statutes, of Treasury notes bearing interest, but all of them in the nature of transient loans.

Now, I shall be glad to yield to any question the Senator from Iowa desires to ask.

Mr. ALLISON. I desire to call the attention of the Senator to the fact that as to greenbacks or United States notes the limit was that they were not to exceed \$450,000,000 at any one time. So there never was outstanding of the greenbacks at any one time more than \$450,000,000.

Mr. DANIEL. That is entirely correct.

Mr. ALLISON. Fifty millions of which were out for a specified purpose and were to be speedily redeemed.

Mr. DANIEL. I thought I made that clear in my statement by showing that though in their successive issues they amounted to that much, \$1,600,559,947, they were always the same \$450,000,000; and that was the limit for which any amount must be outstanding at any one time.

Mr. ALLISON. Of course the Senator speaking of successive issues led me to believe for the moment that he meant that those issues were piled one upon the other.

Mr. DANIEL. Not at all. I tried to make it clear that they were not. I do not wish to have it otherwise than exactly as it is.

So, then, Mr. President, these great features appear: First, taxation to meet, as far as it was possible to meet them, engagements as they were incurred; second, the sparing use of permanent bonded credit; and, third, the contrivance of greenbacks, Treasury notes, certificates of indebtedness, and other methods of temporary loans, they all being designed to subserve the common purpose and to attain a clear and specific end; that is to say, to financier to meet the occasion with as little burden to the public as possible, and to complete the scheme of financiering at the close of the enterprise being conducted when the whole field might be traversed and the whole matter summed up into permanent after measures. And I might add, Mr. President, that the national banks constituted a fourth important feature of war finance, and these we have still in existence.

WE SHOULD CONSERVE OUR RESOURCES.

Mr. President, we are now at the very threshold of war. No seer, sage, or prophet who ever lived could predict surely what war will lead to or how long war will last when war has once begun; but that very fact, instead of predisposing our minds to a great and extravagant scheme upon the threshold, ought to warn us in the beginning to survey the field with calmness and with prudence; and while we should spend with unsparing hand every dollar and furnish every man and make every sacrifice that patriotism might dictate, we should conserve our resources and hold all the forces of the Government in hand, so that if emergency should arise, if the unexpected should happen, our reserve forces, instead of being irritated and exhausted, will be in good shape to plant a massive blow which will dispose of any foe we may encounter.

If at this juncture, when we have never fought a land battle, when it may be—God grant it may be—that when Congress next meets we may meet in peace, if, without knowledge on that subject, we start out upon the extravagant system of putting the printing press at work to mortgage future generations, God knows what a debt may be piled upon this nation when that war ends or what burdens may be put upon our resources before the day comes when they will be most needed.

THE HOUSE BILL A DISAPPOINTMENT.

Mr. President, I confess that I have read the House bill with a sense of disappointment. I do not claim to be wiser than the honorable gentlemen who represent the other parties of Congress, nor to be free from those partisan tendencies which I believe are likely to be the characteristics of sincere natures, but I would hope for my love of country, which is stronger than love of party, that this war might be so prudently, so sagaciously, so economically conducted that they who hold the helm might justly deserve to receive the applause of all the citizens of this country without regard to party.

I had rather that the Democracy should be defeated in elections than that the arms of the United States should receive reverse in battle or that any affliction should come upon the people of our common country from any mistakes in financial management or otherwise. That is my sincere feeling, and it is not with the spirit of the carping critic or with any disposition to assert superior patriotism that I make my animadversion upon this bill.

THE THEORY OF THE BILL.

Mr. President, let us read the report that comes with this bill, and let us see the theory upon which its authors have predicated it, and how they themselves have carried out their own theories. The report associated with the bill comes from the other House of Congress, and says:

As the expenses of the preparations for defense that have been going on for nearly two months are at the rate of twenty-five millions per month, or three hundred millions per annum, and the expenses of actual war will be much more, your committee are of opinion that the necessities of the country, as well as the early successful conclusion of the war, call for such ample provision, both by taxation and authority to make loans, for means to carry on naval and military operations as will impress the great powers of Europe as well as Spain with the conviction that the people of the United States are united in the determination to prosecute the war on a scale and with a vigor that make prolongation of hostilities useless.

If it is desired to issue \$500,000,000 of bonds to make Spain believe that the people of this country are united and resolute, I would suggest that if we can not find some other means of imparting that information to Spain, I am for the issuance of \$500,000,000 of bonds, a thousand million, two thousand million, or any number of millions that will carry conviction to Spain on that subject.

I am no critic of the military operations of the Government. I do not doubt that they are well advised and that the arrangements are well planned with a view to the effective handling of our land and naval forces, but if Spain was not convinced at Manila as to

the feeling of this country on the subject of the Spanish war, my opinion is that Commodore Sampson and Commodore Schley and Major-General Miles and some of his lieutenants have some arguments to submit to Spain on that subject and some means of having those arguments speedily heard round about Cuba which are just as sure vehicles of conviction as plunging this country into a debt and mortgaging future generations.

I am further of opinion, Mr. President, that taxing all classes now fearlessly and fairly, without looking over our shoulder to our constituents to ascertain whether or not they are patriots enough to bear that taxation—aye, with the assured and unquestioning conviction that they are—would be as convincing an argument to the civilized world as placing 3 per cent bonds upon the market and drawing drafts on our children and grandchildren to pay them.

The report of the House committee says:

Your committee recommend the levying of internal-revenue taxes—

Now, let us see the theory of the bill—

either on articles of voluntary consumption or on objects that will make such taxes fall mainly on persons able to contribute to the national defense, which will, in the aggregate, yield from ninety to one hundred millions of additional annual revenue.

And here are the items of the articles of "voluntary consumption" and of the classification of "persons able to contribute to the national defense," with the amounts that will probably be realized:

One dollar per barrel additional tax on fermented liquors, estimated to yield an increased revenue of	\$23,000,000
Six cents per pound additional tax on tobacco and on tobacco in stock	15,000,000
A special tax of \$1.80 per annum on dealers in tobacco and cigars, etc.	5,000,000
An increase of \$1 per thousand on cigars and cigarettes	5,000,000
A stamp tax on documents, instruments, checks, proprietary medicines, etc., substantially the same as it existed in 1890, with certain additions	30,000,000
A stamp tax on wines, mineral waters, and beverages sold in bottles, unestimated	
An increase in the tonnage tax on vessels in the foreign trade	2,000,000

These are all taxes on objects which were assessed during or subsequent to the civil war, with one exception, and therefore open up no new and untried system of taxation. They are all internal revenue war taxes, that can be collected by the existing internal-revenue officials, slightly increased, with a small additional expense, and with the minimum disturbance of trade, although they are all taxes which are unwelcome, and which it would not have been necessary to impose if war had been avoided.

PROPOSED TAXES ON VOLUNTARY CONSUMPTION AND THOSE ABLE TO PAY.

Now, as to putting taxes on articles of voluntary consumption, it seems to me it should be borne in mind that those particular articles of voluntary consumption which are selected by the bill are old friends of ours, who belong to the regular army of Government supporters. They are beer and tobacco, and proprietary medicines are added. It has not occurred to these sagacious gentlemen who invented this patriotic war tax that the people of the United States have any voluntary disposition to consume anything else than beer and tobacco and proprietary medicines. This "voluntary consumption," if we may believe the House bill, is confined to such few articles that the spectacles of that committee have not detected or discovered any of their countrymen in the voluntary consumption of anything else than tobacco and beer and proprietary medicines.

If, Mr. President, those things which human nature needs for its sustenance to maintain and to encourage it in the mere act of preserving the transient existence which God has given it are to be taxed and if that taxation is to be confined only to those things which are used from taste and which it might deny itself and yet manage to breathe, is it possible that these gentlemen could discover, amidst the many luxuries of society of all kinds—the gold plate that adorns the table, the picture costing hundreds of thousands of dollars that decorates the wall, the artistic furniture, the bric-a-brac, the costly dress, the fine carriage, the silk, the velvet, the diamond, the confectionery—is it possible that they could discover nothing else that mankind voluntarily consumes but tobacco and beer and articles already heavily taxed, with proprietary medicines thrown in?

PERSONS ABLE TO PAY.

The next idea that controlled the committee, as they claim, was that they ought to put the taxes on persons able to contribute to the national defense. Mr. President, is there any man in this country except, perhaps, some poor brother who has been cast aside and lies in hospital or poorhouse—is there any other man in this country, whatever be his vocation or residence, who is not able to contribute something to the national defense?

The class who are able to contribute to the national defense, according to the theory and plan of this bill, would give a very hopeless horoscope to this nation in war with Spain or anybody else, for they are only the people who use tobacco and drink beer and want proprietary medicines and who pay the stamp tax on documents in the method of transacting business with a little tonnage tax thrown in. Is it not a little singular, Mr. President, that

in looking around for the people of this country who are able to contribute to the national defense most of the possessors of the great mass of national wealth were scrupulously evaded?

There are two kinds of ability to contribute to the national defense. The one is physical ability, material ability, financial ability, and the other is moral ability. A man has got to have both financial and moral ability in order to contribute voluntarily, at least, to the national defense. The classification of those who are able to contribute to the national defense is those who transact certain affairs in commerce and who make their little contributions by stamps—some ten of all the vocations in the United States, of which presently I will give a list, and those who drink beer and smoke tobacco and buy proprietary articles.

THE HOUSE BILL A TAX ON THE MASSES AND AN EXEMPTION FOR THE MOST PART OF WEALTH.

Mr. President, this is a bill to tax the masses of the people an enormous percentage to carry on the war, to tax the masses of the people in their little daily transactions of life, in their economical refreshments and stimulants. Tobacco is a ration to the soldier and to the sailor. Beer is the luxury of those who are termed the common people. The accustomed luxuries of life are necessities. It is as necessary to the soldier, to steady his nerves, if he is accustomed to chew tobacco, to have his little quid as it is for him to have meat and bread.

Refined and developed society has made necessities of the common and ordinary luxuries of life, and this is a bill which puts the burden of the war at its very threshold and before we have yet fought a battle upon land on the masses of the common people of this country, upon the articles of their consumption, upon the details of their daily callings, upon the very people who with patriotic impulse and inspiration are saying to father, brother, and son: "Take your gun and fight for your flag, and may God's blessing go with you."

Mr. President, the authors of this bill have carefully protected the wealth of the country from the burdens of war, so far as it was possible for them in a bill to achieve that result; and they have shown, sir, that so far as they are concerned they have a poor opinion of the generation in which they live in wishing to shuffle off the burden of war upon future generations, and a poor opinion of the men who have used the advantages created by this great free nation to accumulate the wealth which they would now shut off from bearing more than a trivial portion of the burden of the war.

THE SUBJECTS OF TAXATION IN THE HOUSE BILL.

Mr. President, let us see what are the subjects of taxation embraced by the House bill. An additional dollar a barrel on beer, which is already paying \$1; 6 cents additional per pound on tobacco already paying 6 cents per pound; special taxes on dealers in tobacco; an increase of a dollar a thousand on cigars and cigarettes; stamp taxes on documents, instruments, checks, proprietary medicines, substantially the same as existed in 1866, with certain qualifications; stamp taxes on wines, mineral waters, beverages sold in quantities, and proprietary medicines, and an increase in the tonnage tax on vessels in the foreign trade.

IMPROVEMENTS OF SENATE COMMITTEE.

My honorable colleagues of the Senate committee have, as I concede, made some very valuable additions to the bill. In the first place, they have suggested a license tax, which will be found on pages 3 to 6 of the bill, on ten different vocations. I will read those vocations. They are, first, bankers; second, brokers; third, pawnbrokers; fourth, commercial brokers; fifth, custom-house brokers; sixth, foreign insurance agents; seventh, proprietors of theaters, museums, and concert halls; eighth, proprietors of circuses; ninth, proprietors or agents of all other public exhibitions or shows for money; tenth, proprietors of bowling alleys and billiard rooms.

These ten classes are segregated from the rest of the business community of the United States, and the committee has paid them the compliment of believing that they stand ready to make their contributions to carry on the war. So far as this amendment goes, I commend my colleagues for incorporating it into the bill and believe it is an improvement thereon.

Mr. LINDSAY. I desire to ask the Senator if the committee has made any estimate of the amount of revenue which will be raised by those licenses?

Mr. DANIEL. None that I am aware of. On the question of estimate I will answer the Senator from Kentucky more at length when I have finished the statement of the improvements in general of this bill by the Senate committee.

The Senate committee has also recommended a legacy and distributive tax on personal property, and has made the stamp tax applicable to stock and other transactions which may be equitably and profitably taxed. And a majority of the committee has recommended an excise tax of one-fourth of 1 per cent on gross receipts. While there are many minor changes in the bill, the statement of the House bill which I have made and the synopsis

of the Senate changes comprehend the general features of the tax scheme.

DIFFICULTY IN ESTIMATING THE AMOUNTS TO BE DERIVED FROM THE AMENDED BILL.

Mr. President, as to estimates, I will state that as a member of the Finance Committee I regret that I am unable to impart to my colleagues upon the floor much enlightenment as to the amount of revenue that the bill will raise. Frankly, I must say I do not know. A guess would be in the dark, and I could only make a rude and unreliable conjecture. But I do not feel wholly at fault. I have tried the best I could to get information upon those branches of the bill with which I have been more particularly and intimately connected.

I have addressed the Bureau of Statistics. My communications have gone to the Treasury Department and to the Interior, and they have been almost fruitless of result. I might perhaps say, figuratively, I have been in my inquiries—

Dropping buckets into empty wells,
And growing old in drawing nothing up.

It is the responsibility of those who propose tax measures to present to those who are to vote upon them enlightened statistics and information as to their estimate. None have been furnished to our committee. I have used all the efforts that I could within the limited time allowed me to get estimates for myself. I have had my secretary specially occupied in the Library in search of data. I do not wish to cast any reflection upon my colleagues of the committee, but I will say that if I were in power and if I had at my disposal those who could employ their exertions and agencies to enlighten Congress on this subject, I would not be urging the passage of a bill involving so many hundreds of millions of money without better information as to what the provisions of the bill will raise.

Here are some of the letters I have received, which show the difficulties which the Departments and bureaus have in supplying information and the difficulty the committee has in obtaining it:

TREASURY DEPARTMENT, BUREAU OF STATISTICS.

Washington, D. C., May 2, 1898.

SIR: I am in receipt of your favor of the 7th instant, asking for the receipts of corporations, to wit, street railways, sleeping-car companies, etc., and regret to inform you that this Bureau is not in possession of any information on the subject other than what the census may show. I have therefore referred your letter to the Census Bureau, Interior Department, as the best source of the information.

Respectfully, yours,

O. P. AUSTIN,
Chief of Bureau.

HON. JOHN W. DANIEL, U. S. S.,
United States Senate.

DEPARTMENT OF THE INTERIOR, CENSUS DIVISION.

Washington, May 10, 1898.

DEAR SIR: I am in receipt, by reference from the Bureau of Statistics of the Treasury Department, of your letter of the 7th instant requesting to be advised of the gross receipts of certain corporations.

In reply I have to say, that of the corporations mentioned, but two—those relating to street railways and petroleum refining—were included within the scope of the Eleventh Census investigations, and the report upon petroleum refining gives only the expense and amount of product. The gross receipts from sale of product and other sources was not required.

The report on street railways will, I think, furnish the information you wish under that head. I have mailed you a copy of this report in a separate package.

Very respectfully,

C. N. BLISS,
Secretary.

HON. JNO. W. DANIEL,
United States Senate, Washington, D. C.

The Senator from Iowa, as a member of the committee, and doubtless others of his colleagues, have made exertions similar to mine to get information, but no one's exertions have been fruitful of such results as we might wish to have. In a letter addressed to the Senator from Iowa by the Chief of the Bureau of Statistics of the Treasury Department we have some estimates of what the excise tax would raise, but I know that those estimates are very far of the mark, that their data is six or seven years old for the most part, and they can only give us a basis of conjecture as to what present results will be.

TREASURY DEPARTMENT, BUREAU OF STATISTICS.

Washington, D. C., May 4, 1898.

SIR: In reply to your letter of May 3, I give the latest figures of gross receipts of various businesses, as I have been able to find them:

	Year.	Amount.
Telegraph, Western Union.....	1897	\$22,638,859
Telephone, Bell.....	1898	4,538,979
Railroads.....	1898	1,125,682,025
Steamboat and canal.....	1899	166,838,776
Express companies.....	1899	45,788,123
Insurance:		
Life.....	1899	181,707,097
Fire.....	1899	577,540,042
Total.....		1,924,730,501

Only the returns of the Western Union Telegraph Company are available. From the Financial Chronicle of 1896 the gross revenue of the Postal Telegraph Company in 1895 was \$4,321,290. There may be some smaller companies, but I am unable to determine how many they may be. It is safe to say that their earnings are small when set against those of these two companies.

The returns for shipping and canal receipts are taken from the census of 1890 and include all traffic on river, canal, lake, and coast. No later returns can I find; but if we should judge by the lake traffic the receipts must be perceptibly larger at the present time than they were in 1890.

The figures given for the express companies are the total expenditures, which include dividends. No table of receipts is given in the census, but this table of expenditures appears to include every item except what may be set aside for a reserve or surplus fund. It is safe to accept them as representing the gross receipts.

The returns for life insurance include those received by assessment, fraternal, and beneficiary orders. Of the \$181,767,007 given as received, \$140,592,937 was obtained from premiums.

Respectfully, yours,

WORTHINGTON C. FORD,
Chief of Bureau.

Hon. WILLIAM B. ALLISON,
United States Senate.

EXCISE TAX ON PERSONS, FIRMS, AND CORPORATIONS RATED BY GROSS RECEIPTS.

The information sought in this correspondence was with special reference to the excise tax on corporations and firms rated by gross receipts; and that correspondence at least shows that we may raise large sums by small taxes on the subjects embraced therein. One of the amendments which levy this tax and which I had the honor to propose is in brief form as follows:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing, or having the care or management of, any railroad, street railroad, sleeping car, canal, steamboat, ship, barge, canal boat, or other vessel, or any stage coach or other vehicle, except hacks or carriages not running on continuous routes, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, shall be subject to and pay a special annual excise tax equivalent to one-fourth of 1 per cent of the gross receipts from passengers, mails, shippers, or freighters of any such railroad, street railroad, sleeping car, canal, steamboat, ship, barge, canal boat, or other vessel, or such stage coach or other vehicle.

It applies the same principle to any person, firm, company, or corporation carrying on or doing an express business, or having the care or management of any telegraphic or telephone line, or having the care and management of any business for life, fire, marine, or accident insurance or for the security and assurance of employers against losses by negligence or other misconduct of employees.

It applies also to those engaged in the business of furnishing gas, electric light, electric power, steam heat, steam power, refining petroleum, or refining sugar.

TAX ON BANKS.

There has been added under this head a tax of one-fourth of 1 per cent on the average amount of deposits in banks. These are enormous. The deposits of banks and loan companies amount to above five thousand three hundred and fifty millions of dollars. They are owned by about 10,000,000 of people having an average deposit of about \$500 apiece; and a vast sum equitably distributed would be reached by this tax. But it is to be noted that banks are required to pay a special license tax in an anterior part of the bill, amounting to about one-fifth of 1 per cent on their capital, and either that tax or this, as it seems to me, should be stricken out. Double taxation and cumulative taxation should be avoided, and a small tax generally distributed would be more just.

THE ADVANTAGE OF EXCISE TAXES RATED BY GROSS RECEIPTS.

These excise taxes rated by gross receipts come under the theory of the House committee's report, as they are on those "able to pay." They come also under its theory of being laid according to familiar methods of collection, and as being of easy administration. We would provide by this measure a great sum of money by a very small tax upon a large number of people, and we would be putting that tax where it will fall lightest, upon those most able to bear it, where it will distribute its burden more equally all over the country and amongst all classes of the people, and where it will give the least vexation and trouble to both collector and taxpayer.

THE STAMP TAX PESTIFEROUS.

The stamp taxes recommended by the House bill are onerous and annoying. Of them the druggists are the leading martyrs. There is no more pestiferous tax that could be invented by the wit of man. We were told a year or two years ago that while the income tax might be in some senses just, we ought not to levy it because it was a monarchical tax, and the fine sentimentality of the American people against monarchical institutions and monarchical practices and everything that savored in the remotest degree of monarchy ought to make us revolt against an income tax.

I have heard that argument addressed on this floor seriously to the Senate of the United States. I have seen it displayed in headlines in the great journals of civilization, so called. If such sentimentality ought to enter into this subject, what would the American people say about a stamp tax, smelling as it does of ancient tyranny and foreign oppression? But in itself, apart from any historic or traditional association, a stamp tax is the most

odious and pestiferous form of taxation that can be invented. You are never done paying it. Anybody who is in business will be paying that tax every business day of the year. He will feel uneasy all the time he is paying it, and never satisfied, because there are penalties hovering over his head in every direction.

He is a marked man, with the eye of the law always upon him. He can not fumble a paper or deed or transfer a share of stock or go along any familiar course of business without thinking, "Have I paid that tax? Have I paid that tax?" It haunts him day and night and every hour of every day, and its ghost lingers over him, bringing fear and apprehension that perhaps there was not enough muckilage on the stamp, that it might slip off, and that with the slipping off of the stamp he may slip into jail or have to pay a fine for not having paid the tax.

Now, Mr. President, while I thus comment upon that tax, I may vote for it. If I vote for it I will take the responsibility of the burden, and share it with my colleagues, of having helped to put upon the people an odious, vexatious, and troublesome tax. I want to be a patriot and bear my burden in this war, and I am willing to stand up and do it if it be needful to support the hands that are bearing muskets.

TAXATION SHOULD BE FAIRLY AND IMPARTIALLY DISTRIBUTED.

Mr. President, I want to see the great bulk of the burden of this war tax distributed amongst all classes with a fair and impartial hand, and I would like, if possible, to avoid this stamp tax if it can be properly accomplished. I do not wish to be invited to impose odious taxes and to double that tax upon my own people by those who shrink from taxing wealth in its massive corporate character, by those who shrink from commending to the wealthy and powerful the cup which they press to our lips and ask us to press to the lips of our people.

Historically, and by the practices of the Republican and Democratic parties, by the practices of the legislature of every State in this country, and by the Congress of the United States on many and repeated occasions, this excise tax on gross receipts, or, more properly speaking, measured by gross receipts, is a wise and a just tax.

SUCH EXCISE TAXES MUCH HEAVIER HERETOFORE.

Mr. President, when I contemplate how small this particular tax is in this bill, I may say for my colleagues on the committee and myself, as Clive said with respect to his doings in India, "I am astonished at our moderation." Let us look at the model from which this tax was taken. It was in the internal-revenue act of 1864, which was carried forward and perpetuated for many years thereafter.

Let us see what tax that act imposed upon these very subjects-matter. Two and one-half per cent on the gross receipts of railroads, canals, steamboats, ships, barges, canal boats, vessels, stage coaches, and other vehicles. This is but a tenth of that tax. The act of 1864 imposed also a tax of 2½ per cent on ferries and bridges receiving tolls for passengers or freight, 3 per cent on the gross receipts of express companies, 1½ per cent on premiums of inland, marine, or fire insurance, 3 per cent on the gross receipts of telegraph companies, and 2 per cent on the receipts of theaters and circuses. And how about banks? Why, banks were taxed in every direction—one-half per cent on average deposits, one-fourth per cent on capital, and 1 per cent on circulation, all in one tax. They did not stop there.

THE INCOME TAX IN 1864.

Besides all these taxes there was levied 5 per cent on incomes, rents, interest, dividends, salaries from any profession, trade, employment, or vocation.

Mr. MORGAN. What is the date of that act?

Mr. DANIEL. June 30, 1864; and I have here a copy of the Congressional Globe, showing the history of the passage of that act in the Senate. I have not the time to read but little from the Globe, but some sentiments expressed would be worthy of adoption now. Senator Foot, of Vermont, declared that the patriotic people—

are not unwilling to be taxed; they expect to be taxed, and they will be content to be taxed to the utmost extent which the necessities of the country require.

They expect, however, as they have a right to expect, that these taxes shall be levied according to their several ability and means to pay without prejudice upon the one hand or favoritism upon the other and in pursuance of some equitable and uniform rate of assessment.

Good doctrine that! Senator Foot declared himself ready to vote for a 5 per cent income tax, and neither he nor any of his colleagues intimated a doubt as to its constitutionality.

There were many able men of both parties in the Senate then, eminent lawyers and statesmen—Foot and Collamer, Garrett Davis and Reverdy Johnson, Hendricks and Henderson, Trumbull, Grimes, Doolittle, Wilson, Sumner, Chandler, Fessenden, and Morrill, of Maine—not the honored Senator from Vermont, now our colleague.

Mr. CHILTON. Yes.

Mr. DANIEL. No; not the Senator from Vermont, but Morrill from Maine.

Mr. CHILTON. He was in the other House.

Mr. DANIEL. Yes; the present Senator from Vermont was. When the income tax was considered, although it was 5 per cent, there was no man in the Senate who thought it unconstitutional; no one denied the then settled doctrine of the United States Supreme Court that it was constitutional. While Mr. Sumner did not express himself as being entirely favorable to the tax, he voted for it. At the same time, however, he commended to the Senate the doctrine of Say, the French political economist, who taught that income taxes should be levied on a graduated scale—the system practiced in Great Britain now—and Mr. Sumner commended that system and plan to the Senate. Three hundred and fifty million dollars of income tax has been paid into the Treasury of the United States, neither taxpayer or tax layer conceiving the idea that anything unconstitutional was being done.

THE UNITED STATES SUPREME COURT AND THE INCOME TAX.

I have great respect, Mr. President, for the Supreme Court of the United States. The fact that I might venture humbly to differ with them in respect to some one of their various opinions, not being able, of course, to agree in all their opinions when they are contradictory to each other, does not alter my respect either for the bench as an institution or for the gentlemen who for the time being may occupy the position of judges there, but if in the long experience of the court of over a hundred years the judges have expressed themselves on all sides of a question, I hope I may permit my mind to settle down on one side, not being able to follow them in their diversified views.

I believe it is a bench of honor and integrity, of learning and skill. Its decrees ought to be and always will be obeyed. But I venture to say, Mr. President, that the sanction of judicial decision and the prestige of judicial opinion have been more weakened by the change of opinion of the Supreme Court of the United States, by the overturning of its historic, traditional, well-settled doctrine that the income tax was constitutional, than by anything any critics could remark or by any animadversion whatsoever that might be made upon the institution or the judges.

But it is human to err. Kings err, presidents err, judges and Congresses err. In the long course of time error will be corrected. Minds equally capable will still pursue the truth, and in the long run the truth is sure to win and conquer. We have still five cases of record in which the court gave opinions favorable to the income tax and only one against it (though that case was twice heard); we have still the majority of the judges who from time to time have passed on the subject strongly in favor of the tax, and with Story, Kent, Cooley, Bancroft, Miller, Hare, Burroughs, Black, and other equally eminent authorities supporting them, the casualty of a divided court that overruled them may not prove irreparable.

But, Mr. President, I am not going to traverse the last decision now; I am not going to recommend an income tax at this juncture. In the midst of war we want to tread upon firm and solid ground, and here is a broad, beaten highway, a highway beaten by the feet of every legislature in the country, by repeated action of Congress, by the unbroken and unquestioned decisions of the Supreme Court of the United States, and we travel that highway in this bill with a temper of patriotism and moderation.

THE CORPORATION-FRANCHISE TAX.

Then follows the excise tax on certain persons, firms, and corporations, a distinct tax on corporate franchises, which reads:

Sac. — That every corporation doing business in the United States, whether chartered under the laws of the United States, or of any State or Territory of the United States, or any foreign country, shall pay a special annual excise tax; and said tax shall be the equivalent of one-fourth of 1 per cent of the whole amount of the gross receipts of such corporations derived from such business: *Provided*, That this section shall not apply to any corporation that is subjected to excise tax under section — of this act, nor to religious, educational, benevolent, eleemosynary, or cemetery corporations; municipal or other public corporations; Masonic or other like fraternities; building and loan associations, or associations which make loans only to their shareholders; nor shall corporations which buy and sell raw or unmanufactured domestic agricultural products be required to pay any tax with respect to such dealings.

LEGAL PROPOSITIONS.

I have no doubt that this tax is constitutional, and I think these legal propositions are abundantly sustained by text writers and judicial decisions alike. It is settled (1) that corporate franchise is a distinct subject of taxation, and not as property, but as the exercise of a privilege; (2) that it may be taxed by a State or country which creates it; (3) it may be taxed by a State or Territory in which it is exercised, although created by a foreign country; (4) it may be taxed by the United States, whether created by the United States or a foreign country or by a State, Territory, or District of the United States.

And while I am upon that subject, Mr. President, I might say that this bill in other parts does tax banks and bankers, which is a corporation excise franchise tax, one-fifth of 1 per cent in the license-tax scheme which was recommended to you by the committee. So if we were seeking a precedent for the proposition in amendment 117, we would find it in the previous text of the bill.

(5) The franchise of the corporation may also be taxed by a State, although created by the United States, unless created as a part of the governmental machinery of the United States, and (6) it may be taxed by a State although created as a part of the governmental machinery of the United States, if the consent of the United States be given thereto, as in the case of national banks.

Now, as this is a subject that I have never heard discussed in this body, I propose to give a few decisions, that the scheme of this bill may be thoroughly understood, and that its firm and stanch position in constitutional jurisprudence may be recognized. In the case of the Society for Savings against Coite, in 6 Wallace, 594, there was a striking instance of the exercise of the constitutional power of the sovereign in a State to tax the franchise of a corporation.

The legislature of Connecticut had in 1863 enacted that the several savings banks should make annual return to the comptroller of public accounts of the total amount of all deposits. It appeared that of their deposits, which amounted to \$4,758,000, some \$500,000,000 were invested in securities of the United States. It was contended in the case that these securities of the United States were exempted from taxation, and that therefore the State of Connecticut could not levy its franchise tax on the deposits of the bank in so far as those deposits had been transformed by law into the form of United States securities. So the question was presented to the Supreme Court in the sharpest form that it could arise for judicial arbitration. Judge Clifford gave the opinion of the court, that sustained the tax, even to the amount in which the deposit was invested in United States bonds, and said:

Power to tax is granted for the benefit of all, and none have any right to complain if the power is fairly exercised and the proceeds are properly applied to discharge the obligations for which the taxes were imposed. Such a power resides in government as a part of itself and need not be reserved when property of any description or the right to use it in any manner is granted to individuals or corporate bodies.

Unless exempted in terms which amount to a contract, the privileges and franchises of a private corporation are as much the legitimate subject of taxation as any other property of the citizens which is within the sovereign power of the State. Repeated decisions of this court have held, in respect to such corporations, that the taxing power of the State is never presumed to be relinquished, and consequently that it exists unless the intention to relinquish it is declared in clear and unambiguous terms.

And here is what was said as to corporate franchises:

Corporate franchises are legal estates vested in the corporation itself as soon as it is in esse. They are not mere naked powers granted to the corporation, but powers coupled with an interest which vest in the corporation upon the possession of its franchises, and, whatever may be thought of the corporations, it can not be denied that the corporation itself has a legal interest in such franchises.

Nothing can be more certain in legal decision than that the privileges and franchises of a private corporation and all trades and avocations by which the citizens acquire a livelihood may be taxed by a State for the support of the State government. Authority to that effect resides in the State independent of the Federal Government, and is wholly unaffected by the fact that the corporation or individual has or has not made investment in Federal securities.

Private corporations engaged in their own business and pursuing their own interests according to their own will are as much subject to the taxing power of the State as individuals, and it can not make any difference whether the tax is imposed upon their property, unless exempted by some paramount law or the franchises of the corporation, as both are alike under the protection and within the control of the sovereign power.

In Connecticut the case of Coite vs. Society for Savings, reported in 33 Conn., 173 (1864), was heard before it went to the Supreme Court of the United States, and the supreme court of that State held the excise tax to be valid, thus explaining their decision:

There is no reason why they [the savings banks] should not contribute their full share to support the government through which they exist and flourish. At first their number and deposits were so small, and their objects and results so beneficent, that they were properly relieved from the common burden. They have since been found so advantageous, not only to the humble few whose interests they were expected to subserve, but to the public at large, that in this State they have attracted to their vaults nearly \$30,000,000.

They act under charters from the State, for which other banks formerly paid high premiums. Their franchise confers privileges of great value. A corporation is a creature of law, invisible and intangible and possessing properties by which a succession of persons are considered the same. It may buy, sell, contract, sue and be sued, take, hold, and transmit property, as though it were a single individual, and that one an immortal being.

Over this class of corporations the State keeps careful and continual watch. It requires that the trustees shall neither receive any pay nor derive any benefit from the use of the funds, and that they shall render their regular accounts. It sends their commissioners to examine their condition and protect their interests. It exempts them from all taxation, except the one in question, and a tax on their real estate not used for banking purposes. The importance of this exemption is very great and is increasing with a fearful rapidity.

In return for these privileges an equivalent is exacted in the payment of a tribute in the form prescribed by statute. There is difficulty in arranging the mode of taxation adapted to these institutions. It was said by Judge Eliaworth, in the case of Savings Bank vs. New London, 20 Conn., 117, that they have properly no "stock and no capital." They are merely places of deposit where money can be left to remain or be taken out at the pleasure of the owner. The sums held by them are perpetually changing. On these accounts the legislature established as a rule of assessment the amount of deposits on hand at particular times.

In Provident Institution vs. Massachusetts (6 Wall., 1867, 611), the doctrines of the case of Society for Savings vs. Coite were thoroughly reviewed and reiterated. It appeared therein that institutions for saving incorporated under Massachusetts laws were required by statute to pay to the treasurer of the Commonwealth

"a tax on account of its depositors of one-half of 1 per cent per annum on the amount of its deposits, to be assessed, one-half of said annual tax on the average amount of its deposits for the six months preceding the 1st day of May, and the other on the average amount of its deposits for the six months preceding the 1st day of November." Under the twelfth section of the act "all property taxed" under the above section is exempted from taxation for the current year in which the tax was paid, and savings banks were relieved from making return of deposits in accordance with the provisions of previous statutes.

With this statute in existence the Provident Institution for Savings, a corporation without property, except its deposits and the property in which their deposits were invested, and empowered under general law of the State to receive money on deposit for the use and benefit of the depositors and to invest its securities in the securities of the United States, had as its average amount of deposits for the six months preceding the 1st day of May, 1865, \$8,047,652.19, of which \$1,327,000 was invested in public funds of the United States, exempt by law of the United States from taxation by any State.

It paid all taxes assessed against it except on that part of the deposits so invested in United States securities, refusing to pay the tax on such portion. The Commonwealth sued for the tax thus refused to be paid. The supreme judicial court of the State, considering that the tax was one on the franchise and not on property, adjudged the tax lawful, and gave judgment for the Commonwealth.

The case went up on the question whether or not the State by force of its statutes could exact the tax on the portion of the institution's deposits invested in the securities of the United States. The court explained that it was not a tax on property, but on a franchise, and Clifford, J., said:

Considered as a tax on property no part of the tax could be supported under the constitution of the State, and there never was a moment when such a tax, if viewed as a property tax, could be upheld since the State was organized under a written constitution. The amount of the tax does not depend on the amount of the property held by the institution, but it depends upon the capacity of the institution to exercise the privileges conferred by the charter.

Valuation of the property has nothing to do with determining the amount of the tax, but the amount depends on the average amount of the deposits for the six months preceding the respective days named, and it is quite obvious that there is no necessary relation between the average amount of the deposits and the amount of property owned by the institution. Granting that it is not a property tax, then it must be considered as a franchise tax laid upon the corporation for the privileges conferred by the charter, which, by all the authorities, it is competent for the State to tax, irrespective of what disposition the institution has made of the funds or in what manner they may have been invested. Counties, cities, towns, and school districts, as well as the State, may impose and levy reasonable assessments, rates, and taxes upon property, but the assessment to the corporation defendants, if paid, exempts them from all other taxation for the current year.

Mr. JONES of Arkansas. There are a dozen cases.

Mr. DANIEL. Throughout the New England States it will be found that such decisions have been frequently made, and there is hardly a single one to the contrary.

In the bank-tax case (9 Wall., 200), 1864, a New York case, "nothing more was decided than that a tax levied under the law of the State which enacted that all banks and banking associations should be liable to taxation on a valuation equal to the amount of their capital paid in or secured to be paid in and their surplus earnings in the manner provided by law, was a tax on the property of the complaining bank, and that inasmuch as the capital of the bank consisted of public securities, declared by Congress to be exempt from taxation, the law imposing the tax was unconstitutional and void," as said in the opinion of the court in *Provident Institution vs. Massachusetts* (6 Wall., 629, 1867, Clifford, J.). And in the same opinion the court continued:

Express reservation of the right of the State to tax the privileges and franchises of the corporation was not made in that case, but in the case decided only one year later it was distinctly held that the States do possess the power to tax the shares of the national banks in the hands of the stockholders, although the capital of those banks is wholly invested in public securities.

Precise extent of that decision was that the shares of those banks were subject in the hands of shareholders to State taxation under the limitation provided in the forty-first section of the act of June 3, 1864, without regard to the fact that the whole of the capital was invested in the national securities declared by act of Congress to be exempt from such taxation. (Van Allen vs. Assessors, 8 Wall., 578.)

Principal reason assigned for the conclusion is that the liability to taxation is only a burden annexed to the rights and privileges granted to the corporation; but the court also held that the tax on shares was not a tax on the capital of the bank. (Queen vs. Arnaud, 9 Ad. and El. N. S., 806.)

In *Schooley vs. Rew* (38 Wallace 381, 1874) it was held—

1. That the succession tax imposed by acts of Congress of June 30, 1864, and July 13, 1866, on "every devolution of title to any real estate" was not a "direct tax within the meaning of the Constitution, but an impost or excise, and was constitutional and valid."

2. That a devise of an equitable interest in real estate in which personal property had been invested by the trustee with the assent of the deviser, before the making of the will, was a devolution of real estate, within the meaning of such acts, and the devisee is liable to the succession tax imposed thereby in respect to it.

Clifford, J., gave the unanimous opinion of the court—Miller,

Field, Bradley, Swayne, Davis, Strong, and Hunt—all the judges being present and uniting, and amongst other things Justice Clifford said:

Indirect taxes, such as duties of impost and excises and every other description of the same, must be uniform, and direct taxes must be laid in proportion to the census or enumeration as remodeled in the fourteenth amendment. Taxes on lands, houses, and other permanent real estate have always been deemed to be direct taxes, and capitation taxes, by the express words of the Constitution, are within the same category, but it never has been decided that any other legal exactions for the support of the Federal Government fall within the condition that unless laid in proportion to numbers that the assessment is invalid.

Whether direct taxes in the sense of the Constitution comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case, as it is expressly decided that the term does not include the tax on income, which can not be distinguished on principle from a succession tax such as the one involved in the present controversy.

Neither duties nor excises were regarded as direct taxes by the authors of the Federalist. Objection was made to the power to impose such taxes, and in answering that objection Mr. Hamilton said that the proportion of these taxes is not to be left to the discretion of the National Legislature, but it is to be determined by the numbers of each State, as described in the second section of the first article. An actual census or enumeration of the people must furnish the rule, a circumstance which shuts the door to partiality or oppression. "In addition to the precaution just mentioned," said he, "there is a provision that all duties of impost and excises shall be uniform throughout the United States."

Exactions for the support of the Government may assume the form of duties, imposts, or excises, or they may also assume the form of license fees for permission to carry on particular occupations or to enjoy special franchises, or they may be specific in form, as when levied upon corporations in reference to the amount of capital stock or to the business done or profits earned by the individual or corporation.

In *Portland Bank vs. Apthorp* (12 Mass., 265, 1815) Parker, C. J.:

To lay a duty or excise upon branches of business which exist by license is no infringement of any privilege conveyed by such license.

The late law of the United States requiring the use of a license and establishing a tax to the Government seems to be predicated upon the same principle. For Congress has seen fit to require 50 per cent from tavern keepers and retailers, in addition to the sum originally paid for the license, within the term for which it was granted.

And as to corporations chartered by the Government it was held that the same doctrines applied as to individuals licensed. In the more recent case of the *Commonwealth vs. Five Cents Saving Bank* (5 Allen, 431) the facts were thus: In 1863 Massachusetts declared—

That every savings bank incorporated under the laws of this Commonwealth shall pay (at times specified by the statute) to the treasurer of the Commonwealth a tax on account of its depositors of one-half of 1 per cent per annum on the amount of its deposits, one-half of said annual tax on the average amount of its deposits for the six months preceding the 1st day of May, and the other on the average amount of its deposits for the six months preceding the 1st day of November.

Objection was made to the payment of this tax in this case on the same grounds urged in the former case, i. e., repugnance to the Constitution; but the court sustained the provision of the statute. The court said:

A tax imposed on the franchise of a corporation, the power and authority of which is thus limited to holding, managing, and investing property for the use and benefit of those who deposit their money in its keeping, and which has no corporate property distinct from that which they hold in special trust, and which has no stockholders or members who are interested in its profits, or who can receive dividends from its earnings, necessarily operates as an indirect assessment on those for whose use and benefit its corporate rights and privileges are granted and exercised.

The money which the corporation pays in discharge of the excise imposed on it must necessarily be deducted in due proportions from the sum which is due to each depositor. In this view, but in no other sense, it may be properly said, in the language of the statute, to be "paid on account of its depositors." To the argument drawn from the title of the act, as indicating an intention to lay a tax on depositors, so far as it is entitled to any weight, the same considerations furnish a full and decisive answer.

Certainly it is most just and reasonable that a privilege, or, to use the words of the Constitution, "a commodity," which an act of incorporation furnishes to enable depositors to reap the advantages arising from the use of large capital for investment should bear a portion of the public burdens in the form of an excise in exchange for the great benefits which are conferred on those who enjoy the use of corporate powers.

TWO SCHEMES OF TAXATION RATED BY GROSS RECEIPTS.

Now, Mr. President, it will be observed that there are two schemes of taxation rated by gross receipts, the one which I have just read and the other somewhat different. In the first scheme, which includes railroads, street railroads, sleeping cars, canals, and steamboats, ships, barges, canal boats, and other vessels, express, telephone, telegraph companies, life, fire, marine, or accident insurance, electric light, electric power, steam heat, steam power, refining petroleum, and refining sugar, the scheme of taxing gross receipts in so far as it relates to those vocations applies to individuals, firms, and corporations alike, taking the gross receipts as the basis of calculating the amount of the tax, without the exemption of any person, firm, or corporation whatsoever. The second scheme—

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER (Mr. CLAY in the chair). Will the Senator from Virginia yield to the Senator from Connecticut?

Mr. DANIEL. With pleasure.

Mr. PLATT of Connecticut. Does the scheme which the Senator has been presenting take the form of a tax upon gross receipts?

Mr. DANIEL. Not at all.

Mr. PLATT of Connecticut. Do I understand that that is the nature of the tax?

Mr. DANIEL. No, sir; not at all.

Mr. PLATT of Connecticut. I understood the Senator had been arguing that it was a tax upon the gross receipts of these corporations, individuals, and companies.

Mr. DANIEL. The bill must speak for itself in that regard, but I will answer the Senator fully.

Mr. PLATT of Connecticut. I supposed that a distinction was drawn.

Mr. DANIEL. It is a tax on the avocation, or the franchise, measured by the gross receipts.

Mr. PLATT of Connecticut. It may be that the distinction is somewhat thin.

Mr. DANIEL. It is one, though, that the courts have thickened a good deal by settling it to be the correct distinction. It has been done by the Supreme Court of the United States and the supreme court of the Senator's own State time and again. So if there be anything settled in constitutional law, that thing is settled.

Mr. PLATT of Connecticut. I can not, for the life of me, understand, Mr. President, how the taxation of gross receipts does not come within the doctrine laid down by the court in the income-tax cases.

Mr. DANIEL. On personal property.

Mr. PLATT of Connecticut. If it be a taxation of gross receipts, if it be a taxation upon corporations as such, because they are corporations, I think it was never attempted before in this country, and I do not believe that the United States can put a tax upon all the corporations chartered by a State.

Mr. DANIEL. Well, I will leave the Senator, who is a very able and intelligent lawyer, to reconcile his differences of opinion with the mass of authority which I have quoted, and to which I could add indefinitely.

Mr. PLATT of Connecticut. I do not understand that any of those authorities go to the length of holding that the Congress of the United States can impose a tax upon a corporation chartered by a State because it is a corporation.

Mr. DANIEL. How does the Senator support his own views as to the tax on banks, not State banks, in the early part of this bill, or the license of State banks?

Mr. PLATT of Connecticut. That is a tax on the business.

Mr. DANIEL. This is a tax on the business.

Mr. PLATT of Connecticut. That is just what I wanted the Senator to say—whether it is a tax on the business.

Mr. DANIEL. That is what the bill says. What I may say does not affect this measure. The committee did not report my speech. They have reported a bill. It is what the bill says which must be constitutional; but I am saying exactly what the bill does.

Mr. PLATT of Connecticut. I do not understand that the bill, until it comes to the scheme of the Senator, imposes any tax upon banks, because they are corporations chartered by a State.

Mr. DANIEL. Well, bills do not generally go into explanations of themselves. The corporations are chartered by the States and they are taxed, and that is all there is of it in the one case and in the other.

Mr. SPOONER. Does not this tax individual banking as well as a corporation?

Mr. DANIEL. One provision of the bill does and one does not. I will discuss that point.

Mr. PLATT of Connecticut. There is no taxation in the bill until it comes to the Senator's taxation that imposes a tax upon banks as banks.

Mr. DANIEL. Yes, sir.

Mr. PLATT of Connecticut. As a license to banks.

Mr. DANIEL. It licenses the bank and measures the amount of license according to the amount of the capital, and puts the license at about one-fifth of 1 per cent of their capital. Does the Senator call that a tax upon their capital?

Mr. PLATT of Connecticut. I do not.

Mr. DANIEL. Then I do not so call this tax on gross receipts either. I think he is right and that I am right.

Mr. PLATT of Connecticut. This is something different, however, from either.

Mr. DANIEL. Not at all.

Mr. PLATT of Connecticut. One is a license upon bankers, and the scheme which the Senator proposes is a tax upon corporations chartered by the State, many of which are instrumentalities of the State.

Mr. DANIEL. I understood the Senator to contend that if this was a tax on gross receipts it would be invalid under the last decision of the Supreme Court of the United States on the income-tax cases, which held that a tax on an income was a direct tax on that personal property, and held, second, that if that income was derived from land it was a direct tax on the land. So the Supreme Court of the United States has held in its two decisions on the income tax, first, that a tax on income derived from land is a

direct tax on land, and, second, that a tax on income, from whatever source derived, is a direct tax on that personal property, to wit, the income.

Now, then, if a tax on the exercise of the franchise of a corporation measured by its gross receipts, not on the gross receipts, is a violation of that view of the Supreme Court of the United States, I should like my honorable and intelligent friend from Connecticut to go back to the first page of this bill, where I think he will find language and doctrines which will prove much more of a judicial puzzle than the question he has just suggested. Let me read to him the following:

That from and after the passage of this act there shall be paid, in lieu of \$1 now imposed by law, a tax of \$2 on all beer, lager beer, ale, porter, and other similar fermented liquors, etc.

That is not on any franchise; that is not in terms on any avocation. That is a tax on beer as beer, moving in a direct line to the personal property from the sovereign tax-laying power of the United States. How did the Senator get over the income-tax decision at that point?

Mr. PLATT of Connecticut. Mr. President—

Mr. DANIEL. One moment. One more question. Secondly, there is a tobacco tax. It provides:

That from and after the passage of this act there shall * * * be levied and collected a tax of 16 cents per pound upon all tobacco and snuff, however prepared, manufactured, and sold, or removed for consumption or sale.

Mr. PLATT of Connecticut. I suppose that the tax on beer and on tobacco is an instance of a pure excise tax, which is not a direct tax, and therefore is not subject to the objection of the decision in the income-tax cases.

Mr. DANIEL. How can you draw the distinction?

Mr. PLATT of Connecticut. That, I suppose, was settled in the old case, where a tax was placed upon carriages. It was a greatly contested case, where it was held very early that that tax was an excise tax. I agree if you put a tax on property, it is an excise tax.

Mr. DANIEL. Of course. Why not levy an excise tax upon one species of property as well as another?

Mr. PLATT of Connecticut. I do not think that this tax on corporations is an excise tax.

Mr. LINDSAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kentucky?

Mr. DANIEL. Certainly.

Mr. LINDSAY. I call the attention of the Senator from Connecticut to the fact that the corporation tax proposed by the bill is denominated by the bill itself an excise tax.

Mr. DANIEL. Undoubtedly.

Mr. PLATT of Connecticut. Oh, yes; it is denominated an excise tax and something else, a special excise tax, something that was never heard of in the history of taxation in the United States.

Mr. SPOONER. Will one of these distinguished lawyers, members of the Committee on Finance, be kind enough to explain the constitutional distinction between an excise tax and a special excise tax?

Mr. PLATT of Connecticut. This is not my feature of the bill exactly. I refer the Senator to some of the authors of this feature of the bill.

Mr. SPOONER. Will one of the other lawyers upon the committee be kind enough to explain the distinction?

Mr. DANIEL. I can explain it to the Senator. I can not, however, guarantee that the explanation will be satisfactory to him, for I have never known an explanation to be satisfactory to everybody, but I will explain it all the same. A special excise tax is an excise tax on certain specially enumerated objects.

Mr. SPOONER. But there could not be an excise tax on something that was not enumerated.

Mr. DANIEL. That is certain which can be rendered certain. It may be enumerated by generalization or classification. It may afterwards be specialized by the terms of the generalization.

Mr. SPOONER. Is that the Senator's explanation?

Mr. DANIEL. It is such a trivial matter—

Mr. SPOONER. It is a distinction without a difference.

Mr. DANIEL. I said I did not expect to make myself satisfactory to the Senator, because he is opposing this bill on every theory that he can find in the books or invent in his imagination.

Mr. SPOONER. Not at all. The Senator has no warrant for saying that.

Mr. DANIEL. Of course I do not mean to say anything unpleasant.

Mr. SPOONER. I have not participated in this debate.

Mr. DANIEL. I thought the Senator had stated his views.

Mr. SPOONER. No; I am not a member of the Finance Committee, but I am a seeker after information, and as this is a legal question I supposed the Senator from Virginia would be able to explain it.

Mr. DANIEL. If there is anything obnoxious to the Senator's criticism in the word "special," we will take it out.

Mr. SPOONER. No; if it ought to be in it ought not to be taken out. I was simply asking the Senator from Virginia and also the Senator from Connecticut to point out the distinction from the constitutional standpoint between an excise tax and a special excise tax. Is there any?

Mr. DANIEL. We might pass it by with the remark, *de minimis non curat lex*. Whether you call it special or general, it is the mere use of an adjective. It is an excise tax.

Mr. SPOONER. Then there is nothing in it, is there?

Mr. DANIEL. Nothing in what?

Mr. SPOONER. In that adjective.

Mr. DANIEL. There is, to my fancy, but not to the Senator's. I think it is the levy of an excise tax on certain enumerated or classified subjects-matter. That is all. It is special in that sense on certain corporations and on certain persons not corporations, either enumerated by name or enumerated by classification, a mere descriptive phrase. The aptitude of the description is not a question of law. It is a matter of literary taste, or perhaps the casualty of literary carelessness.

Mr. SPOONER. I am so constituted that I am not able to understand—in that respect, of course, I am unfortunate—that a tax without some sort of description or designation upon the property upon which it is levied is conceivable.

Mr. DANIEL. The tax is not levied on property at all in the case of a corporation.

Mr. SPOONER. I am not talking about that. I am talking about the distinction between an excise tax and a special excise tax from a constitutional standpoint.

Mr. DANIEL. I do not know that there is any from the constitutional standpoint. The question is whether it is an excise tax or not. I use the word "special" in describing it because it specializes certain vocations either by name or by classification; that is all.

Mr. SPOONER. If the Senator will pardon me, I was not criticizing his definition, but I was referring to the language of the bill.

Mr. DANIEL. If we were to undertake to criticize the bill with such nicety we would never get through.

Mr. RAWLINS. I should like to ask the Senator a question, with his permission.

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. DANIEL. I do.

Mr. RAWLINS. As to the words "special tax," I ask if that classification has not been made by all revenue laws since the foundation of our Government?

Mr. DANIEL. It is sometimes used and sometimes not, and it is entirely indifferent; it is a mere descriptive term, and the accuracy of the description is not a question of law, but it is like the label on a box, which may accurately describe or not what the box contains. The contents of the box are the main thing.

THE DIFFERENCES BETWEEN CORPORATIONS AND INDIVIDUALS IN THE LIKE BUSINESS.

Mr. President, I was going to discuss briefly, when the Senator from Connecticut [Mr. PLATT] asked me some questions, the special corporate excise tax, that clause of this bill levying a tax on the franchise of certain specified corporations doing certain business, or rather upon all corporations with certain exceptions. This clause does not levy a similar special excise tax on persons engaged in the same business other than those enumerated in the next preceding section.

It is clearly, distinctly, and solely a corporation tax. It is levied upon corporations as corporations, and is not levied upon individuals who are engaged in similar business to those corporations. This has been done time and again by the Congress of the United States as to certain corporations, and in the decisions which I have quoted, and which in my remarks I will set forth more amply than I have done in the discussion simply to save time, and in the work of Mr. Cooley on the Constitution of the United States, any lawyer of this body who questions the soundness of my position will, I think, find ample response to any suggestion of objection which he may make.

Mr. LINDSAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kentucky?

Mr. LINDSAY. If the Senator will permit me, this is a very interesting question, and I should like to get a correct apprehension of my friend's theory of the measure.

Mr. DANIEL. I am going on to give it as best I can.

Mr. LINDSAY. If the Senator will permit me, I will ask only this one question and interrupt him no more. I understand the Senator to claim that this is in the nature of an excise tax levied upon the exercise of the corporate franchise?

Mr. DANIEL. That is what I claim, that it is levied upon the exercise of the corporate franchises, whether those franchises be created by foreign governments, by the Government of the United States, or by the government of any State. If we may discriminate between citizens of a State and tax the tobacco dealer and

not tax the dealer in dry goods or in groceries; if we may discriminate between the productions of a State and tax the dealer in tobacco and not the dealer in wheat or corn; if we may discriminate between the vocations in a State and tax the bank, the banker, the broker, the commercial broker, the custom-house broker, and circus rider and not tax any other citizen or a corporation, so we may discriminate here; and it is the function and purpose of an excise tax so discriminating to tax those franchises in the State which we may deem it judicious to tax and leave out all others.

Mr. President, there is a great deal of difference between a corporation exercising its franchise in a certain business and a citizen exercising his natural right to pursue the same business. The right of the corporation is artificially created and legally conferred. Its personality is a fiction of law, its conferred right or privilege is called a franchise. The citizen's personality is God-given, and he has a natural, inherent right to pursue his happiness in any way that does not injure another.

Corporations may aggregate the wealth of many under their name and franchise, as individuals, in the nature of things, can not do. Corporation shareholders may shelter themselves from personal liability beyond their stock, as individuals and ordinary copartners can not do.

By the use of the corporate franchise individuals can share in its possession and get an artificial immortality conferred upon their arrangement and have perpetual succession and a common seal. If every one of them dies, the corporation still goes on. If the individual dies, his estate goes to an executor or an administrator and the business stops, but the corporation goes on in continuity. If a member of a firm dies, the firm dissolves so instantly. The business can only be wound up by the surviving partner, or continued only for self-defensive purposes. No matter who dies, the corporation goes on. It is only the corporation that can sing the song of the brook in Tennyson:

Men may come and men may go,
But I go on forever.

Mr. President, there is another advantage of a corporation. It conceals individual identity. The corporate name and privilege are given by law, and do not arise from inherent quality or from any self-achieved acquisition. Law, and law alone, gives it "a local habitation and a name." In that name it transacts business, and shelters, hides, and conceals away the names of the interested possessors.

In the next place, a corporate franchise effects residence. The members who own the corporate stock may reside in Kamschatka or in Europe. The corporation resides where the law fixes it. That may be a place where none of its members reside. The corporate charter changes the aspect of the estate held, and enables it to be transferred as personalty, whether it be real estate or no. The man who has a tenth, a fourth, or a half of the corporate stock may pass it away by the stroke of a pen, without recording a deed or assignment, although the estate represented in that stock may be altogether realty.

In some cases, and especially in the case of railroads and other public corporations, they receive gifts of a portion of the sovereignty of the State. They become the deputy sovereigns in a limited degree, and may exercise eminent domain; and in their deputed sovereignty may take the land away from its possessor by rendering to him "due compensation."

PUBLIC AND PRIVATE CORPORATIONS—ONLY PRIVATE CORPORATIONS CAN BE TAXED WITHOUT THE SOVEREIGN'S CONSENT.

Mr. PLATT of Connecticut. I do not wish to interrupt the Senator, and shall not do so without his consent—

Mr. DANIEL. I shall be very glad indeed to hear the Senator.

Mr. PLATT of Connecticut. I want to propound this question: If a railroad chartered by a State is, as suggested, in a sense a public corporation and exercises a part of the sovereign power of the State, does the Senator think the Government can lay an excise tax upon the franchise of that corporation?

Mr. DANIEL. If the decision of the Supreme Court of the United States in the case against Coite, from Connecticut, be correct, I think it can; and I believe that it can, for this reason: The State can make the corporation no more than a freeman. It is sovereign just as the native-born free citizen is sovereign, with a certain deputed agency from the State. In the case of the Veazie Bank against Feno, before the Supreme Court, I know there was contention, and that the minority of the Supreme Court held that as to a bank of circulation, in so far as it was a State agency and might be necessary to the State government, the Congress of the United States could not levy an excise tax rated by its circulation—the very question which the Senator suggests to me. It is difficult, as I recognize, to answer that question in all its aspects.

Mr. PLATT of Connecticut. But does not the Senator think—

Mr. DANIEL. I hope the Senator will allow me to get through first, and then I shall answer him.

Mr. PLATT of Connecticut. Certainly.

Mr. DANIEL. It is not easy to answer the question in all its aspects. It presents one of the nicest points of constitutional law. My answer to the Senator, however, would be that the Supreme Court of the United States has in reiterated decisions held that Congress could so tax the corporate institution of a State.

I would further answer the Senator by this observation, that only a few of those corporations that are taxed are corporations of that class, and that, even if it were held as he suggests, and if the decisions of the Supreme Court were overridden and reviewed, the great mass of this taxation on other subjects would still be good, for it applies to private corporations only.

Mr. PLATT of Connecticut. Mr. President—

Mr. DANIEL. And further, if the Senator will permit me to answer him—I do not wish my answer to be cut in two—the trend of judicial decision, indeed, I believe the well-nigh, if not completely, unanimous decision in this country is, that while railroads and other corporations of that character may receive the delegated powers of a sovereign State for certain purposes on account of their public relation and of their great utility to the public, nevertheless they are not public corporations; they are private corporations, and the principle which confines the taxation of the United States to private subjects-matter and excludes it from grasping those matters which relate to automatic functions of the State has never been held to include railroads, because they are held to be private and not public corporations. Only those corporations are designated as public corporations which exercise from day to day governmental functions.

The State itself is a public corporation, the counties, towns, shires, the districts, townships, the magisterial divisions, the school divisions, or what not have a continuous daily governmental public agency with relation to the people. Only those are public corporations; and every other corporation in the United States is a private corporation; and, as such, is subject to the same taxation as a private individual.

So, if the Senator is troubled on the subject of this bill by constitutional qualms, he will find upon investigating the decisions of the Supreme Court of the United States and of the courts of the great body of the States of this Union that all of them have long since been set at rest, and that the habitual practice of Congress has been, whenever it desired to do so, to tax railroads, banks, and all the subsidiary corporations of the States, just as it would tax individuals.

THE TAX IS ON THE CORPORATE FRANCHISE, HOWEVER MEASURED AS TO AMOUNT.

He will find, also, that the tax upon corporations, whether it be measured by the amount of the corporate capital or the corporate income or the corporate dividends or the corporate stock or the net receipts or the gross receipts, is in each and every instance considered by the courts to be a tax upon the franchise of the corporation and not upon the property, although it must be collected finally out of the property, as you can not get a tax out of nothing; but that the tax is upon the exercise of the functions, just as it is upon a lawyer for the practice of his profession, upon a physician for the practice of his profession, upon a dentist, upon a manufacturer, or upon anyone else in business, and the reference to dividends, incomes, earnings, increments, rents, stock, and all of those things is a mere mathematical relation for measurement, and not a direct tax upon the property so measured.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. DANIEL. Yes, sir.

Mr. PLATT of Connecticut. I may be mistaken, but I had supposed this was the first time in the history of our Government when Congress had attempted to lay a tax upon the franchise of a State corporation, and I did not know—perhaps it is my ignorance—that the courts, where Congress had laid a tax upon the property of corporations, had held that that was a tax upon the franchise.

Mr. DANIEL. Under the decision which the Senator has himself just referred to Congress can not levy a tax upon the property of corporations without it being a direct tax. It was the income-tax decision of the Supreme Court of the United States, in *Pollock vs. Farmers' Loan and Trust Company* (127 U. S., 429, and 128 U. S., 601), that you can not levy a direct tax on either real or personal property; but a multitude of other cases have settled it that you can levy taxes upon the exercise of any vocation, profession, or franchise, and the Senator's explanation of the tobacco tax which he gave a while ago is not the one that I would give.

If that tax was intended to be, as it expresses itself, a tax on tobacco, it would be obnoxious to both decisions of the Supreme Court of the United States. In the first place, it would be a direct tax on personal property; in the second place, it would be a tax on the real estate, because tobacco is an issue and product of the land, much more so than the income from rent is, because the tobacco is physically extracted out of the land; and it would be a

direct tax on real estate, under the doctrine enunciated by the Supreme Court in its first decision, that a tax on that which comes out of the land is a tax on the land.

But, while the language of this bill is such as one would infer from it that it was a direct tax on the tobacco and void under both decisions of the Supreme Court, I take it that when it comes to be defended they will say that while it is mentioned as a tax on tobacco the tax is such that it shows that the mind of Congress was directing itself to the tax on the manufacture and sale of tobacco measured by 6 cents a pound on tobacco or 16 cents, as the case may be.

The Senator will find that in the drafting of the clauses of this bill as to excise taxes on corporations and persons, there is no tax on gross receipts, but a tax on the corporation, which shall be "equivalent" to a certain percentage of gross receipts, showing that they are used as the measure of the tax and not as the subject-matter of the tax, which is the franchise.

I need not, however, explain these distinctions further, Mr. President. I am not stating any novel creed. Mr. Cooley, in his work on Constitutional Law, has collated the cases fully and explained them.

THE EXCISE TAX WOULD BE LARGE IN AMOUNT, BUT THE EXACT AMOUNT NOT ASCERTAINABLE.

Now, Mr. President, I wish I could state what this tax would raise. I can not. I have examined the books and periodicals in which I might have hoped to find information, but the librarians and the clerks tell me that gross receipts reports are very seldom made, and that the corporations generally do not like the public to know what they are.

With respect to the railways, I can give the information that in 1896, according to the Eleventh Annual Report of the Interstate Commerce Commission, the receipts were \$1,130,169,376, and that in 1897 the receipts were \$1,116,613,254, and that in 1897 the income was \$369,050,858. So that here a little over a billion dollars of gross receipts may be imputed to the railroads; and the tax of one-fourth of 1 per cent would be something over two and a half million dollars. It is a very small tax. It ought to be willingly paid. It ought to be cheerfully paid.

The corporations of this country ought to be gratified that Congress has given them an opportunity to support the Government and to uphold the hands of the President, to cheer the hearts of our soldiers by their ready response to a patriotic duty to support the Government which has given them such splendid opportunities to accumulate their fortunes, and to have opened up to them the vast national field of commercial advantage. If I were a railroad man, Mr. President, I would delight to pay that little contribution to the Government of the United States.

The railroads are more dependent upon the Government of the United States than any other portion of our people. They call for the standing Army to protect them. I voted upon this floor to sustain the President of the United States when the lines of interstate commerce were assailed at Chicago, against the disposition and against the opinion of many of my political colleagues elsewhere—I do not mean upon this floor. I believed it was right, Democracy and good citizenship have no sympathy with anarchy anywhere.

The man who raises the torch of arson or the dagger of the assassin is the enemy of the human race. But, Mr. President, if property is respected and protected by Government, and if that Government calls on me in return to come and stand by it, one should feel as much humiliated by refusal to meet a just demand as if guilty of cowardice in the face of an enemy upon the field of battle. Mr. President, this opens up to the Government of the United States a large revenue with little burden upon the masses of its people. It goes where wealth is heaped up in largest masses and where it will least miss the trivial stipend which is asked of it.

Look at the street railways of the United States. Why shall they not pay something to support this great Government? I do not know their returns for last year, but I have an extract from the report on the transportation business from the census of 1890, page 21. There it is shown that the receipts of the street cars were \$91,721,844.74, nearly \$100,000,000, almost ten years ago, and there is this comment made:

In this statement it appears that steam passenger railways show the largest per cent of net earnings. This is due solely to the very profitable character of the traffic of the elevated railways in New York City and Brooklyn. For example, the per cent of net earnings in the case of the Manhattan Elevated Railroad Company, which controls the lines of New York City, is 47.83 per cent.

Committees want to find those who are most able to support the Government. Could they not find somebody in the Manhattan Elevated Railroad, which is making an earning of nearly 50 per cent? So all these great concerns have derived very great advantages from the law which created them; and if they seek to avoid this tax, they have forgotten their creator in the hour of need and go back upon the author of their being in refusing to bear a small portion of public burden.

Mr. President, I have never participated with those who have indulged in general denunciation against corporations. I do not sympathize with them. The people of this country have shown great favor to corporations. They have demonstrated that fact, because you can not pick up a book of legislative enactments of any year of almost any State of this Union which is not sprinkled over with corporate charters and franchises; and if the people had not favored corporations they would not have continuously granted these privileges.

THE CORPORATE EXCISE TAX A FAIR RETURN FOR FAVORS GRANTED.

But the people have a right to ask a just return for what they grant. They ought not to be exorbitant. They ought to respect the vested rights and charters and franchises which they themselves have created. They should not tolerate or stimulate a general and indiscriminate oburgation and criticism. But it should be remembered that the corporation is the great agent of modern business.

It associates capital; it economizes the main costs of administration; it protects private estates from being wrecked in a single venture; it apportions the burden and opportunities of the community in equitable, mechanical, and wise fashion. They should make their fair response to the government both of the State and of the nation, and they should step forward to help to shelter the masses of the people from vexations and irritating taxes in their daily concerns. If it is thought that the tax discriminates against corporate charters, it can be avoided by giving up the charter and conducting the business as individuals conduct it.

These corporations, too, for the most part, Mr. President, it should be remembered, will receive advantages from war. Many of them will execute great contracts for the Government. Many of them will make money in the transportation of troops, provisions, supplies; in constructing ships, and in manufacturing arms and munitions of war. None of them are called on to render military service. No corporation dedicates its son to the God of battles and suffers that agony for those beloved which no money or reward can ever solace. Separated, then, by their legal constitution and the nature of their being from many of the burdens that bear upon the person and from many of the duties and obligations which are exacted from the person, they should cheerfully, eagerly bear that little portion of burden which they are asked to contribute to support our country in the solemn travail of war.

Mr. President, I hope the Senate will sustain the amendment. Some heads of great corporations have expressed themselves to me as heartily approving of it; others, I know, dissent, but I believe that the great body of the people will approve it; that it will give us revenue, promptly and easily collected, and that it is the part of wisdom and of patriotism to sustain it.

The PRESIDING OFFICER (Mr. CLAY in the chair). The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. McENERY] to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. On page 62, line 21, after the word "shareholders," it is proposed to insert:

Limited liability commercial partnerships, or corporations, and companies or corporations of limited liability conducting planting or farming business, or preparing for market products of the soil.

Mr. ALDRICH. I understood it would suit the convenience of Senators on the other side if these sections and the amendments to them were passed over for the present, and that we might go on perhaps with the reading of the amendment of the committee on page 66. Unless some Senator desires to speak upon this provision—

Mr. COCKRELL. Had we not better have the amendment read, notwithstanding we may not act upon it now?

Mr. ALDRICH. I think it was read yesterday.

The PRESIDING OFFICER. The amendment was read yesterday.

Mr. ALDRICH. Amendment No. 177 was read through yesterday.

Mr. COCKRELL. All the amendments ought to be read through.

Mr. McENERY rose.

Mr. ALDRICH. I beg pardon of the Senator from Louisiana. I did not understand that he desired to speak upon his amendment to the amendment.

Mr. McENERY. Mr. President, the section proposing a tax upon corporations, it seems to me, includes every corporation that ought to be taxed. Every corporation capable of yielding a tax and known to be in existence is mentioned in the section. The last section, imposing a tax on all other corporations—those which have escaped the attention of the committee—necessarily includes a vast number of small corporations that are unable to bear such an imposition, such as corporations engaged in commercial business, known as limited companies, and those which are engaged in farming and planting interests and also known as limited companies. I doubt very much whether under a proper construction of

the section these companies could be properly classed as corporations, but I understood from the remarks of the chairman of the committee that it embraces all conceivable kinds of corporations, every association that has a semblance of a corporation, and as these associations or companies have some of the features of corporations, but are lacking in many essential features of being corporations, I think the amendment ought to be adopted exempting them from this tax.

They are corporations only in name and not in fact. They have perpetual existence, it is true, and they were organized for the purpose of convenience, in order, if they saw fit to do so, that they could conduct business through the officers usually known to corporations. But the several acts in the States authorizing the formation of these corporations had a greater object in view. They were intended to invite capital to be invested in business, so that those investing should not be liable for more than the amount of their investment. It was the intention of continuing commercial and manufacturing enterprises, so that when a partner died it did not necessarily involve the dissolution of the firm and the deceased partner's business could be kept in active operation.

They are organized as companies such as these, for instance: Finlay, Dicks & Co., importers, wholesale druggists, and manufacturing chemists; Whitney & Sloo Company, Limited, saddlery, harness, and collars. They do a business exactly like any other commercial partnership in the same business, having no advantage over them, and therefore to tax them would be to impose a hardship upon them and to make them bear a burden that a company doing the same business, and probably a great deal more, would not have to bear. For that reason I ask for the adoption of the amendment to the amendment.

Mr. ALDRICH. Unless some other Senator desires to speak upon the proposition I ask that these sections and amendments to them may be passed over.

The PRESIDING OFFICER. Is there objection to the course suggested by the Senator from Rhode Island? The Chair hears none, and that course will be pursued. The reading of the bill will be resumed.

The reading of the bill was continued. The next amendment of the Committee on Finance was, on page 66, after line 13, to insert the following:

LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

SEC. —. That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of \$5,000 in actual value, passing, after the passage of this act, from any person possessed of such property, either by will or by the intestate laws of any State or Territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainer, to any person or persons, or to any body or bodies, politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows—that is to say: Where the whole amount of said personal property shall exceed in value five thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be:

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother, or sister to the person who died possessed of such property, as aforesaid, at the rate of 75 cents for each and every hundred dollars of the clear value of such interest in such property.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of \$1.50 for each and every hundred dollars of the clear value of such interest.

Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed as aforesaid, at the rate of \$3 for each and every hundred dollars of the clear value of such interest.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed as aforesaid, at the rate of \$4 for each and every hundred dollars of the clear value of such interest.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of \$5 for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty.

Where the amount or value of said property shall exceed the sum of \$35,000, but shall not exceed the sum or value of \$100,000, the rates of duty or tax above set forth shall be multiplied by 1½; and where the amount or value of said property shall exceed the sum of \$100,000, but shall not exceed the sum of \$500,000, such rates of duty shall be multiplied by 2; and where the amount or value of said property shall exceed the sum of \$500,000, but shall not exceed the sum of \$1,000,000, such rates of duty shall be multiplied by 2½; and where the amount or value of said property shall exceed the sum of \$1,000,000, such rates of duty shall be multiplied by 3.

SEC. —. That the tax or duty aforesaid shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with

the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States, in the performance of his duty under this act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of \$500: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the record in said deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the Government.

Mr. MORGAN. Mr. President, it seems to me from the reading of the section or sections which relate to succession taxes that there is raised the same question of constitutional power on the part of Congress to enact a law to collect such taxes as was raised in the course of the argument of the Senator from Virginia [Mr. DANIEL] to the power of Congress to levy a tax upon the franchise of a corporation, for this tax is a tax upon personal property, and I suppose upon real property.

Mr. CHILTON. No; not real property.

Mr. MORGAN. Entirely on personal property. It is a tax which by this proposed statute is made a lien upon the real estate and also upon the personal estate of a decedent. Therefore it might possibly be argued by some one who wanted to escape the tax and was very adroit in his efforts to do so that inasmuch as this tax was to be paid out of the income of real estate or out of the real estate itself under the pressure of a lien, therefore it fell within the denouncement of the Supreme Court against the ten sections in which were contained the income tax under what was known as the Wilson Act.

I think the Senator from Virginia made it very clear; in fact, I have no doubt of the power of Congress to impose a tax upon the franchise and to measure that tax by the income of the corporation from whatever source the income may be derived. But I rose to call the attention of the committee to one thing. I see very few members of the committee at present in the Chamber, but some of them are here. I desire to ask whether they have considered the question whether any part of the income-tax law, under the act which went into effect without the President's approval, I think, on the 18th day of August, 1894, or some such date, having been passed on the 15th of August, is still in force? They seem not to have given any attention to the question as to how far that tax may still be in force and collectible, and the present bill has no reference at all, apparently, to that provision of the law except to regard it as being unconstitutional in all of its aspects and in every possible application of it.

I must, Mr. President, take issue with any such construction of the opinion of the Supreme Court in the case of *Pollock vs. The Farmers' Loan and Trust Company*. I understand the decision of the Supreme Court in that case to be necessarily and properly

confined to the particular case or to the particular class of cases which were brought under review by that appeal; and if there are any other classes of cases in which taxation has been imposed upon persons or upon property which are not within the range of that opinion, necessarily the whole subject remains open. It seems to have been an almost conceded fact, at which I feel somewhat surprised, that the Dingley tariff act repealed those clauses of the Wilson Act.

Just toward the close of the extra session, as we call it, the first session of this Congress, when we were discussing the subject of the disagreements between the two Houses on the Dingley bill, I called the attention of the chairman of the Committee on Appropriations, who is also a distinguished member of the Committee on Finance, to the proposition that the Republican party had not undertaken to repeal those ten sections of the Wilson Act.

I desire to demonstrate that and to put the demonstration in the RECORD, so that those Senators who are most concerned, considering the state of the law as it now is and as it ought to be made by this bill or by such amendments as we may choose to adopt to the statutes as they exist, may look into the question and give us the light and benefit of their opinions upon it. In section 34 of what is termed the Dingley Act, approved July 24, 1897, there is this provision:

That sections 1 to 24, both inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law on the 28th day of August, 1894, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, said repeal to take effect on and after the passage of this act.

There are twenty-four sections, the first twenty-four sections of the act, repealed. That is all of this law which we repealed, except such parts of it as are inconsistent with the act of the 24th day of July, 1897. In the concluding section of the act I am reading from—the act of July 24, 1897—there is the following proviso:

That nothing in this act shall be construed to repeal or in any manner affect the sections numbered 73, 74, 75, 76, and 77 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law on the 28th day of August, 1894.

There is the whole breadth and scope of the repealing clause of the act of July 24, 1897. It leaves all the clauses of the Wilson Act unrepealed from section 25 to section 77, inclusive. All of that body of law stands here to-day not only unrepealed by the Dingley Act, but reenacted by the Dingley Act, for the reason that having it before them they refused expressly to repeal it, and left it to stand for what it was worth on the legislative records of the United States.

Now, what does all this amount to? Well, Mr. President, it amounts to a very great deal when you come to analyze those ten sections of the income tax, and I think no lawyer would risk his reputation in a half dozen cases that could be made upon the ten sections of the income tax by saying that the decision in the *Pollock* case covered those provisions. I will refer to one here. First, however, I will take the syllabus; I will not undertake to read the whole opinion, although the syllabus is very much broader than the decision. I will take the third proposition in the syllabus.

3. The tax imposed by sections 27-37, inclusive, of the act of 1894, so far as it falls on the income of real estate and of personal property—

Now, mark that—

being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void, because not apportioned according to representation, all those sections, constituting one entire scheme of taxation, are necessarily invalid.

That last part of it is what the court never said. The reporter said that all those sections constituting one scheme of taxation are necessarily invalid. The court never said that. They never decided it, and they could not have decided it.

For the purpose of giving point to the matter I have in hand and desire to state, I will call the attention of the Senate to section 83 of the act of August 27, 1894, which remained unrepealed. It is as follows:

SEC. 83. That there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of \$4,000 per annum, a tax of 2 per cent on the excess above the said \$4,000; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 2 per cent; and the pay roll, receipts, or account of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officer, to require evidence that the taxes mentioned in this section have been deducted and paid over to the Treasurer of the United States, or other officer authorized to receive the same. Every corporation which pays to any employee a salary or compensation exceeding \$4,000 dollars per annum shall report the same to the collector or deputy collector of his district and said employee shall pay thereon, subject to the exemptions herein provided for, the tax of 2 per cent on the excess of his salary over \$4,000: *Provided*, That salaries due to State, county, or municipal officers shall be exempt from the income tax herein levied.

Now, let me ask the Senate how much of the salary of a military officer or a civil officer in the service of the United States falls on the income of real estate and personal property? Not one particle of it. That tax, standing unrepealed on the statute book to-day, is as valid as any tax on the statute book, it being shown that it not only has not been repealed, but it stands entirely outside of the decision of *Pollock vs. Farmers' Loan and Trust Company*.

Mr. President, there are half a dozen different taxes here of the same sort, already provided for by law, which the officers of the law are required under their oath to go on and collect. Here we are legislating about taxation of the people, entirely overlooking and entirely allowing to escape this source of revenue fixed by law, that not only is unrepealed, but which the Republican party did not have the temerity and the audacity to attempt to repeal when they passed the Dingley bill. I called attention to it at the time. I said, "You are allowing this income tax to stand here on the statute book, and here is your decision of the Supreme Court that many of you say invalidates that tax altogether." The subject went off sub silentio, except the few feeble remarks I made about it, and it stands here in the statute book to-day, not merely justified by Democratic action, repeated and affirmed by Republican action, but also justified by the decision of the Supreme Court as being a tax to which we have the right to resort to now in this time of war, or had the right to resort to even in time of peace.

I wish to put in the RECORD those eleven sections, sections 27 to 37, inclusive, and then I wish to put in the RECORD the section of the Dingley Act which does not repeal those sections, but leaves them to stand. I will put in section 34 in solidio, in order that by a comparison of that repealing clause with these sections of the income-tax law, and then a comparison of both with the decision in the *Pollock* case, it may be seen that we have still a large number of resources of taxation which we have nothing to do in order to collect except to command the officers of the law that they shall collect the tax.

Mr. STEWART. I suggest to the Senator to put in enough of the decision so that the whole matter can be studied together.

Mr. MORGAN. I will put in the syllabus, which is broader than the decision itself, giving fuller weight to the syllabus than it is entitled to, in order that the point may be made conspicuously clear.

The matter referred to is as follows:

[An act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894.]

SEC. 27. That from and after the 1st day of January, 1895, and until the 1st day of January, 1900, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and every person residing therein, whether said gains, profits, or income be derived from any kind of property, rents, interests, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax of 2 per cent on the amount so derived over and above \$4,000, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing without the United States. And the tax herein provided for shall be assessed by the Commissioner of Internal Revenue and collected, and paid upon the gains, profits, and income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying said tax.

SEC. 28. That in estimating the gains, profits, and income of any person there shall be included all income derived from interest upon notes, bonds, and other securities, except such bonds of the United States the principal and interest of which are by the law of their issuance exempt from all Federal taxation; profits realized within the year from sales of real estate purchased within two years previous to the close of the year for which income is estimated; interest received or accrued upon all notes, bonds, mortgages, or other forms of indebtedness bearing interest, whether paid or not, if good and collectible, less the interest which has become due from said person or which has been paid by him during the year; the amount of all premium on bonds, notes, or coupons; the amount of sales of live stock, sugar, cotton, wool, butter, cheese, pork, beef, mutton, or other meats, hay, and grain, or other vegetable or other productions, being the growth or produce of the estate of such person, less the amount expended in the purchase or production of said stock or produce, and not including any part thereof consumed directly by the family; money and the value of all personal property acquired by gift or inheritance; all other gains, profits, and income derived from any source whatever except that portion of the salary, compensation, or pay received for services in the civil, military, naval, or other service of the United States, including Senators, Representatives, and Delegates in Congress, from which the tax has been deducted, and except that portion of any salary upon which the employer is required by law to withhold, and does withhold the tax and pays the same to the officer authorized to receive it. In computing incomes the necessary expenses actually incurred in carrying on any business, occupation, or profession shall be deducted and also all interest due or paid within the year by such person on existing indebtedness. And all national, State, county, school, and municipal taxes, not including those assessed against local benefits, paid within the year shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether such person be owner, tenant, or mortgagor; also losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise, and debts ascertained to be worthless, but excluding all estimated depreciation of values and losses within the year on sales of real estate purchased within two years previous to the year for which income is estimated: *Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate: *Provided further*, That

only one deduction of \$4,000 shall be made from the aggregate income of all the members of any family, composed of one or both parents, and one or more minor children, or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family, and have joint property interests, the aggregate deduction in their favor shall not exceed \$4,000: *And provided further*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States shall not exceed the rate of \$4,000 per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, and shall include that portion of any income or salary upon which a tax has not been paid by the employer, where the employer is required by law to pay on the excess over \$4,000: *Provided, also*, That in computing the income of any person, corporation, company, or association there shall not be included the amount received from any corporation, company, or association as dividends upon the stock of such corporation, company, or association if the tax of 2 per cent has been paid upon its net profits by said corporation, company, or association as required by this act.

SEC. 29. That it shall be the duty of all persons of lawful age having an income of more than \$3,500 for the taxable year, computed on the basis herein prescribed, to make and render a list or return, on or before the day provided by law, in such form and manner as may be directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to the collector or a deputy collector of the district in which they reside, of the amount of their income, gains, and profits, as aforesaid; and all guardians and trustees, executors, administrators, agents, receivers, and all persons or corporations acting in any fiduciary capacity, shall make and render a list or return, as aforesaid, to the collector or a deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of income, gains, and profits of any minor or person for whom they act, but persons having less than \$3,500 income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list and return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list, according to the best information he can obtain, by the examination of such person, or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided*, That any person or corporation in his, her, or its own behalf, or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that he, she, or his or her, or its ward or beneficiary, was not possessed of an income of \$4,000, liable to be assessed according to the provisions of this act; or may declare that he, she, or it, or his, her, or its ward or beneficiary has been assessed and has paid an income tax elsewhere in the same year, under authority of the United States, upon all his, her, or its income, gains, or profits, and upon all the income, gains, or profits for which he, she, or it is liable as such fiduciary, as prescribed by law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person or corporation shall thereupon be exempt from income tax in the said district for that year; or if the list or return of any person or corporation, company, or association shall have been increased by the collector or deputy collector, such person or corporation, company, or association may be permitted to prove the amount of income liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person or corporation, company, or association feeling aggrieved by the decision of the deputy collector, in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector such person or corporation, company, or association may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue, as herein prescribed.

Such notice shall state the time and place at which, and the officer before whom, the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *Provided*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed.

The notice shall be delivered or mailed to the Commissioner of Internal Revenue a sufficient number of days previous to the day fixed for taking the testimony to allow him, after its receipt, at least five days, exclusive of the period required for mail communication with the place at which the testimony is to be taken, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness.

Whenever practicable, the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit.

Provided further, That no penalty shall be assessed upon any person or corporation, company, or association for such neglect or refusal or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue so as to give the person charged an opportunity to be heard.

SEC. 30. The taxes on incomes herein imposed shall be due and payable on or before the 1st day of July in each year; and to any sum or sums annually due and unpaid after the 1st day of July as aforesaid, and for ten days after notice and demand thereof by the collector, there shall be levied, in addition thereto, the sum of 5 per cent on the amount of taxes unpaid and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due, as a penalty, except from the estates of deceased, insane, or insolvent persons.

SEC. 31. Any nonresident may receive the benefit of the exemptions herein before provided for by filing with the deputy collector of any district a true list of all his property and sources of income in the United States and complying with the provisions of section 29 of this act as if a resident. In computing income he shall include all income from every source, but unless he be a citizen of the United States he shall only pay on that part of the income which is derived from any source in the United States. In case such nonresident fails to file such statement, the collector of each district shall collect

the tax on the income derived from property situated in his district, subject to income tax, making no allowance for exemptions, and all property belonging to such nonresident shall be liable to distraint for tax: *Provided*, That nonresident corporations shall be subject to the same laws as to tax as resident corporations, and the collection of the tax shall be made in the same manner as provided for collections of taxes against nonresident persons.

SEC. 82. That there shall be assessed, levied, and collected, except as herein otherwise provided, a tax of 2 per cent annually on the net profits or income above actual operating and business expenses, including expenses for materials purchased for manufacture or bought for resale, losses, and interest on bonded and other indebtedness of all banks, banking institutions, trust companies, saving institutions, fire, marine, life, and other insurance companies, railroad, canal, turnpike, canal navigation, slack-water, telephone, telegraph, express, electric-light, gas, water, street-railway companies, and all other corporations, companies, or associations doing business for profit in the United States, no matter how created and organized, but not including partnerships.

That said tax shall be paid on or before the 1st day of July in each year; and if the president or other chief officer of any corporation, company, or association, or in the case of any foreign corporation, company, or association, the resident manager or agent, shall neglect or refuse to file with the collector of the internal-revenue district in which said corporation, company, or association shall be located or be engaged in business, a statement verified by his oath or affirmation, in such form as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, showing the amount of net profits or income received by said corporation, company, or association during the whole calendar year last preceding the date of filing said statement as hereinafter required, the corporation, company, or association making default shall forfeit as a penalty the sum of \$1,000 and 2 per cent on the amount of taxes due, for each month until the same is paid, the payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

The net profits or income of all corporations, companies, or associations shall include the amounts paid to shareholders, or carried to the account of any fund, or used for construction, enlargement of plant, or any other expenditure or investment paid from the net annual profits made or acquired by said corporations, companies, or associations.

That nothing herein contained shall apply to States, counties, or municipalities; nor to corporations, companies, or associations organized and conducted solely for charitable, religious, or educational purposes, including fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members; nor to the stocks, shares, funds, or securities held by any fiduciary or trustee for charitable, religious, or educational purposes; nor to building and loan associations or companies which make loans only to their shareholders; nor to such savings banks, savings institutions or societies as shall, first, have no stockholders or members except depositors and no capital except deposits; secondly, shall not receive deposits to an aggregate amount, in any one year, of more than \$1,000 from the same depositor; thirdly, shall not allow an accumulation or total of deposits, by any one depositor, exceeding \$10,000; fourthly, shall actually divide and distribute to its depositors, ratably to deposits, all the earnings over the necessary and proper expenses of such bank, institution, or society, except such as shall be applied to surplus; fifthly, shall not possess, in any form, a surplus fund exceeding 10 per cent of its aggregate deposits; nor to such savings banks, savings institutions, or societies composed of members who do not participate in the profits thereof and which pay interest or dividends only to their depositors; nor to that part of the business of any savings bank, institution, or other similar association having a capital stock, that is conducted on the mutual plan solely for the benefit of its depositors on such plan, and which shall keep its accounts of its business conducted on such mutual plan separate and apart from its other accounts.

Nor to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policy holders or members, and having no capital stock and no stock or shareholders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and shareholders, which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policy holders and members insured on said mutual plan.

That all State, county, municipal, and town taxes paid by corporations, companies, or associations, shall be included in the operating and business expenses of such corporations, companies, or associations.

SEC. 83. That there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of \$4,000 per annum, a tax of 2 per cent on the excess above the said \$4,000; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 2 per cent; and the pay roll, receipts, or account of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officer, to require evidence that the taxes mentioned in this section have been deducted and paid over to the Treasurer of the United States, or other officer authorized to receive the same. Every corporation which pays to any employee a salary or compensation exceeding \$4,000 per annum shall report the same to the collector or deputy collector of his district and said employee shall pay thereon, subject to the exemptions herein provided for, the tax of 2 per cent on the excess of his salary over \$4,000: *Provided*, That salaries due to State, county, or municipal officers shall be exempt from the income tax herein levied.

SEC. 84. That sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. That it shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known, in any manner whatever not provided by law, to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person except as pro-

vided by law; and it shall be unlawful for any person to print or publish, in any manner whatever not provided by law, any income return or any part thereof, or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States, he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. That every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. That it shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the first Monday of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income, charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law, within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books or account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person, or corporation, company, or association, and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

SEC. 35. That every corporation, company, or association doing business for profit shall make and render to the collector of its collection district, on or before the first Monday of March in every year, beginning with the year 1895, a full return, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year last preceding the date of such return:

First. The gross profits of such corporation, company, or association, from all kinds of business of every name and nature.

Second. The expenses of such corporation, company, or association, exclusive of interest, annuities, and dividends.

Third. The net profits of such corporation, company, or association, without allowance for interest, annuities, or dividends.

Fourth. The amount paid on account of interest, annuities, and dividends, stated separately.

Fifth. The amount paid in salaries of \$4,000 or less to each person employed.

Sixth. The amount paid in salaries of more than \$4,000 to each person employed, and the name and address of each of such persons and the amount paid to each.

SEC. 34. That it shall be the duty of every corporation, company, or association doing business for profit to keep full, regular, and accurate books of account, upon which all its transactions shall be entered from day to day, in regular order, and whenever a collector or deputy collector of the district in which any corporation, company, or association is assessable shall believe that a true and correct return of the income of such corporation, company,

or association has not been made, he shall make an affidavit of such belief and of the grounds on which it is founded, and file the same with the Commissioner of Internal Revenue, and if said Commissioner shall, on examination thereof, and after full hearing, upon notice given to all parties, conclude there is good ground for such belief he shall issue a request in writing to such corporation, company, or association to permit an inspection of the books of such corporation, company, or association to be made; and if such corporation, company, or association shall refuse to comply with such request, then the collector or deputy collector of the district shall make from such information as he can obtain an estimate of the amount of such income and then add 50 per cent thereto, which said assessment so made shall then be the lawful assessment of such income.

SEC. 37. That it shall be the duty of every collector of internal revenue to whom any payment of any taxes other than the tax represented by an adhesive stamp or other engraved stamp is made under the provisions of this act to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor, to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

[An act to provide revenue for the Government and to encourage the industries of the United States, approved July 24, 1897.]

SEC. 34. That sections 1 to 24, both inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law on the 28th day of August, 1894, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, said repeal to take effect on and after the passage of this act, but the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal or modifications; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the passage of this act under any statute embraced in or changed, modified, or repealed by this act may be prosecuted or punished in the same manner and with the same effect as if this act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this act shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this act may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed: And provided further, That nothing in this act shall be construed to repeal the provisions of section 3068 of the Revised Statutes as amended by the act approved February 23, 1897, in respect to the abandonment of merchandise to underwriters or the salvors of property, and the ascertainment of duties thereon: And provided further, That nothing in this act shall be construed to repeal or in any manner affect the sections numbered 73, 74, 75, 76, and 77 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law on the 28th day of August, 1894.

[From syllabus, *Pollock vs. Farmers' Loan and Trust Company*.]

3. The tax imposed by sections 27-37, inclusive, of the act of 1894, so far as it falls on the income of real estate and of personal property, being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void, because not apportioned according to representation, all those sections, constituting one entire scheme of taxation, are necessarily invalid.

Mr. LODGE. Mr. President, I do not care, especially at this time, to discuss the general effect of the proposed inheritance tax, although I should like later to say something about taking from the States without sufficient necessity an important source of revenue. But there are one or two provisions in the amendment upon which I should like some explanation. One is the proviso on page 68. That proviso is as follows:

That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty.

That is where the property passes directly; but if money is left in trust for a wife, I can not see how it could fail to be taxed. I should like to ask the Senator from Colorado what the intention of the committee is in regard to that matter?

Mr. WOLCOTT. I have no question at all that if it passes in trust and not directly, it will be subject to the imposition of the tax as levied by the bill.

Mr. LODGE. Then I can not see how it is just or equitable that property left to a wife directly should be free from taxation and property left in trust for the benefit of the wife, which is exactly the same purpose, should be taxed.

Mr. WOLCOTT. It might be left upon condition or otherwise. If a testator desires to avoid the payment of the tax due the Government upon a legacy of personal property, he may trust his wife as the proper person to be the recipient under his will; but if he sees fit to keep it from her by putting it in trust, he contemplates that that legacy shall pay its fair share of duty for the maintenance of the Government.

Mr. LODGE. I can not see why the distinction should be made. Either no distinction should be made or else it should be an exemption for all that class.

Mr. LINDSAY. I suggest to the Senator from Massachusetts that possibly it was the idea of the committee that the trustee

would appropriate it to his own uses, and therefore it might be properly taxed.

Mr. WOLCOTT. Oh, not the slightest.

Mr. LINDSAY. I can not see any other reason for the distinction.

Mr. LODGE. That is one explanation undoubtedly.

Mr. WOLCOTT. Not the slightest.

Mr. LODGE. I can not see the justice of exempting one widow because the property is left to her directly and taxing another widow because, as is very commonly the case, the husband has put it in trust for her benefit. We know that most of the property held in trust is held for the benefit of widows and minor children, and on that safe method of a man's providing for his wife a tax is put, whereas if he leaves it outright to her directly she is untaxed.

Either this proviso, it seems to me, ought to go out altogether, or else it ought to apply to all cases. I do not see any reason for a distinction between the property left in trust to a widow and the property left outright. At the proper time I shall offer an amendment to the proviso.

There is another point that I desired to ask about. I may be wrong in my interpretation of the bill, but what appears to me to be the case is that if a man inherits \$100,000 from an estate of \$200,000 he pays one tax. If he inherits \$100,000, exactly the same amount, from an estate of \$1,000,000, he pays a much heavier tax. The man who inherits \$100,000 from the estate of \$1,000,000 may be a poor man, and the man who inherits \$100,000 from the estate of \$200,000 may be a rich man, and yet the man inheriting the \$100,000 from the estate of \$1,000,000 pays two and a half times as much; that is, the tax appears to be levied upon the original estate, without any reference to the beneficiaries. I do not see why \$100,000 in a legacy should pay more coming from an estate of one size than coming from an estate of another size.

Mr. WOLCOTT. I should like to ask the Senator from Massachusetts if he believes, in view of some of the enormous accumulations of fortunes in this country, out of which the personal property pays practically nothing in taxation during the life of the owner, it is inequitable that a personal estate of \$5,000,000 should pay a greater sum proportionately to the Government than an estate of \$20,000?

Mr. LODGE. That opens up the whole question of a graduated tax. I believe, as a matter of sound taxation, the object is to tax the dollar and not the man. I believe the dollar should be taxed, whether it is \$1 in twenty thousand or \$1 in five million.

Now, I favor an inheritance tax as a principle of taxation. We have an inheritance tax on collateral inheritances in my own State, from which last year we collected over \$500,000. It is only applied to collateral inheritances, but it is an important branch of revenue in my State. I think it was a wisely imposed tax, that it is a wise law, and very possibly it might be carried further. I think also that it is a tax which ought to be left to the State and not taken by the United States. But I fail to see the justice of taxing a man who gets perhaps \$5,000 as a small bequest from an estate of a million dollars. Perhaps it is all that he has. When that is left him by a person possessing a million-dollar estate, why should he pay two and a half times as much tax as a man who gets precisely the same amount from a smaller estate?

I agree it seems on the surface proper that a large estate should pay more than a small estate, and if the tax was graded in that way it might be open to less objection. But this is graded so as to tax the legacies on a different scale. The object is, of course, to reach the property; and it seems to me that where the legacy is the same a man should not be forced to pay more on the same amount because he happens to receive his legacy from a larger estate.

Mr. WOLCOTT. I talked with a number of members of the committee—those who were here—and at the suggestion of several Senators, I think I may feel authorized, in the absence of objection from those who have not been consulted, to say that on page 67, line 6, there will be no objection to erasing the word "five" and inserting in lieu thereof the word "ten." That meets some objections which have been made.

Mr. SPOONER. How about page 68, where the limitation of \$5,000 occurs?

Mr. WOLCOTT. I was coming to that. Also on line 30, page 68, erase the word "five" and insert the word "ten." [To Mr. ALDRICH.] You will have no objection to that change?

Mr. ALDRICH. No.

Mr. BACON. I should like to make an inquiry of the Senator from Colorado merely as a matter of information. I presume there is a reason for it. Why is it that there is an exemption from this tax in favor of a legacy or an inheritance by a wife or a husband and no exemption in the case of orphan children?

Mr. WOLCOTT. They would not be orphaned, of course, until the parent died.

Mr. BACON. That would be the time when the matter would come up.

Mr. WOLCOTT. Naturally. The suggestion of the bill was

that where property was left to the wife or the husband, the surviving member of the marital partnership, it was proper to suspend the collection of the tax until death, but where property went to children and was above \$10,000 (and it is the personal property only above \$10,000, and does not touch real estate), it was not an onerous tax to say that this small percentage should be taken from the personal property, except where it goes by devise to the wife.

Mr. BACON. If the Senator will pardon me a moment, I was not speaking as to the amount of the tax or as to whether it would be burdensome or not, but I was unable to see the reason by which the committee was actuated in saying that if a man died and left simply a widow she should pay no tax.

Mr. WOLCOTT. It comes later to the Government. It comes to the Government when she dies.

Mr. BACON. That might be equally true if a man died and left an orphan child.

Mr. WOLCOTT. The purpose, of course, was to collect revenue, and we made the wife the only exception, following exactly, I will say to the Senator, the provision of the old law which was for many years in force in this country and which worked admirably and produced an excellent revenue.

Mr. BACON. I suppose, then, the reason is that it is because the old law said so.

Mr. WOLCOTT. Not at all, but because common sense dictated it. You have got to stop somewhere. It seems to me an absurd question to ask why did not the committee except the children. I suppose if I answered that, then the Senator would ask, "Why did you not except the father and mother?"

Mr. BACON. No, sir.

Mr. WOLCOTT. And if I had answered that, then he would have said, "Why did you not except the poor uncles and poor aunts? And then, why did you not except the grandchildren, and why leave out the aged great uncles and cousins?" It is the object of the bill to raise revenue. We left out the widow, because in the discretion of the committee it seemed to be a wise exception and experience proved that it worked very well. In many other countries in the world the same law has been enforced, only with increased percentages, and it has worked admirably. That was the reason why. I can not tell what passed in the minds of the other members of the committee, but we did not make any other exceptions, because it did not seem wise to make them. I do not know that I could answer the Senator further. I would be very glad to do so if the Senator would suggest any further point.

Mr. BACON. I am very much obliged to the Senator for his elaboration, but still he does not answer my question.

Mr. WOLCOTT. What does the Senator want to know?

Mr. BACON. If the Senator will pardon me until he can hear what I have to say, of course I will endeavor to state it. The point I make is this: I asked the question with a view to get some enlightenment, if possible, and the Senator sets it aside in a cavalier manner, which does not give the information.

I will state, in the way of an illustration, the suggestion made by me. A man dies who has no children, leaving a widow. This law proposes to exempt the inheritance by that widow from any taxation whatsoever. The other case is where a man having no wife dies, leaving an orphan child. Now, why should the wife be a greater object of solicitude on the part of the law than the minor child? That is what I desire to have explained if I can get the calm consideration of the Senator from Colorado to an endeavor to explain it.

Mr. WOLCOTT. If the Senator will read once more the bill, he will find that if the man leaves a wife and leaves children, so much as comes to the wife is excepted.

Mr. BACON. I understand that.

Mr. WOLCOTT. The orphan child does not necessarily come in, for a man may die and leave some property to his wife and some to his child half orphaned.

Mr. BACON. I was putting a case where, on the one hand, there was simply a widow who was left without a child, and on the other hand where the father left an orphan child, without any widow.

Mr. WOLCOTT. I suppose, in the contemplation of the law, as the child grew up he could hustle, or if a girl, she would get married and would have somebody to look after her.

The committee thought this a very proper tax to be levied. We did not poll the committee as to views, but all seemed to vote with great unanimity upon the question. The doubt suggested by the Senator from Georgia did not seem to rise in their breasts during the consideration of the bill. I do not know that I could answer the Senator further.

Mr. LODGE. In this discussion the solicitude of the committee for the unfortunate husband seems to have been overlooked. They exempt the husband, as I make it out—that is, they put a tax on property going to a minor child, which is perhaps an orphaned child, but they leave the husband untaxed. The husband and wife, who receive a direct interest, are untaxed; but if

a wife receives her property through the hands of trustees, she is taxed. I do not believe in exemptions of that kind. I see no reason in the world for exempting the husband. I move, therefore, to strike out the proviso beginning in line 14, on page 68.

The PRESIDING OFFICER. The question is, first, on the amendment of the Senator from Colorado [Mr. WOLCOTT] to the amendment of the committee.

Mr. WOLCOTT. To insert "ten" instead of "five."

Mr. LODGE. I thought that had been disposed of.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 20, page 66, strike out "five" before "thousand" and insert "ten;" so as to read:

That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of \$10,000 in actual value, passing, after the passage of this act, from any person possessed of such property, etc.

The amendment to the amendment was agreed to.

Mr. FAULKNER. And on page 67, line 6, the same amendment is to be made.

The SECRETARY. On page 67, line 6, strike out "five" and insert "ten" before "thousand;" so as to read:

Where the whole amount of said personal property shall exceed in value ten thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be.

Mr. CHANDLER. I wish to inquire whether the limitation on the amount is a limitation as to the whole estate or as to the individual legacy.

Mr. WOLCOTT. It is only the personal estate, I will say to the Senator.

Mr. CHANDLER. The provision is:

Where the whole amount of said personal property shall exceed in value \$10,000, and shall not exceed in value the sum of \$25,000, the tax shall be.

Does that mean the whole estate, or only the individual legacy?

Mr. WOLCOTT. The whole estate.

Mr. CHANDLER. Suppose a man has \$100,000. He can not give ten legacies of \$10,000 each without paying the tax?

Mr. WOLCOTT. It applies to the whole estate.

Mr. CHANDLER. If the whole estate which is bequeathed by the testator should amount to \$10,000, is every legacy, however large or small, taxable?

Mr. WOLCOTT. Certainly. The amount of the tax on it is determined by the totality of the personal property left. If it be \$10,000, then it is taxable, however small or large the legacy may be.

Mr. SPOONER. It might be a million dollars.

Mr. WOLCOTT. A million dollars of real estate would not be taxed at all.

Mr. CHANDLER. I understood that; but I was not certain whether the words "such personal property" meant the totality of the personal property in the hands of the testator or donor, or whether it meant where the property passing to each individual amounted to \$10,000. I understand now that it applies to a case where the whole estate exceeds \$10,000, and if the amendment be adopted there will be no tax upon anything less than that.

Mr. WOLCOTT. That is right.

Mr. CHANDLER. And where it does exceed that amount, every legacy, large or small, is to pay the tax which is provided.

Mr. SPOONER. Right here arises the question which was asked by the Senator from Georgia as to an executor having to sell real estate to pay a legacy. Is that included in this provision?

Mr. WOLCOTT. The courts will pass upon that question. If the property is real estate, the tax does not apply; but it does apply when the property is sold for the purpose of paying the legacies. It reaches only to the personality.

Mr. BACON. If the Senator from Colorado will pardon me; as there is no expressed stipulation to that effect in this proposed statute, the question as to whether to regard it as personality is a question to be determined by law.

Mr. WOLCOTT. I think it is very carefully expressed.

Mr. BACON. There are certain rules of law which determine that money in the hands of an executor or an administrator or trustee in certain cases, partakes of the nature of realty, and in other cases where it is considered realty. Therefore, while I do not propose to offer it now, I have prepared an amendment, with the assistance, I will say, of the Senator from Wisconsin [Mr. SPOONER], by which I had hoped to cure the danger which lurked in that fact.

I will state, for illustration, one rule of law is that if a testator give a legacy of money and the executor has to sell the real estate for the purpose of raising the money to pay that legacy, under the rule of law that money is treated as personality. That being a rule of law, and there being no expressed provision in this statute saying that it shall be exempt, it is necessary that there should be some language to cure that difficulty.

Mr. WOLCOTT. Will the Senator offer his amendment now, so that we may look at it?

Mr. BACON. I have reduced it to writing.

Mr. TURPIE. The amendment offered by the honorable Senator from Georgia for a most beneficent purpose raises a most serious question as to certain cases which the power of taxation was intended to meet. We do not intend to tax land, because we can not tax it except in a certain way; but, in my judgment, we can not tax the proceeds of land.

Mr. WOLCOTT. If we can have the amendment read, I should like to hear it. I am under the impression that the proposed law is perfectly clear, but I should like to hear the amendment.

Mr. BACON. I will read the amendment myself.

Mr. ALDRICH. What has become of the amendment of the Senator from Massachusetts [Mr. LODGE]?

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts has not yet been acted upon.

Mr. LODGE. My amendment was pending to the amendment of the committee.

The PRESIDING OFFICER. That is correct.

Mr. FAULKNER. That amendment was not acted upon, but the other amendment was.

Mr. LODGE. I shall be happy to withdraw my amendment and allow the Senator from Georgia to offer his amendment now.

Mr. FAULKNER. That does not affect the amendment of the Senator from Massachusetts in the least. If the Chair will submit the question on the amendment on page 67, I think there will be no objection to it.

The PRESIDING OFFICER. Is there any objection to the amendment of the Senator from Colorado [Mr. WOLCOTT] to the amendment of the committee in line 6 on page 67? The Chair hears none, and the amendment to the amendment is agreed to, striking out "five" and inserting "ten," so as to make the amount \$10,000.

Mr. LODGE. That amendment being disposed of, I move to strike out the proviso on page 68.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 68, line 14, after the word "interest," by striking out the following proviso:

Provided, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty.

Mr. LODGE. Mr. President, it seems to me that there are perfectly intelligible lines which can be drawn in regard to the exemption of inheritances. You may tax collaterals and leave out direct descendants, as is done by the law of Massachusetts—that is an intelligent and intelligible distinction—or you may include all persons inheriting property, and make it, like the death duties in England, fall on all property, no matter to whom it goes.

It seems to me that to put a tax on the property inherited by children and to exempt the property inherited by a husband has no good reason. Neither can I see any reason for the distinction in regard to the wife who has property left to her in trust and a wife who has property left to her outright. I have in mind at this moment two great estates, one of which was said to be over \$20,000,000, which went entirely to the widow. Every dollar of it would have been exempt under this provision. Another estate, almost as large, was divided between the widow and the son, and all that went to the widow, in that case several million dollars, would have been exempt.

I see no possible reason for exempting the husband if we are going to tax the wife who has property left to her in the hands of trustees. I think we want to tax them all. Let us be fair. If we are going to impose any inheritance tax—and I doubt very much our constitutional right to do it—but if we are going to impose one, let us impose one that shall fall fairly upon all property passing by will or under the laws of any State or Territory. That will make it fair for everybody. There will be no distinctions then between one widow and another widow, or between the husband and wife and children. If it is sound in principle to have a graduated inheritance tax, it ought to fall on the estates that go to wives and husbands just as much as on any other estates. Therefore, Mr. President, in order to make it fair and equitable, I move to strike out that proviso.

Mr. ALDRICH. The laws of all the various States and, so far as I know, the laws of all civilized countries regulating successions recognize that there is a great difference between the rights of the husband and wife in property left by one to the other member of the conjugal firm and those existing between the children and the parents in such cases. The money left either by a husband or a wife is, in a certain sense, a joint fund, and in many cases represents the joint earnings of both husband and wife. Certainly those people stand in very different relation to the property from what even the children would. I think the exemption which was in the acts of 1864 and 1867 exists in all the laws regulating successions in all the countries of the world.

Mr. WOLCOTT. Everywhere.

Mr. ALDRICH. And it is very proper that it should be so.

Mr. LODGE. It does not exist in England, I am very certain.

Mr. ALDRICH. There has been no question on the part of anyone, so far as I remember, but that it was a good one. Of course it is a question of judgment to be submitted to the Senate. I think there is a very good reason why the exemption should exist.

Mr. SPOONER. At the same time there are no fathers or mothers in the world with a right heart who do not work from the beginning to the end and sacrifice themselves so as to leave money to their children.

Mr. ALDRICH. Unquestionably; and this general fund in turn becomes the property of the children.

Mr. SPOONER. It sometimes happens when the wife marries again and has a new family that the children by the first marriage may not get any of the property.

Mr. ALDRICH. When the wife marries again the property which comes from the first husband goes to her children by that husband in ninety-nine cases out of a hundred.

Mr. WOLCOTT. Or some children get it, anyway.

Mr. MASON. I have a few words to suggest. I think I understand the reason which actuated the committee in leaving an exception as to the inheritance from the husband to the wife or the wife to the husband. At common law they are one. The statutes of the different States for the purpose of protecting the individual estate of the wife or the husband have from time to time varied the common law; but it is upon the theory—and I think the committee has acted wisely—upon the sound theory that the husband and wife are one, and where the husband derives from the wife's estate or the wife from the husband's it is not, strictly speaking, an inheritance, and ought not to be taxed.

Mr. WOLCOTT. If the amendment suggested by the Senator from Massachusetts were in the line of an improvement of a portion of the bill for which he intended to vote, I think a great many members of the Senate might be inclined to follow him, in view of the absolute necessity of raising funds for the prosecution of this war; but inasmuch as it is very apparent from his remarks that, should he succeed in striking out the provision as to husband and wife, his intention is to vote against the whole amendment when he has a chance, and inasmuch as the effect of it must be to make the bill more onerous, and for that reason perhaps a little more objectionable, I suggest the amendment of the committee should stand, and I think we are perhaps ready to vote upon it now.

Mr. ALLEN. Mr. President, I do not care to discuss the details of this inheritance tax, nor shall I discuss the measure at any length at this time; but there is a matter to which attention ought to be called, and that is the inequities, if I may so express it, of this measure, which proposes to tax the estate of a dead man and permits the estate of a live man to escape. The whole scheme is wrong in its foundation and its policy.

Mr. MASON. How can a dead man have an estate which he can enjoy and which can be taxed? I hope the Senator will excuse my interrupting him.

Mr. ALLEN. The Senator from Illinois is getting very technical and quite facetious.

Mr. MASON. Not at all.

Mr. ALLEN. Whenever a man dies and leaves his estate, and is no longer able to struggle for his family, then his estate is to be singled out and taxed for national purposes, when it is not taxed during his lifetime.

Mr. WOLCOTT. Will the Senator from Nebraska permit me to make a suggestion to him, which I think he will cordially agree with?

Mr. ALLEN. I will.

Mr. WOLCOTT. That is, that the experience of the last twenty-five years of this country has demonstrated without a doubt that live men with large properties can always evade the taxgatherer so far as their personal estate is concerned. The Senator knows, and I know, of men worth a million dollars of personal property who pay practically no taxes whatever. In the great State of New York a bill to tax inheritances was vetoed by its governor because it would drive people out of that State into New Jersey and other States for a legal residence. It is because the law can not reach such persons when they are alive that we propose to enact into law now a general provision which will reach every State in the Union, and which will say that these great estates shall not be passed down without the Government getting its fair share by the imposition of a tax on these great properties which it has protected through all these years. That is why it was done. If we could reach the living man we would do so, but we can not. The tax collectors have not been able to do that for years, and the Senator must know that.

Mr. ALLEN. Mr. President, the remark of the Senator from Colorado confirms me still more strongly that I was right when I started. [Laughter.] In other words, the Senator says you can not levy and collect a tax of a man while he is alive. I do not believe that.

Mr. CULLOM. Nor do I.

Mr. ALLEN. I believe we can enact a tax law, and if we have honest and efficient officers we can collect the tax of the man while he lives. If we can not, our Government is a failure, so far as its taxing power is concerned.

The position of the Senator from Colorado [Mr. WOLCOTT] is simply this: All during the life of the individual he can escape taxation, but the taxgatherer must stand at his grave with his widow and children, and there for the first time he can collect the tax.

I do not decry the collection of a reasonable inheritance tax. I think it is right. But is it right, Mr. President, to stand with the widow and the children at the grave side of a dead father to collect a tax, while you permit the millions and millions of estates of live men to escape, as the Senator from Colorado says they do escape? Why, Mr. President, it is within the power of Congress to devise a scheme of taxation which will be just to all and make the burdens of taxation rest equally on all.

The truth is, we sometimes connive at the evasion of tax laws. We connived at the evasion of the tax law of 1894 until it was practically repealed or made inoperative by a failure to carry out its provisions, and was finally nullified by the Supreme Court, overruling five of its own decisions to the contrary extending over a hundred years.

Mr. President, it is impossible for a man to own a great estate, amounting to a million dollars or more, or amounting to even \$20,000, and escape taxation, if the tax officers are alert and undertake to enforce the law. Why not tax the estate when the husband is alive, when he is competent to earn a living for his family and to accumulate? Why wait until his widow is in weeds and his children in tears before you undertake to collect anything from his estate?

Mr. LODGE. Mr. President, I do not want to be misunderstood in regard to the position I have taken upon this subject. I am not opposed to an inheritance tax. On the contrary, I favor an inheritance tax. We have had, as I have already said, in my State for some years an inheritance tax extending only to collateral inheritances, which, I think, is a very proper inheritance tax. If the United States are going to lay an inheritance tax, we ought to lay it fairly; and I think to make these exemptions and exceptions is not fair; and to put the heaviest taxes that you impose on a bequest to charity seems to me unwise legislation.

My objection to the amendment proceeds solely on the very narrow ground, perhaps, that it is taking from the States one of their necessary sources of revenue. The United States, under the Constitution, has taken to itself all the duties to be imposed on imports, and it has been our consistent policy to leave to the State all the other forms of taxation except excises. The field of taxation which the States have is narrow at best. When we take this inheritance tax from them by making it so burdensome that they will be unable to maintain it, and when we take from them their tax on banks and corporations, which supplies a very large part of the revenue of some States—it does of the State of Massachusetts, where they derive over \$5,000,000 from banks and corporations that are taxed in that State, the tax being divided among the towns according to the stockholders who live in the different towns and cities of the Commonwealth and used directly for the maintenance of local expenses—I say when you take all these sources of revenue from the States, you are going to embarrass many of them and accumulate a very heavy burden of local and municipal taxation in a very few channels.

Mr. WOLCOTT. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. WOLCOTT. The State of Massachusetts ought to pay from \$250,000 to \$500,000 a year, perhaps, to the Government under this tax. The Senator has told us how intensely loyal Massachusetts is. If this condition is to interfere with the favorite method of State taxation in that State, how would the State of Massachusetts like to make up this amount to the Government, will the Senator tell us?

Mr. LODGE. The State of Massachusetts, Mr. President, will pay its full share of taxes.

Mr. WOLCOTT. Upon what, if you take this out?

Mr. LODGE. There is no occasion to sneer at Massachusetts, because I was mentioning some of the objections to this tax. We have never been slow in paying our share of taxation that I am aware of, and we shall not be now; but we are not the only community that imposes an inheritance tax and imposes bank and corporation taxes. I think it is wise to raise the money we need for the Government as equitably as possible, and to impose the most burdensome taxes last.

If we need to raise the money from bank and corporation taxes, and if we need to raise it from inheritance taxes and death duties, all right. I shall vote to do so as cheerfully as anybody. I do not think, however, that that time has yet come; but I am perfectly willing to bow to the wisdom of the committee and of the Senate in regard to the inheritance tax, if they think it is absolutely necessary in order to raise funds for the Government; but

if we are to impose inheritance taxes, I utterly fail to see why they should not fall on all alike. I see no reason for exempting from taxation some of the great estates, such as have passed within our own knowledge to the wife or to the husband. I think they ought to be taxed the same as any other estates.

I do not believe that it is necessary to go so far as we have gone in some of these amendments, but if they are adopted by the Senate, I shall vote for the bill, of course, and for those amendments. I am not objecting to the raising of revenue, but I do think that whatever taxes we impose, be they heavy or be they light, we should not exempt or favor anybody.

Mr. ALDRICH. Does the Senator think that estates inherited by children should pay the same rate as those inherited by outside persons?

Mr. LODGE. I think it is perfectly proper to draw the distinction between collaterals and immediate descendants. I think that is a perfectly legitimate distinction; but I do not think there is any good reason for exempting a husband who inherits the estate of a rich wife, or a widow who inherits all the estate of a rich husband, nor do I see any possible reason why it would be proper to exempt the estate left to a widow directly. It seems to me that an estate left in trust for the benefit of a widow is entitled to an equal exception, and therefore that it is better to let it fall on all alike.

I have not proposed the amendment with the idea of making the inheritance tax more odious. I am aware that it is going to be adopted. I have no serious objection to its adoption, but I think it is a very serious objection to draw a distinction between one class of persons and another; and if the object is to tax all property at the period of transfer by death, I think the taxation should fall on all property alike, and that there should be no exemption, unless you propose to draw the broad line which is drawn in some States between collateral and direct descendants.

Mr. ELKINS. Mr. President, it seems to me this amendment may bring on a contest between the General Government and the States in the matter of taxation, and it seems to me that we can raise enough money to pay the expenses of this war without resorting to this doubtful tax. In my judgment an inheritance tax belongs exclusively to the States and not to the United States, and that the States ought to have the sole right to impose this mode of taxation.

An inheritance tax or the right to inherit, according to the decisions of the courts of the States that have passed upon the question and the Supreme Court of the United States, is a privilege and not a natural right, and that being a privilege, it is taxable. Suppose a State should deny this privilege of inheritance, and should say that nobody shall make wills, no property shall descend after death to heirs, but all property shall escheat to the State. How would the General Government in such an event be able to collect the tax provided for in this bill or amendment? If a State should take from its citizens by law the privilege to dispose of property by will, then the General Government would be powerless.

In a recent case that came up from the State of Illinois, argued in February and the decision rendered in March, the Supreme Court of the United States sustained the supreme court of Illinois in declaring that an inheritance tax was a privilege, and being a privilege, it was taxable. If you can tax a privilege, you can tax it to death and thereby end the privilege.

It seems to me that this provision may produce an unnecessary conflict between the General Government and the States. I do not know how much revenue is to be raised by this amendment—not more than two or three millions. I do not agree with the Senator from Colorado that everybody evades the payment of personal taxes, and therefore an inheritance tax is justifiable and should be resorted to by the General Government.

Mr. WOLCOTT. I meant to except the Senator from West Virginia. [Laughter.]

Mr. ELKINS. I am glad you did. I agree somewhat with what the Senator from Nebraska [Mr. ALLEN] has said. I think his views on this case are very liberal and advanced. I am glad he is in favor of giving estates directly to heirs without taxing them. I expected to hear him say that he was in favor of dividing the estates up during the lives of the owners.

Mr. CHANDLER. The Senator from Nebraska did take that position.

Mr. ELKINS. I thought he would, though I did not hear him do so.

Mr. CHANDLER. The Senator from Nebraska said the committee should not have waited until men died to tax their estates, but that the estates of millionaires and men of wealth ought to be pursued while they are alive, that a fair share of them ought to be taken while they are alive, instead of waiting until the widow is in weeds and the children in tears.

Mr. ELKINS. I thought the Senator from Nebraska meant to take all property and distribute it and divide it up, and not allow the States to administer on it, but divide it among the people. I thought that was the position of the Senator from Nebraska.

I agree with the Senator that laws could be framed by which

taxes which are imposed can be collected, and I think many of the States have laws amply sufficient to enforce and compel the collection of all taxes. As a general rule, I believe that all taxes are paid as levied, and the evasions are not as flagrant as some believe.

Mr. President, I believe in raising money enough by taxation to carry on this war, and I believe further in every generation paying its war debts. If war is a luxury, the generation should pay for it which brings it on. Now we are face to face with the problem of paying the expenses of the war, and we ought to pay the debt and not leave it to future generations to pay. Let us tax beer, tax whisky, tax everything that is taxable, and tax salaries, if you please.

Mr. ALLEN. Why not tax incomes?

Mr. ELKINS. I am willing to meet this question when it comes up; but I think to go off on this tangent and create a conflict between the General Government and the States is dangerous. I stand here for State rights, and I do not know what has become of my friends on the other side of the Chamber who have been such staunch advocates of that doctrine.

Mr. WOLCOTT. Is the Senator aware that this tax was on the statute books for years and was very admirable in collecting revenue during war times?

Mr. ELKINS. We had a great big war on hand then, no such an affair as this.

Mr. GORMAN. I should like to ask the Senator from Colorado where he finds the taxes to which he refers? Were they imposed in 1862? I have been unable to find any such provision.

Mr. WOLCOTT. It was in 1864, and the provision is reproduced word for word here, except that we have made the legacy tax higher for the larger estates and lower upon smaller estates. Otherwise it is the same as the law of 1864.

Mr. ELKINS. I took the Senator's word for that.

Mr. LINDSAY. I wish to ask the Senator from Colorado when the tax was repealed?

Mr. WOLCOTT. In 1870, I think. I have my memorandum downstairs. I did not expect that this question would come up to-day.

Mr. ELKINS. If this is to go on, I want to know what the States will have left on which to tax the people. If the General Government exercises this prerogative of taxing property on the one side and the State governments on the other, and the counties and the cities tax, too, what will be the end of taxation, where will it stop, and how can business survive under taxation by all constituted authority?

The Senator from Rhode Island said every government in the world does it. But all governments are not republics. All governments do not have States—governments within governments—as we do. In England there are no States to impose taxes. There is only one tax in England. She has no States. In Great Britain they have a succession tax, or an inheritance tax, and that is the end of it.

Mr. WOLCOTT. Yes; but they are very much higher in every country in Europe than the sum of all the State taxes and our taxes put together, many times over.

Mr. ELKINS. A man with property will not be able to survive if this principle travels as fast as it has been traveling in the last few years in Congress. If you have State, city, county, and the General Government tax the same property over and over again, this is the beginning of the end. You might as well say—and that is what it means in the end—that a man shall not accumulate more than a certain sum during his life. It is simply a tax against the accumulation of wealth.

It favors spending as you go, on the theory the Government will take it away when you die. What will be the incentive to accumulation if you can tax inheritances? Individualism, so far as we know, is the best thing civilization has known. It builds up and creates wealth, and the creation of wealth is not to be despised. It is an evidence of high civilization, and where there is no great wealth there is no progressive civilization.

It does seem to me that we are leaving the ancient landmarks, breaking down ancient traditions, making war on the States in order to raise a small sum amounting to two or three million dollars, when we could and should get the revenue otherwise. I am willing to be taxed. Yes; pay high taxes to carry on this war.

Again, I want to say a word for the States. If the General Government is going to take everything into its own hands, we might as well wipe out State lines and do as they do in England, have one supreme authority.

I suppose that would meet the approbation of the Senator from Rhode Island. Then we can have an income tax and a succession tax, but we would have no State tax. But it is not fair to get up here and argue that because Germany, Belgium, France, England, and Russia have an income and an inheritance tax the United States ought to have these taxes also. He forgets that there are no States there to tax property and that there is only one taxing power.

Mr. ALDRICH. Will the Senator from West Virginia yield to me for a moment?

Mr. ELKINS. Certainly.

Mr. ALDRICH. The Senator from West Virginia could not have paid much attention to my remarks.

Mr. ELKINS. I always give close attention to the Senator.

Mr. ALDRICH. I did not make any observation upon this provision of the bill except as applying to the exemption of husband and wife.

Mr. ELKINS. I beg pardon, but I thought the Senator said they had such taxes all over the world.

Mr. ALDRICH. I did not.

Mr. ELKINS. I suppose he made that statement as an argument why the United States should have such a tax.

Mr. ALDRICH. I said all countries exempted husband and wife from this provision.

Mr. ELKINS. The Senator is compromising the question, and there is no question but what the Senator knows better. In this matter I stand for the States. Inheritance and succession taxes belong to the State and not the General Government. I do not oppose them or the principle in the States and as a matter of State jurisdiction. We have ample property to tax outside of inheritances, and we should have the courage to tax this property. The people are loyal and patriotic, and stand ready to make any sacrifice for the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment.

The amendment to the amendment was rejected.

The amendment was agreed to.

Mr. ALDRICH. I ask that the next amendment may be stated.

Mr. BACON. I have an amendment to offer.

Mr. ALDRICH. I suggest that the Senator can probably just as well prepare the amendment and offer it in the Senate. I ask that the next amendment may be read.

Mr. GORMAN. Perhaps the Senator from Georgia wants to offer an amendment to the amendment.

Mr. ALDRICH. Let the next amendment be stated.

Mr. BACON. I send the amendment to the desk and ask the Senator to note it and to suggest the point where he thinks it best to put it in.

Mr. ALDRICH. The amendment can be offered in the Senate.

Mr. BACON. I will state that the sole purpose of the amendment is to make that reality which might under some rule of law be considered personality.

Mr. ALDRICH. I ask that the amendment may be printed, and the committee will examine.

Mr. ALLEN. Mr. President, I think we ought to have order in the Senate.

Mr. BACON. Yes; I can not hear myself.

The PRESIDING OFFICER. The Chair will state that it is impossible to transact business. Senators complain that they can not hear.

Mr. ALDRICH. I ask that the next amendment may be stated.

Mr. BACON. I do not know what disposition was made of my amendment.

Mr. ALDRICH. I understand the Senator desires to have the amendment printed, and the committee will examine it after it is printed, with a view to its adoption or consideration hereafter.

Mr. BACON. I have no desire to have it printed unless the Senator from Rhode Island desires that it shall be.

Mr. WOLCOTT. I should like to have it printed. There will be a meeting of the committee to-morrow, and I should be glad to look into it.

Mr. BACON. The Senator from Maryland [Mr. GORMAN] desires that it shall be read, and I join in the request.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to insert the following:

That all money received by any executor, administrator, or trustee as the proceeds of the sale of any real estate sold for the purpose of distribution, or for the payment of legacies, or for other purposes, shall, for the purposes of this act, be taken and deemed to be real estate, and not taxed hereunder.

Mr. ALDRICH. The committee will consider it. I ask that the next amendment of the committee may be stated.

The next amendment of the Committee on Finance was, after line 22, on page 72, to insert:

Sec. — That all administrative, special, or stamp provisions not heretofore specifically repealed are hereby made applicable to this act.

Mr. ALDRICH. I move to insert after "provisions," in line 24, the words "of law;" so as to read, "provisions of law."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALDRICH. I ask that the next amendment may be stated, not, however, with a view of proceeding with its consideration to-night.

Mr. ALLEN. I should like to inquire whether we have reached the point where amendments are in order?

Mr. ALDRICH. To what?

Mr. ALLEN. To the bill.

Mr. ALDRICH. All the committee amendments have not been disposed of.

Mr. ALLEN. Will that rule hold good until the bond feature is disposed of?

Mr. ALDRICH. Of course. After the committee amendments are disposed of any amendment to any provision of the bill will be in order.

Mr. ALLEN. We will have to go back over the bill.

Mr. FRYE. We can go anywhere.

Mr. ALLEN. I should like, with the permission of the Senator from Rhode Island, to offer two proposed amendments and have them printed and referred to the committee in charge of the bill.

Mr. ALLISON. Let the amendments be stated.

The SECRETARY. On page 41, after line 15, it is proposed to insert:

Provided, That nothing in this act contained shall be construed to require a stamp or the payment of a tax on any bundle or package of newspapers wholly or partially printed and intended for general circulation and reading.

It is proposed to insert in line 18, page 15, the following:

Provided, That nothing in this act contained shall be construed to require retail druggists to stamp or pay a tax on any proprietary or other article owned and kept in any retail drug store at the time this act takes effect.

Mr. ALDRICH. I ask that the amendments may be printed and referred to the Committee on Finance.

Mr. ALLEN. I hope that will be done.

The PRESIDING OFFICER. The amendments will be referred to the Committee on Finance and printed.

Mr. ALDRICH. I ask that the next committee amendment may be stated.

The SECRETARY. It is proposed to strike out from line 1, on page 73, to line 13, on page 74, as follows:

LOANS.

SEC. 27. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States the sum of \$500,000,000, or so much thereof as may be necessary, and to prepare and issue therefor, at not less than par, coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of \$25 or some multiple of that sum, redeemable in coin at the pleasure of the United States after ten years from the date of their issue, and payable twenty years from such date, and bearing interest payable quarterly in coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That the bonds authorized by this section shall be first offered as a popular loan under such regulations, to be prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan; and a sum not exceeding one-half of 1 per cent of the amount of the bonds herein authorized is hereby appropriated to pay the expense of preparing, advertising, issuing, and disposing of the same.

SEC. 28. That the Secretary of the Treasury is authorized to borrow from time to time, at the market rate of interest, not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of \$50 or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed \$100,000,000; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act.

And insert in lieu thereof the following:

COINAGE OF SILVER SEIGNIORAGE.

SEC. —. That the Secretary of the Treasury shall immediately cause to be coined, as fast and as soon as possible, into standard silver dollars, which shall be of like weight and fineness, and of like legal-tender quality as those provided for under existing law, the silver bullion now held in the Treasury, being the amount of the gain or seigniorage derived from the purchases of silver bullion by the Treasury under the act of July 14, 1890, amounting to the sum of \$42,000,000; said moneys so coined to be immediately available for payment of expenditures on account of the present war with Spain.

ISSUE OF SILVER CERTIFICATES.

That the Secretary of the Treasury is hereby further authorized to immediately issue, in advance of the coinage of said seigniorage aforesaid, silver certificates of similar design and denominations, and of the same quality, payable and redeemable in like manner as those authorized by law, in such sums as may, from time to time, be needed for said war expenditures, not exceeding in all the total amount of said seigniorage so held in the Treasury.

ISSUE OF UNITED STATES NOTES.

That the Secretary of the Treasury is hereby authorized and directed, for the purpose of meeting and defraying the expenditures made necessary by reason of the existing war against Spain, to prepare and issue, on the credit of the United States of America, from time to time as the same may be needed, during the next fiscal year, United States legal-tender notes to the amount of \$150,000,000, which notes shall be of like denominations, and of the same legal-tender quality, and shall be payable and redeemable and reissuable in the same manner as the three hundred and forty-six millions of such notes now outstanding, as described and mentioned in the act of Congress of May 31, 1878, said notes when first issued to be expended only upon the war account aforesaid, and said notes shall be exempt from taxation by or under State or municipal authority.

Mr. ALDRICH. I offer the provision which I send to the desk as a substitute for the provision reported from the committee, commencing on page 74, line 15, and ending on page 76, line 2.

The SECRETARY. In lieu of the committee amendment beginning on page 74, line 14, it is proposed to insert:

LOANS.

SEC. 27. That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of \$50 or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the certificates of indebtedness authorized by this section shall from time to time be first offered whenever practicable at popular subscription under such regulations, to be prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such certificates: *Provided further*, That the amount of such certificates outstanding shall at no time exceed \$100,000,000; and that at least fifty millions of said certificates herein authorized shall be issued before any of the bonds provided for in this act shall be issued, sold, or disposed of, and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act.

SEC. 28. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time as the proceeds may be required to defray expenditures authorized on account of the existing war (such proceeds when received to be used only for the purpose of meeting such war expenditures) the sum of \$200,000,000, or so much thereof as may be necessary, and to prepare and issue therefor, at not less than par, coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of \$25 or some multiple of that sum, redeemable in coin at the pleasure of the United States after ten years from the date of their issue, and payable twenty years from such date, and bearing interest payable quarterly in coin at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That the bonds authorized by this section shall be first offered as a popular loan under such regulations, to be prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan: *Provided further*, That such bonds and certificates shall be issued at par, no commissions shall be allowed thereon, and in allotting said bonds and certificates the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted; and a sum not exceeding one-half of 1 per cent of the amount of the bonds herein authorized is hereby appropriated to pay the expense of preparing, advertising, issuing, and disposing of the same.

Mr. CULLOM. I desire to offer an amendment. I do not insist that it shall be acted upon at this time, but I should like to have it read and printed.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

That whenever and so often as the President shall be satisfied that the government of any country producing and exporting directly or indirectly to the United States the articles of merchandise mentioned in the first paragraph of section 3 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, or the articles mentioned in paragraphs 385, 386, 387, 388, 389, 390, 391, and 425 of the first section of said act, or any of them, shall have imposed duties or other exactions, or carried into effect decrees or orders, which are prohibitive or destructive of any important part of the export trade of the United States to such country in articles which are the products of the soil or industry of the United States, and the President shall communicate such action to Congress, and if a just reciprocity of trade be not otherwise secured with such country to the satisfaction of the President, the duties to be collected upon the articles of merchandise described in said paragraphs, or upon such of them as the President shall decide to be a reciprocal equivalent, being the product of the soil or industry of such country and imported into the United States, shall be increased by the amount of 50 per cent thereof, such increase to take effect from the date of the President's proclamation thereof and to continue until he shall by proclamation declare the suspension thereof; and the Secretary of the Treasury shall make all needful and proper regulations for giving effect to the same.

Mr. CULLOM. Mr. President, I desire to say merely a word. Some time ago I presented a petition, signed by a large number of business men, referring especially to the situation between this Government and France, perhaps, with reference to the treatment of some of our agricultural products, whose introduction is now prohibited by the Government of France, as I understand. I submit the amendment now, not with the purpose of having it taken up for consideration at this time, because I have understood that there is a probability that the question will be settled between this Government and France, so that the duty on our provisions will not be prohibitory, but I desire that it shall be laid upon the table for the present, to enable us to see whether any action will be necessary with reference to it later on.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I presume that Senators upon the other side of the Chamber are not quite ready to dispose of these amendments; and if no Senator proposes to discuss them to-night, it might, perhaps, be well for us to lay the bill aside and proceed to the consideration of executive business.

I move that when the Senate adjourn to-day it be to meet on Monday next. I will state that the committee intend to have a session to-morrow and to consider some of the contested questions arising under the bill, with a view, perhaps, to concluding action on them Monday.

Mr. ALLEN. I desire to ask if the amendment offered by the Senator from Rhode Island is in print?

Mr. FRYE. It is printed in the bill.

Mr. ALDRICH. As the Senator from Colorado [Mr. TELLER]

suggests to me, it is the opinion of the committee that it will expedite the consideration of the bill for the Senate to adjourn until Monday, in order to enable the committee to continue its work.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, May 23, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 20, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

First Lieut. Charles S. Riché, Corps of Engineers, United States Army, to be colonel of the First Regiment United States Volunteer Infantry.

Duncan N. Hood, of Louisiana, to be colonel of the Second Regiment United States Volunteer Infantry.

Capt. Patrick Henry Ray, Eighth United States Infantry, to be colonel of the Third Regiment United States Volunteer Infantry.

Capt. James S. Pettit, First United States Infantry, to be colonel of the Fourth Regiment United States Volunteer Infantry.

First Lieut. Herbert H. Sargent, Second United States Cavalry, to be colonel of the Fifth Regiment United States Volunteer Infantry.

Laurence D. Tyson, of Tennessee, to be colonel of the Sixth Regiment United States Volunteer Infantry.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Theodore Schwan, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, May 18, 1898, to fill an original vacancy.

Maj. William Harding Carter, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, May 18, 1898, vice Schwan, promoted.

To be assistant adjutant-general with the rank of major.

H. Kyd Douglas, of Maryland.

To be commissary of subsistence with the rank of major.

H. Clay Mullikin, of Maryland.

To be assistant quartermaster with the rank of major.

Noble H. Creager, of Maryland.

ADJUTANT-GENERAL'S DEPARTMENT.

To be assistant adjutants-general with the rank of major.

Capt. Charles H. Heyl, Twenty-third Infantry, May 19, 1898, vice Carter, promoted.

Capt. John A. Johnston, Eighth Cavalry, May 19, 1898, to fill an original vacancy.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutants-general with the rank of major.

First Lieut. Harry C. Hale, Twentieth United States Infantry.

Capt. Louis A. Craig, Sixth United States Cavalry.

Capt. William A. Simpson, Seventh United States Artillery.

To be commissaries of subsistence with the rank of major.

Capt. David B. Wilson, Twenty-fifth United States Infantry.

First Lieut. Hugh J. Gallagher, Sixth United States Cavalry.

To be commissary of subsistence with the rank of captain.

Don. A. Dodge, of Minnesota.

To be chief surgeons with the rank of major.

George Cook, of Concord, N. H.

William H. Daly, of Pittsburgh, Pa.

Clayton Parkhill, of Denver, Colo.

James M. Jenne, surgeon-general of Vermont.

Herbert W. Cardwell, surgeon-general of Oregon.

James H. Hyssell, of Pomeroy, Ohio.

Leonard B. Almy, medical director National Guard of Connecticut.

Charles B. Nancrede, professor of surgery, University of Michigan.

Henry F. White, of St. Paul, Minn.

Thomas Earle Evans, of Woodward, Ala.

Jefferson D. Griffith, medical director National Guard of Missouri.

R. Emmett Giffin, surgeon-general of Nebraska.

Edward Boeckmann, National Guard of Minnesota.

Thomas C. Kimball, of Marion, Ind.

To be inspector-general with the rank of major.

James H. McLeary, of Texas.

To be commissary of subsistence with the rank of captain.

Ralph P. Howell, of Iowa City, Iowa.

FOR APPOINTMENT IN THE SIGNAL CORPS.

To be major.

Capt. Richard E. Thompson, Signal Corps, United States Army.

To be captain.

Benjamin F. Montgomery, of Virginia.

To be first lieutenants.

George E. Lawrence, of California.

Phillip J. Perkins, of California.

William W. Chance, of Illinois.

Albert C. Thompson, jr., of Michigan.

To be second lieutenants.

William O. Bailey, first-class sergeant, Signal Corps, United States Army.

Francis Creighton, first-class sergeant, Signal Corps, United States Army.

To be additional paymasters.

William G. Gambrill, of Maryland.

William J. Cowden, of West Virginia.

Moses Ransom Doyon, of Wisconsin.

WITHDRAWALS.

Executive nominations withdrawn May 20, 1898.

Stephen Gambrill, jr., of Maryland, to be additional paymaster of United States Volunteers, is hereby withdrawn.

Moses R. Doyon, of Wisconsin, to be commissary of subsistence with the rank of captain, which was delivered to the Senate on the 17th instant, is hereby withdrawn.

James H. McCleary, for the appointment of commissary of subsistence of volunteers with the rank of captain, which was delivered to the Senate May 12, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1898.

PROMOTIONS IN THE NAVY.

Capt. Silas Casey, to be a commodore.

Commander Benjamin P. Lamberton, to be a captain.

Lieut. (Junior Grade) Harry George, to be a lieutenant.

Lieut. Commander Harrison G. O. Colby, to be a commander.

Lieut. John H. Moore, to be a lieutenant-commander.

Lieut. Commander Leavitt C. Logan, to be a commander.

Ensign Ralph E. Walker, United States Navy, to be a second lieutenant in the Marine Corps, and Second Lieut. Amon Bronson, jr., United States Marine Corps, to be an ensign in the Navy, by transfer.

APPOINTMENTS IN THE NAVY.

John Benjamin Dennis, a citizen of Maryland, and William Sturgis Thomas, a citizen of New York, to be assistant surgeons.

George Palmer Dyer, of New York;

Robert Harris Woods, of the District of Columbia;

Robert Hunter Orr, of Delaware;

William Alfred Merritt, of Maryland;

Franklin W. Hart, of the District of Columbia;

Harrison Lamar Robins, of Mississippi;

Webb Van Horn Rose, of New York;

William Henry Doherty, of Massachusetts;

Charles Williams Penrose, of New York;

Charles Morris, jr., of New York; and

Abel Brown Pierce, of Texas, to be assistant paymasters.

Homer Reed Stanford, of Tennessee, to be a civil engineer.

Medical Inspector Hosea J. Babin, to be a medical director.

Surg. Charles A. Siegfried, to be a medical inspector.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutant-general with the rank of major.

George S. Hobart, of New Jersey.

To be chief quartermaster with the rank of major.

Capt. John M. Carson, jr., assistant quartermaster, United States Army.

To be chief commissaries of subsistence with the rank of major.

James Oglethorpe Varnedoe, of Georgia.

James M. Moody, of North Carolina.

To be inspector-general with the rank of major.

James H. McLeary, of Texas.
 Capt. John G. Ballance, Twenty-second United States Infantry.
 Henry H. Carlton, of Georgia.
 Capt. William Crozier, Ordnance Department, United States Army.

John G. Evans, of South Carolina.

To be chief surgeons with the rank of major.

John M. G. Woodbury, of New York.
 Lewis Schooler, of Iowa.

To be engineer officers with the rank of major.

First Lieut. James Franklin Bell, Seventh United States Cavalry.

Robert B. C. Bement, of Minnesota.
 Hugh H. Gordon, of Georgia.
 Edward De V. Morrell, of Pennsylvania.
 William Dunbar Jenkins, of Mississippi.
 First Lieut. Clement A. F. Flagler, Corps of Engineers, United States Army.

First Lieut. Lewis H. Strother, First United States Infantry.

To be assistant quartermaster with the rank of captain.

First Lieut. John C. W. Brooks, Fourth Artillery.
 Frederick W. Cole, of Florida.
 John C. Breckinridge, of New York.
 William E. English, of Indiana.

To be commissaries of subsistence with the rank of captain.

Stewart M. Brice, of New York.
 Oliver Perry Smith, of Pennsylvania.
 Edward R. Hutchins, of Iowa.
 Salmon F. Dutton, of Vermont.
 Orson Pettijohn, of Illinois.
 John Landstreet, jr., of Tennessee.
 Peter C. Deming, of New York.
 Edward Glines, of Massachusetts.
 Morton J. Henry, of Pennsylvania.
 Philip M. Lydig, of New York.
 John Carmichael, of Virginia.
 Miller R. Downing, of Ohio.
 Wilson I. Davenney, of Illinois.
 Seth M. Milliken, of Maine.
 James F. Jenkins, of Wyoming.

To be additional paymasters.

Henry C. Fitzgerald, of New York.
 George F. Downey, of Utah.
 John Demerit, of New Hampshire.
 George W. Fishback, of Missouri.
 Timothy D. Keleher, of New York.
 Daniel W. Arnold, of Illinois.
 Beecher Bradley Ray, of Illinois.
 George Vandegrift, of Ohio.
 William H. Stillwell, of Arizona.
 George C. Stewart, of Georgia.
 William B. Rochester, jr., of the District of Columbia.
 George Thomas Holloway, of New York.
 Robert S. Smith, of New York.
 Herbert M. Lord, of Maine.
 Seymour Howell, of Michigan.
 Samuel R. McMillan, of Minnesota.
 Clifford S. Walton, of the District of Columbia.
 George B. Guild, of Tennessee.
 William G. Gambrill, of Maryland.
 Frank M. Hammond, of Massachusetts.
 James F. Rusling, of New York.
 Winfield M. Clark, of Pennsylvania.

To be assistant adjutants-general with the rank of captain.

First Lieut. William M. Wright, Second United States Infantry.
 William Joyce Sewell, of New Jersey.
 Sherrill Babcock, of New York.

To be assistant quartermasters with the rank of captain.

Frederick H. Bugher, of the District of Columbia.
 Haldimand P. Young, of New York.

To be assistant adjutants-general with the rank of captain.

Harry S. New, of Indiana.
 Beverly A. Read, of Texas.
 Putnam Bradlee Strong, of New York.

POSTMASTERS.

H. E. King, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa.
 Louvenia Matthews, to be postmaster at Wesson, in the county of Copiah and State of Mississippi.

SENATE.

MONDAY, May 23, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

CORPS OF ENGINEERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with draft of a bill providing for a gradual increase in the number of officers of the Corps of Engineers; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4607) providing for the payment and maintenance of volunteers during the interval between enrollment and muster into the United States service, and for other purposes.

The message also announced that the House had passed a joint resolution (H. Res. 150) directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Port Tampa to its mouth in the Gulf of Mexico; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented the petitions of E. P. Nicholson and 24 other citizens; of W. F. Kendall and 84 other citizens; of H. G. Selby and 10 other citizens; of F. M. Gunsenhouse and 19 other citizens, and of "O. K." Grange, No. 1161, Patrons of Husbandry, all in the State of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of J. M. Ryman and 16 other citizens; of Tom Ferguson and 34 other citizens; of David Biggs and 41 other citizens; of H. G. Selby and 13 other citizens, and of "O. K." Grange, No. 1161, Patrons of Husbandry, all in the State of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Alpha Garland and 9 other citizens; of T. B. Newsom and 33 other citizens; of Joseph Clark and 14 other citizens, and of "O. K." Grange, No. 1161, Patrons of Husbandry, all in the State of Indiana, praying for the enactment of legislation to prevent the sale of adulterated food products as pure food; which were referred to the Committee on Agriculture and Forestry.

Mr. DAVIS presented the memorial of the Voegeli Bros. Drug Company and 44 other druggists of Minneapolis, Minn., remonstrating against the adoption of the provision in the war-revenue bill compelling druggists to stamp all goods on hand; which was ordered to lie on the table.

He also presented a memorial of the Fire Department Relief Association of Stillwater, Minn., remonstrating against the enactment of legislation to establish in the Treasury Department a division to regulate insurance companies; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented a memorial of the Trades League of Philadelphia, Pa., remonstrating against the imposition of an excise tax upon the gross receipts of corporations; which was ordered to lie on the table.

He also presented a petition of Lady Alpha Council, No. 15, Daughters of America, Auxiliary to the Junior Order of United American Mechanics, of Harrisburg, Pa., praying for the enactment of legislation providing for the free transmission of soldiers' letters during the present war; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against the proposed curtailment of the number of daily deliveries of mails in cities; which was referred to the Committee on Appropriations.

He also presented petitions of the Woman's Christian Temperance unions of Osceola and East Millcreek, of the congregation of the Methodist Episcopal Church of Gettysburg, and of the Epworth League of Osceola, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Ellwood City, Osceola, and East Millcreek; of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Jamaica; of the congregations of the Methodist Episcopal Church of North Salem and the Methodist

Episcopal Church of Gettysburg, and of the Epworth League of Chambersburg, all in the State of Pennsylvania, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Ellwood City; of the Epworth League of Chambersburg; of the congregations of the Methodist Episcopal Church of Gettysburg and the Methodist Episcopal Church of North Salem; of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Jamaica, and of Rundells Grange, No. 871, Patrons of Husbandry, of Rundell, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. ALLEN presented a paper in support of the bill (S. 1228) granting an increase of pension to Mrs. Saloma Ellsworth, widow of Daniel V. Ellsworth, of Eldora, Iowa; which was referred to the Committee on Pensions.

Mr. MALLORY presented a memorial of sundry druggists of Pensacola, Fla., remonstrating against the adoption of the provision in the war-revenue bill compelling druggists to stamp all goods in stock; which was ordered to lie on the table.

Mr. ALDRICH presented a petition of the congregation of the Baptist Church, the Woman's Christian Temperance Union, and the Christian Endeavor Society, all of Phenix, R. I., and a petition of the Young People's Society of Christian Endeavor, the congregation of the First Free Baptist Church, and the Epworth League of the Tabernacle Methodist Episcopal Church, all of Olneyville, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Aquidneck Grange, No. 80, Patrons of Husbandry, of Rhode Island, and a petition of sundry citizens of Rhode Island, praying for the enactment of legislation to secure to the rural sections of the country free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Aquidneck Grange, No. 80, Patrons of Husbandry, of Rhode Island, and a petition of sundry citizens of Rhode Island, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Aquidneck Grange, No. 80, Patrons of Husbandry, of Rhode Island, and a petition of sundry citizens of Rhode Island, praying for the enactment of legislation to secure to the people of the country protection against the use of adulterated food products; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I present a memorial signed by a large number of business men in Chicago remonstrating against the proposed tax of one-quarter of 1 per cent on corporations, especially on mercantile corporations, such as I suppose to be represented by these memorialists. I may be allowed to state that there are a great many merchants or firms in Chicago, which have been incorporated under the law of the State, and they are doing the ordinary mercantile business just as other firms and individuals. I move that the memorial lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (S. 1186) to provide for the further distribution of the reports of the Supreme Court, reported it with amendments, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (S. 3213) to amend section 4136, Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. PERKINS. I am directed by the Committee on Education and Labor, to whom was referred the bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, to report it without amendment.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. PERKINS. I move that the bill (S. 2253) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, being Order of Business 419 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. PETTIGREW, from the Committee on Indian Affairs, to

whom was referred the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes, reported it with amendments, and submitted reports thereon.

BOOKS RELATING TO HAWAII.

Mr. LODGE, from the Committee on Printing, to whom was referred the resolution submitted by Mr. WETMORE on the 17th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed in pamphlet form 1,000 copies of the "List of books in the Library of Congress relating to Hawaii," 500 copies for the use of the Senate and 500 copies for the use of the Librarian of Congress.

ACTS IMPOSING DUTIES ON IMPORTS.

Mr. LODGE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to.

Resolved by the House of Representatives (the Senate concurring), That the Joint Committee on Printing be, and are hereby, authorized and directed to cause to be printed, indexed, and bound in cloth, in one volume, all of the acts, as they appear in the United States Statutes, heretofore passed by Congress, imposing duties on imports; 1,000 copies of said volume to be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

COMMERCIAL RELATIONS.

Mr. LODGE, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 8,000 copies of Commercial Relations (including the summary prepared by the Department of State), 5,000 copies for the use of the State Department, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Senate.

REVIEW OF THE WORLD'S COMMERCE.

Mr. LODGE, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 copies of a special edition of Review of the World's Commerce (with the summary prepared by the Department of State), 10,000 copies for the use of the Department of State, 10,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Senate.

BILLS INTRODUCED.

Mr. CHANDLER. I introduce a bill which I ask may be read and laid upon the table.

The bill (S. 4688) to promote the efficiency of the Army and Navy was read the first time by its title, and the second time at length, and ordered to lie on the table, as follows:

Be it enacted by the Senate and House of Representatives, etc., That during the war with Spain the President be, and he hereby is, authorized in his discretion to place upon the retired list any officer in the Army above the rank of lieutenant-colonel and any officer in the Navy above the rank or relative rank of commander, and to fix in his discretion as the retired pay of any such officer any rate now by law provided for officers retired for any of the various causes for retirement; and the President may fill every vacancy happening through retirement by promotion through selection and not according to seniority.

Mr. BERRY (by request) introduced a bill (S. 4639) for the relief of the estate of William K. Sebastian, deceased, late of Phillips County, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 4640) for the relief of S. A. Brown, late passed assistant surgeon, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4641) granting an increase of pension to William W. Daniels; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 4642) to amend section 17 of an act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4643) granting a pension to William B. Marehead; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHITE introduced a bill (S. 4644) for the relief of certain persons who now are or formerly were citizens of California, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO WAR REVENUE BILL.

Mr. CHANDLER. I offer an amendment intended to be proposed by me to the war revenue bill, which I ask may be printed and referred to the Committee on Finance, together with a memorandum which I have annexed to the amendment.

The VICE-PRESIDENT. The amendment, with the accompanying memorandum, will be printed and referred to the Committee on Finance.

INDIANS OF ANNETTE ISLAND, ALASKA.

Mr. JONES of Arkansas submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with the report made by Dr. Duncan on the history, progress, etc., of the Metlakatla Colony on the island of Annette, Alaska, and any other data he may have in his possession to show why no portion of said island of Annette should be opened to settlement.

COMPENSATION OF POSTMASTERS.

Mr. ALLEN. I submit a resolution calling for information, which I should like to have adopted at this time.

The resolution was read, as follows:

Resolved, That the Postmaster-General be, and he is hereby, directed to report to the Senate the compensation of postmasters on the basis of the act of 1854, 10 per cent or more in excess of the paid salary in each biennial term between July 1, 1854, and July 1, 1874, in all cases in which application was made by postmasters of the classes named in the act of March 3, 1883, or by representatives of deceased postmasters of such classes, to the Postmaster-General prior to January 1, 1887, said report to conform in all respects to the text of the construction of said act of March 3, 1883, by the Postmaster-General given to the public on the 9th day of June, 1883, and repeated to the public under date of February 17, 1884, which publication was in substance continued in Department circular, Form No. 1223, during the time the readjustments of salaries were in progress.

Mr. ALLISON. I hope the resolution will lie over until tomorrow. That is a very old case, as the Senator from Nebraska knows quite well.

Mr. ALLEN. All the resolution calls for is simply information. Mr. ALLISON. But I think it will take three or four months for the Post-Office Department to prepare the information sought for in the resolution. I should like to have the resolution printed, and I will look at it.

Mr. ALLEN. Very well.

The VICE-PRESIDENT. The resolution will lie over under objection, and be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 150) directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Port Tampa to its mouth in the Gulf of Mexico, was read twice by its title, and referred to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 3105) to correct the military record of Peter Buckley;

An act (S. 3143) to establish an assay office at Seattle, Wash.;

An act (S. 3953) to provide an American register for the steamer *Catania*; and

An act (S. 4582) to provide an American register for the steamship *Centennial*.

The message also announced that the President of the United States had on this day approved and signed the act (S. 1887) granting an increase of pension to Russell R. King.

SCHOOL LANDS IN NEW MEXICO.

Mr. WILSON. If the morning business is over, I ask unanimous consent to call up the bill (S. 4192) to make certain grants of land to the Territory of New Mexico, and for other purposes.

Mr. ALLISON. I hope the Senator from Washington will yield to me, that we may make some progress with the war revenue bill.

Mr. WILSON. At the request of the Senator from Iowa, I will yield, that the unfinished business, namely, the revenue bill, may be proceeded with; but I give notice that at the first opportunity I shall desire to call up this bill relative to certain school lands in the Territory of New Mexico.

The passage of the bill is exceedingly important to the people of that Territory in order that their school lands may be preserved and certain selections made at a date as early as possible; and as I have amended the bill by order of the Committee on Public Lands in several places, it will have to be returned to the House for their consideration. I hope to have within a day or two an opportunity to call the bill up for its consideration and, I trust, its passage by the Senate.

WAR REVENUE BILL.

Mr. ALLISON. I ask that the Senate proceed to the consideration of House bill 19100, being the war revenue bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19100) to provide ways and means to meet war expenditures.

Mr. ALLISON. At the adjournment on Friday the reading of the bill was completed, and the pending question was upon the last provision respecting bonds, etc.; but for the convenience of the Senate it has been agreed by those members of the Finance Committee who have charge of the bill that amendment No. 177 and the cognate amendments shall be taken up and considered and disposed of at this time. I hope that that will be the course of procedure. The amendments have been read.

The VICE-PRESIDENT. The Senator from Louisiana [Mr. McENERY] has offered an amendment to the text of that amendment.

Mr. ALLISON. The amendment of the committee begins on page 59.

The VICE-PRESIDENT. The amendment of the Senator from Louisiana [Mr. McENERY] to the amendment of the committee will be stated.

The SECRETARY. On page 63, line 21, after the word "shareholders," insert:

Limited liability commercial partnerships, or corporations, and companies or corporations of limited liability conducting planting or farming business, or preparing for market products of the soil.

Mr. ALLISON. That is an amendment to the amendment?

The VICE-PRESIDENT. It is an amendment to the amendment of the committee.

Mr. CHILTON. Mr. President, I desire to address myself to a general consideration of the bill now before the Senate.

It is needless, in this connection, to discuss the question of the responsibility for the war with Spain. My conviction has been that if the resolution recognizing the belligerency of the Cuban insurgents which passed the United States Senate on May 20, 1897, had been acted on in the other House of Congress, and received the signature of the President, or if the President had issued an independent proclamation recognizing this belligerency during the spring, summer, or fall of 1897, further action on the part of the United States Government would not have been necessary.

But all this is past. The nation has declared for intervention upon the theater of the Cuban struggle, for the independence of the Cuban people, and for war as a necessary means to establish that independence and quell conditions of disorder upon the island. All this we have done not as a matter of preference, but because all other means had failed. War being declared, all previous divisions have been merged in the determination to conduct it with decision, promptitude, and effect. There would be no patriotism, no prestige, there would not even be economy, in a less vigorous course.

Money is necessary, and by the pending bill it is proposed to raise this money.

In order to steer our course with steadiness it is necessary to understand clearly the necessities of the Treasury at this time. To do this we must first fix the amount of our probable expenses, and then we must estimate the resources on hand which can be utilized. When we find the difference between what we have and what we need, we should vigorously set ourselves to the task of raising that amount. There should be no go-lucky dependence on the chances of the future to carry us through. It would be childish to shrink from the responsibility of our situation.

Mr. President, I cheerfully recognize the difficulties of our position. For example, it is well-nigh impossible to make any exact estimate of our probable expenses. The duration of the war, the extent to which our land forces will be called into active operation, and other hidden factors, throw a doubt upon all calculations which are offered in this connection.

On that account, though the estimates of the heads of the War and Navy Departments seem exaggerated, yet, for the purpose of this discussion, I propose to accept them.

My own opinion is that the war with Spain will be terminated before Congress meets in regular session in next December. In any event, the outlook will be greatly cleared up by that time, and there is no real occasion now to provide for contingencies which may be expected to arise at a date later than the next session of Congress.

But that there may be no misunderstanding as to our earnestness in this struggle, I join in that view of the case which suggests that we should so legislate on this bill as to meet the probable demands up to July 1, 1899.

What are those probable demands? What expenditures will be necessary to support our military and naval operations during the next fourteen months? It may be interesting in this connection to give a table showing the disbursements of the War and Navy Departments during our civil war. I refer to the disbursements for the four years beginning July 1, 1861, and ending June 30, 1865, which were as follows—

Mr. SPOONER. That was on a greenback basis.

Mr. CHILTON. Yes; greenbacks were paid out, especially during the latter part of the war. Perhaps during the first year greenbacks had not materially depreciated.

The table referred to is as follows:

War expenses of United States during civil war.

Fiscal year ending June 30—	War Department.	Navy Department.
1861	\$280,173,542.29	\$42,640,253.09
1862	603,814,411.82	65,261,228.31
1863	690,391,048.65	85,704,063.74
1864	1,030,090,400.06	122,617,434.07

Mr. CHILTON. The records show that the number of soldiers and seamen enlisted by the United States was more than 500,000 in December, 1861, and increased from time to time until there were about 1,100,000 at the close of the war.

When it is remembered that the military and naval operations from 1861 to 1865 covered an immense area, stretching 2,000 miles from north to south and 1,500 miles from east to west, employing a vastly greater number of men than are contemplated as necessary to be used in the war with Spain, it seems to me that we are starting out on a basis of extreme liberality to make provision for an expenditure greater than \$25,000,000 a month. That sum, I believe, has been estimated by the Secretary of the Treasury and the chairman of the Ways and Means Committee of the House to be sufficient to cover all probable disbursements.

But dismissing all differences of opinion on this subject, I shall take the sums described by the Senator from Iowa as the true figures to be used on one side of the ledger. It will then remain for us to determine how we shall raise the money necessary to meet all demands and balance our books by July 1, 1899.

In considering the details of the prospective outlay, let us take as a first item the War Department estimate of \$150,000,000. This was stated by the Secretary of War to be large enough to cover additions to the Regular Army. Some allusion has been made to additional expenses made necessary on account of the expedition to the Philippine Islands, but no estimate to cover this supposed increase has been offered, nor do I see any reason why it should add very largely to the expense of maintaining our soldiers.

All the estimates which have been made of course look to the sending of our Army to Cuba and elsewhere, and I have not the slightest doubt that the estimates of the War and Navy Departments which have been tabulated are calculated on a scale of liberality which under a frugal administration of affairs will cover the probable developments in every part of the world.

The above items, it will be understood, refer to extraordinary expenses only; that is, to expenses made necessary by the war footing upon which we now rest.

The Senator from Iowa in his speech calls our attention to the probability of a deficiency in the ordinary expenses of the Government for the present fiscal year. He argues that even under the estimates of the Secretary of the Treasury there will only be a surplus of \$2,000,000, and gives it as his opinion that the receipts from customs will fall \$20,000,000 below the amount Secretary Gage estimates. This will leave a deficiency of \$18,000,000 in the revenues of the country on a peace footing, and we are asked not to ignore this claim upon our attention. It is proper to state, however, that no such appeal was made in the Finance Committee in connection with the preparation of this bill.

It seems that at last we have a public confession that the much-vaunted Dingley bill which was passed less than a year ago has failed as a means of supplying the Government with revenue. This failure has been sweeping, and in the very nature of the law. It is believed that the receipts will fall \$70,000,000 below the demands of the current fiscal year.

The exposure of the celebrated Dingley bill would have been more complete but for the fact that there has been received from the foreclosure proceedings against the Union Pacific Railroad and the Kansas Pacific Railroad about \$39,000,000 in excess of the amount of the bonds against these roads which the Government has so far paid, and this extraordinary receipt by our Treasury has tended to hide from public attention the magnitude of the deficit which the Dingley bill will produce. Next year and the year after there will be no such windfall to save from public shame the great Republican remedy of a protective tariff.

Mr. SPOONER. Will the Senator from Texas permit me to ask him a question?

Mr. CHILTON. Certainly.

Mr. SPOONER. What has the alleged failure of the Dingley bill to do with what we ought to do as to the war revenue bill?

Mr. CHILTON. I mention that only to thank our friends on the other side for giving us an illustration of the old principle, that a public, honest confession is good for the soul.

Mr. SPOONER. It is for political effect only, then.

Mr. CHILTON. When we were considering this bill in committee, when we were undertaking to fix the amount of revenue that Congress could raise, there was no suggestion that we should also make provision for defects in Republican peace policies, and hence I think this new claim should not escape comment.

I cheerfully grant that we should meet all demands, whether of peace or war, but I do say that the people should not be blinded by the assumption that the entire sum to be raised is due to the condition of war which now exists between this country and Spain.

With this explanation I shall add in the deficiency of \$18,000,000 which is expected to arise from next year's operation of the Dingley bill.

Mr. ALLISON. I hope the Senator will also remember I stated that because of war conditions the natural and normal inflow of

revenue from our imports would be disturbed, and that because of that I believed the estimates of the Secretary of the Treasury for next year were too low.

Mr. WILSON. Will the Senator from Texas permit a statement there?

Mr. CHILTON. Certainly.

Mr. WILSON. I know as a fact that in the collection district in my State the revenues had increased over a year or two years ago some \$64,000,000, and I am in receipt of a letter this morning stating that those revenues have fallen off by reason of the war.

Mr. CHILTON. Mr. President, the war may or may not diminish the ordinary revenues during the next fiscal year. That is conjectural. In my judgment there would be no reason for a deficiency of revenues arising from a condition of war if you would increase the circulating medium so as to provide the people with more money with which to transact and develop business.

But, sir, regardless of that question, what will be said concerning the deficiency in the receipts under the Dingley bill for the present fiscal year? The current deficiency is much greater than that which the Senator from Iowa figures for the next fiscal year.

But, Mr. President, as I have said, I accept the figures of the Senator from Iowa and I admit that we should provide for this newly discovered deficiency of \$18,000,000 which he estimates.

Now, let us tabulate the estimates of extraordinary expenditures:

WAR APPROPRIATIONS.	
Army fortifications and Navy act, May 4, 1898.....	\$35,700,000
Fortifications, extra.....	4,000,000
Naval act, increase over 1898 for war purposes.....	28,100,000
Naval deficiencies, 1898, for war purposes.....	23,275,000
Naval establishment for 1899, additional.....	75,000,000
Naval auxiliary bill.....	4,000,000
Immune bill and engineer bill, Army.....	15,000,000
Army for 1899, additional.....	150,923,527
Total appropriations on account of war.....	329,998,527
Ordinary deficiency.....	18,000,000
Grand total.....	347,998,527

Bear in mind that these figures are those made by the authorities of the Administration and indorsed by the Senator from Iowa, and certainly no one can claim that they are too scanty to meet the emergency.

I have left out of this table one item which he included, to wit, the fifty-million appropriation which we made March 9. There was no suggestion at the time it was voted that we would be obliged to levy taxes to meet it, and it should be charged against the funds on hand in the Treasury.

So now we start upon the basis that by this revenue bill pending before the Senate we must raise \$347,998,527.

This is stretching probable expenditures to the very limit of reasonable calculation. For example, there is included in the Navy estimate, which I have allowed, \$20,000,000 of which the Secretary of the Navy says: "This item is entirely indefinite." It is intended by the Secretary of the Navy to cover contingencies which may never occur and ought really to have little influence in our calculations.

There is thrust upon our attention for the first time in the speech of the Senator from Iowa delivered here after the bill was reported the claim that we should also raise money by this bill to pay the \$50,000,000 appropriation of March 8 last.

What do you expect to do with the money now on hand in the Treasury? The fact is that a large part of the fifty millions referred to has already been paid out and the balance will be paid out of cash on hand as fast as vouchers are properly presented.

In the testimony of the Secretary of the Treasury before the Finance Committee he stated the existing Treasury condition to be as follows:

Cash in Treasury.....	\$271,717,538.36
Against this sum he claimed there was to be charged sundry items as follows:	
For matured debt not yet presented.....	\$1,293,780.20
The fund held in trust for the redemption of national bank notes.....	32,612,218.50
The national bank 5 per cent redemption fund, which is another fund.....	8,214,272.11
Outstanding checks and drafts.....	5,826,068.89
Balance subject to check by disbursing officers.....	32,330,702.59
Post-Office Department account.....	4,170,147.61
An aggregate of certain miscellaneous items.....	1,985,700.15
Also bonds and interest paid during the month which have not been transferred on books.....	5,210,482.25
	91,865,065.00

Available net balance..... 179,832,472.70

It must be noted that two of the items which the Secretary of the Treasury charges as deductions from the cash on hand refer to funds on hand for the redemption of national bank notes. One of these, known as the 5 per cent redemption fund, is properly deducted, but the other item, amounting to \$32,612,218.50, is, according to propriety and law, as much subject to disbursement as any other money in the Treasury. There is no reason whatever for separating it from the cash resources of the Government. Congress passed an act July 14, 1890, to cover that deposit into the

general fund. One of the sections of this act of 1890 read as follows:

Sec. 6. That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the Treasury as a miscellaneous receipt, and the Treasury of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption.

The Secretary might as well keep a dollar on hand for every outstanding greenback dollar as to keep this money on hand to redeem outstanding national-bank notes. If these bank notes are ever presented for redemption, it will be only in small amounts and from time to time. It would be a great abuse of authority and judgment to lock up still more money from general circulation and practically increase the Treasury reserve to a still greater sum than one hundred millions.

All this was considered when the law was passed covering this fund into the current cash of the Treasury, and an attempt to reopen that question now would seem to expose all the calculations of the Secretary of the Treasury to the suspicion that they are founded not upon a desire to exhibit faithfully the true needs of the war situation, but rather to furnish a pretext for a bond issue.

The Secretary of the Treasury claims, also, that he has on hand \$12,000,000 fractional silver coin, of which a large portion is so worn that it can not be put out. He does not say how much of this coin is in an uncurrent condition, but in any event he could readily and cheaply have it recoined under the terms of existing law, and it is self-evident that a great deal of fractional silver will be needed in the disbursements connected with Army and Navy operations.

Making the calculations in the case from the standpoint of one who desires to provide every dollar which is necessary for present or probable demands upon the Government, but who does not desire to make a scare simply for the purpose of intimidating Congress into voting for a bond issue, the \$32,000,000 above referred to should be added to the available balance as struck by the Secretary of the Treasury. This would leave an available net balance of \$212,172,175.20. From this should be deducted the amount unpaid out of the fifty-million appropriation at the time the Secretary of the Treasury made his statement, to wit, \$36,459,341.57.

I think it is also fair to deduct \$14,000,000 Union Pacific Railroad bonds which will fall due on the 1st day of January next.

Making these two deductions, there is a safe cash resource in the Treasury of \$182,712,833.63, or \$62,000,000 in excess of the gold reserve. Indeed, if you count out the fourteen millions of fractional silver of which the Secretary of the Treasury makes mention, there is still a surplus of \$48,000,000 over and beyond the reserve. If there is any fault in these figures, I should be glad for any champion of a bond issue to point it out.

I am aware that in the figures made by the Secretary of the Treasury before the Finance Committee he made a showing which left our Treasury situation more precarious, but that showing was based on the proposition that the national-bank fund should be treated as a reserve, and, secondly, on the theory that the deficiency appropriations for the Army and Navy for this fiscal year were also to be deducted.

But as we are providing for these deficiencies in the pending revenue bill, it would be totally inadmissible to treat them also as a charge against existing cash. In like manner, as I have counted the fifty-million appropriation as a charge against the existing cash in the Treasury, it would be equally inadmissible to follow the Senator from Iowa in counting that appropriation as a part of the sum necessary to be raised by this bill.

Now, to combine in a few words a statement representing both our present cash resources and our needs to be met by this bill, we find, as I have stated, first, the cash on hand over and above the gold reserve to be \$62,000,000. This surplus will give the Treasury a greater working balance than the amount advised by the Secretary himself. Second, that we must raise, according to the figures of those who have presented the most expanded calculations, the sum of \$347,998,527. With this basis fixed, we come to consider how much the bill before the Senate will probably raise.

We will begin by taking up the section levying taxes.

The first item of our bill is the tax on fermented liquors, or, as it is commonly called, the beer tax. The House bill raised this tax from \$1 to \$2 a barrel, and the estimate made as to the new revenue thus to be realized was \$33,000,000. The Senate committee changed this section slightly, and has increased the rebate on account of spoiled beer from 5 to 7½ per cent. I do not think these changes can possibly cut off more than two or three million dollars of expected revenue. The Senator from Iowa estimates that this section as it now stands will bring an increase of \$30,000,000. This seems to me to be a safe conclusion.

The next item of the bill, as amended by the Finance Committee, is the license tax on bankers, brokers, insurance agents, theaters, circuses, bowling alleys, and billiard parlors. I think the estimates of the Senator from Iowa on these heads are all fair,

except that on theaters and shows, which he puts at \$1,800,000. The revenue from that source should not, in my judgment, be put at more than \$1,000,000.

The next item of the bill is that pertaining to tobacco and snuff. The House bill was estimated to raise \$25,000,000 from this source. This estimate was divided as follows: Fifteen million dollars from tobacco, \$5,000,000 from cigars and cigarettes, and \$5,000,000 from the occupation tax of \$4.80 per year levied on small sellers of tobacco. The Senate committee eliminated the tax on small tobacco dealers.

We also eliminated the tax on tobacco now in the hands of dealers throughout the country. There are strong reasons for imposing a tax on existing stocks whenever an increase of rate is provided, because otherwise the fortunate merchant who has stocked up with a commodity upon which an additional tax is imposed will possess a great advantage over his neighbor who buys his goods after the law goes into effect. This principle has been so far recognized in former laws that when a reduced tax on tobacco has been provided it has been deemed the duty of the Government to refund to those who had already bought tax-paid goods the difference which their more fortunate competitors would enjoy in buying later.

But in this case of increase there seemed so many practical difficulties, so much of irritation to the people and expense to the Government, connected with an investigation of every little store in every little hamlet of the United States to find out how much tax should be collected from each holder of tobacco, that the committee deemed it wisest to set aside the strong reasons which suggest themselves in favor of a tax on the tobacco stocks now on hand.

The majority of the committee also reduced the tax on cigars and cigarettes as levied by the House bill. Striking out the \$4.80 annual tax on small dealers, estimated to produce \$5,000,000, and the tax on stocks of tobacco on hand, and the reduction on cigars and cigarettes, the majority of the committee originally undertook to make up for the net loss on the schedule by increasing the rate on tobacco hereafter manufactured from 12 to 16 cents per pound. The committee has agreed, however, to restore the House rate, and I feel sure the Senate will concur in the conclusion that to raise the tobacco tax from 6 cents a pound to 12 cents a pound is all that should be exacted of that particular industry.

The Senator from Iowa estimated that after computing the changes made in the tobacco schedule there will be raised from two to three million dollars more than the House bill would have carried, or, say, \$38,000,000 new revenue from the tobacco trade. Having now concluded to leave the tobacco tax at the House figures, and having stricken out \$5,000,000 occupation taxes on small dealers and \$2,000,000 tax on stocks on hand, there will be a net reduction from the House estimate of \$7,000,000. Therefore the new revenue to be expected from the schedule will be \$18,000,000, instead of \$25,000,000 as estimated in the House.

Mr. ALLISON. Eighteen million dollars of increased revenue?

Mr. CHILTON. Yes; increased revenue—I am speaking of increased revenue always. Therefore, instead of \$28,000,000, as the Senator estimated in his opening speech, make these figures \$18,000,000.

The next sections of the bill are those which relate to stamp taxes on documents. I believe the stamp taxes levied by the House bill were estimated by the chairman of the Ways and Means Committee to produce \$35,000,000.

It seems to me there is very wide discrepancy between this estimate and that offered by the Senator from Iowa. True, the House bill has received very large additions by the Senate amendments. It seems to me, however, that the additions will not foot up a sum so considerable as that which the Senator from Iowa calculates. I think his estimates are far too high in some cases, especially in the case of tax on receipts and proprietary preparations. His figures are as follows:

Stamp taxes:	
Sales of stocks, bonds, merchandise, etc.....	\$10,000,000
Bank checks.....	5,000,000
Bills of exchange (inland), promissory notes, etc.....	1,500,000
Bills of exchange (foreign), letters of credit, etc.....	500,000
Express and freight, covering all bills of lading.....	10,000,000
Life insurance.....	1,226,323
Mortgages.....	2,041,599
All other in Schedule B, including tax on receipts, say.....	28,000,000
Proprietary preparations and perfumery.....	20,000,000
Chewing gum.....	1,000,000
Total.....	79,267,923

Taking all the items enumerated in Schedule A and Schedule B, I believe they will fall \$20,000,000 short of the figures given in the above addition.

The tax on legacies, as stated by the Senator from Iowa, is likely to produce \$9,275,475. It seems to me this is full high, though of course an estimate on this subject is largely a matter of guesswork.

Accepting all the estimates of the Senator from Iowa, except in the minor item of theaters and the very considerable item of

stamp taxes, I will venture to estimate that the additional Treasury receipts from subjects of taxation which have been described during the next fiscal year will foot up as follows:

Beer and other fermented liquors.....	\$30,000,000
Bankers.....	2,394,000
Brokers of all sorts.....	1,713,494
Theaters, circuses, and other exhibitions.....	1,000,000
Bowling alleys and billiard tables.....	166,967
Tobacco, snuff, cigars, and cigarettes.....	12,000,000
New stamp taxes.....	60,000,000
Legacies.....	9,275,475

Or a total of receipts from items about which there is no grave difference in the committee of \$123,550,536. This leaves us to consider the other items of taxation included in this bill which are strongly contested by the Republican minority of the committee.

First, take the excise tax on certain enumerated corporations, to wit, railroad, street railroad, sleeping-car, canal, steamboat, ship, barge, canal-boat, and other vessels, stage coaches, etc., employed in the business of transporting passengers or freight for hire, including express companies. This is estimated by the Senator from Iowa to produce \$5,000,000, and I am inclined to think that the estimate is fair.

The receipts from telegraph companies he estimates at \$75,000, and adding, say, \$25,000 from telephone companies, we have \$100,000. The receipts from insurance companies are stated by the Senator from Iowa at a sum between two and three million dollars, say \$2,000,000. He also estimates the tax upon deposits in banks at \$15,000,000. This, I think, is too high. I would put it at \$12,000,000 at the outside. I think \$10,000,000 would really be a safer estimate.

Then we come to the general tax on corporations. This tax, instead of producing \$45,000,000, as estimated by the Senator from Iowa, will, in my judgment, if levied, not produce a return in excess of \$30,000,000.

Mr. ALLISON. From forty to forty-five million dollars.

Mr. CHILTON. I do not think it will produce more than \$30,000,000. I think that is an outside estimate.

Now add together all the items of taxation advocated by the Republican members of the Finance Committee, and the tax on bank deposits, railroad companies, and all other corporations, as proposed by the other members of that committee, and we have as probable receipts, in addition to revenues to be derived from existing Federal taxation, a grand total as follows:

Beer and other fermented liquors.....	\$30,000,000
Bankers.....	2,394,000
Brokers of all sorts.....	1,713,494
Theaters, circuses, and other exhibitions.....	1,000,000
Bowling alleys and billiard tables.....	166,967
Tobacco, snuff, cigars, cigarettes, etc.....	12,000,000
Stamp taxes of all sorts.....	60,000,000
Legacies.....	9,275,475
Excise tax on railroad and transportation companies of all sorts, including express companies.....	5,000,000
Telegraph and telephone companies.....	100,000
Insurance companies.....	2,000,000
Bank deposits.....	12,000,000
Corporation tax.....	30,000,000

Total..... 171,950,536

In my judgment even this total sum of \$171,000,000 will not be too much.

I am a believer in the doctrine that every generation ought to pay its own way, whether it be the way of a nation or the way of an individual. I believe that even the men who support by their courage and their taxes this enterprise of humanity and liberty upon which we have entered will find it cheaper and easier to shoulder the whole burden now than to distribute it over a period of twenty or thirty years in the future.

Of course there will be objections made throughout the country to these taxes, but so there are objections to all taxes. We are brought face to face with war, and must choose between the alternatives of levying taxes of which the people will complain or burdening them in other methods about which they will complain with far greater permanence and justice.

But if it be thought wisest not to raise so much, we can, by putting the tax on corporations, reduce the levies made in other directions. Instead of doubling the beer tax we might increase it by 50 per cent. This would change and reduce the above estimate by \$15,000,000.

Or I would cut off the stamp tax on small notes, receipts, and other business transactions of the people.

I feel sure that the corporations can better afford a small tax on their gross receipts than many of the persons who will be reached by other items of this bill can afford to undergo the expenses and annoyance which the general introduction of a new system will bring about.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. CHILTON. Certainly.

Mr. SPOONER. The Senator is a member of the committee which has reported this bill. What does he regard this tax—as a tax on business or a tax on corporations?

Mr. CHILTON. I regard it as a tax on the occupation or privilege of doing business as a corporation.

Mr. SPOONER. A tax on doing business as a corporation, and not on the occupation of doing business. To get at what I mean, I know a city in my State, in which on one side of a street there is a corporation engaged in the business of manufacturing furniture, and on the other side of the street is a partnership engaged in the business of manufacturing furniture. I think the business is precisely the same. Under this bill, as I understand it, the firm would not be taxed.

Mr. CHILTON. No.

Mr. SPOONER. While the corporation would be.

Mr. CHILTON. That is true.

Mr. SPOONER. Then it would be taxed because it was a corporation?

Mr. CHILTON. That is right. This is a tax on the occupation or privilege of doing business as a corporation.

Mr. SPOONER. That is, on the privilege of being a corporation?

Mr. CHILTON. Put it that way if you wish. Put it as a tax on the franchise.

Mr. SPOONER. I am not—

Mr. CHILTON. I answer the Senator that he can describe it any way he prefers.

Mr. SPOONER. Oh, no. I am not bandying words with my friend.

Mr. CHILTON. I understand that; but I do not care what the tax is called.

Mr. SPOONER. But I care what the Senator from Texas calls it. The Senator represents the Committee on Finance; he is on that committee, while I am not. He is a fine lawyer, and I want to know, if it is not an impertinent inquiry—

Mr. CHILTON. Oh, no; it is not.

Mr. SPOONER. I want to know what the nature of this tax is, from the Senator's standpoint. Is it a franchise tax?

Mr. CHILTON. I would not call it such.

Mr. SPOONER. What is it, then?

Mr. CHILTON. I would call it an occupation tax on the business of the corporation.

Mr. SPOONER. But, Mr. President—

Mr. CHILTON. Wait a moment. If you choose to call it an excise tax on the franchise of the corporation, I will accept that description.

Mr. SPOONER. No; it is not what I choose to call it.

Mr. CHILTON. I will defend the tax either way, and think it can be supported as a valid tax.

Mr. SPOONER. I think my friend takes a good deal of a contract, but that is for him to say. It is not what I call it, but what it is that I am trying to get at. Now, he admits that it is not a tax on business, as I understand, because if it is a tax on business it must be a tax without regard to the character of the concern which carries on the business. If it is a tax on the furniture business, it makes no difference who carries it on, whether a corporation or an individual or a firm.

Mr. CHILTON. No.

Mr. SPOONER. If it is a tax on the corporation for the privilege of being a corporation—in other words, a franchise tax—that involves a different consideration, of course. I ask, which is it?

Mr. CHILTON. Is the Senator through?

Mr. SPOONER. Yes.

Mr. CHILTON. This is no new thing with me. I have examined every decision I could find in the Supreme Court reports on this subject.

Mr. SPOONER. I know that, of course, or I would not have put the question to the Senator.

Mr. CHILTON. I would describe this tax as a tax on the occupation of the corporation. But in order to simplify the issue, let it be described as an excise tax on the franchise of the corporation.

Mr. SPOONER. What is the difference between carrying on the furniture business as a firm and carrying it on as a corporation, so far as the tax is concerned, if it be not in one case a tax on the business and in the other case, because a corporation carries it on, you tax the corporation?

Mr. CHILTON. That may be so.

Mr. SPOONER. This tax, then, is upon the privilege of being a corporation.

Mr. GRAY. A privilege you do not grant.

Mr. SPOONER. That is another thing. I want to get at what this tax is.

Mr. CHILTON. I have tried to compare, as I said, all the accessible decisions on this subject.

Mr. SPOONER. I know the Senator has, or I would not have put the question. I do not make any mistake as to the Senator's knowledge of the law or his familiarity with the decisions, and that is why I have asked whether it is a tax on the franchise to be a corporation, in other words, to carry on the occupation or the business as a corporation, as contradistinguished from carrying it on as a firm or as an individual. It is no answer for the Senator

to say to me, "Settle that for yourself whichever way you choose. I admit the right of Congress to levy an occupation tax, a business tax, a tax on business." But that does not answer my question.

Mr. CHILTON. I will come to that directly, and then I will be pleased to have the Senator ask me any other questions.

Mr. SPOONER. I beg the Senator's pardon, if I interrupted him.

Mr. CHILTON. Not at all. The reason I answer the Senator from Wisconsin that it does not matter whether you call it one thing or another is because I want to clear the track. I have learned as a lawyer how fruitless it usually is to discuss a question of phraseology or definition. As I maintain that this is a valid tax in substance, it would be obviously a waste of time for me to tarry to satisfy the Senator from Wisconsin as to the particular definition that shall be given to it.

Mr. SPOONER. My friend certainly does not mean that. Does he mean that we can tax a business carried on by the Senator from Delaware [Mr. GRAY] and not tax the same business when carried on by me? Does he mean, in other words, that an excise tax need not be uniform?

Mr. MORGAN. You are not a corporation.

Mr. SPOONER. That is what I am getting at. If this is purely a corporation tax, a tax on the privilege of being a corporation or the right to be a corporation, then that is the end of my inquiry.

Mr. CHILTON. Perhaps I had better wait until I get to that branch of the discussion. But I will diverge far enough to say that Congress can tax every lawyer—

Mr. SPOONER. Yes; I admit that.

Mr. CHILTON. It can tax every railroad, it can tax every express company, it can tax every concern doing business, and every corporation. So far as I know, the Supreme Court of the United States has never intimated any contrary opinion.

Perhaps now I should resume the discussion at the point where I left it.

Mr. SPOONER. I beg the Senator's pardon.

Mr. CHILTON. The Senator need make no excuse whatever. I am always glad to have his interruptions, because, while they are sometimes misconceived, I am satisfied they always proceed from a desire to arrive at the truth.

Mr. President, a concerted effort has been made to represent the taxes on railroads, insurance companies, and other corporations as unprecedented and dangerous. Many newspapers have assailed them as the product of fanatical enmity toward the instrumentalities of modern commerce, and I have seen them described by millionaire interviewers in the New York newspapers as the outgrowth of a Democratic and Populistic combination in the United States Senate.

The tax on legacies, which was agreed to by the Republican members of the Finance Committee, could with equal justice be so denounced by the same powerful organs of opinion, and I presume the comparative immunity from criticism which that tax enjoys in the general outcry which has been raised against the principal new sections of this bill is due to the fact that it comes here under Republican patronage.

Mr. SPOONER. Will my friend allow me to ask him a question?

Mr. CHILTON. Certainly.

Mr. SPOONER. Has he any doubt as a lawyer about the validity of a tax on inheritances and legacies?

Mr. CHILTON. Personally I have none. The Supreme Court of the United States sustained the tax under the old law. Of course, no one knows what changes the courts may undergo. It would be a very perilous thing to make any prophecies on that point.

Mr. SPOONER. But the point made against the validity of the tax in that case was that it was a direct tax, and the court held it was not.

Mr. CHILTON. That is true; but it does not prove anything.

Mr. SPOONER. It proves this, that in the last case as to the validity of a legacy tax or an inheritance tax before the Supreme Court of the United States, the Illinois case, they decided, as I understood the decision, first, that it was not a property tax. Does the Senator understand it in that way?

Mr. CHILTON. Yes; there was a late decision.

Mr. SPOONER. The court decided that it was not a property tax. They decided, further, that there is no natural right of inheritance, but that whether there shall be a right of inheritance or not depends entirely upon the policy of the legislation of the State, not of Congress; and that, as the State may grant it or withhold it, it may annex a condition to it of the payment of the tax, graduated as the State pleases. That is the theory on which the State inheritance tax was sustained.

I have had some difficulty about this matter. I do not say it is beyond the power of Congress; but I can not sustain the power of Congress to tax inheritances on that theory, because Congress does not grant the right of inheritance, and therefore can not annex conditions.

Mr. CHILTON. I recognize the point which the Senator from Wisconsin states. The late decision referred to was in regard to an inheritance tax imposed by a State government, hence I do not regard that case as an authority in favor of the inheritance tax carried in this bill.

But the decision I had in mind was one rendered by the Supreme Court of the United States many years ago upholding the old succession tax imposed by Congress. We have the right to assume that the Supreme Court of the United States will stand by their previous decisions. If they change them, if they overrule them—

Mr. SPOONER. The court has done so.

Mr. CHILTON. Of course; but we must assume that the court will not do so, otherwise there is no certainty in regard to any tax that may be levied in this bill.

Mr. SPOONER. I merely wish to say that my view of it has been that now in time of war, when we are under obligation to furnish the Government with money to prosecute the war, this bill is simply tendering to the Government a lot of lawsuits.

Mr. CHILTON. I do not think so.

Mr. SPOONER. I do not know how they will be decided, nor does the Senator from Texas.

Mr. CHILTON. I do not know how any question will be decided. I do not know how the taxes which the Republican members of the committee propose to impose will be treated. Take the stamp taxes—

Mr. GEAR. They have been upheld.

Mr. CHILTON. That is right, and that is just what has been done with respect to the legacy tax. It has been decided by the court that stamp taxes were constitutional, and it has been decided that the legacy tax was constitutional; and we have no more right to assume that the Supreme Court of the United States will repudiate the decision in regard to the legacy tax than we have to assume that it will repudiate the decision in regard to the stamp tax or any other Federal tax.

Mr. President, whenever an effort is made to tax the people in this country who are best able to pay we always hear the hue and cry that it springs from a spirit of demagoguery. It was so with the income tax, which was fought by every method known to press and politicians in 1894, and when the rightful popular will triumphed in these halls, succeeded in subverting it in the Supreme Court of the United States.

Of all the taxes invented by mankind, the income tax is noblest in conception. It takes from those only who are confessedly able to pay. It takes only from the full stores of abundance which the labors of the whole people have contributed to build up. It takes only from that special abundance which the owner himself does not need. And it is a sad reminder how short of perfect justice American institutions reach to know that in this country, supposed to be dedicated to liberty and equality, the incomes of the rich, which in England and other monarchies of the Old World are made liable to a fair share of the burdens of government, are found to sit behind a stronghold which no necessity of peace or war can subject to the jurisdiction of Federal taxation.

No proposition to tax incomes is found in this bill, because it has not been deemed wise to complicate the questions at issue with any doubtful measures pertaining to judicial decisions. But for one, sir, I shall never lose hope that the amassed and idle fortunes of this country can be made to bear some part of the burden justly necessary to protect those fortunes, to sustain the Army and the Navy and the nation's peace, and to protect inviolable the sanctity of private property. I shall ever pray, sir, that God may inspire new judges for America who will look with a kinder eye upon the aspirations of our people, and who will see in the sanction of our great Constitution not only security of possession, but equality of burden to the accumulated wealth of the Republic.

Next in order to an income tax in intrinsic philosophic merit, I would rank the tax on legacies or distributive shares in personal property. Personal inheritances of less value than \$10,000 have been exempted, because it would hardly pay for the trouble to send the taxgatherer after these small estates, and, moreover, the tax would touch a class of persons who are usually left entirely dependent.

It is a fact known of all men that the enormous personal assets owned by the rich people of this country bear no fair part of the burdens of current government. In the very nature of things personal property can more easily elude the taxgatherer than real estate; and while there are some exceptions to all rules, it is notorious that the heads of great syndicates and the kings of finance whose successful performances have dazzled all mankind rarely scruple to dodge the taxgatherer.

The very ease with which they can change their residence has produced a public sentiment in some States against taxing inheritances, on the ground that if New York, for example, should subject these great acquisitions to contribute to the expenses of State or local government, their possessors would move to New Jersey or some other State where legislators were more considerate of the privileges of acquired wealth.

Fortunately, a Federal tax on legacies will not encounter the same difficulty, and these gentlemen will have to forswear their nationality and move across the ocean if they would save their great fortunes, practically exempt from taxation during their lives, from contributing a small sum, through the medium of their executors, to the needs of the Treasury of the Union. I for one hail the tax on legacies as the welcome introduction of a high principle in Federal taxation.

Next to an income tax and the tax on inheritances, I believe the tax on corporations, which we hope to see levied by this bill, presents more elements of justice than any other tax which it contains. This case is argued in many quarters as if the American Congress were making a new departure and meddling with a field of taxation to which our history was a stranger. Attention has been already called in this debate to the fact that during the civil war a tax was collected from railroad corporations, express companies, and many other lines of business which I will not now stop to enumerate. This tax was then fixed at a percentage of gross receipts beside which the amount named in this bill seems like a mere trifle.

Here, sir, it is fixed at only one-fourth of 1 per cent. If a corporation received \$100,000 a year, its contribution would be only \$250 a year, and yet we hear this tax decried as if it meant confiscation of corporate property in this country. Not only so, but we are asked, with an air of triumph, if we would put a tax on an incorporated company when a private individual across the street, engaged in the same business, is subjected to no tax. We answer emphatically in the affirmative. There is no injustice and no discrimination in putting an occupation tax on all persons doing a corporate business or excise tax on corporate franchises.

Mr. WILSON. May I interrupt the Senator from Texas?

Mr. CHILTON. If it is a question, I will yield.

Mr. WILSON. I am very much obliged to the Senator. Suppose that the gross receipts of a corporation are, in round numbers, \$1,000,000 and the amount paid for labor is \$500,000. Will or will not the tax on the \$1,000,000 of gross receipts affect the wages paid to the employees?

Mr. CHILTON. I do not think it will. I think it would be too small. If the gross receipts of the corporation are \$1,000,000, the tax would be only \$2,500.

Mr. WILSON. On the other hand, would it increase the rates of transportation upon products of the soil?

Mr. CHILTON. The tendency, of course, is to charge all taxes to consumers. It is probable that the consumers will pay the larger part of this tax, but it is not mathematically certain. The tax on corporations is not different from any other tax in that respect.

Mr. President, there are two great advantages which a corporation possesses over individuals engaged in the same line of business. First, in the right of perpetual succession, the ease with which the ownership of an interest in a corporation is transferred from man to man or sire to son without the embarrassment or delay which comes from the winding up of a private partnership; and second, in the exemption from personal liability which attaches to individual partners.

On account of these two great privileges of corporate existence there has grown during the last thirty years a progressive absorption of the profitable lines of industry in the United States by corporations and a consequent driving out of business of all individual competitors. This tendency has been so manifest that in some of the States of the Union the right to incorporate has been denied to some forms of business, such as mercantile and other similar establishments, because it was found that in corporate names so much capital could be combined without ultimate risk to its owners that daring and speculative methods of transacting business were set on foot to the complete destruction of the prudent and wary Jones or Smith who would meet the peril of lifelong bankruptcy if he undertook to paddle in the same waters.

But it was found that it did no good to withdraw the privilege of incorporating in one State, for forthwith the parties who desired to exploit their business in that fashion would obtain a charter in another State and return home to do business in rivalry with this same neighbor who has been so beautifully described by the Senator from Iowa. Thus business would be done not only with freedom from the restraints which a prudent merchant would employ on his own account, but the lucky corporation would enjoy the privilege of bringing or removing suits to the Federal court as a citizen of another State, while the neighbor, a private citizen, would be forced to sue his debtors in the county of their domicile.

I have known citizens of Texas who conducted business within that State, and who perhaps had never lived in any other, to transact business under a charter obtained in the State of West Virginia.

No, Mr. President; any man familiar with the ordinary business of life knows that after you have taxed corporations the small sum fixed in this bill they will still have all individual competitors at a disadvantage. The business of the country will still progress in

accelerating tendency into the hands of corporation owners, and private competitors will feel the heavy hand of combination, underselling, and trade manipulation which has given the wisest thinkers of this country so much distress.

And if corporations which will be called upon to contribute a meager percentage of their receipts under the terms of this bill feel that it would be oppressive, they have but to give up their corporate name and resume the condition of advantage which Senators on the other side imagine to exist in favor of the individual doing the same line of business.

Instead of dissolving corporations, if we should be so fortunate as to put this bill into this law, the event would prove that corporations will continually grow more and more powerful. The tax is too small to constitute the slightest obstacle to the utilization of the machinery of corporations in the business of the country.

No man connected with the report of this proposition to the Senate feels the slightest hostility to corporate business in this country. I blame no man for forming a corporation when he has the privilege to do so under our laws; and when we propose to tax them, we are leading not a raid upon corporations, but an effort to apply to the field of Federal taxation principles which have long worked with equity and ease in many of the States.

It would be hardly edifying to go into the statutes of the several States to obtain details on this subject, but I will say in a word that from information which I have received almost every State in the Union has in some form or other recognized the wisdom of this principle. I believe Alabama, Colorado, Delaware, Georgia, Maine, Maryland, Minnesota, New Jersey, Rhode Island, Vermont, West Virginia, and other States have all levied similar taxes upon railroad, telegraph, insurance, express, or other incorporated companies.

It seems to me there are no practical or constitutional obstacles in the way of collecting a corporation tax for Federal purposes. I would describe the proposed tax as an excise on the occupation of doing business as a corporation, regulated by the amount of the gross receipts—in other words, such a tax as that habitually imposed in this country on manufacturers of cigars and tobacco and brought forward in this very bill which graduates the amount of the tax by the amount of the annual sales.

But even if the corporation tax now under discussion be considered an excise tax on the corporate franchise, it seems to me no sound objection to the levy can be made. It may be that a State can not levy an excise tax on a corporation created by the United States, but it does not follow that the United States can not impose such a tax on a corporation created by a State, the distinction being that as the United States possesses no general power of creating corporations, Federal corporations can only be created for governmental and not business purposes. Therefore a tax upon a Federal corporation is a tax upon a function or machine of the Federal Government.

On the other hand, State governments possess the general power of creating corporations. A tax on a State corporation is not necessarily, therefore, a tax on a function or machine of the State government. (See *McCulloch vs. Maryland*, 4 Wheat., 416.)

Mr. President, it will not do for gentlemen on the other side to meet this case by any mere extravagant estimates of the burden of the tax of one-fourth of 1 per cent which we have proposed, or estimates of extraordinary sums which such a percentage of taxation will produce. If one-fourth of 1 per cent be too high, make it one-eighth of 1 per cent. Then a corporation which received \$100,000 annually would only pay \$125 of taxes. If one-eighth of 1 per cent be too high, make it one-sixteenth of 1 per cent. Then such a corporation would only pay \$62.50 a year on its gross receipts.

No man can be expected to escape the issue on the mere question of the rate of the levy. The question is broader and deeper. If the brewers are willing to come forward in this great emergency and submit to a great tax; if the tobaccoists are willing to pay a double tax without complaint; if every little note and draft and receipt and bottle of medicine is to be put under forced levy to supply our soldiers and seamen with arms and strength to vindicate American honor, shall the corporations of this country become the sovereign beneficiaries of exemption in this crisis?

The tax on bank deposits is also assailed as if it meant some sort of menace to capital or interruption to business. It is a well-known fact that this tax, though imposed during the war, was not repealed until many years after the other war taxes had disappeared from our statute books. I believe the tax on bank deposits was reduced from time to time until it finally rested at one-half of 1 per cent, and then, in a time of superabundant revenue, it was repealed altogether.

Yet a proposition to reimpose the same tax at a rate not more than half as large as the smallest sum paid by similar property in former years is presented to the Senate, and it is claimed that there is something extraordinary that this interest should be called upon to contribute even at a time when everybody must feel the pinch and pain of war. I believe that even to-day, sir, a tax on

bank deposits is collected in Maine, Maryland, Rhode Island, and Vermont; and certainly there can be nothing nihilistic in a tax which has received the sanction of the controlling elements in these strongholds of protection and capital.

But, Mr. President, after we have covered the field of taxation, it is still necessary—admitted to be necessary by both sides of this Chamber—to find other resources which can be speedily applied to the constant calls of the war. This is especially true in view of the fact that there may be some delay in the collection of taxes, though I think this will be but a slight embarrassment.

Now, to provide for this deficiency two methods are proposed. One is the method suggested by the minority of the committee, composed of Republican members, to issue interest-bearing bonds outright; and the other is the method proposed by the other members of the committee, which is (1) to utilize the silver bullion which the people of this country have already paid for and which now lies idle and uncoined in the vaults of the Treasury. This silver bullion (called seigniorage) now amounts to \$42,000,000, in round numbers.

A persistent effort has been made to discredit this resource of the Government and to represent those who desire to use it in this hour of need as lacking in sound financial judgment. But, Mr. President, the people of this country are not to be deceived, nor are the friends of economical administration to be put down by the false cries which the enemies of double coinage raise whenever a suggestion is ventured which looks like a recognition of the white metal.

Mr. ALDRICH. Will the Senator yield to me for a moment?

Mr. CHILTON. Certainly.

Mr. ALDRICH. The Senator mentioned the sum of \$42,000,000 as the amount now in the Treasury of the United States, the profit, as I understand, on certain silver purchases.

Mr. CHILTON. Yes.

Mr. ALDRICH. As I remember the transactions, the average price paid for the silver bullion was a little in excess of its present price.

Mr. CHILTON. Very likely.

Mr. ALDRICH. If the present price should be adopted as the rule, the profit would be very much greater, say, perhaps, sixty or seventy or eighty million dollars. Why not coin that? Why not issue certificates against that? Why issue certificates against anything? Why go to the expense of coining silver? If it is simply money that you want, why not add to the amount of the legal-tender notes that you propose to issue instead of coining the silver?

Mr. CHILTON. I will soon come to the very point made by the Senator from Rhode Island in regard to the price paid for the bullion.

The coinage of this seigniorage was deemed by both branches of Congress a wise and prudent use of our resources in a time of peace, and a bill was passed directing this coinage on March 15, 1894. Mr. Cleveland, as is well known, vetoed this bill; but the public sentiment of this country never accepted his reasoning as satisfactory, and it would be a method of sure and solvent financial management to take up this matter again at this time.

I note that when the vote was taken on this proposition during the Cleveland Administration, eminent Republican members of this body, such as the Senator from North Dakota [Mr. HANSBROUGH], the Senator from California [Mr. PERKINS], the Senator from Pennsylvania [Mr. QUAY], the Senator from Colorado [Mr. WOLCOTT], and others voted in its favor. Surely the same measure is not less judicious and necessary in this time of war.

This "silver seigniorage," as it has been called—and here is the plain fact that answers the Senator from Rhode Island—is the amount of silver bullion purchased under the Sherman law of 1890 in excess of the amount necessary to coin standard silver dollars to redeem every dollar of paper issued under that act. Its coinage would furnish now, in round numbers, \$42,000,000.

It has been claimed that the silver bullion on hand is worth less than the Treasury notes outstanding, and, valuing the silver as a mere uncoined commodity, that is true. But this objection is wholly outside the question, for if these Treasury notes are to be redeemed in silver, it is only necessary to back them by silver bullion enough to be coined into an equal number of dollars with the outstanding notes, and if they are to be redeemed in gold the silver bullion on hand will be useless in the process of redemption.

In either event the surplus of silver bullion now in the Treasury does not help out the redemption of the outstanding Treasury notes in the slightest degree, but merely takes up space in the vaults of the Treasury.

This surplus of unnecessary and uncoined silver can be made immediately available by the issuance of silver certificates representing the \$42,000,000 of silver bullion actually on hand.

This plan will dispose of the point made by the Senator from Rhode Island, that it will take a long time to coin the silver. The silver dollars can be coined from month to month so as to redeem the certificates as fast as they are presented until the whole amount of seigniorage is converted into actual coined dollars.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CHILTON. Certainly.

Mr. ALDRICH. What I simply meant to say was this: In my judgment and from my standpoint, and I believe from the judgment of a large majority of the Senate, the silver bullion purchased under the provisions of the act of 1890 is held as a trust for the redemption of the Treasury notes which were issued under that act, and we have no right whatever to take any portion of it for any other purpose; that the money which you propose to issue on account of it is essentially fiat money and nothing else; and if we are to add \$42,000,000 of new fiat money, or whatever sum you please, in addition to the \$150,000,000 which you provide for, there is no necessity and no excuse for going to the expense of coining some so-called seigniorage which may or may not be in the Treasury.

Mr. CHILTON. Mr. President, to what straits do gentlemen find themselves driven! We issue certificates now on gold. The laws of this country recognize the use of certificates. We have traveled up to the point where we find that even on a metallic basis of gold and silver the conveniences of modern commerce require the use of certificates to represent the gold and silver. What we propose by this provision is simply to apply to the silver seigniorage in the Treasury the same principle which is applied to gold bullion and to issue certificates representing it.

Mr. ALDRICH. But, if the Senator will permit me further, the gold certificates that are issued certify that the holder of the certificate or somebody in his behalf has deposited a gold dollar in the Treasury of the United States, and that gold dollar, or silver dollar, as the case may be, is held to pay that certificate on demand. Now, there is no silver deposited, and can be no silver deposited, in the Treasury on account of these certificates that you propose to issue. All the silver that is held there is held by an honored and sacred pledge made by the Congress of the United States that it should be held for the redemption of certain notes which are now outstanding.

Mr. CHILTON. That is unsound.

Mr. ALDRICH. That is what the law itself says on its face, and I say that to issue certificates when you have no silver deposited there is simply to issue another form of pure fiat money, and you had better issue it without the pretense of issuing it against silver.

Mr. CHILTON. Mr. President, it would be as preposterous to say that the law which authorizes the issue of gold certificates against gold bullion in the Treasury creates fiat money as to say that a law which proposes to issue silver certificates against silver bullion in the Treasury is fiat money.

The Senator talks about the silver bullion, the seigniorage now in the Treasury, being a trust fund for the redemption of the notes issued under the Sherman law. Mr. President, as fast as the mints coin the silver bullion now in the Treasury to redeem one of the Sherman notes they also coin the seigniorage calculated on that bullion and place it in the Treasury. If the process went along just as it is now progressing, it would not be more than two or three years until every dollar of this \$42,000,000 we are talking about would be converted into the United States Treasury as a clear profit.

Mr. ALLISON. They do it under the law.

Mr. CHILTON. They do it under the law. That is what I am getting at. So if we were to authorize this \$42,000,000 to be coined now and the certificates to be issued on it, we would merely do to-day what would be done in the course of two or three years in the ordinary course of Treasury operations.

Mr. GEAR. As I understand the amendment, you propose to coin at once this \$42,000,000. Suppose the next day or the next month there is a run on the Treasury to redeem it, what is the Senator going to do? The money is not there to meet it.

Mr. CHILTON. There are plenty of other dollars there.

Mr. GEAR. But there is no surplus in the Treasury above ten or twelve million dollars. You can not issue these certificates in advance, it seems to me.

Mr. COCKRELL. There are over 5,000,000 of silver dollars now coined under the Sherman Act.

Mr. GEAR. But you are going to issue \$42,000,000 in advance; and suppose there is a run on the Treasury, how are you to pay it?

Mr. CHILTON. I endeavored to point out a few minutes ago that we had over and above the gold reserve, which is supposed to constitute a sacred fund, \$62,000,000 as a working balance in the Treasury of the United States. Not only so, but if the certificates are issued the mints will operate faster than any probable demand for redemption of the silver certificates in silver dollars. Even if it did not—

Mr. GEAR. The Government would lose credit.

Mr. CHILTON. No, sir. Silver certificates would be redeemed with as much ease as the outstanding Sherman notes or the greenbacks are redeemed.

Mr. GEAR. The \$62,000,000 to which the Senator referred is

not applicable to the payment of the certificates. In case they are brought in they have to be paid out in dollars.

Mr. CHILTON. Secretary Gage recently stated in a letter that if it became necessary he would redeem the outstanding silver coin in gold.

Mr. GEAR. He was right.

Mr. CHILTON. Then why talk about difficulties?

Mr. GEAR. He was right, because the Government agreed to maintain all its money at a parity.

Mr. CHILTON. But I mention this to show that the same difficulty would exist whether you paid out the certificates or paid out the coined silver dollars.

Mr. ALDRICH. The Senator from Texas admits that it will be two or three years, under his own provisions, before silver can be actually coined.

Mr. CHILTON. Oh, no; you are mistaken.

Mr. ALDRICH. He proposes to issue to-morrow or the next day a certificate: "This certifies that there have been deposited in the Treasury of the United States twenty silver dollars, payable to the bearer on demand." There will be not one single silver dollar deposited there payable on demand to the holders of these certificates.

Mr. GEAR. It ought to read "on dollars to be deposited."

Mr. ALDRICH. There have been no silver dollars deposited there and there can be no silver deposited there. If we are going to issue fiat money, why not make it fiat money?

Mr. ALLISON. It is to make it fiat money.

Mr. ALDRICH. Why not release the Government of the United States from the obligation of spending money to coin silver which is in the Treasury or somewhere else?

Mr. CHILTON. You might as well talk about the gold to redeem gold certificates not being there. Suppose you issue gold certificates on gold bullion, you would not have gold dollars there, but you would have the gold with which to coin gold dollars to redeem the outstanding certificates.

Mr. ALDRICH. There are no gold certificates issued upon gold bullion. There never have been and never can be in the nature of things. There are gold certificates issued upon gold dollars, upon coin, gold deposited, and the depositor has a right to have a certificate. The Government is bound in honor to retain that gold for the payment of the certificate, and it does so as a matter of fact.

Mr. TELLER. Will the Senator from Texas allow me to correct the statement of the Senator from Rhode Island?

Mr. CHILTON. Certainly.

Mr. TELLER. The Government always has been in the habit of issuing these certificates on the gold bullion.

Mr. JONES of Arkansas. That is my understanding.

Mr. COCKRELL. Always.

Mr. TELLER. They are payable in gold coin. There is now on the statute book, if it has not been repealed, and I do not think it has, a provision of law that allowed the Government of the United States to issue 20 per cent in gold certificates more than the gold on deposit. It may have been repealed, but it was on the statute book for many years.

Mr. COCKRELL. It is on the statute book now, but I think it is only 15 per cent.

Mr. TELLER. It may be 15 per cent.

Mr. ALDRICH. I would be very glad to have the Senator call attention to any such act.

Mr. COCKRELL. I introduced a resolution covering the subject.

Mr. TELLER. There is not one time out of ten that the Government ever has coin enough on hand to pay the gold certificates. The people who go there do not stop to get a dollar, but they carry their bars there and deposit it and the Government gives them certificates on the bullion.

Mr. ALLISON. There was such a law, but I think the law has been repealed. I am not sure.

Mr. TELLER. I will not say that it has been repealed. I do not know whether it has been repealed. It has not been in use, I know, for a good many years. It was in operation for many years, and that, too, when the Republican party were in absolute power in every branch of Congress.

Mr. CHILTON. Mr. President, it is unnecessary to decide the particular point as to whether 15 or 20 per cent extra in the shape of gold certificates can be issued on gold bullion; the main proposition is exactly as I stated it; that is, that gold certificates can be issued on gold bullion. The proposed amendment is simply an application of that old practice; that is, we propose to issue silver certificates on silver bullion.

Mr. ALDRICH. Does the Senator contend that there is any such provision in regard to silver bullion, whatever the fact may be as to gold?

Mr. CHILTON. I say we will now authorize it in regard to silver bullion.

Mr. ALDRICH. Put it in the law and provide that the certificates shall read that way.

Mr. CHILTON. That is exactly what we now propose to do. We hope to authorize the issue of certificates on the bullion in the Treasury, and then we want to coin the bullion from time to time and hold it to redeem the outstanding notes.

Mr. ALDRICH. The proposed act does not read that way.

Mr. CHILTON. Oh, yes.

Mr. GEAR. Then, the certificate should read "in dollars to be coined."

Mr. CHILTON. You might as well say that the gold certificate should read that way.

Mr. SPOONER. There is no difference between the commercial value of gold and the coinage value of gold.

Mr. CHILTON. But that does not touch the point at all, because all silver certificates on their face at least provide for redemption only in silver dollars.

Indeed, the Senator from Iowa seems to be very much alarmed lest there should be an extraordinary rush upon the Treasury for these silver dollars.

Mr. GEAR. There has been a rush on the Treasury—not for silver, I admit, in recent years, and I do not think it is probable there will be. However, there is liable to be a rush on the Treasury in time of war. I imagine if the Democratic amendment is adopted there will be very quickly a rush on the Treasury.

Mr. CHILTON. For silver dollars?

Mr. GEAR. No.

Mr. CHILTON. I desire to correct one misapprehension under which the Senator from Rhode Island labors. I have not said it will take two or three years to coin the silver bullion representing the seigniorage and now in the Treasury.

Mr. ALDRICH. What is the coinage capacity of the mints of the United States?

Mr. CHILTON. It has been estimated at from four to five million dollars a month.

Mr. GEAR. Four million at the outside.

Mr. ALDRICH. I never heard anybody estimate it so high. I think three and a half million dollars is the highest.

Mr. CHILTON. Four millions is often estimated.

Mr. ALDRICH. At \$4,000,000 a month, \$48,000,000 a year, it would take a little over two years.

Mr. CHILTON. There are only \$42,000,000.

Mr. ALDRICH. Forty-two million dollars of profit.

Mr. CHILTON. We do not propose to issue certificates against anything but the seigniorage.

Mr. ALDRICH. You propose to issue against profit before the profit accrues. There can be no profit until the original bullion is coined.

Mr. CHILTON. I thought I explained clearly that the extra bullion—the seigniorage, so called—in the Treasury does not help the outstanding Treasury notes by one farthing, because if the outstanding Treasury notes are to be redeemed in silver, then all that is needed is to keep silver enough on hand to make a silver dollar for every outstanding certificate dollar, and if these certificates are to be redeemed in gold, then the seigniorage in the Treasury is absolutely useless for purposes of redemption.

Either way you look at it, no more silver is needed in the Treasury vaults than enough to coin silver dollars in amount equal to the outstanding certificates and Treasury notes. The very fact that the seigniorage is now coined slowly from month to month and covered into the Treasury to be used for current purposes shows that it is an absolute profit in favor of the United States Government and not a trust fund to be kept there for the redemption of outstanding Treasury notes.

Mr. ALDRICH. If the Senator will permit me further, there are, say, \$150,000,000 outstanding Treasury notes.

Mr. COCKRELL. Only \$102,000,000.

Mr. ALDRICH. Well, there are \$100,000,000 outstanding Treasury notes issued under the act of 1890. The Government of the United States is bound to redeem those notes either in gold or silver coin upon presentation to the Treasury.

Mr. SPOONER. And maintain them at parity.

Mr. ALDRICH. And maintain them at parity also. The Senator from Missouri says we have 500,000,000 uncovered silver dollars in the Treasury now.

Mr. COCKRELL. That is, of that coinage.

Mr. ALDRICH. We have \$100,000,000 of Treasury notes and you will have \$42,000,000 of silver certificates outstanding, and 5,000,000 silver dollars to redeem the whole.

Mr. CHILTON. We have the surplus of \$62,000,000 which can be used for all purposes. The Secretary of the Treasury has already announced that he would use the gold reserve, which constitutes another surplus of \$100,000,000, to redeem even the outstanding silver dollars.

Mr. TELLER. Will the Senator from Texas allow me just a moment?

Mr. CHILTON. Certainly.

Mr. TELLER. I want to challenge; if it will not interrupt the Senator speaking, the statement made so positively by the Senator

from Rhode Island that all of this silver is in trust for the redemption of these notes. It never has been so treated in the Department, and it is not so under the statute.

The silver bullion in the Treasury that was purchased under the act of 1890 cost the Government \$97,686,516. That will coin, when coined, forty-two million more dollars than that sum. The statute requires that the Government shall keep silver bullion equivalent to the cost of the Treasury notes out, or it shall keep silver bullion to redeem them, and that is all there is. Now, then, all the Government is obliged to do is to keep silver enough to make into dollars to redeem these notes.

Mr. CHILTON. That is the statement I have made and even repeated.

Mr. TELLER. That is what it does, and there is no foundation for the statement that the \$42,000,000 is a trust fund. As the Senator from Texas has said, at least every month the Government coins the seigniorage and puts it into the Treasury and distributed into general account.

Mr. ALDRICH. If the Senator from Texas will excuse me for a moment, I do not expect to agree with the Senator from Colorado as to the meaning and intent of the act of 1890. I was a member of the committee which prepared the act, and I think the Senator from Colorado was also a member of the same committee. My understanding of the purpose of that act was at the time, and has always remained since, that it was the purpose of the United States to issue only an amount of Treasury notes equal to the value of the silver bullion purchased under the provisions of that act. The law said so in express terms.

Mr. TELLER. That is right.

Mr. ALDRICH. The law provided:

But no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom.

Mr. CHILTON. I do not want to be interrupted for a speech, but I am perfectly willing to yield for a question.

Mr. ALDRICH. That is all I want to say. I differ entirely from the view of the Senator from Colorado.

Mr. TELLER. Just a moment. The Senator does not differ with me at all. I made the statement exactly as he makes it, but I said that all the Government needed to do was to keep it and not redeem it. The Senator says the Government must keep it all. There never was any such suggestion made.

Mr. ALDRICH. That is my understanding of the law. It is my understanding of the purpose and my understanding of its intent.

Mr. CHILTON. Mr. President, I will read the law which authorizes the Secretary of the Treasury to receive gold bullion and issue certificates on it:

Act of June 22, 1874. Provisions of the Revised Statutes of the United States relating to coinage.

SEC. 254. The Secretary of the Treasury is authorized to receive deposits of gold coin and bullion with the Treasurer or any assistant treasurer of the United States, in sums not less than \$20, and to issue certificates therefor, in denominations of not less than \$20, each, corresponding with the denominations of the United States notes.

The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed 20 per cent beyond the amount of coin and bullion in the Treasury.

Mr. ALDRICH. This act was passed—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CHILTON. If not for too long, I will yield; but I want to get on with my remarks.

Mr. ALDRICH. The very language the Senator read, instead of sustaining his contention, sustains the opposite contention. It says they may issue certificates as to coin and as to bullion, and that those certificates as to coin are receivable for certain public dues. That is all there is of it. They are permitted to use certificates as against bullion deposited and as against coin deposited, which shall be retained in the Treasury to pay the certificates, making it a trust fund for that purpose; and there is no such law in regard to silver bullion at all.

Mr. CHILTON. We are proposing now to enact such a law in regard to silver bullion. We recognize silver to be standard money. We believe that the silver which is now on hand in the Treasury ought to be treated as the property of the Government, and ought to be made to contribute to the help of the people of the United States in this emergency.

Mr. ALDRICH. But you propose to issue certificates, not as against the silver bullion hereafter deposited by any holder, but as to the silver bullion which is now in the Treasury and held as a sacred trust for another purpose.

Mr. CHILTON. It would not make a whit of difference as to the power of Congress and as to the expediency of the project whether the bullion was deposited before the law was passed or after the law was passed. As to its being held as a sacred trust fund, I deny that proposition in toto. The practice of the Treasury denies it, because every time silver is coined a certain part of

the bullion, counted as seigniorage, is covered into the Treasury of the United States as a part of the ordinary assets of the Government.

Mr. BACON. Will the Senator permit me just a moment?

Mr. CHILTON. I will yield for a question.

Mr. BACON. No; just to state the amount of seigniorage which has been so deposited.

Mr. CHILTON. All right; I will yield to the Senator from Georgia.

Mr. BACON. The Secretary of the Treasury, in response to a resolution adopted by the Senate, reported that between August 18, 1890, and November 1, 1893, there was coined as seigniorage and deposited to the credit of the Government \$6,977,008, and between November 1, 1893, and February 1, 1898, there was coined as seigniorage and segregated from the trust fund the Senator from Rhode Island speaks of, and deposited to the credit of the Government between those dates, \$11,812,635, making in all over \$18,000,000 the Government has already segregated from what the Senator from Rhode Island says is a trust fund and deposited to the general credit of the Government, and in strict accordance with the letter of the law which directs that it shall be so deposited.

Mr. ALDRICH. I am not contending as to the seigniorage which has already accrued—that is, where the silver dollars have already been coined by the Government—that the rule suggested should apply; but what I am contending is that there can be no seigniorage and profit until this coinage has taken place to its fullest extent, and until that has occurred the Government is bound to hold the silver bullion for the redemption of Treasury notes in accordance with the express terms of the law.

Mr. CHILTON. You know exactly how many dollars it will make. If we shall utilize it in twelve months or two years' time in the natural course of events, shall we not be permitted to use it now in order to relieve the overburdened people of this country from the great pressure of war taxation?

Besides the utilization of this seigniorage which I have described, in order to cover all contingencies and meet every argument in favor of issuing bonds the majority of the Finance Committee propose to use the borrowing power of the United States Government to the extent of \$150,000,000. But we propose to borrow this money without burdening the toiling millions of America by a perpetual charge for interest.

Our method is simply to issue \$150,000,000 of noninterest bearing legal-tender notes, payable on demand. It so happens that the United States possesses the power and the opportunity to borrow without interest.

In the debates which have occurred on this measure in the Senate and House I have yet to notice a definite objection to a legal-tender issue such as I have described. Is there any man who hears me that doubts that an issue of \$150,000,000, in view of the resources of our country, can be made without the slightest danger of depreciation? Is there any man who doubts that every soldier and sailor and contractor would cheerfully take these notes in payment of dues which the United States has promised them?

That being so, what tangible objection to this method of borrowing money can be brought forward? If it be true that by conferring upon our national obligations the legal-tender quality we can borrow as readily as we can use interest-bearing obligations without the legal-tender quality, why should any man hesitate to use the economical rather than the expensive method?

Can it be that we are to stumble upon the question of whether Congress has the constitutional power to make its obligations legal tender? As an original proposition, I might ponder long before construing our Constitution to confer such a right upon Congress. But is nothing ever settled? Are we forever to take fright at theories which time and war and our highest courts have forever discarded into the limbo of the obsolete?

It would be as fruitful of good to go back and resume discussion of slavery, secession, or any of the other great issues connected with the civil war as to go back and resume the discussion of the power of the Government to make its obligations a legal tender.

Mr. FAIRBANKS. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. CHILTON. I will yield for a question.

Mr. FAIRBANKS. I want to ask the Senator whether anybody is raising a question as to the constitutional power of the Government to make its obligations a legal tender?

Mr. CHILTON. Yes, sir; I have heard that question raised here in private conversation.

The original legal-tender act passed Congress by a vote made up both of Democrats and Republicans. There has been constant circulation of these issues for thirty-five years; they are used by every man in his daily transactions; they are granted on all sides to be the most convenient form of currency, and after such experience and in the face of all the events of our history it is marvelous to me that any man could be squeamish about the constitutional warrant for such a power.

It is not fiat money which is proposed, not irredeemable paper, not a paper-money basis, but solemn obligations of the Government, payable in dollars, redeemable as all the outstanding greenbacks are redeemable, and protected by all the guaranties which back up the purchasing power of the standard money of our country.

Nor is there any room now for talk about undue inflation. New silver dollars have ceased to flow into our circulation since 1893, when the purchasing clause of the Sherman law was repealed. National-bank notes are growing less in volume. The Bland Act furnished during its existence, from 1878 to 1890, nearly double the addition to the circulation that is now proposed to be made in this emergency.

The Sherman law of 1890, from the time of its enactment to its repeal, a period of nearly three years, constituted a much greater infusion of paper-money expansion than the \$150,000,000 which we now advocate.

This \$150,000,000 will not be paid out in a lump. It will not be paid out at all unless the Secretary of the Treasury should find it necessary, and if the war comes to a speedy conclusion it may not be necessary for him to use the power which we confer; but if they are paid out at all, they will push into the circulation gradually from month to month to make up for balances which the inadequate receipts from taxation bring about. Thus authorized, thus guaranteed, thus issued, in my judgment such an expansion of our circulating medium would have the happiest effects upon American business.

It is a matter of familiar history that when the civil war was in progress the issue of United States notes acted like magic upon the drooping spirits and the stagnated enterprises of the country. When we go back and read the prophecies of disaster which great financial authorities in the House and Senate embalmed in speeches against the first legal-tender bill, and contrast these declarations with the absolutely unanimous verdict of actual experience, who can hesitate to repeat the same financial policy under circumstances which make its safety and success ten times better assured?

All our great statesmen agree that the legal-tender notes which were put forth during the civil war constituted one of the chief agencies in carrying on that struggle. In the South these issues constituted almost the only resource, and in the North they gladdened the heart of the soldier in the field and busied the hand of the laborer at home. Immense revenues to support the Union armies were paid cheerfully because money was made more plentiful and industry quickened in every direction by the wonderful thrill of a just inflation of the circulating medium.

So, now, if I felt called upon to estimate the receipts from the tax clauses of the bill which we now propose, I would make a difference of at least 20 per cent on the estimates of revenues upon the basis of two alternatives, one the issue of bonds, and the other the issuance of United States notes.

If we put into circulation among the people from month to month an addition to the present volume of money not exceeding \$150,000,000, by July 1, 1899, or, say, within the next fourteen months, we will find that the trade and industrial activities of the American people will be so quickened and multiplied that the revenues which I have estimated in the preceding tables to come from the several descriptions of taxes included in this bill will be more than 10 per cent greater than I have estimated; while, on the other hand, if the operations of the people are to be hampered by practical contraction of the circulating medium, which always accompanies the preparation and consummation of a bond issue, then I believe the revenue will be 10 per cent short of the figures which have been given.

Let us not despise the example of Secretary Chase and other great financiers of our history. Let us not reject an expedient which will enable our people to bear the sacrifices of war with the smallest possible burden. Let us put this power in the hands of the Secretary of the Treasury. With his well-known financial views, we can depend upon him not to employ it unless there should be a real exigency.

I do not disguise from myself a recognition of the fact that it is ordinarily undesirable to increase the outstanding paper which may be presented for redemption, and I would prefer a condition where gold and silver were both coined, both invested with the money function, and each form of coinage permitted to stand upon its own weight, which I believe would be an equilibrium.

If we could establish that policy and issue gold and silver certificates to give the people the convenience of a paper representative of money, I would be glad to see all redeemable paper banished from circulation.

But it is not a question of what we would do as an original proposition, but it is a question of alternatives.

Mr. SPOONER. Will the Senator allow me to interrupt him? Mr. CHILTON. Certainly.

Mr. SPOONER. I understood the Senator to say he would be glad to see all redeemable paper banished from circulation. Would he like to substitute for that irredeemable paper?

Mr. CHILTON. Oh, no; I thought I made that clear.

In the stead of the methods with which we propose to supply our National Treasury with a full store of ready money, the Republican members of the committee offer interest-bearing bonds. I will not stop to enter at length into an examination of the sorts of bonds which they propose. You may call part of them short-time certificates.

You may talk about popular loans, or use any other contrivance to disguise the real nature of the transaction which is proposed, but at last the people will see that what you offer is an obligation which bears interest, as against what we offer, which is to utilize the silver already on hand and to issue obligations which do not bear interest. You may split your bonds up into a dollar apiece, and you may offer them at not only every post-office in the United States, but at every drug store on every corner, and they will still gravitate into the hands of great capitalists, to constitute a permanent drain upon the industry and energy of the American people.

The great trouble with the farmers and laboring people of this country is that under existing financial conditions they have no money to spare to invest in anything, or what little they have can be employed to more advantage in their neighborhood transactions than in Government bonds.

It is only the people who have great stores of idle money or who are unwilling to take the chances of ordinary business who are willing to invest their money at 3 per cent.

The people are not to be deceived by phrases. They know that every dollar of additional interest-bearing debt which is created by this Government adds a further obstacle to the natural industrial liberty of the working millions and entails upon all who come after us the curse of paying tribute to the idle and insatiable dominion of the interest-holding class. They know how the interest collected from Government bonds is compounded and ramified with all the art of modern usury, and, no matter what you call them, in their hearts the common people rebel against bonds unless you can demonstrate them to be necessary. No such demonstration can be made. They are not necessary at this stage of our struggle with Spain. They will not be necessary, I hope, at any future stage.

Mr. President, the Republican Administration now in control of our national affairs has no right to play fast and loose with the patriotism of the American people. They have no right in an hour when the awakened indignation of American hearts is concentrated upon the suffering of the Cuban people and vindicating the glory of the American flag to traffic upon that indignation and use its blind and loving intensity as a means of enforcing financial methods which will wear upon our resources long after the dawn of a glorious peace.

Mr. President, of all the devices which have ever been invented to enable a favored few to ride the scattered many with whip and spur Government bonds are the most successful. It seems as if it were the perpetual destiny of the common people to rest under some form of tribute.

In the early days of mankind actual slavery was the lot of millions, and as civilization spread its influence throughout the world the condition of the poor was tempered to the degree that a sort of feudal tenure grew up which left the common man hardly less than servant of the rich and powerful. But as time wore on and the centuries brightened with the influence of sweet religion, both the actual slave and the feudatory have passed away.

Imprisonment for debt, which was once the common practice under great institutions, has yielded in the face of advancing light, and is heard of no more amongst us forever. In this country great lawgivers have gone still further, and we find in nearly all the States liberal statutes which guarantee not only that the debtors shall be free from arrest, but that their wages and a reserve of property shall be put beyond the reach of seizure when the hour of misfortune comes.

Blessed are these reforms, for, while sometimes under cover of their benevolence fraudulent practices thrive, their general influence is to inspire patriotism and to multiply happy American homes.

But as these great developments of ennobling tendency have gone on, some others have made their appearance which threaten to counterbalance all their good results. Prominent among these is the device of national debts.

It would hardly be useful to follow the expansion of this system from the time William of Orange successfully transplanted it to the shores of England to the present day. But it is the people of the most civilized countries who have been the chief victims of the general mania to create public debt.

When Louis Napoleon ascended the throne of France the public debt of that country was already more than a billion of dollars, and after he had reigned eighteen years and was hunted a fugitive from his imperial playgrounds the debt of France, counting the German war indemnity, had risen to \$5,500,000,000.

The experience of other countries has not been quite so bad, but the tables of the world's progress are full of menace to the safety of future generations.

The national debts of the world from 1862 to 1873, embracing the period of our own civil war, increased by more than \$10,000,000,000; from 1873 to 1882 the increase was \$3,945,000,000, and from 1882 to 1891 it was over \$5,500,000,000. These figures do not include State, local, and municipal debts.

If the debts of the nations of the world represented new railroads, new canals, or other internal improvements it might be said that the countries concerned had gotten value received for the burdens which the people are compelled to endure. But the statistics show that only 12 per cent of the national debts of the world has been created or expended for industrial purposes, and the other 88 per cent has gone for war, warlike preparations, and other purposes, which mean not production, but waste.

The great danger of the situation lies in the fact that there is and can be no express limit upon a nation's power to create debt except in the discretion of the authorities who from time to time represent that nation. The statesmen of our own time have endeavored to set bounds upon the tendency of mankind to mortgage the future in order to exploit the fancies of the present, by putting into the constitutions of the several States of this Union limitations upon the power of the legislatures to create debts or issue bonds. Thus it is that we find in almost every State constitution some restriction of this sort.

In like manner the State constitutions have undertaken to limit the powers of municipalities, counties, and other local subdivisions to run into debt. These limitations indicate a wise and noble foresight.

But in the very nature of things, in our Federal system we can have no such a limitation. We do not know all the deadly perils, all the supreme trials, the future may have in store for our country, and we must keep in reserve a tremendous and dangerous magazine of power.

But this very impossibility of enforcing limitations against the Congress in dealing with this broad subject ought to teach us never to draw upon this magazine of jurisdiction until a time of sure and inevitable crisis came.

What will be the effect of issuing \$600,000,000 of bonds, as proposed by the House bill, or \$300,000,000, as proposed by the Republican members of the Finance Committee in the Senate? What has been the effect already of the probability of such a bond issue? Simply to withdraw rapidly from every quarter of the country money which would otherwise be employed in productive industry.

Does any man desire to borrow money to start a factory? If so, he will not obtain it as long as the capitalist with whom he is in correspondence expects to be able to use his money by investing in a Government bond. Has any company projected a new line of railroad for which they expect to find backing in New York, Boston, or other money market? If so, their enterprise will stand still until the men with the deep purse find out whether their money can be put at interest in a loan to the United States Government.

So it is with all the other industrial enterprises throughout the country. There will be doubt, delay, and disappointment just as long as the probability exists that the spare capital accumulated in the great cities can be loaned to the United States.

And so, when this money actually goes into the Treasury in exchange for Government bonds, it travels into the Treasury in large lumps and only comes out again slowly. We have noticed an example of this transaction in the case of the bond issues under Mr. Cleveland's Administration, which locked up in the Treasury a large fraction of the circulating medium of this country.

The policy of creating national debts is in every respect malign. I once read in that first book of every lawyer, Blackstone's Commentaries, a comment upon the experience of our English ancestors in making and postponing national debts which I feel tempted to quote:

If part of this debt be owing to foreigners, either they draw out of the Kingdom annually a considerable quantity of specie for the interest, or else it is made an argument to grant them unreasonable privileges in order to induce them to reside here. * * * If the whole be owing to subjects only, it is then charging the active and industrious subject who pays his share of the taxes to maintain the indolent and idle creditor who receives them. Lastly and principally, it weakens the internal strength of a state by anticipating those resources which should be reserved to defend it in case of necessity.

The interest we now pay for our debts would be nearly sufficient to maintain any war that any national motives could require. And if our ancestors in King William's time had annually paid, so long as their exigencies lasted, even a less sum than we now annually raise upon their accounts, they would in the time of war have borne no greater burdens than they have bequeathed to and settled upon their posterity in time of peace, and might have been eased the instant the exigence was over.

That great man, Gladstone, who now lies in funeral state, while tears flow from civilized men and women throughout the world, said, in a speech which he made on the occasion of the Crimean war:

Under such a system—

Referring to the borrowing system, the bond system, which is now advocated by some members of the Finance Committee—

the people do not really know what they are doing. The consequences are adjourned to the future. What is desirable is that they should know the price they are called upon to pay for the benefits they expect * * * in order that that which they do they may do on intelligent and reasonable

grounds, not deluding themselves at the cost of bequeathing a charge on posterity."

The warning of Mr. Gladstone is as truthful now, while the sorrow of the world is centered upon his death, as it was when uttered in the day of his prime.

A national debt not only conceals from the people the amount which a particular policy will cost, but who can measure the irritation which is fomented among the common citizens of a republic by reason of the fact that a certain part of the population are living in idleness and drawing dividends from the toil of others.

I know that some of those who have affected to despise the apprehensions of those who see in public debt a means of undoing our country have said that the same amount of money is still in circulation and that the interest charged is simply a debt of the right hand which is paid to the left.

In the first place, a large part of this interest goes out of this country into foreign lands and never returns again. But even that which is paid out to the bondholders of this country is not a mere redistribution of funds.

True, it comes from the right hand into the left, but, Mr. President, the far-away farmer is that right hand, the blacksmith or carpenter is that right hand, the industrious merchant is that right hand, printer or teacher or humble laborer is that right hand, the more than 60,000,000 people who are hewing comfort out of hard conditions, scattered through forty-five States of our Union, hold out that right hand, from which the money comes by taxation to pay the interest on these bonds.

And who puts forth the left hand into which this toil-earned money is to be dropped? The left hand is the hand of the great manufacturer, who, through the instrumentality of the protective tariff, has been able to keep out foreign competition and collect extraordinary prices from the consumers of his products.

The left hand is the hand of the oil magnate, or the great insurance president, or the sugar trust monopolist, or the telegraph king, or some other man who by a trust, a combination, a great feat of speculation, or syndicate contrivance, good or bad, has amassed a great fund of idle money which he is not willing to put into the ordinary business of the country, but must invest in some preferred security which will give him no trouble of management.

This great fund-holding interest has become a force through the world which steadily resists the reduction or payment of national debts, and by organized and aggressive efforts steadily stimulates the creation of new national debts. They are no longer satisfied with a mortgage on a farm, or a cotton factory, or rows of brick buildings, nor even railroads, but they must have a mortgage upon all the industry and all the energy of all the people in the United States.

Nothing but extreme necessity will ever prompt me to put the industry of my constituents in pawn to the fund mongers of the Old and the New World. Such a strait may come in the future, but it is not now here; and for one, when the roll is called upon the proposition to issue bonds, in large amounts or small amounts, at the Treasury, at the bank counter, or at the post-offices, for one year or ten years, I shall answer an uncompromising "No."

The PRESIDING OFFICER (Mr. CULLOM in the chair). The pending question is on the amendment submitted by the Senator from Louisiana [Mr. McENERY].

Mr. JONES of Arkansas. What is the amendment?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 62, line 21, after the word "shareholders," it is proposed to insert:

Limited liability commercial partnerships, or corporations, and companies or corporations of limited liability conducting planting or farming business, or preparing for market products of the soil.

Mr. ALLEN. Let the proviso be read as it will read if amended.

The PRESIDING OFFICER. The Secretary will read that portion of the amendment to which the amendment to the amendment relates.

Mr. CLAY. The Senator from Louisiana [Mr. McENERY] is absent; he has been called out, and I trust that the amendment to the amendment will be passed over until he returns.

The PRESIDING OFFICER. If there be no objection, the amendment to the amendment will be passed over. Amendment No. 177 has been read and is before the Senate for action, and the Senator from Louisiana has proposed an amendment thereto. Does the Senate desire that the whole amendment be passed over?

Mr. ALLISON. No; let the amendment of the Senator from Louisiana be read.

The PRESIDING OFFICER. It has been read.

Mr. ALLISON. I mean in connection with the text, so that we can see to what it relates.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Provided, That this section shall not apply to any corporation that is subjected to excise tax under section — of this act, nor to religious, educational, benevolent, eleemosynary, or cemetery corporations; municipal or other public corporations; fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick,

accident, and other benefits to the members of such societies, orders, or associations, and dependents of such members; building and loan associations which make loans only to their shareholders; limited liability commercial partnerships, or corporations, and companies or corporations of limited liability conducting planting or farming business, or preparing for market products of the soil; nor shall corporations which buy and sell raw or unmanufactured domestic agricultural products be required to pay any tax with respect to such dealings except as otherwise provided in Schedule A of this act.

THE PRESIDING OFFICER. Is it the pleasure of the Senate to postpone action upon the amendment until the Senator from Louisiana comes into the Chamber?

Mr. GORMAN. I think it ought to be laid aside.

Mr. CAFFERY. I ask that the amendment of my colleague may be laid aside temporarily.

THE PRESIDING OFFICER. If there is no objection, the amendment to the amendment will be passed over.

Mr. LODGE. Mr. President, if we are still on the amendment relating to taxes on banks and corporations I desire to speak to the amendment. I do not propose to go into the question of coining the seigniorage, for I am still so far behind the latest phases of economic thought, as manifested by the Senator from Texas, that I am not able to see how you can have seigniorage until the coinage takes place. Therefore, I do not see how you can coin or issue notes against what does not exist. I shall, for this reason, confine myself simply to the proposed tax on corporations and on banks.

The object, as I take it, of the proposed tax on banks and corporations is to place a tax upon those wicked persons who have made or saved money and who are popularly supposed to be gathered together in corporations. That, of course, is a purpose with which all virtuous persons, especially those who have not been quite so successful, perhaps, in amassing money, very gladly sympathize. But it is certainly desirable that these taxes shall fall justly and equitably, and the reverse is the case here. One of the principal reasons, I understand, put forward by the Senator from Texas [Mr. CHILTON] for taxes of this character was that it is desirable to reach the personal property which now largely escapes taxation and not force the taxes onto real estate, which are largely paid by farmers and by persons of comparatively small means.

It seems to me that the fact that many of the States tax banks and corporations, instead of being an argument for this tax, is an argument against it. I will take my own State as an example. We now raise from our bank and corporation tax in Massachusetts \$4,777,000, of which sum \$3,356,005.14 is paid out to the towns and cities in which the stockholders of the banks and corporations live. The remainder goes toward paying the expenses of the State. That State tax on banks and corporations is properly imposed, because those corporations receive from the State the great privileges of franchises and other rights conveyed by their charters. They are taxed as much as they can reasonably bear. If the National Government now imposes an additional tax upon those banks and corporations in the State, the effect will be to put such a burden upon them that the State will be obliged to give up or to reduce very largely the tax now raised from this source or else a large number of these corporations will be forced out of existence.

We have not reached that point of economic thought in my State where it is considered desirable to crush out our industrial corporations by overtaxing them, and therefore I assume that when they receive the additional burden of a national tax the State will be compelled to sacrifice what it now receives from those sources and will be obliged to repeal or very greatly reduce its bank and corporation taxes. If that is done, it can have but one effect, which will be to compel the State and municipal taxation to be raised still more largely upon real estate; that is, it will force the taxation back upon the very class of people whom it is said to be the object of this amendment to relieve.

Mr. President, it has been the consistent policy of this Government to leave certain branches of taxation to the States, and those branches, I think, should be taken up by the National Government only under the greatest stress of circumstances, a stress which does not now exist. The National Government as it is absorbs all the duties on imports and also the great excise taxes on liquors and on tobacco, and it is very proper that it should raise its revenue from those sources. It has left to the States as one of their principal sources of taxation the aggregate capital engaged in banks and corporations, and I think to take that from the States or largely reduce it will have the precise effect which it is said we desire to avoid; that is, it will force the State taxation on the class of people least able to bear a heavy direct tax.

The States and municipalities must get their money somewhere. If the National Government takes from them one field of taxation after another, they are forced back more and more to the comparatively narrow ground of real estate; and it seems to me that this is a very serious, to my mind a fatal, objection to the whole scheme of taxing banks and corporations.

There is another point about this amendment, and that is the

extreme injustice, as it appears to me, with which these taxes are imposed. We tax the corporation, but we do not tax the partnership; and the Senator from Texas, on being asked if this was the intention of the bill, said that it was; that is, we propose to tax men for privileges which we do not confer and relieve other men doing perhaps the same business and with a larger profit because they do business in the form of a partnership and not of a corporation. The corporation, as a rule, is made up of many persons with small interests, whereas the great partnerships are made up, as a rule, of only two or three persons, and yet by this amendment all partnerships are exempted and all corporations are taxed.

In my State, for example, one of the largest industries, an industry whose output outranks, I think, that of cotton or almost any other, is the great leather industry, principally boots and shoes. The form which that industry has taken is very largely that of small corporations. The great corporations that exist in the textile industries do not exist in the boot and shoe and leather industry. They are carried on, as a rule, with small capital, in comparatively small subdivisions. Some of them have been incorporated for convenience in doing business. I think the larger part are still partnerships or individual owners.

The competition in the boot and shoe trade is extremely close; the margin of profit is very narrow, and it is proposed here to put a tax of a quarter of 1 per cent on the corporations engaged in the manufacture of boots and shoes and to exempt the men all around them, who are doing precisely the same business on an equal or larger capital, from all taxation whatever. The difference of a quarter of 1 per cent in that industry would have the effect of shutting out a number of the small manufactories. It creates in that great industry an immediate and most unjust discrimination.

Then, Mr. President, it is proposed to lay this tax on the gross receipts. The bill draws no distinction between the large and very profitable corporations and a small corporation which may be just struggling along and making a bare living. They all alike are to be taxed on their gross receipts.

Mr. DANIEL. Will my honorable friend allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. DANIEL. Does the stamp tax make any exception as to poor people?

Mr. LODGE. It makes no exception of which I am aware.

Mr. DANIEL. May I ask the Senator if there might not possibly be some trouble with the Supreme Court if we did not make it uniform all the way up and down, as applying to all?

Mr. LODGE. I am not arguing that it shall be changed. I am pointing out the inequalities produced by this form of taxation.

Mr. DANIEL. It is not inequality when applied to everybody.

Mr. LODGE. You can make it uniform by putting the tax on the net profits. It would be just as uniform as a tax on gross receipts.

Mr. DANIEL. Nobody could ever tell what the net profits were.

Mr. LODGE. You will get your net profits by the return of the corporation, just as you will get your gross receipts from the return of the corporation. If fraud is to come in, it is as easy to evade, as easy to make a false return of gross receipts as of net profits, and if you put your tax on net profits, then it falls proportionately on the weak and on the strong, on the very successful, on the comparatively successful, and on the unsuccessful, whereas if you put it on gross receipts you strike them all alike—the rich and the poor, the small corporation, employing a few hands, and the great corporation, upon whom the tax is very light. That is why it seems to me that a tax on gross receipts is an inequitable method of reaching what we desire to reach.

It does not seem to me so fundamental an objection as the objection to taking from the State this entire branch of revenue and compelling the States and municipalities, as you will in a good many States in the Union, to raise their taxes from real estate and largely from the farming and agricultural classes and from the people who own the small houses in the manufacturing towns. But it does seem to me to be a very great objection that by taxing the gross receipts you tax the corporation not in proportion to its power to pay, but simply on the fact that it is a corporation, and that you tax it on a privilege which you do not confer, but which is conferred by somebody else. Take, for example, the matter of the tax proposed on banks.

Mr. SPOONER. Will the Senator allow me to make a suggestion?

Mr. LODGE. Certainly.

Mr. SPOONER. It is supplementary to the argument he is making. It has been held by the Supreme Court of the United States, and undoubtedly correctly held, in the case of the State of California against the Southern Pacific Railroad Company and other companies that the State can not tax any sort of franchise granted by the United States by act to construct and operate a railroad, because, as the court says, the power to tax involves the

power to destroy. Now, following that out by a natural and legitimate line of argument, the power of Congress to tax a franchise created by the State involves the power to tax it to an extent which would destroy it.

The Senator from Minnesota [Mr. DAVIS] will remember a number of corporations in his State—I remember a number in mine—which were authorized to improve the navigability of small streams for the floating of logs to market, and all that. The common-law test of navigability, the ebb and flow of the tide, does not apply to the interior. The theory of legislation has been to organize such companies and to authorize them to build and maintain dams, to render streams navigable, and to charge enough by way of toll to reimburse and to maintain them. In the same way we will take a turnpike company, incorporated, authorized to charge a toll intended to reimburse the company for the improvement of the road and to maintain it. Congress may tax its gross earnings. It may levy a tax which will destroy the franchise, which is distinctly public and only in the interest of the people. I should like to have the Senator, as he follows his argument, deal a little bit with that phase of the question.

Mr. LODGE. I am very much obliged to the Senator from Wisconsin for stating a point which it seems to me in this connection is of very great importance and on which I had only touched very lightly indeed, the point that these corporations which we are now undertaking to tax receive no privileges or franchises from us. The States can not tax privileges or franchises that we give, and we are entering in with the taxing power, which, as the Senator from Wisconsin has pointed out, involves the power to destroy, to tax the privileges granted by the State. It is right and proper that the States should exact taxes for these privileges, but for us to step in and tax them also is involving the destruction possibly of the corporation, certainly of a great source of revenue upon which the States now depend.

There have been handed to me some papers which were sent to my colleague, who is now absent, which connect themselves at once with what I have been saying as to the boot and shoe industry, and I will ask that they may be made a part of my remarks:

Boston, May 21, 1898.

SIR: We send you by Adams Express to-day a petition signed by nearly all the corporations which have offices in Boston whose business is identified with the shoe and leather and kindred interests. The petition is a spontaneous protest against unjust discrimination in the proposed revenue bill now before your honorable body in imposing a tax on corporations, which, without any reason, does not propose to include firms and individuals. In behalf of corporations in this line of trade, we urge you to use every effort to defeat such unjust legislation.

We have the honor to be, respectfully, yours,

NATIONAL SHOE AND LEATHER EXCHANGE.

Hon. GEO. F. HOAR,

United States Senate, Washington, D. C.

Here is the petition [exhibiting], signed by these firms in Boston engaged in this single industry, which are really incorporated firms, corporations of small capital compared to those of the great textile industries or the railroads, and which are discriminated against at once by this tax that imposes a burden upon them which is not imposed upon their competitors who do the same business precisely by partnerships with equal capital and equal facilities.

Mr. SPOONER. Incorporated in the exercise of a wise public policy.

Mr. LODGE. As the Senator from Wisconsin suggests to me, they were incorporated by my State and are taxed for the privilege of incorporation, and those corporations and others, as I have said, yield a revenue of \$5,000,000 in Massachusetts. We have got to get it somewhere else, and it does not make any difference, so far as the individual goes, how you take it. If the National Government takes it from the corporation and the State is forced back to take it from the small real estate owner, as it will be, the small real estate owner will suffer exactly the same as if the National Government was taxing him. I ask permission to have the petition incorporated in my remarks.

[See Appendix.]

Mr. ALLEN. I should like to ask the Senator if the patrons of these corporations will not have to pay the tax? These are manufacturing corporations, I understand.

Mr. LODGE. They are all manufacturing corporations.

Mr. ALLEN. Very well. The tax imposed on them will simply be added to the price of the article, and the consumer of the article will have it to pay.

Mr. LODGE. Does not the Senator see that the partnerships, which in the shoe and leather industry are quite as numerous, and I think more numerous, than corporations, would not have to pay anything, and therefore they would not add it and they would cut the business right out from under these other people.

Mr. GRAY. May I ask the Senator from Nebraska a question?

Mr. ALLEN. Certainly.

Mr. GRAY. Why does the Senator want particularly to lay a tax on the patrons of these shoe factories, who, I presume, are largely the men, women, and children, who wear shoes?

Mr. ALLEN. I have nothing to do with the tax. The Senator from Iowa is responsible. But I was going to say, in reply to the Senator from Massachusetts, that in my judgment his argument does not hold good as against this tax. It only suggests the propriety of extending the tax to associations and partnerships.

Mr. SPOONER. Does not the Senator from Massachusetts answer the Senator's question?

Mr. ALLEN. I think not, directly.

Mr. SPOONER. He certainly does, if the Senator will pardon me. The Senator's question was whether the tax levied upon corporations would not be added to the price of their product.

Mr. ALLEN. Yes; and in reply to that—

Mr. SPOONER. The reply is that there is no such tax levied upon individuals and firms carrying on the same business, and therefore they can not add it to the price of their product, and if a corporation carrying on that business adds the tax to the price of its product, the firms and individuals will undersell it and therefore it can not do it. It amounts to a bonus to the individual or the private partnership.

Mr. ALLEN. That is simply an indirect answer, because, as I understand, the Senator would not deny the fact that the tax is added to the price of the article manufactured, and after all the consumer must pay it.

Mr. SPOONER. That would be true, of course, if the tax was levied upon the business, and if the individual, firm, or corporation engaged in a particular business paid this tax it might perhaps be added to the price—say, upon all manufactures of shoes. But if you leave the tax upon a corporation engaged in the manufacture of shoes and not upon any partnership or any individual engaged in the manufacture of shoes, your corporation can not add the tax to the price of its product, because it would have to sell at a higher price than its competitors.

Mr. ALLEN. I was going to answer that when the Senator suggested his question to me. That does not call for any action on the part of the Senate in refusing this proposed tax, but it may call for action upon the part of the Senate to increase the tax so as to embrace the individuals and associations and partnerships for the manufacture of these articles.

Mr. SPOONER. That would be a legitimate tax.

Mr. ALLEN. The Senator will have to talk loud enough to drown the conversation going on in the Chamber.

Mr. SPOONER. That would be a constitutional tax and a uniform tax, because it would be a tax upon a business. It would be a tax upon the business of manufacturing shoes and boots and the like and selling them, no matter whether it was a corporation, partnership, firm, or individual. That is not this bill.

Mr. ALLEN. I am denying all responsibility for the bill.

Mr. SPOONER. Oh, well.

Mr. ALLEN. And probably I may be acquitted—

The PRESIDING OFFICER. The Chair reminds Senators that the Senator from Massachusetts [Mr. LODGE] is entitled to the floor.

Mr. ALLEN. I recognize that fact.

Mr. LODGE. I am delighted to have the Senator go on.

Mr. ALLEN. I want to conclude my suggestion. Then I shall certainly thank the Senator for his kindness in permitting me to interrupt him.

Mr. LODGE. I do not in the least mind interruptions.

Mr. ALLEN. It is a universal truth that this tax, levied in the first instance on the particular individual or particular corporation or partnership manufacturing these articles, must fall upon the millions of consumers of the articles.

Mr. GRAY. That is right.

Mr. LODGE. Assuming, for the purposes of the argument, that that is correct, and that the tax will come out of the consumers, then one of two things will happen, either the partnerships, which form a large part of the shoe business, will get increased profit out of the consumers by charging the same as the corporations which add the tax, or they will sell at the old rates, and the corporations which pay the tax will be unable to add it, and will be unjustly discriminated against in their business.

I took the shoe and leather industry as my special illustration, because in that industry there are no great corporations. As I pointed out in the beginning, the business is carried on by corporations and partnerships having comparatively small capital. A great many of the corporate shoe manufactories in my State have been formed by small owners. In many instances they have been formed by some men who have been engaged in the factory and who have put together their savings and have been able to start a small business in that way.

Some of the corporate shoe manufactories are very small concerns. This measure will fall upon them with crushing force, where it perhaps would not affect a great railroad or a great textile mill seriously. I think the true aim of all this taxation should be to distribute the taxes as equitably as possible. The shoe industry is but an illustration of the gross injustice it is capable of

producing. What is true of corporations in this branch of industry is true in a greater or less degree of all industries and of all business where corporations exist.

When the subject of the shoe industries was renewed in the debate I had just started to say something about the banks. In this amendment a tax of one-fifth of 1 per cent on the capital of a bank in the form of a license is proposed, and also a tax of a quarter of 1 per cent on the deposits. The deposits, I understand, are a liability, not capital, and the tax is arranged to be imposed on the average of the deposits for a month. That amounts to a tax on the daily deposits of the bank.

I have a letter here from one of the largest banks of Boston, in which the president says if that form of tax on the deposits, in addition to the tax on the capital, is imposed, it is prohibitive, and that the banks will refuse deposits.

Mr. President, there is no sense in interrupting the ordinary operations of business in this way. The past is no guide in this matter. The national banks at the time of the war, with rates of interest ranging to 10 or 12 per cent, could pay easily a tax which now becomes very burdensome when the rate of interest between banks is down to $1\frac{1}{2}$ or 2 or $2\frac{1}{2}$ per cent. Why disturb the machinery of business in this needless fashion?

Mr. President, this amendment also taxes the savings banks. Under the clause about deposits there is no exemption of the savings banks, and it seems to me that there is no more extreme and undesirable method of taxation than to tax the savings of the people a cent more than we can possibly help. A small tax on the savings banks of Massachusetts is now exacted by the State, and it is here proposed to add a quarter of 1 per cent tax on their deposits.

I wish in this connection to make a few statements in regard to the effect of that tax. Our savings banks in New England and in New York are not ordinary stock companies. They are solely and purely mutual. The earnings go to the depositors, and the assets of the bank are their own property. As a rule, the treasurer alone gets a salary and the trustees serve without pay. With very few exceptions, the president and the finance committee do the same. A depositor is not allowed by law to exceed \$1,000 in his aggregate deposit. The rich men of the State, therefore, have no money in the savings banks. They are used entirely for the deposits of persons of very small accumulation.

The assets of the 157 savings banks of Massachusetts on the 30th of October, 1897, were \$508,973,934.98, and they represented 1,384,329 depositors, an average of \$364.06 for each depositor. The men with a deposit of \$364 each in the savings banks are not capitalists. Those deposits represent the savings of the workmen, the farmers, the people of very small incomes and little accumulations in the State. If you take this quarter of 1 per cent on the great aggregate of their savings it comes out of the little dividend they get, which is now only about 2 or 3 per cent annually. The deposits are all there is. There is nothing else in the savings banks. There in those savings banks of Massachusetts alone you have over \$500,000,000 gathered together with an average deposit of \$364, and on those little deposits of \$364 upon the average, and which can not by law exceed \$1,000, you propose to impose a tax of one-quarter of 1 per cent. You strike a blow directly at the class which should be the last to be stricken by taxation; and you strike a blow directly against thrift and saving on the part of the great mass of the people among whom it is most desirable to encourage it.

It seems to me, Mr. President, that we are in no such stress at this time that we need to come down upon the savings banks and the life policies of the mutual companies and all those methods by which the poor people of the country are enabled to make their small savings. I think to tax those accumulations of hard-earned money is one of the greatest mistakes which Congress can possibly make.

As I understand it, we are compelled by the war in which we are now engaged to raise large additional sums of money. We want to raise money enough to pay in large part as we go for the expenses now upon us. It is bad legislation, it is bad finance, to undertake to pay all the extraordinary expenses of one year by taxation. Such a policy would place a well-nigh intolerable burden upon the people and would cause an interruption to business which no intelligent legislator ought to even suggest.

We want to put on enough taxation to largely meet the expenses as they come, and to provide that by their continuance in a few years thereafter we shall wipe out the debts caused by the war which can not be met by immediate taxation, but which we wish to dispose of at the earliest time. To do that the amount of revenue proposed in the House bill was, in my judgment, amply sufficient, and with the Senate amendments, to which the whole committee agreed, more than sufficient.

We want first, in raising these increased taxes, to take all we can from luxuries, from the excise on spirituous liquors, from the excise on beer, from the duties on tobacco. Those are not the necessities of life. Those taxes are distributed all through the

people, and are easily paid. In the same way we ought to impose the stamp taxation upon all. The taxes on bank checks, on deeds, on conveyances, on all the necessary papers used in business, fall on the people who can best afford to pay, because only the people of means are engaged in operations necessitating the use of such instruments. Patent medicines, perfumery, and the like also come under the class of luxuries eminently suitable for a reasonable tax.

Therefore, it seems to me that we should exhaust all those sources of revenue before we come to placing a heavy tax on the savings of the mass of the people, a heavy tax on the life insurance, which is another form of saving, and before we discriminate between the men who do their business under a corporate form and those who do it only by partnership.

Let us reach the aggregate wealth and the great capital of the country, by all means, but let us do it in such a way that we do not discriminate between men engaged in the same business, that we do not discriminate against a man of thrift who is saving his money in a savings bank or the cooperative building company, and in favor of the man who is not saving and who is not laying up his money.

Mr. President, it seems to me that there is no need at all at this time for placing this tax on banks and corporations as proposed in the amendment. It is really a blind effort to strike at those people who are supposed to be very rich and who are supposed, quite erroneously, to be gathered together in corporations. Most of the people who are gathered in corporations in reality are persons of small means, who will feel this tax severely. You will not catch the great millionaire, as you desire, in this way, but you will take from the States their normal sources of revenue and you will throw back on the mass of the people, on the farmer, on the man who owns the small house and who has his small savings—you will throw back on their shoulders the burden of State and municipal taxation, and your great millionaire will escape readily through the clumsy net which you are trying to throw about him.

APPENDIX A.

BOSTON, MASS., May 21, 1898.

We, the undersigned, being opposed to unjust discrimination or class legislation in matters pertaining to the business of the country, especially in war-revenue regulation, most respectfully call the attention of the Committee on Ways and Means and our honorable Representatives in the National Senate and House of Representatives to that part of the war-revenue bill now before Congress which proposes to exact from corporations a tax of one-quarter of 1 per cent on their gross sales, while firms and individuals are exempt, which unequal taxation will cause serious injustice and embarrassment if not modified.

Champion Nailing Machine Company; Brockton Cooperative Boot and Shoe Company, by Andrew Swanson, treasurer; Canedy-Clark Shoe Company, S. D. Marcellus, treasurer; Tentucket Shoe Company, P. S. Nardy, treasurer, Georgetown, Mass.; The E. P. Dodge Manufacturing Company, H. B. Little, treasurer, shoe manufacturers, Newburyport, Mass.; James Skinner Leather Company, by James Skinner, treasurer; Steam Heated Home Company, by Edwin L. Sprague, president; J. E. King Belting Company, R. C. Taylor, treasurer, Lawrence, Mass.; Jay B. Reynolds Shoe Company, Jay B. Reynolds, treasurer; Graton & Knight Manufacturing Company, H. C. Graton, treasurer; Armstrong Leather Company; The H. H. Shaw Company, 122 Summer street, Boston; Jenkins Manufacturing Company, P. Stevenson, treasurer; The Sewing Machine Supplies Company, C. S. Luitwieler, treasurer; Puritan Manufacturing Company, C. S. Luitwieler, treasurer; The National Thread Company, A. Victorson; Walker Oakley Company, New York and Boston Dyewood Company, Chas. Davis, Jr., assistant treasurer; F. M. Hoyt Shoe Company, by F. M. Hoyt, treasurer; Health Shoe Company; Stephen Dow Company, F. F. Dodge, treasurer; A. C. Lawrence Leather Company, A. C. Lawrence, treasurer; National Shoemakers, by J. H. Litchfield, treasurer; Dingley-Foss Shoe Company; Maynard Shoe Company, by F. F. Maynard, president; The American Oak Leather Company, Edward Moll, managing director; Howard, Platt & Paine Company, by A. W. Paine, treasurer; Bouvé, Crawford & Co., Corporation; McCarty, Sheely, Kenuck Company, by A. E. Kenuck, president; Nonotuck Silk Company; Gale Brothers, Incorporated, S. H. Gale, president; West Lynn Shoe Company, John M. Thomson for the company; A. W. Shaw & Co., Freeport, Me. (we want to be taxed to support the expense of war, but we want the other fellow to be taxed also); Union Shoe Manufacturing Company, by J. A. McGown, treasurer and manager; C. M. Hapgood Shoe Company, Easton, Pa.; Bryant Boot and Shoe Company, Randolph, Mass.; Fayette Shaw Leather Company, W. F. Kimball, treasurer; Morrill Leather Company, R. M. Baker, president, Levi Morrill, treasurer; Morley Button Sewing Machine Company, by J. F. Springfield, treasurer; Noyes, Read & Co., Haverhill, Mass.; Boston Belting Company, original manufacturers of vulcanized india rubber goods, established in 1828, by James Bennett Forsyth, general manager; National Sewing Machine Company, J. H. Reed, treasurer; Bradley & Sayward Shoe Company, by J. S. Bradley, president; Corey Leather Company, A. N. Howes, treasurer; Lambeau Leather Company, C. R. Leonard, manager, Boston; American Tool and Machine Company, by Wm. O. Lincoln, treasurer, 109 Beach street, Boston; Eastbrook Anderson Shoe Company; Geo. E. Keith Company, Brockton, Mass.; J. C. Lappe & Sons Tanning Company, Adams & Abbott, managers; Warren Boot and Shoe Company, Rufus Warren, president; Farnior Studley; A. M. Niles Shoe Company; Boston Counter Company, Jas. E. Harris, treasurer; The Warren Thread Company, by Adrian Foote, treasurer; Shedd & Crane Leather Company, Wm. E. Shedd, president; The Leatheroid Manufacturing Company, by Stephen Moore, president; National Fibre Board Company, by Stephen Moore, treasurer;

Swain, Fuller Manufacturing Company, Arthur Fuller, treasurer; Fletcher Manufacturing Company, William F. Hall, agent; Frank Keane Company, Frank Keane, treasurer; The Tuttle-Smith Company, by Edward P. Tuttle, treasurer; Star Belting Company, by James W. Brook, president; E. & A. H. Batcheller Company, by Robert Batcheller, treasurer; The Mousam Manufacturing Company, by Stephen Moore, treasurer; Brokley Brothers Shoe Company, Lynn, Mass.; Newburyport Shoe Company, Wm. P. Lowell, treasurer; Batchelder & Lincoln Company, by W. N. Pettee, president; Wilimantic Linen Company, by Q. A. Atwood, agent; Bloomfield Shoe Company, C. A. Cushing, treasurer; The Busell Trimmer Company, by H. P. Knight, president; C. B. Lancaster Shoe Company, per B. F. Strand, treasurer; The Corrugated Wire Fastening Company, I. M. Kingsbury, treasurer; Clark-Hutchinson Company, per Geo. Hutchinson, treasurer; Heaton-Peninsula Company, by Geo. D. Parker, treasurer; Preston B. Keith Shoe Company, Chas. M. Park, treasurer; Brennan Boot and Shoe Company, by E. F. Brennan, treasurer; The S. H. Howe Shoe Company, S. H. Howe, president; Goddu Sons' Metal Fastening Company, 136 Essex street, A. Van Wagenen, treasurer; The American Shoe Tip Company, by W. T. Newton, treasurer; Boston Artificial Leather Company, Walter N. Dole, manager; Seauer Process Lacing Company, The Tackless Shoe Machinery Company, H. G. Farr, treasurer, 78 Essex street, Boston, formerly the Kent's Lasting Machine Company, Massachusetts; The Knew-Bradley Company, Edward E. Allen, president; T. J. S. Turner Company, W. S. Pinn, treasurer; Gordon Staple Lacing and Tacking Company, Chas. K. Williams, treasurer; Bay State Belting Company, F. W. Corte, treasurer; Standard Shoe Tying Machine Company, Francis H. Hathorne, treasurer; Dane, Don & Nichols Company, Joseph A. Dane, president; Lilly Bracket Company, A. H. Sonnemann, treasurer, Brockton, Mass.; Pratt Fastener Company, by Chas. Howard Weston; Haywood Boot and Shoe Company, Frank E. Heywood, treasurer; Saml. R. Heywood; Milford Shoe Company, by W. W. Jencks, treasurer, Milford, Mass.; J. E. Wesson, Worcester, Mass.; United States Shoe Company, W. H. Bittenbender, treasurer; J. W. Kennan Company, sheep skins, 77 High street, Boston; Union Edge Setter Company, G. H. P. Flagg, president; Globe Buffer Company, G. H. P. Flagg, trustee; Flagg Manufacturing Company, G. H. P. Flagg, president; Boston Blacking Company; John Pilling Shoe Company; C. T. Sampson Manufacturing Company; Geo. W. Chase, president; The Reece Button Hole Machine Company, by F. A. Shea, president; Boston Fast Color Eyelet Company, Henry Tolman, treasurer; Boston and Bay State Die Company, J. L. Bixley, Jr., manager; C. R. Washburn Shoe Company; Hathaway, Soule & Harrington, Incorporated, H. A. Harrington, treasurer; Morse Blacking Company; Consolidated and McKay Lasting Machine Company, Geo. W. Brown, secretary; McKay & Copeland Lasting Machine Company, by Edw. F. Hurd, treasurer; Paragon Needle Company, by Chas. H. Bayley, manager; Amazon Machine Company, by Chas. H. Bayley, manager; Boston Leather Company, by G. H. Cranley, 242-244 Purchase street, Boston, Mass.; J. E. Kerne, manager Wire Grip Fastening Company; Simplex Slug Machine Company; Winthrop Steamboat Company; B. F. Skurtevant Company, E. N. Foss, treasurer; Russell Counter Company; Manohoming Last Company, A. D. Tyler, Jr., president; Beals Leather Company, J. M. Beals, treasurer.

APPENDIX B.

SPRINGFIELD, MASS., May 19, 1898.

DEAR SIR: Referring to our conversation this morning regarding the taxation of savings banks, and in accordance with your request, I name a few of the reasons which would seem to justify the exemption of savings banks from taxation for war-revenue purposes.

I understand that it is proposed to eliminate from the revenue bill all features which would tax the people in humble life, and for this reason building associations and the like, cooperative banks as they are called in Massachusetts, are exempt, of which there are 123 in our State. Certainly savings banks as they are established in New England and New York and particularly in Massachusetts come under this head.

Savings banks in the West and South are carried on differently, having a capital stock, and the profits are divided with the stockholders. Possibly these should be taxed the same as any other corporation paying a dividend to its stockholders, but as you are well aware, the savings banks of our Commonwealth are solely purely mutual, the earnings going to the depositors, and the assets of the banks are their property; only the treasurer, as a general thing, being paid a salary. The trustees serve without pay, and in most every case the president and finance committee do the same—very few exceptions. A depositor is not allowed by law to exceed \$1,000 in his aggregate deposit, and this with accumulations can not exceed \$1,600.

The assets of the 187 savings banks of Massachusetts October 30, 1897, were \$303,973,954.98, representing 1,354,523 depositors' accounts, an average of \$244.04. This, it seems to me, is positive proof that the savings banks of Massachusetts are owned, as you might say, by the people in humble life.

Now, if you will take the population of our State as given in 1895, the average deposit per capita is \$201.57. I think, however, the average depositor's account of the assets is the fairer way to state it. The average of each account of deposits proper is \$242.35.

It has been charged that the savings banks of our State are simply an asylum for the deposits of the wealthy to avoid taxation. This is not so, and the above figures with the following are conclusive, as it appears to me, on this point. The average of original deposit made (not including dividend) for the year ended October 30, 1897, was \$66.34. The average withdrawal for the same period was \$74.05, which included the dividends. These averages have changed but very slightly for a great many years. There were 1,248,203 deposits and 1,071,272 withdrawals last year. These figures show, without any question, how savings banks are used, and by whom. No doubt some deposits of wealthy persons are to be found, but they must be few or the average deposit would be very much larger.

By Massachusetts statute the savings banks are required every fifth year, commencing in 1889, to make a classification of the deposits made during the preceding twelve months. The classification for 1894 is as follows:

Out of the total number of 1,044,649 depositors' accounts of that year, 784,482 were of an amount less than \$50 each, 910,421 of an amount less than \$100 each, and 968,917 less than \$200 each; that is, more than 93 per cent were less than \$200.

The deposits of women, both adult and minor, were in number 480,835,

amounting to \$33,460,023.11, nearly one-half, both in number and amount, of the entire deposits of the year—an instructive fact as regards the use and value of the savings banks of our Commonwealth.

These facts do not materially differ from those of five years previous, viz, 1893, and indicate strongly that banks are being used almost entirely by the people of limited means and not by the wealthy.

The average earnings of the savings banks are a slight fraction above 5 per cent, and the dividends paid average a slight fraction over 4 per cent, leaving but 1 per cent—a very small margin—for all expenses, clerk hire, salaries, State taxation, amount credited to the guaranty fund semiannually, which is graded from one-eighth to one-fourth per cent. Further taxation would be a grievous burden in itself and a tax upon that class of people who ought not to pay it.

If this taxation is placed upon the savings banks, it will certainly reduce the dividends, or a higher rate will have to be paid on loans; in either case, or both, as it may possibly be, the burden comes upon the wrong parties.

To illustrate, out of nearly five hundred and four millions of assets, over two hundred and twelve millions are loaned on Massachusetts real estate, numbering 75,648 loans, 63,138 of which number are of an amount less than \$3,000 each, which indicates who are the borrowers in these institutions.

All of this goes to show that in taxing savings banks corporations are not being taxed, but mutual institutions composed of women, mechanics, wage earners, and laborers of all grades.

The authority for figures given is the report of savings-bank commissioners for 1897, pages 672-5, a copy of which is on the way to your address. The accuracy of these figures I can vouch for.

Very respectfully,

E. S. CHAPIN.

HON. HENRY C. LODGE,
United States Senate, Washington, D. C.

MR. TURLEY. Mr. President, I wish to make a few remarks on one or two features of the bill, and especially in reference to the amendment which imposes a tax on corporations.

It seems to me that there are some good reasons for justifying a tax upon corporations if we look at taxation in one of its elements as a return for benefits derived from the Government. Certainly there is a distinction in benefits received under the Government between corporations and private individuals engaged in the same business. Those benefits have already been pointed out to some extent.

It appears to me the greatest benefit that the corporation enjoys over the individual in all business transactions is the exemption from personal liability on the part of those who own the corporation. That is one of the most important benefits that any business man can possess. If the business is transacted by individuals, then every credit transaction is on the responsibility of every member interested in that business; but in the case of a corporation the owners can put in just such an amount of money, large or small, as they desire, because in most of the States there are no requirements fixing any specific amount of capital. I repeat, they can put in just such an amount as they choose and desire, and then they can push their credit to the utmost limit. When they are successful, they reap the benefit. When they are unfortunate, the creditors sustain the loss.

Then, too, corporations possess the great benefit of perpetual life. In the case of a firm, if any member dies the business must stop and be wound up and a new organization created. But if it is a corporation it goes on without any such change. Hence, it seems to me, there are good reasons why a moderate tax might be imposed on account of these peculiar benefits.

I realize that corporations may be proper subjects for State taxation. Ordinarily the State should be allowed to look to them for revenue, but my examination leads me to the conclusion, and I am not an enemy of corporations, that, taking them as a class, they do not bear their fair proportion of the burden of taxation as compared with all the other property of the country.

I examined the other day the census of 1890 on this subject. The only class of corporations as to which I could make a comparative estimate was the railroad corporations. Strange to say—that is, unless my examination was not as careful and complete as it ought to have been—when you take the great manufacturing corporations and all the other great corporations of the country and examine the census of 1890 you will find no compilation there by which you can segregate the amounts paid by those companies in taxes from their other expenses and compare them with the taxation borne by other property. But in railroad corporations that comparison can be made, and I have made it and will now submit it.

According to the census of 1890, the total valuation of all the property in the United States is \$65,037,081,197. The railroad valuation as returned by the corporations themselves amounts to \$9,352,943,854—that is, the steam railroads. The tax paid by steam railroads amounts to \$31,943,020. The tax paid by all real and personal property, all other property, and excluding from the estimate all indirect taxes or income taxes—in other words, practically all national taxes—amounts to \$507,119,876.

When you compare these statements it will be seen that the valuation of railroad property, as compared with all the property in the United States, is between 14 and 15 per cent, but the taxes paid by the railroad corporations, compared with all the taxes paid by other property, is only 5.92 per cent. They have between 14 and 15 per cent of the property. They pay between 5 and 6 per cent of the taxes.

Now, if you reduce the taxes so as to reach the rate per dollar, the tax on all other property is about 8 mills and the tax on railroad property is about 3 mills.

Mr. SPOONER. Will the Senator allow me to interrupt him?

Mr. GRAY. May I interrupt the Senator from Tennessee a moment to ask a question? It is for information.

Mr. TURLEY. Certainly.

Mr. GRAY. In the interesting statement he has just read of the aggregate amount of railroad taxation as compared with railroad capitalization—is that the proper word?

Mr. TURLEY. Well, the valuation they put on the entire property.

Mr. GRAY. The valuation put upon it. Has the Senator included the taxes that are levied upon the shares of stock that are held in those railroads and representing that very property in the hands of individual holders?

Mr. TURLEY. I will say frankly I do not suppose that is in the estimate. The estimate is the tax on the property of the corporation, and does not, as I understand, include the tax on the owners of shares in those corporations.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TURLEY. Certainly. I will answer the Senator from Delaware a little further on.

Mr. SPOONER. I recognize in the Senator from Tennessee not only a very able lawyer, but a very just and fair legislator, and I want to ask him whether in ignoring that statement the system of taxation upon railways imposed by the States—

Mr. TURLEY. But I understand it includes all the taxes.

Mr. SPOONER. Is it not misleading? Now, take my own State, which I have the honor in part to represent here. They levy a tax of 4 per cent on the gross earnings of the successful railroad corporations, which tax almost supports the State government. Is the Senator's statement such as to warrant him in saying that that tax is disproportioned at all to the tax on other property?

Mr. TURLEY. Of course I can not take up the tax in any particular State.

Mr. SPOONER. That is why I ask my friend if that gross statement or statement en masse or in solido, if I may use that expression, is not calculated to be misleading.

Mr. TURLEY. I think not, and for the reason I shall state. Of course it may be that in some particular States railroad property may pay as much as other property. If it is so in Wisconsin, I was not aware of it before. I know it is not the general case. Here is an estimate taken from the census which gives the total amount of taxation, State, county, and municipal, and also the Federal taxation. I have eliminated the Federal taxation because that does not fall directly on property. But the statement gives the general tax all over the country, and it shows the total tax paid by the railroads all over the country.

Now, when you are seeking a new subject of taxation, if you find that one-seventh—I believe 9,000,000,000 is about one-seventh of 63,000,000,000—if you find one-seventh of the total wealth of the country, taking the country from one end to the other, is paying about one-third as much taxes as it ought to pay, the question is, when you come to a general tax for the support of the Government in time of war, is not that a class of property upon which you can well lay some additional tax?

It is not a question as to whether in one particular State the railroad property in that State is assessed and taxed as high as or higher than in other States, but it is whether we here in Congress, when we are surveying the whole field and selecting a property or interest upon which to put these taxes, if we find one class of property that is not paying its fair and just proportion of all the taxes of the country, it is unreasonable to add some additional burden to that class of property.

Mr. SPOONER. If my friend will allow me a moment, and only a moment, this is what has troubled me about this question: In the State of Wisconsin, and very likely in other States, a tax of 4 per cent is levied on the gross earnings of the corporations created by the State upon their State business; and the State proposes to do, as it has thus far, its whole part in furnishing troops and supporting the Government in every way in this war.

Now, if Congress is to step in and levy an additional tax upon this source of State revenue, if it may levy one-fourth of 1 per cent, it may levy 20 per cent, and may force the State of Wisconsin to entirely change her policy, and I think other States to change their policy, and instead of levying a tax for local purposes on railway companies, it will be compelled to levy upon the property of the people. While that might be fair as to some of the States with reference to their system of taxation, it might be grossly unfair as to others.

Mr. TURLEY. Possibly that is true. I am willing to concede if any State of this Union taxes railroad property higher than other property is taxed, and we lay an unreasonable tax, as to that particular State it might be very burdensome; but when we

come to levy a tax for the whole country, it is impossible to determine and control our action by the particular condition of affairs which exists in a few States, because this railroad property, if these tables are correct, can have paid its just proportion of taxes only in a very few States.

I do not suppose that any man will claim the railroad companies are paying more than they ought to pay in any State. If the fact that such property is paying as much as it ought in one or two States is to exempt it from taxation elsewhere, then it goes scot-free from its just proportion of the public burden.

Mr. SPOONER. If the Senator will allow me, why not levy the tax on interstate commerce?

Mr. RAWLINS. If the Senator will permit me, I wish to make an inquiry in relation to the question propounded by the Senator from Wisconsin [Mr. SPOONER]. Is it not true that railroads engaged in interstate commerce have claimed exemption from State taxation on the ground that it was beyond the power of the States to regulate commerce among the States; that it was a power belonging exclusively to Congress; and on that ground have not all the interstate railroads claimed exemption and been exempted, as a matter of fact, from any tax upon any franchise or business of transportation in which those railroads were engaged?

Mr. SPOONER. If the Senator will permit me, I drew that distinction in my question.

Mr. TURLEY. Yes, sir; I understand that.

Mr. SPOONER. I referred to the right of Congress to tax interstate business.

The PRESIDING OFFICER. Senators will please address the Chair, so that their remarks can be heard. The Chair will take occasion further to state that a Senator ought not to be interrupted while on the floor without his leave.

Mr. SPOONER. I obtained leave of the Senator.

Mr. TURLEY. I was willing to yield.

Mr. TILLMAN. We can not hear in this part of the Chamber a word that is being said.

Mr. RAWLINS. The suggestion the Senator from Wisconsin made was that most of the railroads in the country who were so engaged in such interstate commerce or traffic have claimed and obtained exemption from State taxation. This may account to a certain degree for the fact that these railroads do not contribute their fair proportion in any form of taxation.

Mr. SPOONER. Will the Senator from Tennessee allow me?

Mr. TURLEY. Yes.

Mr. SPOONER. I made no such suggestion as that. I only suggested to my friend from Tennessee that possibly his statement, taking no account of State taxation, might be misleading; and I said to him that in my own State—I know nothing about other States—so far as the business of our railway corporations engaged in State transportation is concerned, we tax them 4 per cent on their gross earnings, and that at times almost supports the State government.

I challenge somewhat the wisdom—and I do not hesitate to do it—of the attempt of the United States Government to impose such taxation. If it may tax one-fourth of 1 per cent, it may impose a tax of 20 per cent, thus exhausting that source of State income all over the United States, in whatever form State taxation may take, and forcing the States to resort to what is equivalent to a direct tax upon the people. Whether Congress may tax the franchise simply of a State corporation is another question.

Mr. TURLEY. I will come to that in a moment.

I repeat that I understand these tables to mean that they embrace all the taxes paid by railroads, just as the taxes paid by other property, excluding customs and direct taxes; they include State, county, city, and every other tax paid by them. On that basis it shows that they pay between 5 and 6 per cent of the taxes and own between 14 and 15 per cent of the property.

As to the interstate-commerce feature, it is true the States can not tax that. How much of railroad earnings come from interstate commerce as distinguished from State commerce I am unable to tell. My impression is that the larger part comes from interstate commerce, and that this tax in that way will mainly fall on the revenues that are not taxed anywhere else.

As to the stock feature, as to which the Senator from Delaware asks, that question applies to every form of corporate property. The shares of stock in every corporation can be taxed when they are of any value; but I might say, if you come to railroad corporations, I know very few railroads in this country whose stock is worth anything, and I expect if we had a table to show the amount of tax derived by the States from assessments made on shares of stock in railroad companies, we would find it amounted to nothing.

Mr. ALLEN. Will the Senator permit me a question?

Mr. TURLEY. Yes, sir.

Mr. ALLEN. I only interrupt for the purpose of calling the attention of the Senator to the statement of the Senator from Delaware, and to make the suggestion that we can not tax the

franchise and the property of a corporation and at the same time tax its stock. Taxing the stock taxes the property, and taxing the property of the corporation taxes the stock.

Mr. TURLEY. Do I understand the Senator from Nebraska to mean that we can not tax the shares of stock in the hands of shareholders, and at the same time tax the franchise?

Mr. ALLEN. You can not tax the property, which includes the franchise, and at the same moment tax the stock.

Mr. TURLEY. In the hands of the shareholders?

Mr. ALLEN. Yes; in the hands of the shareholders.

Mr. TURLEY. I differ from the Senator on that point. As I understand, that can be done unless there are some peculiar legislative provisions or some special constitutional limitations.

Mr. ALLEN. That would be double taxation.

Mr. TURLEY. It may be double taxation. So is taxing a man who holds a note and taxing the man who borrows the money, in one sense, double taxation. But, as I understand, under the taxing power possessed by the Government of the United States and every State in this Union, without any exception so far as I know, shares of stock and corporate property are wholly distinct things—the corporate property belonging to the corporation, the shares of stock belonging to the individual—and the Government can tax them at the same time, taxing the shares of the shareholder and taxing the property of the corporation. If that be double taxation, it is a form of double taxation which exists under our system.

Mr. ALLEN. A certificate of stock represents the interest of a stockholder in the aggregate property. If you tax that aggregate property to its full limit, making the taxes imposed on it equal to those imposed on other property, then taxing the stock would be simply double taxation on the property.

Mr. TURLEY. The difference is that the tax in the one instance is paid by the corporation and in the other instance it is paid by the shareholder.

Mr. ALLEN. What I have said is in the light of the fact that I do not hold to what I regard as the exploded doctrine—exploded years ago—that the power to tax includes the power to destroy. That doctrine is not the doctrine of this country to-day.

Mr. TURLEY. I do not think it is practically the doctrine of this country, but it has been exercised. But undoubtedly, I suppose, an unreasonable exercise of the taxing power can result in destruction. The power to tax involves the power to destroy; but I am happy to say it is rarely ever exercised.

Mr. LINDSAY. Mr. President, I agree with the Senator from Tennessee that the property of a corporation may be taxed as against the corporation, and that the owners of stock may be taxed as owners of stock. While most of the States, I take it, which have taxed tangible property exempt stock in the hands of their own citizens, yet where stock is held by citizens of other States the exemption does not apply. Has the Senator estimated how much of that general mass of property and that general taxation is made up of taxes levied on the stock of corporations?

Mr. TURLEY. In the hands of the shareholders?

Mr. LINDSAY. Yes; in the hands of the shareholders.

Mr. TURLEY. I have not estimated that, and there is no table which I have ever seen by which any man can arrive at it; but I do repeat that my opinion is that it is infinitesimal so far as the railroads are concerned. I appeal to the Senator, and I appeal to all Senators on the floor, how many railroads in this country have stock which is worth enough to be returned on the books of the assessors—I mean shares in the hands of shareholders?

I do not believe enough is collected to pay for the cost of collection. I may be mistaken about it, but there is no table by which we can arrive at it accurately. I suppose, however, you can count on your fingers the railroads in this country whose stock is of any value, but there is an immense number of them the stock of which is perfectly worthless, and the tax assessor never finds it, because it is worth nothing except for voting purposes and controlling the corporation.

Mr. GALLINGER. If the Senator will permit me, I think he must be laboring under a very grave misapprehension when he says you could count such corporations on your fingers.

Mr. TURLEY. That may be an exaggerated statement.

Mr. GALLINGER. In the little State of New Hampshire we levy a tax upon the property of railroad corporations, and we have one of the largest corporations in the country running through our State—the Boston and Maine Railroad. Then a tax of 1 per cent is levied on the stock in addition; so that there is, in a sense, already double taxation. But that is true of other property.

Mr. TURLEY. Undoubtedly.

Mr. GALLINGER. I agree with the Senator; but yet I really think that in our section of the country the belief is that railroad property is fairly taxed and that there is not any discrimination practiced; and fortunately with us our corporation is not one of the bankrupts of the country.

Mr. TURLEY. I am glad that that condition of affairs exists in the State from which the Senator comes. As I stated before,

it may be in some of the States that they are paying their proper proportion of taxes. I have not been able to find and could not give the figures, unless I had time to go through the statistics of every State; but here is a report covering the United States from one end to the other, and taking this property as compared with other property, though you may say in one particular place or one particular State it pays its full share, when you take the entire property you find it only pays about one-third of what it ought to pay if these figures are true. That is the kind of property upon which some taxes ought to be paid for the expenses of the prosecution of this war.

Briefly, Mr. President, a few words further on another proposition which has been suggested. I do not know how earnestly it has been insisted on, but it is urged, or, at least, the question has been asked, whether the Government of the United States can tax a franchise created by a State; whether the creation of a franchise by a State is not an exercise of sovereignty which can not be taxed by any other government or sovereignty, and the question is raised whether railroad corporations can be taxed under that theory.

In the case, in 127 United States Reports, of *California vs. The Central Pacific Railroad Company* there is laid down the doctrine that the franchises granted by the United States to a railroad corporation can not be taxed by a State. It may be argued from that—I have heard the question suggested—that the converse of that proposition is that a franchise given to a railroad by a State can not be taxed by the United States; but when the question is examined its fallacy will be readily seen.

It has already been pointed out by the Senator from Texas [Mr. CHILTON], and the distinction is this, plain and marked: The Government of the United States can only create a corporation as a means of carrying out one of its great express powers. It has, as the Senator from Texas so well explained, no independent sovereign power of creating corporations as a distinct power from the other powers conferred upon it by the Constitution, but it can use the corporation only as a means to an end, and not make the creation of the corporation the end of the exercise of any sovereign power.

Hence it is, whenever a corporation is created by the United States, if it is a valid creation, then it becomes the means and instrumentality of carrying out one of the sovereign powers of the United States; and as such it is exempt from taxation on the part of the State or on the part of any other government, just as in the case of the Bank of the United States authority in Congress was found to create that bank under the powers to levy and collect taxes, to maintain the national defense, to carry on war, and other great powers. It was held in *McCulloch vs. Maryland* that a banking corporation was a legitimate and reasonable means of carrying out these powers, and hence it is that such bank could not be taxed by the State. In that decision Chief Justice Marshall used this language:

Had it been intended to grant this power—

That is, the power to create corporations—

as one which should be distinct and independent, to be exercised in any case whatever, it would have found a place among the enumerated powers of the Government. But being considered merely as a means to be employed only for the purpose of carrying into execution the given powers, there could be no motive for particularly mentioning it.

Further on he says:

It has also been insisted that, as the power of taxation in the general and State governments is acknowledged to be concurrent, every argument which would sustain the right of the General Government to tax banks chartered by the States will equally sustain the right of the States to tax banks chartered by the General Government.

But the two cases are not on the same reason. The people of all the States have created the General Government, and have conferred upon it the general power of taxation. The people of all the States and the States themselves are represented in Congress, and by their representatives exercise this power. When they tax the chartered institutions of the States they tax their constituents; and these taxes must be uniform.

But when a State taxes the operations of the Government of the United States, it acts upon the institutions created not by their own constituents, but by the people over whom they claim no control. It acts upon the measure of a government created by others as well as themselves, for the benefit of others in common with themselves. The difference is that which always exists and always must exist between the action of the whole on a part and the action of a part on the whole, between the laws of a government declared to be supreme and those of a government which, when in opposition to those laws, is not supreme.

The tax in the *McCulloch* case was a tax on circulation.

The statute of Maryland provided that it should not be lawful for the branch bank of the United States to issue notes of any other denomination than \$5, \$10, \$20, \$50, \$100, \$500, and \$1,000, and no note should be issued except upon stamped paper of 10 cents for five-dollar notes, 20 cents for ten-dollar notes, 30 cents for twenty-dollar notes, 50 cents for fifty-dollar notes, \$1 for one hundred-dollar notes, \$10 for five hundred-dollar notes, and \$50 for one thousand-dollar notes.

In the case of *Osborn vs. The Bank* (9 Wheaton, 863 and 864) the State of Ohio had passed a tax intended to prohibit the Bank of the United States from doing business in that State. That would have been practically the effect of the act if it had been carried into operation.

In the case of *Osborn*—I again reiterate it—the court points out

the distinction that it was not the fact that the bank was a corporation which prevented it from being taxed by the State, but it was by reason of the fact that certain public functions necessary to the carrying out of the great powers of the Government were vested in the bank; and it was laid down that if under a law the Secretary of the Treasury had been empowered to appoint financial agents throughout the country, clothing them with the same functions that were given the bank, but leaving them as individuals, those agents and all their official operations would have been exempt from State taxation.

Mr. LINDSAY. If the Senator will permit me, suppose the State banks have been organized by the States for the purpose of acting as financial agents for the States, can the Federal Government tax those banks any more than the State can tax the financial agents of the Federal Government?

Mr. TURLEY. I am glad the Senator has put that question to me, and I will answer it as frankly as I can. If a State organizes a State bank for State purposes and as a means of carrying out the financial schemes of the State—if it has that public character—then I agree with the Senator that it would not be subject to taxation by the United States.

Probably my own State once had a bank of that kind, and I do not know how many other States may have had such banks. We had the Bank of Tennessee, in which the State of Tennessee was probably the largest stockholder, controlled practically by the State, the officers and directors appointed by it, the bank being used by the State in the transaction of the finances of the State; but there is not a State bank now in existence that has any such characteristic. That distinction as to cases in which State banks become exempt from Federal taxation is maintained in the authorities; but, I repeat, there is not a State bank in existence now that has any such characteristic.

Mr. LINDSAY. The State of Kentucky chartered a bank, expressly declaring that it was created for that express purpose. Certain duties were imposed upon it and certain rights were given to it because of those duties being imposed upon it.

Mr. TURLEY. I am not familiar with that charter. It simply being in the charter would not make it so; but if it is practically a State institution, then I am wrong in the statement as to the State of Kentucky, but it is the only State I know of which has any such bank.

Mr. LINDSAY. Was it not simply a declaration in the charter of the Bank of the United States and not a fact?

Mr. TURLEY. That is a question that I am not now going to discuss. If it was an original question, a great deal might be said about it. I invite the attention of the Senator to the argument of Mr. Hammond and the other counsel in the Osborn case—most elaborate and learned arguments—maintaining that the Bank of the United States was really a private institution; but the Supreme Court of the United States held to the contrary, and established the doctrine which I have announced, and which doctrine is as firmly settled now in the Constitution of this country as any other question that is past and gone—as firmly settled as it is settled that the right of secession does not exist. On these questions, as original propositions, we might change our positions and argue differently; but we are compelled to accept accomplished facts.

I go now to one other case, and that is the case of Veazie Bank vs. Fenno, in 8 Wallace. That is the case in which the tax on State bank circulation was held to be constitutional. Now mark, in this case the United States imposed exactly the same kind of a tax upon State banks which the State of Maryland attempted to impose upon the Bank of the United States in the McCulloch case. As I have shown, in the McCulloch case the State imposed a tax on circulation, requiring every bill to bear a certain stamp upon it. In this case the Congress of the United States first began by imposing a small tax on all State bank circulation, increasing it until it became a 10 per cent tax, I believe; but anyhow the result of it was that we had an instance where the power to tax became the power to destroy, and the State banks of issue were driven out of existence.

Let us see what the court said on this subject in that case. It said:

Is it, then, a tax on a franchise granted by a State which Congress, upon any principle exempting the reserved powers of the States from impairment by taxation, must be held to have no authority to lay and collect?

We do not say that there may not be such a tax. It may be admitted that the reserved rights of the States, such as the right to pass laws, to give effect to laws through executive action, to administer justice through the courts, and to employ all necessary agencies for legitimate purposes of State government, are not proper subjects of the taxing power of Congress.

But it can not be admitted that franchises granted by a State are necessarily exempt from taxation, for franchises are property, often very valuable and productive property, and when not conferred for the purpose of giving effect to some reserved power of a State, seem to be as properly objects of taxation as any other property.

But in the case before us the object of taxation is not the franchise of the bank, but property created or contracts made and issued under the franchise, or power to issue bank bills. A railroad company, in the exercise of its corporate franchises, issues freight receipts, bills of lading, and passenger tickets; and it can not be doubted that the organization of railroads is quite as important to the State as the organization of banks.

But it will hardly be questioned that these contracts of the company are

objects of taxation within the powers of Congress, and are not exempted by any relation to the State which granted the charter of the railroad. And it seems difficult to distinguish the taxation of notes issued for circulation from the taxation of these railroad contracts. Both descriptions of contracts are means of profit to the corporations which issue them, and both, as we think, may properly be made contributory to the public revenue.

Now, let me quote another case which is identical almost with the provisions in this bill, and that is the case of the Michigan Central Railroad vs. Slack, collector (100 U. S., 595-599), where the law requiring all railroad, canal, and similar corporations to pay 5 per cent on interest coupons and profits was sustained and held to be an excise tax on net earnings, and no doubt was expressed because of the fact that the railroad company was chartered by a State. This case is cited and distinguished in the income-tax cases and not overruled.

If you take the bill pending here, we have an excise tax placed in terms upon the gross revenue, on the gross income of railroads. There a similar tax imposed on the net income of this class of corporations is sustained by the Supreme Court of the United States, held to be constitutional, and not objectionable for any want of uniformity.

Mr. LINDSAY. That was before the recent income-tax decision.

Mr. TURLEY. But this case is especially referred to in the case of Pollock, and it is held not to be an income tax and not subject to the objections which were held good as against the income-tax law. It is held to be an excise tax placed upon a class of individuals or a class of corporations, and that is the difference, as I understand it, between an excise tax and an income tax. If the income tax is general, if it falls upon everybody, if it falls on the property of everybody, if it falls on all the property, real or personal, of the country, then, under the Pollock decision—to which I do not assent—it is a tax on property; but if a certain class is selected under the power to levy excise taxes and an excise tax is placed on that class uniformly, so as to make it operate on all in the class uniformly, then it is not a direct tax on property, even though the amount to be paid by the class is measured by its property, as, for instance, in the tobacco cases.

All manufacturers of tobacco are taxed how much? So many cents a pound upon every pound of tobacco that they manufacture. There the tax is fixed on the specific pound of tobacco. But still it is not a property tax in the light of the definition of this tax, because it is a mere means of determining how much the manufacturer of that product shall pay as excise on his business, and that is the difference between them.

Mr. President, I believe I have said all I want to say on that subject, and there is only one other subject upon which I desire to say a few words, and I will do it now, so that I will not have to take the floor again.

Mr. LINDSAY. Will the Senator pardon me, before he leaves this branch of the subject, because it is an interesting one, to make a suggestion? In the State of Kentucky many years ago a system of turnpike improvement was resorted to, the State taking half of the stock in all the turnpike companies. This bill is broad enough to cover every corporation. Now, does the Senator hold that the furnishing to the people of public highways is such an exercise of governmental power as will prohibit the Federal Government from taxing the gross receipts of those turnpike companies?

Mr. TURLEY. No, sir; I hold this: I hold that a State government, having full sovereign power, as much as can appertain to any nation, except in so far as it has delegated a portion of it to the Government of the United States, would have power itself, as an exercise of its sovereign power, to furnish its citizens with highways. If it creates a turnpike corporation and makes it a State institution and collects the revenue from it and owns the stock in it, such corporation might be in the situation of the State bank I spoke of; but if it creates a private corporation to build the turnpike, giving it remuneration in the way of tolls, then it is still a private corporation and is not created as a means of carrying out any element of sovereignty in the State.

I have just read from the decisions of the Supreme Court of the United States where the distinction is made that franchises granted to railroads by the United States are exempt from State taxation because they are granted in order to carry out the great governmental powers conferred upon the Government of the United States, such as the power to make war and to regulate interstate commerce; and I have shown by the decisions of the same court that railroads created by a State have no such exemption. A railroad is just as much a highway as a turnpike is; but if the railroad is chartered as a private corporation (it is true it has its public duties), certainly it can not be maintained that it is an instrumentality of carrying on the government of a State.

If it could be, you might go further and say street railroads are instrumentalities for carrying on municipal government, because they are just as much highways in cities as steam railroads are highways through the States. The distinction is, as I have said, the creation of the corporation for any of these purposes by the State is an exercise of one of its independent powers, and when

created and owned by private individuals the franchise and property of such corporation is just as subject to taxation as any other in the State.

Now let me say this to the Senator from Kentucky. He has brought me back to this subject, and, if I am not taking too long, I want to illustrate it in this way: In the Pollock case the principle is laid down that one government can not tax the properties and instrumentalities of another. That principle applies as between States and the subordinate organizations created by States as much as it does between different States and the States and the United States; that is, in the absence of an express legislative enactment a county or a municipality can not tax the properties and instrumentalities of the State, and neither will the State tax the properties and instrumentalities of the county or municipality.

The State will not tax the county court-house nor the county jail, and the county will not tax any public property owned by the State in the county; but did anybody ever hear that doctrine applied to railroads or corporations? If a railroad created by a State is an instrumentality of State government, a means of carrying out State powers, then the counties and cities would not have power to tax it.

But nobody ever heard of any such distinction, and when you come, in the Pollock case—the income-tax case, to read the instances of what are considered instrumentalities of government, you find not one mention of any of these classes of corporations. They are all confined to property or to bonds representing money borrowed for the purpose of carrying on these various governments, and the United States can not, under that decision, tax a governmental instrumentality of the humblest corporation in a State.

Mr. LINDSAY. I will ask the Senator if this is not true: Does not that decision go to the extent of holding that the incomes resulting from municipal bonds issued and sold to pay for stock in private corporations, such as railroads and canals, could not be taxed?

Mr. TURLEY. Undoubtedly, because the State or the city or the county may invest its public revenue in this class of property, and when so invested it does not cease to be public property. It is the exemption of public property as the one necessary means of carrying on the Government. The State may have money which it thinks wise, for the time being, to invest in that form of property, and the money when so invested remains the property of the State just as much as when it lay in bank after being collected from the taxpayer and before it went into that form of investment.

Mr. LINDSAY. The city sells its bonds and it realizes money, and instead of using that money for strictly municipal purposes, it buys stock in a railroad company which proposes to build a railroad from one city to some other point. When it makes the investment in the railroad, is it making an investment in a private venture or in a governmental enterprise?

Mr. TURLEY. It is making an investment in a governmental enterprise. I will answer the question on that point. It is exactly like the principle in the McCulloch case. There the United States, under the Constitution, used a corporation as a means of carrying out one of its great expressed powers.

Mr. LINDSAY. Can not the State use the corporation as a means of exercising one of its reserve powers?

Mr. TURLEY. Undoubtedly, and when it so clearly appears, then that distinction is made, and it is not liable to taxation by the United States. Take the case of a city. A railroad may desire to come in and place the city in connection with territory that would be very remunerative to its inhabitants and the inhabitants of the whole State. If the city has express power from the State so to do, it may invest some of its public funds in the stock of that railroad company, for a public purpose, a governmental purpose, and it is just like the creation of a bank to carry out the express powers of the United States. It is an express power given a corporation or exercised by the State for the public benefit, but it does not follow from this that every corporation which might be made use of by the State in carrying out some of its reserved powers is stamped with that use simply because the State gives it a charter of incorporation.

Mr. SPOONER. Will the Senator allow me for a moment?

Mr. TURLEY. Certainly.

Mr. SPOONER. The Supreme Court of the United States held in the Southern Pacific case and Central Pacific case that where Congress had created a corporation, conferred upon it the franchise to be a corporation, to construct and operate a railroad, the State could not tax the franchise. It also held, in the same case, that where the Southern Pacific, which was a State corporation, had received certain franchises from the United States the State could not tax those franchises.

Mr. TURLEY. Undoubtedly.

Mr. SPOONER. The court did not put that upon any ground of interstate commerce or of the exclusive power of Congress, but upon the broad ground laid down by the court in *McCulloch vs. The State of Maryland*, that the power to tax involves the power

to destroy, and that if a State might levy a tax, however small, upon a franchise granted by the United States, it might levy a tax that would destroy it. Now, what I want to get at is this. My friend is a State rights man.

Mr. TURLEY. Yes, sir; I am.

Mr. SPOONER. And we all are, within certain limits, and I think I am more of one than I used to be. Where a State grants a franchise to a railroad company—I do not care anything about this tax, so far as I am concerned, except that it be right—creates a corporation upon a presumed adequate consideration, to build and maintain a railroad within the State, conferring upon the railroad company the power of eminent domain—that is, clothing it with a power which, in the last analysis, belongs to the people, to take anything from anybody for a public use and which can not be conferred even upon a person for a public use—can Congress, reasoning from the decision in the Southern Pacific case and the case of *McCulloch vs. Maryland*, tax the franchise?

I admit it may tax the property, but may it tax the franchise? Is it not, in other words, an instrumentality employed by the State for a public purpose, and is it not true that the power upon the part of the United States to tax it at all involves the power to tax it out of existence, and—I do not say that the power does not exist, but if the power does exist, to be exercised without limit, and it may be exercised without limit if it exists at all—may not the Federal Government dismantle the States so far as corporate instrumentalities are concerned?

Take the turnpike case to which I heard my friend allude a little while ago. A company was authorized to build a turnpike, and the theory is they may take toll which reimburses them for the cost of building the turnpike and the expense of maintaining it. The pending bill imposes a tax of a quarter of 1 per cent upon that corporation. We may levy 50 or 100. Take the case of a corporation to improve the navigability of a stream so as to be susceptible of floating logs to market by reason of dams and all that. The corporation is authorized to make certain charges to reimburse the original expense and the expense of maintenance. If Congress may tax that, may it not destroy it? I have been a good while at it, but my friend will pardon me. What I want to get at is where he would draw the line in this Congressional taxation of State franchises, not property, except as the franchise is property. Within the unlimited right to tax such franchises, can it not destroy?

Mr. TURLEY. I concede to the Senator that the unlimited right to tax carries with it the power to destroy, and I concede further, that wherever the Government of the United States or the government of a State has the power to tax it has the power to impose a tax sufficient in amount to work destruction to the property. That very argument was urged in the *McCulloch* case.

Mr. SPOONER. And adopted.

Mr. TURLEY. Not adopted. I will answer later about its adoption. On this point the reply was that the power to destroy necessarily accompanied the power to tax, but the safeguard was in the people themselves; that under our system of government taxation and representation went together. When it comes to Congress taxing, then it taxes the whole country as the representative of all the people in the country, and the power that the people have over Congress always controls the power to destroy. If one Congress imposed a tax so unjust as to work destruction, the people could turn it out and send another to correct the evil, and just so in all State taxes.

Now, it is true that in the *McCulloch* case the court did say that the power to tax was the power to destroy, and that therefore the State could not tax the Bank of the United States; but why? Not because it was simply property. It admitted in that decision that shares of stock in the Bank of the United States could be taxed by the State and that Maryland could enact such laws that no man could live in the State and own stock in the Bank of the United States; but it said it could not tax the corporate property or corporate franchise, because the corporation was necessary and in its very essence the means of carrying out several of the great powers of Government; and if the States were allowed to tax these means used to carry out these great powers, they might be able to destroy the means just as they could destroy the shares of stock in the hands of the stockholder; and the reason why the power to destroy through the power of taxing could not be applied by the State to the Bank of the United States was because the bank was necessarily a means of carrying out a great governmental purpose; and that is the same decision in the Pacific Railroad case. In one of them, I believe, the corporations were chartered by the Government. Chartered why? As a means of carrying out the power to make war, to regulate interstate commerce, and others that I could name.

Mr. SPOONER. Now, if my friend the Senator from Tennessee will allow me, it may be perfectly clear to him, but what is not absolutely clear to me is this: Take a railroad corporation, created by Congress for a governmental purpose, and a railroad corporation created by a State, and the argument is that the State

can not tax the governmental purpose employed by the United States, because the power to tax involves the power to destroy; but the Government of the United States can tax without limit this same instrumentality, the same in its nature, the same in its function, employed by the State. That is what I have not quite been able to understand.

Mr. TURLEY. The distinction may be a technical one, but it comes back to this, that the expounders of our Constitution, Chief Justice Marshall and Mr. Webster and the men of that day, in construing the Constitution and expounding it and fixing its meaning and giving it its present effect, held that the Government of the United States had no power to create any corporation at all as an independent act of sovereignty. In other words, while it might create a United States bank to aid the Government in its fiscal operations, it could not create a private bank to carry on business in one State.

Mr. SPOONER. That may be true, but in that case it changed the nature of the instrumentality.

Mr. TURLEY. Undoubtedly; still great lawyers differed from the conclusion of the court and the argument of Mr. Webster. It may be that as an abstract question I would agree with you and say a railroad is a railroad, no matter where it is and no matter whether created by the United States or by a State; that a bank is a bank, no matter where it is, whether created by a State or the United States.

Mr. SPOONER. Has the Supreme Court said anything to the contrary?

Mr. TURLEY. The Supreme Court of the United States has exactly said that a State could not tax the United States Bank, but that the United States could tax a State bank of circulation out of existence.

Mr. SPOONER. What the Senator read was arguendo, and I think has been reversed since. But we will let that go. I have always understood the real decision in the case of *Veazie Bank vs. Fenno* to be that it being a power vested in the Federal Government by the Constitution to furnish the circulating medium, that Congress had the power to tax the State bank circulation out of existence. Of course we all know, as a matter of history, that the purpose of it was to furnish a market primarily for the bonds of the United States, in order to preserve the Government. That does not reach this question, as I understand it.

Mr. TURLEY. I think it does.

Mr. SPOONER. I do not think so, because it was based upon a peculiar provision of the Constitution which might be sufficient for that purpose; but the Supreme Court of the United States has held that Congress has power to create corporations to build and operate a railroad in a State as well as in a Territory.

Mr. TURLEY. Through several States.

Mr. SPOONER. It may go through one or several. What is the difference as to the power of taxation, with the Government on the one side and a State on the other, as a Government instrumentality, between a railroad company authorized by the United States to operate through many States and a railroad company created by the State to operate in a State? The State is just as sovereign within its sphere, as I have always understood, although I may be mistaken, as the Government is in its; and is there any good reason for saying the railroad company incorporated by the State, clothed with the power of eminent domain, the right to take your home, no matter how dear and valuable it may be to you because of associations and everything else, at the market value, is not just as much a public instrumentality as one created by the United States? Is it possible to say in the one case that the State can not tax it, because it is a governmental instrumentality and the power to tax involves the power to destroy, and that in the other it is not a State instrumentality, although clothed with the same function, and that the Government may tax it out of existence?

Mr. TURLEY. That comes back as to whether there is any distinction in fact between a railroad chartered by a State and a railroad chartered by the United States. It is a question upon which we may theorize and differ as much as we please, but there is a legal distinction in this question at least. Wherever you find the question discussed—here is the *Pacific Railroad* case—it says the franchises were granted the company for national purposes and to subserve national ends, and it held they could not be taxed.

Mr. SPOONER. Is a franchise granted by a State for such purpose any the less sacred?

Mr. TURLEY. They say so.

Mr. SPOONER. No; they do not. Where do they say it?

Mr. TURLEY. Right here in the case of the *Pacific Railroad* against the United States.

Mr. SPOONER. No.

Mr. TURLEY. You may say it is dictum. Chief Justice Marshall said so in the *McCulloch* case.

Mr. SPOONER. He did not say it.

Mr. TURLEY. You may call it dictum. Mr. Webster argued it in that case. You may call it dictum. So in *Veazie vs. Fenno*,

which I read a while ago. That goes on to say, in so many words, that the property of State railroads can be taxed and the instrumentalities of State railroads can be taxed by the Federal Government.

Mr. SPOONER. Of course. So they said in *Osborn vs. The Bank*, that while the State of Ohio could not tax the franchise, could not tax the operation, it might tax the property.

Mr. TURLEY. Tax the land.

Mr. SPOONER. So I say here it is entirely competent for Congress to tax property. Nobody questions that. The question is, whether Congress can any more tax the franchise, the right to be, of the corporation than the State can tax a Federal corporation?

Mr. TURLEY. I will answer the Senator on that particular point. The proposed law says that all railroad companies, generally including transportation companies, shall pay a special excise tax of one-fourth of 1 per cent on the gross income.

Mr. SPOONER. It does not say that.

Mr. TURLEY. On the gross receipts. In the *Michigan Central Company vs. Slack*, to which I have already referred, in 100 United States, the law required about the same class of corporations to pay 5 per cent on their profits and interest. That was held to be an excise tax on the net earnings. In the one case we have a tax on the gross earnings, and in the other, sustained by the Supreme Court of the United States, a tax on the net earnings, and it was held to be an excise tax.

Mr. SPOONER. Does not my friend see any distinction between a tax on the gross receipts and a tax on the net income or profits?

Mr. TURLEY. I admit that I do not when it comes to a question of power. If it can tax the net income, it can tax the gross income. I never heard that distinction made.

Mr. SPOONER. It seems to me there is a distinction. In the case of the State of Maine the court held that the State might tax the franchise or might refer to the gross earnings for the purpose of getting at the value of the franchise; but that is not this case.

Mr. WHITE. Having some interest in the colloquy, I should like to hear it, and I hope order may be preserved. It is impossible for those who sit here to hear the colloquy now prevailing between Senators on this side of the Chamber.

Mr. TURLEY. One word about the *Veazie* case, as it has been brought up again. It is said that case was decided on the ground that under the Constitution the United States had the right to furnish currency; but no matter how that is, in order to carry out whatever the purpose was, the United States resorted to the taxing power. Now, certainly it can not have any greater taxing power in that case than in any other case.

Mr. CAFFERY. I may not be correct, but did not the court in the case of *Veazie Bank* against *Fenno* say that the power to issue currency was exclusively within the province of the Federal Government, if it chose to exercise it, and therefore it could resort to a tax to destroy the State bank as well as by actual prohibition?

Mr. TURLEY. I assume that is so. I do not recollect. I have not read the decision from end to end lately. But that presents to me this strange proposition, that because it has power to furnish currency, then, in order to carry out that power, it can exercise a taxing power which the Constitution has not given it and which it does not have in any other case. It might have passed a direct law, saying no State bank shall issue money. If, instead of doing that, it chooses to resort to the taxing power, what taxing power could it resort to except the power conferred upon Congress by the Constitution of the United States?

Is there one taxing power to carry out this purpose of issuing currency and another taxing power for raising revenue? I know of no such distinction. The taxing power is the same. It does not change its quality. Congress had two means. It might have passed a law forbidding the issue, but instead of doing that it chose to resort to the general taxing power given it by the Constitution of the United States, and it found that under that taxing power it could do to a State bank what the State could not do to the Bank of the United States.

Mr. TILLMAN. All this is very interesting to me, but I should like to ask some of the legal lights here to explain where the power to tax oleomargarine comes from that has been exercised by the Government in order, if possible, to destroy the manufacture of it. Upon what legal principle or where in the Constitution does that power come from? I simply want the legal question settled.

Mr. TURLEY. I am not prepared to go into that.

Mr. TILLMAN. They are denying, I believe, the right to tax corporations, and yet they turn in and tax the product.

Mr. TURLEY. I do not propose to go into that subject, because I have already taken more time than I desired to occupy.

I wish to say just a few words on the question of the issuance of United States legal-tender notes—greenbacks. I favor that clause in the bill, as far as my judgment goes, as much as any other provision in it. I think it ought to be enacted. I am not

in favor of unlimited paper money, and I believe in the free coinage of silver, as most of us on this side do. I believe in a currency based on coin, silver and gold. But, like a great many things, this is a practical question. I do not think, as conditions now are, you can call that fiat money which a man can take and turn into gold any hour of the day or into silver any hour of the day.

It is practically not fiat money. It is paper money, and under present conditions it is as good as any people could have.

I understand that there are a few principles connected with this subject which all admit; one is that as the business of the country increases and its population increases there ought to be a reasonable and proper increase of the circulating medium, and another that the same number of people doing a certain amount of business at one time greater than they did at another may need more money in the one case than they did in the other.

If the population remains the same and the volume of business and property increases, unless there is some reasonable increase in the volume of the circulating medium, it seems to me that you enter upon an era of falling prices. In the opening of this discussion the vast increase that had been made in the amount of wealth and the accumulation of wealth in this country for the past ten or twelve years was described to us. If that is true, then does any man believe, as the Senator from Texas asked this morning, that this increase of \$192,000,000 in our circulating medium is going to injure our financial condition? Does any man believe that it would unsettle our finances?

If this money is issued, it would increase the coin and paper circulation, I believe, about \$2.60 per capita. According to the table of circulation by the Treasury Department, this country has had a greater amount in circulation per capita than we would have now if this increase were made without impairing the soundness of its finances. In 1896 we had a circulation amounting to \$21.10 per capita. I have not the figures for the next two years. In 1892, the beginning of the period in which it is said we have had so much increase in property, we had \$22.37 per capita.

We had in 1892, before the panic commenced, \$24.44 per capita. From that time we gradually decreased the circulation until in 1896 it was \$21.10 per capita. If this money is issued and added, we would have between \$23 and \$24 per capita—not as much as we had in 1892 before the panic. We are larger in population by six million or more and, I hope, richer in property.

What evil can come to the Government from the issue of this money? We can see the interest saved year by year. We shall not only save the interest, but, if these figures are correct, it gives back to the people what they need—a little more circulating medium—without running the slightest risk of undue expansion. Certainly if we stood a per capita of \$24.44 prior to 1892, we can stand a per capita of between \$23 and \$24 now.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Louisiana [Mr. McENERY] to the amendment of the committee.

Mr. WHITE. I assume that the amendment offered by the Senator from Louisiana will not be voted on this evening. I suggest that it is not very far from the hour of 5, and unless some Senator is prepared to address the Senate this evening, I think we should discontinue.

Mr. ALLISON. Why not have some understanding that to-morrow at some hour we shall vote upon this series of amendments?

Mr. WHITE. The amendments should be voted on together.

Mr. ALLISON. I suggest that we have an understanding that to-morrow at some hour we shall vote upon these amendments. There are two or three sections here.

Mr. JONES of Arkansas. The discussion that has taken place up to this time has been a discussion of the bill generally.

Mr. ALLISON. And a very interesting one.

Mr. JONES of Arkansas. There has been no delay in the matter of discussing these amendments, and they have not been discussed particularly. I do not think at this time there can be any agreement about any hour to vote upon them. I believe that we can have a vote at an early time, but I think there will be no necessity for fixing a time to vote yet. If there should be any protracted delay or any trouble, I will agree with the Senator.

Mr. ALLISON. I only make the suggestion.

Mr. GORMAN. I should like to ask the Senator in charge of the bill if there is an understanding, or whatever it may be called, that the Finance Committee, who have charge of the bill, have since our last adjournment agreed to sundry very important amendments to other sections of the bill? If that be true, and I understand it is, I think it is due to all of us who have not the opportunity of knowing just what is proposed by the amendments of the committee that they should be presented to the Senate and lie on the table until to-morrow morning.

Mr. WHITE. And be printed.

Mr. GORMAN. And be printed. Then the rest of us may know what is intended to be done as to other sections of the bill. As to the particular amendment under discussion, we all under-

stand what it is. I think an explanation of the other amendments agreed upon by the committee is due to the rest of us.

Mr. TELLER. I suggest that as they are evidently important we ought to have them printed to-night. I do not know what they are, and I rose to ask just what the Senator from Maryland has requested, that we might have the amendments printed.

Mr. ALLISON. I can state the amendments in a general way very briefly, and, in fact, in a specific way, if Senators desire it.

Mr. GORMAN. Very well.

Mr. TELLER. And that explanation will go into the RECORD; but let the amendments be printed.

Mr. ALLISON. The first amendment or change proposed by the committee is to strike out "foreign insurance agents," which amendment was passed over when the bill was first read, and to insert "all insurance agents at \$12 per annum."

The next amendment, or series of amendments, related to tobacco. They are a series of amendments of very little importance, but two are important. In one the committee recommends that the rate of tax upon tobacco shall be 12 cents instead of 16 cents, as reported by the committee.

Mr. TELLER. Was that unanimous?

Mr. ALLISON. It is unanimous, I may say. I understand there is to be no opposition to it.

Then the tax upon cigars is to be, as far as the committee is concerned, \$3.60 instead of \$3.50, as reported. That is done chiefly for convenience.

The tax upon cigarettes is \$1.50, and there is only one change in the packages, fixing the weight at 1½ ounces. There are some immaterial changes.

Mr. JONES of Arkansas. Let me call the attention of the Senator from Iowa to the fact that the question whether the packages should be 1½ ounces or 1½ ounces was left to be investigated and was in a great measure in the hands of the Senator from Iowa.

Mr. ALLISON. That is understood, and even though we may fix it at 1½ ounces it is one of those questions which must be finally disposed of—

Mr. JONES of Arkansas. In conference.

Mr. ALLISON. In conference, the House having fixed it at 1½ ounces.

There is a series of amendments, which I believe the committee are unanimous in agreeing to, relating to special taxes, providing that pounds may be used where dollars are used in the bill. It is a matter of great convenience to the Commissioner of Internal Revenue to have the special taxes on tobacco assessed by the number of pounds rather than by the number of dollars in value.

Mr. JONES of Arkansas. And tobacco dealers.

Mr. ALLISON. All the returns are made in pounds, and the office of the Commissioner of Internal Revenue has no record of the number of dollars. That seems to be a very natural and proper amendment.

The committee went over Schedule B with some care and finally agreed to make only two amendments, but those two amendments very materially change the bill from that originally reported. We propose, on page 53, line 18, after the word "all" and before "preparations," to insert the word "medicinal;" and in line 17, after the word "waters," to insert in parentheses "except natural spring water," so as to exempt natural mineral waters from the bill. The same amendment, that is, the word "medicinal," is to be inserted on page 54, line 4.

These are the amendments the committee have agreed to. Perhaps there are some other little amendments, but I think none others having an important bearing on the bill.

Mr. GORMAN. I should like to ask the Senator from Iowa how about amendment No. 143, page 53, line 13. Is that restored?

Mr. ALLISON. The word "medicines" is restored there.

Mr. GORMAN. Are all three words, "medicines, proprietary articles," restored?

Mr. ALLISON. The words "proprietary articles" will be restored. That amendment is to be offered.

Mr. COCKRELL. What will the provision be?

Mr. ALLISON. It will be as the House proposes it:

Medicines, proprietary articles and preparations.

Mr. GORMAN. Are the words "or trade-mark," which is amendment No. 148, to be stricken out?

Mr. ALDRICH and Mr. PLATT of Connecticut. The words "or trade-mark" remain.

Mr. ALLISON. The words "or trade-mark" remain. That amendment, of course, will only apply to medicinal preparations. I understand there is no objection to it. If the Senator will read the word "trade-mark" in connection with the text as we propose to amend it, he will see that all these amendments apply to medicinal preparations and not to preparations such as were described the other day in the debate.

Mr. GORMAN. So that food products would be excluded under the amendment?

Mr. ALLISON. Under the amendment as we propose it all food

products would be excluded. I think this embraces all the amendments, and the amendments are few, although the topics are important. The Senator from Arkansas can verify what I say.

Mr. JONES of Arkansas. I think that covers everything, Mr. President. The Senator from Iowa did not state just the action that was taken as to mineral waters.

Mr. ALLISON. I made that statement.

Mr. JONES of Arkansas. I did not understand it.

Mr. ALLISON. Natural mineral waters are to be free. All mineral waters not medicinal, of course, would be free under the phraseology inserted.

Mr. WHITE. To mention a subject very familiar probably to the people at large, soda water, for instance, would not be taxed.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. ALLEN. Will the Senator withhold his motion for a moment? I had addressed the Chair before the Senator, but the Chair did not hear me. I desire to address the Senate just a moment.

Mr. CARTER. I withdraw the motion at the request of the Senator from Nebraska.

Mr. ALLEN. I desire to say a word, because the subject is now fresh before the Senate, and for the purpose of entering my entire dissent to the doctrine proclaimed by the Senator from Tennessee [Mr. TURLEY], in so far as the power of taxation is concerned. I do it because this is the time to enter my dissent to that doctrine and not later in the session of the Senate. The Senator from Tennessee said he did not doubt—I think that was his language—the power to tax the franchise and the property of a corporation and at the same time to tax the certificates of stock held in that corporation.

Mr. TURLEY rose.

Mr. ALLEN. I may be entirely wrong. It would be strange if I were not in some things.

Mr. TURLEY. Will the Senator from Nebraska allow me a moment?

Mr. ALLEN. Certainly.

Mr. TURLEY. What I meant is that the tax on the certificate of stock would be a tax on it in the hands of the shareholder. In other words, the tax would be against the holder of the certificate. That is what I meant.

Mr. ALLEN. That is exactly as I understood the Senator, that a tax can be imposed upon the property of the corporation to its full cash value, and at the same time a like tax can be imposed upon the certificate of stock in the hands of the shareholder.

Mr. President, that is not the law in the United States, or in any State, so far as I am familiar with the laws of the States on the subject of taxation. Taxation, according to the laws of the United States, must be equal upon all property as nearly as it can be made equal, not in an ideal, but in a practical sense. The certificate is simply the evidence that the holder has an interest in the property of the corporation; it is an evidence of his title. If the property covered by that certificate is taxed to its full value, there is no court of equity in the United States that would not enjoin a tax imposed upon the certificate itself.

The PRESIDENT pro tempore. Will the Senator from Montana withhold his motion for one moment and take the chair?

Mr. CARTER. Certainly.

STEAMSHIP ZEALANDIA.

Mr. FRYE. Mr. President, I wish to report a bill from the Committee on Commerce. I dislike exceedingly to admit to American registry foreign-built ships; but the War Department is levying blackmail, and I recognize the necessity of sending men to Manila. The Government has chartered the ship *Zealandia* for that purpose, and I have received a telegram asking that a commission may be granted at once, so that the ship can be prepared to sail. Therefore I report favorably and ask the present consideration of the bill I send to the desk.

The bill (S. 4645) to provide an American register for the steamship *Zealandia* was read twice by its title.

The PRESIDING OFFICER (Mr. CARTER in the chair). Is there objection to the present consideration of the bill?

Mr. PETTIGREW. What is this vessel?

Mr. FRYE. It was an English ship.

Mr. PETTIGREW. What line is it in?

Mr. PERKINS. I beg to correct the Senator from Maine. The vessel is now under the Hawaiian flag.

Mr. FRYE. She is an iron steamship.

Mr. PETTIGREW. What is her register?

Mr. FRYE. Two thousand seven hundred and thirty tons.

Mr. PETTIGREW. What is the necessity for this legislation?

Mr. FRYE. The War Department send me a telegram stating that they have chartered it, and that it is absolutely necessary for them to do so for the purpose of sending troops to Manila.

Mr. PETTIGREW. Can the Senator tell me who owns the vessel?

Mr. PERKINS. The Oceanic Steamship Company.

Mr. FRYE. Yes; the Oceanic Steamship Company, of San Francisco.

Mr. TILLMAN. I understood the Senator from Maine to say that the War Department was levying blackmail. He meant that the owners of this vessel are levying blackmail on the War Department?

Mr. FRYE. Very likely.

Mr. TILLMAN. I just wanted to get at what you did say and what you meant.

Mr. FRYE. I meant that the War Department were chartering ships in advance to carry men to Manila, and that then they call upon Congress to give an American register to that ship so that they can be permitted to employ it. The term "blackmail" was a joke to a large extent.

Mr. TILLMAN. Will the Senator please tell us what rates are being paid by the Government to the owners of these vessels on the Pacific?

Mr. FRYE. Of course, I did not mean what the Senator intimates, as he well understands.

Mr. TILLMAN. The Senator must be taken seriously, because he never jokes.

Mr. FRYE. The Senator must be an Englishman, if he can not see it.

Mr. TILLMAN. The Senator must be taken seriously, for I have never known him to joke.

The PRESIDING OFFICER. The bill will be read for information.

The bill was read at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamship Zealandia, owned by the Oceanic Steamship Company of San Francisco, Cal., to be registered as a vessel of the United States.

Mr. PETTIGREW. I should like to know the necessity for giving this vessel an American register. That the War Department says so I do not think is a sufficient reason.

Mr. FRYE. I telegraphed to the War Department to-day and informed them that this ship was on the Hawaiian register, and that as the Hawaiian Islands had proclaimed no neutrality the Department had an undoubted right to charter the vessel. They telegraphed back that they understood that to be so, but that the vessel was an absolute necessity, and they could not make the charter without the registry.

Mr. PETTIGREW. In other words, giving an American register is a part of the consideration. Is that the point?

Mr. FRYE. It seems to be.

Mr. CHANDLER. Undoubtedly that is the case.

Mr. PETTIGREW. I object to the consideration of the bill.

Mr. COCKRELL, Mr. STEWART, Mr. TELLER, and others. Oh, no!

Mr. PETTIGREW. The next thing will be that the whole line will follow.

Mr. COCKRELL. Let it come. We will meet the question then.

Mr. PETTIGREW. Everything under the Occidental and Oriental Line, and so on.

Mr. SPOONER. Never mind that now.

Mr. PETTIGREW. If this is a sufficient reason, then that will be a sufficient reason to bring the whole line to an American registry.

Mr. FRYE. I should think the Senator from South Dakota could yield on this proposition if the chairman of the Committee on Commerce could. It comes hard enough for me.

Mr. WHITE. It seems to me that now nothing can be done to establish a precedent to bind the Senate in a matter of this kind hereafter. We have to vote for a great many matters in war exigencies which ordinarily would not meet with our approval. I think, perhaps, that ought to be sufficient to explain our votes hereafter.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. At the earnest solicitation of my friends and for the reason it is the only manifestation of haste on the part of the Administration that we have had since the war began, I will withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3686) to encourage American shipbuilding, reported adversely thereon, and the bill was postponed indefinitely.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY. I move, for the purpose of correcting a clerical error, that the Senate request the House of Representatives to return to the Senate the conference report upon the bill (H. R.

10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

The PRESIDENT pro tempore. Without objection, that order will be made. The Chair hears no objection, and that is the order.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 24, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 23, 1898.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

William Woodville Rockhill, of the District of Columbia, now envoy extraordinary and minister plenipotentiary and consul-general, to be envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia, to take effect July 1, 1898.

SECRETARIES OF LEGATION.

Rufus A. Lane, of California, to be secretary of the legation of the United States to Nicaragua, Costa Rica, and Salvador, vice John F. Baker, resigned.

Herbert J. Hagerman, of Colorado, to be second secretary of the embassy of the United States at St. Petersburg, Russia, vice Edgar O. Achorn, declined.

CONSULS-GENERAL.

George F. Lincoln, of Connecticut, now consul at Antwerp, to be consul-general of the United States at Antwerp, Belgium, to take effect July 1, 1898.

Rounseville Wildman, of California, now consul at Hongkong, to be consul-general of the United States at Hongkong, China, to take effect July 1, 1898.

Edward D. Winslow, of Illinois, now consul at Stockholm, to be consul-general of the United States at Stockholm, Sweden, to take effect July 1, 1898.

UNITED STATES CONSULS.

Henry H. Morgan, of Louisiana, now consul at Horgen, to be consul of the United States at Aarau, Switzerland, to take effect July 1, 1898.

Victor E. Nelson, of California, to be consul of the United States at Bergen, Norway, vice Ernest A. Man, resigned.

Oliver J. D. Hughes, of Connecticut, now consul at Sonneberg, to be consul of the United States at Coburg, Germany, to take effect July 1, 1898.

George H. Jackson, of Connecticut, now consul at Cognac, to be consul of the United States at La Rochelle, France, to take effect July 1, 1898.

Charles E. Macrum, of Ohio, to be consul of the United States at Pretoria, South African Republic, to fill an original vacancy. The nomination of Mr. Macrum to be consul at Tahiti, Society Islands, which was sent to the Senate January 31, last, is hereby withdrawn.

Edmond Z. Brodowski, of Illinois, now consul at Fürth, to be consul of the United States at Solingen, Germany, to take effect July 1, 1898.

Richard T. Greener, of New York, recently nominated and confirmed as consul at Bombay, to be consul of the United States at Vladivostok, Russia, to fill an original vacancy.

SURVEYOR OF CUSTOMS.

James Jeffries, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, to succeed J. N. Harris, whose term of office has expired by limitation.

UNITED STATES ASSAYER.

John Boyle, jr., of Missouri, to be assayer in charge at the United States assay office at St. Louis, Mo., to succeed Guy Bryan, removed.

UNITED STATES DISTRICT ATTORNEY.

Henry Terrell, of Texas, to be attorney of the United States for the western district of Texas, vice Robert U. Culberson, whose term expired February 5, 1898.

INDIAN AGENT.

James G. Reid, of Forest City, S. Dak., to be agent for the Indians of the Cheyenne River Agency in South Dakota, vice Peter Couchman, term expired; Charles T. McCoy, who was appointed March 11, 1898, after confirmation by the Senate, having declined. The nomination of Warren H. Rand, which was sent to the Senate April 27, 1898, for said office, is withdrawn.

JUSTICE OF THE PEACE.

Samuel R. Church, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington), his present term expiring July 30, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be chief surgeon with the rank of major.

Henry F. Hoyt, of St. Paul, Minn. The nomination of Henry F. White, of St. Paul, Minn., for the appointment of chief surgeon of volunteers, with the rank of major, which was delivered to the Senate May 20, 1898, is withdrawn.

SURGEONS IN THE NAVY.

Thomas Leidy Rhoads, a citizen of Pennsylvania, and Ralph Thompson Orvis, a citizen of California, to be assistant surgeons in the Navy, to fill vacancies.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1898.

MARSHAL.

William F. Airey, of Maryland, to be marshal of the United States for the district of Maryland.

POSTMASTER.

Joseph F. Doyle, to be postmaster at Savannah, in the county of Chatham and State of Georgia.

HOUSE OF REPRESENTATIVES.

Monday, May 23, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Thursday last was read, corrected, and approved.

APPOINTMENT OF ARMY OFFICERS TO VOLUNTEER POSITIONS.

Mr. HULL. I ask unanimous consent for the present consideration of Senate bill 4621.

The bill was read, as follows:

A bill (S. 4621) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898.

Be it enacted, etc., That section 10 of an act of Congress entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, be, and the same is hereby, amended by adding at the end thereof the following, to wit: "And provided, That officers of the Regular Army shall be eligible for such staff appointments, and shall not be held to vacate their offices in the Regular Army by accepting the same, but shall be entitled to receive only the pay and allowances of their staff rank."

SEC. 2. That section 13 of said act is amended so as to read as follows:

"That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and the President may appoint officers of the Regular Army in the grade of field officers in organizations of the Volunteer Army raised in the District of Columbia and the Indian Territory, and in the regiments possessing special qualifications, provided for in section 6 of an act of Congress approved April 22, 1898, and in section 2 of the act of Congress approved May 11, 1898; and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time: *And provided further*, That officers so appointed shall be entitled to receive only the pay and allowances of their rank in the volunteer organization."

Mr. HULL. Mr. Speaker, I desire to say that in the volunteer act—

The SPEAKER. The question is on granting unanimous consent for the consideration of the bill.

Mr. HULL. I ask consent to make a brief statement.

Mr. DOCKERY. We should like to hear some explanation of the bill.

Mr. COX. I am not going to object to granting unanimous consent; but I desire a few minutes to explain what this bill does as compared with the volunteer bill.

Mr. HULL. In the volunteer act which was recently passed we provided in express terms that brigadier-generals appointed from the Regular Army should retain their rank in the Regular Army; and we also provided in express terms that Regular Army officers commissioned by the governors of States with the consent of the President to serve in volunteer regiments should retain their rank. But in the section with reference to the staff it was provided that the President might appoint officers of the volunteer force from civil life, or might assign to such positions officers of the Regular Army. The word "assign" was used. Now, the President has commissioned some of these Regular Army officers for staff duty.

For instance, Captain Black, whom many gentlemen know as one of the District Commissioners, and who is now a major in the Regular Army, has been commissioned as lieutenant-colonel on a corps commander's staff as an engineer. Now, if he accepts the position of lieutenant-colonel in the Volunteer Army, it is held by the law officers of the Treasury Department and also by the War Department that he will vacate his position in the Regular Army because there is a provision of law that where an officer receives \$2,500 a year or more he can not accept any other office without vacating the one previously held.

The War Department has sent in a report on this subject which is quite full, but as this is District day, I do not care to take time

in having the whole paper read. That is all there is in the first section of the bill.

Mr. DOCKERY. In the case referred to—that of Captain Black, who is now a major in the Regular Army—should he accept the appointment of lieutenant-colonel in the volunteers, he will, as I understand this bill, draw the pay of a lieutenant-colonel.

Mr. HULL. Yes, sir.

Mr. DOCKERY. What becomes, then, of his position as major in the Regular Army during the time he is filling the position of lieutenant-colonel of volunteers?

Mr. HULL. He does not draw the pay of a major while holding this position in the volunteers; but at the conclusion of hostilities he would have the same rank in the Regular Army that he would have had if he had not accepted this position.

Mr. DOCKERY. But will the law operate to assign some one else to the position of major which he vacates?

Mr. HULL. Not at all. There is no vacancy in Regular Army by such appointment.

Mr. DOCKERY. So that this bill will not operate to increase the number of officers?

Mr. HULL. Not at all. The difficulty which the President meets in regard to making these assignments, without some such provision as this bill contains, is this: Captain Black, for instance, holding the rank of captain, could only be assigned to a captaincy; he would go on a brigadier-general's staff with the rank of captain; and a man appointed from civil life as a lieutenant-colonel of volunteers would outrank him; so that Captain Black, an experienced and accomplished officer, would be subject to the orders of a man appointed from civil life who might not know anything about army engineering. The purpose is to get the best obtainable talent for this grade of engineers.

Mr. DOCKERY. I quite agree that in this case of Major Black he is entitled to the pay of a lieutenant-colonel during the time he may fill that office in the Volunteer Army; but the question occurred to me, Does not the law require some one else to come in and take the office of major which he vacates?

Mr. HULL. Not at all. It makes no additional office in the Regular Army. There must be a vacancy before an appointment can be made. And the volunteer bill itself provides that whenever the war closes these assignments must terminate.

Mr. DOCKERY. Well, it ought to be clear. Of course we have not had time to look at the bill. For one I should not consent to the consideration of the measure if it in effect increased the number of officers—

Mr. HULL. Mr. Speaker, it absolutely does not. I assure the gentleman of that.

Mr. DOCKERY. I accept the gentleman's statement.

Mr. HULL. It absolutely gives no power to increase the Regular Army a single man. It simply protects these staff officers that we thought we had protected before, but we failed to put that proviso in that section.

Mr. DOCKERY. Now, will the gentleman explain the next section?

Mr. HULL. We left out the words in section 13 of the volunteer act, "the District of Columbia and the Indian Territory." We put those words in two other sections of the bill, and they hold that unless they are put in here no Regular Army officer is eligible from those districts for appointment in volunteer regiments.

Mr. UNDERWOOD. I should like to ask the gentleman from Iowa if his colleagues on the committee on this side of the House all agree with him in his construction?

Mr. HULL. I think every colleague on that side except the gentleman from Tennessee [Mr. Cox] voted in favor of taking this from the Speaker's table.

Mr. COX. I did not.

Mr. UNDERWOOD. I should like to hear from the gentleman from Tennessee before unanimous consent is given.

Mr. HAY. I assume that the gentleman from Tennessee [Mr. Cox] will control the time in opposition to the bill.

Mr. HULL. I want to say to the House that the whole matter of staff appointments is held up until the passage of this bill, and I am very urgently requested to ask the House to pass upon it at once. If it had not been for our adjournment over, I should have tried to secure the passage of the bill last week.

Mr. HANDY. Has this bill been before the Committee on Military Affairs?

Mr. HULL. Yes, and been considered fully. The gentleman from Tennessee was the only one who was opposed to it, I think.

Mr. GAINES. I will state to the gentleman that I want to pass all necessary war legislation, but I am not going to "agree" to take up anything unless we understand what we "take up." If the gentleman will give time for some one to explain the bill, I shall not object.

Mr. HULL. If objections are to be made at this time, as this is District day, I shall have to withdraw the bill.

Mr. GAINES. I think District matters can give way to matters relating to the Union, and I do not propose to allow things to

be shunted through here without an opportunity being given to understand them.

Mr. COX. Do I understand that I am not to have any time to state the position I occupy in regard to this bill? If that is the understanding, I will put an end to it as quickly as I can.

Mr. HAY. Let me suggest to the gentleman from Iowa [Mr. HULL] that unanimous consent be given for the consideration of the bill.

Mr. HULL. That is what I have asked.

Mr. HAY. And that the gentleman from Tennessee [Mr. Cox] have as much time as is necessary for him to explain his position.

Mr. HULL. I ask unanimous consent, in view of the fact—

Mr. COX. Let me understand the gentleman—

Mr. HULL. Under my agreement with the gentleman from Wisconsin [Mr. BARCOCK], chairman of the District Committee, I withdraw my request for unanimous consent, if it is to take time.

The SPEAKER. The bill may be taken up later.

Mr. HULL. I should like unanimous consent to take one bill from the Speaker's table, for the purpose of fixing the pay of troops from the time of their enrollment to the date of their muster.

Mr. COX. That is all right.

Mr. HULL. It is Senate bill 4607.

Mr. BARLOW. Mr. Speaker—

The SPEAKER. The Chair desires first to recognize the gentleman from California [Mr. BARLOW].

GRANT OF CERTAIN LANDS TO THE CITY OF SANTA BARBARA, CAL.

Mr. BARLOW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I understand this bill cedes some 8,000 acres of land to the city of Santa Barbara for the purpose of city water-works.

Mr. BARLOW. Yes; that is, it gives them the right to purchase the land at the Government price of \$1.25 an acre.

Mr. PAYNE. It gives them the right to do what?

Mr. BARLOW. It gives them the right to purchase the land at the Government price of \$1.25 an acre.

Mr. PAYNE. They are to give the Government price for it?

Mr. BARLOW. Yes.

The SPEAKER. Is there objection?

Mr. PAYNE. I think I shall have to object to bringing this up.

The SPEAKER. The gentleman from New York [Mr. PAYNE] objects.

Mr. HULL. Now, Mr. Speaker, I ask unanimous consent to take up the bill to which I referred.

PAYMENT OF VOLUNTEER SOLDIERS, ETC.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill (S. 4607) providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes, was read, as follows:

Be it enacted, etc., That the pay and allowance of such of the volunteers as are received into the service of the United States under the act of Congress approved April 23, 1898, and the acts supplemental thereto, shall be deemed to commence from the day on which they joined for duty and are enrolled at the battalion, regimental, or State rendezvous: Provided, That troops about to embark for service in the Philippine Islands may, in the discretion of the Secretary of War, be paid one month's wages in advance prior to embarkation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. HULL. I wish to say to the House that at the end of the District business I shall try to get up one or two bills that are deemed of special importance.

Mr. PETERS. Mr. Speaker—

The SPEAKER. The gentleman from Kansas [Mr. PETERS] has a bridge bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions: in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 8,000 copies of Commercial Relations (including the summary prepared by the Department of State), 5,000 copies for the use of the State Department, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Senate.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 copies of a special edition of Review of the World's Commerce (with the summary prepared by the Department of State), 10,000 copies for the use of the Department of State, 10,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896.

The message also announced that the Senate had passed joint resolution (S. R. 168) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,835.76, in accordance with the decision of the Secretary of the Interior dated March 3, 1898; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Joint Committee on Printing be, and are hereby, authorized and directed to cause to be printed, indexed, and bound in cloth, in one volume, all of the acts, as they appear in the United States Statutes, heretofore passed by Congress imposing duties on imports, 1,000 copies of said volume to be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

The message also announced that the Senate had passed with amendments joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary naval force for coast defense, in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 195) calling upon the Secretary of War for information concerning the port of Sabine Pass.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution No. 40—

Resolved by the Senate (the House of Representatives concurring), That there be printed 8,000 copies of Commercial Relations (including the summary prepared by the Department of State), 5,000 copies for the use of the State Department, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Senate—

To the Committee on Printing.

Senate concurrent resolution No. 41—

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 copies of a special edition of Review of the World's Commerce (with the summary prepared by the Department of State), 10,000 copies for the use of the Department of State, 10,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Senate—

To the Committee on Printing.

BRIDGE ACROSS THE MISSOURI RIVER, QUINDARO, KANS.

Mr. PETERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company.

The bill was read. It provides that the Kansas City, Northeastern and Gulf Railway Company, a corporation duly incorporated under the laws of the State of Kansas, be, and the same is hereby, authorized and empowered to erect, construct, and maintain a bridge over and across the Missouri River for the passage and crossing of railroad cars and engines and such other material and things as may be used in the management, construction, or operation of a railroad, giving and granting to said railway company the power and authority to erect, establish, construct, and maintain in connection with such railway bridge a wagon and foot-passenger bridge, or either or both of them.

Mr. BENNETT. Mr. Speaker—

Mr. PAYNE. I should like to ask the gentleman a question.

Mr. BENNETT. I desire to ask if this bill has received the consideration of the Committee on Interstate and Foreign Commerce.

Mr. PETERS. Yes; it was unanimously reported by that Committee.

Mr. PAYNE. I notice there is an amendment to the bill. Does that strike out all the provisions for a drawbridge? The bill gives the company the option of building a drawbridge or a bridge which shall leave 50 feet clear between high-water mark and the bridge. I notice there is an amendment striking out some of the provisions about the drawbridge.

Mr. PETERS. The amendment was placed there at the request of the Attorney-General, to comply with some regulations of interstate commerce.

Mr. PAYNE. Does the amendment still leave a provision for a drawbridge?

Mr. PETERS. Yes.

Mr. PAYNE. Does the amendment require the drawbridge to leave 50 feet clear between high-water mark and the bridge?

Mr. PETERS. I so understand it.

Mr. PAYNE. Is not the gentleman sure about that?

Mr. PETERS. No, sir; I am not.

Mr. PAYNE. Then I should like to examine it first, because, Mr. Speaker, some time or other we may have some commerce on this river and may need it. We are spending a great deal of money in order to make it a navigable stream, and if we should ever get one we do not want it obstructed by bridges which are not in the proper form.

Mr. PETERS. I think the gentleman will find that the bridge must conform to all the necessary requirements.

Mr. DOCKERY. What is the point which the gentleman from New York makes?

Mr. PETERS. He wants to know whether under the amendment the Attorney-General ordered the drawbridge to be 50 feet in the clear. The Attorney-General took the bill and had it conform to all the laws and regulations which are usual in these bills.

Mr. PAYNE. I think the gentleman had better let the bill go over.

Mr. PETERS. This is a unanimous report.

Mr. DOCKERY. There is a drawbridge now on the Missouri River at Kansas City, and, as I understand, this is a bill to authorize the construction of another bridge at Quindaro at a point above or below the other high bridge, and a drawbridge. Is that it?

Mr. PETERS. Yes, sir.

Mr. PAYNE. That was in the bill, but the committee offer an amendment, and I can not find out from the gentleman what limitation the amendment makes in the bill.

Mr. PETERS. The amendment was suggested by the Attorney-General, as the report will show, and they made it conform to his suggestion.

Mr. BENNETT. I will say to the gentleman, quoting from the bill, or the amendment of the committee:

Shall be a high bridge with unbroken and continuous spans, the lowest point of superstructure of which shall have an elevation of at least 50 feet above the high-water grade for bridges as established by the Missouri River Commission.

Mr. PAYNE. Is that the amendment?

Mr. BENNETT. That is the amendment of the committee.

Mr. PAYNE. Well, Mr. Speaker, it seems this provides for a high bridge. The gentleman from Kansas, of course, knows that the Government has spent a great many million dollars improving the navigation of the Missouri River; and possibly in the future some one may attempt to navigate it; and if so, I want to have 50 feet clear, so that they can get under this bridge.

Mr. PETERS. The amendment provides for your kind of a bridge.

Mr. CANNON. I want to say to my friend, to those of us who know something of the Missouri River, we know that there have been a great many millions spent upon it, and ten times as much more may be spent, and then a hundred millions may be spent by mandamus to get commerce upon that river, and it would not come.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PETERS. This does not interfere with commerce.

Mr. PAYNE. I want the provisions for commerce to be consistent, if there is to be any navigation.

Mr. SIMPSON. This provides for commerce across the river, and not up and down the river.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PETERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BABCOCK. Mr. Speaker, I ask for the regular order.

BUILDING LINES ON CERTAIN STREETS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I present for consideration the bill (H. R. 10106) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to establish building lines on streets or parts of streets less than 50 feet wide in the District of Columbia, upon the presentation to them of a plat of the street or a portion of the street upon which such action is desired, showing the lots and the names of the record owners thereof, and accompanied by a petition of the owners of one-half of the real estate shown on said plat requesting that building lines be established, or when said Commissioners shall certify that public health, comfort, or convenience requires that such building lines be established.

Sec. 2. That upon the filing of such plat and petition in the office of said Commissioners, or when said Commissioners shall certify that public health, comfort, or convenience requires that such building lines be established, said Commissioners shall make application in writing to the United States marshal for the District of Columbia to summon and impanel a jury of twelve citizens who have no interest in the real estate mentioned in the petition (and it is hereby made his duty to summon and impanel the same in all such cases upon application in writing of said Commissioners), who, after

first taking and subscribing an oath in writing to discharge the duties imposed upon them by the provisions of this act justly and impartially, shall proceed to ascertain and appraise the damages which may accrue to the real estate of any person or persons by the establishment of said building lines, which shall be the value of the land at the time of the taking, and the said jury shall make and return their verdict in triplicate, one original to be filed in the office of the said Commissioners, one in the office of the recorder of deeds of said District, and one in the office of the surveyor of the said District. And the damages awarded by said jury shall be payable out of any funds available for opening, widening, and extending alleys, under the act approved March 3, 1893, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes."

SEC. 3. That the said jury shall apportion an amount equal to the amount of said damages, ascertained and appraised as aforesaid, including the fees of the marshal for his services and \$50 for the services of said jury, according as each lot or parcel of land in any square may be benefited by the establishment of building lines, and they shall make return of such apportionment to said Commissioners, in which they shall designate each lot or part of lot of land so benefited and the amount so apportioned to each, respectively; and in case of failure to pay the amount so apportioned, it shall be the duty of the collector of taxes to levy a tax upon each lot or part of lot of land in accordance with such apportionment, and to collect the same as other taxes on real estate are collected; and said assessments shall bear interest at the rate of 10 per cent per annum until paid.

SEC. 4. That the said marshal shall give or cause to be given notice of the time and place of meeting of said jurors, for the purposes aforesaid, to each proprietor of land in the square where the building line is proposed to be established, as provided in section 6 of the act of Congress approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia."

SEC. 5. That the said Commissioners, whenever they deem it desirable in the interest of economy, may permit buildings existing at the time said building lines are established, and which project beyond said lines, to remain until such time as the owners of said buildings desire to reconstruct or substantially alter the said buildings: *Provided*, That the act of Congress approved March 3, 1891, providing for certain projections upon street parkings, shall apply to all parkings established under this act, and the control of said parkings otherwise shall be vested in the Commissioners of the District of Columbia, who are hereby authorized to make and enforce all reasonable and necessary regulations for their care and preservation.

Mr. BABCOCK. Mr. Speaker, the object of this bill is to establish building lines or to bring improvements on streets less than 90 feet in width to a line; or, in other words, to establish how much parking shall be between the streetline and the building line. The bill simply provides for a method of accomplishing this purpose, and provides, where one-half of the property holders on a street or block desire to improve and have this building line established, a method by which it can be done by petition to the Commissioners. That is practically all there is in the measure.

Mr. DOCKERY. Has it been submitted to the Commissioners and had their approval?

Mr. BABCOCK. It is a bill of the Commissioners. It was submitted by them and approved by everybody. I ask for a vote, Mr. Speaker.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABANDONED STREET RAILWAY TRACKS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I ask present consideration of the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That hereafter whenever the track or tracks or any part thereof of any street railway company in the District of Columbia shall not have been operated for railway purposes for a period of three months, the Commissioners of said District, in their discretion, may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks and place the street in good condition within sixty days after such notice, the president of said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of \$10 for each and every day during which said tracks are permitted to remain upon the street or streets or said roadway shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

The amendments recommended by the committee were read, as follows:

Page 1, line 5, after the word "been," insert the word "regularly;" and after the word "purposes" add the words "upon a schedule approved by the Commissioners;" so that the same will read: "shall not have been regularly operated for railway purposes upon a schedule approved by the Commissioners."

Page 1, line 11, strike out the word "president" and insert in lieu thereof the word "directors."

Also add the following:

"SEC. 2. That on and after one year from the passage of this act it shall be unlawful for any street railway company, operating its system or parts of its system over lines owned and operated by another street railway company in the city of Washington, to continue such operation or to enter into reciprocal trackage relations with any other company, as provided for under existing law, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of this act the company violating it shall be subject to a fine of \$10, to be collected and applied in the same manner as is provided by existing laws in respect of other lines in the District of Columbia."

"SEC. 3. That all street railway companies within the District of Columbia now operating their systems or parts of their systems in the city of Washington by use of the tracks of one or more of such companies, under a reciprocal trackage agreement, as provided for under existing law, which shall be compelled by reason of the passage of this act to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from one system to the other at such junctions of their respective lines as may be provided for by the Commissioners of the District of Columbia."

"SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

Mr. RIDGELY. I would like to ask the gentleman if the street railways of the city are asking for this legislation?

Mr. BABCOCK. Mr. Speaker, the gentleman asks me if any street railway companies are asking for this legislation. I say no, they are not; but the people and the District Commissioners are. The primary purpose of the bill is to compel the street railway companies to take up abandoned tracks and to put the street upon which those tracks were laid in repair after they have been taken up. After the tracks have not been regularly operated for railroad purposes for a period of three months, the District Commissioners may notify the company to remove such unused tracks and to place the street in good repair and in good condition, and if the company neglect or refuse to remove the tracks within sixty days after such notice, the directors of the company shall be deemed guilty of a misdemeanor, and are liable to a fine of \$10 for each day they shall allow the tracks to remain after having received the notice.

Mr. GAINES. Must the street railroad companies remove the tracks?

Mr. BABCOCK. In other words—

Mr. RIDGELY. I should like to ask the gentleman another question.

Mr. BABCOCK. I will explain the bill.

Mr. RIDGELY. There is something in the bill about transfer tickets and transferring passengers from one road to another, I believe?

Mr. BABCOCK. This is a Senate bill, and the House amended it by adding a provision that after one year from the date of the passage of this bill no company can use another company's tracks except by the same motive power. Years ago the lines here were horse-car lines and the motive power alike. Now, we have a condition of having the finest rapid-transit lines in the world which are delayed and the passengers put to a serious inconvenience by horse cars. This provides that within one year these lines using horse cars must, if they use these tracks, use the same motive propulsion. It provides further that whenever they are taken the companies must issue free transfers to the passengers. There will be no inconvenience to passengers except for transfer. Now, Mr. Speaker I ask for a vote on the amendments.

The amendments were agreed to.

The bill as amended was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CONTROL OF WHARF PROPERTY AND PUBLIC PLACES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 10294) relative to the control of wharf property and certain public places in the District of Columbia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia shall have the exclusive charge and control of all wharf property belonging to the United States or to the District of Columbia within said District, including all the wharves, piers, bulkheads, and structures thereon and waters adjacent thereto within the pier lines, and all slips, basins, docks, water fronts, land under water, and structures thereon, and the appurtenances, easements, uses, reversions, and rights belonging thereto, which are now owned or possessed by the United States or the District of Columbia, or to which they or either of them is or may become entitled, or which they or either of them may acquire under the provisions hereof or otherwise; and said Commissioners of the District of Columbia shall have exclusive charge and control of the repairing, building, rebuilding, maintaining, altering, strengthening, leasing, and protecting said property and every part thereof, and all the cleaning, dredging, and deepening necessary in and about the same within the pier lines. Said Commissioners are also hereby invested with the exclusive government and control of all wharves, piers, bulkheads, and structures thereon, and waters adjacent thereto within the pier lines, and all the basins, slips, and docks, with the land under water, in said District not owned by the United States or the District of Columbia.

SEC. 2. That said Commissioners are hereby authorized and empowered to make all needful rules and regulations for the government and proper care of all the property placed in their charge and under their control by the provisions of section 1 of this act and to annex such reasonable penalties to said rules and regulations as will secure their enforcement; and also to make and enforce rules and regulations in regard to building and repairing wharves, the rental thereof, and the rate of wharfage.

SEC. 3. That the exclusive charge and control of all spaces within the lines of streets, avenues, or other highways in the District of Columbia, and at the intersections thereof, for the full width of the same from building line to building line, as shown by the official plats, be, and the same is hereby, vested in the Commissioners of the District of Columbia and their successors: *Provided*, That such charge and control shall not apply to the following-named spaces:

Mount Vernon Park, between Seventh and Ninth streets northwest, at the intersection of Massachusetts and New York avenues.

McPherson Park, between I and K streets north, at the southeastern terminus of and intersection of Vermont avenue and Fifteenth street west.

Farragut Park, between I and K streets north and terminus and intersection of Connecticut avenue and Seventeenth street west.

Rawlins Park, between Eighteenth and Nineteenth streets west and at the intersection of New York avenue and E street north.

Lincoln Park, between Eleventh and Thirteenth streets east and at the intersection of Kentucky, Tennessee, North Carolina, and Massachusetts avenues.

Stanton Park, between Fourth and Sixth streets east and at the intersection of Massachusetts and Maryland avenues.

Folger Park, between Second and Third streets east and at the intersection of North Carolina avenue and D street south.

Triangle between North Capitol and First streets east and at the intersection of New York avenue and O street north.

Triangle between Thirteenth and Thirteen-and-a-half streets west and at the intersection of Ohio avenue and C street north.

Triangle between Fifth and Sixth streets west and at the intersection of Louisiana avenue and D street north.

Triangle between Third and Fourth streets west and at the intersection of Indiana avenue and D street north.

Triangle between First and Second streets west and at the intersection of Indiana avenue and C street north.

Triangle between P and Q streets north and at the intersection of New Jersey avenue and Fourth street west.

Trapezoid between Third and Fourth streets west and at the intersection of New Jersey avenue and O street north.

Trapezoid between Third and Fourth streets west and at the intersection of New Jersey avenue and N street north.

Triangle at the intersection of New Jersey avenue and I street north and Second street west.

Trapezoid between H and I streets north and at the intersection of New Jersey avenue and I street and Second street west.

Trapezoid between G and H streets north and at the intersection of New Jersey avenue and First street west.

Trapezoid between E and F streets north and at the intersection of New Jersey avenue and First street west.

Trapezoid between Twelfth and Thirteenth streets west and at the intersection of Maryland avenue and D street south.

Trapezoid between Ninth and Tenth streets west and at the intersection of Maryland avenue and D street south.

Trapezoid between Ninth and Tenth streets west and at the intersection of Maryland avenue and C street south.

Trapezoid between Sixth and Seventh streets west and at the intersection of Maryland avenue and C street south.

Triangle between Third and Four-and-a-half streets west and at the intersection of Maryland avenue, R, and Canal streets south.

Garfield Circle, at the junction of Maryland avenue with First street south-west.

Triangle between First and Second streets east and at the intersection of Maryland avenue and A street north.

Triangle between First and Second streets east and at the intersection of Maryland avenue and B street north.

Triangle between Second and Third streets east and at the intersection of Maryland avenue and B street north.

Triangle between Sixth and Seventh streets east and at the intersection of Maryland avenue and D street north.

Trapezoid between Seventh and Eighth streets east and at the intersection of Maryland avenue and D street north.

Trapezoid between Eighth and Ninth streets east and at the intersection of Maryland avenue and E street north.

Trapezoid between Tenth and Eleventh streets east and at the intersection of Maryland avenue and E street north.

Triangle between Eleventh and Twelfth streets east and at the intersection of Maryland avenue and F street north.

Triangle between Twelfth and Thirteenth streets east and at the intersection of Maryland avenue and F street north.

Triangle between Thirteenth and Fourteenth streets east and at the intersection of Maryland avenue and G street north.

Triangle between Thirteenth and Fourteenth streets east and at the intersection of Maryland avenue and G street north.

Triangle between Second and Third streets west and at the intersection of Delaware avenue and N street north.

Trapezoid between Second and Third streets west and at the intersection of Delaware avenue and M street south.

Triangle between L and M streets south and at the intersection of Delaware avenue and Second street west.

Triangle between K and L streets south and at the intersection of Delaware avenue and Second street west.

Trapezoid between I and K streets south and Delaware avenue and Second street west.

Trapezoid between I and H streets south and Delaware avenue and First street west.

Triangle between G and H streets south and at the intersection of Delaware avenue and First street west.

Triangle between F and G streets south and at the intersection of Delaware avenue and First street west.

Trapezoid between E and F streets south and Delaware avenue and First street west.

Trapezoid at the intersection of Massachusetts and Delaware avenues, First street east, and F street north.

Trapezoid between G and H streets north and at the intersection of Delaware avenue and First street east.

Trapezoid between First and Second streets east and at the intersection of North Carolina avenue and E street south.

Trapezoid between Sixth and Seventh streets east and at the intersection of North Carolina avenue and B street south.

Triangle between A and B streets south and at the intersection of North Carolina avenue and Eighth street east.

Trapezoid between Eighth and Ninth streets east and at the intersection of North Carolina avenue and B street south.

Trapezoid between Eighth and Ninth streets east and at the intersection of North Carolina avenue and A street south.

Triangle between Ninth and Tenth streets east and at the intersection of North Carolina avenue and A street south.

Triangle between Eighth and Ninth streets east and at the intersection of Georgia avenue and M street south.

Triangle between Thirteenth and Twelfth streets east and at the intersection of Kentucky avenue and B street south.

Triangle at the intersection of Florida avenue and V street north and between Seventeenth and Eighteenth streets west.

Triangle between Canal street and at the intersection of B and Second streets southwest.

Triangle between Canal street and at the intersection of First and D streets southwest.

Triangle at the intersection of Canal, South Capitol, and E streets southeast.

Triangle at the intersection of Canal street, H street south, and Half street east.

Trapezoid between H and I street south and at the intersection of New Jersey avenue, Canal, and First streets east.

Triangle at the intersection of New Jersey avenue, Canal, and I streets southeast.

Triangle between L and M streets south and Half and First streets west, on the west side of the canal.

Triangle at the intersection of Canal and N streets south and First street west.

Triangle at the intersection of Water street, N street south, and Sixth street west.

Triangle at the intersection of Connecticut avenue, N street, and Eighth street northwest.

Triangle at the intersection of Connecticut avenue, Florida avenue, and S street northwest.

Triangle at the intersection of Florida avenue and Nineteenth and T streets northwest.

Circle at the intersection of Massachusetts avenue and R and Twenty-third streets northwest (Sheridan Circle).

But the said Commissioners shall have authority to enter upon any of the spaces or reservations named above for the purpose of widening the roadway of any street or avenue adjacent thereto, or to establish sidewalks along the same, whenever in their judgment the public necessity or convenience requires it, in order to establish such roadways or sidewalks, or both, as may be required for the public needs, or such as will correspond in width and direction with the roadway or sidewalk of the street or avenue beyond the reservation; and whenever in the judgment of said Commissioners it may become necessary or desirable to set aside any portion of the space between building lines in the streets or avenues of the District of Columbia for a park or reservation, the control of the same, after having been set aside by said Commissioners as a park or reservation, shall be vested in the Chief of Engineers of the United States Army, who shall also have control of any land acquired for park purposes under the act approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities." *Provided further*, That this act shall not affect in any manner the provision in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," that no permits for projections beyond the building line on the streets and avenues of the city of Washington shall be granted except upon special application and with the concurrence of all of said Commissioners and the approval of the Secretary of War; and the operation of said provision is hereby extended to the entire District of Columbia.

SEC. 4. That said Commissioners are hereby authorized to make all needful rules and regulations for the government and proper care of all the public spaces within the lines of highways, by the third section of this act placed in their charge and under their control, and to annex to such rules and regulations such reasonable penalties as will secure their enforcement.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

During the reading of the bill the following occurred:

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the reading of the bill giving the numbers of the blocks and trapezoids may be omitted up as far as line 4, page 21, as it is merely repetition.

Mr. CANNON. I think, Mr. Speaker, the bill ought to be read.

The SPEAKER. Objection is made, and the Clerk will proceed.

After the reading of the bill was completed,

Mr. BABCOCK. I now yield, Mr. Speaker, to the gentleman from Utah [Mr. KING].

Mr. CANNON rose.

The SPEAKER. Does the gentleman from Illinois wish to say something about the bill?

Mr. CANNON. I will. I want to make a few observations before consideration is commenced. I do not know how important a bill this is, but it seems to me it is so far-reaching in its provisions and is that kind of a bill that it ought to be considered in Committee of the Whole.

The SPEAKER. Is it a matter which the rule requires to be considered in Committee of the Whole?

Mr. BABCOCK. The bill makes no appropriation; neither does it divert public property.

Mr. CANNON. No; but it gives jurisdiction of all wharf property that belongs to the United States to the Commissioners of the District. Everything under the highway act, if I recollect, was to be paid for out of the revenues of the District, and by this provisional legislation it would throw everything on the revenue of the Treasury. There is a transfer back and forth of jurisdiction, an exclusive giving of the rent as well as the care of United States property to the District Commissioners of the District of Columbia.

It seems to me, without knowing anything about it further than from the reading of the bill, that it does affect the property of the United States.

Mr. KING. Only as to its management and control.

Mr. BABCOCK. It only designates what officers shall control it.

Mr. CANNON. As to its revenues?

Mr. BABCOCK. Oh, no.

Mr. KING. The gentleman from Illinois is partially correct. It does give to the District Commissioners the right to prescribe proper police regulations and incidentally exercise such control as will enable them to collect proper rent for the use of the wharf by private persons who are now occupying the same and refusing to pay rent because there is no person, as claimed by them, having jurisdiction to control the property.

The SPEAKER. Does it authorize them to rent the property?

Mr. KING. Yes; it says the District Commissioners shall establish reasonable rules and regulations for the control of the wharfage, and also authorizes them to collect rents for the use of the property.

Mr. RICHARDSON. The matter is in a very chaotic condition at this time, and there ought to be some bill like this passed to determine the authority of who shall manage and control these wharf rights on the river.

Mr. CANNON. Yes; but it seems to me, unless there is a large latitude offered for consideration in the House, that it is peculiarly a bill that ought to be considered in Committee of the Whole.

Mr. KING. Speaking for myself, as a member of the committee, I have no objection to a proper latitude in the consideration of the measure. As I understand it, there is no objection by the authorities in the War or Navy Department to the control, so far as the renting of it and the exercise of adequate police protection, being vested in the District Commissioners.

Mr. BABCOCK. Mr. Speaker, I desire to say that this bill simply defines who the Government officers are that shall rent this property and have immediate charge of it. Under the present chaotic condition no one has control of it. This bill defines the right and places it in charge of the Commissioners.

Mr. CANNON. It seems to me this would determine the matter: If it is under the engineer officers and the title is in the United States, whatever rents were collected would go into the United States Treasury.

Mr. BABCOCK. They do now.

Mr. CANNON. Now, if the revenues of this property be placed under the control of the District Commissioners, they are District revenues, the same as taxes collected.

Mr. BABCOCK. The money all goes into the Treasury of the United States as a specific income.

The SPEAKER. The rule which, as the Chair understands, the gentleman from Illinois relies upon provides that—

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole.

Now, under which head does the gentleman from Illinois claim that this bill should receive its consideration in Committee of the Whole?

Mr. CANNON. I think that it absolutely takes property of the United States—the rentals of public property.

Mr. KING. Will the gentleman from Illinois designate the portion of the rule upon which he predicates the statement that the bill should be considered in Committee of the Whole?

Mr. CANNON. I think the bill takes real estate belonging to the United States, the rents and profits of which go into the Treasury, and transfers that property to the Commissioners of the District of Columbia, so that those rents and profits will become a part of the District revenue the same as revenues from District taxation. That seems to me the effect of the bill. I will ask my friend whether it is not?

Mr. RICHARDSON. I do not think that is the effect of the bill. I concede that if such were the effect, it would make a difference in the disposition of the revenues to that extent and would bring the bill within the rule as read by the Speaker requiring that bills of a certain class be first considered in Committee of the Whole. I do not think, however, that the bill does what the gentleman from Illinois indicates. I do not think it diverts the revenues at all from the course they now take under the law.

I will say, however, to the gentleman that if he will consent that the bill be considered in the House as in Committee of the Whole, the amplest opportunity will be given for debate and amendment. There is no disposition on the part of the committee to rush the bill through.

Mr. CANNON. I have no disposition to obstruct its consideration.

Mr. RICHARDSON. I know the gentleman has none. It is necessary that the bill should be passed.

The SPEAKER. The gentleman from Tennessee proposes that this bill be considered in the House as in Committee of the Whole. Is there objection? The Chair hears none. What time for general debate is desired?

Mr. RICHARDSON. I hope the gentleman from Utah will be allowed to make an explanation.

The SPEAKER. The gentleman from Utah is recognized.

Mr. KING. Mr. Speaker, I do not think that any explanation which might be made would be as clear and concise as the letter which has been submitted by the president of the Board of Commissioners in answer to a communication submitted to him by Hon. JAMES McMILLAN, chairman of the Committee on the District of Columbia in the United States Senate. Accordingly, I send this letter to the desk to be read.

The Clerk read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 6, 1898.

SENATOR: In compliance with your letter of April 23, the Commissioners have the honor to submit herewith the draft of a bill relative to the control of wharf property and certain public spaces in the District of Columbia.

The laws governing the control of wharf property in the District of Columbia are somewhat obscure, so that it is uncertain whether the control of such property is vested in the Chief of Engineers of the United States Army or in the Commissioners of the District of Columbia. As a matter of fact it is claimed by both, and the Commissioners are and have been for some years in receipt of rentals for wharf property leased by them from time to time. At

the same time the validity of their action is so uncertain that they have not been able in all cases to collect the rentals accruing under such leases. It seems quite essential, therefore, that the laws governing the matter should be made positive and clear.

The first and second sections of the inclosed bill relate to the control of wharf property, and are so drawn that the control of this property is vested either in the Chief of Engineers of the United States Army or in the Commissioners of the District of Columbia, as Congress in its wisdom may decide. They are modeled after the present wharf laws of the city of New York.

The remaining sections of the bill relate to the various parks and reservations in the District. A close examination of these parks shows that they consist of three classes, namely:

(1) Original "appropriations."

(2) Land acquired by purchase and set aside for park purposes.

(3) Street spaces at the intersection of streets and avenues.

With the first two classes the bill has nothing to do, except as to such portions of them as may lie outside of building lines and may be needed for street purposes.

It is uncertain in whom the jurisdiction over the third class is vested, as the legislation on the subject is obscure and contradictory. Under section 225 of the Revised Statutes Relating to the District of Columbia, the District authorities have laid out in many of the street spaces circles and other reservations of various forms where the space was not needed for roadways or sidewalks. By agreement between the District authorities and the Chief of Engineers, some of these have been placed under the control of the latter-named officer. At the same time, there are a number of such spaces within the District of Columbia which the Chief of Engineers has declined to accept for park purposes. These spaces occur sometimes as triangles, trapezoids, or circles, surrounded by roadways, and at other times in the form of irregular spaces formed by the parking at the intersections of streets and avenues.

It is very necessary that the laws concerning the control of such spaces should be positive and clear, more especially since upon such legislation depends the distribution of assessments for special improvements, such as sidewalks, sewers, water mains, and the expenditure of the appropriation for sidewalks around public reservations.

In Appendix C C C of the report of the Chief of Engineers for the year 1894 there appears a list of the various spaces claimed by the Chief of Engineers as reservations and public spaces under his charge, together with a map showing their location. This list contains all of the parks and reservations in the three classes mentioned above.

The list of reservations contained in the proposed bill embraces, so far as the information of the Commissioners can determine, all of the spaces of the third class which should at present be placed in charge of the Chief of Engineers. The spaces mentioned in the list contained in Appendix C C C, which are omitted from the bill, are confined to the first and second classes mentioned, and to other spaces which should not now be under the charge of the Chief of Engineers, either because they are too small for park purposes or are entirely covered by sidewalks or roadways, or because they can not be properly defined at present on account of the sidewalk, roadway, and parking lines not being laid out, due to the lack of improvement of the streets in which they lie. The only exception to the above is the case of one reservation—marked No. 125 in the list printed in Appendix C C C, before mentioned—on which a schoolhouse has been located for many years.

A list of the omitted so-called parks, with the reasons for their omission from the draft of the bill, is appended hereto.

The legislation asked for, included in the bill, is believed to be very greatly needed, and early and favorable action by the committee is respectfully and earnestly requested.

Very respectfully, yours,

JOHN W. ROSS,

President Board of Commissioners District of Columbia.

Hon. JAMES McMILLAN,

Chairman Committee on the District of Columbia,

United States Senate.

Mr. KING. Mr. Speaker, since this bill was reported, which commits to the Commissioners of the District of Columbia exclusive control of the wharfage of the District, the War Department has submitted a bill relating to the same subject, in which that Department asks that all the wharfage, "except 500 linear feet of the shore line in the flushing reservoir at the foot of Seventeenth street west, and west from the western curb of said street, including a levee 100 feet wide," shall be committed to the jurisdiction and control of the District Commissioners.

The War Department is willing, as indicated in the bill submitted by it, that this jurisdiction shall be assumed and exercised by the District Commissioners, but asks that the portion of the wharf, if it may be so denominated, which lies opposite the Arsenal shall be left under the jurisdiction and control of the Chief of Engineers. There is some question whether or not the bill as it has been reported would include the Arsenal grounds. I am inclined to think, without having investigated the subject fully, that the Arsenal grounds are so distinct and so segregated from the rest of the wharfage that this bill would not commit to the jurisdiction of the District any of the Arsenal grounds or the wharfage contiguous to the same. As already stated, the War Department and the officials of the Government desire to commit, and in the bill which they have carefully prepared this is clearly expressed, to the District Commissioners the undisputed control of all the wharfage.

Now, if there should be some uncertainty respecting the wharfage at the Arsenal, I do not think there will be any disposition on the part of the Commissioners to take from the War Department the jurisdiction and control of that wharfage; and the members of the House committee are perfectly willing that an amendment to remove that uncertainty may be added, so as to restrict the jurisdiction of the Commissioners to all the wharfage outside of that specifically enumerated in the bill which has just been submitted to us by Mr. Bingham, in charge of Public Buildings and Grounds.

There can be no question but what there should be some legislation touching this subject. I have been informed by some of the members of the committee who have recently made an investigation that numerous persons are occupying a portion of this

wharf, which is valuable to them, and that they decline to pay rental, and the law is so indefinite that adequate steps have not been taken to enforce the collection of rents. As I understand, there is a desire on the part of all persons who should have any charge or control of the matter to have the law certain and definite, so that persons occupying the wharf may be compelled to contribute to the expenses of the District such reasonable rental as may be charged.

At present there is no proper or adequate police control over this property, and there ought to be regulations not only enacted, but enforced to preserve peace and order and to prevent nuisances. At present no adequate regulations are in existence, and it is desired primarily that this shall be done. In fact, this is one of the principal reasons for the recommendation of the passage of this measure. Respecting the trapezoids and the circles, etc., there is no question between the Departments.

Mr. CANNON. Before my friend leaves this branch of the matter, I want to ask him a question. If I understand it, this bill gives the control of all the wharfage belonging to the United States and the whole water front of the District of Columbia and the rents and profits arising therefrom to the District of Columbia.

Mr. KING. With perhaps this modification, if the gentleman will permit me: This bill may be so construed as not to include the Arsenal; but aside from that I would answer the gentleman affirmatively.

Mr. CANNON. Well, now, if it is desirable to do it and not desirable to include the Arsenal, does not the gentleman think his committee ought to offer the proper amendment excepting the Arsenal?

Mr. KING. Well, if the gentleman will permit me, I will say that this measure to which I have just invited attention has been submitted to us since the consideration of the bill in committee and the preparation of our report. We understood at the time that the bill which was submitted and which was drawn at the solicitation of the chairman of the Senate committee included only that which was agreeable not only to the War Department, but to the Commissioners. We thought there was no controversy. It appears from this letter that perhaps there is some question as to whether or not it included too much.

Mr. CANNON. Now, will the gentleman offer that amendment during the consideration of this bill?

Mr. KING. I would not care to do so without consultation with the chairman of the committee. I will say this, however, that if it is desired by the Department, and the bill does not exclude it from the control and jurisdiction of the District Commissioners, speaking for myself, I shall have no objection whatever when the bill goes to the Senate to having this amendment included.

Mr. CANNON. Oh, I think we had better make our bill as nearly right as we can, because my observation is that when you depend upon the Senate to get an amendment you get it if it suits the Senate. It seems to me that if for any reason—and I am not expressing any opinion—the Arsenal grounds should not go under the exclusive jurisdiction of the Commissioners, so far as the water front is concerned, that on the gentleman's own statement that exception ought to be made. The gentleman might ask why I do not offer the amendment. Simply because I am not familiar with it and the gentleman is.

Mr. KING. Well, I think, if there is no objection from the chairman of the committee [Mr. BABCOCK], I will consent to the amendment and add as a proviso, at the end of section 1, the following:

Provided, That nothing herein shall be constructed to give said Commissioners jurisdiction or custody over the following-described property, to wit: The banks of the Potomac River from the north line of the Arsenal grounds to the southern curb line of N street south, and also 500 linear feet of shore line in the flushing reservoir at the foot of Seventeenth street west, and west from the western curb of said street, including a levee 100 feet wide, are hereby reserved for the use of the United States and placed under the immediate jurisdiction of the Chief of Engineers, United States Army, who shall, for the protection and preservation of the rights of the United States to the property above described, have the same powers as are conferred in detail upon the Commissioners of the District of Columbia for wharfage purposes in other parts.

That is the amendment which is suggested by Colonel Bingham.

Mr. CANNON. Would he necessarily not have that power, and much other power which the Commissioners of the District of Columbia do not have? He is controlling property that the Government owns.

Mr. KING. In the bill which has been submitted for our consideration he seems willing to submit to such limitations as were placed upon the Commissioners.

Mr. BABCOCK. I will say to the gentleman from Illinois [Mr. CANNON] that neither the committee nor the Commissioners nor anyone else had any idea of taking possession of any Government reservations or Government property under this bill. These old wharves have been squatted upon, and for a series of years the Government has been trying to get possession of them. The Commissioners have had suits that have gone clear to the Supreme

Court, extending over a number of years, and the gentleman probably knows as much about that as I do, or more.

Now, the squatters on these wharves refuse to recognize either the Chief of Engineers or the District Commissioners as being in possession of authority to rent these wharves. They say to the Commissioners, "Where is your authority?" They say to the Chief of Engineers, "Where is your authority to collect rent or to make regulations?" That is the situation. Now, what we want to do is to define who shall have the authority, and there is no thought of anything else. To my mind that amendment is entirely needless; but if it clears up the matter in the mind of anybody, it does no harm.

Mr. CANNON. Now, I want to ask further what amount of revenues is it estimated the water front of Washington will yield?

Mr. BABCOCK. They have not been getting anything practically, because the parties refused to pay rent.

Mr. CANNON. What is the estimate?

Mr. KING. There was no estimate or statement presented to the committee.

Mr. BABCOCK. The question was not gone into at all.

Mr. CANNON. Should there not be an amendment providing that the amount received from leasing should be paid into the Treasury?

Mr. KING. Of the United States?

Mr. CANNON. Of the United States, and not regarded as a part of the District revenues.

Mr. KING. Let me make this observation in reply: Does the gentleman think that if the District goes to the expense necessary to make surveys and perhaps to eject the persons who may be unlawfully occupying a portion of the wharfage, and of exercising police jurisdiction and control, of abating nuisances and in general assuming that authority which a municipality must of necessity assume over property of this character and this importance, it would be right and fair to deprive it of any of the rentals that might be received from the leasing? It is clear that the amount received from rentals will not compensate for all the trouble incident to a proper police control over the property.

Mr. CANNON. If the United States gives away the fee—for the United States owns the fee—

Mr. KING. Pardon me; the United States is not giving away the fee. It is merely committing the police control of this property to a quasi legislative and executive body.

Mr. CANNON. The expenses of that police control of United States property are paid one-half from the District revenues and one-half from the Treasury of the United States, and the fee belongs to the United States. Now, at least, the money that is received should be deposited not exceeding one-half for the benefit of the District, because the United States Treasury pays one-half for even the very policing and everything that is done by the District Commissioners. I do not know what the wharfage here ought to be worth. If I should be told that it was worth \$100,000 a year I should not dispute it, or that it was worth \$25,000—

Mr. KING. The gentleman must remember that this is not a commercial center.

Mr. CANNON. Whether it is much or little, it seems to me the bill ought to be amended in that respect.

Mr. BABCOCK. I wish to say to the gentleman from Illinois that the bill does not attempt to touch that question at all. For years the Commissioners have rented all the wharfage they could control and collect upon. The Commissioners have fought these suits through and got possession of these wharves.

Mr. KING. Of a portion.

Mr. BABCOCK. Now the question is of conferring upon some one the right to collect. This money has been paid for years, with other taxes, into the United States Treasury or the District treasury, the committee are unable to state which, but we do not propose and have not proposed to change the system. The Commissioners of the District have made the fight and have recovered possession of these wharves against the squatters, and not the General Government.

Mr. CANNON. Very well. I have no doubt, then, that the bill ought to state what shall become of these revenues. For instance, the Commissioners personally ought not to keep them for their own benefit.

Mr. BABCOCK. Of course not.

Mr. CANNON. Second, they ought not to be revenues for the District of Columbia alone, to the exclusion of the United States Treasury, because the very policing and all expenses in connection therewith are paid for, one-half from the Federal Treasury and one-half from the District revenues under our system.

Mr. BABCOCK. Well, right there, if that is the case, is it any reason why the money should be turned into the United States Treasury?

Mr. CANNON. At least half.

Mr. BABCOCK. The Commissioners of the District of Columbia have made this fight and have obtained possession of the wharves.

Mr. CANNON. But the District of Columbia has made the fight and got United States property into its possession at the joint expense of the United States and the District of Columbia.

Mr. COWHERD. Does not the bill leave the revenues derived from the United States Treasury and the revenues from the District proper in the District treasury? The bill does not change the sense.

Mr. CANNON. If the gentleman will tell me how much—as I understand, the District of Columbia does not own a foot of this river front. Can the gentleman from Utah enlighten me upon that?

Mr. KING. I think that is true. I think the United States would have the riparian rights—would have the wharfage. As I understand, it is vested in the United States. So far as I am concerned, speaking for myself only, I think it matters very little in the long run, when you come to balance the account between the District of Columbia and the United States, whether the whole of it is covered into the District treasury or one-half of it. I do not think it would amount to more than a very few dollars.

Mr. CANNON. Well, I would rather, whether it be much or little, that the right thing should be done. I suggest to the gentleman, as he is doubtless familiar with the bill, that he amend his bill in that regard.

Mr. KING. So far as I am concerned, I am willing to accept the amendment.

Mr. DOCKERY. That is half and half.

Mr. KING. Half and half.

Mr. CANNON. While that amendment is being prepared, I want to ask the gentleman one other question. Does this bill have the effect to lodge title in the District of Columbia to any of the water front?

Mr. KING. No.

Mr. CANNON. Then, in the event that the bill should pass and the United States for any purpose should see proper to take that or any portion of the water front of the District of Columbia, it could take it without any compensation, legal or equitable, to the District of Columbia?

Mr. KING. Unquestionably; but I desire to make this proviso. I understand that some private persons claim to have some rights acquired by purchase, accretion, or reliction—I do not know exactly the basis of their claim. That would be subject to litigation; but outside of that, I would say, that the United States could at any time repeal this law and assume absolute control of the water front.

Mr. CANNON. Without being responsible legally or equitably to anybody?

Mr. KING. Unquestionably.

Mr. CANNON. I want to ask one further question. What effect, if any, does this legislation have upon the land that was reclaimed at the exclusive expense of the United States, known as the Kidwell Flats?

Mr. KING. I think it would simply place them under the control, for the purpose of exercising police jurisdiction, of the District of Columbia, the same as the remaining wharfage, if it is wharfage. I am not familiar with that tract.

Mr. CANNON. Has the gentleman got his amendment ready?

Mr. KING. I have not prepared one, but it seems to me this will cover it:

All rents so collected by said Commissioners shall be divided, one-half being covered into the Treasury of the United States and the remaining half into the treasury of the District of Columbia.

Does that amendment cover the proposition, as the gentleman understands it?

Mr. CANNON. Now, then, let me ask one question, to determine that. It is anticipated that the expense in caring for the water front should be covered as the District appropriations are—that is, half and half.

Mr. KING. I think so.

Mr. CANNON. Well, now, with that understanding, and if such be the fact, why it seems to me that the amendment that my friend refers to would be just. I hope my friend will offer it.

Mr. KING. If the gentleman will just permit me I will submit it in writing.

Mr. CANNON. Yes.

Mr. GREENE. I should like to ask a question, for information. If you confer the right on the District of Columbia to lease this property, suppose they should make a lease for fifty years?

Mr. CANNON. I am glad my friend asked that question.

Mr. GREENE. How would the United States get control of it before the expiration of that lease? They might lease it for ninety-nine years.

Mr. CANNON. It seems to me they ought to make the lease for one, or two, or five years, as the case may be.

Mr. KING. Will the gentleman repeat his question?

Mr. GREENE. By this bill, as I gather it, the Commissioners of the District of Columbia are permitted to lease this wharfage front, and there is no restriction in the bill as to the length of

time for which they may lease it. Now, suppose the bill pass and the Commissioners should lease the property for fifty or ninety-nine years, how would the Government regain possession of the property before the expiration of the lease?

Mr. KING. The only way, I presume, that could be done would be by the exercise of the power of eminent domain, if the lease were made.

Mr. RICHARDSON. Like it is now.

Mr. KING. I do not think the doctrine of caveat emptor would so apply that the lessee could be deprived of possession anterior to the time of the expiration of the lease unless due compensation were made, and that could only be done by the exercise of the right of eminent domain.

Mr. GREENE. Do you not think it would be proper to so amend the bill as to limit the period of time for which the Commissioners may lease these lands?

Mr. KING. I do not think any limitation ought to be placed in the bill. Perhaps a provision giving to the Commissioners or the Government the right to terminate any lease so made at pleasure might cover that.

Mr. GREENE. I think that ought to be done.

Mr. KING. I wish to say in reply to the gentleman's statement, that this bill was not prepared by the committee. It was submitted, as the committee understood, as the unanimous request and as the result of the combined wisdom of the Commissioners and the War Department. It was not given that consideration which would be given to measures originating with the committee. It was submitted by them as a measure which was supposed to cover the defects now existing, and we took it as a matter of course that it embodied the ideas they wished to crystallize into law. If the gentleman from Nebraska will prepare an amendment to cover his suggestion, I will offer the following amendment.

The SPEAKER pro tempore (Mr. PAYNE). Is further general debate desired?

Mr. CANNON. There is another matter, Mr. Speaker, I wish to inquire about.

The SPEAKER pro tempore. Under the order, the bill will have to be read by paragraphs for amendment.

Mr. CANNON. I will ask unanimous consent that the gentleman from Utah may offer his amendment now.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman from Utah may offer an amendment at this stage. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Add at the end of section 2 the following:

"All rents so collected shall be divided, one-half being covered into the United States Treasury and the remainder into the District treasury."

Mr. CANNON. I think the better way would be to say that all rents shall be covered into the United States Treasury, one-half to the credit of the United States and one-half to be credited to the District of Columbia.

Mr. DOCKERY. That is the regular form.

Mr. KING. Then I will modify my amendment.

Mr. CANNON. I want to ask the gentleman if he does not think it politic to place some limitation upon the time that leases should run? Nine hundred and ninety-nine years would be equivalent to a sale, and so would a lease of ninety-nine years. I do not know how valuable this water front is, but if it was adjacent to Chicago or New York it would be worth millions.

Mr. KING. I agree with the gentleman. I think perhaps a lease should not be executed which would be equivalent to a sale of the property.

Mr. GREENE. Can you not so amend the bill as to provide that all leases shall cease or shall be forfeited at the pleasure of the Government at the end of one year?

Mr. CANNON. You may build upon wharf property the same as any other property. An elevator might be built upon it involving a considerable expense. Now, it seems to me not desirable that the Government should be called upon to condemn the property. It seems to me there ought to be a lease authorized to run long enough to enable the lessee to put such improvements upon it as would enable him to use it, and at the end of its term it would return to the Government in the condition in which it had been placed. I should think probably a lease not exceeding ten years would be acceptable.

Mr. KING. I think persons would be willing to erect buildings sufficient for all purposes under a ten-years lease.

Mr. CANNON. Then I would suggest, if that meets the approval, that leases not longer than ten years be authorized.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Utah [Mr. KING] as modified.

The Clerk read as follows:

Insert at the end of section 2 the following:

"All rents so collected shall be covered into the Treasury of the United States, one-half to be placed to the credit of the United States and one-half to the credit of the District of Columbia."

The amendment was agreed to.

Mr. KING. How would an amendment in these words satisfy the gentleman from Illinois [Mr. CANNON]? "All leases under the provisions of this act shall not extend beyond a period of ten years."

Mr. MAHON. I would insert the word "privileges"—"leases and privileges."

Mr. KING. The word "lease," being the term employed for the permission of the person to occupy the wharfage, I think would cover privileges.

Mr. CANNON. The greater includes the less, I think.

Mr. MAHON. How about the third section of the bill, where it gives exclusive control of all places within the lines of streets to the Commissioners of the District of Columbia? The Commissioners could fill the street full of railways without coming to Congress at all.

Mr. KING. Mr. Speaker, I ask unanimous consent to offer the following amendment.

The Clerk read as follows:

Add after the amendment agreed upon the following:

"No lease under the provisions of this act shall extend beyond a period of ten years."

The amendment was agreed to.

Mr. CANNON. On page 21, line 19, the bill says—

As a park or reservation, shall be vested in the Chief of Engineers of the United States Army, who shall also have control of any land acquired for park purposes under the act approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities."

Now, that act for a permanent system of highways, as I understand, has been repealed as far as the House is concerned, and probably will be absolutely repealed.

Mr. KING. I think the Senate, if we can believe the daily press, has provided a modification of the old highway act, and has not accepted the repealing act which recently passed the House.

Mr. CANNON. It is practically repealed; it is practically a dead letter. Now, whether the Senate acquiesces or not, that power I am satisfied works a virtual repeal—a practical repeal. In other words, I do not believe that the House would ever assent to appropriations to carry out that act. But under the highway act, if I understand aright, everything that is done is at the expense of the District revenues alone.

Now, if I understand this bill, it proposes that the parks which may hereafter be made under the highway act shall be put under the jurisdiction of the Chief of Engineers. It seems to me that would not be wise and that the provision in question ought to be stricken out. All these reservations in the city proper have been construed to be the property of the United States and are maintained at the exclusive expense of the United States. I do not believe that they ought to be. I think that as they are substantially for the benefit of the District of Columbia and the whole country, the expense of maintaining them ought to be divided half and half between the United States and the District. But under the provisions of this bill parks 3, 4, 5, or 6 miles from where we now stand will, if the highway act should be put into operation, be placed under the control of the Chief of Engineers, which means the maintenance of that control in perpetuity.

Mr. BABCOCK. Has the gentleman any amendment to offer?

Mr. CANNON. I think that provision of the bill ought to be struck out.

Mr. BABCOCK. Does the gentleman offer an amendment to that effect?

Mr. CANNON. I think I shall do so, if I am right in my view.

Mr. BABCOCK. The gentleman is absolutely right. I never knew him to be wrong. [Laughter.]

Mr. CANNON. That is quite a compliment.

Mr. BABCOCK. I believe that, as the gentleman states, the highway act is practically repealed; and if that is so, this provision has no effect whatever; it is mere verbiage.

Mr. CANNON. Suppose the highway act is not repealed, does my friend think this a wise provision?

Mr. BABCOCK. This is simply a continuance of what has been the practice in this city. But for a provision of this kind, you might have a park on one side of Florida avenue under the charge of the Chief of Engineers and a park on the other side under the charge of somebody else. The War Department has been very solicitous about the control of the reservations belonging to the Government.

Mr. CANNON. I know that is so. Men like power. And when you extend the appropriation that is made exclusively from United States revenues to maintain this multitude of little parks it involves watchmen, laborers, etc., under the authority of the Chief of Engineers. Authority of this kind public officers do not like to give up. But there is no reason, so far as I have been able to discover, why every park in the District of Columbia should not be controlled, as many of them are, by the Commissioners and at the joint expense of the District and the United States Treasury, rather than have the United States pay one-half of the expense of maintaining the parks controlled by the Commissioners, and the

whole expense of maintaining the parks controlled by the Chief of Engineers.

Mr. KING. I think the gentleman is entirely correct. I can not understand why there should be a division; but the division does exist; and in reporting this bill I dealt with an existing condition. It does seem to me, however, that if all the parks in the city were committed to the jurisdiction of the Commissioners, it would be infinitely better than the present arrangement; there would be less clashing, less uncertainty, less difficulty. But such a condition does exist, and the committee did not feel at liberty, after consideration of the subject, to propose the repeal of a system which has existed for so long a time.

Mr. CANNON. Then I will, with the gentleman's assent, move an amendment to strike out that clause of the bill beginning with the word "who," in line 20, page 21, and ending with the word "cities," in line 25 of the same page.

Mr. KING. I have no objection to that amendment.

Mr. MUDD. What is the effect of the amendment?

Mr. CANNON. It will leave the jurisdiction and care of parks which may be hereafter created under the highway act just as it is now.

Mr. MUDD. Under the Chief of Engineers?

Mr. CANNON. I do not know where it is now; but this provision of the bill would certainly put it under the Chief of Engineers.

Mr. MUDD. Not under the Commissioners?

Mr. KING. I am inclined to think that all the parks to be created in the future should, without additional legislation, be committed to the control of the Commissioners, and there, I think, the control ought to be lodged.

Mr. MUDD. I do not think it ought to reside there.

Mr. CANNON. I ask that my amendment be read.

The amendment of Mr. CANNON was read, as follows:

In lines 20 to 25, on page 21, strike out these words:

"Who shall also have control of any land acquired for park purposes under the act approved March 2, 1893, entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.'"

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to offer the amendment just read. Is there objection?

Mr. MUDD. I do not object to the consideration of the amendment, but I do not think it ought to be adopted.

There being no objection, the House proceeded to the consideration of the amendment; and it was agreed to.

The SPEAKER pro tempore. Is further general debate desired? If not, the Clerk will proceed to read the bill by sections.

Mr. BABCOCK. I have an amendment which I should like to offer, if there is no objection on the part of the gentleman from Illinois. [Laughter.]

Mr. CANNON. Well, I shall be glad to hear what my friend proposes to offer.

Mr. BABCOCK. I ask unanimous consent to insert in the bill the following as a new section:

SEC. 5. *Provided*, That the park known as the Botanical Garden shall be open to the public the same as the other parks in the city of Washington; and within six months from the passage of this act the fence around the same shall be removed.

Mr. CANNON. I will reserve a point of order on that amendment until I know exactly what it means.

Mr. BABCOCK. It means that this unsightly fence down here shall be torn down.

Mr. RICHARDSON. Mr. Speaker, does it require unanimous consent for the offering of an amendment?

The SPEAKER pro tempore. It does, because general debate has not been closed and the consideration of the bill by sections has not yet been entered upon.

Mr. RICHARDSON. If there is to be a demand for the reading of the bill under the five-minute rule, amendments should be offered regularly. But I ask unanimous consent that general debate be now closed, that the reading of the bill under the five-minute rule be dispensed with, and that amendments may now be offered.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that general debate be now closed, that the reading of the bill under the five-minute rule be dispensed with, and that any section be now open for amendment. Is there objection? The Chair hears none.

The gentleman from Wisconsin offers the following amendment, which the Clerk will report.

The amendment of Mr. BABCOCK was read, as above.

Mr. CANNON. I think I will reserve a point of order upon that, merely to find out what it means.

Mr. BABCOCK. I desire to say to the gentleman from Illinois that right here in front of the Capitol, or perhaps, strictly speaking, in the rear, at the head of Pennsylvania avenue, there is the most unsightly old brick wall and iron fence to be found in the city of Washington. When you drive through that beautiful park, from the White House clear down to the corner of the

grounds, and the entire length of the Mall, you are stopped at this Botanical Garden and can not drive up to the Capitol. The park was originally laid out and intended as it should be, but here you have a brick foundation with an iron fence on it, and everything is shut out. The only purpose that I know that it serves is to keep Jersey cows inside of it.

Mr. MAHON. And the gate is locked at 4 o'clock.

Mr. CANNON. Will my friend be willing to modify his amendment so as to provide simply that the fence be taken down?

Mr. BABCOCK. That is all we want to accomplish.

Mr. CANNON. Suppose you modify it so as to accomplish that, and whether it is germane or not—

Mr. McMILLIN. Mr. Speaker, I think there is much force in the remark of the gentleman who has charge of this bill in favor of removing that fence. In the first place, it is the park nearest the Capitol that has a fence around it. In the second place, almost all the other parks in the city have had the fences removed; and when you start from here to the Agricultural Department, or from here to the National Museum, or from here to the Bureau of Engraving and Printing and attempt to go in a direct line, you have to go around this wall and over a portion of the city that is worse paved than any other.

In addition to that, the prettiest fountain in the city, one that I believe was designed by the great artist Bartholdi, and which, I believe, was also presented to the United States, is in there and fenced up. I know of no good that that great wall is accomplishing. The iron would better be sold as junk, in order to let the people through there, and I most sincerely hope that the gentleman's amendment will prevail. In truth, I believe that if you will come down to the solid facts of the matter, the removal of that whole establishment over there to the Agricultural grounds or somewhere else, leaving the park open, would be a blessing to the country.

Mr. MAHON. I should like to see this amendment pass. In front of the Agricultural Department we have magnificent beds of flowers growing out in the open. There are hothouses all around the building in which flowers and plants are propagated, and that park is open day and night, without any injury being done to anything. That Department is far more useful to the Government than the Botanical Garden. The same reasons that have been assigned why the Botanical Park should be closed up would apply to the Agricultural Department.

It has been proven beyond all controversy that it is not necessary to have a fence around the Agricultural grounds. No person molests the flowers or hothouses, and there is no reason why this Botanical Park should not be open day and night. As the gentleman from Tennessee [Mr. McMILLIN] has said, if you want to pass up from the magnificent park below, you must make a detour to get around the Botanical Garden, which is fenced up. I am in favor of the amendment to tear down this fence and throw the park open to the public. There are plenty of men to take care of it day and night, and they are paid well for it.

Mr. SULZER. Mr. Speaker, regarding this amendment, I differ with my friend the gentleman from Tennessee [Mr. McMILLIN] and my friend the gentleman from Pennsylvania [Mr. MAHON]. This amendment should not prevail, and I hope the members of the House will vote it down. I think it would be injurious and perhaps disastrous to the Botanical Gardens, with their magnificent grounds and wonderful greenhouses, containing invaluable shrubs, plants, trees, and flowers, if the fence now around the gardens were removed.

I have just been informed by a gentleman from the gardens, and who is connected with them, that if this fence is removed, all the shrubs, flowers, and plants which have taken years and years to cultivate and grow and which are near to the fence will be destroyed or injured. If this is so, the irreparable loss, in my judgment, would be much greater than any gain that could accrue by the removal of the iron fence which I believe has been there for years. These shrubs, plants, and flowers, and many of the trees, are marks of great beauty, and their growth has been slow, so slow indeed that it has taken years of toil and constant care for them to reach their present size. Some of them are so near the fence that they would be destroyed if this fence is removed. This is a very important amendment, it seems to me, and one that should not be adopted hastily.

Let us consider the matter for a few moments. These Botanical Gardens are the finest in the country; they are one of the great sights of the capital city; they contain the rarest and the choicest flowers, wonderful plants from all over the world, shrubs of the most delicate nature, and magnificent trees, many of them planted by distinguished persons in the history of our country. In my opinion these gardens should have some protection from the vandal and the gatherer of souvenirs. Then, again, stray animals may roam around and get in and do more damage in a night than can be repaired in years.

Mr. MAHON. They do not roam around in this city.

Mr. SULZER. Well, you can not tell what will happen, and

if these animals get into the park, you can not tell what injury they might do. I think we should be sure, and for one I am going to be sure, and vote against this amendment. It ought to be beaten.

Mr. MAHON. The same condition exists around the Agricultural Department grounds. There are beautiful shrubs and flower beds and greenhouses in that park, and they have been there ever since it has been a park. There are no cattle or other animals running through the streets to do any injury. They have guards at the Agricultural Department day and night to watch the grounds, and they have them at the Botanical Garden. I think it should be opened to the public. If it is fenced up for the benefit of Mr. Smith, let him pay for running it.

Mr. SULZER. Let me say to my friend that the Botanical Gardens are open to the public now all day long, and always have been. They are not fenced in for the benefit of Mr. Smith, but for their protection from vandalism, and for the benefit of the general public. The damage that will be done if the fence is removed will not be done during the day, but at night, by animals and predatory persons. To prevent this will require a regiment of guards. There is a great difference between the Botanical Gardens and Agricultural grounds. In fact, there is no similarity between them.

My friend has mentioned the name of Mr. Smith. Mr. William R. Smith is, has been for nearly forty years, and will, I hope, continue to be as long as he lives the director of the Botanical Gardens. He has done a wondrous work in those gardens—a work that is his monument, and one more enduring than marble or brass; a work that has gladdened and benefited mankind. The plants which he has grown and propagated there have been distributed all over the land, and have brightened many a sad home and shed perfume in many a despondent heart. The good his labor has done can not be estimated. I know him and I like him. I am glad to say he is my friend. He is a wise, far-seeing, philosophical man. The Botanical Gardens are his creation and his workshop. He lives in them. He is a botanist, a floriculturist, and a horticulturist. [Applause.]

I do not know what his wishes are in this matter, but I am informed that he is opposed to the removal of this fence. If you believe in his work, his wishes should control. The gardens are open now, as I said before, from early in the morning until 5 or 6 o'clock at night, and any visitor to or resident of Washington can go there during those hours, and that ought to be amply sufficient.

Mr. MAHON. You can not drive through there at all.

Mr. SULZER. You could not, if the fence were down. There are no wagon roads or drives in the Botanical Gardens. I want to say that Mr. Smith is deserving of the lasting gratitude of the people of this country for what he has done to beautify the home and the land. He has educated the people to a realization of and a cultivation of the beautiful in nature, and I say that if he is opposed to a removal of this fence, his desire ought to be consulted by the members of this House.

I am absolutely opposed to this amendment, and I hope it will be voted down.

It ought to be beaten. We ought to stand by the director of the Botanical Gardens and do all we can to help him in the great, the noble, and the beneficial work and lasting good he is doing for the whole country.

Many of you may not appreciate the great work Mr. Smith is doing, but those who do praise him most highly and say his work and the good that results from it in a thousand ways can not be estimated or calculated. Every section of the country can testify to it, however, in living words of nature.

Mr. SIMPSON. Is this the Mr. Smith who presides over the Botanical Garden?

Mr. SULZER. Yes, my friend, the same Mr. Smith.

Mr. SIMPSON. Of whom it is said that he is the wet nurse of new Congressmen, in the way of supplying them with flowers and such things.

Mr. SULZER. He may have been the wet nurse of the gentleman from Kansas. I know nothing about that. [Laughter.]

Mr. SIMPSON. I just wanted to know if it was the same Mr. Smith.

Mr. SULZER. Yes, it is the same Mr. Smith; and I am glad of this opportunity to say what I have about him. I know one thing about Mr. Smith, and that is this, that the great, laborious, and magnificent work he has done during the last forty years for all the people of this country as the popular and well-known director of the Botanical Gardens is a wondrous work, while to him it has been a work of love and has benefited every section of this land.

I raise the point of order against this amendment, that it is not germane to the subject.

Mr. BABCOCK. It is too late to raise that.

Mr. SULZER. I think not; all points of order were reserved.

Mr. GAINES. I should like to ask what is the difference between this park and the other parks that are open in the vicinity?

Mr. SULZER. One question at a time, please.

Mr. BABCOCK. The point of order raised by the gentleman from New York is too late. The amendment has been under discussion for some time.

The SPEAKER pro tempore. The gentleman from Illinois reserved points of order.

Mr. SULZER. I understood that the gentleman from Illinois reserved all points of order. And I insist on my point of order that the amendment is not germane to the bill.

The SPEAKER pro tempore. The only question is whether the amendment is germane to the bill. The Chair thinks the amendment is germane to the bill, and therefore overrules the point of order of the gentleman from New York. The question is on agreeing to the amendment.

Mr. SULZER. I differ with the Chair, but will not take up the time of the House by an appeal.

Mr. GAINES. I should like to ask the gentleman from New York a question.

Mr. SULZER. I shall be glad to answer it if I can.

Mr. GAINES. What is the distinction between this park and the other grounds in the vicinity? Why should a fence be around this park and not around the other parks?

Mr. SULZER. I tried to make that clear. On account of the valuable plants, flowers, shrubs, and trees which are so near the fence that if it were removed they would be destroyed or injured.

Mr. GAINES. There are shrubs and valuable trees in the other parks.

Mr. SULZER. Quite true; but yet this case is entirely different. Besides cows, horses, dogs, and other animals might get in the Botanical Gardens at night and do much damage.

Mr. GAINES. Cows do not eat shrubs. They may up in New York, where they have nothing but snow and bad Democracy and Republicanism to live on.

Mr. SULZER. My friend should also know that there are greenhouses in these gardens where they propagate rare plants. These might be stolen or injured at night if the gardens were open.

Mr. McMILLIN. They have the same things over in the Agricultural grounds, and there is no fence around those grounds.

Mr. SULZER. Suffice it for me to say that I am satisfied that if the fence is removed from the Botanical Gardens a great injury may be done to the plants, flowers, shrubbery, and trees. That is the information which I receive, and I shall act on it and do all I can against this amendment.

Mr. BABCOCK. Will the gentleman inform the House how many cows are kept inside of that fence now?

Mr. SULZER. None that I know of; but I will say to the gentleman from Wisconsin that in these piping times of war a cow, or a horse, or a dog, or some other animal may break out at any time. [Laughter.]

Mr. GAINES. I do not think there has been a cow within a hundred miles of this city in fifty years, judging by the kind of milk we have to drink. [Laughter.]

Mr. SULZER. Mr. Speaker, I insist on my opposition to this amendment, and will demand a vote.

The SPEAKER pro tempore. The question is upon agreeing to the amendment.

Mr. McEWAN. Mr. Speaker, as I understand this matter, the chairman of the Committee on the District of Columbia has accepted the amendment of the gentleman from Illinois that provides only that the fence shall be taken down. If that is so, then I would like to be assured that no shrubs or plants shall be removed and no paths laid out that will interfere with the workings of the Botanic Garden.

Mr. BABCOCK. Nothing of that kind would be done. The grounds would be thrown open for the use of the public, the same as the other parks.

Mr. McMILLIN. You would not have to drive around there perpetually, and the people could see it.

Mr. McEWAN. I take great interest in forestry and think this a very important feature of our country's welfare. To show somewhat incidentally what good is done by botanical gardens, I would say that during the last few years over 80,000 North Carolina poplar trees have been propagated throughout the United States from young trees sent from that one tree in the Botanic Garden. I only cite that as one instance of its value and importance.

Mr. BABCOCK. The fence has nothing to do with the poplar. Mr. McEWAN. I quite agree with that, except that the fence is unpopular. [Laughter.]

Mr. BABCOCK. I ask a vote, Mr. Speaker.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. SULZER. Division!

The House divided; and there were—ayes 65, noes 6.

Mr. SULZER. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The gentleman makes the point of no quorum. The Chair will count.

Mr. ROBINSON of Indiana. I ask unanimous consent that the proceedings for a call, including the point of no quorum, be vacated.

The SPEAKER pro tempore. The Chair is counting now.

Mr. BABCOCK. Mr. Speaker, as I understand it, this bill is being considered in the House as in Committee of the Whole. Would not the same rule apply as in Committee of the Whole, 100 being a quorum?

The SPEAKER pro tempore. The Chair thinks not. We are still in the House. One hundred and sixty-six gentlemen present—not a quorum. The Doorkeeper will close the doors, the Clerk will call the roll, and gentlemen as their names are called will vote on the amendment.

Mr. TALBERT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. I would like to ask what we are to vote upon. I ask that the amendment be read.

The SPEAKER pro tempore. Without objection, the amendment will again be reported.

The amendment was again read.

The question was taken; and there were—ayes 120, noes 63, answered "present" 26, not voting 146; as follows:

YEAS—120

Aldrich,	Crumpacker,	Hull,	Robbins,
Alexander,	Curtis, Iowa,	Jenkins,	Robinson, Ind.
Babcock,	Curtis, Kans.	King,	Royce,
Baker, Md.	Dalzell,	Kirkpatrick,	Settle,
Barham,	Davenport,	Knorr,	Showalter,
Barlow,	Davidson, Wis.	Latimer,	Simpson,
Belford,	Dayton,	Lawrence,	Smith, Ill.
Belknap,	De Graffenreid,	Little,	Snover,
Bennett,	De Vries,	Lybrand,	Southard,
Berry,	Dolliver,	McDowell,	Spalding,
Bishop,	Dorr,	McMillin,	Sperry,
Bland,	Ellis,	Mahon,	Stevens, Minn.
Booze,	Ermentrout,	Mann,	Stewart, Wis.
Boutell, Ill.	Evans,	Marah,	Stone, C. W.
Bradley,	Faris,	Maxwell,	Stone, W. A.
Broderick,	Fenton,	Miller,	Sturtevant,
Brown,	Fischer,	Moon,	Sullivan,
Brownlow,	Fleming,	Morris,	Tawney,
Brucker,	Gaines,	Mudd,	Terry,
Bull,	Graft,	Odell,	Thorp,
Capron,	Griffin,	Ogden,	Updegraff,
Castle,	Hager,	Osborne,	Van Voorhis,
Catchings,	Hartman,	Otjen,	Vincent,
Clardy,	Heatwole,	Payne,	Walker, Mass.
Clark, Iowa,	Henry, Conn.	Pearce, Mo.	Walker, Va.
Clarke, N. H.	Hepburn,	Perkins,	Warner,
Cortis,	Hilborn,	Peters,	White, Ill.
Cousins,	Hill,	Ray,	White, N. O.
Cowherd,	Hitt,	Reeves,	Wise,
Crump,		Ridgely,	Zenor.

NAYS—63

Adamson,	Dovener,	Lester,	Richardson,
Allen,	Elliott,	Lewis, Ga.	Robertson, La.
Baker, Ill.	Fox,	Littauer,	Russell,
Ball,	Gillett, Mass.	Livingston,	Sayers,
Bell,	Griffith,	Lloyd,	Shafroth,
Bodine,	Grosvenor,	Love,	Smith, Ky.
Brantley,	Grout,	Lovering,	Stallings,
Brewer,	Handy,	McClellan,	Stark,
Burke,	Hay,	McCulloch,	Stokes,
Carmack,	Henderson,	McEwan,	Stowd, N. C.
Chickering,	Henry, Ind.	McRae,	Sulzer,
Clark, Mo.	Henry, Miss.	Mercer,	Talbert,
Clayton,	Howard, Ga.	Mitchell,	Weymouth,
Danford,	Howe,	Northway,	Williams, Miss.
Dinsmore,	Kieberg,	Norton, S. C.	Wilson.
Dockery,	Lanham,	Otey,	

ANSWERED "PRESENT"—26

Adams,	Coddling,	Hinrichsen,	Moody,
Bartlett,	Cooney,	Hooker,	Rhea,
Benton,	Cox,	Jones, Wash.	Sims,
Brenner, Ohio	Davey,	Ketcham,	Swanson,
Brownwell,	Gibson,	McCall,	Tongue.
Butler,	Greene,	Maddox,	
Cannon,	Griggs,	Maguire,	

NOT VOTING—146

Acheson,	Cochran, Mo.	Gunn,	Landis,
Arnold,	Cochrane, N. Y.	Hamilton,	Lentz,
Bailey,	Colson,	Harmer,	Lewis Wash.
Baird,	Connell,	Hawley,	Linney,
Bankhead,	Connolly,	Hemenway,	Lorimer,
Barber,	Cooper, Tex.	Henry, Tex.	Loud,
Barney,	Cooper, Wis.	Hicks,	Loudenslager,
Barrett,	Cranford,	Hopkins,	Low,
Barrows,	Cummings,	Howard, Ala.	McAleer,
Bartholdt,	Davis,	Howell,	McCleary,
Beach,	Davison, Ky.	Hunter,	McCormick,
Belden,	De Armond,	Hurley,	McDonald,
Benner, Pa.	Dingley,	Jett,	McIntire,
Bingham,	Driggs,	Johnson, Ind.	Mahany,
Botkin,	Eddy,	Johnson, N. Dak.	Marshall,
Boutelle, Me.	Fitzgerald,	Jones, Va.	Martin,
Brewster,	Fitzpatrick,	Joy,	Meekison,
Brosius,	Fletcher,	Kelley,	Mesick,
Broussard,	Footo,	Kerr,	Meyer, La.
Brumm,	Foss,	Kitchin,	Miers, Ind.
Brundidge,	Fowler, N. C.	Knowles,	Mills,
Burleigh,	Fowler, N. J.	Kulp,	Minor,
Burton,	Gardner,	Lacey,	Newlands,
Campbell,	Gillet, N. Y.	Lamb,	Norton, Ohio

Olmsted,
Overstreet,
Packer, Pa.
Parker, N. J.
Pearson,
Pierce, Tenn.
Pitney,
Powers,
Prince,
Pugh,
Quigg,
Rixey,
Robb,

Sauerhering,
Shannon,
Shattuc,
Shelden,
Sherman,
Shuford,
Skinner,
Slayden,
Smith, S. W.
Smith, Wm. Alden
Southwick,
Sparkman,
Sprague,

Steele,
Stephens, Tex.
Stewart, N. J.
Strait,
Strode, Nebr.
Sullivan,
Sutherland,
Tate,
Taylor, Ohio
Taylor, Ala.
Todd,
Underwood,
Vandiver,

Vehalago,
Wadsworth,
Wanger,
Ward,
Weaver,
Wheeler, Ala.
Wheeler, Ky.
Wilber,
Williams, Pa.
Yost,
Young.

Mr. RHEA of Kentucky. Mr. Speaker, I am paired with my colleague, Mr. PUGH. I desire to withdraw my vote and be marked "present."

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from New York, Mr. FOOTE. I withdraw my vote and ask to be marked "present."

Mr. BARTLETT. Mr. Speaker, I desire to ask if the gentleman from Ohio, Mr. TAYLER, has voted?

The SPEAKER pro tempore. He has not.

Mr. BARTLETT. I voted "nay." I desire to withdraw my vote, as I am paired with the gentleman from Ohio.

Mr. COX. Mr. Speaker, I desire to inquire if the gentleman from New Jersey, Mr. FOWLER, has voted?

The SPEAKER pro tempore. He has not voted.

Mr. COX. I do not know how he would vote. I voted "yea." I withdraw my vote and ask to be marked "present."

Mr. ADAMS. Mr. Speaker, I desire to know if I am recorded? The SPEAKER pro tempore. The gentleman is not recorded.

Mr. ADAMS. I should like to be marked "present," to make a quorum.

The following pairs were announced:

Until further notice:

Mr. CLARKE of New Hampshire with Mr. CARMACK.

Mr. TAYLER of Ohio with Mr. BARTLETT.

Mr. MILLS with Mr. McCORMICK.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. HOWELL with Mr. FITZPATRICK.

Mr. STURTEVANT with Mr. RIXEY.

Mr. WM. ALDEN SMITH with Mr. STROWD of North Carolina.

Mr. JOHNSON of Indiana with Mr. PIERCE of Tennessee.

Mr. BARRETT with Mr. MARSHALL.

Mr. SHELDEN with Mr. TODD.

Mr. JOHNSON of North Dakota with Mr. SWANSON.

Mr. LOUD with Mr. DE VRIES.

Mr. BARNEY with Mr. CRANFORD.

Mr. HICKS with Mr. BANKHEAD.

Mr. PUGH with Mr. RHEA of Kentucky.

Mr. MESICK with Mr. TATE.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. FOOTE with Mr. GRIGGS.

Mr. FLETCHER with Mr. JONES of Washington.

Mr. YOST with Mr. SULLIVAN.

Mr. STEWART of New Jersey with Mr. NORTON of Ohio.

Mr. YOUNG with Mr. ROBB.

Mr. LYBRAND with Mr. LENTZ.

Mr. DINGLEY with Mr. COOPER of Texas.

Mr. FOSS with Mr. DAVEY.

For this day:

Mr. COOPER of Wisconsin with Mr. BRUNDIGE.

Mr. COCHRANE of New York with Mr. MIERS of Indiana.

Mr. OLMSTED with Mr. DRIGGS.

Mr. BUTLER with Mr. BRENNER of Ohio.

Mr. PITNEY with Mr. DE ARMOND.

Mr. BINGHAM with Mr. CAMPBELL.

Mr. STEELE with Mr. BAIRD.

Mr. BURLEIGH with Mr. BROUSSARD.

Mr. SHATTUC with Mr. FITZGERALD.

Mr. BURTON with Mr. COCHRAN of Missouri.

Mr. KETCHAM with Mr. SUTHERLAND.

Mr. HAMILTON with Mr. FOWLER of North Carolina.

Mr. ADAMS with Mr. JONES of Virginia.

Mr. SAMUEL W. SMITH with Mr. KITCHIN.

Mr. JOY with Mr. LAMB.

Mr. SHERMAN with Mr. TAYLOR of Alabama.

Mr. BELDEN with Mr. WHEELER of Kentucky.

Mr. ACHESON with Mr. MADDOX.

Mr. LOW with Mr. HENRY of Texas.

Mr. BABCOCK. Mr. Speaker, I now ask for a vote on the committee amendment.

The SPEAKER pro tempore. The doors will be opened and the Clerk will report the committee amendment.

The committee amendment was again read.

The amendment was agreed to.

Mr. KING. Mr. Speaker, I desire to offer the following amendment at the end of section 1. It is an amendment suggested by the gentleman from Illinois and formally discussed.

The Clerk read as follows:

Insert at end of section 1 the following:

"Provided, That the following-described property shall be placed under the immediate jurisdiction and control of the Chief of Engineers of the United States: The banks of the Potomac River from the north line of the arsenal grounds to the southern curb line of N street south; also 500 linear feet of shore line in the flushing reservoir at the foot of Seventeenth street west and west from the western curb of said street, including a levee 100 feet wide."

The amendment was agreed to.

The SPEAKER pro tempore. Without objection, the last section will be numbered 6 instead of 5.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LICENSE TAX ON MERRY-GO-ROUNDS, ETC.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 10278) imposing a license tax upon proprietors of merry-go-rounds or other mechanical devices operated or exhibited for purposes of public amusement for gain, and for other purposes, in the District of Columbia.

The Clerk read the bill, as follows:

A bill (H. R. 10278) imposing a license tax upon proprietors of merry-go-rounds or other mechanical devices operated or exhibited for purposes of public amusement for gain, and for other purposes, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a license tax is hereby imposed as follows: The proprietors of merry-go-rounds, flying horses, carousels, flying swings, or other mechanical devices operated or exhibited for purposes of public amusement for gain, shall pay the sum of \$3 per day or \$12 per week, and hereafter it shall be unlawful for said proprietors to do business in the District of Columbia without first obtaining a license from the assessor of the District of Columbia.

Any person or persons violating the provisions of this act shall, on conviction thereof in the police court of said District, pay a fine of not less than \$5 nor more than \$25, or be imprisoned in the workhouse for a period of not exceeding thirty days. The assessor of said District is hereby authorized to grant or refuse the license in his discretion for any of the purposes mentioned in this act or to annul for cause a license already granted: *Provided, however,* That the owner of any license issued under this act and so revoked shall be entitled to a refund of a proportionate amount of his unused license.

The amendments recommended by the committee were read, as follows:

"Insert the word 'like' in the caption of the bill and also in line 5, after the word 'other,' so that it will read, 'or other like mechanical devices.'"

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended.

On motion of Mr. BABCOCK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I now ask for the present consideration of House bill 10293, to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia.

The Clerk read as follows:

A bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James G. Berret, Archibald M. Bliss, George S. Boutwell, William Corcoran Hill, Brainard H. Warner, John A. Baker, Samuel Cross, T. E. Roessle, William H. Rapley, John T. Devine, Chester A. Snow, Charles T. Havenner, Charles A. Barker, Henry P. Blair, Charles L. Du Bois, W. N. Morrison, Appleton P. Clark, jr., Henry Brock, C. C. Lancaster, George H. Judd, D. C. Fountain, Thomas E. Young, Phillips Clark, Thomas J. Brown, R. F. Bradbury, Henry Naylor, all of Washington, D. C.; Albert W. Fletcher, Chauncey Marshall, William B. Duncan, jr., Edward C. Potter, Jacob J. Leeds, Edward H. Clark, J. P. Livingston, of New York City; Erwin C. Carpenter, James S. Dyett, of Rome, N. Y.; Arthur Mahoney, of Brooklyn, N. Y.; Philemon L. Hoadley, of Newark, N. J., and their associates and assigns, be, and they are hereby, created a body corporate under the name of the East Washington Heights Traction Railroad Company of the District of Columbia, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal; and said corporation is hereby authorized to construct and lay down a single or double track street railway, with the necessary switches, turn-outs, and other mechanical devices, in the District of Columbia, through and along the following routes:

Beginning at the circle at the western approach to the Pennsylvania Avenue Bridge, at a point to be fixed by the Commissioners of the District of Columbia: *Provided,* That this terminus be constructed in accordance with plans to be approved by the Commissioners of the District of Columbia, with a loop or passenger station, or both, as may be considered by them necessary for the interests and convenience of the public; thence across the Anacostia or Eastern Branch of the Potomac River, on a bridge or trestle to be built by the said company in accordance with plans to be approved by the Secretary of War; thence along Pennsylvania avenue extended to Branch avenue; thence along Branch avenue to the Bowen road or Albany street; thence along the Bowen road or Albany street to the settlement known as Good Hope; also from the intersection of Branch avenue and the Bowen road to the District line by a route to be approved by the Commissioners of the District of Columbia; also from the intersection of Minnesota avenue with Pennsylvania avenue extended along Minnesota avenue to Harrison street; also from the intersection of Pennsylvania avenue extended and Twenty-eighth street northward to the Anacostia road; thence along said Anacostia road to a point to be fixed by the Commissioners of the District of Columbia opposite the settlement known as East Washington Park.

SEC. 2. That when the route described coincides with that of a country road of less width than 66 feet the railway shall be constructed entirely outside the road: *Provided*, That if at any time in the future any part of the right of way of the company shall be included within the lines of the public highways, such part of said right of way shall be dedicated to the public without expense to the District of Columbia.

SEC. 3. That the said railway shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, etc., shall be approved by the Commissioners of the District of Columbia.

SEC. 4. That the said corporation shall at all times keep the space between its tracks and rails and 2 feet exterior thereto in such condition as the Commissioners of the District of Columbia or their successors may direct; and whenever any street occupied by said railway is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia and the amounts due from said corporation shall be collected as provided by section 5 of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 5. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway or from altering and improving streets, avenues, and highways and the sewerage thereof. In such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

SEC. 6. That it shall be lawful for said railway company, its successors or assigns, having first obtained the permission of the District Commissioners therefor, to make all needful and convenient trenches and excavations in any of said streets or places where said railway company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railway company.

SEC. 7. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of the said railroad.

SEC. 8. That the line of the said railroad shall be commenced within one year and completed within two years from date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

SEC. 9. That the said company may run its cars by the overhead-trolley electric system, or such other electric or mechanical system as the Commissioners of the District of Columbia may approve. Steam power shall not be used: *Provided*, That if electric power by trolley be used a return wire similar in capacity and insulation to the feed wire shall be provided, and each car shall be provided with a double trolley, and no pole of any dynamo furnishing power to the railway shall be connected with the earth: *Provided further*, That for the purpose of making a continuous connection over the route hereinbefore described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route: *Provided further*, That whenever the foregoing route or routes may coincide with the route or routes of any duly incorporated street railway company in the District of Columbia the tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which, and the regulations under which, the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary passage of its cars, with the ordinary halts for taking up and dropping off passengers: *Provided further*, That this shall not apply to or interfere with any station already established on any existing lines. That said corporation is authorized and empowered to propel its cars over the lines of any other road or roads which may be in alignment with, and upon such streets as may be covered by, the route or routes as prescribed in this act, in accordance with the conditions hereinbefore contained; and that this corporation shall construct and repair such portions of its road as may be upon the line or routes of any other road thus used; and in case of any disagreement with any company whose line of road is thus used, such disagreement may be summarily determined upon the application of either road to any court in said District having competent jurisdiction.

SEC. 10. That the said company shall furnish and maintain passenger houses, provided with such conveniences for the public as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table, to be subject to the approval of the Commissioners of the District of Columbia.

SEC. 11. That the Commissioners of the District of Columbia may make such regulations as to the speed, mode of use of tracks, and the removal of ice and snow as in their judgment the interest and the convenience of the public may require. Should the servants or the agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding \$500.

SEC. 12. That within thirty days after the passage of this act the corporation named in the first section, their associates, successors, or assigns, or a majority of them, or, if any refuse or neglect to act, then a majority of the remainder, shall meet at some convenient and accessible place in the District of Columbia for the organization of said company and for the receiving of subscriptions to the capital stock of the company: *Provided*, That every subscriber shall pay at the time of subscribing 10 per cent in cash of the amount by him subscribed to the treasurer appointed by the corporation, or his substitute shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent at the time of subscribing except lawful money or certified checks from any established national bank. And when

the books of the subscription to the capital stock of said company shall be closed the corporations named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days after, call the first meeting of the stockholders of the said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 13. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice president, a secretary, and a treasurer, who shall give bond with surety to said company, in such sums as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise of any director the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 14. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

SEC. 15. That there shall be at least an annual meeting of the stockholders for choice of directors, to be held at such time in the District of Columbia, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 16. That said company is hereby authorized to issue its capital stock to an amount not to exceed the estimated cost of the construction and equipment of the road, in shares of \$50 each, and to issue bonds not to exceed the cost of construction of the road, but such stock and bonds shall not exceed in the aggregate more than the actual cost of the right of way, construction, and equipment of said road. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporation the amounts severally subscribed by them, as follows, namely: Ten per cent at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the 10 per cent thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of the said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction: *Provided*, That no certificates of stock shall be issued until the same has been paid for in money at its face value.

SEC. 17. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 18. That the East Washington Heights Traction Company shall annually pay to the District of Columbia a franchise tax of five-eighths of 1 per cent of the entire gross earnings of such company, and a personal tax of 2 per cent per annum on the entire gross earnings of said company. There shall also be levied and collected upon all of the real estate of said company a tax in the same manner and to the same extent as upon all other real estate in the District of Columbia; said taxes shall be due and payable, subject to the same penalties on arrears, and collectible in the same manner as other taxes in the District of Columbia.

SEC. 19. That said company shall receive a rate of fare not exceeding 5 cents per passenger; but six tickets shall be sold for 25 cents: *Provided*, That the said company and the Capital Traction Company are hereby required to issue free transfers, whereby a passenger on the said East Washington Heights Traction Company shall be entitled to a continuous ride over the line of the other company, or vice versa.

SEC. 20. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 21. That the East Washington Heights Traction Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 22. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees, for any other cause than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 23. That in the event the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located or pass, or which may be needed for terminal facilities and passenger stations, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding 20 feet in width for a right of way, and such tracts as may be necessary for terminal facilities and passenger stations, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That any property owner shall have the right of trial by jury in such issue.

SEC. 24. That all plans of location and construction of tracks and other structures in public places pertaining to said railway shall be subject to the approval of the Commissioners of the District of Columbia, and all work thereof shall at all times be subject to their supervision. The said company shall, from time to time, deposit with the collector of taxes of the District of

Columbia such amounts as may be deemed necessary by said Commissioners to cover the costs of inspection, supervision, changes to water pipes and sewer connections, changes of curb and pavement, and work not otherwise provided for, which may be made necessary by the location or grade of said railway. Any unexpended balance remaining after the construction of said road shall be returned to said company with an account in full of the disbursement of such deposits.

SEC. 25. That all the conditions, requirements, and obligations imposed by the terms of this act upon the East Washington Heights Traction Company shall be complied with by any and all the successors to and assigns of said company.

SEC. 26. That within sixty days from the approval of this act the company shall deposit \$1,000 with the collector of taxes of the District of Columbia to guarantee the construction of its railway within the prescribed time. If this sum is not so deposited this charter shall be void. If the sum is so deposited and the road is not in operation as herein prescribed, said \$1,000 shall be forfeited to the District of Columbia and this charter shall be void.

SEC. 27. That failure or neglect to comply with any of the provisions of this act, except as hereinbefore provided for, shall render the said corporation liable to a fine of \$25 for each and every day during which such failure or neglect shall continue, which penalty may be recovered in the name of the District of Columbia by the Commissioners of the said District in any court of competent jurisdiction: *Provided, however,* That unless the line of the said railway shall be completed, with cars running regularly thereon for the accommodation of passengers, within two years from the date of the passage of this act, this charter shall be null and void.

SEC. 28. That Congress reserves the right to alter, amend, or repeal this act.

Mr. MUDD. Mr. Speaker, I want to offer an amendment to section 8.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read as follows:

Amend by adding at the end of line 3, section 8, on page 8, the following:

"Provided, That failure to commence to construct or to complete either of the said portions of the routes as provided for in section 1 of this act shall operate to repeal the authority to build said portion or portions, and shall not repeal the charter of said company: *Provided, however,* That the said railroad shall be commenced and completed within the time aforesaid from the circle at the western approach to the Pennsylvania avenue bridge to the District line, as hereinbefore provided."

Mr. CURTIS of Iowa. Mr. Speaker, I think the committee will accept the amendment offered by my colleague. I want to add a word or two in explanation of this bill. The East Washington Heights Railroad commences at the circle at the western approach of the Pennsylvania Avenue Bridge; thence across Anacostia River on a bridge of its own construction, to be approved by the Secretary of War and the Commissioners of the District of Columbia. Every part of the railroad from the east end of the said bridge will be located in the southeastern portion of the District of Columbia, south and east of the western branch of the Anacostia River. It traverses a section of country not now occupied or covered by any railroad system. There are in this section about 11,000 people, very largely of the working class, without railroad facilities.

I may say, Mr. Speaker, that more than 70 per cent of the property holders of that section are represented on the list of incorporators. Property holders and residents of that section representing, I believe, 97 per cent of the property there, have appeared before the Committee on the District of Columbia advocating the passage of this bill, and as an evidence of good faith on the part of these gentlemen I may say there has been already expended in property and improvements now being enjoyed by the public in that locality upward of \$500,000.

I think the Committee on the District of Columbia will have no objection to the amendment offered by my friend from Maryland [Mr. MUDD], providing that the failure to commence or complete any portion of the road within the time prescribed shall operate only to forfeit the charter with respect to such portion, without causing a forfeiture with respect to the entire road.

Mr. SIMPSON. Will this road connect with the road on Pennsylvania avenue?

Mr. CURTIS of Iowa. The proposed extension of the Pennsylvania avenue line will carry their road to the western terminus of the Pennsylvania Avenue Bridge.

Mr. SIMPSON. Then the Pennsylvania avenue line will build their road down to the bridge?

Mr. CURTIS of Iowa. Yes. We have provided in the bill for free transfers.

Mr. SIMPSON. That is what I want to get at. Would a passenger riding on the Pennsylvania avenue line to the bridge be obliged to pay another fare in order to go over to East Washington Heights?

Mr. CURTIS of Iowa. Not at all.

Mr. SIMPSON. He could make the whole transit for one fare?

Mr. CURTIS of Iowa. There is a provision for free transfer.

The question being taken on the amendment of Mr. MUDD, it was agreed to.

Mr. CORLISS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in line 4, page 13, after the word "versus," the following:

"Provided further, That universal free transfers shall be issued and exchanged by said company and said Capital Traction Company with all street railways whose lines intersect the lines of said companies, so that a passenger shall be entitled to a continuous ride over the line of said companies and any line intersecting the same for one fare."

Mr. CORLISS. Mr. Speaker, the purpose of this amendment

is to compel this company and the company with whose lines it will connect to give a universal transfer to any passenger desiring a continuous ride.

Mr. BABCOCK. Before this amendment is debated, I want to reserve a point of order.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

Mr. CORLISS. I submit, Mr. Speaker, that the debate had begun. I had the floor and was proceeding with my remarks before the gentleman rose to reserve any point of order.

Mr. BABCOCK. Well, Mr. Speaker, I do not see how there could be any opportunity to make the point, if the gentleman is to be regarded as holding the floor all the time after offering his amendment. I made my point as soon as I could get the Speaker's attention.

The SPEAKER pro tempore. If the gentleman from Wisconsin rose to make his point before the gentleman from Michigan [Mr. CORLISS] rose to debate the amendment, the point was certainly in time.

Mr. WILLIAMS of Mississippi. No matter how it happened, the gentleman from Wisconsin was too late.

Mr. SIMPSON. The amendment had been read and debate begun before the gentleman made any point of order.

The SPEAKER pro tempore. If the gentleman from Wisconsin rose to make his point of order after the amendment was read and before the debate had proceeded, then he was in time.

Mr. BABCOCK. I was in my seat all the time, and after the amendment had been read I took advantage of the first opportunity to attract the attention of the Chair.

The SPEAKER pro tempore. The Chair will accept the gentleman's statement. The point of order is reserved. The gentleman from Michigan will proceed.

Mr. CORLISS. Mr. Speaker, the purpose of this amendment will be manifest to every member of the House. This is one of the few cities where a person desiring to ride on the street cars from one point of the city to another is compelled sometimes to pay two fares. Now, I submit that in view of modern inventions, in view of the improvements which have been made in street railways and the increased facilities for carrying passengers, the time has arrived when any company operating a street railway in the city of Washington, or any city of its size, can give and should give to the traveling public, for a single fare, a continuous ride from one part of the city to any other part where street railroad lines extend, whether the lines be owned by a single company or by a dozen different companies. There is hardly a city in this country where the traveling public does not enjoy this facility. Even where different lines are owned by different railway companies universal transfers are granted to passengers desiring to make a continuous ride.

There is no reason why the Traction Company of this city should issue a transfer from its line on Pennsylvania avenue to its line on Seventh street and decline to grant a transfer to Ninth street because the Ninth street line is owned by some other company. Transfers are granted in this city from one line to another, if both lines are operated by the same company, and there is no reason why this system of transfers should not be universal without regard to the ownership of the different lines. A transfer costs nothing. This amendment would impose no additional burden or expense upon any of these corporations. This is a step in the right direction for the benefit of the traveling public in this city. I submit that the amendment should be adopted.

The argument may be made that this provision will require an amendment to the charter of some other railroad company. Then I say we can take up that question at another time. The point of order that the gentleman has made is not proper. This is an amendment to the section fixing the rate of fares, and it further provides that the company shall give a transfer, not only over the line of the company that gets this charter, but over the line of the company with which it connects. The language is:

Provided, That the said company and the Capital Traction Company are hereby required to issue free transfers, whereby a passenger on the said East Washington Heights Traction Company shall be entitled to a continuous ride over the line of the other company, or vice versa.

Now, I extend that provision so as to compel those two companies to give the same privilege to every other line that intersects their street railway lines, and I submit that it is germane, it is proper, it is right. It is something that the people of this city are entitled to, and I trust this House will grant it.

Mr. BABCOCK. Mr. Speaker, with reference to the point of order, I desire to say that this is an entirely new matter, which is not pertinent or germane to this bill—granting a charter for this road beyond the Anacostia River. This amendment provides that the Capital Traction Company shall give transfers over its lines to the Metropolitan, the Metropolitan to the Belt, the Belt to the other different lines, clear on throughout the city. It seems to me that it is a question that is not pertinent to this at all, and is an entirely new subject. Further than that, I desire to say that this

matter was brought up before the committee. As a member of the District Committee, I have, ever since I have been a member of Congress, advocated the extension of the transfer privilege, until the transfer houses have been torn down and transfers are issued on all the cars, and all lines issue transfers to their own connecting lines in which they are interested, until we have in this city an elegant system of transfers.

Now, when this matter was brought before the District Committee there were two propositions. One was a franchise tax and another a universal transfer system. The committee decided to report the bill imposing the franchise tax, which made an additional tax of about \$25,000 per year upon these various roads, and to postpone action on this amendment offered by the gentleman from Michigan. Saying nothing about the point of order, I think it would be unjust to impose a franchise tax, which we have already done, and then in addition to ask for a universal transfer.

Mr. DOCKERY. I want to say a word on the point of order.

Mr. CORLISS. Will the gentleman permit a question?

Mr. BABCOCK. Certainly.

Mr. CORLISS. The tracks of the new company are at the end of the tracks of the Traction Company, are they not?

Mr. BABCOCK. Yes.

Mr. CORLISS. Do they intersect or will they intersect any other street railway line now constructed except the line of the Traction Company?

Mr. CURTIS of Iowa. No other line now constructed.

Mr. CORLISS. No other line now constructed?

Mr. BABCOCK. No.

Mr. CORLISS. Therefore, so far as this company are concerned, they would not have to exchange any tickets, and the only exchange that would be authorized by my amendment would be imposed upon the old Traction Company, which has the best thoroughfares in the city of Washington.

Mr. BABCOCK. It would be imposed upon all companies, would it not?

Mr. CORLISS. Not at all. My amendment is evidently not understood by the gentleman. My amendment only applies to the two companies here for which we are legislating. It has no effect upon the other companies in the city.

Mr. HULL. It compels these companies to give transfers to the others, on all lines they cross.

Mr. CORLISS. Certainly.

Mr. HULL. Does it compel the other companies to give transfers on these lines?

Mr. CORLISS. You will probably have to follow this up with additional legislation.

Mr. HULL. Then this would entail a burden upon these companies which it does not entail on the lines which they cross?

Mr. CORLISS. It would probably do that temporarily; but I insist that when the other companies understood that Congress intends to compel them to give transfers, they would do so at once. There is no reason why they should not immediately do so. My amendment provides for an exchange with other companies.

Mr. DOCKERY. I desire to ask the gentleman who made the point of order what the point of order is?

Mr. BABCOCK. I made the statement as clearly as I could that this is entirely a new matter which has no reference to the subject under consideration in this charter bill.

Mr. DOCKERY. That it is not germane?

Mr. BABCOCK. Yes; that it is not germane to the subject at all.

Mr. DOCKERY. I understand this amendment is offered to section 19. Section 19 says:

Provided, That the said company and the Capital Traction Company are hereby required to issue free transfers, whereby a passenger on the said East Washington Heights Traction Company shall be entitled to a continuous ride over the line of the other company, or vice versa.

Now, then, that is the proposition of the bill. The amendment which is offered is entirely and absolutely germane. It says:

Provided further, That universal free transfers shall be issued and exchanged by said company and said Capital Traction Company with all street railways whose lines intersect the lines of said companies, so that a passenger shall be entitled to a continuous ride over the line of said companies and any line intersecting the same for one fare.

If you can hang a point of order on this situation, I should like to know how it is to be done.

Mr. BABCOCK. The intersecting lines and the Capital Traction Company cover the whole city. This is entirely new matter.

Mr. DOCKERY. I am not discussing the propriety of the amendment, because I do not know anything about it. It may be unwise to adopt it, for aught I know. We have had no argument upon that question; but the amendment is clearly germane to the paragraph. The Chair surely can not find any reason for sustaining the point of order.

The SPEAKER pro tempore. The Chair is ready to rule.

Mr. BABCOCK. I ask for a ruling, Mr. Speaker.

The SPEAKER pro tempore. This is a bill to incorporate the East Washington Heights Traction Railroad Company in the Dis-

trict of Columbia. Section 19 provides for the rates of fare upon that road, and also further provides:

That the said company—

That is, the East Washington Heights Traction Railroad Company—

and the Capital Traction Company are hereby required to issue free transfers, whereby a passenger on the said East Washington Heights Traction Company shall be entitled to a continuous ride over the line of the other company, and vice versa.

That is, that these two companies can and must issue transfers one over the line of the other.

Now, this amendment provides that whatever railroads intersect with either of these two roads must issue transfers upon these two roads, and these two roads upon the others, for a continuous ride. Now, with all deference to what has been said, the Chair thinks that this is not germane to the proposition in the bill.

Mr. DOCKERY. The proposition of the bill is that two companies shall issue free transfers.

The SPEAKER pro tempore. These two companies.

Mr. DOCKERY. The proposition of the amendment is that other companies shall also be required to issue free transfers.

The SPEAKER pro tempore. The Chair thinks that is not germane to the language of the bill.

Mr. DOCKERY. The amendment is not offered to the title of the bill.

The SPEAKER pro tempore. Certainly not.

Mr. DOCKERY. It is offered to section 19. Section 19 provides that the two roads shall issue free transfers. The amendment proposes to enlarge the privileges given by section 19 and to take in other lines.

The SPEAKER pro tempore. Yes; but it compels all other lines intersecting either of these to issue free transfers. It goes much further than the bill. The Chair holds that this is not germane, and sustains the point of order.

Mr. WILLIAMS of Mississippi. Let us beat the bill, then.

Mr. DOCKERY. Out of deference to the Chair, I shall not appeal from the ruling, but shall move to recommit this bill to the committee.

Mr. CURTIS of Iowa. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 17, page 11, strike out the word "seasonable" and insert in lieu thereof the word "reasonable."

Mr. BABCOCK. That is a typographical error.

The amendment was agreed to.

Mr. CURTIS of Iowa and Mr. BABCOCK called for a vote.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time.

Mr. DOCKERY. Is there a copy of the engrossed bill?

The SPEAKER pro tempore. There is not.

Mr. DOCKERY. But I will not make that point.

The bill was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. RICHARDSON. One word, Mr. Speaker. I hope gentlemen will not object to the passage of this bill. We have already passed eight or ten bills providing for charters for railroads during this Congress, and there has been no effort up to this time, so far as I know, to change the general railroad policy of this city on any of those bills. Now why is it, at this last moment, on the charter of a little road running from the Eastern Branch or Anacostia River one or two miles up the hill to Overlook Inn, that there should be an undertaking to pass a general measure, by an amendment, in such a shape, as a provision upon this bill?

Now, for myself, I do not care anything about the passage of the bill, except occasionally I like to go out to Overlook Inn. It is a delightful place to go, and it costs from \$3 to \$5 to go—I mean the going. [Laughter.] The mere going costs that much. Now, I think we would have a good deal more to spend there if we could go there for a nickel and come back for a nickel. I therefore hope you will not tackle this little fish with that great amendment. I hope gentlemen will take some great measure to put such an amendment on and let this little bill go through.

Mr. CANNON. I would like to know something about this bill. If I understand properly, it is to charter a railroad from the Eastern Branch to Overlook Inn.

Mr. RICHARDSON. That is what it is.

Mr. CANNON. Does anybody furnish the capital to build it?

Mr. RICHARDSON. Some gentlemen came here and satisfied the committee that they will do it. They say they have got the money to put in. I do not know whether they have or not; but it will enable the gentleman from Illinois to go to Overlook Inn at a street-car fare.

Mr. McMILLIN. Permit me to suggest to my friend from Illinois and my friend from Tennessee—

Mr. RICHARDSON. I was not quite through answering the gentleman from Illinois.

Mr. McMILLIN. It was on that point. The company proposing to do this have already spent in improving the grounds leading to Overlook Inn enough to build ten such roads.

Mr. CANNON. Well, all I have got to say is, that the settlement in that direction is such that if they are looking to its being built up, they must look into the distant future for any returns. I do not know, perhaps, what the purpose of the parties doing all this is; but it seems to me if they are encouraged they must be drawing on hope largely.

Mr. RICHARDSON. I hope there will be no factious opposition to the bill.

Mr. WILLIAMS of Mississippi. The gentleman from Tennessee says we ought not to take advantage of the fact that this little bill is pending in order to change the general railroad policy of the District of Columbia. The gentleman from Wisconsin has just boasted that the general railroad policy of the District of Columbia was an extension of the free-transfer system, and that he had done much in that direction himself. So that one answers the other.

Now, this railroad company comes in asking a privilege of the Congress of the United States, and before we grant that privilege we ought to make them do this equity toward the people; and if we are to take advantage of the bill, if the gentleman from Tennessee is right, and we are starting a new precedent, then it is a precedent well worth being started and followed; and if the gentleman from Wisconsin is right that it is mere pursuance of a precedent already established by him and a continuance of a policy of the authorship of which he boasts, of course it makes no difference to the general public and it makes no difference to the legislator how much it costs my friend from Tennessee to go to Overlook Inn, and it makes no difference how much more it costs him to stay there until he gets ready to come back. I think all that has very little to do with the matter; but it seems to me, when these people come in and ask a privilege, that we ought, on the other hand, to ask the privilege for the people of riding over the various railroads.

Mr. CURTIS of Iowa. Mr. Speaker, just one word on the amendment which was recently ruled out and which I submit is not now before the House for discussion. In the opinion of many members of the committee the net fare of 5 cents, or 4½ cents, was not too great by law from the east end of Pennsylvania avenue to the District line, which about represents Overlook Inn; but we have provided in this bill what some of us believed was unjust to the company, considering the character of territory—a system of free transfers. I ask gentlemen to note that fact. Notwithstanding the great expense entailed upon this proposed company of building the road into that territory, we have provided that any citizen residing on the line of the Capital Traction Railroad might ride continuously over that line to the District line southeast, receiving a free transfer at the east end of Pennsylvania avenue over this proposed railroad.

The promoters of this line objected to that at first, and your committee assured the gentlemen that without that provision it would be impossible to grant this charter. Now, one word in reply to the gentleman from Illinois. This road can be built, and your committee are of the opinion that it will be built, by the incorporators of the company. They have appeared before this committee personally and by petition and by letter, representing that if Congress grants their charter, the road will be built. These gentlemen having expended upward of half a million in property and improvements along the proposed railroad is in itself a sufficient guaranty that the road will be constructed.

Mr. RIDGELY. Do you place a limit of time?

Mr. CURTIS of Iowa. Certainly; the usual limitation of time.

Mr. WILLIAMS of Mississippi. How could this amendment affect this new road to decrease its income in any way or to impair its operation in any way? I can understand how it would affect the Capital Traction Company, but not this road.

Mr. CURTIS of Iowa. The Committee on the District of Columbia did have under consideration this very proposition, and—

Mr. BENNETT. Mr. Speaker, I make the point of order that this discussion is on a matter that has been ruled out.

The SPEAKER. The gentleman from New York makes the point of order that the discussion is upon an amendment which has been ruled out.

Mr. WILLIAMS of Mississippi. We are discussing the bill itself and giving as a reason for the defeat of the bill the fact that we could not put this amendment upon it.

Mr. CURTIS of Iowa. I have no desire, Mr. Speaker, to further discuss the bill, and I am ready for a vote.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 85, nays 10.

Mr. WILLIAMS of Mississippi. No quorum, Mr. Speaker.

The SPEAKER (having counted the House). One hundred and thirty-eight gentlemen are present; not a quorum. Under

the rules the doors will be closed, the previous question will be considered as ordered, and the call of the House will be made. Those in favor the passage of the bill will, when their names are called, say "aye," and those opposed "no."

The question was taken; and there were—ayes 139, nays 39, answered "present" 11, not voting 166; as follows:

YEAS—139.

Adams,	Crump,	Howard, Ga.	Peters,
Adamson,	Curtis, Iowa	Howe,	Pierce, Tenn.
Aldrich,	Curtis, Kans.	Hull,	Ray,
Alexander,	Dalzell,	King,	Reeves,
Allen,	Danford,	Kleberg,	Richardson,
Babcock,	Davenport,	Lanham,	Robbins,
Baker, Md.	Davidson, Wis.	Latimer,	Robinson, Ind.
Bail,	Davis,	Lawrence,	Russell,
Belford,	Dayton,	Littaner,	Sayers,
Benner, Pa.	Dolliver,	Lloyd,	Settle,
Bennett,	Dovener,	Lovering,	Shafroth,
Berry,	Elliot,	McCall,	Shelden,
Blahop,	Ellis,	McCleary,	Sherman,
Boutell, Ill.	Evans,	McClellan,	Showalter,
Bradley,	Faris,	McDowell,	Smith, S. W.
Brantley,	Fischer,	McMillin,	Snoover,
Brenner, Ohio	Fleming,	McRae,	Southard,
Broderick,	Fox,	Meyer, La.	Spalding,
Bromwell,	Gaines,	Miller,	Sperry,
Brown,	Gibson,	Minor,	Stevens, Minn.
Brownlow,	Graff,	Mitchell,	Stewart, N. J.
Bull,	Griffin,	Moody,	Stewart, Wis.
Burke,	Grosvenor,	Moon,	Stokes,
Butler,	Grout,	Morris,	Stone, C. W.
Cannon,	Grow,	Mudd,	Starkevatt,
Capron,	Hager,	Northway,	Sulzer,
Carmack,	Handy,	Norton, S. C.	Terry,
Chickering,	Hay,	Ogden,	Updegraff,
Clardy,	Heatwole,	Osborne,	Van Voorhis,
Clark, Iowa	Henderson,	Osten,	Walker, Mass.
Clarke, N. H.	Henry, Conn.	Payne,	Warner,
Coddins,	Henry, Ind.	Pearce, Mo.	White, N. C.
Connolly,	Hepburn,	Pearson,	Wise,
Corliss,	Hill,	Perkins,	Zenor.
Cowherd,			

NAYS—39.

Bailey,	Cochran, Mo.	Little,	Sparkman,
Baker, Ill.	Cooney,	Loud,	Stallings,
Barlow,	De Graffenreid,	Love,	Stark,
Bell,	Dockery,	McCulloch,	Stephens, Tex.
Benton,	Greene,	McEwan,	Strowd, N. C.
Bland,	Griffith,	Maguire,	Underwood,
Bodino,	Henry, Miss.	Maxwell,	Vandiver,
Brucker,	Henry, Tex.	Ridgely,	Vincent,
Castle,	Hunter,	Simpson,	Williams, Miss.
Clark, Mo.	Lester,	Smith, Ky.	

ANSWERED "PRESENT"—11.

Bartlett,	Dinsmore,	Jones, Wash.	Tongue,
Catchings,	Ermentrout,	Otey,	Wheeler, Ky.
Cox,	Griggs,	Swanson,	

NOT VOTING—166.

Acheson,	Driggs,	Lamb,	Royce,
Arnold,	Eddy,	Landis,	Sauerhering,
Baird,	Fenton,	Lentz,	Shannon,
Bankhead,	Fitzgerald,	Lewis, Ga.	Shattuck,
Barber,	Fitzpatrick,	Lewis, Wash.	Shuford,
Barham,	Fletcher,	Linnay,	Sims,
Barney,	Foots,	Livingston,	Skinner,
Barrett,	Foss,	Lorimer,	Snyder,
Barrows,	Fowler, N. C.	Loudenslager,	Smith, Ill.
Bartholdt,	Fowler, N. J.	Low,	Smith, Wm. Alden
Beach,	Gardner,	Lybrand,	Southwick,
Belden,	Gillet, N. Y.	McAker,	Sprague,
Belknap,	Gillett, Mass.	McCormick,	Steele,
Bingham,	Gunn,	McDonald,	Stone, W. A.
Booze,	Hamilton,	McIntire,	Strait,
Botkin,	Harmer,	Maddox,	Strode, Nebr.
Bouteille, Me.	Hartman,	Mahany,	Sullivan,
Brewer,	Hawley,	Mahon,	Sulloway,
Brewster,	Hemenway,	Mann,	Sutherland,
Brosius,	Hicks,	Marsh,	Talbert,
Broussard,	Hinrichsen,	Marshall,	Tate,
Brumm,	Hitt,	Martin,	Tawney,
Brundidge,	Hooker,	Meekison,	Taylor, Ohio
Burleigh,	Hopkins,	Mercer,	Taylor, Ala.
Burton,	Howard, Ala.	Mesick,	Thorp,
Campbell,	Howell,	Miers, Ind.	Todd,
Clayton,	Hurley,	Mills,	Vetelsago,
Cochrane, N. Y.	Jenkins,	Newlands,	Wadsworth,
Colson,	Jett,	Norton, Ohio	Walker, Va.
Connell,	Johnson, Ind.	Olmsted,	Wanger,
Cooper, Tex.	Johnson, N. Dak.	Overstreet,	Ward,
Cooper, Wis.	Jones, Va.	Packer, Pa.	Weaver,
Cousins,	Joy,	Parker, N. J.	Weymouth,
Cranford,	Kelley,	Pitney,	Wheeler, Ala.
Crumpacker,	Kerr,	Powers,	White, Ill.
Cummings,	Ketcham,	Prince,	Wilber,
Davey,	Kirkpatrick,	Pugh,	Williams, Pa.
Davison, Ky.	Kitchin,	Quigg,	Wilson,
De Armond,	Knowles,	Rhea,	Yost,
De Vries,	Knox,	Rixey,	Young,
Dingley,	Kulp,	Robb,	
Dorr,	Lacey,	Robertson, La.	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. STRODE of Nebraska with Mr. TODD,

Mr. MAHON with Mr. OTEY.

For this day:

Mr. HOPKINS with Mr. MEEKISON.

The result of the vote was then announced as above recorded.

STEAM ENGINEERING, ETC., DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of House bill 9693, to regulate steam engineering and the inspection of stationary steam engines and boilers in the District of Columbia.

The bill was read, as follows:

A bill (H. R. 9693) to regulate steam engineering and the inspection of stationary steam engines and boilers in the District of Columbia.

Be it enacted, etc., That the Commissioners of the District of Columbia shall, within thirty days after the approval of this act, appoint a person skilled in the mechanism and operation of stationary steam engines and boilers, in said District, who shall be styled inspector of stationary steam engines and boilers of the District of Columbia, and who shall hold office for three years and until his successor shall have been appointed and qualified, unless sooner removed by the Commissioners. Before entering upon the duties of his office said inspector shall execute a bond to the District of Columbia in the penalty of \$5,000, conditioned for the faithful performance of the duties of said office. The said inspector shall receive an annual salary of \$2,000; and the office of assistant inspector of stationary steam engines and boilers is hereby created, the incumbent of which shall be also skilled in the mechanism and operation of stationary steam engines and boilers, and be appointed by the Commissioners of the District of Columbia and paid an annual salary of \$900.

SEC. 2. That the inspector of stationary steam engines and boilers shall be a person of good moral character, and it shall be his duty to inspect all such steam boilers within the District at least once in every twelve months, and to condemn such as he may deem unsafe.

SEC. 3. That said inspector during his annual inspection shall make thorough examinations of all stationary boilers, and by proper and approved methods determine the amount of steam pressure per square inch at which they can safely be operated, and he shall also examine the feed pumps, gauges, cocks, and valves connected therewith, and by actual tests determine whether they are in proper working condition. A fee of \$5 shall be paid by the owner, lessee, or proprietor of each boiler inspected, to the collector of taxes of the District of Columbia, whereupon said inspector shall issue a certificate stating the amount of pressure per square inch the said boiler or boilers are allowed to carry. These certificates must be displayed in conspicuous places in the establishments where such boilers are used. The inspector shall keep a record of each boiler inspected, with the name of the owner or owners, and the amount of pressure per square inch which said boiler is allowed to carry, and shall transmit to the Commissioners of the District of Columbia annually a copy of said record, together with a statement of the number and location of boilers inspected and condemned by him.

SEC. 4. That it shall be unlawful for any person or persons to use a steam boiler before it has been inspected or after it has been condemned without having such boiler made safe, or to work any steam boiler at a pressure per square inch greater than that prescribed in the certificate of the inspector, or while the feed pumps, cocks, gauges, or valves of the same are not in proper working condition.

SEC. 5. That it shall be unlawful for any person to take charge or control of any stationary steam engine, steam boiler, steam pump, elevator plant, or any apparatus for generating steam without having a license to do so as provided in this act, which license must be exposed to view in a conspicuous place in the room or place containing the boiler, generator, or engine of which such person is in charge; and it shall also be unlawful for steam engineers of class 3 to operate steam boilers of a greater capacity than 25 horsepower, and it will be unlawful for steam engineers of class 2 to operate plants of greater capacity than 75 horsepower. All licenses heretofore issued shall continue in force until the holders thereof shall have been reexamined.

SEC. 6. That it shall be unlawful for any person or persons, partnership or association, company or corporation to employ or keep in their employ for the purpose of taking charge or control of any stationary steam engine, steam boiler, or other apparatus for generating steam, any stationary steam engineer or other person who has not been licensed as provided and required by this act: *Provided, however*, That boilers used for steam heating, where the water returns to the boiler without the use of a pump, inspirator, or injector, and which are worked automatically, shall be exempt from the provisions of this act.

SEC. 7. That licenses to operate steam engines and boilers in the District of Columbia shall be issued in three classes. Those issued under class 1 shall authorize the holders thereof to operate steam plants of unlimited capacity. Those issued under class 2 shall limit the holder to operation of plants not exceeding in capacity 75 horsepower. Those issued under class 3 shall limit the holders to the operation of plants not exceeding 25 horsepower.

SEC. 8. That all persons applying for such licenses shall be examined by a board of examiners composed of the inspector of stationary steam engines and boilers of the District of Columbia and two practical stationary steam engineers to be designated by the Commissioners of the District of Columbia.

Said examinations shall be conducted under such regulations as the said Commissioners shall from time to time prescribe. The members of said board of examiners, with the exception of the inspector of stationary steam engines and boilers, shall receive compensation for their services at the rate of \$300 per annum.

SEC. 9. That in order to be qualified to be examined for or to receive a license as steam engineer, the applicant must be a citizen of the United States, and shall not be under the age of 21 years. He must, on his first application for examination, fill out in his own handwriting a blank form of application prepared and prescribed by the board of examiners. This application shall contain the full name, age, and place of residence of the applicant, the place or places where he is or has been employed, and the nature of his employment for three years prior to the date of his application, and a statement that he is a citizen of the United States. The application must also contain a certificate signed by three reputable citizens of the District of Columbia, certifying that the statements made in said application are true.

SEC. 10. That after an engineer has worked one year under a license of the second or third class he may be again examined by the board of examiners, and if found competent to operate a steam plant of the next higher grade the said board may issue to him a license for that class. If it shall appear to the satisfaction of the board of examiners that an applicant for transfer lacks skill, is a person of bad habits, or is addicted to the use of intoxicating liquors, he shall not be transferred, and shall not be reexamined for the same until the expiration of one year.

SEC. 11. That whenever a stationary steam engineer shall accept or resign charge of a steam engine or boiler in the District of Columbia he shall notify the secretary of the board of examiners of steam engineers to that effect, not later than twenty-four hours after such event, giving the name of

his new employer and new location and the horsepower of the plant under his charge.

SEC. 12. That any licensed stationary steam engineer in the District of Columbia who shall be found under the influence of intoxicating liquors while on duty shall, for the first offense, have his license suspended for one year, and for a second offense he shall be forever debarred from engaging in the business of a stationary steam engineer in the District of Columbia.

SEC. 13. That members of the board of examiners of stationary steam engineers, upon exhibiting their badges, shall have the right to enter any building or premises containing apparatus for generating steam power. The secretary of said board is hereby authorized to administer oaths in the performance of his duties as such.

SEC. 14. That any person violating any of the provisions of this act shall be prosecuted in the police court in the name of the District of Columbia, and, upon conviction thereof, be fined not more than \$100, and in default of payment thereof be confined in the United States jail in the District of Columbia for a period of not less than sixty days.

SEC. 15. That a fee of \$3 must be paid by all applicants for examination under these regulations.

SEC. 16. That all acts and parts of acts inconsistent with this act are hereby repealed.

The amendments recommended by the committee were read, as follows:

In line 1, page 2, strike out the words "two thousand" and insert in lieu thereof the words "fifteen hundred."

Strike out the word "stationary," in line 21, all of lines 22 and 23, and the words "working at their trade," in line 24, and insert in lieu thereof the words "reputable citizens of the District of Columbia."

Strike out all of section 10 and change the numbers of sections 11, 12, 13, 14, 15, 16, and 17 so that they shall be numbered 10, 11, 12, 13, 14, 15, and 16, respectively.

Mr. DOCKERY. This bill, Mr. Speaker, is on the House Calendar, but it should be on the Union Calendar, inasmuch as it makes a charge on the Treasury; but I am quite willing, as far as I am concerned, that it may be considered in the House as in Committee of the Whole.

Mr. CURTIS of Iowa. It simply substitutes one plan for another.

Mr. DOCKERY. That makes no difference under the rule.

Mr. CURTIS of Iowa. It creates no new offices.

Mr. DOCKERY. I am quite willing it shall be considered in the House as in Committee of the Whole. I should like to ask how many offices the bill creates?

Mr. CURTIS of Iowa. I will say that the present law governing this subject provides for an inspector of steam boilers at no salary whatever. It provides that he shall accept a fee for examining the boilers, in lieu of the salary, of \$5 for each boiler, and out of this he pays his own expenses. Those fees for the last year amounted to about \$3,000. There is also provided an examining board consisting of three members. These are on an entirely different basis, and are each paid \$300 per annum.

Mr. DOCKERY. Does this bill change their salaries?

Mr. CURTIS of Iowa. No; it simply provides, in lieu of the present officers, one inspector, at a salary of \$1,500 a year; one assistant inspector, at \$900 a year, and two commissioners, who must be practical engineers, at a salary of \$300 each, making a total of \$3,000.

Mr. DOCKERY. In what part of the bill do you find the authority for the appointment of the commissioners?

Mr. CURTIS of Iowa. The authority for the appointment of the inspector and assistant inspector will be found in section 1. Then section 8 provides:

That all persons applying for such licenses shall be examined by a board of examiners composed of the inspector of stationary steam engines and boilers of the District of Columbia and two practical stationary steam engineers, to be designated by the Commissioners of the District of Columbia.

The salary of each of these engineers or commissioners will be \$300 per annum.

Mr. DOCKERY. Does this bill repeal the law now providing for a board of three engineers at a salary of \$300 each?

Mr. CURTIS of Iowa. It repeals that provision of the present law. I will say to the gentleman that the engineers of the District, through a competent committee, appeared before the Committee for the District of Columbia on two or three occasions to urge the passage of this bill. It has the unanimous support of the engineers of the District, I believe, and also of the Commissioners of the District.

Mr. DOCKERY. As I understand the theory of this bill, it proposes to create a board of examiners consisting of three members at a salary of \$300 each.

Mr. CURTIS of Iowa. An inspector, who is to be one of the examiners, and two commissioners, will constitute the examining board.

Mr. DOCKERY. So that there will be a board consisting of two officers at a salary of \$300 each and an inspector at a salary of \$1,500?

Mr. CURTIS of Iowa. Yes, sir.

Mr. DOCKERY. And then you have an assistant inspector at \$900 a year?

Mr. CURTIS of Iowa. Yes, sir.

Mr. BABCOCK. Making a total of \$3,000.

Mr. DOCKERY. The law now provides, I believe, for three engineers at a salary of \$300 each.

Mr. CURTIS of Iowa. That is true; but I will say to my friend from Missouri that the revenues derived from the inspection of boilers are to be covered into the District treasury. Heretofore the inspector accepted the fees for inspection in lieu of salary.

Mr. BABCOCK. The receipts of fees will more than cover the expenses.

Mr. DOCKERY. I am in sympathy with the theory of this bill because it proposes to cover the fees into the treasury and make a specific appropriation for salaries. I think that is the correct business way of dealing with matters of this kind.

I desire to ask the gentleman in charge of this bill whether the statute now creates these three officers at a salary of \$300 each, or do they simply exist under the authority of the District appropriation bill?

Mr. CURTIS of Iowa. I think the law provides for their appointment by the Commissioners.

Mr. COWHERD. As the statutes now stand they provide for the appointment of these officers by the Commissioners, but the \$900 paid to the board is provided for in the District appropriation bill.

Mr. DOCKERY. I am inclined to think that this bill is a very decided improvement on the present system. But the District of Columbia appropriation bill has already passed the House and the Senate and is now pending in conference. The particular provision of that bill appropriating \$900 for these three engineers is not in conference, having been agreed to by the Senate.

Mr. BABCOCK. Could not that matter be arranged by unanimous consent?

Mr. DOCKERY. Possibly it might.

While, as I have said, I think this bill a decided improvement over the existing law, I wish to ask the gentleman from Iowa whether he has examined the bill sufficiently to be certain that all fees received for boiler inspection will be covered into the Treasury?

Mr. CURTIS of Iowa. Yes, sir; the committee has framed the bill very carefully in that respect.

Mr. DOCKERY. We shall have to try to make some arrangement with reference to the appropriation for the board, for this bill does not carry an appropriation; and if it becomes a law, these salaries will have to be provided for in the deficiency bill.

Mr. CURTIS of Iowa. I ask for a vote on the amendments of the committee.

The amendments were agreed to.

Mr. COWHERD. There is a small amendment I desire to offer to correct what is probably a misprint. I move to strike out the word "less," in line 14, page 8, and insert "more." The bill now provides for a fine of "not more than \$100" or imprisonment for "not less than sixty days." I think it should read "not more than sixty days."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I am advised by the Committee on Military Affairs that they have one or two measures that are very important and that should be considered to-day. The Committee on the District of Columbia has still two bills that should be called up, and I will ask now unanimous consent that it may be in order to call up business reported from the Committee on the District of Columbia next Wednesday.

Mr. DALZELL. There is a special order for Wednesday.

Mr. BABCOCK. Well, Thursday.

Mr. SULZER. Just these two bills?

Mr. UNDERWOOD. I should like to know what the bills are that are to be called up from the Military Committee.

Mr. SULZER. I should like to ask what the bills are that are to be called up from the District Committee.

Mr. SMITH of Kentucky. Regular order!

The SPEAKER. The regular order is demanded.

BRIGHTWOOD RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (H. R. 10280) to require the Brightwood Railroad Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets.

The bill was read, as follows:

Be it enacted, etc., That the Brightwood Avenue Railroad Company of the District of Columbia be, and it is hereby, required, within one month from the passage of this act, to vacate that part of its road lying on Kenyon and Marshall streets, between Seventh and Fourteenth streets, in said District, and remove its tracks and poles therefrom: *Provided, however,* That said company shall have the right at any time within three years from the passage of this act to equip and operate said road with underground electric power, such as is now used by the Metropolitan Railroad Company. In case said company shall neglect or refuse to equip said road as aforesaid within said period of three years, then their right to do so shall stand as forfeited and their charter repealed as to said part of said road: *And provided further,* That in

case said railroad company shall refuse to remove its tracks and poles from said street within thirty days as aforesaid, then its charter to that part of said road shall stand forfeited and repealed from said date.

The Committee on the District of Columbia recommended the following amendments:

In title of bill strike out the word "Railroad" and insert in lieu thereof the word "Railway."

Page 1, line 3, strike out the words "Avenue Railroad" and insert in lieu thereof the word "Railway."

Page 1, line 9, strike out the words "three years" and insert in lieu thereof the words "one year."

Page 2, line 1, strike out the words "three years" and insert in lieu thereof the words "one year."

Page 2, line 7, add the following:

"And after the expiration of said thirty days said Brightwood Railway Company shall be liable to a fine of \$25 a day for each day its tracks, or any part thereof, or its poles, or any one of them, shall remain in said Kenyon or Marshall streets, said fine to be collected in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended so as to read as follows: "A bill to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets."

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

Mr. BABCOCK. Mr. Speaker, there is nothing further from the District Committee to-day.

STAFF APPOINTMENTS IN THE VOLUNTEER ARMY.

Mr. HULL. Mr. Speaker, I again ask unanimous consent for the present consideration of the bill (S. 4621) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898.

The bill was read, as follows:

Be it enacted, etc., That section 10 of an act of Congress entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, be, and the same is hereby, amended by adding at the end thereof the following, to-wit: "And provided, That officers of the Regular Army shall be eligible for such staff appointments, and shall not be held to vacate their offices in the Regular Army by accepting the same, but shall be entitled to receive only the pay and allowances of their staff rank."

Sec. 2. That section 13 of said act is amended so as to read as follows:

"That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and the President may appoint officers of the Regular Army in the grade of field officers in organizations of the Volunteer Army raised in the District of Columbia and the Indian Territory, and in the regiments possessing special qualifications, provided for in section 6 of an act of Congress approved April 22, 1898, and in section 2 of the act of Congress approved May 11, 1898; and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided,* That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time: *And provided further,* That officers so appointed shall be entitled to receive only the pay and allowances of their rank in the volunteer organization."

Mr. COX. Mr. Speaker—

The SPEAKER. Does the gentleman from Iowa [Mr. HULL] yield to the gentleman from Tennessee [Mr. Cox]?

Mr. HULL. I ask unanimous consent for the present consideration of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COX. Mr. Speaker, unless some time is granted, a short time for discussion—

Mr. HULL. I will grant time to the gentleman. I will yield to the gentleman such time as he thinks he may require to discuss the bill.

Mr. COX. I will not require much.

The SPEAKER. Is there objection?

Mr. COX. If the time is yielded to me, I will make no objection.

The SPEAKER. The Chair understands the gentleman from Iowa to state that he will yield whatever time the gentleman desires.

Mr. COX. Then I will make no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. HULL. Mr. Speaker, before yielding to the gentleman, I want to call the attention of the House to a provision of the section to be amended. It is in section 10 of the volunteer act, which provides that—

The staff officers herein authorized—

That is, applying to all of the staff officers for corps, division, and brigade commanders—

may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or the militia in the service of the United States.

That provision did not contain the proviso which is in section 11 and section 13 of the bill which provided for commissioning officers of the Regular Army as brigadier-generals or in volunteer

regiments, and providing further that they should retain their offices in the Regular Army while serving as volunteers. This has been called to the attention of the Military Committee by the Secretary of War in a letter transmitting the bill, both to the Senate and the House, on May 16. The Senate promptly passed the bill. Members may remember that in section 11 of the volunteer act the proviso was put in which provides for commissioning any officer of the Regular Army as a brigadier-general, and that any officer so selected and appointed from the Regular Army shall be entitled to retain his rank.

Section 13 provides for commissioning officers of the Regular Army by the governors of the States, with the consent of the President, as colonels or other field-officers of the volunteer regiments. The provision was put in that officers thus appointed shall be entitled to retain their rank in the Regular Army. This bill does not propose to change the law as to the appointment of the staff by the President of the United States in any particular, but does make it clear that an officer commissioned on the staff from the Regular Army shall retain his rank in the Regular Army and take it up again when his service on the volunteer staff shall cease.

Mr. TERRY. Right there I should like to ask the gentleman a question. Suppose a captain in the Regular Army is appointed a major or colonel of volunteers. Then does a first lieutenant in the Regular Army become a captain—

Mr. HULL. Not at all, because the officer appointed to volunteer rank does not vacate his office in the Regular Army. There is no vacancy created at all if we pass this amendment.

Mr. TERRY. What does the company in the Regular Army do for a captain?

Mr. HULL. Get along with the officers remaining.

Mr. TERRY. I wanted to see if the effect of the bill was what I have indicated.

Mr. HULL. Where the appointment is from the line, if a captain is appointed to a staff office on the volunteer corps, his office as captain is not made vacant, but it is the same as if he should be assigned or detailed now. An appointment which creates no vacancy makes no chance for promotion or for an additional officer in the Regular Army.

Mr. TERRY. I just wanted to ascertain if the bill would affect the kind of a case that I have referred to. I know of several instances of that kind—

Mr. HULL. It will not.

Mr. TERRY. Where captains and first lieutenants have been appointed majors and colonels.

Mr. HULL. It will not affect them.

Mr. TERRY. It would not affect that kind of a case?

Mr. HULL. No, sir.

Mr. McCLELLAN. Is it not a fact that this bill is to meet a rather technical objection raised by the Comptroller of the Treasury to the existing law?

Mr. HULL. Whether it is technical or not, it is a fact that the Comptroller of the Treasury holds that the law which provides that—

No person who holds an office the salary or annual compensation attached to which amounts to the sum of \$2,500 shall be appointed to hold any other office to which compensation is attached, unless specially heretofore or specially hereafter authorized thereto by law—

vacates the office in the Regular Army, and these officers of the Regular Army who have been appointed will not accept their appointments unless they are protected in their rights the same as other officers.

Mr. McCLELLAN. Does not the gentleman think the wording of the bill which states that the commission of the officer detailed to the Volunteer Army shall not be vacated covers completely the objection of the gentleman from Arkansas [Mr. TERRY]? The commission not having been vacated, no one can be appointed to fill the vacancy, and therefore no promotion can be made.

Mr. HULL. That is very clear. It makes no vacancies.

Mr. RIDGELY. Mr. Speaker—

Mr. HULL. Let us hear from our friend from Tennessee [Mr. Cox]. How much time does the gentleman from Tennessee want?

Mr. COX. Well, I want a reasonable time. That was granted to me by the agreement.

Mr. HULL. The gentleman stated to me that he thought ten minutes would be enough.

Mr. COX. I shall not take an unreasonable time. It was agreed that I should have a reasonable time.

Mr. HULL. I will suggest to the gentleman that some definite time should be yielded, even if the gentleman does not wish to use it all. I myself have not an unlimited time.

Mr. COX. I made the request that I should have a reasonable time, and the gentleman agreed to that.

Mr. HULL. I yield to the gentleman ten minutes, and if that is not sufficient I will yield to him more.

Mr. COX. Well, I am not limited by the gentleman under the agreement in this matter.

Mr. HULL. I think my friend is unreasonable in that, because he stated to me that ten minutes would be sufficient.

The SPEAKER. The Chair suggests that the gentleman was to have "a reasonable time."

Mr. COX. Whenever the Speaker thinks it is unreasonable I will be glad to sit down [laughter]; but I will not submit to the chairman of the committee in that respect.

The SPEAKER. The gentleman from Tennessee is recognized. Mr. COX. For a reasonable time.

Now, Mr. Speaker, the only desire I have in the world is to get this question squarely and fairly before the House. I am not disposed in the least to antagonize any of these questions that are called emergency measures, notwithstanding the emergency has got to be a little too emergent, in my conclusion about matters. It is emergent a little too much. Now, what is the proposition here? I have fought in that committee from the commencement of this war, and I have continued to do so up to the present, for the rights of the volunteers called out by the President.

I announced my convictions this way—that if you want an effective force of volunteers, let them select their officers, in whom they have confidence. I supposed the governors of the States, upon the recommendation of the men who had to do the fighting, would respect their wishes in regard to the matter. I adhered to that rule all through this contest, and I still adhere to it. In that I have not any antagonism against the Army, not that I fear the Army will not do its duty; but I know, and every man who has ever had any experience about it knows, that you can not fight volunteers under Regular Army officers like you can fight them under officers of their own selection, from their own homes, and their own surroundings.

Now, let me say that it grows out of this order of things: In a company you have in the captain and lieutenant, and even down to the sergeants and the corporals, men who have associations with their fellow-men, who have been gathered up about their own homes; so that they are not only responsible for doing their duty upon the field in their official capacity, but responsible at home for the way that they treat their men. I have known before, and believe to-day, that the best fighting force that ever marched in this country was when the men were led by their own neighbors, men selected by the soldiers who did the shooting. [Applause.]

I have never had any idea that any governor of a State would ignore the recommendations of the men who volunteered in the selection of their officers from their friends and their neighbors whom they chose to lead and control them. Now, here is the proposition: The volunteer bill, that was passed after a considerable contest, when it first reached the Committee on Military Affairs, before calling out the volunteers of the United States, made two propositions that were unknown before in this country. One of these was that the President of the United States had a right to call for volunteers from one State or two States or any State that he saw proper.

That was combated and destroyed in the committee. Not only that, but it provided that every commissioned officer in the volunteer service should be appointed by the President. That was combated and destroyed; and eventually in that bill we agreed, and that passed the House and the Senate, that when we come to the field officers, known as the colonel, lieutenant-colonel, and the major, then, upon the recommendation of the governor, an army officer might be selected—one to a regiment—but it was based upon the recommendation of the governor. That is the proposition that is in the bill and was submitted to.

Now, then, we come to the staff officers—and that is what this bill proposes. What did we do in the volunteer bill? What was it proposed that we should agree to? Here was a conflict again. Of course a brigadier-general could not be selected by a governor. That was too plain to be considered. The brigades might be made up of regiments from different States. So we left that to the President; but when we came to pass upon the State officers in the volunteer bill, what did we fix and what did we provide?

The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army.

Where do they come from? They come from volunteers—the men that volunteered.

Mr. McCLELLAN. Is there anything in the bill that specifies that?

Mr. COX. Wait a minute; just be right quiet and you will have no trouble to understand. The staff was provided for in the tenth section. Now, here is what followed:

Or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States.

Now, here were two classes that were to be appointed from. Officers of the Regular Army or officers of the volunteer service we authorized him to appoint from; and then we authorized him to assign others. Who could he assign? Gentlemen, let not the

words escape you, for we will see what is meant as we go on with the argument. He might assign from officers of the Regular Army, or he might assign from the volunteer service when these officers are selected, or he might assign from the militia of the States for these volunteers. Now, there were the two classes. Not "selected" or "appointed" from the the Regular Army, but assigned.

Now, what is the proposition? That is the volunteer bill. Now, let us read what this bill proposes to do. Before I leave that point allow me to suggest that it was plain and good, in my judgment, that if the President of the United States desired to assign an officer—not appoint him, but assign him—to a volunteer service, there could be no serious objection to it. But he could not appoint, and the volunteer bill absolutely cut it off and for the best reason in the world. We provided that he might assign officers from the Regular Army; and when he assigned a field officer, he had to confine himself to the recommendation of the governor of that State. That is what that volunteer bill provided. Now, what does your amendment propose to do? The proviso is all there is in it:

And officers of the Regular Army shall be eligible for such staff appointments, and shall not be held to vacate their offices in the Regular Army by accepting the same, but shall be entitled to receive only the pay and allowances of their staff rank.

Now, I believe in making plain the language; and if gentlemen disagree with me, that is all right. Here is a captain in the Regular Army, and the President of the United States, if this law is passed, appoints him—mark the words, "appoints him"—to a colonelcy of volunteers, and he takes his place. Now, then, he is a colonel of volunteers. There is a captain's place in the Regular Army with nobody to fill it, and yet that man goes into the service of the volunteers with the rank of colonel.

Mr. McCLELLAN. At the request of the governor of the State.

Mr. COX. Oh, no. The gentleman has got his head all wrong. [Laughter.] That is a field officer.

Mr. McCLELLAN. Is not the colonel of a regiment a field officer?

Mr. COX. Can not a colonel be a staff officer? I am speaking of staff officers. I will put it a major.

Mr. McCLELLAN. It is the same with the major. There is a difference between staff officers and line officers.

Mr. COX. I heard something about that forty years ago. [Laughter.]

Mr. McCLELLAN. The gentleman seems to have forgotten it.

Mr. COX. Well, I am talking about staff officers. I will not take a colonel for it seems to bother my friend from New York. I will take a captain in the Regular Army, and he is appointed by the President of the United States as a major of volunteers. Now, during the war he is ranked as a major; he draws the pay of a major. When the war ceases he goes back to his rank of captain in the Regular Army; to that I do not object. But here is the difficulty: You confer upon the President power under this bill to appoint all the staff officers from the Regular Army when the volunteer bill confines it alone to the field officers. That is the trouble.

Mr. OGDEN. When all the captains and lieutenants in the Regular Army are appointed to be majors, etc., who commands the companies in the Regular Army?

Mr. COX. I understand this bill and I will answer the question of my friend, which is a very sensible one.

Mr. OGDEN. That is all right; I am with you, Colonel, on this bill, and I want to know who will command these companies when their officers are taken away from them?

Mr. COX. You ask the President who will command them. I do not know. Here is a captain who has been appointed as a major of volunteers on a staff, and there is his company in the Regular Army left without a captain; and if he takes the first lieutenant of that company and makes him a lieutenant or a captain of volunteers, who fills his place as lieutenant?

A MEMBER. The second lieutenant.

Mr. COX. Then comes the second lieutenant, and then the sergeant is made a lieutenant, and while you do not create any new officers under this bill, you fill up the line of promotion from the bottom in the Regular Army. That is what this bill means.

Mr. BURKE. To the detriment of the volunteers.

Mr. COX. Yes; where are your volunteers? Every time you take a captain from the Regular Army and put him upon the staff, to that extent you displace the chances of the volunteer.

Mr. McCLELLAN. Does not the same objection hold good in taking a general officer from the Regular Army?

Mr. HAY. Does not the same objection you have made apply to the Volunteer Army as well as to the Regular Army? If you take all the staff from the Volunteer Army, who is going to command the companies and their regiments?

Mr. COX. The volunteers. Now let me put this case: Here is a brigadier-general selected and put over a regiment from Texas and a regiment from Louisiana that make up the brigade. The

President of the United States selects the brigadier-general; he puts him into the field in command of that brigade. Now, there are the boys in line from Louisiana and Texas, and instead of putting over them the officers of their selection whom they know and have been training with, he sends to West Point and puts upon the staff a captain of the Regular Army. Do you think the volunteers will appreciate that?

Mr. McCLELLAN. But you take a colonel from the Regular Army and make him a brigadier-general of volunteers, thus depriving the regulars of a colonel.

Mr. COX. Then all the other officers will be promoted.

Mr. McCLELLAN. Do you not object to that as much as to the staff assignment?

Mr. COX. Of course, the cases are totally different. Now let me follow out the suggestion of my friend from New York [Mr. McCLELLAN]. You take a colonel of the Regular Army and make him a brigadier-general and assign him to a command of volunteer troops. What do you do then in the Regular Army? You promote your lieutenant-colonel; you promote your major; you promote your senior captain; and so you go on down the line. That is the way the vacancies are filled.

Now, suppose you take a captain from the Regular Army and put him in command of volunteers, or, more properly speaking, on the staff. What do you do then?

Mr. McCLELLAN. Promote your first lieutenant.

Mr. COX. So you do in this case.

Mr. McCLELLAN. You temporarily put the first lieutenant in command of the company; you do not promote him.

Mr. COX. You take your captain and make him a major of volunteers.

Mr. McCLELLAN. An acting major.

Mr. COX. Oh, let us not quibble about words.

Mr. McCLELLAN. There is a difference between a major and an acting major.

Mr. COX. I will come to that point in a moment. You take your captain out of the Regular Army and make him a major of volunteers. Now, you necessarily promote the officers of that company to fill the different places. If you did not, your Regular Army would be disorganized.

Now, stop and think a moment. Here is an acting major. He is not an acting major under this bill; he is a regularly commissioned major.

Mr. McCLELLAN. Oh, no.

Mr. COX. Why, that is what the bill is for.

Mr. McCLELLAN. Oh, no.

Mr. COX. I am sure, with all respect to my friend, that he has not studied the bill carefully.

Now, here is a man with a commission as major of volunteers, and at the same time he is a captain in the Regular Army, for he has not lost his place there. Thus you have a man who is holding two offices.

Mr. RIDGELY. Which salary does he draw?

Mr. COX. He draws salary as a major of volunteers.

Mr. BLAND. Will the gentleman allow me a moment?

Mr. COX. Certainly.

Mr. BLAND. If I understand my friend, he claims that this bill will change the law so that officers now recommended by the governors will be appointed solely by the President, without such recommendation.

Mr. COX. I will make it plain what this bill means. Under the volunteer bill no field officer could be appointed except upon the recommendation of the governor. That is not a staff office at all. But now you propose to go a step further and authorize the President to appoint all the staff officers out of the Regular Army.

Mr. SMITH of Kentucky. Without the recommendation of the governor?

Mr. COX. The governor has no more to do with it than you have.

Mr. BLAND. Can the governor make such recommendation now? Does this bill change the law in that respect?

Mr. COX. Certainly. Under the present law the governor can recommend the appointment of a field officer from the Regular Army; but this bill authorizes appointments from the Regular Army, regardless of the recommendation of the governor, upon the staff.

Mr. BLAND. Then the gentleman holds that this does change the existing law?

Mr. COX. Beyond a doubt; and that is the ground of my opposition.

Mr. HAY. Will the gentleman yield to me for a question?

Mr. COX. With pleasure.

Mr. HAY. Is it not a fact that under one of the sections of what is known as the Volunteer Army bill the governor of any of the States can appoint one field officer himself? Is not that true?

Mr. COX. You have not stated the matter quite correctly.

Mr. HAY. Well, he can make the appointment from the Regular Army.

Mr. COX. The President can appoint one field officer—
A MEMBER. Assign him.
Mr. COX. From the Regular Army upon the recommendation of the governor.
Mr. HAY. Now, I ask my friend, does this bill change the law in that respect?

Mr. COX. Not as to the field officer.

Mr. HAY. Very well; that answers the question of the gentleman from Missouri [Mr. BLAND].

Mr. COX. No; it does not.

Mr. HAY. The gentleman from Missouri asked the gentleman from Tennessee whether this bill changed the law in regard to staff officers. Now, I would like my friend from Tennessee to read any section of the Volunteer Army bill which provides that staff officers shall be recommended by the governors of States.

Mr. COX. It does not so provide.

Mr. HAY. Very well; then this does not repeal the law; and that answers the question of the gentleman from Missouri.

Mr. BLAND. Now, if my friend—

Mr. COX. Wait a moment. I yielded to the gentleman from Virginia [Mr. HAY] for a question; but I have to answer an argument, and it will not take me long to do it.

I ask gentlemen to keep in mind the difference between a staff officer and a field officer. They are totally different. Field officers, in common acceptance of military law, are the brigadier-general, the colonel, the lieutenant-colonel, the major. But here is what the Volunteer Army bill said about the staff officers:

The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army.

If this provision stopped there, it would cover the whole case; it would go into the whole field of appointment. But he may "assign," in his discretion, from officers in the Regular Army, or he may assign from the Volunteer Army, or he may assign from the militia of the different States. Do you see the distinction made? It is as plain as it can be written. He may "appoint" in the Volunteer Army a certain set of staff officers, not from the Regular Army, but from civilians. Then he may "assign" from the Regular Army certain officers of the Regular Army. What does "assign" mean? Why, simply transferring from one duty to another. That is all.

The SPEAKER. The Chair is of the opinion that "a reasonable time" has been occupied. [Laughter.]

Mr. COX. For the first time in my life I have to dissent from the ruling of the Chair on time. I think it will take five minutes more to make it reasonable. [Laughter.]

The SPEAKER. The Chair will recognize the gentleman for five minutes more.

Mr. COX. I am very much obliged to the Chair, and I will not go beyond the five minutes.

Mr. SIMPSON. Will the gentleman from Tennessee—

The SPEAKER. The Chair grants the five minutes to the gentleman from Tennessee. [Laughter.]

Mr. COX. I will yield enough of my time to the gentleman from Kansas to allow him to ask a question.

Mr. SIMPSON. I want to ask the gentleman if, in his opinion, there is anything in this bill which will interfere with the promotion of such eminent generals and strategists as young General Blaine and young General Alger, and Astor and others?

Mr. COX. The gentleman has investigated that more than I have and he can answer it better than I can.

Now, in conclusion, permit me to say, if in the judgment of this House it does not interfere with the volunteer officers, I have no objection; but I see and you will see upon investigation that when you take these officers from the Regular Army and they hold their commissions in the Regular Army, though they may be colonels or lieutenant-colonels in the Volunteer Army, when the war is over they will still be majors and captains, and I think you will find a lot of promotions in the Regular Army that will make a surplus of officers that we shall have to dispose of after we reach them.

However, you may decide it. That is my judgment. I shall be content with your decision. I felt it my duty to bring these points before the House, for, much as I esteem the Regular Army, I will not, as far as I can help it, permit them to put their feet on the volunteers. [Applause.]

Mr. OGDEN. They are doing that right straight along.

Mr. COX. I am trying to prevent that.

Mr. HULL. Mr. Speaker, I desire to offer an amendment to the first section. If it provokes any discussion, I want the privilege of withdrawing it. I do it for the reason that in the organization of the Engineer Corps we provided for the appointment of three officers of the Regular Army to each regiment, but made no provision that they should retain their rank in the Regular Army, and they decline to accept commissions until that is fixed up. It is the same trouble we have had in regard to the staff.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of section 1 the following:

"Provided further, That officers of the Regular Army receiving commissions in regiments of engineers, or any other commissions in the Volunteer Army, shall not be held to vacate their offices in the Regular Army by accepting the same, but shall be entitled to receive only the pay and allowances of the volunteer rank while serving as such."

Mr. COX. Mr. Speaker, if the gentleman will just put in two words there we will settle this question. Let him provide there that they shall be appointed as provided by the volunteer bill. Then we shall have no trouble.

Mr. HULL. Mr. Speaker, that goes without saying, that they can not be appointed in any other way except under the volunteer bill.

Mr. COX. Then there is no harm in saying it.

Mr. DOCKERY. I would be glad if the gentleman would have that amendment reported again.

Mr. HULL. I have no objection to reporting it again.

The SPEAKER. In the absence of objection, the amendment will be again reported.

The amendment was again read.

Mr. BAILEY. I should like to ask the gentleman from Iowa [Mr. HULL] a question. As I understand it, this does not relate to the appointment of these officers at all, but merely enables them, having been appointed as already provided for, to hold their rank in the Regular Army, so that when the war is over and the volunteer forces are disbanded, they can go back to their old positions.

Mr. HULL. That is the entire purpose of the act; but I will say to my friend that in the staff matters the word "assign" was used in place of "appoint," and the President did appoint and the Senate confirmed; but there was no provision that they should retain their rank in the Regular Army, and all the staff appointments made in that way are now held up. This makes no additional office, gives no additional authority, but simply makes clear what we had supposed was clear before.

The amendment of Mr. HULL was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4372. An act concerning carriers engaged in interstate commerce and their employees; and

H. R. 9604. An act to grant a right of way to the village of Flandreau, S. Dak.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4206. An act extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896; and

S. 4607. An act providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FOSS, for one week, on account of important business.

To Mr. DAVEY, indefinitely, on account of death in his family.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. OVERSTREET, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of James C. Sweet, Fifty-fourth Congress, there being no adverse report thereon.

And then, on motion of Mr. HULL (at 5 o'clock and 26 minutes p.m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate of appropriations for the War Department for the first six months of the fiscal year ending June 30, 1899—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Chief of Engineers, together with the draft of a bill providing for a gradual increase in the number of officers of the Corps of Engineers—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief clerk of the Treasury

Department submitting an estimate of appropriation for the rent of premises No. 1705 New York avenue N.W., Washington, D. C.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with the papers in each case, the claims of Thomas Stewart, deceased, and John A. Goings, deceased, each arising under the act of July 4, 1864—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War recommending a credit in the accounts of Capt. W. L. Fisk—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency in the appropriation for Medical and Hospital Department—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 271) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic, reported the same without amendment, accompanied by a report (No. 1392); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COX, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 268) to print maps of Cuba, reported the same with amendment, accompanied by a report (No. 1393); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 967) to correct the war record of George W. McBride, reported the same with amendment, accompanied by a report (No. 1390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8119) granting an honorable discharge to John Dinsbeer, late second lieutenant in Company C, First Regiment of Missouri State Militia, reported the same with amendment, accompanied by a report (No. 1391); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8144) granting a pension to Robert S. Moorhead, reported the same with amendment, accompanied by a report (No. 1394); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2393) granting an increase of pension to Henry Hinckley, reported the same without amendment, accompanied by a report (No. 1395); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4568) granting a pension to Jacob Miller, reported the same without amendment, accompanied by a report (No. 1396); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4741) granting a pension to Lucy Nichols, reported the same with amendment, accompanied by a report (No. 1397); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9224) increasing the pension of David R. B. Harlan, reported the same with amendment, accompanied by a report (No. 1398); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Connecticut, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6076) to increase the pension of Thomas B. Hammond, reported the same with amendment, accompanied by a report (No. 1399); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9732) to enforce act of July 14, 1892, reported the same with amendment, accompanied by a report (No. 1400); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4269) granting a pension to Margerett Ferriter, reported the same without amendment, accompanied by a report (No. 1401); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4298) granting an increase of pension to Edward R. Young, reported the same with amendment, accompanied by a report (No. 1402); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1361) granting an increase of pension to John N. Landon, of Leavenworth, Kans., reported the same with amendment, accompanied by a report (No. 1403); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3506) granting a pension to Mary E. Kline, reported the same with amendment, accompanied by a report (No. 1404); which said bill and report were referred to the Private Calendar.

Mr. BELKNAP, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 873) to remove the charge of desertion against Edwin Higgins, reported the same with amendment, accompanied by a report (No. 1405); which said bill and report were referred to the Private Calendar.

Mr. COX, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9701) to remove the charge of desertion against W. A. Kilburn, reported the same without amendment, accompanied by a report (No. 1406); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5126) for the relief of William Andrews—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9261) for the relief of Charles M. Skippon—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

A bill (H. R. 7212) granting an increase of pension to Sarah B. Howe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10421) providing for a Second Assistant Secretary of War—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 10422) for the allotment of unallotted lands belonging to the Seneca and Quapaw Indians in Indian Territory—to the Committee on Indian Affairs.

By Mr. GRIFFIN: A bill (H. R. 10423) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army—to the Committee on Military Affairs.

By Mr. LYBRAND: A bill (H. R. 10425) extending franking privileges through the mails to officers and enlisted men in the Army and Navy of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARCE of Missouri: A bill (H. R. 10426) making provisions for increasing the naval establishment of the United States—to the Committee on Naval Affairs.

By Mr. PAYNE: A bill (H. R. 10427) to admit the steamship *Zealandia* to American register—to the Committee on the Merchant Marine and Fisheries.

By Mr. GIBSON: A bill (H. R. 10428) to codify the laws relating to pensions—to the Committee on Revision of the Laws.

By Mr. STOKES: A bill (H. R. 10429) relating to future contracts in agricultural products—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: A bill (H. R. 10430) to regulate the height of residences in the city of Washington—to the Committee on the District of Columbia.

By Mr. HUNTER (by request): A bill (H. R. 10452) to supply certain deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for other purposes—to the Committee on Appropriations.

By Mr. SMITH of Kentucky: A joint resolution (H. Res. 272) providing for the appointment of a committee to consider and report the propriety of establishing a home for disabled soldiers in the war with Spain—to the Committee on Military Affairs.

By Mr. ODELL: A resolution (House Res. No. 301) providing for the retention on the rolls of certain folders until the beginning of the second session Fifty-fifth Congress, in December, 1898—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARHAM: A bill (H. R. 10431) granting a pension to William J. Abbott—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 10432) for the relief of Harlan P. Ordendorff—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 10433) for the relief of the Forty-first Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 10434) for the relief of W. R. Austin & Co.—to the Committee on Claims.

By Mr. CALLAHAN: A bill (H. R. 10435) to remove the charge of desertion from the military record of Squire Worrell—to the Committee on Military Affairs.

Also, a bill (H. R. 10436) to remove the charge of desertion standing against the military record of William H. McKown—to the Committee on Military Affairs.

By Mr. CARMACK: A bill (H. R. 10437) for the relief of the estate of Mark M. Harwell, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10438) for the relief of Dunscomb, Stratton & McDavit, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 10439) for the relief of Margaret Young, of Warren County, Miss.—to the Committee on War Claims.

By Mr. COX: A bill (H. R. 10440) to remove charge of desertion standing against William M. Anderson—to the Committee on Military Affairs.

By Mr. DAVEY: A bill (H. R. 10441) for the relief of the estate of Joseph Brugire, deceased, late of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 10442) for the relief of estate of David Lanaux, deceased, late of St. Charles Parish, La.—to the Committee on War Claims.

By Mr. HANDY: A bill (H. R. 10443) for the relief of Mrs. A. McD. Morris—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 10444) increasing the pension of William H. Ballard—to the Committee on Invalid Pensions.

By Mr. MESICK: A bill (H. R. 10445) granting a pension to Mrs. Armina Mallory—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 10446) to increase the pension of Clara H. Daniels—to the Committee on Pensions.

By Mr. MOON: A bill (H. R. 10447) for the relief of C. W. Biese—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 10448) for the relief of estate of E. J. Penny, deceased, late of Baton Rouge, La.—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 10449) to remove the charge of desertion against Elias C. Phillips—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 10450) providing for the restoration to the Navy of James D. Crenshaw—to the Committee on Naval Affairs.

By Mr. TERRY: A bill (H. R. 10451) for the relief of James M. Wright, of Logan County, Ark.—to the Committee on War Claims.

By Mr. BABCOCK: A bill (H. R. 10453) granting an increase of pension to Franklin Snyder—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 10454) granting a pension to Mrs. Sallie Lowe—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 10455) granting a pension to Joseph F. Gracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10456) placing the name of J. J. Fugua on the roll of Company E, Thirty-third Kentucky Cavalry—to the Committee on Military Affairs.

By Mr. FARIS: A bill (H. R. 10457) to pension Sarah Carter, now Hastings—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Petition of the Acme Brewing Company, of Macon, Ga., praying for a commission of 7½ per cent on stamps

purchased from the Government—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Atlanta, Ga., favoring the passage of a bill to prevent the adulteration of food products—to the Committee on Agriculture.

Also, petition of the Dunlap Hardware Company, of Macon, Ga., protesting against taxing the gross receipts of corporations, as embodied in Senate amendments to House bill No. 10100—to the Committee on Ways and Means.

Also, petitions of the Swift Specific Company, of Atlanta, Ga.; W. T. Morgan, H. J. Lamar, W. H. Hatcher, T. P. Marshall, J. A. Polkhill, The Central City Drug Company, Sol. Hoge, and other druggists, of Macon, Ga., protesting against the tax on proprietary medicines in the proposed war-revenue bill—to the Committee on Ways and Means.

By Mr. BELL: Petition of the Denver Typographical Union, of Denver, Colo., protesting against the passage of the so-called anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Colorado Springs, Colo., for the passage of a bill to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. BOUTELLE of Maine: Petitions of Eldridge Bros. and others, D. C. O'Leary and others, all citizens of the State of Maine, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY: Petitions of George H. Werner and 19 others, the Wilson Company and 19 others, H. C. Fairchild and others, Lazarus Schwarz & Co. and others, J. M. Kirby and others, A. Popkin & Co. and others, Rainrez & Loeb Company and others, A. Blumenstock and others, G. N. Riverberg & Co. and others, Calamen & Blackledge and others, W. J. Meyer & Co. and others, Morris Jackman Flag Company and others, Edwin Scott and other citizens of the State of New York, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Protest of the New England Druggists' Union, against the war tax on drug stock on hand—to the Committee on Ways and Means.

By Mr. CURTIS of Kansas: Seven letters of citizens of the State of Kansas, protesting against the tax on proprietary medicines in the proposed war-revenue bill—to the Committee on Ways and Means.

By Mr. DAVISON of Kentucky: Petition of E. H. Burnside, of Garrard County, Ky., requesting reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. FOX: Petition of S. M. Cockrell and other citizens of Macon, Miss., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of Mrs. L. H. Thompson and the Woman's Christian Temperance Union of Irasburg, Vt., favoring the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Mrs. L. H. Thompson and the Woman's Christian Temperance Union of Irasburg, Vt., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union and Mrs. L. H. Thompson, of Irasburg, Vt., for the passage of a bill to forbid interstate transmission of lottery and other gambling matter by telegraph, and to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, protest of Cheney Bros., of Lyndonville, Vt., against the provision in House bill No. 10100, which requires the stamping of druggists' goods in stock—to the Committee on Ways and Means.

By Mr. HENDERSON: Petition of the Des Moines Homeopathic Medical Society, in favor of the bill to prevent discrimination against homeopathic physicians and surgeons in Army and Navy appointments—to the Committee on Naval Affairs.

By Mr. KLEBERG: Petition of citizens of Corpus Christi, Tex., to authorize the Interstate Commerce Commission to fix just and reasonable rates on freight carried by railways engaged in interstate commerce, with power to enforce such rates and make them effective—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Papers to accompany House bill for the relief of C. W. Biese—to the Committee on Military Affairs.

By Mr. OTEY: Petition of Ed Poethlein, J. G. Cannon, and E. C. Hamner, committee of the Pharmaceutical Association of Virginia, protesting against the stamp tax on proprietary articles—to the Committee on Ways and Means.

Also, petition of Joseph F. Gordon, protesting against a tax on theaters—to the Committee on Ways and Means.

By Mr. POWERS: Petition of citizens of Dorset, Vt., praying for the passage of House bill donating cannon and balls to the Dorset Soldiers' Home Free Public Library—to the Committee on Military Affairs.

By Mr. RICHARDSON: Papers relating to the claim of Isaac Morron, of Bartow County, Ga.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petitions of Deems & Raheer, of Laud, Ind., and E. J. Mowry, of Columbia City, Ind., protesting against a war tax on drug stocks on hand—to the Committee on Ways and Means.

Also, petition of the Epworth League of Wawaka, Ind., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. RUSSELL: Petition of druggists of Willimantic, Conn., against stamping druggists' goods in stock—to the Committee on Ways and Means.

By Mr. SIMS: Petition of Elias C. Phillips, late private in Company B, Sixth Regiment of Tennessee Infantry Volunteers, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. SLAYDEN: Papers to accompany House bill for the restoration of James D. Crenshaw to the Navy—to the Committee on Naval Affairs.

By Mr. SNOVER: Petitions of J. S. Crosby, Putnam Candy Company, W. R. Shelby, L. H. Withey, Stickley Bros. Company, William Judson, all of Grand Rapids, Mich.; H. G. Barnum and W. Canham, of Port Huron; Farrand & Votey Organ Company, J. L. Hudson, and Newcomb, Endicott & Co., of Detroit, Mich.; T. N. Dawson, of Marlette, Mich., and G. J. McClintock, of Laingsburg, Mich., in favor of the Indianapolis monetary commission bill and the maintenance of the gold standard—to the Committee on Banking and Currency.

Also, petition of the Michigan State Pharmaceutical Association, of Cadillac, and George J. Ward and other druggists of St. Clair, all in the State of Michigan, protesting against certain provisions in the pending war-revenue bill—to the Committee on Ways and Means.

By Mr. STARK: Resolutions of Division No. 246, Order of Railway Conductors, of Wymore, Nebr., in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of P. C. Coleman and other citizens of Colorado, Tex., protesting against the clause in House bill No. 10100 imposing a tax on medicines in stock—to the Committee on Ways and Means.

By Mr. TONGUE: Petitions of Trinity Episcopal Church, Baptist Church, First Congregational Church, and Methodist Episcopal Church, of Ashland, Oreg., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WISE: Petition of the Military Association of the City of Norfolk, Va., urging the improvement of the Norfolk Navy-Yard—to the Committee on Naval Affairs.

SENATE.

TUESDAY, May 24, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

THE CRIMINAL INSANE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a report on the criminal insane in the United States and in foreign countries, prepared under the authority of the Department by Hon. Samuel J. Barrows, commissioner of the United States to the International Prison Congress; which, with the accompanying papers, was referred to the Committee on Education and Labor, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial adopted by the Nebraska Half-Year Meeting of the Society of Friends, of Lincoln, Nebr., remonstrating against the approval of the practice of privateering in war; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Alexander Gilmer, of Orange, Tex., praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

He also presented the petition of L. J. Storey, railroad commissioner of the State of Texas, praying for the adoption of certain

amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a memorial of the Van Camp Hardware and Iron Company, of Indianapolis, Ind., remonstrating against the adoption of the proposed tax of one-fourth of 1 per cent on the gross receipts of corporations; which was ordered to lie on the table.

He also presented a petition of the Dr. Miles Medical Company, of Elkhart, Ind., praying that a fair distribution of the burden of taxation with respect to proprietary medicines, etc., be made; which was ordered to lie on the table.

He also presented a petition of the Epworth League of Wawaka, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Henry Fahy and 31 other citizens of Indiana, praying for the enactment of legislation to prevent the sale of adulterated food products as pure food; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of T. C. Todd and 19 other citizens of Indiana and the petition of Hiram Farmer and 22 other citizens of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of George W. Swift and 30 other citizens, of William Robbins and 25 other citizens, of Joseph H. Bailey and sundry other citizens, of G. W. Pellett and 39 other citizens, and of Thomas Lyskowski and 35 other citizens, all of the State of Indiana, praying for the enactment of legislation to secure to the people of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of sundry citizens of Collierville, Tenn., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. JONES of Arkansas presented a memorial of sundry druggists of Arkansas, remonstrating against the adoption of the provision in the war-revenue bill requiring the immediate stamping of proprietary medicines in stock; which was ordered to lie on the table.

Mr. ALLEN presented a memorial of District Assembly No. 40, Knights of Labor, of New York City, remonstrating against the adoption of the proposed bond provision in the war-revenue bill; which was ordered to lie on the table.

Mr. HALE presented the memorial of J. H. Wiggin and sundry other retail druggists of Rockland, Me., remonstrating against the adoption of the provision in the war-revenue bill requiring the immediate stamping of proprietary medicines in stock; which was ordered to lie on the table.

He also presented the memorial of F. B. Hubbard and 13 other citizens of Maine, remonstrating against the passage of the so-called anti-scalping ticket bill or any similar measure; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 564) granting a pension to Mary J. C. Throop, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 717) granting an increase of pension to Eva W. Brannan, widow of the late Maj. Gen. John Milton Brannan, United States Army;

A bill (S. 4575) granting an increase of pension to John McVicar;

A bill (S. 3911) pensioning H. C. Bedell, Company A, One hundred and ninety-first New York Volunteers;

A bill (S. 1774) granting a pension to Mrs. Henrietta Cummins;

A bill (S. 4147) granting an increase of pension to R. W. Haywood; and

A bill (H. R. 8861) granting an increase of pension to George H. Givens.

Mr. VEST, from the Committee on Public Health and National Quarantine, to whom was referred the joint resolution (S. R. 164) preventing discrimination against graduates of legally chartered medical colleges in appointments to the Medical Corps in the Army, Navy, and Marine-Hospital Service of the United States, reported it with amendments, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 1483) granting a pension to Henry Murray, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the

bill (S. 369) granting a pension to James Ballard, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1797) granting an increase of pension to John A. Hughes, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 4202) for the relief of Mary E. McDonald, widow of Marshall McDonald, and Stephen C. Brown, reported it with an amendment, and submitted a report thereon.

PAY OF STENOGRAPHER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE April 28, 1898, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report hearings before the Committee on Naval Affairs relative to armor and dry docks be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. TURLEY introduced a bill (S. 4646) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 4647) to widen, deepen, and improve the channel of Elizabeth River, Virginia, from Hampton Roads to the Norfolk Navy-Yard; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. QUAY introduced a bill (S. 4648) granting a pension to Henry Tinkelpaugh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

COMPENSATION OF POSTMASTERS.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 372, offered by the Senator from Nebraska [Mr. ALLEN] and laid over from yesterday.

Mr. ALLISON. I ask the Senator from Nebraska to allow the resolution to go over another day. I have not had time to examine it.

Mr. ALLEN. Very well.

The VICE-PRESIDENT. Without objection, the resolution will be laid over until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed with an amendment the bill (S. 4621) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1896; in which it requested the concurrence of the Senate.

The message also announced that the House had passed with amendments the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company;

A bill (H. R. 9693) to regulate steam engineering and the inspection of stationary steam engines and boilers in the District of Columbia;

A bill (H. R. 10106) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes;

A bill (H. R. 10278) imposing a license tax upon proprietors of merry-go-rounds or other like mechanical devices operated or exhibited for purposes of public amusement for gain, and for other purposes, in the District of Columbia;

A bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets; and

A bill (H. R. 10294) relative to the control of wharf property and certain public spaces in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 4607) providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes;

A bill (S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896;

A bill (H. R. 4372) concerning carriers engaged in interstate commerce and their employees; and

A bill (H. R. 9604) to grant a right of way to the village of Flandreau, S. Dak.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of House bill 10100.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Louisiana [Mr. McENERY] to the amendment of the committee numbered 177.

Mr. PLATT of Connecticut. Let the amendment to the amendment be read.

The SECRETARY. It is proposed to amend the committee amendment by inserting after the word "shareholders," in line 21, on page 62:

Limited liability commercial partnerships, or corporations, and companies or corporations of limited liability conducting planting or farming business, or preparing for market products of the soil.

Mr. McENERY. I ask for the adoption of the amendment.

Mr. ALLEN. I should like to ask the Senator from Louisiana if the amendment is calculated to exempt the sugar corporations from taxation. I am in hearty sympathy with its general purpose, as I gather it, but I do not think the large sugar corporations should be exempt from a reasonable tax. I am inclined to believe that the language is broad enough to make such an exemption.

Mr. DANIEL. I would beg to inquire of the author of the amendment what is meant by "corporations of limited liability?"

Mr. McENERY. It exempts sugar estates just as any other farming interests are exempted. There are in Louisiana certain sugar plantations owned by several parties where the planting business is carried on and sugar is produced and prepared for market on plantations conducted under limited liability corporations. The same applies to cotton plantations. It would be unjust to tax one plantation conducted under a limited liability corporation, doing exactly the same business that is done by another, and exempt the latter. The only reason why they adopt the corporate form is in order to prevent the cessation of the business by the death of one of the partners, so that the business can be conducted and continuously operated. The same rule applies as to commercial partnerships. We all know that those limited corporations are organized for the purpose of convenience in the settlement of estates. Where a man in a commercial partnership organized as a corporation dies it is continued and the interest of the partner is kept alive.

Mr. DANIEL. I beg to ask the Senator from Louisiana what is meant by a "corporation of limited liability?"

Mr. McENERY. It limits the liability of the members of the corporation or company to the amount that is invested in the concern.

Mr. DANIEL. It seems to me that the feature of a corporation of limited liability under the interpretation the Senator from Louisiana gives to the matter would exist in all corporations. But there is a limit to exemptions sought in his contemplated amendment by the nature of the occupation that the corporations are engaged in. They are those "conducting planting or farming business, or preparing for market products of the soil."

It appears to me that the provisions of the bill have gone as far for protecting agriculture as it ought to go in justice to other occupations, for it has provided an exemption for those corporations which buy and sell raw or unmanufactured domestic agricultural products. There was a certain equity in that provision in view of the fact that in the very nature of the case, whatever might be the desire of lawmakers, the agricultural products of this country can not share in the benefits of a protective tariff. They are obliged to find their market in foreign countries, and the price here is largely regulated by the prices which they must find there in competition with the pauper labor of other countries of which we have heard so much. As they can not share in any degree of protection which is granted by the customs tax, it was thought that those who were dealing with the mere raw product might perhaps properly be exempt.

For myself, Mr. President, I think that the whole policy of exemption is a bad one. I think equality before the law is the great principle that should be followed. When we commence to exempt, it is almost impossible to tell where to draw a line that would be equitable. However that may be, it seems to me, sir, that the bill as it stands has gone as far as is reasonable and proper.

Mr. FRYE. Mr. President, I think that the bill has gone a good deal further than is reasonable and proper. My judgment is that this section imposing a tax upon corporations ought to be entitled "A bill for the encouragement of enlistments in the United

States Army," for I fully believe that if it becomes a law there will be a million men in the United States out of work or with wages so reduced that they would prefer service in the United States Army to service in manufacturing corporations.

Now, let me illustrate. Take the cotton manufacturers of New England. Their gross receipts are large. Their profits for four years, as a rule, have been nothing. I live in a cotton-manufacturing city, and I know whereof I affirm. I know that one of the largest and finest cotton factories in the United States of America has not paid a dividend for four years, and has simply been run for the purpose of keeping its employees in labor and not turning them out upon the public streets.

In my city those corporations are taxed by the municipality on an assessment larger than it would cost to replace the plant spindle by spindle to-day. Every dollar of the property is taxed by the municipality. Then the Commonwealth of Massachusetts provides by law that all stocks shall be taxed and compels returns to be made to the State. All the stocks in those mills in my State are owned in Boston, and there comes another tax upon the corporations, the full value of the stock. If you impose in these times the additional tax provided for by the bill on the gross receipts of those companies, they would inevitably shut down, or they would again reduce wages to the laborers, and that would be followed by terrible strikes, as it was followed by them six months ago. The weight, the burden, will fall upon the men and women who work in the mills, and not upon the stockholders of the mills.

Now, take another form of corporation—

Mr. DANIEL. Do not these corporations in the United States propose to pay anything to carry on the war proper? Has everything got to be put on the workingmen?

Mr. FRYE. If this tax is imposed, it will fall upon the workingmen, because the mills must either stop or else they must reduce wages. They did reduce wages, the Senator remembers, six months ago, and that was followed by terrible strikes all over New England. But the workmen were compelled to submit.

Mr. DANIEL. Does the Senator propose that corporations shall pay nothing to carry on the war?

Mr. FRYE. I am selecting certain corporations to illustrate what the effect of this tax will be.

Mr. DANIEL. I ask the Senator what corporations he thinks should be taxed to carry on the war?

Mr. FRYE. I think very likely certain railroad corporations of the country could pay on the gross receipts. There are some in my own section of the country who could, while in other sections of the country they could not.

Mr. DANIEL. How can we discriminate between those who are badly off and those that are not any more than we can discriminate between individuals?

Mr. FRYE. By striking them all out, as they ought to be stricken out from this bill.

Mr. DANIEL. Do you propose to strike out the tax levied on poor people, too?

Mr. FRYE. I call the attention of the Senator from Virginia to another thing. I do not believe that Senators living in the South understand at all what a savings-bank corporation is in New England. I do not believe they appreciate the savings bank of New England. It is a purely benevolent institution. Not a share of stock is issued by any New England savings institution. They were inaugurated originally for the purpose of inspiring workingmen with a spirit of saving. The directors were selected from men in the vicinity, of high character for integrity and sagacity in business, so that the workingmen might have confidence in them. The result has turned out to be what was expected. Those workingmen are saving their money. It is in those banks, and every single dollar that is earned in those banks is paid out to the depositors who put the money in them, barring a small salary paid to the cashier.

There is not a director in New England who receives a cent for his service. There are very few presidents in New England who receive any salary whatever. Taking the largest corporation in my city, the Androscoggin Savings Bank, the entire salaries in that immense bank will not amount to \$3,000 a year. Every single dollar that is made goes to the depositors, and nearly all of the depositors are men and women who work in our mills.

Why should this bill impose a tax upon those depositors? They do not get more than 3 or 4 per cent a year for their money. When they save a little money, they buy a lot of land and undertake to build a house. Then the bank turns around and loans at a low rate of interest the money with which to build that house.

Mr. MORGAN. Does the State tax those corporations?

Mr. FRYE. The State taxes those corporations to a very small extent.

Mr. DANIEL. Will the Senator from Maine kindly tell us some of the industries or sources of wealth which he thinks should be taxed?

Mr. FRYE. I am not talking about what should be taxed; I

am talking about what should not be taxed. I want to call the Senator's attention to another thing.

Take the transportation companies on the water. Anyone who knows anything about the rate of transportation for freight on the water to-day knows that it is at the very lowest possible figure, and that no vessel to-day can engage in the transportation of freight unless she be of 1,500 tons burden and upward; that your small vessels can not carry at a profit at all, and that they are dividing no profits. You may take the entire lake transportation service to-day and the small vessels are paying no dividends to their stockholders. I do not believe a company can be found that is. The vessels are from 2,000 tons up to 6,000 tons, and by carrying immense freights they manage to save a little money. If you impose this tax upon those transportation companies, either those freights must go up or else those corporations must stop running their ships.

Now, take another thing. I had a letter yesterday from a distinguished gentleman in Portland, Me. He is a man of sense, too, for his postscript is, "This calls for no reply." I wish I could see that oftener in my letters nowadays. This is in relation to mutual insurance companies, and the writer says:

1. In all cases other than those of life-insurance policies the amount of the stamp is based upon value, except when a small stamp is used for all values. The stamp on policies is based upon the amount of the policy instead of its value, and the result is that the tax on them is a many times greater per cent of the value than the tax upon any other instrument.

2. Again, in the case of purely mutual companies like the Union Mutual—

That is a company in my State—

the tax comes not upon the company, but upon the policy holders, the vast majority of whom are poor and having all they can do to live and pay their premiums. Such companies use all their profits in the reduction of premiums. There are, of course, stock companies in which a part of the profits is paid in dividends—and sometimes very large ones—to the stockholders, but in purely mutual companies what are called profits, but what in reality are only the difference between the estimated cost of insurance and the actual cost, are returned to the policy holders.

So that, taking the high price of the stamp and the financial ability of the policy holders together, this bill imposes the highest, and very much the highest, tax upon the class in the community least able to pay it. The tax is actually from 3 to 5 per cent of the value of the policy to the holder, according to the age at which it is taken out, and highest on the younger men.

Mr. President, I did not desire to detain the Senate. I simply say that in my judgment this section is a section to encourage enlistments in the United States Army.

Mr. PLATT of Connecticut. Mr. President, if I did not consider that the feature of the bill now under consideration was so unnecessary, so unjust, and indeed so unconstitutional, I would not occupy the time of the Senate for a moment in discussing it, and I shall not attempt any elaborate discussion of it now.

I regret, Mr. President, that there is to be any division in the Senate upon a measure of this kind. I regret that there is to be any division between the Senate and the House of Representatives upon a measure of this kind. I regret that the passage of this bill, which is necessary to arm the Government with financial strength to meet the emergency and carry on the war, should be delayed by discussion.

I said that in my opinion this feature of the bill, this tax upon corporations, was unnecessary, unjust, unconstitutional. It is unnecessary because the bill will raise revenue enough without it. All the revenue that we ought to raise during the next fiscal year will be secured by the bill if this amendment shall be eliminated.

I listened to remarks made by Senators yesterday which seemed to imply that no matter how great the necessities of the Government might be, no matter how great the expenditures, ordinary and extraordinary, of the war might be, under no circumstances was it justifiable to issue interest-bearing bonds; that the whole expenses should be met either by taxation upon the people and the business of the country or by the issue of paper money.

I do not stop to discuss that feature of the bill this morning, but merely to say that I think it entirely proper when we are in war, when the expenditures of the Government are abnormally swelled, to distribute the burden of war and the carrying it on over a period of years. I have never heard until the present discussion in the Senate of any other method of carrying on a war. Additional taxes, to be sure, but not such as to be unduly burdensome upon the people and business of the country; then a resort to credit.

Mr. President, as the bill came from the House I believe it would raise all the money by taxation that the people and business of the present ought to bear. I believe that when we levy and collect, in addition to the regular revenues of the country, \$100,000,000 in one year from the people and from the business and occupations of the country, that is quite enough to burden the people and the business of the country with.

I would have been quite content to have rested there. I think that the bill as it came from the House would have raised much more revenue than was estimated by the committee that framed it. I believe that instead of yielding \$100,000,000 of revenue for the next fiscal year it would have yielded from \$115,000,000 to \$120,000,000. I believe that the extreme caution of the chairman of the Committee on Ways and Means made him underestimate

the amount of money which was to be raised by the bill as it came from the House of Representatives. Indeed, some other members of the committee aside from the chairman gave their individual estimate in speeches that it would raise from \$110,000,000 to \$115,000,000.

I do not believe that any of us know how great has been the increase in those industries and in the business which is subject to taxation in this bill. The check stamp tax in 1864-65 and at that period yielded only \$2,500,000. I believe that that tax itself will raise three times the amount now that it did then. I shall be very much surprised if it does not raise four times the amount that it did then. I believe there are four times as many checks drawn now as then. I think that is a safe estimate and within the probabilities; and that holds true with reference to every article subject to the stamp tax. So I believe that the bill as it came from the House would have raised all the money that the people of this country should be required to pay during the next year in addition to the burdens which are imposed upon them by ordinary taxation.

I think that the term of the bonds proposed by the House was eminently fair. If we can distribute the burdens of this war over ten years, that seems to me to be a fair proposition. We ought not to put it all on one year or two years or three years. Ten years is a fair period over which to distribute the burdens.

But, Mr. President, the bill as reported by the Finance Committee of the Senate before we reached the clause which is now under discussion, called the corporation tax, has added very greatly to the amount which would have been derived from it as it came from the House. I think that the estimate which the Senator from Iowa in charge of the bill made in his opening statement, that it would yield \$115,000,000 at least before we come to this corporation tax, far within the probabilities of the case. As to one single item, if, as the committee hopes, it reaches speculative transactions in stock, wheat, cotton, and futures of all descriptions, the amount of money to be derived from that has not yet been estimated up to its amount.

But I shall not stop now to dwell upon the features of the bill. I think it yields before it comes to this corporation tax too much money—more money than ought to be imposed upon the people of this country in one year.

Mr. President, at the foundation of our ability to carry on a war are the industries of this country; and whenever you put an unnecessary and too great burden upon the industries of the country you take from the ability of the country to carry the war forward to a successful conclusion.

The Senator from Maine [Mr. FRYE] has just told what a burden this corporation tax would be upon the industries of his State. It is all very well to say that we should pay as we go. We ought to pay for this war. The people are ready and willing to pay for it. But there is a limit. If you go beyond that limit, you weaken and cripple the ability of the country to carry on the war. It is for that reason that there should be no attempt made to impose too large a burden of taxation upon the people, even though we are engaged in the war and are subject to these extraordinary expenses.

Mr. President, this corporation tax is unjust as well as unnecessary. It is unjust for many reasons. It is unjust because it discriminates between persons carrying on the same class of business. As was well said this morning by the Senator from Louisiana [Mr. McENERY], a corporation formed for the purpose of making sugar is taxed one-fourth of 1 per cent upon its gross receipts, while right along by it is another plantation which has no tax upon its gross receipts because it is carried on by individuals; and the illustration made by the Senator from Louisiana runs all through the bill.

Corporations, Mr. President, have become, to a great extent in this country, cooperative societies and nothing more. When you put a tax upon all corporations, large and small, railroad, banking, express, and the like, and at the same time trading corporations, small manufacturing corporations, corporations engaged in agricultural pursuits, you put a tax upon the cooperative energy of the people of this country. That is what the word "corporation" means—cooperation.

Now, referring to my own State, I have not the exact figures here, but I venture from what I know of corporations in the State of Connecticut to say that the average capital of the corporations in that State does not exceed \$20,000.

Mr. BACON. I should like to ask the Senator from Connecticut if the word "corporations" does not come from the Latin word which means "body" rather than from the word "cooperation?"

Mr. PLATT of Connecticut. I am not going to stop about the etymological derivation of the word. If I am wrong about it, it is a very good suggestion anyway, because more than one-half in number of the corporations of this country are but cooperative associations in which men who are able to carry on business and who have small capital have joined their capital; in which mechanics who are skilled are stockholders in manufacturing cor-

porations; in which clerks who are skilled are stockholders in trading corporations.

I do not wish this to be overlooked, Mr. President. I understand the feeling of the present day with regard to great corporations and a desire in some way or other to get at them and to prevent their making money in the way they do. But when we come to lay a tax upon all corporations let it not be forgotten that of the corporations in this country more than one-half in number are small, made up of persons who are putting their skill and energy together just as much as they are their capital, whose capital is indeed to a large extent their skill and energy, and that when you are seeking to lay your hand heavily upon corporations because it is believed that some corporations have grown wealthy and conduct business in a way which is not sanctioned by the common judgment of mankind you are at the same time laying a heavy hand upon these most beneficent corporations.

The Senator from Iowa [Mr. ALLISON] in his opening statement said there were at least 500 corporation creameries in the State of Iowa. I do not know how many there are in New England.

Mr. GALLINGER. New England is full of them.

Mr. PLATT of Connecticut. But New England is full of them. I only speak of this as instancing the kinds of corporations which are swept in to be heavily taxed by this provision. When I get along a little further, I think I shall show that you can not discriminate between people carrying on the same class of business by calling them in one instance a corporation and in another a firm.

Mr. ALLEN. Will the Senator submit to an interruption for just a moment?

Mr. PLATT of Connecticut. Certainly.

Mr. ALLEN. Would the Senator have this tax taken off entirely or simply extended to all persons engaged in the same class of business?

Mr. PLATT of Connecticut. That would make it a business tax. I am not prepared to say that, if the scheme of this bill had been different, I would not have been in favor of raising all the money we want practically, or a large portion of it, by a small tax upon the occupations of the country; but the scheme of the bill is different and we can not do that now. We raise money enough before we come to that.

Mr. ALLEN. I agree thoroughly with the Senator, if he will permit me to say so, that the tax should extend to all persons and associations engaged in the same character of business. I do not believe in taking the tax off; I believe in putting it on all persons engaged in like business, so that there may be exact equality.

Mr. PLATT of Connecticut. I have not really reached that portion of the argument. But the tax is unjust because it discriminates between persons carrying on the same character of business. A corporation is as much a person as is an individual, and the Supreme Court has said that you can not make that discrimination, which I shall come to by and by.

There is no reason why sugar planters whose partners have organized as a corporation should be taxed one-fourth of 1 per cent upon their gross receipts and the partnership which is not organized as a corporation should not. It is unjust.

In this connection I want to read—I am not going to read very much—what Judge Cooley says about the injustice of such taxation:

A tax on a corporate franchise may or may not be just or politic. If the business is one of which corporations have a monopoly, a tax on their franchise, however heavy, would not be burdensome, because the result would only be to add to the cost of whatever the corporations supplied to the public, so that the tax would really be paid by the community at large. If, on the other hand, the business is one open to free competition between corporations and individuals, and in respect to which corporation would enjoy no especial privileges or advantages, a tax upon the privilege of conducting the business under a corporate organization would be wholly unreasonable and unjust, because it would give individuals and partnerships an advantage in the competition; and their competition, keeping down prices, would prevent corporations from indirectly collecting any portion of the tax from the public, and leave them to bear the whole burden of a demand which, under such circumstances, must prove ruinous.

It would seem, Mr. President, as if Judge Cooley had anticipated that at some time in the history of the nation it might be attempted to lay just such a tax as is here proposed.

Mr. TELLER. I should like to suggest, if the Senator will allow me, that he probably referred to a tax we had in this country at that time.

Mr. PLATT of Connecticut. We never had any such tax in this country.

Mr. TELLER. We did have.

Mr. PLATT of Connecticut. This is the first time in our history when anybody has thought the United States Congress had the power to lay a tax upon corporations as corporations; and the Senator from Virginia [Mr. DANIEL] and the Senators who propose this tax industriously disclaim that it is a tax upon gross receipts or upon business, and contend that it is a tax upon corporations—a special annual excise tax on corporations. It is the first time it has ever been tried in the history of this Government.

Mr. President, such a tax is unjust for a variety of other reasons. One is because it operates unequally upon the corporations themselves. The way in which it is measured makes it operate

unequally and makes it an unequal tax upon corporations. Bearing in mind now that the theory upon which this tax is proposed is that it is a tax upon the corporation because it is a corporation, the tax ought still to be equal; and this method of measuring it is extremely unequal and unjust. It depends upon the amount of the sales of a corporation how heavy the tax is to be upon it. It is a tax upon a corporation, upon the privilege, upon the franchise of the corporation, and in which the tax is tenfold more upon one corporation than upon another, according to the capital employed; yes, thirtyfold. Is that just?

To get away from the difficulty of taxing gross receipts, which the authors of this provision felt might be obnoxious to the decision in the income-tax case, they attempt to tax the franchise of the corporation, or to tax a corporation because it is a corporation. One corporation does not sell of goods the amount of its capital stock in a year, so that its gross receipts are less than the amount of its capital stock. In case they are just equal to the amount of capital, the tax upon that corporation will be one-fourth of 1 per cent upon its capital; but another corporation may sell ten, twenty, thirty times the amount of its capital stock, and consequently the tax upon the amount of the capital invested in the business as measured by that would be ten, twenty, or thirty times as great upon the one corporation as upon the other.

I want to give an illustration. I know a young man, and I knew his father. His father was a fruit merchant. The young man grew up in the business. His father left him little or no means, but he knew the business and went to New York. He had some friends there who assisted him to organize a corporation to carry on the fruit commission business. That corporation has a capital of \$100,000. Its sales are \$3,000,000 a year, the commission is 2 per cent, and the expense of doing business is 1.84 per cent. The only profit of the transaction is sixteen one-hundredths of 1 per cent; and yet this tax, measured upon the gross receipts, is 74 per cent upon the capital employed. Is that fair? Is it honest? Is it equal? What is true in regard to this concern is true in regard to almost every other commission concern in the country.

Mr. MASON. I wish to make this suggestion to the Senator: Is it not also true that in other mercantile corporations frequently sales are made where there is absolutely no profit at all?

Mr. PLATT of Connecticut. I was coming to that.

Mr. MASON. Excuse me.

Mr. PLATT of Connecticut. I will speak of it now.

This tax is not only upon profitable corporations, but upon unprofitable corporations; not only upon profitable business, but upon unprofitable business; it taxes business even in the hands of a receiver if it is carried on. Is that right? Is that fair? Is that a fair way to measure a tax, if you are going to lay one on a corporation?

Mr. DANIEL. Does the Senator think we could properly make an exemption in such a case and have uniform taxation?

Mr. PLATT of Connecticut. I did not catch the Senator's question.

Mr. DANIEL. Does not the provision that excise taxes shall be uniform require all of a similar class to be taxed alike?

Mr. PLATT of Connecticut. I do not think it would be any less uniform than the provisions of this amendment.

Mr. DANIEL. That is not the question. I think it is uniform.

Mr. PLATT of Connecticut. You do not have to tax all corporations to lay a uniform tax.

Mr. DANIEL. That is true.

Mr. PLATT of Connecticut. You may lay a tax upon all business.

Mr. DANIEL. But could we exempt those? What the Senator has said is not an answer to the question. I do not understand that this bill, in any one of its aspects, presents that question, because in one section it taxes only a certain class of corporations. Could we exempt those in the hands of a receiver properly and make the tax uniform?

Mr. PLATT of Connecticut. I agree that all taxes laid under the Constitution of the United States must be uniform.

Mr. SPOONER. Yes, Mr. President; but when a corporation is in the hands of a receiver, it is not doing the business. The court is doing the business and preserving the property.

Mr. DANIEL. I was merely asking for information. It is a very nice question.

Mr. SPOONER. So that if it is a tax on the business, perhaps you could not exempt that business.

Mr. DANIEL. That is true. If the Senator is correct, if they were not a corporation, they would not be taxed as a corporation.

Mr. PLATT of Connecticut. Let us go a little further, Mr. President. This is a tax not upon profits, but it may be in many instances a tax upon losses; and it is no answer to the objection that I am making to try to raise some question about whether taxes could be laid without this result following.

We not only do that, but we tax the corporation for what the corporation has already been obliged to pay to the Government as a tax. Take a brewing corporation, if you please. This bill obliges

the brewer to pay \$2 a barrel upon his beer. I suppose that is about two-sevenths of the whole, or something of that sort. That becomes a part of the gross receipts of the corporation. So that when you collect the corporation tax of one-fourth of 1 per cent upon the gross receipts, two-sevenths of it is upon what is already paid to the Government.

Let us go a little further. Take a manufacturing perfumery corporation with \$500,000 capital. I happen to know one such instance. That corporation pays \$50,000 for its alcohol tax; it will pay for its stamps \$30,000, and then it will pay \$1,250 corporation tax, about one-sixth of which is upon the money which is already paid out by way of taxation to the Government.

Mr. ALDRICH. If my friend from Connecticut will permit me, the case of a distilling corporation is still stronger than the one he now states. Nine-tenths of the receipts of the distiller are represented by the tax paid to the Government, and we should be practically charging one-fourth of 1 per cent on that nine-tenths of their receipts, which are wholly used in paying taxes.

Mr. PLATT of Connecticut. That is true; and these illustrations can be extended almost indefinitely.

Mr. ALLISON. May I also interject a fact?

Mr. PLATT of Connecticut. Certainly.

Mr. ALLISON. I will state that 60 per cent of the distilling business is done by corporations and 40 per cent of it by individuals.

Mr. PLATT of Connecticut. Yes.

Now, Mr. President, there is one other feature I wish to speak of in reference to this universal measurement of these taxes. There are corporations whose sales are almost entirely outside of this country, in foreign countries. This is largely true of the corporations engaged in the manufacturing of agricultural implements. Some of them have very little domestic trade, their trade being almost entirely foreign; and when you put a tax of one-fourth of 1 per cent upon their gross receipts it in spirit, if not in law, is equivalent to a tax upon exports, which is forbidden by the Constitution of the United States.

So, looking at this matter in any way you please, you do not need to go and weigh the iniquity of taxing the savings banks or any other specified corporations. It is all wrong, all unjust, and I believe it to be illegal and unconstitutional.

Before I come to that, however, I wish to add one other idea with regard to the injustice of the tax. It was well said by the Senator from Massachusetts [Mr. LODGE] yesterday, as it has been said by other Senators in this discussion, that it is only right and fair that certain sources of taxation shall be left to the States. That was the reason why direct taxes were prohibited in the Constitution.

Mr. WILSON. May I interrupt the Senator?

Mr. PLATT of Connecticut. Certainly.

Mr. WILSON. As I understand the Senator's argument, there will be a tax placed upon all drugs and patent medicines of every kind in a drug store, and a stamp to be placed upon them when sold, as I now understand.

Mr. PLATT of Connecticut. If they come under the provisions of this bill.

Mr. WILSON. If they come within the provisions of the bill. Will there be an addition? For instance, will the Spokane Drug Company, a corporation, have to pay, in addition to that tax, a tax upon their gross receipts?

Mr. PLATT of Connecticut. Of course, if the provision is adopted which I am now discussing, they will have to pay at the rate of one-quarter of 1 per cent of their gross receipts, and in such gross receipts would be included the amount which they had paid for stamps.

Mr. WILSON. And they will have to pay in addition a tax on everything on their shelves?

Mr. PLATT of Connecticut. Yes. I was saying, Mr. President, that the reason why the Constitution prohibited direct taxes, except by apportionment, had been stated to be that it was desired to leave certain sources of taxation open to the States. All these corporations are now heavily taxed in my own State. The manufacturing and trading corporations are taxed upon their property just as an individual is taxed locally in the towns and municipalities.

A corporation dealing in dry goods or in groceries is taxed upon the investment in the business just the same as a partnership is taxed upon the same investment; its real estate is taxed in the same way; and in fact the real estate and personal property of a corporation, I think, get taxed at a little higher rate than the real estate and personal property of an individual. Then when it comes to these other corporations, they are all required to pay a very heavy tax to the State directly.

I wish to read from the latest report of the treasurer of Connecticut some of the amounts which are paid. Mutual fire insurance companies in 1897 paid \$10,030.41; mutual life insurance companies—and they get it pretty heavy in this amendment—paid

to the State of Connecticut \$267,670.71; steam railroads paid \$874,436.95.

We were told here the other day, I think by the Senator from Virginia [Mr. DANIEL], that the tax upon the gross receipts of railroad corporations would only amount to two and a half million dollars in the whole country. When you see that the steam railroads of the State of Connecticut paid \$874,436.95, which went into the treasury of the State of Connecticut, you can see how heavily they are taxed in that State.

Street railroads in Connecticut paid \$120,765.25, and savings banks paid \$353,382.81; the collateral inheritance tax paid \$77,492 last year, and \$135,836.50 the year before; telegraph companies and telephone companies paid \$11,774.26, and express companies paid \$10,429.76. Every one of those corporations which is specially taxed here pays very heavily to the State.

Mr. MORGAN. May I ask the Senator from Connecticut a question upon that point?

Mr. PLATT of Connecticut. Yes.

Mr. MORGAN. What is the footing up of the table the Senator has in his hand?

Mr. PLATT of Connecticut. The items which I have read are not footed up by themselves. There are other items which do not enter into corporations which go to make up the total.

Mr. MORGAN. What is the total?

Mr. PLATT of Connecticut. The total is \$2,382,373.67.

Mr. MORGAN. Out of that \$2,382,373.67 how much is upon real and personal estate in Connecticut?

Mr. PLATT of Connecticut. So far as it is paid directly to the State, none of it. Real estate is taxed in towns and cities.

Mr. MORGAN. As I understand it, in Connecticut the real and personal estate taxes are collected by the towns for town purposes, and the real and personal taxes in the State of Connecticut do not go into the State treasury?

Mr. PLATT of Connecticut. We had a State tax. Each of the towns was obliged to pay according to the amount of the valuation of real and personal property, but that act was repealed in 1891 and has not been in effect since.

Mr. MORGAN. So the State of Connecticut defrays its entire expenses out of taxes upon corporations, and out of institutions of that sort, and not by taxes levied upon the property of the people?

Mr. PLATT of Connecticut. That is true; but the people are heavily taxed in their localities.

Mr. MORGAN. Yes.

Mr. PLATT of Connecticut. For instance, bank shares in the city where I happen to reside are assessed at their market value, and the town and city tax upon them is a little over 2 per cent of their market value—about 2½ per cent.

Mr. President, with regard to whether this tax is constitutional or not—and I shall spend very little time upon that question—it may be said that the first section of this excise tax, as it is called, is possibly a tax upon occupation. That can not be said with reference to the second section, the one which includes all corporations. It may be said that with reference to transportation companies, express companies, telegraph and telephone companies, gas and electric light companies, and banks it is an occupation tax, because it extends to all—to persons, firms, companies, and corporations. So that as to this the discrimination as to taxing one person upon a business and not taxing another person on a business may not be so strong as in the section which relates to corporations generally.

But, Mr. President, the same objection with reference to the power of the United States to put a tax upon a corporation or the franchise of a corporation or the operations of a corporation holds, perhaps, stronger in reference to those which are specially named here than in regard to the others. I do not suppose it is to be questioned that the United States can not tax any of the instrumentalities of a State; it can not tax a municipal corporation; it can not tax the bonds issued by a municipal corporation; it can not tax the salary of a State officer; it can not tax the documents issued by a State court; and I hold that it can not legally and constitutionally impose a tax upon any corporation which performs State functions.

It could tax the property, I agree, if it were not for the income-tax decision. That is what troubles our friends on the other side of the Chamber. You can not tax the property of a corporation, because it is personal property, and because the Supreme Court has said in the income-tax decision that a tax upon personal property is a direct tax. Therefore they attempt to get away from that inhibition by saying that they put a tax on corporations.

Mr. President, certain classes of corporations perform some of the functions of the State; they discharge a portion of its duties and exercise a portion of its privileges—railroad corporations, just as much as turnpike corporations. The idea is that the obligation rests upon the State to furnish the means of transportation throughout the State.

There never was a new State organized where it was not under-

stood to be one of the duties of the State, either to be exercised directly or through county organizations, to build roads and bridges. The duty of the State to transport by railroad or by water communication, to furnish means by railroad and water communication, is just as great as it is to furnish means of transportation by dirt roads and bridges. It is a part of the original power and function and duty of the State, and when a corporation is chartered for the purpose of operating a railroad, and given the power to collect tolls, and clothed with the power of eminent domain, it is a part of the State sovereignty. A State corporation to improve the navigability of streams, a water company, is a part of the State, as has been decided over and over again.

I am not going to read much, but I should like to read something that is pertinent on this subject from the decision in the case of the Central National Bank of Worcester and another *vs.* Worcester Horse Railroad Company and others, and I shall read it for the purpose of showing that a horse railroad or street railroad is as much a corporation which discharges State functions as is a steam railroad. I read from 13 Allen, 95 Massachusetts Reports, page 106, the opinion delivered by Judge Gray, now upon our Supreme Bench:

The chief characteristics of a railroad corporation, under the laws of this State, are that it is created mainly for the public benefit, and only incidentally for its own profit; intrusted with the public right of eminent domain for the purpose of taking land, at least outside of the common highways, and of laying iron rails and preparing the soil to support them; authorized and directed to carry passengers for fares in its own cars over its own rails; punishable for transgression of the rules prescribed for the public safety and convenience, and protected from interference with its rights by indictment in behalf of the public; obliged to transport the cars and passengers of other similar corporations on terms fixed by commissioners appointed by this court; having a franchise which can not be alienated, absolutely or in mortgage, without permission of the legislature; required to make annual returns showing its pecuniary condition and the mode in which it has discharged its public duties, and bound to surrender its charter and property to the public upon being paid a sum sufficient to reimburse its expenditures and a reasonable interest or profit.

So the legislature of Massachusetts has applied to that State the same law which my friend the Senator from South Dakota [Mr. PETTIGREW] wishes to apply to the street railways of the District of Columbia. It goes on to say:

A "horse railroad company," or, as it is more frequently and more appropriately called in recent statutes, a "street railway corporation," has all these attributes; and is not the less a "railroad corporation," less public in its character, or more fit to have its franchises and property transferred to assignees under proceedings in insolvency, because (as its very names imply) it more generally uses horses, instead of steam power, to draw its cars.

This case holds, first, that a steam railroad company is a corporation created for public benefit and only incidentally for private gain, and that a street railroad company partakes of all the essentials and characteristics and qualities of a railroad company. The same is true with regard to gas and water companies, electric-power companies, and all kindred companies which supply the public with what the public must have.

Mr. President, the United States can not tax the franchise of such corporations. I will not read law upon that subject. It has been held over and over again in the courts that the same rules which prevent the States from taxing the corporations of the General Government prevent the General Government from taxing the corporations of the State governments. The law is the same as applicable to each.

It has been held over and over again, from the case of *McCulloch vs. Maryland* down to the present day, that a State can not tax the Government corporation, because the power to tax implies the power to destroy; and if it can tax, it can destroy the instrumentalities of the Government. The same is true in regard to a State.

There is one thing which I commend to my State-rights friends. The power to charter a corporation is a State right. The United States Government can not charter a corporation in the State of New York. That right existed in the State at the time the Constitution was formed. It was not transferred to the United States. It was reserved to the State. It has been there ever since. It is a right which the State can exercise. It is a creature which the State, and the State alone, can create and maintain, and it has the right to create and to maintain it.

Mr. HAWLEY. The Federal Government can not kill it by taxation.

Mr. PLATT of Connecticut. The power to tax implies the power to destroy. If the Congress of the United States can impose a tax upon the corporation itself as a corporation, it can destroy it; it can destroy what the State alone can create and what the State has a right to create and a right to maintain; and that is as applicable to one kind of corporation as to another.

The argument which I have been making, that Congress certainly can not tax those corporations which perform public duties and are clothed with a part of the sovereignty of the State to receive pay from the inhabitants of the State for performing the State service rendered, is, I think, impregnable, and to my mind, Mr. President, the objection that Congress can not lay a tax so as

to destroy a corporation which the State alone can create, which it has a right to create, and which it has a right to maintain, is equally impregnable.

Mr. TILLMAN. Will the Senator from Connecticut tell us where the tax on State banks comes in, what effect it has, and where it gets its authority under the Constitution?

Mr. PLATT of Connecticut. I suppose the Senator refers to the 10 per cent tax on the circulation of State banks?

Mr. TILLMAN. Yes, sir.

Mr. PLATT of Connecticut. That case has been very much discussed. I have never found any two lawyers who agreed as to what the doctrine of the case was. I think the opinion of the Chief Justice puts the decision not upon the ground of the right to tax, but that the law was justified upon the ground that the Constitution gave to Congress power to maintain a uniform currency, and therefore it had a right to prohibit the currency of the States.

Mr. BACON. I think if the Senator will examine he will find that there were two decisions on that subject, and that the first one did not put it upon that ground, which is the main decision.

Mr. PLATT of Connecticut. I have read that case a great many times and discussed it a great many times.

Mr. BACON. The first one put it distinctly upon the exercise of the taxing power.

Mr. PLATT of Connecticut. I have not got the case here—I thought I might have it—but I do not regard it at all as a case to the effect that Congress can lay a tax upon a corporation. But that was not a case, at any rate, where Congress undertook to tax the corporate franchise. This amendment is limited to that kind of a tax, as was shown in the colloquy which I had with the Senator from Virginia [Mr. DANIEL]. I asked the Senator:

Does the scheme which the Senator has been presenting take the form of a tax upon gross receipts?

Mr. DANIEL. Not at all.

Mr. PLATT of Connecticut. Do I understand that that is the nature of the tax?

Mr. DANIEL. No, sir; not at all.

Mr. PLATT of Connecticut. I understood the Senator had been arguing that it was a tax upon the gross receipts of these corporations, individuals, and companies.

Mr. DANIEL. The bill must speak for itself in that regard, but I will answer the Senator fully.

So the Senator disclaims that it is a tax upon the property of the corporations. It is a special annual excise tax on the corporations themselves because they are corporations, which is equivalent to a tax upon the franchise.

Mr. SPOONER. Mr. President—

Mr. PLATT of Connecticut. Now, referring to the case of *Veazie Bank vs. Fenno*, before I forget it—and then I will yield to the Senator from Wisconsin—if the Senator from South Carolina will take the dissenting opinion in that case, rendered by Justices Nelson and Davis, I think—

Mr. GRAY. In what case?

Mr. PLATT of Connecticut. *Veazie Bank vs. Fenno*; and if he will read that dissenting opinion with reference to the law as it was laid down in the income-tax decisions, I think he will have no doubt as to what the Supreme Court would hold now as to the taxation therein referred to, if it was taxation. I never supposed it was.

Mr. TILLMAN. If the Senator will take the dissenting opinions in the income-tax case and read them he will see that some of the strongest judges there consider that this Government is irrevocably crippled in time of war by that decision.

Mr. PLATT of Connecticut. I am not upholding the income-tax decision or discussing it at all. I suppose it to be the law of the land. I see where it pinches when it is proposed to tax the gross receipts of corporations. You can not lay a tax upon incomes. How can you lay it upon gross incomes, which are gross receipts, if you can not lay it upon net incomes?

Mr. TILLMAN. Does the Senator consider the decision of the Supreme Court in the legal-tender cases the law of the land?

Mr. PLATT of Connecticut. Oh, yes; the decisions of the Supreme Court are the law of the land.

Mr. TILLMAN. Why not issue greenbacks to carry on the war, as we did the last, and get rid of this tax, which is so obnoxious?

Mr. PLATT of Connecticut. I do not know anything in the legal-tender cases which makes it obligatory upon the Government to issue greenbacks, and I think it is a very ruinous practice.

Mr. GRAY. The power to kill a man does not imply that you ought to use the power.

Mr. PLATT of Connecticut. The Senator from Wisconsin [Mr. SPOONER] desired to interrupt me.

Mr. SPOONER. It was only for a single purpose and in line with the suggestion which the Senator made a moment ago as to the peculiar character of this tax or excise. The Senator read an extract from his colloquy with the Senator from Virginia [Mr.

DANIEL] to show that it was not a tax on gross earnings. I wish to call the Senator's attention to this language:

That every corporation doing business in the United States, whether chartered under the laws of the United States, or of any State or Territory of the United States, or any foreign country, shall pay a special annual excise tax; and said tax shall be—

Not a tax of such a per cent on the gross earnings, but it—

shall be the equivalent of one-fourth of 1 per cent of the whole amount of the gross receipts.

The language is quite peculiar.

Mr. PLATT of Connecticut. It not only intends to lay a tax upon State corporations, on corporations chartered by a State, but on corporations chartered by foreign countries—a corporation tax, an excise tax, a franchise tax.

I agree, as I have already said, that if it were not for the decision in the income-tax case, which says that a tax on personal property is a direct tax, Congress might lay a tax upon the property of corporations, but they can not lay it upon the franchise, because the State alone has the power to grant the franchise and to maintain it, and when they attempt to destroy that which the State has a right to grant and maintain, they interfere with the sovereignty of the State. The doctrine that a tax upon the property of a United States corporation may be laid by a State, but not upon its operations, is to be found in the Nebraska case (18 Wallace), from the opinion on page 36, at the bottom of the page.

But, Mr. President, the proposed amendment is unconstitutional upon another ground. It is unconstitutional for want of uniformity and for discrimination, because it does not afford to all the citizens of the country the equal protection of law; and in the Texas case recently decided (the Gulf, Colorado and Santa Fe Railroad Company vs. Ellis, 165 U. S. Reports) the court expressly hold that you can not make this discrimination between persons carrying on the same business, because part of them are corporations and part of them are partnerships or individuals. I want to read that:

The rights and securities guaranteed to persons by that instrument—

The Constitution of the United States—

The rights and securities guaranteed to persons by that instrument can not be disregarded in respect to these artificial entities called corporations any more than they can be in respect to the individuals who are the equitable owners of the property belonging to such corporations. A State has no more power to deny to corporations the equal protection of the law than it has to individual citizens.

If Mr. A is carrying on the business of silver mining in one county and Mr. B is carrying on the business of silver mining in another county, the United States can not tax the business of Mr. A and not tax the business of Mr. B; and if it so happens that instead of Mr. A it is a corporation composed of three individuals, chartered under the laws of the State, Congress can not within its constitutional power impose a tax upon the corporation and not upon the individual.

Mr. DANIEL. May I not ask the Senator from Connecticut if those limitations in the Constitution to which he refers are not solely limitations upon the State and not upon the Federal Government? Have they ever been regarded as limitations upon the Federal Government?

Mr. PLATT of Connecticut. The provision which requires that all taxes, imposts, duties, and excises shall be uniform is not a provision in reference to the States. It is in reference to Federal taxation.

Mr. President, I do not know but that I have said all and more than I ought to have said upon this proposed tax. I can recapitulate in a word. There is too much revenue raised by the bill before we come to the amendment in question. If adopted, the bill will raise more revenue than the people of the country ought to pay for this war in one year. Secondly, it is unjust and unequal in its operation. It places a burden upon business which it can not afford; and third, in my judgment it is merely providing for a lawsuit which is to be determined against the Government on the ground of the unconstitutionality of the act.

Mr. LINDSAY. Mr. President, it seems impossible for the Federal Government, under the present interpretation of the Constitution, to levy internal taxes at all unless they be levied upon consumption or industry. It is impossible in view of the income-tax decision to reach the profits arising from accumulated wealth, and hence policy and power alone are to be considered. Within the last four or five days I have received two or three hundred letters in regard to this tax bill, and every one of my correspondents has pointed out that the tax to be levied upon his particular industry is absolutely destructive of that industry, but that the taxes to be levied upon other industries seem to be not only within the constitutional taxing power of Congress, but such equal and proper taxes as ought to be imposed.

The question of taxing corporations is one of policy and of constitutional power. No man pretends that corporate property ought not be taxed, both by the State and Federal governments, if it be necessary that it shall be so taxed, just as other property

may be taxed by both governments. But the questions we have here are whether a particular method of assessing taxes against corporate property is a fair one and whether under existing conditions the Federal Government ought to resort to that character of taxation even if it has the power to do so.

I have been a little surprised to find in this discussion that it is on this side of the Chamber the powers of the Federal Government have been magnified and the rights and powers of the State governments systematically minimized. My friend the Senator from Tennessee [Mr. TURLEY] undertook to show that because the Congress of the United States had succeeded in working out the power to establish a national bank, a corporate agency had thereby been created which stood far above like agencies created for like purposes by the States. In dealing with the question of railroad franchises created by the Government of the United States, which the State of California had undertaken to tax, he reached the conclusion that those railroad franchises created by the Federal Government for a Federal purpose were clothed with a sanctity which like franchises created for a like purpose by a State government does not possess. I shall read from the case in 127 United States Reports:

Assuming, then, that the Central Pacific Railroad Company has received the important franchises referred to by grant of the United States, the question arises whether they are legitimate subjects of taxation by the State. They were granted to the company for national purposes and to subserve national ends. It seems very clear that the State of California can neither take them away nor destroy nor abridge them, nor cripple them by onerous burdens. Can it tax them? It may undoubtedly tax outside visible property of the company situated within the State. That is a different thing. But may it tax franchises which are the grant of the United States? In our judgment it can not.

Then the court proceeds to define a franchise. It says:

Generalized and divested of the special form which it assumes under a monarchical government based on feudal traditions, a franchise is a right, privilege, or power of public concern, which ought not to be exercised by private individuals at their mere will and pleasure, but should be reserved for public control and administration, either by the government directly, or by public agents, acting under such conditions and regulations as the government may impose in the public interest, and for the public security. Such rights and powers must exist under every form of society. They are always educed by the laws and customs of the community.

Under our system their existence and disposal are under the control of the legislative department of the Government, and they can not be assumed or exercised without legislative authority. No private person can establish a public highway, or a public ferry, or railroad, or charge tolls for the use of the same, without authority from the legislature, direct or derived. These are franchises. No private person can take another's property, even for a public use, without such authority, which is the same as to say that the right of eminent domain can only be exercised by virtue of a legislative grant. This is a franchise. No persons can make themselves a body corporate and politic without legislative authority. Corporate capacity is a franchise. The list might be continued indefinitely.

In view of this description of the nature of a franchise, how can it be possible that a franchise granted by Congress can be subject to taxation by a State without the consent of Congress? Taxation is a burden, and may be laid so heavily as to destroy the thing taxed or render it valueless. As Chief Justice Marshall said, in *McCulloch vs. Maryland*, "The power to tax involves the power to destroy." Recollecting the fundamental principle that the Constitution, laws, and treaties of the United States are the supreme law of the land, it seems to us almost absurd to contend that a power given to a person or corporation by the United States may be subjected to taxation by a State. The power conferred emanates from, and is a portion of, the power of the Government that confers it. To tax it is not only derogatory to the dignity, but subversive of the powers of the Government and repugnant to its paramount sovereignty.

That is the rule as between a State and a franchise granted by the Federal Government for the execution of a Federal power.

Mr. SPOONER. If the Senator will pardon me just one moment, a little further in that opinion they deal with the case of the Southern Pacific, which was a State corporation, upon which a Federal franchise had been conferred, and held that it could not be taxed.

Mr. LINDSAY. The court held that the Federal franchise could not be taxed.

My friend says, "but that is a Federal franchise, and as said in the case of *McCulloch vs. Maryland* all the people of the United States are interested in a Federal franchise, and therefore a State can not tax a Federal franchise," and he argues that the rule does not apply to a State franchise when the corporation claims that it can not be taxed by the Federal Government. I do not say that there are not certain privileges, certain rights, certain exemptions which the members of private corporations enjoy that may not be taxed by the Federal Government, but what I undertake to say is that where a State has invested a corporate agency with a portion of its own sovereignty for the purpose of executing a State function, for the purpose of carrying into execution a right, power, and duty of the State which the State possessed at the outset, which it never surrendered to the Federal Government, but holds as a reserved right, it impinges as much upon the dignity of a State to tax that franchise without its consent as it impinges upon the dignity of the Federal Government to tax a franchise granted by it.

I do not admit the superiority in dignity of the delegated powers of the Federal Government over the reserved powers of the States, which are governmental in their nature. Within the domain of its delegated powers the authority of the Federal Government is

paramount. Within the domain of the reserved powers of the States their powers are paramount, and the Federal Government can no more tax a State agency public in its character than the government of a State can tax a Federal agency.

Mr. DANIEL. May I ask the honorable Senator what he thinks of the decision of the Supreme Court taxing State banks on their circulation?

Mr. LINDSAY. In the first place, the Federal court abandoned in the latest decision the ground upon which it sustained this taxation at the outset. At first it was held that the power to tax was conclusive of the question; but in the second case, when pressed with arguments against the right to tax the circulation of State banks the court's decision was rested upon the idea that the Federal Government possesses the paramount authority to supply currency to the people, and in the exercise of that paramount authority it has the right, in such a manner as it may see proper, to take out of competition with Federal currency the currency of the State banks; and that having the power to prohibit the State banks from issuing currency at all, it has the power to impose conditions upon the issue of that currency if it chooses to go no further than to impose conditions.

Mr. DANIEL. Let me ask the Senator another question?

Mr. LINDSAY. Certainly.

Mr. DANIEL. If, then, the Federal Government has that paramount power as to railroads as well as to banks, does not the same principle apply to railroads as to banks?

Mr. LINDSAY. I have not admitted that it has authority to tax a bank as a bank, or that it has authority to levy a tax upon the franchise which the State grants to its bank, as long as the bank keeps within the legitimate business of banking. Its established authority goes no further than the right to prohibit a State bank from issuing currency coming in competition with the currency issued by the Federal Government.

In the case of *Collector vs. Day* (11 Wallace) the Federal court undertook to define the relative rights of States and of the Federal Government. The court said:

The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former within its appropriate sphere is supreme, but the States within the limits of their powers not granted, or, in the language of the tenth amendment, "reserved," are as independent of the General Government as that Government, within its sphere, is independent of the States.

That is the true philosophy of our complex system of government.

Mr. GRAY. That opinion was by Mr. Justice Nelson, was it not?

Mr. LINDSAY. Yes; it was delivered by Mr. Justice Nelson. Again, in the same opinion, the court said:

If the means and instrumentalities employed by that Government (the Federal) to carry into operation the powers granted to it are necessarily exempt from taxation by the States, why are not those of the States, depending upon their reserved powers, for a like reason equally exempt from Federal taxation? Their unimpaired existence in the one case is as essential as in the other.

If in order to carry out one of the delegated powers of the Federal Government it becomes necessary to grant a Federal franchise to a corporation engaged in interstate commerce and the franchise of that Federal agency is exempt from State taxation, why, when a State grants a like franchise to a domestic corporation in order to subserve the interests of domestic commerce, is not that franchise exempt from Federal taxation if the rights of the States within their respective spheres are equal to the rights of the Federal Government within its specially delegated sphere?

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. SPOONER. I am inclined to agree with the Senator entirely in the line of his argument; but has the Senator been able to discover any possible theory upon which it can be declared that a railway company created by the United States is a national agency or instrumentality and a railway company created by a State is not a State agency or instrumentality?

Mr. LINDSAY. I confess my inability to answer the suggestion made by the Senator as to the possible distinction, if such a distinction be possible. We treat a railway as a public highway. The States succeeded to all the rights of the British Government over their respective territorial possessions.

Mr. DANIEL. May I ask the Senator if he thinks the same doctrine would apply to any corporation chartered by a State—for instance, one to buy and sell real estate or one to sell dry goods or one to sell oleomargarine?

Mr. LINDSAY. I do not insist that the same doctrine does apply. My contention is this—

Mr. DANIEL. I ask the Senator where the line would run. If the State in its public policy thought it desirable to incorporate the people to sell boots and shoes or brooms, why would not the Federal Government have to stand off and say, We can not interfere with that because the State has made a franchise?

Mr. SPOONER. That would be a mere business corporation.

Mr. LINDSAY. I set out with the statement that the argument I proposed to make does not apply to corporations which are strictly business corporations. To draw the line exactly at the point where a duty ceases to be governmental, strictly governmental duty, and becomes a business enterprise, is very difficult.

Mr. DANIEL. Then may I ask the Senator another question?

Mr. LINDSAY. Certainly.

Mr. DANIEL. In so far, then, as the corporation chartered by the United States was business in its nature as contradistinguished from the subexercise of some governmental function, could it not also be taxed by the same State?

Mr. LINDSAY. The Government of the United States can not charter a strictly business corporation to do business within the confines of a State. There is no delegated authority to the Federal Government to create such corporations, and therefore I need not answer the question of the Senator from Virginia.

Mr. DANIEL. How about one of the Pacific railroads that takes up goods in one part of Texas or in one part of California and delivers them at another part of the same State? Is not that business the transportation of goods?

Mr. LINDSAY. Yes.

Mr. DANIEL. And so with express?

Mr. LINDSAY. Yes.

Mr. DANIEL. Or passengers?

Mr. LINDSAY. Yes.

Mr. DANIEL. Can not the State, then, tax that part of the business which is purely local and distinctly domestic business as contradistinguished from what is interstate?

Mr. LINDSAY. Neither the Federal court nor any court has ever held that the business of a railroad corporation created by the Federal Government can not be taxed by a State. What that court has held is that the right to exercise the franchise granted by the Federal Government can not be taxed as a franchise.

Mr. ALLEN. Simply because it is a governmental agency.

Mr. LINDSAY. Simply because it is a governmental agency, and for that reason and no other. The court admits the right of a State to tax all the property of the corporation and to reach the valuation of that property in any legitimate way.

Mr. TURLEY. Will the Senator allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. TURLEY. I wish to call the Senator's attention to one point. As I understand his argument, it is based on the idea that when the State creates a railroad corporation it does it for some public purpose. Under the present practice of creating corporations, in nearly all the States it is done under a general law. For instance, that general law will provide a means by which any set of individuals can create a railroad or create a bank or create a corporation to deal in boots and shoes.

The State does not take the initiative at all, but leaves any citizens within it to create the corporation. They can create a thousand railroads by way of corporations. Is it possible that when citizens go in under a general incorporation law of that sort and create railroads that every railroad is a public instrumentality of the State? The State does not inaugurate it, but as many railroads as citizens choose to create by way of corporations can be created—a dozen in a county or a hundred in a county.

Mr. SPOONER. Is not that a question entirely for the State to determine?

Mr. TURLEY. But it illustrates that the creation of such a corporation is not essential to or necessary for the carrying out of any power of State sovereignty. It is purely a matter of the convenience of private individuals.

Mr. LINDSAY. The method by and through which the State creates a particular corporation does not at all determine the character of that corporation. If a State creates a particular railroad company by a separate enactment, then there is a special contract between the State and that corporation growing out of that particular act of incorporation. But if the State makes a general proposition to all the people who choose to accept, that in certain ways and under certain conditions a railroad corporation may be organized, the very same character attaches to the corporation and like duties attach to the corporate agency. It is essentially the same character of agency as though it had been created by special or particular act.

The point I was coming to is this: The States took as the successors of Great Britain all the governmental powers of Great Britain. One power essentially governmental was the power to provide public highways for the accommodation of the people and in furtherance of the domestic commerce of the States. Therefore the States took the right to create, to manage, to establish, to control all the public highways within their respective boundaries used strictly for the domestic commerce of the State. When it came to the creation of railroads, when the question arose whether or not States could authorize local municipalities to take stock in railroad companies, when the question was raised

whether railroad companies could condemn the lands of the people, those questions were settled, and settled affirmatively, upon the idea that a railway is a public highway, that a railroad company is a public agency, and that a railroad company in consideration of the rights granted it by the State undertakes to discharge duties which it is within the power and province of the State to discharge.

So every railroad in Virginia, every railroad in Kentucky, is a State highway which owes its existence to the will of the State, which answers the purpose of the State, and which assists in carrying out the governmental ends of the State.

Mr. RAWLINS. Will the Senator from Kentucky yield for a question?

Mr. LINDSAY. Certainly.

Mr. RAWLINS. As I understand the position of the Senator, it is that where a corporation is organized, either under a special or general law of the State, so that it obtains corporate franchise from the State sovereignty, such franchise, or the right to carry on the business of a corporation in accordance with the terms of the franchise, can not be subject to Federal taxation, although such taxation may not, in any degree, interfere with the function of that corporation in its service of the State.

Mr. LINDSAY. That is my theory.

Mr. RAWLINS. How, then, does the Senator defend the decision of the Supreme Court of the United States in the Telegraph case, I think reported in 142, in which it expressly lays down the doctrine that whether a governmental agency is exempt from taxation depends upon whether the tax materially interferes with the function which it is designed to perform as an agency of the State, and therefore the court held that a telegraph company which was granted the privilege and maintained the right upon certain conditions over public lands was subject to such taxation?

Mr. LINDSAY. That was a State tax, I take it?

Mr. RAWLINS. Yes.

Mr. LINDSAY. The authority was granted by the State, and all the Federal Government did was to grant the right of way over the public lands.

Mr. RAWLINS. No; but in that case the court distinctly laid down the principle, not that every corporation franchise which may in some of its phases be a governmental agency can not under any circumstances be taxed because it is such a governmental agency, but they will also inquire further whether the tax will interfere with the performance of its functions as an agency of the State.

Mr. LINDSAY. I still do not understand that that was a Federal agency, but that it was a State agency, with the right of way over certain public lands, and taxed by the State which granted it the right to exercise its franchise. The point I make is that a State franchise, intended to carry into execution a State power governmental in its character, can not be taxed at all by the Federal Government, and the inquiry never can arise whether the tax interferes with the discharge of the duty, because the power to tax involves the power to destroy, and as the power to destroy a State agency does not exist, therefore the Federal power to tax it does not exist.

Mr. RAWLINS. If the Senator will permit me, is it not the very reason for the exemption of a corporation created by one sovereignty from taxation by another that such taxation will injure or impair its functions as such State agency, and if it fails and does not do it, does not the reason fail, and is not the property subject to such taxation?

Mr. LINDSAY. Mr. President, State agencies are not exempt from Federal taxation. The term is a misnomer. The States never delegated to the Federal Government the power to tax their agencies. Therefore, it is not necessary that State agencies shall be exempted from Federal taxation. The States were free governments; all their agencies were absolutely untrammelled; no power could tax them, except themselves; nobody could regulate those agencies except the States, and when we came to form the Federal Government, that Government took only such authority as the States delegated. Therefore the States reserved their powers and the Federal Government did not exempt the States from its power to tax.

Mr. RAWLINS. If the Senator will permit me, it is true that the States retained such power as they did not delegate to the Federal Government, but in the creation of the Federal Government certain general powers of taxation were conferred with certain express limitations and certain others which the courts have implied; and amongst others which are implied is that an agency which is necessary for the preservation of the existence of a State government must be exempt from taxation by the Federal Government. Is not that right?

Mr. LINDSAY. No, sir; it is just the reverse. The Federal courts have, fortunately for the States, never yet implied power in the Federal Government to tax a State agency, and I hope the Federal courts may never imply that power, because when they do they will overturn the theory of our duplex system of independent governments.

Mr. RAWLINS. I think the Senator misunderstood the statement which I made.

Mr. LINDSAY. No; I do not think I did.

Mr. RAWLINS. If the Senator will permit another question, I will not interrupt him again.

Mr. LINDSAY. Very well.

Mr. RAWLINS. My question was not intended to imply that a power not conferred by the States would be implied in the Federal Government to tax a State agency, but that there was no express limitation upon the power of the Federal Government which would exclude the State agencies from taxation, and that that limitation upon the general power conferred upon the Federal Government was an implied limitation and not an express one. I think the Senator from his remark took my word "implied" in the very opposite sense in which I intended to use it.

Mr. LINDSAY. Mr. President, my theory about the grants of power to the Federal Government to tax is that the grants are express, and that all legitimate implications are such only as necessarily arise in order to enable the Government to carry into execution the grants expressly made.

There never was a grant to tax States as States, and there never has been an implication of the power to tax the agencies of the State governments as contradistinguished from the taxation of the States. My theory is, and it was the theory of the Democratic party, that the States are as independent in regard to their domestic affairs and in regard to their domestic agencies as the Federal Government is independent in regard to national affairs and national agencies, and a doctrine which conflicts with that overturns that which has been understood, at least by this side of the Chamber, to be the true construction of the Constitution from the foundation of the Government to this time.

To say that the Federal court would declare this legislation unconstitutional and therefore void if we enact it into a law is further than I care to go. It is further than it is necessary for me to go. We are levying a tax now to meet an exigency brought about by a state of war. It is most important that the provisions of the law shall be constitutional and that money shall be raised as Congress intends it shall be raised.

Mr. SPOONER. We want to furnish dollars, not lawsuits.

Mr. LINDSAY. If there are lines of taxation about the constitutionality of which there is no dispute, is it not wisdom upon our part to keep ourselves within those lines rather than to go into a dispute between the State and Federal governments and to give to the country lawsuits instead of money with which to prosecute the war against Spain?

I picked up a newspaper this morning published in Philadelphia, one which I suppose has been more universally indorsed by members of this body, and especially by Senators sitting on this side of the Chamber, than any other newspaper published in the United States, or that was ever published in the United States. I refer to the American newspaper. The editor in his last issue discusses the two bills, the one that came over from the House and the bill reported by the majority of the Finance Committee, and also the differences between the minority and the majority of the Finance Committee, and then undertakes to estimate the amount of taxes that will be realized under the bills. Having entered into and satisfied himself with this discussion, he concludes:

But the probabilities are that the tax on banks and corporations would be declared unconstitutional, and it is also quite possible that one of the taxes agreed upon by both Democrats and Republicans, namely, the inheritance tax, would be held unconstitutional. And if such taxes were cut out, the bank and corporation and inheritance taxes, as unconstitutional, the Democratic provision would be cut down from the estimated \$417,000,000 to \$332,000,000, or nearly \$50,000,000 less than the estimated expenditures.

Whether this newspaper editor be a constitutional lawyer it is not for me to say, but if I had the time to read the testimonials to this editor which originated on this side of the Chamber, I would at least establish the proposition that the constitutionality of these three classes of taxation is so far open to doubt as that prudent men should not rely upon them to raise money to meet the exigency which is now upon us.

Suppose we have the constitutional power to tax these corporations; suppose we have the constitutional authority to tax these franchises, is it good policy at this time to exercise that authority? When the Constitution was before the American people for consideration, and before it had been adopted, the grant of power to raise revenue by internal taxation was called in question by many eminent men upon the idea that if the Federal Government should be given, first, exclusive power to tax imports, and then the coordinate power with the States to levy internal taxation, the result might be that the States would be crippled, if not disabled, from performing their governmental functions by reason of the Federal Government exhausting the field of State taxation.

Mr. Richard Henry Lee, in a paper on this subject, said:

Further, as to internal taxes, the State governments will have concurrent powers with the General Government, and both may tax the same object in the same year; and the objection that the General Government may suspend a State tax as a necessary measure for the promoting of the collection of a Federal tax is not without foundation.

As the States owe large debts and have large demands upon them individually, there clearly will be a propriety in leaving in their possession exclusively some of the internal sources of taxation, at least until the Federal representation shall be properly increased.

Now, if there is a propriety in leaving to the States exclusively some character of internal taxation, I ask what can with more propriety be left than the franchises which the State governments grant and which they have the power to revoke and the absolute power to control? Why take from the States the right or why encroach upon the rights of the States to the exclusive authority to tax corporate franchises which they have created? Mr. Hamilton, who was not a State-rights man and who did not believe in a State-rights constitution, felt called upon to answer this objection, and he answered it in this way in the thirty-sixth number of the Federalist Papers:

The laws—

Speaking of the taxing laws of the States and the General Government—

can not therefore, in a legal sense, interfere with each other, and it is far from impossible to avoid an interference even in the policy of their different systems. An effectual expedient for this purpose will be mutually to abstain from those objects which either side may have first had recourse to. As neither can control the other, each will have an obvious and sensible interest in this reciprocal forbearance; and where there is an immediate common interest we may safely count upon its operation.

Again, in the thirty-second number of the Federalist he said:

It is indeed possible that a tax might be laid on a particular article by a State which might render it inexpedient that a further tax should be laid on the same article by the Union, but it would not imply a constitutional inability to impose a further tax. The quantity of the imposition, the expediency or inexpediency of an increase on either side, would be mutually questions of prudence, but there would be involved no direct contradiction of power. The particular policy of the national and of the State system of finance might now and then not exactly coincide, and might require reciprocal forbearances.

In the State of Kentucky the constitution requires that all corporate property shall be taxed as other property, and then it requires that upon the franchises of the corporations an additional tax shall be laid. The result of this is that one-fifth of all the revenues raised by the State for State purposes is raised from taxation levied upon corporate property, and over one-fourth of all the taxes raised for local purposes is raised by taxation levied upon the property and franchises of corporations.

Our method of arriving at the value of the franchise is simple. All the bonds issued by the corporation are added together at their market value, and all the outstanding stock of the corporation is added together at its market value. This forms the maximum value of the corporate property. The tangible property is taxed in kind. The value thereof is deducted from this aggregate value, and the difference is taxed as the value of the franchise. There is no possible way for a corporation to escape full taxation in the State of Kentucky. The new constitution provided against it, and the legislature has been swift to carry into force the provisions of the new constitution.

Then, so far as this proposed franchise tax is concerned, it is taxation upon property created by the act of the Kentucky legislature. Why not let the people of Kentucky have the full benefit of that taxation? If the corporations will bear greater franchise taxation than we have levied, why shall the Federal Government come in and appropriate that additional ability to pay? Why not let the State of Kentucky increase its franchise tax? This bill, if it becomes a law, will directly interfere with the State of Kentucky in the taxation of its own corporations, in the taxing of the franchises it creates, and which the Federal Government can neither create, protect, nor destroy.

I insist, in the language of Hamilton, who was not a State-rights man, but who did have some respect for the powers of the States, that as the States have appropriated this particular character of property to State taxation, the Federal Government shall keep its hands off. If the corporations of Kentucky shall be crippled by Federal taxation, and if the amount of taxes raised in the State shall thereby be reduced, we do not have, like the Federal Government, the right to look to import duties. Our only remedy will be to turn upon the real estate and personal property within our territorial limits and increase the rate of taxation against such property.

We have a case in which it is proposed that we shall resort to legislation of doubtful constitutional character and to an unnecessary and officious interference by the Federal Government in the domain of State taxation. Of course the time may arrive when the needs of the Federal Government would be so great that this idea of comity will be discarded and the Federal Government, for self-preservation, will tax everything it has the constitutional power to tax. But we have not reached that time yet. A war with an insignificant power like Spain is not of itself sufficient to justify the Federal Government in taking the extreme ground, in disregard of the reasonable claims of the States, proposed to be taken by this bill.

I shall not discuss the fairness of this tax. You have but to state the proposition, and you will see that it is absolutely unfair.

Against each corporation we propose to levy a tax equal to one-fourth of 1 per cent of all its gross receipts. We have a hundred corporations in my State engaged in lawful business, converting agricultural products into distilled spirits. Before the owner of these spirits can put them upon the market the Government of the United States requires him to pay a tax equal to \$1.10 per gallon, or about eight times as much as the original market value of the product; and when he makes his sales, his gross receipts are made up of 15 cents' worth of whisky and \$1.10 of Federal taxation, which is already paid, and then you propose to require him to pay one-fourth of 1 per cent of that tax, already extorted out of him, in the way of a corporation tax.

Mr. WHITE. Will it interrupt the Senator from Kentucky if I make an inquiry for information?

Mr. LINDSAY. Not at all.

Mr. WHITE. Under the laws of Kentucky it is possible, I suppose, to organize a corporation for the purpose of dealing in cigars or manufactured tobacco?

Mr. LINDSAY. Yes.

Mr. WHITE. Assuming, at any rate, that such is the law and such a corporation could be formed, would the Senator believe that the Government of the United States could levy any tax upon the transaction of that business by way of gross receipts or as a condition for the transaction of the business?

Mr. LINDSAY. I am coming to that. That is the next proposition I was going to consider.

Mr. WHITE. Very well.

Mr. LINDSAY. Nearly every tobacco manufacturing company in Kentucky is a corporation, and the Federal Government taxes manufactured tobacco 12 cents a pound.

Mr. WHITE. The Senator from Kentucky must not misunderstand me. I do not refer to the amount of the tax or to its policy. I am merely referring to the constitutional power of the Federal Government to impinge thus upon a corporation existing under the laws of a State and permitted to exist only by those laws.

Mr. LINDSAY. I have not discussed the constitutional power of the Federal Government to levy a tax upon the receipts of a strictly business corporation. My argument against the constitutional power was directed to corporations which were strictly governmental agencies created to carry into execution strictly governmental powers. I am now arguing the fairness of this proposed taxation as it affects the Kentucky tobacco factories, and I will say for Kentucky that she raises and sells nearly as much tobacco each year as all the other States in the Union combined, and the tobacco interest is one of our principal agricultural and one of our principal manufacturing interests.

This bill proposes that for every pound of manufactured tobacco there shall be placed a tax of 12 cents a pound; upon cigars \$3 a box or a hundred, whatever the tax may be; upon snuff a tax equally as onerous; and yet this same bill provides that when the tobacco-raising people of Kentucky, through their manufacturers, have satisfied this oppressive taxation, the factory man shall again pay one-fourth of 1 per cent upon the gross receipts of his business, made up of this 12 cents of tax and 6 cents' worth of tobacco.

These suggestions show that the bill which proposes this tax has not had that kind of consideration by the Committee on Finance it was entitled to receive.

It is not a tax upon the gross earnings; it does not purport to be a tax upon the gross earnings, but a tax upon gross receipts. Go back to railroad companies. A shipment is made by one company a thousand miles, and the transportation is over lines owned by three or four separate companies. The railroad company at the far end collects all the tolls and they go into its gross earnings and it is taxed one-fourth of 1 per cent. It turns over to the three other roads their proportion of these same receipts and they go into the gross receipts of the other three roads and are again taxed.

The language is "gross receipts," not "gross earnings." If it were "gross earnings," then there might be a division of earnings; but it is gross receipts. The courts may hold that "gross receipts" mean gross earnings, but if "gross receipts" are intended to mean "gross earnings," why not say "gross earnings" instead of "gross receipts?"

So much, then, for the propriety of this legislation; so much for its constitutionality; so much for the unnecessary invasion of the domain of taxation which ought to be left to the States exclusively.

Now I come to another proposition, and that is, that we are to borrow a portion of the money to be used in conducting this war. My friend from Virginia [Mr. DANIEL] said a great deal about paying as we go; but this bill on its face shows that we are not to pay as we go to the fullest extent of our expenditure, but that our credit is to be applied to the part payment of the current expenses of the war. It is not denied that we must borrow a portion of the moneys with which the war is to be carried on.

We may borrow money by selling bonds to those who are will-

ing to buy the bonds and make the loan, or we may borrow money by issuing legal-tender notes and putting them in circulation, with the power in the courts to compel every creditor to accept them in satisfaction of his debt whether he wishes to receive them or not.

It is said that by borrowing through the instrumentality of legal-tender United States notes we save interest, and it is therefore a matter of the highest economy to borrow in that way.

We were told the other day by the Senator from Indiana [Mr. TURPIE] that greenbacks were an ideal money, that in the direst hours of national distress during the civil war the country was saved by borrowing money through legal-tender United States notes, and that we all voted for it without regard to party—of course applying his remarks to those who lived north of the rebellious States—and that Mr. Chase, the Secretary of the Treasury, was held up as a second Saviour when he devised this scheme of borrowing money, and thus save the country from absolute ruin.

I have had the curiosity to go back to see whether we all voted for this character of money or not, and I find that in the House of Representatives the bill did not receive a single Democratic vote, and that a number of leading Republicans voted against it. I find when the bill came over to the Senate that leading Republican Senators tried to strike the legal-tender provision from it, that such provision was kept in by a vote of 23 to 17, and that only three Senators calling themselves Democrats voted to keep it in. One of these was the Senator from Kentucky, Mr. Garrett Davis, who did not at that time claim to be a Democrat.

Mr. President, after the war had been fought out, a case got to the Supreme Court involving the question whether those who favored or those who opposed the issue of legal-tender notes had the correct view of the Constitution; and this same Secretary of the Treasury, who had then become the Chief Justice of the Supreme Court of the United States, sitting as a judge, and speaking for a majority of the court, after due consideration, decided that the legal-tender act was unconstitutional, because power to enact it had not been delegated to the Federal Congress; and these same Democrats, after this decision, pointed to the great Chief Justice as a man who, under the stress of political surroundings, was driven to that which was of doubtful propriety, but who, sitting as Chief Justice of the greatest court in the world, rose to the dignity of the occasion and declared that the act which he himself had recommended was not authorized by the fundamental law of the country. We looked to Chief Justice Chase then as the great representative of the Democratic idea of the want of power in the Federal Government to create money by its own mere fiat.

Afterwards the court was increased by an additional justice and a judge retired from the bench, and then a Republican President filled the two vacancies. The constitutionality of the legal-tender act again came before the court, and then it was held that this act, which Chief Justice Chase had declared to be unconstitutional, was a constitutional act; and then the Democrats said—and they appealed to the country to justify them in saying—that political considerations had influenced the appointment of the two new justices, and that the great court had been reconstructed in order to have the Constitution set aside and a void enactment declared valid.

It may be said that that case and a subsequent case have established the constitutionality of legal-tender money, and that Democrats may yield, as all good citizens ought to yield, to the final decision of the court of last resort; but it does not follow that Democrats shall change their opinions, and at the first opportunity, plant themselves upon ground formerly occupied by those with whom they did not agree and which was denounced by them at the time as flatly in the face of the Constitution.

But did the greenbacks prove an ideal money during the civil war? In 1868 the Secretary of the Treasury, in his report, was moved to say:

So far has the legal-tender currency been from performing the equitable and harmonious functions of money, in its relations to trade and industry, that it has been the great disturbing element. By it all relative values have been unsettled, trade interrupted, and industry disorganized to such an extent that the whole foreign and domestic trade has been compelled to adjust itself over and over again to the altered condition of the currency. Nothing has been permanent. Violent fluctuations have characterized the market for every commodity, and speculation has usurped the place of regular and legitimate traffic.

That was written three years after the close of the civil war, and we know that it was a correct picture of the facts as they were then understood. The country did not resort to greenbacks as a matter of choice, as it is proposed we shall now do. Federal credit was broken down, Treasury notes could not be used at all, money could not be borrowed upon the bonds of the Government, and the necessities of the situation drove Congress into the adoption of a policy it did not approve.

Mr. Fessenden, a Senator from Maine, in the discussion of the bill, said:

The chairman of the Committee on Ways and Means, in advocating the measure, declared that it was not contemplated and he did not believe it would be necessary to issue more than \$150,000,000 of Treasury notes, made a

legal tender, as provided by this bill. All the gentlemen who have spoken on this subject, and all, pretty much, who have written on the subject, except some wild speculators in currency, have declared that as a policy it would be ruinous to any people; and it has been defended, as I have stated, simply and solely upon the ground—

Not of good policy, not of voluntary action by a government which had the liberty to act as it pleased, but—

that it is to be a single measure, standing by itself, and not to be repeated. * * * The ground upon which this clause, making these notes a legal tender, is based I have already stated. It is put on the ground of absolute, overwhelming necessity, that the Government has now arrived at that point where it must have funds, and those funds are not to be obtained from ordinary sources or from any of the expedients to which we have heretofore had recourse; and therefore this new, anomalous, and remarkable provision must be resorted to, in order to enable the Government to pay off the debt that it now owes and afford circulation which will be available for other purposes.

That is but a specimen of the statements made by those who voted for the bill. The Government had been reduced to the necessity of raising money through the instrumentality of a forced loan, and that overwhelming necessity alone, it was admitted, justified the act. Treasury notes would not circulate, sufficient taxes could not be collected to answer the purposes of the Government, and money could not be borrowed. In fact, Mr. Blaine says that at that time Confederate bonds were more readily taken in the European markets than the bonds of the Federal Government. Yet to-day, with our credit reestablished, with 75,000,000 of people, with seventy-five billions of property, with better credit than any government ever enjoyed, it is proposed that we shall do that which was done in 1862 under the overwhelming necessity which then confronted the Government.

Senators say that we are to issue only \$150,000,000. It was said in 1862 that \$150,000,000 was all that would be needed, and while only about \$450,000,000 of greenback legal-tender notes were actually issued, yet at the end of the war there was one billion six hundred millions of floating debt outstanding, including those greenback notes, and which in the end had to be funded into interest-bearing bonds.

I do not understand, unless it be some of our Populistic friends, that anybody wishes to issue legal-tender notes which are not to be redeemed in coin. There may be a difference of opinion whether they should be redeemed in gold coin or in silver coin, or in gold and silver indiscriminately. But I do not understand that anybody now claims that paper money ought to be issued which is not to be redeemed at all. Nor have I heard anyone say that our necessities are such at this time that we ought to issue \$150,000,000 of legal-tender notes, payable at the Treasury on demand, without making any provision whatever for their redemption when such redemption is demanded.

At the end of the civil war, and after the vast outstanding floating liabilities had been funded and it was determined to reduce the volume of greenbacks to \$346,000,000, the Treasury Department, with the knowledge and approval of Congress, set aside \$100,000,000 in gold to be used as a redemption fund. An act of Congress authorized the sale of bonds to raise that \$100,000,000. It was set apart and has been kept through all the fluctuations of our financial policies up to this time as a redemption fund. Nobody insists that \$100,000,000 in coin is too much.

The policy was established under Mr. Harrison's Administration, and it was kept up under Mr. Cleveland's Administration, and I may say it is the policy of this Administration, that these outstanding United States notes, as well as the Treasury notes issued to pay for the silver bullion bought under the Sherman Act, shall be redeemed in gold. Many believe that the precedent set by Secretary Foster was a vicious one. Many believe it was a mistaken policy upon the part of Mr. Carlisle to follow the precedent set by Mr. Foster, insisting that gold or silver ought to be paid at the option of the Government in the redemption of these notes. The insistence was not that either coin should be paid at the option of the creditor, but at the option of the Government.

Mr. BACON. The Senator is speaking of Mr. Carlisle's and Mr. Foster's policy?

Mr. LINDSAY. Many people contended that it ought not to have been followed and that the redemption ought to have been made in gold or silver indifferently.

Mr. BACON. At the option of the Government.

Mr. LINDSAY. At the option of the Government. But in 1896 this great issue was submitted to the American people and an Administration was put in power which is pledged to maintain the gold standard until that indefinite point of time at which an international agreement may be reached for the general coinage of gold and silver by the leading business countries of the world. We are to-day living under an Administration pledged to redeem in gold the \$346,000,000 of greenbacks, and pledged to redeem in gold the \$100,000,000 of Treasury notes issued under the Sherman Act, and now we propose to increase the volume of notes to be thus redeemed to an aggregate of nearly \$600,000,000 and to leave in the Treasury only \$100,000,000 of gold for their redemption.

If we are in good faith issuing greenbacks which are to be redeemed when presented, and \$100,000,000 in gold is only enough

for the redemption for \$446,000,000 of demand notes, when we increase that volume \$150,000,000 ought we not to increase relatively and proportionately the redemption fund?

Mr. RAWLINS. The proposition which I understand the Senator to indorse is that \$100,000,000 of Treasury certificates, bearing interest at a rate not to exceed 3 per cent per annum, shall be issued payable within one year from date. I ask the Senator if, according to his theory and understanding, the \$100,000,000 of paper would not be payable in gold under the policy of this Administration?

Mr. LINDSAY. We take in that paper in payment of taxes, and when we take it in we destroy it; but the \$150,000,000 provided for by this bill is to be redeemed whenever redemption may be demanded and then reissued, as the act of 1878 provides existing greenbacks shall be reissued.

Mr. RAWLINS. I do not think that is quite an answer to my question. These interest-bearing Treasury notes are to be paid within the time specified. If they are paid and not merely taken in exchange, in accordance with the policy which I understand the Senator to approve—the policy of the Administration—would they not be payable in gold?

Mr. LINDSAY. Of course the Administration might pay them out of any money in the Treasury, because we have no established policy as to these notes, but we have an established policy as to greenbacks, and we have an established policy as to the Sherman Treasury notes and as to this other proposed issue, which I have not yet indorsed, and the Senator does not know that I will—

Mr. RAWLINS. No; I do not.

Mr. LINDSAY. There is this distinction, that when the \$100,000,000 is retired it is retired for good, while the other is to be kept in circulation, a standing menace to the gold reserve.

Mr. RAWLINS. If the Senator will permit me, take the other side of the proposition, \$100,000,000 of noninterest-bearing Treasury notes, which are also a legal tender. If they are presented to the Treasury for redemption, as they may be, the same as other outstanding notes of similar character, I suppose they would be treated in the same way.

Mr. LINDSAY. They may or may not be.

Mr. RAWLINS. If they are treated in that way, they will be treated precisely as the \$100,000,000 of interest-bearing notes.

Mr. LINDSAY. Except they would not become a permanent charge on the gold reserve.

Mr. RAWLINS. Proceeding one step farther, they would be to the extent of \$100,000,000 a charge upon the gold reserve within the period of a year. The Senator proposes, or it has been proposed—I do not wish to charge that to the Senator—that we issue \$500,000,000 of bonds, drawing interest at a certain rate, payable after ten years at the option of the Government, but which must be paid within twenty years. Those bonds, if the same policy is pursued, would be a charge upon the gold reserve, present or future.

Mr. LINDSAY. Twenty-year bonds, I believe.

Mr. RAWLINS. Now, the question which I propounded to the Senator is whether these two items, \$100,000,000 within a year and \$500,000,000 with interest accruing to be paid within the time specified, will not be a much greater charge upon the gold reserve or to the people who will be compelled to furnish the gold reserve than the \$150,000,000 of which he has been speaking?

Mr. LINDSAY. A demand note, the payment of which may be called for to-morrow, is a very different thing from a twenty-year bond, the payment of which need not be provided for until the principal falls due.

Mr. RAWLINS. If the Senator will submit to one other interruption, I will not disturb him further. The difference between these Treasury notes and the bonds—

Mr. SPOONER. It is impossible to hear the Senator from Utah.

Mr. RAWLINS. The difference between the Treasury notes and the bonds is that the former are made legal tender in payment of debts. In other words, they are available by reason of that function for use for debt-paying purposes in the transaction of the business of the country, thus making them available to meet an already existing demand for money which will absorb and utilize them and prevent their being presented to the Treasury for redemption, while the other obligations do not possess that feature.

Mr. LINDSAY. If the Senator does not see a distinction between a debt payable twenty years hence and one payable on demand, then I do not feel myself equal to answering the question.

Mr. RAWLINS. I did not ask as to the distinction, but relatively.

Mr. LINDSAY. Now, as to the other branch of the case, if my argument condemns the notes which trouble the Senator from Utah, let those notes go, because my argument is consistent with human experience and with common prudence. I had no representative standing for my peculiar financial views on the Committee on Finance, and am under no obligation, moral or political, to vote for any provision of the pending bill which does not meet

my approval. I am now discussing the propriety of increasing the fixed charge upon the gold reserve \$150,000,000 without making provision to increase the gold reserve, so that the notes may be redeemed when they are presented for payment.

It is said that during twelve or fifteen years after we resumed specie payments very few notes were presented for redemption. That is true. Within the last two years very few notes have been presented for redemption, and as long as gold flows from the other side of the Atlantic into the United States, and there is more gold than the business of the country demands, the gold will find its way into the Treasury, and the greenbacks, as the more convenient currency, will keep themselves in circulation. But suppose conditions change—and we know that they do change—and the demand for gold in Europe becomes greater than the demand for gold in the United States, and profit can be made by shipping gold to the other side of the water, then people will bring their demand notes to the Treasury and demand redemption in gold.

My friend the Senator from Indiana [Mr. TURPIE] said in his speech the other day that the question of silver coinage, except as to the seigniorage, had been adjourned over for future consideration by the people. Therefore I take it that no one expects during the remainder of this Administration, that these notes will be redeemed in any other coin than gold. If we do not wish to go to a paper basis, if we are all opposed to fiat money, and if we intend to increase the permanent volume of demand notes, ought we not to correspondingly increase the reserve fund out of which those notes are to be redeemed from time to time?

I do not understand that this side of the Chamber has ever committed itself to the expansion of the currency through the issuance of legal-tender notes. A majority of this side of the Chamber has insisted that any deficiency in the volume of currency ought to be made good by the free coinage of silver money, but I do not understand that any member on this side has ever held that the demand notes of the Government ought not to be promptly met in coin of some kind when presented at the Treasury.

It is proposed to coin \$42,000,000 of silver, but that coinage is not to be put into the Treasury to be held as a part of the redemption fund. Upon the contrary, the coinage is to be anticipated, certificates are to be issued, and those certificates are to be used in paying the current expenses of the Government. So that although we may increase the volume of our silver coin \$42,000,000, and increase the volume of our legal-tender currency \$150,000,000, it is not proposed to add a single cent to the redemption fund, either in gold or silver.

Mr. BACON. If the Senator from Kentucky will permit me, I should like to ask him a question.

Mr. LINDSAY. Certainly.

Mr. BACON. I believe it will be conceded that all parties and all interests in this country agree that we ought to have a greater volume of currency of some kind—that is, some good currency. There is simply a difference with respect to what it shall consist of. A very large element favor a banking currency, and various schemes have been suggested by which the country can be supplied with a volume of money to make up what is a recognized deficiency, through the medium of a banking currency, and every one of those schemes, without exception, is based upon the credit of the country as the ultimate resource for final redemption for such banking currency.

The question I desire to ask the Senator from Kentucky is whether, if we are to have a paper currency—whether, if it be impracticable, by reason of differences of opinion, to have an entire coin currency and we are reduced to the necessity of a paper currency, and in each instance a paper currency dependent finally upon the Government for redemption—it is better that that currency shall be the immediate issue of paper by the Government or whether it shall be the indirect issue through the medium of banking currency, because that is what it amounts to? In one case it is a direct issue by the Government and in the other case it is an indirect issue, in the fact that the Government at last is looked to for its redemption. Which is the better of those two—a direct issue by the Government or an issue through the medium of banking corporations, with the Government at last depended upon for final redemption?

Mr. LINDSAY. If that question were before the Senate, I would feel under some obligation to attempt to answer it, but the question now before the Senate is how to raise money for the purpose of carrying on the war with Spain. The question of my friend would imply that advantage is being taken of the immediate necessity for money to incorporate in the bill a provision the real purpose of which is to expand the currency.

Mr. BACON. The Senator misunderstands me. The purpose of my inquiry was this: The Senator is arguing against the propriety of the issuance of a certain kind of currency by the Government on the ground that it would not be a safe currency. I am simply calling his attention to the fact that there is a universal demand in this country for an increase of currency and that those who agree with him as to the impropriety of the issuance of legal-

tender greenbacks advocate a banking system in which currency shall be issued by banks with an ultimate dependence upon the Government for the redemption of such currency. Therefore the argument is not as suggested by the Senator, but that if such a currency could be regarded as a sound currency, the issuance of legal-tender greenbacks would also properly be regarded as a more sound currency, and if there is need for it, the propriety of the issuance would be manifest.

Mr. LINDSAY. The point I was discussing was the ability of the party who issued the paper to redeem it in the currency which is recognized as the standard currency of the country.

I wish to say that the banks are in much better condition to redeem their currency in gold than this provision of the pending bill will leave the Government if it shall become a law. The banks under existing conditions may issue currency equal to 90 cents on the dollar of bonds deposited, and those bonds are deposited with the Government and the Government guarantees the redemption of the notes in gold, and if the banks refuse or fail to redeem, the Government can offer existing bonds, which everybody wants to buy and pay for in gold, and therefore the gold will always be on hand to redeem the notes of the banks.

Mr. BACON. I think the Senator is mistaken in the obligation of the Government. The Government does not guarantee that it will redeem the national-bank notes in gold. The Senator is mistaken about that.

Mr. TURPIE. Nor as to the bonds.

Mr. BACON. Of course, but I am speaking of national-bank notes.

Mr. LINDSAY. My friend—

Mr. BACON. If the Senator will permit me, I am not standing upon the question to which I see the Senator is about to reply, probably, raised by the suggestion of the Senator from Indiana. I am saying that there is no guaranty on the part of the Government and there is no practice on the part of the Government to redeem national-bank notes in gold. There may be a practice, an unauthorized practice as I certainly contend, to redeem legal tenders and Treasury notes in gold, but there is no practice, so far as I have been able to inform myself, and certainly no requirement of law, by which national-bank notes are redeemed in gold.

Mr. LINDSAY. I am not going off to argue these abstract questions. The Government holds the bonds and the bonds are pledged for the redemption of the bank notes, and the bonds are payable in coin just as the greenback is payable in coin. This Administration is pledged to pay the interest and the principal of the bonds, if not in gold, in money equal in value to gold; in other words, in order to maintain the gold standard it is not necessary that every demand shall be paid in gold, but that every obligation of the Government and every obligation guaranteed by the Government shall be met in money exchangeable with and equal in value to gold, and that is the state of case with which we now have to deal.

Mr. BACON. I understand the Senator, then, if he will pardon me, to take the position that the Government is bound by the construction of certain officials, although the letter of the law is to the contrary. In other words, the law may be repealed by the pledge of a political party.

Mr. LINDSAY. I do not think the Senator understands me in that way, and I am sure I said nothing which authorizes any such inference. I said we are legislating to-day in view of conditions known to all, and one of those conditions is that we have an Administration pledged to the redemption of all the obligations of the Government in money equal in value to gold. Whether the Secretaries of the Treasury had a right to put the Government in that attitude is not for me to say.

It is enough that this Administration was elected upon the pledge that it would pay in gold, and nothing has happened that will justify any Senator in believing it does not intend to keep that pledge.

Mr. SPOONER. Nothing will happen.

Mr. LINDSAY. With a full knowledge of that fact we propose to issue \$150,000,000 of notes payable on demand in money as good as gold and which will be paid in money as good as gold so long as this Administration is in power, and yet we do not make provision for a dollar in gold or silver for the redemption of that \$150,000,000 of demand notes.

Mr. BACON. Yet I understand the position of the Senator to be that if the \$150,000,000 is issued in the shape of banking currency, it may be safe for the Government to undertake the final redemption of it, even though it has not in that instance made any provision for gold to pay it with.

Mr. LINDSAY. I have not said so, nor have I said anything that authorized the inference. The question of bank currency is not up for consideration. Who knows what we would do if we were called upon to revise the national-bank act? But I do say that under an act for which I am not responsible, for not a single provision of which I voted, we have a currency guaranteed by the deposit of bonds, which bonds can be sold in the market for gold,

not only for an amount equal to the outstanding bank notes, but for an amount 10, 15, or 20 per cent in excess of the outstanding bank notes. Therefore that currency is good under existing conditions, and that is the end of the bank question.

Mr. RAWLINS. I do not understand, or if I do I hope the Senator will make it clear, that the Senator contends that we are here in our legislative policy to conform to the declaration of a political platform, especially of the Republican party, which has not been embodied into law.

Mr. LINDSAY. I do say that if we do not legislate in view of conditions which we know to exist, then we will not legislate wisely or intelligently. That is my answer to the question.

But my friend need not be uneasy about the redemption of these greenbacks in gold. The amendments reported by the majority of the Committee on Finance do not provide for the repeal of the act of 1875. They leave that act in full force, and while the majority of the committee object to issuing bonds to raise money to pay the expenses of the war, preferring to issue greenbacks payable on demand, and which this Administration is pledged to redeem with gold, they leave the act of 1875 in full force, so that when a raid may be made upon the Treasury, if the raid shall be made, with the additional \$150,000,000 of greenbacks, this Administration can keep its pledge, as the last Administration maintained the gold standard, by selling bonds more objectionable in form and stipulations than the bonds provided to be sold under the bill as it came from the House, and especially under the report of the minority of the Finance Committee.

So we are in this attitude: It is a question whether we shall sell bonds to raise money to pay the expenses of the war or whether we shall increase the volume of greenbacks and force the Government to sell bonds to put gold in the Treasury to keep the greenbacks at par with gold, when the gold speculators choose to make a raid upon the Treasury, after we have increased their facilities 25 per cent by the bill you propose to enact into law.

Mr. SPOONER. That is the object of it.

Mr. LINDSAY. It is not a question of bonds. At either end of the line we have bonds. It is a question whether we will sell bonds as provided for by the minority report of the Finance Committee or whether we will sell bonds under the act of 1875, and everybody knows this to be the case. There will probably be no raid upon the Treasury, I hear it intimated. When did we get this sudden confidence in the moderation of the gold speculators and the Treasury raiders? What has happened in the last two years to make us believe that when those people can make money by exporting gold they will not raid the Treasury with the greenbacks now outstanding, and raid it the more successfully with the greenbacks which this bill provides shall be put into circulation?

My friend from Texas [Mr. CHILTON] two years ago, in discussing this question, did not give his unqualified approval to legal-tender money. Stating his objections, or stating points that did not meet his approbation, he said:

One of these is found in that part of section 4 which compels the reissue of greenbacks whenever redemption takes place. For myself I do not believe we shall achieve the restoration of orderly finance until the present system of reissuing demand notes of the Government is abandoned; and whenever a fair and conciliatory plan looking to that end is presented to the Senate, I expect to vote for it.

With that sentiment I am in hearty accord.

Mr. CHILTON. Will the Senator from Kentucky excuse me for an interruption?

Mr. LINDSAY. Certainly.

Mr. CHILTON. I stated the same thing yesterday. I call the Senator's attention to my remarks.

I do not disguise from myself a recognition of the fact that it is ordinarily undesirable to increase the outstanding paper which may be presented for redemption, and I would prefer a condition where gold and silver were both coined, both invested with the money function, and each form of coinage permitted to stand upon its own weight, which I believe would be an equilibrium.

If we could establish that policy and issue gold and silver certificates to give the people the convenience of a paper representative of money, I would be glad to see all redeemable paper banished from circulation.

But it is not a question of what we would do as an original proposition, but it is a question of alternatives.

Mr. LINDSAY. I had no idea of attempting to show that the Senator had changed his views on that subject.

Mr. CHILTON. No; I understand that.

Mr. LINDSAY. I quoted his statement because it is apt, because it is well put, and because it is convincing.

The point I make is this: We can not have at this time the free and unlimited coinage of silver. We can not and we do not propose to put silver dollars in the reserve fund to redeem greenbacks. Now, then, if it would be bad policy, after we have the right to redeem the legal-tender notes with both gold and silver, to reissue them, I submit, is it not worse policy to reissue them and keep them outstanding as demands against the Treasury when we have only one kind of coin with which we can redeem them?

Mr. CHILTON. Will the Senator excuse one further interruption?

Mr. LINDSAY. Certainly.

Mr. CHILTON. My proposition is this: It is now a choice between issuing bonds which bear interest or issuing legal-tender United States notes, which may possibly threaten some future burden to the Treasury by the process of redemption. I believe it is cheaper, especially in view of the vitalizing influence upon business which an issue of paper money will bring, to encounter the peril, if peril it may be, of putting out this additional amount of legal-tender currency than to load ourselves with hundreds of millions of bonds to run from ten to twenty years, upon which the people of this country must pay interest indefinitely.

Mr. LINDSAY. I am glad to find that my friend and I do not differ in principle; that we agree in principle; and that our difference is only as to the cheaper mode to raise this \$150,000,000. Is it cheaper to issue notes to be redeemed in gold on demand, and reissued and redeemed again on demand, and reissued and redeemed indefinitely, as under the policy and during the remainder of this Administration, than it is to sell 3 per cent bonds, which run from ten to twenty years and which can not be presented for payment until the people shall have had ample opportunity to go to the silver standard, if they shall choose to go to it at any time in the future? I say that under the gold standard the greenbacks have been the most expensive obligations this Government has ever issued. They bear no interest upon their face, but they compel the sale of interest-bearing bonds for their redemption.

Mr. CLAY. Will my friend from Kentucky yield to me that I may ask him a question?

Mr. LINDSAY. Certainly.

Mr. CLAY. The Senator says that our greenbacks have been the most expensive money we have ever had. I desire to ask the Senator, when did they become expensive? Is it not true that from 1879 to 1891, a period of thirteen years, when there were nearly \$400,000,000 of Treasury notes and United States notes in circulation, less than \$35,000,000 United States notes were presented for redemption?

Is it not true that up to 1891 not a single dollar of Treasury notes was presented for redemption? Is it not true that from 1891 to 1895, a period of four years, nearly \$300,000,000 were presented for redemption, and that can be attributed to the fact that up to that time, 1891, the Government had never announced its policy to redeem in gold, but it was simply the policy of the Government to pay in either gold or silver at the option of the Government? So soon as the Government announced the policy not to pay in either gold or silver, then this paper money was presented for redemption and became expensive.

When it was the announced policy of the Government to exercise its option to redeem the money issued by the Government in either gold or silver at the option of the Government, then there was no raid on the gold reserve; but when the Government surrendered this option and redeemed in gold at the option of the creditor, then, to force the issue of bonds, raids were made on the gold reserve. The gold reserve was never in danger till this option was surrendered by the Government.

Mr. LINDSAY. Now, Mr. President, I will go back to 1868, when we did not redeem in either gold or silver, and let us see what the Secretary of the Treasury said about the cheapness of this money at that time:

So far has the legal-tender currency been from performing the equable and harmonious functions of money in its relations to trade and industry that it has been the great disturbing element. By it all relative values have been unsettled, trade interrupted, and industry disorganized to such an extent that the whole foreign and domestic trade has been compelled to adjust itself over and over again to the altered condition of the currency. Nothing has been permanent. Violent fluctuations have characterized the market for every commodity and speculation has usurped the place of regular and legitimate traffic.

Mr. ALLEN. Is that the language of Secretary McCulloch?

Mr. LINDSAY. Yes, that was the language of Secretary McCulloch, and McCulloch was drawing a faithful picture of the effects of greenback currency up to that day.

Mr. ALLEN. Will the Senator permit an interruption?

Mr. LINDSAY. Certainly.

Mr. ALLEN. Secretary McCulloch was the known and open enemy of greenbacks.

Mr. LINDSAY. Of course he was.

Mr. ALLEN. And without authority, in violation of positive law, he called in and destroyed over a billion greenbacks up to 1874, when he was stopped by the act of that year.

Mr. LINDSAY. Four hundred and fifty million was all that was ever issued.

Mr. ALLEN. But they were issued and reissued until they amounted to over a billion.

Mr. LINDSAY. They could not have been destroyed if they were reissued.

Mr. ALLEN. They were destroyed, and if the Senator will turn back to the early reports, he will find that to be true. Mr. Logan, when a member of the Senate, called attention to the fact that over a billion had been destroyed by this man—different forms of paper money.

Mr. LINDSAY. Oh, yes; different forms of paper money. We issued Treasury notes bearing 7.3 per cent interest, and we issued Treasury notes bearing 6 per cent interest, and we managed by the end of the war to get out in the way of floating indebtedness of one kind or another a billion six hundred million dollars, including four hundred and fifty millions of greenbacks.

Mr. ALLEN. I call the attention of the Senator to the fact set forth in the report of Mr. Spinner, which was a portion of the Treasury report, that we issued during the war all told over \$6,000,000,000 in paper money of different forms.

Mr. LINDSAY. Not in legal-tender greenbacks.

Mr. ALLEN. Legal tenders, 7.30 notes, certificates of indebtedness, and other forms of paper money which Mr. Spinner says were issued and used for the purpose of money.

Mr. LINDSAY. Well, that is out of my line, and I shall not discuss this ancient history; but I suppose my friend will agree with me that 7.30 notes were not a cheaper currency than 3 per cent bonds.

Mr. ALLEN. I do agree with you in that.

Mr. LINDSAY. The point I was trying to answer was the point made by the Senator from Georgia [Mr. CLAY], that greenbacks had been a cheap money. Now the Senator from Nebraska says that McCulloch destroyed a billion of them. There were only four hundred and fifty millions ever issued. McCulloch was destroying money that bore 7.30 and 6 per cent interest, and which was a high-priced money, and if such money is to be treated as greenbacks, then my statement is more than borne out by the facts.

Mr. ALLEN. Of course the Senator does not desire to misrepresent me.

Mr. LINDSAY. No, sir; but it is my speech that is being made.

Mr. ALLEN. My statement goes out, too. I say that according to the Treasury reports over \$1,000,000,000 of different forms of Government paper money was called in and was destroyed, and that was stopped finally by the act of 1874 and again by the act of May 31, 1878.

Mr. LINDSAY. I need not dispute that proposition. It is not in my line of argument, but I will say that, except \$450,000,000 of that money, it could not have been cheap money, because it bore interest at different rates, none of which was as low as 3 per cent, which these proposed bonds are to bear.

Secretary McCulloch retired greenbacks, but he had the authority of Congress to retire them; and their retirement was stopped at \$346,000,000 by an act of Congress providing that the former act should not be further carried into effect. Secretary McCulloch was guilty of no crime. He was acting within the law. It may have been a mistaken policy, but whether he acted within the law or outside of the law, whether his policy was good policy or bad policy, the question is, Was that statement true, that this outstanding money disorganized trade and encouraged speculation and compelled business people to readjust their plans of business two or three times in the course of three or four years? If greenback money brought about that result, it was the dearest money the people could have had, whether it taxed the Treasury or not.

Mr. BACON. Will the Senator from Kentucky permit me to make a suggestion in this connection?

Mr. LINDSAY. I will.

Mr. BACON. The effort to withdraw this money so disarranged business and so threatened the country with absolute ruin that the Congress of the United States, after having directed its withdrawal, had to interpose its act and stop it and direct that no more of it should be permanently withdrawn. That does not look as if it was a very great enemy to the prosperity of the country.

Mr. LINDSAY. Does that prove it was not a dear money? Does that prove it would not have been better if no such money had been issued and we had had a currency which did not need to be controlled and regulated by act of Congress from year to year?

Mr. BACON. I fully agree with the Senator. If we could have all coined money, of course I should be opposed to any paper money; but as the barrier has been put up and you say we shall not have coined money, but that the great majority of our currency shall be paper, then the best obligation is the obligation of the Government.

Mr. LINDSAY. Now, let us see about that best obligation. Two years ago this matter was under discussion. I believe my friend here [Mr. ALLEN] was responsible for it. A distinguished member of the Finance Committee, the Senator from Arkansas [Mr. JONES], had occasion to comment upon this kind of money. I think my friend from Nebraska [Mr. ALLEN] had indulged in some statement to the effect that the greenbacks were ideal money, and the best we ever had.

Mr. ALLEN. Mr. President—

Mr. LINDSAY. I will not say that is true, but he would be liable to make that statement if he had the provocation.

Mr. ALLEN. I will say it now.

Mr. LINDSAY. The Senator from Arkansas said then:

The truth is that the silver certificates are to-day performing the office of the paper money of this country. The greenbacks are not performing it. On the contrary, they are held by the banks for the purpose of taking the gold out of the Treasury whenever they want it, whenever they choose to increase their holdings. In the last sixty days—

I think this was January, 1895—

as I have just stated, there has been more than \$50,000,000 in gold so drawn out of the Treasury, and of that \$50,000,000 only \$15,000,000 was drawn out for export. The other \$35,000,000 was drawn out to be hoarded, to be held in banks; and this will continue—

Now, how long?—

and this will continue as long as we allow this convenient means of depleting the Treasury to remain in their hands—

Now, we have permitted it to remain in their hands until to-day, and the proposition now is to increase their facilities 25 per cent over the facilities they held at the time these statements were made—

Whenever they choose to force a bond sale they can do it by drawing out the gold to the limit which the President considers dangerous, and after the bonds are bought the gold paid for them can be immediately drawn out of the Treasury to be hoarded in the banks, as stated by the President, and we are no nearer relief after it has been repeated a dozen times, and after \$100,000,000 or \$200,000,000 or \$300,000,000 of bonds have been issued than we were when we began.

That was the Democratic idea of greenbacks in January, 1895; that they did not answer the purposes of money; that they were held by the banks and by gold speculators, and that the banks and speculators raided the Treasury with them whenever they could make profit by raiding the Treasury, and thereby compelled the sale of bonds under the act of 1875. This bill proposes to give these raiders \$150,000,000 of demand notes in addition to what they held in 1895; it stands by the gold standard, as this Administration is pledged to stand; it leaves the act of 1875 in force, so that the excellent gentlemen who make money by raiding the Treasury can raid it 25 per cent more successfully than they could when the Senator from Arkansas exposed conditions which no man then disputed and no man can now dispute.

Mr. ALLEN. Where does the Senator get his authority for constant, repeated redemption of the greenbacks?

Mr. LINDSAY. The greenbacks under the act of 1878 are reissuable. This bill proposes that the contemplated \$150,000,000 shall be reissuable after being redeemed.

Mr. ALLEN. But I submit to the Senator there is no statute upon our books which authorizes it. There is no more than a single redemption.

Mr. LINDSAY. Now, my friend, I will say to you that a statute practically means that which those whose duty it is to enforce it and who have the power to finally enforce it construe it to mean.

Mr. ALLEN. That is, if a man sees fit to construe a law in violation of its letter and its spirit, he is free to do so?

Mr. LINDSAY. No, not that in point of fact, but practically that.

Mr. ALLEN. That is, no officer of the law, not the Secretary of the Treasury, is bound by the statute.

Mr. LINDSAY. I will say that that great question was argued out in 1896. All the arguments which the Senator now presents were then presented to the American people.

Mr. ALLEN. If the Senator wants to retire from the argument, I have no objection.

Mr. LINDSAY. Oh, no; I am not retiring from the argument. I am making an argument to show where this bill will lead, existing conditions being considered.

Mr. ALLEN. If the Senator will excuse me for interrupting him once more, I will not do it again.

Mr. LINDSAY. Very well.

Mr. ALLEN. I say there is not a letter or syllable on our statute books authorizing more than a single redemption, and that every redemption beyond that has been made with the full knowledge on the part of the officer that he violated the law when he did it.

Mr. LINDSAY. Now, let us concede that to be true; I ask the Senator why the committee put into the bill a provision that these greenbacks after being redeemed shall be reissued and kept in circulation.

Mr. MORGAN. I think I can settle this difficulty between the Senator from Kentucky and the Senator from Nebraska.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Kentucky yield to the Senator from Alabama?

Mr. LINDSAY. Certainly.

Mr. MORGAN. The Senator from Kentucky evidently believes that the Republican party will not do to trust on this subject. And they believe the same thing.

Mr. LINDSAY. Probably they do.

Mr. MORGAN. Therefore, of course, if they all believe the same thing, it will not do to trust them.

Mr. LINDSAY. What I say is that the Republican Administration, if this bill becomes a law, will redeem these notes in gold, and that the Republican Administration will sell bonds under the act of 1875 to get gold, if it shall prove necessary to do it. My friend from Nebraska [Mr. ALLEN] would not if he were President and if his party were in power.

Mr. ALLEN. But I would observe the law and have my party observe it.

Mr. LINDSAY. But the trouble is that your party is not in power.

Mr. ALLEN. But it will be.

Mr. LINDSAY. We shall then legislate in view of your party being in power and keeping its pledges.

Mr. ALLEN. That is right.

Mr. LINDSAY. But we are now proposing to legislate in view of the Republican party being in power.

Mr. ALLEN. It will not keep its pledge.

Mr. LINDSAY. It has pledged itself to keep to the gold standard.

Mr. SPOONER. And will do it.

Mr. LINDSAY. And my friend from Wisconsin, who speaks by authority, says it will do it.

Mr. SPOONER. No; I do not speak by authority.

Mr. LINDSAY. I do not mean express authority; I mean that authority which comes from a long and intimate acquaintance with the Republican party.

Mr. RAWLINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. LINDSAY. Certainly.

Mr. RAWLINS. If the Senator will permit me, I wish to make a little calculation in line with his argument.

Mr. LINDSAY. I am not good in mathematics.

Mr. RAWLINS. It is as to the charge that the greenbacks are subject to reissue upon the gold reserve. Take a ten-dollar note of that description. It is presented at the Treasury, for which the party presenting it receives \$10 in gold. The gold in the Treasury is depleted to the extent of \$10, and a ten-dollar greenback takes its place. There is a demand upon the Treasury for the payment of the debt or expense of the Government to the extent of \$10, and the Treasury has the alternative of paying out that \$10 or \$10 in gold.

It reissues the \$10, and this gold reserve remains the same as if the Treasury had paid out \$10 in gold. The gold reserve is depleted \$10. When the greenback \$10 is reissued, its holder may again present it, demanding gold, and receive \$10, and the result is precisely the same. I have never been able to understand the method of calculation by which it is claimed that the reissuing of these notes has any effect whatever as an extra burden upon the gold reserve. Dollars necessarily go back to the same thing, provided the same amount of money is expended by the Government in its expenses.

Mr. LINDSAY. I think the Senator from Arkansas explained that so that nobody ought to misunderstand it, but I shall try again. The pending bill proposes or contemplates that we shall use for paying war expenditures all the money now in the Treasury except the \$100,000,000 to be held as a redemption fund. It contemplates that the proposed \$40,000,000 of silver certificates shall be used. It contemplates that the \$150,000,000 of greenbacks shall be used. So at the end of the year all the gold that we shall have in the Treasury will be \$100,000,000.

Suppose some syndicate comes down to Washington with a hundred million dollars of greenbacks to-day and takes that hundred million dollars of gold out of the Treasury, and another syndicate comes down with a hundred million dollars of greenbacks to-morrow and demands gold, where is it to come from? I think if you get rid of your ten-dollar experiment and go to a hundred-million-dollar experiment, you can see very well how you may deplete the gold redemption fund of the Treasury.

Mr. COCKRELL. Are not all the members of these gold syndicates pure, unadulterated patriots who will sacrifice everything for the country's good?

Mr. LINDSAY. Certainly they are.

Mr. COCKRELL. And yet you say there is danger that they will come down and raid the Treasury?

Mr. LINDSAY. Of course I do; and the reason I say that is that you people, who profess to be the enemies of those patriots, are adding to their power to raid the Treasury by giving them \$150,000,000 more of demand notes, so that they may have 25 per cent more power than they had when the Senator from Arkansas explained how this process was carried out.

Mr. COCKRELL. Why do we do it? It is because they have sworn for years and years that they were the only patriots in the country. Now we have an opportunity to test their patriotism, and we intend to do it if possible. We shall see whether they will come and raid the gold in the Treasury and cripple the Government in every way they can. I want to test them. I want this

opportunity to see whether they are the unadulterated patriots they claim to be.

Mr. LINDSAY. The difference between my friend and myself is this: He still believes they are patriots and I do not [laughter]; he still believes they will not raid the Treasury, and I believe they will; he insists upon giving them more power, and I protest against it. I know what the gold syndicate will do; I know what any speculator will do, even in time of war. Combinations of speculators will utilize any advantages you give them; and here is a proposition to give these people an advantage which they do not now possess.

Mr. RAWLINS. The Senator answered me by a dissertation on patriotism. Will he now go back to the question which we were discussing?

Mr. LINDSAY. I wish the Senator to answer me whether or not my proposition is correct. If there is only \$100,000,000 in the Treasury and the speculators come with \$100,000,000 of greenbacks and take it out, do they not deplete the gold reserve?

Mr. RAWLINS. I understood the contention to be that this \$100,000,000 of silver certificates—

Mr. LINDSAY. I am not speaking of silver certificates.

Mr. RAWLINS. Then that the \$100,000,000 of outstanding greenbacks, if they come in and demand gold, under the policy of the Administration, will get the \$100,000,000 of gold, and there will be no money left in the Treasury. If there is any outstanding obligation of \$100,000,000 which the Government of the United States is compelled to pay, and it has \$100,000,000 with which to pay it, it will be as well off with the greenbacks as it now is with the gold. It can pay them out, and the result will be the same.

Mr. LINDSAY. It may be as well off—and I will not argue that it will not be—but this Administration is pledged, and you know it, that, whether the Government be as well off or not, whenever you take the gold out of the Treasury it will sell bonds and put gold back; and the pending legislation is to be considered in view of our knowledge of that fact.

Mr. STEWART. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Nevada?

Mr. LINDSAY. Of course.

Mr. STEWART. Were the gold men such hypocrites that they were fooling us when they all declared that they wanted to get rid of the greenbacks? If it was advantageous to them to have greenbacks, as represented by the Senator, they ought to want them; but they appear to be against them. If they can use greenbacks to their great advantage and to the disadvantage of the country, to the extent the Senator has been recently arguing, why is it that they are opposed to greenbacks? Or does he believe they are for greenbacks and are saying what they do not mean? How does he think the gold men understand this question?

Mr. LINDSAY. I will answer that question. There are some men who believe in the gold standard who are not engaged in the business of raiding the Treasury, and there are other men who believe in the gold standard who do engage in raiding the Treasury when they can make profit thereby.

Mr. STEWART. I thank the Senator for that information; I never heard it before.

Mr. LINDSAY. They are just like the silver men. There are some men who believe in free silver coinage and who will go through almost any kind of sacrifice to get it; but there is another set of silver men, who represent silver interests, who will go for free coinage if they can not sell their silver, but will let free coinage go if they can make more money by selling their silver than they can by coining it. Human nature is human nature, and it manifests itself in the same way, whether a man believes in the gold standard, the silver standard, or the bimetallic standard.

Mr. STEWART. All depending upon the profits.

Mr. LINDSAY. I will say that since 1890, when the representatives of the silver interests voted against the unanimous voice of the Democratic party in favor of the Sherman purchasing act, whereby the coinage of silver was abandoned and silver was bought and held like cord wood, I confess I have some doubt whether all the silver men believe that free coinage is the greatest blessing that can come to them. That is all I have got to say about that.

Mr. STEWART. Do I understand the Senator to say that we could have got free coinage at that time?

Mr. LINDSAY. I understand you had a free-coinage bill passed through the Senate, and that when the conference report came back it not only abandoned free coinage, but abandoned coinage under the Bland-Allison Act—abandoned all coinage except \$2,000,000 a month for eleven months, and provided for the purchase of the surplus—

Mr. STEWART. I beg your pardon. No such bill as that ever passed. If the bill that did pass had been honestly executed, it would have secured free coinage. There can be no doubt about that. It provided for the coinage of \$2,000,000 a month for one

year, and thereafter the coinage of a sufficient amount to provide for the redemption of the Treasury notes issued thereunder. The Administration refused to do that, but said that the Treasury notes should be redeemed in gold. They would not execute the law. In addition to that, the Administration of Mr. Cleveland formed a syndicate with foreign purchasers, so that there were only two purchasers in the market, and thus manipulated the market.

If that act had been executed, it would have produced free coinage, because it was provided in the act that when silver reached 29 the mints should be opened to it. Silver went up, and continued to go up until it reached 21, and it was still going up when a combination was formed to put down its price. There were only two purchasers in the market, one representing the foreign bankers and one representing the United States; and they fixed the price and put it down.

I could go into the details of that proceeding if I had the opportunity. I repeat if that act had been executed in good faith there would have been a very different condition of things; but your party—and I believe you belong to the Cleveland, Palmer, and Buckner party—and the representative of your party, Mr. Carlisle, refused to purchase any silver; he repudiated the act finally. Though the Republican party may have made some pledge that they are not monometallists, that pledge has a string to it, and it is a very feeble string; but the Palmer and Buckner party, as I understand, is per se a gold party.

Mr. LINDSAY. I can not recall all these things, for it has been a long time since I read that debate; but I want to do the Senator from Nevada the credit to say that he did not participate in it much. My recollection is that he only asked one explanation, and that was whether the Government would be bound to buy silver. The answer was that it would, and he was satisfied. [Laughter.]

Mr. STEWART. The Secretary of the Treasury would not buy.

Mr. LINDSAY. I understand the Senator was deceived and imposed upon; but the buying was the only thing he was particularly anxious about.

Mr. STEWART. The Treasury stopped buying.

Mr. LINDSAY. I know that.

Mr. TELLER. Will the Senator permit me to make a suggestion to him?

Mr. LINDSAY. Certainly; I shall be glad to hear the Senator.

Mr. TELLER. If the Senator from Nevada is interested in that question, I will say that when the Democratic Administration, of which the Senator from Kentucky has been a great supporter, came into power it declared that the Government was under no obligation to buy silver, and absolutely declined to buy silver, as the Senator knows.

Mr. LINDSAY. Of course.

Mr. TELLER. One other thing I want to say. The Senator has intimated, or, I suppose, desired the public to understand, that the act of 1890 was a movement on the part of the silver representatives from the silver-producing States.

Mr. LINDSAY. No; I do not want to convey that impression.

Mr. TELLER. I did not participate very much in that branch of the debate, except to say in substance—I do not recall the exact words—thirty minutes before I voted for the bill, that it was absolutely indefensible as a money measure, but that as it would give some relief to the money condition of the country, releasing somewhere in the neighborhood of \$60,000,000 which was tied up as a deposit or as a trust fund and could not be used—as it released that and left the people who had deposited it to look to the general credit of the Government, that it would afford some relief to the public, and in my judgment it would afford some relief to the people producing silver.

I declared then that it would not bring silver to par, although if the act had been properly carried out it would have helped to do that; but I expressed my dissent absolutely from the bill and voted for it under protest. That was the feeling of all the representatives of the silver States with one or two exceptions.

Mr. LINDSAY. Mr. President, I want to say that all the Senator says is absolutely accurate. He did not give his approval to the bill and he did not express the opinion that it would bring silver to par with gold.

Mr. TELLER. I said it would not.

Mr. LINDSAY. Yes; but the point I make is not that the Senators on the other side of the Chamber voted for the bill, but that they separated themselves from a unanimous Democracy, who had been fighting with them for free coinage, and every one of whom voted against the conference report.

Mr. TELLER. Will the Senator allow me to make another interruption?

Mr. LINDSAY. Certainly.

Mr. TELLER. The Senator must know just as well as we did that it was absolutely impossible to secure a free-coinage measure. We had demonstrated that by the vote in the House of Representatives. We had the assurance of the Secretary of the Treasury

and of the President of the United States that if we passed such a bill it would be vetoed, and therefore we were not fighting for free coinage longer when we knew that there was an insurmountable objection; but, believing as we did that the bill would afford some relief to the country and some relief to the depressed industries of the West, we voted for it.

I should like to say further that if I had known at that time that my Republican associates were ready to betray us and abandon us, as they afterwards declared they would at the first opportunity, I do not suppose I would have voted for the bill.

Mr. LINDSAY. Mr. President, if free coinage was then impossible—and I take it that the Senator understood it was—

Mr. TELLER. Yes.

Mr. LINDSAY. We could at least have defeated all legislation, and the Bland-Allison Act, which provided for the purchase of \$2,000,000 worth of silver bullion a month and the coinage of all of it into silver money, would have remained in force.

Mr. STEWART. I beg your pardon; President Cleveland before his first inauguration insisted in the Warner letter that the Bland-Allison Act should be repealed. It was one of his main missions in life to have that act repealed, and when he came in a second time and renewed his recommendation against the Sherman Act in the same way, but for its repeal, the Bland-Allison Act would have been in his path the same as the Sherman Act was. The purpose of Mr. Cleveland was to accomplish what he failed to accomplish in his first Administration, to wit, to remove every law from the statute book which recognized silver in any way as a money metal.

If the Bland-Allison Act had remained on the statute book when he came in the second time, there is no reason why he would not have succeeded against that the same as he did against the Sherman Act. It was his constant fight. He led the Democratic party up to it and succeeded in getting enough of them to go over and join the Republican party so as to destroy silver in his second term. He repeated the same argument against the Sherman Act that he had used against the Bland-Allison Act. To reach the single gold standard was his object; and the Bland-Allison Act could not have remained on the statute book any more than the Sherman Act.

Mr. LINDSAY. Mr. President, that is no reply to my statement that if the act of 1890 had been defeated the Bland-Allison Act would have remained in force.

Mr. STEWART. It would have remained in force as long as the Sherman Act, but it could not have stood the raid of 1893.

Mr. LINDSAY. Under the Bland-Allison Act, which was repealed in 1890, and for the repeal of which the Senator from Nevada voted, during 1891, 1892, 1893, and 1894, we would have bought \$2,000,000 worth of silver bullion each month and coined it into silver dollars, and put those dollars into circulation. Instead of doing that we passed the Sherman Act, which my friend says the Republicans did not faithfully carry out, under which we bought plenty of silver, but coined and put in circulation very little of it.

Mr. STEWART. If we had continued that we should have had less silver money than we have to-day.

Mr. LINDSAY. My friend can not make me defend the Republican party or defend its interpretation of the law; but the money we secured under the act of 1890 is not silver at all; that money is Treasury notes, which the Republican party insists are to be redeemed not in silver, but in gold, and then reissued and kept in circulation.

Mr. STEWART. What we complain of is that neither the Republican party nor the Democratic party have any respect for the law.

Mr. LINDSAY. The Senator knows that the Secretary of the Treasury does not intend to redeem in anything but gold.

Mr. STEWART. I beg pardon for the expression I just used. I did not mean to say the Democratic party, but I meant the Cleveland party. I want to apologize to the Democratic party.

Mr. ALLISON. Will the Senator from Kentucky yield to me for a moment?

Mr. LINDSAY. Certainly.

Mr. ALLISON. I do not wish to get into this controversy about whether the repeal of the Bland-Allison Act, so called, would have resulted in less or more money; but it is perfectly evident if the price of silver bullion had continued to decline, as it did under the Bland-Allison law and under existing legislation, that the original act of 1878 would have yielded a much larger amount of silver money than there is under existing conditions.

Mr. LINDSAY. There is no doubt about that.

Mr. STEWART. But we had no conception that you were going to play these tricks on us.

Mr. LINDSAY. I want to say to my friend from Nevada that we are proposing to legislate now with full knowledge of the fact that they will play that same trick on him again; that the one hundred and fifty millions of greenbacks will be redeemed in gold, and then reissued for further redemption in gold.

Mr. STEWART. Please do not suggest the impossible. The idea that is suggested, that any man now living can have a full knowledge of the tricks of the Cleveland Democracy and the Gold-bug Republicans, is something more than marvelous. As to the Senator's remark about legislating with full knowledge, you can not tell what statutes they will repudiate. They repudiate everything that is in their way. Then how can you tell what statutes they will repudiate? The Senator says they repudiated the statute which provided for redemption in either metal, and he says they will do as they have a mind to. But how can you have full knowledge, even if you know what law they will pass, whether it will be to their interest to repudiate it?

Mr. LINDSAY. I will confess that we do not know and can not know all they will do.

Mr. STEWART. No.

Mr. LINDSAY. But we do know this much: If you put these greenbacks out, they will be redeemed in gold, and you do know when they do redeem them they will again issue them, and again redeem them in gold; and you do know that if it is necessary to get the gold, they will sell bonds again under the act of 1875 to get it.

Mr. STEWART. Will the Senator stand by them in any such violation of the law, in selling out their country in that way?

Mr. LINDSAY. I will tell you, if you will give me an opportunity.

Mr. STEWART. Certainly.

Mr. LINDSAY. In 1895 a bill came over from the Republican House of Representatives proposing to sell \$200,000,000 of bonds, very much like the \$300,000,000 of bonds which are proposed to be sold by the minority amendment of the Finance Committee. The bill went to the Finance Committee, and that committee reported back a substitute in the nature of a bill for the free and unlimited coinage of silver. When that substitute came up for discussion, a good deal was said by the Senator from Nevada, doubtless, but I do not remember what it was.

Mr. STEWART. I was in favor of the bill of course. I was an honest man then, as I am now.

Mr. LINDSAY. The Senator was in favor of it. The argument was made that if we should go to free silver, then gold and silver would come to a parity. I took the ground if that was true—

Mr. STEWART. I hope the Senator will not put me in any such attitude as that. I never spent time in discussing any such question as that. What I am after is to have money on a parity with property. Other things will take care of themselves.

Mr. LINDSAY. My friends on this side of the Chamber insisted that if we should go to free coinage, gold and silver would come to a parity. My opinion was that if that was a well-founded belief—and I had no right to doubt that my silver friends thought it was—and we were going to make the experiment, there could be but one of two results. Either gold and silver would come to a parity, or else this country would go to the silver basis. Therefore I was of the opinion that in either alternative there was no propriety in selling bonds to keep up a redemption fund.

A proposition was made by the then Senator from Kansas, Mr. Peffer, looking to that view, which was rejected. Then my distinguished friend from Nebraska [Mr. ALLEN], who is consistent always, whether right or wrong—he claims he is sometimes right—offered this amendment to that substitute:

Provided, That after the passage of this act the Secretary of the Treasury shall be deprived of the power to issue bonds or other interest-bearing obligations of the Government unless Congress shall first declare the necessity therefor, any act of Congress now in force to the contrary notwithstanding.

So that with this amendment the substitute would have provided for the free and unlimited coinage of silver at the ratio of 16 to 1, with the provision that the Secretary of the Treasury should have no power to sell bonds except by express act of Congress, and then only according to that act. If there was a deep-seated, undying hostility to the sale of bonds, an opposition holding that bonds should not even be sold in time of war, it seems to me that was the time for such opposition to manifest itself.

The yeas and nays were called on the proposed amendment, and it received 21 votes. It was defeated by a vote of 54. Now, let us see who voted for it. The following Democrats voted for the amendment: BACON, BERRY, Blanchard, Call, Hill, Irby, LINDSAY, MILLER, and ROACH. Those were all the antibond-selling Democrats who were then on this side of this Chamber.

Mr. ALLEN. How about the Populists?

Mr. LINDSAY. The Populists voted for it, of course. The Populists, you know, are opposed to unnecessarily selling bonds, just as I am.

This substitute was defeated, and I find among those who did not then regard the sale of bonds as an unpardonable sin, even in time of peace, and who were willing to sell bonds, or at least not willing to take away from the Secretary of the Treasury the right to sell bonds to buy gold to redeem greenbacks, for that was what was being done under the statute then in force, the follow-

ing Democrats voted in the negative: BATE, CHILTON, COCKRELL, DANIEL, FAULKNER, George, Gibson, GORMAN, GRAY, Harris, JONES of Arkansas, MARTIN, MITCHELL of Wisconsin, MORGAN, MURPHY, Palmer, PASCO, Pugh, TILLMAN, VEST, Villas, Voorhees, Walthall, and WHITE.

In 1895 three-fourths of the Democrats were opposed to repealing the act of 1875 and taking away from the President the right to sell bonds to buy coin to redeem greenbacks. Four or five of us, in conjunction with the Populists, and under the leadership of my distinguished friend from Nebraska, were in favor of taking that power away from the President.

Mr. STEWART. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Kentucky yield?

Mr. LINDSAY. I do.

Mr. STEWART. I think the Senator places his Democratic friends in a false position by representing them as being opposed to the selling of bonds to buy gold for the purpose for which they were then sold. By the act of January, 1875, the resumption act, it was provided that the Secretary of the Treasury might use the money in the Treasury to redeem greenbacks, that he might sell bonds of the description named in the act of July 14, 1870, to the extent necessary to procure coin to redeem the greenbacks; but if it was not necessary for that purpose he had no such power.

The Democrats never took the position in any vote they gave that the Treasury had power to sell bonds to buy gold, or that it had the power to sell bonds to buy coin or for any other purpose than to redeem greenbacks. They were opposed, as was explained at the time, to changing the act of 1875, which was limited to selling bonds to buy coin to redeem the greenbacks. That act was construed to be an authorization to the President not only to sell bonds to buy coin, but to sell bonds to buy gold; not only to sell bonds to buy coin to redeem greenbacks, as provided in the act, but to sell bonds to buy gold for all other purposes.

Finally the act was construed to mean that the President had the power to sell bonds ad libitum, to put the proceeds in the Treasury and use the money for ordinary purposes. Over \$200,000,000 were put in the Treasury and used to pay the ordinary expenses of the Government, which the Democrats contended, and we all contended, was in violation of the statute, which only authorized the issuance of bonds to the extent necessary to buy coin to redeem greenbacks. When there was coin in the Treasury there was no power to issue bonds, because there was no necessity for bonds, and there was no time when there was not an abundance of silver coin in the Treasury.

Consequently the entire issue was without authority of law. More than half of the revenue during that time came into the Treasury in silver certificates, it is true, but they were convertible in the Treasury, without the action of a third party, into silver coin; and we had always an abundance of coin on hand. So there was no necessity whatever for issuing bonds to buy coin, not even silver coin, for we always had plenty of it, and the Democrats and most of us contended that it was a gross violation of law. To construe the vote of Democracy against changing the resumption act into an indorsement of the sale of \$262,000,000 of bonds to buy gold for speculative purposes is a hard reflection on your colleagues. You ought not to make it.

Mr. LINDSAY. That is exactly what I did not say.

In May, 1896, Mr. Cleveland was President, and we knew he would remain President until the 4th of March, 1897. He was selling bonds under the act of 1875 and buying gold and putting it in the Treasury and redeeming greenbacks with it, and then using the greenbacks in paying the current expenses of the Government, and it was in that view, because the Senator from Nebraska was opposed to those things being done, that he moved this amendment, which would have taken from Mr. Cleveland's Secretary and would have taken from Mr. McKinley's Secretary the power to sell bonds.

Mr. STEWART. Would it not also have taken away the power to sell bonds to buy coin if it should become necessary to redeem greenbacks? Would it not have gone further than was necessary? I have not the language before me, but my recollection of it is that it went further than to stop the glaring evil which was then and is now complained of.

Mr. LINDSAY. My friend puts the Democrats in the attitude in which I never put them; that is, they were willing for the President of the United States to have the unqualified and unrestrained power to sell bonds under the act of 1875 if he would buy silver to redeem the greenbacks.

Mr. STEWART. No; there was no necessity for that.

Mr. LINDSAY. But they were opposed—

Mr. STEWART. I beg pardon. There never was a day or an hour when there was not an abundance of silver to redeem greenbacks.

Mr. LINDSAY. If there was an abundance of silver to redeem the greenbacks—and that was my logic—and we were going to free silver, then the proposition was that there was no necessity

for selling bonds to buy either gold or silver, and that therefore the right to sell bonds ought to be taken away. A great majority of the Senators on this side voted against it. That was in time of peace.

Now, then, in time of war there is opposition to selling bonds to raise money to pay the expenses of the war; but those in opposition seem willing to leave the act of 1875 in force, so that this Administration may buy gold to redeem the greenbacks, and propose that we shall increase the volume of greenbacks \$150,000,000, so that we may make it necessary for the Administration to buy more gold than it otherwise would have an excuse for buying.

This is the way these propositions appear to me: One is that we shall unnecessarily, if not unconstitutionally, invade the domain of State taxation and cripple the States for the benefit of the Federal Government when there is no necessity for doing so; and the other is that we shall increase the burden resting upon the \$100,000,000 of gold reserve without adding a cent to that reserve, knowing at the time that the gold speculators may use the facility this must give them to raid the Treasury and make it necessary for this Administration to sell bonds; and we know that it will sell bonds, and will sell them for gold, and will use that gold to redeem the greenbacks which are to be put in circulation and keep in circulation, no matter how often they may be redeemed.

Mr. TILLMAN. Will the Senator from Kentucky allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. TILLMAN. If I understand the Senator, he contends that the issue of greenbacks which we favor would entail an obligation, or at least afford an opportunity to the Administration—

Mr. LINDSAY. That is better.

Mr. TILLMAN. To sell bonds for gold?

Mr. LINDSAY. Yes.

Mr. TILLMAN. His substitute, or that which he proposes to vote for as a substitute, is to allow the Administration to issue bonds to carry on the war. What will it sell those bonds for when it sells them? Will it demand gold for them?

Mr. LINDSAY. Is the Senator through?

Mr. TILLMAN. I merely wish to know—

Mr. LINDSAY. I understand; but I want the Senator—

Mr. TILLMAN. I desire to know whether it will sell the bonds for greenbacks, or silver certificates, or gold?

Mr. LINDSAY. The Senator is in the habit of putting Senators upon the witness stand, and while I am willing to answer his question, I do not intend to be cross-examined.

Mr. TILLMAN. The Senator is too good a lawyer for me to undertake to tackle him on any proposition of law, but I am simply asking him a question of policy—how will these bonds be sold? What will they bring into the Treasury that he proposes to use in order to carry on the war?

Mr. LINDSAY. The bonds will be sold for money as good as gold, exchangeable for gold, and that money will be used to pay the young men we are sending to Cuba to face Spanish bullets and the yellow fever.

Mr. TILLMAN. How will you make the money for which the bonds will be sold as good as gold?

Mr. LINDSAY. By redeeming the greenbacks in gold.

Mr. TILLMAN. No; you will make it as good as gold by selling bonds for greenbacks to carry on the war, and selling bonds for gold with which to redeem your greenbacks. I want to know how long this country will stand that or will be able to stand it if the war goes on for two or three years and if England or some continental country gets into it?

Mr. LINDSAY. The war will not go on for two or three years.

Mr. TILLMAN. Suppose it should.

Mr. LINDSAY. I said I would not be cross-examined, and I am going to stand by that statement. Whenever the Senator gets through, I will answer.

Mr. TILLMAN. I am through for the present.

Mr. LINDSAY. The war will not go on two or three years unless we break down our credit at the outset of the war, and that I am opposed to doing. We will sell bonds if it prove necessary.

Mr. TILLMAN. Will the Senator wait?

Mr. LINDSAY. No; I will not wait. The Senator can answer my speech, but I can not yield now. We will sell bonds and we will get good money for them, and our credit will be as good as gold, and we will pay our debts in money equal to gold, and at the end of the war we will have conducted it upon the very cheapest basis possible.

Mr. TILLMAN. Will the Senator yield?

Mr. LINDSAY. I will have to decline. I can not make an argument with these constant interruptions.

The VICE-PRESIDENT. The Senator from Kentucky declines to yield.

Mr. TILLMAN. If the Senator declines to be catechized—

Mr. LINDSAY. Oh, well, I do decline to be catechized. It is not proper to catechise a Senator on the floor, and while I want to

be as courteous as I can and answer any question, I can not consent to be treated as a mere witness.

Mr. TILLMAN. I am sorry the Senator draws the line at me, after having been so courteous to all the others.

Mr. LINDSAY. Other Senators asked their questions, and I will be just as courteous to the Senator, and if he thinks I have not been I will withdraw my objection. I never meant to be discourteous in the slightest degree.

I read somewhere a short time ago that England in the great wars of the early part of the century resorted to paper money akin to legal-tender notes and that at the end of the war it found itself indebted in the sum of £400,000,000, while if it had conducted the war upon a coin basis its debt would have been two hundred and sixty instead of four hundred and sixty million pounds, and that its currency, to which it resorted, doubtless, under stress of circumstances like those this Government had to deal with in 1862, had cost it a premium of \$1,000,000,000, which might have been saved if it had stood by the coin standard.

England probably was forced to do it; but England paid the penalty of yielding to the necessity, just as this Government paid the penalty of yielding to the necessity in 1862. This war may go on, we may become involved with other European powers, the time may come when we can not go further on the coin basis, either of gold or silver, and when we will be compelled to come to the issuance of greenbacks and to the policy of forced loans. Should such a contingency arise, whatever our necessities demand will be done, and it will be done without complaint, and we will pay the penalty, whatever it may be. What I now protest against is that we shall provoke that state of affairs; that we shall discredit ourselves at the very outset by resorting to a forced loan, by issuing notes payable upon demand and putting no money in the Treasury to meet them when their payment shall be demanded.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bill and joint resolution:

A bill (S. 4645) to provide an American register for the steamship *Zealandia*; and

A joint resolution (S. R. 167) ratifying and confirming certain temporary appointments of officers of the Navy.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary naval force for coast defense.

The message further announced that the House had passed with amendments the bill (S. 914) to compel street-railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington.

The message further announced that the House had passed a bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company of the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print, for distribution by the Department of State, 5,000 copies of Commercial Relations 1896 and 1897, etc.; in which it requested the concurrence of the Senate.

The message further announced the return to the Senate, in compliance with its request, of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (H. Res. 195) calling upon the Secretary of War for information concerning the port of Sabine Pass; and it was thereupon signed by the Vice-President.

HOOR OF MEETING.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

Mr. COCKRELL. I do not see any necessity for so doing when we have committee meetings nearly every morning.

Mr. ALLISON. It is proposed all around me that we shall go into executive session this afternoon, and Senators know very well that Thursday we have a special order which will require most of the day. There are a certain number of Senators who, I know, desire to speak on the revenue bill, and who do not wish,

at least I do not understand that they wish, to go on to-night. Therefore, I think we should meet at 11 o'clock to-morrow, and I make the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 9893) to regulate steam engineering and the inspection of stationary steam engines and boilers in the District of Columbia;

A bill (H. R. 10106) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes;

A bill (H. R. 10278) imposing a license tax upon proprietors of merry-go-rounds or other like mechanical devices operated or exhibited for purposes of public amusement for gain, and for other purposes, in the District of Columbia;

A bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets;

A bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company of the District of Columbia; and

A bill (H. R. 10294) relative to the control of wharf property and certain public spaces in the District of Columbia.

The bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company was read twice by its title, and referred to the Committee on Commerce.

COMMERCIAL RELATIONS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations, 1896 and 1897, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being part of said Commercial Relations.

THE MILITARY ESTABLISHMENT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4621) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, which was, on page 1, line 13, after the word "rank," to insert the following additional proviso:

Provided further, That officers of the Regular Army receiving commissions in regiments of engineers, or any other commissions in the Volunteer Army, shall not be held to vacate their offices in the Regular Army by accepting the same, but shall be entitled to receive only the pay and allowances of such volunteer rank while serving as such.

Mr. HAWLEY. The amendment is entirely acceptable to the Committee on Military Affairs, and I move that the Senate concur therein.

The amendment was concurred in.

DISTRICT STREET RAILWAY COMPANIES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 914) to compel street-railway companies in the District of Columbia to remove abandoned tracks.

The amendments were, on page 1, line 5, after the word "been," to insert "regularly;" on the same page, line 5, after the word "purposes," to insert "upon a schedule approved by the Commissioners;" on page 1, line 11, to strike out "president" and insert "directors;" and on page 2, after line 4, to insert the following as new sections:

SEC. 2. That on and after one year from the passage of this act it shall be unlawful for any street-railway company operating its system or parts of its system over lines owned and operated by another street-railway company in the city of Washington to continue such operation or to enter into reciprocal trackage relations with any other company, as provided for under existing law, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of this act the company violating it shall be subject to a fine of \$10, to be collected and applied in the same manner as is provided by existing laws in respect of other fines in the District of Columbia.

SEC. 3. That all street-railway companies within the District of Columbia now operating their systems or parts of their systems in the city of Washington by use of the tracks of one or more of such companies, under a reciprocal trackage agreement, as provided for under existing law, which shall be compelled by reason of the passage of this act to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from one system to the other at such junctions of their respective lines as may be provided for by the Commissioners of the District of Columbia.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HANSBROUGH. I move that the Senate nonconcur in

the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. PROCTOR, and Mr. FAULKNER were appointed.

WASHINGTON IMPROVEMENT AND DEVELOPMENT COMPANY.

Mr. WILSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, and 4, and agree to the same.

That the House recede from its amendment numbered 2.

GEORGE L. SHOUP,

LEE MANTLE,

JOHN L. WILSON,

Managers on the part of the Senate.

J. S. SHERMAN,

I. F. FISCHER,

E. B. LEWIS,

Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 25, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 24, 1898.

UNITED STATES MARSHAL.

Dewey C. Bailey, of Colorado, to be marshal of the United States for the district of Colorado, vice Joseph A. Israel, whose term expired May 23, 1898.

CONSUL.

P. Merrill Griffith, of Ohio, to be consul of the United States at Matamoras, Mexico, vice John F. Valls, resigned.

POSTMASTER.

Elijah O. Lefors, to be postmaster at Bentonville, in the county of Benton and State of Arkansas, in the place of Sophie Cheate, whose commission expires May 28, 1898.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Charles Albert Woodruff, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, May 11, 1898, vice Eagan, appointed Commissary-General of Subsistence.

Maj. Henry Granville Sharpe, commissary of subsistence, to be assistant commissary-general of subsistence, with the rank of lieutenant-colonel, May 11, 1898, vice Woodruff, promoted.

Corps of Engineers.

Maj. Charles Walker Raymond, to be lieutenant-colonel, May 18, 1898, vice King, deceased.

Capt. William Murray Black, to be major, May 18, 1898, vice Raymond, promoted.

First Lieut. Mason Mathews Patrick, to be captain, May 18, 1898, vice Black, promoted.

Second Lieut. George Pierce Howell, to be first lieutenant, May 18, 1898, vice Patrick, promoted.

Artillery arm.

Capt. Selden Allen Day, First Artillery, to be major, May 14, 1898, vice MacMurray, Fifth Artillery, deceased.

First Lieut. Erasmus Morgan Weaver, jr., to be captain, May 14, 1898, vice Day, First Artillery, promoted.

Second Lieut. Thomas Briggs Lamoreux, Fourth Artillery, to be first lieutenant, May 14, 1898, vice Weaver, Second Artillery, promoted.

Cavalry arm.

Second Lieut. Edwin Barnch Winans, jr., Fifth Cavalry, to be first lieutenant, April 30, 1898, vice Dean, Fourth Cavalry, resigned.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be commissaries of subsistence with the rank of captain.

Eben B. Fenton, of Michigan.

Martin M. Marshall, of Iowa.

Robert H. Beckham, of Texas.

APPOINTMENTS IN THE SIGNAL CORPS.

To be colonel.

Lieut. Col. Henry H. C. Dunwoody, Signal Corps, United States Army.

To be lieutenant-colonel.

Capt. James Allen, Signal Corps, United States Army.

To be majors.

Capt. Richard P. Strong, Fourth United States Artillery.

Capt. George P. Scriven, Signal Corps, United States Army.

Capt. William A. Glassford, Signal Corps, United States Army.

First Lieut. Joseph E. Maxfield, Signal Corps, United States Army.

First Lieut. Frank Greene, Signal Corps, United States Army.

First Lieut. Samuel Reber, Signal Corps, United States Army.

Eugene O. Fecht, of Michigan.

To be captains.

First Lieut. George O. Squier, Third United States Artillery.

First Lieut. Eugene T. Wilson, Third United States Artillery.

Second Lieut. Jasper E. Brady, jr., Nineteenth United States Infantry.

Martin L. Hellings, of Florida.

Otto A. Nesmith, of California.

Daniel J. Carr, of Connecticut.

Howard A. Giddings, of Connecticut.

Carl F. Hartman, of New Jersey.

John W. McConnell, of Illinois.

William H. Lamar, of Maryland.

Edward B. Ives, of New York.

To be first lieutenants.

Leonard B. Wildman, of Connecticut.

John J. Ryan, of Texas.

William F. M. Rogers, of Connecticut.

Norman H. Camp, of Idaho.

Richard O. Rickards, of Illinois.

Julien P. Wooten, of Georgia.

To be second lieutenants.

Walter L. Clarke, first-class sergeant, Signal Corps, United States Army.

James R. Steele, first-class sergeant, Signal Corps, United States Army.

Basil O. Lenoir, sergeant, Signal Corps, United States Army.

James B. McLaughlin, sergeant, Signal Corps, United States Army.

George C. Burnell, sergeant, Signal Corps, United States Army.

Victor Shepherd, sergeant, Signal Corps, United States Army.

William M. Talbott, sergeant, Signal Corps, United States Army.

Thomas R. J. Campbell, of the District of Columbia.

Charles H. Gordon, of California.

Charles Rogan, jr., of Tennessee.

Alson J. Rudd, of Minnesota.

Henry W. Sprague, of Massachusetts.

William W. Colt, of Illinois.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be colonels.

Capt. Edward A. Godwin, Eighth United States Cavalry, to be colonel of the Seventh Regiment United States Volunteer Infantry.

Maj. Eli L. Huggins, Sixth United States Cavalry, to be colonel of the Eighth Regiment United States Volunteer Infantry.

To be lieutenant-colonel.

Algernon Sidney Reaves, of Tennessee, to be lieutenant-colonel of the Third Regiment United States Volunteer Infantry.

To be assistant quartermasters with the rank of captain.

Giles H. Holden, of Minnesota.

Chester B. Worthington, of Iowa.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24, 1898.

INDIAN AGENT.

Nimrod S. Walpole, of Pueblo, Colo., to be agent for the Indians of the Pueblo and Jicarilla Agency in New Mexico.

COLLECTOR OF INTERNAL REVENUE.

George P. Waldorf, of Ohio, to be collector of internal revenue for the Tenth district of Ohio.

REGISTER OF THE LAND OFFICE.

James Whitehead, of Lincoln, Nebr., to be register of the land office at Brokenbow, Nebr.

RECEIVER OF PUBLIC MONEYS.

James J. Power, of Rochester, Pa., to be receiver of public moneys at Perry, Okla.

SURVEYORS OF CUSTOMS.

Elijah W. Adkins, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee.

John B. Hanna, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland.

COLLECTORS OF CUSTOMS.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina.

Meyer Hahn, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina.

Charles T. Stanton, of Connecticut, to be collector of customs for the district of Stonington, in the State of Connecticut.

Clarence G. Smithers, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland.

William B. Todd, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia.

APPOINTMENT IN THE NAVY.

Elon Obed Huntington, a citizen of Minnesota, to be an assistant surgeon.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be chief surgeons with the rank of major.

George Cook, of Concord, N. H.

William H. Daly, of Pittsburg, Pa.

Clayton Parkhill, of Denver, Colo.

James M. Jenne, surgeon-general of Vermont.

Herbert W. Cardwell, surgeon-general of Oregon.

James H. Hyssell, of Pomeroy, Ohio.

Leonard B. Almy, medical director National Guard of Connecticut.

Charles B. Nancrede, professor of surgery, University of Michigan.

Thomas Earle Evans, of Woodward, Ala.

Jefferson D. Griffith, medical director National Guard of Missouri.

R. Emmett Giffin, surgeon-general of Nebraska.

Edward Boeckmann, National Guard of Minnesota.

Thomas C. Kimball, of Marion, Ind.

Henry F. Hoyt, of St. Paul, Minn.

To be additional paymasters.

William B. Schofield, of San Francisco, Cal.

Moses Ransom Doyon, of Wisconsin.

William J. Cowden, of West Virginia.

To be commissary of subsistence with the rank of captain.

Ralph P. Howell, of Iowa City, Iowa.

To be assistant adjutants-general with the rank of major.

First Lieut. Harry C. Hale, Twentieth United States Infantry.

Capt. Louis A. Craig, Sixth United States Cavalry.

To be commissaries of subsistence with the rank of major.

Capt. David B. Wilson, Twenty-fifth United States Infantry.

First Lieut. Hugh J. Gallagher, Sixth United States Cavalry.

To be commissary of subsistence with the rank of captain.

Don. A. Dodge, of Minnesota.

To be assistant adjutant-general with the rank of major.

Capt. William A. Simpson, Seventh United States Artillery.

ADJUTANT-GENERAL'S DEPARTMENT.

To be assistant adjutants-general with the rank of major.

Capt. Charles H. Heyl, Twenty-third Infantry, May 19, 1898, vice Carter, promoted.

Capt. John A. Johnston, Eighth Cavalry, May 19, 1898, to fill an original vacancy.

H. Kyd Douglas, of Maryland.

To be commissary of subsistence with the rank of major.

H. Clay Mullikin, of Maryland.

To be assistant quartermaster with the rank of major.

Noble H. Creager, of Maryland.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Theodore Schwan, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel.

Maj. William Harding Carter, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Capt. Patrick Henry Ray, Eighth United States Infantry, to be colonel of the Third Regiment United States Volunteer Infantry.

Capt. James S. Pettit, First United States Infantry, to be colonel of the Fourth Regiment United States Volunteer Infantry.

First Lieut. Herbert H. Sargent, Second United States Cavalry, to be colonel of the Fifth Regiment United States Volunteer Infantry.

Laurence D. Tyson, of Tennessee, to be colonel of the Sixth Regiment United States Volunteer Infantry.

First Lieut. Charles S. Riché, Corps of Engineers, United States Army, to be colonel of the First Regiment United States Volunteer Infantry.

Duncan N. Hood, of Louisiana, to be colonel of the Second Regiment United States Volunteer Infantry.

To be assistant quartermaster with the rank of captain.

First Lieut. George S. Cartwright, Twenty-fourth United States Infantry.

To be commissaries of subsistence with the rank of captain.

Frederick W. Hyde, of New York.

William H. Anderson, of Greenville, Ohio.

George B. McCullom, of Pulaski, Tenn.

To be engineer officers with the rank of major.

Charles Lincoln Woodbury, of Vermont.

Capt. William D. Beach, Third United States Cavalry.

Capt. George H. Sands, Sixth United States Cavalry.

Capt. William A. Shunk, Eighth United States Cavalry.

To be commissary of subsistence with the rank of major.

William M. Abernethy, of Missouri.

To be commissary of subsistence with the rank of captain.

James Edward Calhoun, of New York.

FIRST REGIMENT OF VOLUNTEER ENGINEERS.

To be colonel.

Eugene Griffin, of New York.

To be first lieutenants.

Algernon Sartoris, of the District of Columbia.

Fitzhugh Lee, jr., of Richmond, Va.

Carlos Carbonel, of Troy, N. Y.

Karl Fisher Hansen, of New York.

FOR APPOINTMENT IN THE SIGNAL CORPS.

To be major.

Capt. Richard E. Thompson, Signal Corps, United States Army.

To be captain.

Benjamin F. Montgomery, of Virginia.

To be first lieutenants.

Phillip J. Perkins, of California.

William W. Chance, of Illinois.

Albert C. Thompson, jr., of Michigan.

To be second lieutenants.

William O. Bailey, first-class sergeant, Signal Corps, United States Army.

Francis Creighton, first-class sergeant, Signal Corps, United States Army.

POSTMASTERS.

David B. Rigdon, to be postmaster at Statesboro, in the county of Bulloch and State of Georgia.

Edward Blanchard, to be postmaster at San Angelo, in the county of Tom Green and State of Texas.

Henry Osterheld, to be postmaster at Yonkers, in the county of Westchester and State of New York.

Joseph M. Milburn, to be postmaster at Xenia, in the county of Greene and State of Ohio.

D. C. Bailey, to be postmaster at West Liberty, in the county of Logan and State of Ohio.

Charles W. Lewis, to be postmaster at Fernandina, in the county of Nassau and State of Florida.

George W. Stewart, to be postmaster at Luling, in the county of Caldwell and State of Texas.

H. H. Young, to be postmaster at Ada, in the county of Hardin and State of Ohio.

C. E. Head, to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia.

Isaac N. Zearing, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio.

Louis Altheimer, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas.

E. C. Reid, to be postmaster at Allegan, in the county of Allegan and State of Michigan.

Frank E. Jordan, to be postmaster at Jerome, in the county of Yavapai and Territory of Arizona.

Thomas G. Herbert, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine.

Edward Brown, to be postmaster at Thomaston, in the county of Knox and State of Maine.

Caroline G. Lyman, to be postmaster at Franklin, in St. Mary Parish and State of Louisiana.

Lawson E. Becker, to be postmaster at Fenton, in the county of Genesee and State of Michigan.

Joseph A. West, to be postmaster at Provincetown, in the county of Barnstable and State of Massachusetts.

Frank B. Purinton, to be postmaster at Fairfield, in the county of Somerset and State of Maine.

Abram W. Boss, to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey.

John H. Tower, to be postmaster at Sutton, in the county of Clay and State of Nebraska.

Burton F. Browne, to be postmaster at Sand Beach, in the county of Huron and State of Michigan.

Ira Crawford, to be postmaster at Dayton, in the county of Montgomery and State of Ohio.

Graham H. Wheeler, to be postmaster at Hammondsport, in the county of Steuben and State of New York.

Edward Reed, to be postmaster at Glens Falls, in the county of Warren and State of New York.

W. S. Fornshell, to be postmaster at Camden, in the county of Preble and State of Ohio.

A. J. Eminger, to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio.

Robert F. Dent, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio.

A. L. Jones, to be postmaster at Greenville, in the county of Darke and State of Ohio.

Robert S. Fulton, to be postmaster at Germantown, in the county of Montgomery and State of Ohio.

James B. Fisher, to be postmaster at Marion, in the county of Marion and State of Ohio.

Charles A. Lehrer, to be postmaster at Sandusky, in the county of Erie and State of Ohio.

Robert V. Jones, to be postmaster at Sidney, in the county of Shelby and State of Ohio.

S. E. Loffer, to be postmaster at Degraff, in the county of Logan and State of Ohio.

Harry E. Taylor, to be postmaster at Orrville, in the county of Wayne and State of Ohio.

Robert M. Rownd, to be postmaster at Columbus, in the county of Franklin and State of Ohio.

C. A. McKim, to be postmaster at Celina, in the county of Mercer and State of Ohio.

L. E. Deger, to be postmaster at Velasco, in the county of Brazoria and State of Texas.

F. M. Barton, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

Frank Nichols, to be postmaster at Greenville, in the county of Greenville and State of South Carolina.

Maryneal Hutches Smith, to be postmaster at Urbana, in the county of Champaign and State of Ohio.

Henry O. Wilson, to be postmaster at Marshall, in the county of Harrison and State of Texas.

Carrie E. Hoke, to be postmaster at Taylor, in the county of Williamson and State of Texas.

George H. Hitchcock, to be postmaster at Hanover, in the county of Grafton and State of New Hampshire.

Esra M. Rogers, to be postmaster at Hartford, in the county of Washington and State of Wisconsin.

H. G. Kress, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin.

James P. Fitch, to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia.

Samuel H. Vick, to be postmaster at Wilson, in the county of Wilson and State of North Carolina.

John H. Howard, to be postmaster at Weldon, in the county of Halifax and State of North Carolina.

John Kline, to be postmaster at Henry, in the county of Marshall and State of Illinois.

Homer E. Darst, to be postmaster at Eureka, in the county of Woodford and State of Illinois.

Louis J. Appel, to be postmaster at Highland, in the county of Madison and State of Illinois.

Luther H. Morrill, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire.

Alonzo C. Sluss, to be postmaster at Tuscola, in the county of Douglas and State of Illinois.

John D. Robards, to be postmaster at Greenfield, in the county of Greene and State of Illinois.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 24, 1898.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 4645) to provide an American register for the steamship *Zealandia*; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the conference report on the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. R. 195. Joint resolution calling upon the Secretary of War for information concerning the port of Sabine Pass.

UINTAH INDIAN RESERVATION, UTAH.

Mr. KING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1883) for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Reservation, in Utah, and to obtain cession to the United States of all lands within said reservation not so allotted.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized and directed to appoint a commission consisting of not more than three persons, who shall, with the consent of the Indians properly residing on the Uintah Indian Reservation in Utah, allot in severalty to the said Indians, and to such of the Uncompahgre Indians as may not be able to obtain allotments within the Uncompahgre Indian Reservation, agricultural and grazing lands, as follows: To each head of a family, one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each person under 18 years of age born prior to such allotment, one-eighth of a section, with a like quantity of grazing land: *Provided*, That with the consent of said commission any adult Indian may select a less quantity of land, if more desirable on account of location.

All necessary surveys to enable said commission to complete the allotments shall be made under the direction of the General Land Office.

SEC. 2. That said commission shall also obtain, by the consent of a majority of the adult male Indians properly residing upon and having an interest in the said Uintah Indian Reservation, the cession to the United States of all the lands within said reservation not allotted or needed for allotment as aforesaid. The agreement for such cession shall be reported by said commission and become operative when ratified by act of Congress; and thereupon such ceded lands shall be subject to entry under the general land laws of the United States, or to selection by the State of Utah as provided by law to satisfy the land grants made to said State. Mineral lands therein shall be subject to entry under the mineral land laws.

SEC. 3. That said commissioners shall receive \$6 per day each, and their actual and necessary traveling and incidental expenses while on duty, and to be allowed a clerk to be selected by them, whose compensation shall be fixed by said commissioners, subject to the approval of the Secretary of the Interior: *Provided*, That the cost of executing the provisions of this act shall not exceed the sum of \$25,000, which sum is hereby appropriated for that purpose out of any moneys in the Treasury not otherwise appropriated.

The following amendments, recommended by the Committee on Indian Affairs, were read:

In line 4, page 1, after the word "commission," strike out the word "of" and insert "consisting of not more than."

Strike out lines 12 and 13, on page 2, section 2.

Strike out the word "twenty," in line 7, page 3.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SULZER. Mr. Speaker, reserving the right to object, I desire to know whether the provision in the bill regarding the right to the mineral lands takes in the gilsonite lands?

Mr. KING. It does not. It relates to an entirely different reservation. The Uncompahgre Reservation contains the gilsonite which has provoked so much discussion in the past.

Mr. SULZER. It does nothing about the gilsonite lands? I want to be sure about that matter.

Mr. KING. Absolutely nothing. It relates to the Uintah Reservation, an entirely different one from the Uncompahgre Reservation.

Mr. GROSVENOR. I desire to ask a question. There is a provision in the bill, as I understood it, that all mineral lands may be entered under the mineral-land laws.

Mr. KING. That is the provision as the bill was passed by the Senate. The House committee have recommended an amendment striking that out, and I was just about to move the adoption of the amendment recommended by the committee.

Mr. GROSVENOR. I thought I understood it to be read, and I was opposed to the provision as read.

Mr. KING. I was just about to move the adoption of the committee amendments.

Mr. SHERMAN. May I ask the gentleman from Utah a question?

Mr. KING. With pleasure.

Mr. SHERMAN. I understood, as the bill was read, that the commission was to consist of three persons. My understanding was that we reported against that.

Mr. KING. No; the amendment recommended by the House committee, at the suggestion of the Secretary of the Interior, was for a commission consisting of "not more than three." The Secretary, as I understand, thought one commissioner might perform the work. I am willing, if the chairman of the committee desires, that it shall be so amended as to permit the appointment of but one commissioner.

Mr. SHERMAN. That is all right, if it is "not more than three."

Mr. DOCKERY. Has this bill been passed upon by a committee of this House?

Mr. KING. It has.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Before consent is given, I understand the gentleman proposes to modify this bill in accordance with a similar bill that passed the House a few days ago, providing that nothing shall be paid from the Treasury, but that there shall be paid to the Indians whatever may be received from the sale of the lands, and that the same shall be held in trust for the Indians.

Mr. KING. The gentleman states the position correctly, and I shall offer an amendment directly which I submitted to him, covering that point.

Mr. COOPER of Wisconsin. Do I understand that the mineral lands are exempt entirely by this bill?

Mr. KING. The mineral lands are not referred to in this bill.

Mr. COOPER of Wisconsin. What was it that the Clerk read?

Mr. KING. That is to be stricken out by recommendation of the House committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the amendments.

Mr. SHERMAN. Mr. Speaker, may the amendments be again reported?

The amendments were again reported.

Mr. DOCKERY. Mr. Speaker, I desire to ask the gentleman a question. What effect, if any, will the bill have on the mineral lands, no reference having been made to them?

Mr. KING. In reply to the gentleman, I will state that the mineral lands are not affected at all. This commission, which is to be appointed by the President, will consist of not more than three persons, for the purpose of ascertaining whether the Indians having interests in the Uintah Reservation are willing to cede to the Government the lands therein (not needed by the Indians under the allotment provisions), to be held in trust by the United States and sold to citizens thereof, the proceeds of such sales to be devoted to the use and benefit of the Indians.

Mr. DOCKERY. But if there were mineral lands on the reservation, the bill making no reference whatever to them, I assume that they would be entered under the mineral-land laws of the United States.

Mr. KING. It depends entirely upon the agreement made between the Indians and the Commissioner and the subsequent action of Congress. If the Indians should withhold the whole of the mineral lands, the title would remain in the Indians. If they should cede them to the Government without any restriction whatever, and if Congress ratified the cession, the lands would vest in the Government, subject to any restrictions imposed in the treaty.

Mr. DOCKERY. Are there, in fact, any mineral lands on the reservation?

Mr. KING. I have been on the reservation, and have not discovered any; but the Secretary of the Interior advised me a few days ago that a little mineral had been found there. And I have no doubt but that the mountains contain some minerals, whether in paying quantities or not I am unable to state.

Mr. BARTHOLOTT. Do I understand that this refers to the Uintah Reservation alone, or to the Uintah and Uncompahgre Reservation?

Mr. KING. This refers to the Uintah Reservation alone. It does not concern the Uncompahgre Reservation.

Mr. LACEY. What mineral was discovered on the northeast corner?

Mr. KING. Elaterite.

Mr. WHEELER of Kentucky. I desire to ask the gentleman for what this land is principally desired.

Mr. KING. There is considerable agricultural land on the res-

ervation, and there is some interest manifested in this bill by persons desiring homes thereon. There is a great deal of grazing land on the reservation—lands that can be utilized only for grazing purposes.

Mr. WHEELER of Kentucky. You say that the parties desiring to have the reservation opened are citizens of Utah who want homes on it?

Mr. KING. Citizens of Utah, Colorado, and surrounding States and Territories.

Mr. GAINES. What do you do with the gilsonite?

Mr. KING. There is no gilsonite on this land, so far as I know.

Mr. TALBERT. I desire to ask the gentleman a question.

Mr. KING. Certainly.

Mr. TALBERT. This provides for the appointment of a commission?

Mr. KING. Of not more than three.

Mr. TALBERT. Does it carry any appropriation to pay the commission?

Mr. KING. Five thousand dollars.

Mr. TALBERT. And that is all there is of it?

Mr. KING. That is all that it provides for.

I desire to offer, pursuant to the suggestion of the gentleman from Maine, the following amendment.

The Clerk read as follows:

Amend section 2, pages 2 and 3, by striking out all after the word "be," in line 24, on page 2, down to and including the word "laws," in line 3, page 3, and insert the following:

"Held in trust by the United States for the purpose of sale to citizens thereof: *Provided*, That the United States shall pay no sum or amount whatever for said lands so ceded. Said lands shall be sold in such manner and in such quantities and for such prices as may be determined by Congress: *Provided*, That the amount so received shall in the aggregate be sufficient to pay said Indians in full the amount agreed upon for said lands. All sums received from the sales of said lands shall be placed in the Treasury of the United States for said Indians, and shall be exclusively devoted to the use and benefit of the Indians having interest in the lands so ceded."

Mr. KING. I call for a vote on the amendment, Mr. Speaker.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question is on the committee amendments.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. KING, a motion to reconsider the vote by which the bill was passed was laid on the table.

RETURN OF CONFERENCE REPORT TO THE SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, May 23, 1898.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the conference report on House bill 10121, to suspend the operations of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

COMMERCIAL RELATIONS—REVIEW OF WORLD'S COMMERCE.

Mr. PERKINS. Mr. Speaker, I desire to present the following resolution from the Committee on Printing, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations, 1896-97, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being part of said Commercial Relations.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

Mr. ODELL rose.

The SPEAKER. The gentleman from New York.

Mr. PERKINS. Also the following resolution, Mr. Speaker.

The SPEAKER. Is it a privileged resolution?

Mr. PERKINS. It is not.

The SPEAKER. Then the gentleman will be recognized later.

RETENTION OF FOLDERS.

Mr. ODELL. Mr. Speaker, I present the following resolution which I send to the Clerk's desk, and ask for its present consideration.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House is hereby authorized to retain upon the rolls as employees until the beginning of the second session of the Fifty-fifth Congress in December, 1898, the eight additional folders in the folding room of the House provided for in a resolution of the House dated January 17, 1898, said employees to be paid out of the contingent fund of the House at the same rate as they are now receiving.

The committee amendments were read, as follows:

In line 3, strike out the word "second" and insert in lieu thereof the word "third."

Mr. DOCKERY. Mr. Speaker, I desire to ask the gentleman from New York whether this is the usual resolution—whether it has been customary to retain these officials until the beginning of the ensuing session?

Mr. ODELL. It is necessary now, because they are dumping into the folding room 500,000 speeches a week, and it is important for them to take care of them, and they must have the necessary force.

Mr. DOCKERY. My impression was that it was customary to retain them for only ninety days.

Mr. BARTLETT. The Committee on Accounts cut down the folders from 15 to 8, and this makes it less than the usual number. They used to have over twice as many, and this resolution provides for about half the number, so it is a saving to the Government.

The committee amendment was agreed to.

The resolution was agreed to.

On motion of Mr. ODELL, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

DONATION OF A CONDEMNED CANNON TO THE NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. BROMWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution 271, donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of William B. Melish, executive director of the Thirty-second National Encampment of the Grand Army of the Republic, to be held at Cincinnati, Ohio, one dismounted condemned cannon, used in the late civil war, to be used for the purpose of furnishing memorial badges commemorative of the holding of such encampment at Cincinnati, Ohio: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

Mr. BROMWELL. Mr. Speaker, for a number of years past, to each grand encampment of the Grand Army of the Republic it has been customary for the United States Government to donate a cannon used in the late war, to be melted up into memorial badges to be distributed among the soldiers who attend the encampment. A similar resolution was passed for the encampment at Buffalo, and I have the assurance of the Chief of Ordnance that he will be able to furnish such a cannon without expense to the Government.

Mr. CANNON. Can you not get it under the general law?

Mr. BROMWELL. No; I am told not.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BROMWELL, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

GRANT OF CERTAIN LANDS TO SANTA BARBARA, CAL.

Mr. BARLOW. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 9554, granting certain lands to the city of Santa Barbara, Cal.

The bill was read, as follows:

A bill granting certain lands to the city of Santa Barbara, Cal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described tracts of land, situate in the county of Santa Barbara and State of California, described as follows: East half of southwest quarter, and northeast quarter, and west half of southwest quarter and west half of northwest quarter of section 25; northeast quarter, and east half southeast quarter and southwest quarter of southeast quarter, and north half of northwest quarter, and northwest quarter of southwest quarter, of section 26; northeast quarter of southeast quarter and west half of southeast quarter, and northeast quarter, and north half of northwest quarter and southeast quarter of northwest quarter, and east half of southwest quarter and northwest quarter of southwest quarter, of section 27; sections 22 and 23; east half and southwest quarter and northwest quarter of northeast quarter, of section 24; all of the above subdivisions located in township 5 north, range 7 west, San Bernardino meridian, containing 3,120 acres, more or less, be, and the same is hereby, granted and conveyed to the city of Santa Barbara, in the county of Santa Barbara and State of California, to have and to hold said lands to its use and behoof forever, for the purpose of developing a water supply; and for said purpose the city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed in the construction of reservoirs, laying such pipes and mains, tunneling and boring for water, and in making such improvements as may be necessary to utilize the waters developed upon said premises.

SEC. 2. That if the city of Santa Barbara shall, at any time after commencing the development of water on the lands described in section 1 of this act, abandon the same or cease to use the same for the purposes of developing a water supply, the land herein described shall revert to the Government of the United States. The survey of the lands so granted shall be made under the direction and approval of the Secretary of the Interior.

Mr. DINGLEY. Before giving consent, Mr. Speaker, I would like to hear some explanation from the gentleman from California.

Mr. BARLOW. I will ask that the report of the committee be read, Mr. Speaker.

Mr. HILBORN. Mr. Speaker, I ask for order.

The SPEAKER. The House will be in order. The House ought especially to be in order during the reading of these matters, because they require the assent of every member.

The Clerk read as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal., have had the same under consideration and submit the following report:

This bill provides for the conveyance of 3,120 acres of the public domain, or so much thereof as may be selected, located in the Santa Ynez Mountains,

to the city of Santa Barbara, Cal., to be paid for by said city when selected at the rate of \$1.25 per acre.

This bill was introduced at the request of the municipal government and the commercial organizations of the city by a petition in which it was shown that the present water supply of the city was wholly inadequate to the needs of the people, and that their dependence is in developing water from tunnels in the land owned by the National Government in township 5 north, of range 27 west, of the San Bernardino meridian.

It was shown that this land is wholly of a rugged and barren character, unfit for grazing, agriculture, mineral, or timber location, and while of no value for any of these purposes, may become, if water can be developed, of great value to Santa Barbara.

The objects for which this grant is asked are threefold:

First. To secure locations for driving tunnels into the mountains in order to develop, if possible, a municipal water supply.

Second. To preserve the purity of such water supply when developed.

Third. To protect from depredations and fires the growth of brush now partially covering the watershed, from which the supply of water for the city is and must be drawn, and thereby preserving the supply itself.

It has been the policy of the Government to protect the water supply of cities by legislation authorizing the purchase by cities of lands for these purposes, or by donation of land, or by exercising the Executive power creating forest reserves where such action has been necessary.

The Commissioner of the General Land Office has reported that the records of his office show the land described in the bill to be vacant and unappropriated, and that this legislation meets with his hearty approval.

The Department of the Interior suggests some amendments as to the description of the lands, which have been adopted by the committee.

The committee recommends that the bill do pass with the following amendments:

In line 5, page 1, strike out the word "southwest" and insert in lieu thereof the word "southeast."

In line 1, page 2, strike out the word "east" and insert in lieu thereof the word "west."

And in line 1, page 2, strike out the word "southwest" and insert in lieu thereof the word "southeast."

In line 5, page 2, after the word "acres," insert the following words: "or so much thereof as said city may select."

In line 6, page 2, strike out the word "in" and insert in lieu thereof the word "are," and at the end of the first section add the following:

"Provided, That said city shall pay for said lands so selected the sum of \$1.25 per acre."

And it is further amended by striking out all of section 2 of said bill.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BARLOW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL HOSPITAL STEWARDS.

Mr. HULL. I ask unanimous consent for the present consideration of the bill which I send to the desk—a Senate bill which the House Committee on Military Affairs has reported with an amendment.

The bill was read, as follows:

A bill (H. R. 4556) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all provisions of law limiting the number of hospital stewards in service at any one time to 100, and requiring that a person to be appointed a hospital steward shall first demonstrate his fitness therefor by actual service of not less than twelve months as acting hospital steward, and that limit the amount to be expended for the pay of civil employees in the Medical Department of the Army in one year to \$40,000, be, and the same are hereby, suspended during the existing war.

The amendment reported by the Committee on Military Affairs was read, as follows:

At the end of the bill add the following:

"Provided, That the increase of hospital stewards under this act shall not exceed 100."

Mr. UNDERWOOD. I should like to hear some explanation of the bill, and especially whether it proposes any permanent increase in the number of hospital stewards.

Mr. HULL. This does not provide for a permanent increase. In our appropriation bills we have gradually cut down the number of hospital stewards in the Regular Army until the last reduction made the number 100. Under the existing law the Department has no power to appoint hospital stewards beyond that number. While our troops are at posts and gradually being consolidated 100 hospital stewards would be sufficient; but the troops are now largely being taken from the posts, while enough troops are left to require hospital stewards to remain at most of the posts. Hence the troops in the field are not sufficiently provided with hospital stewards, because under the law governing the Regular Army none can be appointed in excess of 100. This is a matter which affects the health of the troops, and the increase proposed in the bill is necessary.

The amendment reported by our committee provides that the increase of hospital stewards under this act shall not exceed 100. When the bill was before our committee the question was raised, How much of an increase would be made? Most of the members of the committee believed that the increase would greatly exceed 100 unless some limitation were inserted. In our volunteer forces a hospital steward is provided for each battalion. In the Regular Army hospital stewards are not assigned to regiments, but are used wherever the necessities of the service may require. The Surgeon-General telegraphed us in answer to our inquiry that an increase of 100 would be enough, he thought, under all circumstances; so we placed this limitation in the bill.

Mr. RIDGELY. Does this measure affect the volunteer service at all?

Mr. HULL. Not at all; it applies only to the Regular Army.

Mr. DOCKERY. In view of the facts presented, would it not be wise to put a limitation on the amount to be expended for civilian employees? As the law now stands, I believe the limitation is \$40,000.

Mr. HULL. In order to arrive at such a limitation it would be necessary to figure out the total increase of civilian employees so far as these hospital stewards are concerned.

Mr. DOCKERY. I am not talking about the hospital stewards especially.

Mr. HULL. Well, they are civilians partially. These new appointees will be selected outside of those who have served a year in the Army as hospital stewards. These hospital stewards for temporary purposes will be selected from the apothecaries and pharmacists of the country.

Mr. DOCKERY. The main proposition of this bill is undoubtedly a correct one; but I thought there was another proposition.

Mr. HULL. There is a proposition to suspend the limitation as to the amount that can be paid to civilian employees. But unless we can get at the number of civilian employees that may be put in these temporary places, we can not well adopt any limitation as to the amount. I do not conceive that there is any very great danger of extravagance in that direction.

Mr. DOCKERY. I call the attention of the gentleman to the fact that the present law, as recited in the bill, limits the amount that may be expended for civilian employees to \$40,000.

Mr. HULL. Yes, sir.

Mr. DOCKERY. What is the amount of the appropriation?

Mr. HULL. The appropriation for the Medical Department is, I think, in three or four different items. The appropriation for hospitals is, I think, \$75,000, and for barracks and quarters, \$100,000.

Mr. DOCKERY. In the event the limitation is taken off, what appropriation would be available?

Mr. HULL. I suppose there would have to be a deficiency appropriation, because there is no appropriation now available.

Mr. DOCKERY. None at all?

Mr. HULL. None at all, except the insufficient one already made.

Mr. DOCKERY. So that the question will have to come before the Committee on Appropriations, in connection with a deficiency appropriation?

Mr. HULL. There will have to be an estimate for a deficiency appropriation.

Mr. DOCKERY. In view of the gentleman's statement, I do not insist on my suggestion.

Mr. CLARDY. Is the salary of this class of employees fixed by law?

Mr. HULL. Yes. I think they get from \$35 to \$50 a month. There is no objection on the part of any member of the committee to this measure.

Mr. TALBERT. As I understand, this bill, if passed, is to continue in force only during the existence of hostilities?

Mr. HULL. That is all.

Mr. TALBERT. And at the end of the war the regulations now in force would again obtain?

Mr. HULL. This bill simply suspends the existing law during the continuance of the war. Immediately on the close of hostilities the suspension would cease to operate, and the limitation to 100 would again take effect.

Mr. TALBERT. And the regulations now existing would again obtain?

Mr. HULL. Yes, sir; absolutely.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Military Affairs was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

SUMMARY MILITARY COURTS.

Mr. GRIFFIN. On behalf of the Committee on Military Affairs, I ask unanimous consent for the consideration of the bill which I send to the desk. Before the Clerk reports the bill I desire to say that a bill on this subject—House bill 3039—was reported by our committee in January last. Since that time the conditions to which the bill was intended to apply have changed; and the legal department of the Army has discovered that that bill did not cover all the cases which it was desirable should be embraced within its provisions. Therefore I send up a bill introduced and reported by the Committee on Military Affairs this morning, as a substitute for the one reported in January, and ask to have that latter bill read.

The SPEAKER. The Clerk will report the bill. It requires unanimous consent.

The bill (H. R. 10423) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes, was read, as follows:

Be it enacted, etc., That the act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, as supplemented and amended by subsequent legislation, be, and the same is hereby, amended so as to read as follows:

"That the commanding officer of each garrison, fort, or other place, regiment or corps, detached battalion, or company, or other detachment in the Army, shall have power to appoint for such place or command, or in his discretion for each battalion thereof, a summary court to consist of one officer to be designated by him, before whom enlisted men who are to be tried for offenses, such as were prior to the passage of the act 'to promote the administration of justice in the Army,' approved October 1, 1890, cognizable by garrison or regimental courts-martial, and offenses cognizable by field officers detailed to try offenders under the provisions of the eightieth and one hundred and tenth articles of war, shall be brought to trial within twenty-four hours of the time of the arrest, or as soon thereafter as practicable, except when the accused is to be tried by general court-martial; but such summary court may be appointed and the officer designated by superior authority when by him deemed desirable; and the officer holding the summary court shall have power to administer oaths and to hear and determine such cases, and when satisfied of the guilt of the accused adjudge the punishment to be inflicted, which said punishment shall not exceed confinement at hard labor for one month and forfeiture of one month's pay, and, in the case of a noncommissioned officer, reduction to the ranks. In addition thereto: that there shall be a summary court record kept at each military post and in the field at the headquarters of the proper command, in which shall be entered a record of all cases heard and determined and the action had thereon; and no sentence adjudged by said summary court shall be executed until it shall have been approved by the officer appointing the court, or by the officer commanding for the time being: *Provided*, That when but one commissioned officer is present with a command he shall hear and finally determine such cases: *And provided further*, That no one while holding the privileges of a certificate of eligibility to promotion shall be brought before a summary court, and that noncommissioned officers shall not, if they object thereto, be brought to trial before summary courts without the authority of the officer competent to order their trial by general court-martial, but shall in such cases be brought to trial before garrison, regimental, or general courts-martial, as the case may be."

SEC. 2. That articles 80 and 110 of the Rules and Articles for the Government of the Armies of the United States be, and the same are hereby, repealed.

SEC. 3. That the commanding officers authorized to approve the sentences of summary courts and superior authority shall have power to remit or mitigate the same.

SEC. 4. That post and other commanders shall, in time of peace, on the last day of each month, make a report to the department headquarters of the number of cases determined by summary court during the month, setting forth the offenses committed and the penalties awarded, which report shall be filed in the office of the judge-advocate of the department, and may be destroyed when no longer of use.

SEC. 5. That soldiers sentenced by court-martial to dishonorable discharge and confinement shall, until discharged from such confinement, remain subject to the Articles of War and other laws relating to the administration of military justice.

SEC. 6. That it shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, or District, to arrest offenders, to summarily arrest a deserter from the military service of the United States and deliver him into the custody of the military authority of the General Government.

SEC. 7. That this act shall take effect sixty days after its passage.

Mr. UNDERWOOD. Will the gentleman from Wisconsin explain wherein this bill goes further than the present law?

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. Before the question is put, I should like to have the gentleman explain the features wherein this bill goes further than the present law, and the necessity of its going further than the present law.

Mr. GRIFFIN. Mr. Speaker, by the existing law there are three conditions under which summary courts may be convened and act. They are, first, where there is a line officer second in command; second, at a station where only staff officers are on duty; third, where but one commissioned officer is present with the command. Those are the three cases most prominent in which a summary court may be called upon to act. The cases not provided for, which seem to be equally necessary, are the following; and I may say that the difficulty all arises because of the number, or rather lack of number, of commissioned officers at regimental posts and battalion stations or isolated commands. Now, the first case in which they can not have a summary court is at a command with which there is present a line officer in command, because the law says "a line officer second to the officer in command."

In this case there may be a line officer present, and a staff officer, that is to say, a detached command, with one line officer and a surgeon. In a case of that kind, under the existing law, there could be no one designated to serve as a summary court to try minor military offenses. Another case is where the command is under a staff officer, and where there is one and only one line officer on duty, no summary court can be convened. These two classes are not very dissimilar to those which are provided for. In fact, all the considerations which apply to those that are provided for apply to this class of cases.

Another case is that it has been found, under the statute of 1890, undesirable that certain designated officers should constitute a court, whether they are qualified or not, and the bill which has been read is designed to correct those errors and omissions. Gen-

erally speaking, the law which passed in 1890 was designed to reach only minor offenses against military law, and, in the interest of the enlisted man, it was prompted by such conditions as these: An offense may be committed and the requisite number of regimental officers may not be at hand to constitute a regimental court. There may not be enough officers at a post to constitute a court. The result was, prior to that time, that a soldier committing a minor offense had to be more than doubly punished because of the delay after the commission of the offense, and after he had been arrested and placed in confinement—the delay in organizing a court because of the want of a sufficient number of officers.

This, taken in consideration with the fact that oftentimes the minimum penalty is fixed, prohibited the court-martial in its sentence from taking into consideration the anterior confinement of the soldier, although such arrest and confinement may have covered a much greater period of time than the time for which he might be sentenced by the judgment of that court. Now, this is a humane provision, which was prompted solely by that consideration and the desire to have a speedy disposition of cases of this character.

Mr. UNDERWOOD. The provisions of this bill apply, then, solely to minor offenses?

Mr. GRIFFIN. To minor offenses. I will say, in response to the gentleman's question, that the punishment can only be thirty days' confinement or the forfeiture of a month's pay; or, in the case of a noncommissioned officer, his reduction to the ranks. Furthermore, under the present bill a noncommissioned officer is not obliged, if he objects, to go before this summary court for trial. The law as it exists at present gives the private soldier, the enlisted man, the right to object to a trial before the summary court. It has been found in the execution of the law that this operated badly, and, in fact, almost defeated the benefits which were expected to result from the establishment of a summary court.

In the present bill we propose that that right shall not exist, in view of the fact that the punishment is so small and so inconsiderable that it is better for the discipline of the Army that the soldier should receive his sentence and serve out his time, if that should be the sentence, or pay the fine or forfeiture at once.

Mr. BLAND. As I understand the bill, it authorizes civil officers to arrest a soldier. Does that change the present law?

Mr. GRIFFIN. It does not. Any officer authorized by the laws of the United States or of any State to apprehend offenders has a right under this bill and under the existing law to arrest a deserter. That is only in desertion cases. He has the right to arrest him and turn him over to the nearest military post or authority.

Now, I will say further, Mr. Speaker, that the reason why the recent bill is taken up for consideration in preference to the one reported on January 22 is this: That bill did not anticipate a state of war, and limited its operations to a state of peace. The conditions which have since come up have developed the necessity for having such a court in time of war. Now, for the purpose of officering the volunteer command and serving on the staff of the general officers that have been recently commissioned, there are many instances where they have not sufficient officers left to constitute even a summary court to enforce the discipline of the Army.

Mr. Speaker, unless there be some other gentlemen who desire an explanation with reference to the measure, I call for a vote.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GRIFFIN, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY THROUGH COLVILLE INDIAN RESERVATION, WASH.

Mr. SHERMAN. Mr. Speaker, I have a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4108) entitled "An act granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington," having met, after full and free conference have agreed to recommend and do hereby recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, and 4, and agree to the same.

That the House recede from its amendment numbered 2.

J. S. SHERMAN,

I. F. FISCHER,

E. B. LEWIS,

Managers on the part of the House.

GEO. L. SHoup,

JNO. L. WILSON,

Managers on the part of the Senate.

The SPEAKER. The Clerk will report the statement of the House conferees.

The statement of the managers on the part of the House was read, as follows:

The Senate recedes from its disagreement to amendments numbered 1, 3, and 4, and concurs in the same. These amendments lessen the rights granted

to the railway, and lessen the time within which the railroad shall be constructed.

The House recedes from the amendment numbered 2. The corporation to which this right of way is granted is a corporation created under the laws of the State of Washington. The proposed amendment might appropriately be a limitation in the charter, but it is not feasible as a proviso in this act.

The conference report was agreed to.

PRINTING AND DISTRIBUTION OF MAPS, ETC.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill which I send to the Clerk's desk.

The bill (S. 4072) to amend "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, was read, as follows:

Be it enacted, etc., That section 73, page 620, of volume 28, United States Statutes at Large, be amended as follows: In line 3, page 621, after the word "exceed," strike out "ten" and insert "twenty-five;" so as to make the last clause read: "but on the order of Senators, Representatives, and Delegates not to exceed 25 copies to each may be distributed through the Superintendent of the Coast and Geodetic Survey."

After this clause insert the following:
"All moneys which may be received from the sale of charts and maps shall be paid by the said Superintendent into the Treasury of the United States, to be used in the further preparation and publication of such charts and maps as may be necessary to supply the public demand."

Mr. DOCKERY. Will the gentleman explain this bill?

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Reserving the right to object—

The SPEAKER. The right is reserved.

Mr. PERKINS. Mr. Speaker, this bill simply provides in the first place for an increase of the number of maps that may be placed by the Coast and Geodetic Survey to the credit of Members and Senators. In the second place, it provides that moneys received from the sale of maps by the Coast and Geodetic Survey may be used during the year in providing additional maps, as the public use may demand.

Mr. DOCKERY. I concur in the first proposition, but it seems to me that the second proposition is a departure from the policy which has uniformly prevailed, which is to make specific appropriations. As I understand, they may sell maps and then use the money for the printing of other maps.

Mr. PERKINS. No; the money is put into the Treasury, but that amount may be used in a public exigency for the production of additional maps during the year. The same provision is in the law for the Hydrographic Office, and the Coast and Geodetic Survey ask to be placed upon the same footing with the Hydrographic Office.

Mr. SHAFROTH. That is a good measure.

Mr. DOCKERY. Well, the gentleman will remember that we have uniformly pursued the policy of covering receipts into the Treasury and making specific appropriations. The gentleman remembers that a few years ago the Public Printer was authorized to use the proceeds of the office; but Congress very wisely covered in all the proceeds—

Mr. PERKINS. That is a very different matter.

Mr. DOCKERY (continuing). And made specific appropriations. On yesterday we passed a bill covering receipts arising from fees paid into the bureau of steam engineers of the District into the Treasury and making specific appropriations.

Mr. PERKINS. But just at such a time as this there are extraordinary demands made for the maps of the Coast and Geodetic Survey, and this makes provision by which that demand can be supplied.

Mr. SAYERS. Mr. Speaker, I think the policy is a very bad one. Though it may obtain in the Hydrographic Bureau, I do not see any reason for extending it. I think whenever any public money comes into the hands of an officer, it ought to be transmitted immediately to the Treasury, and it should not come out of the Treasury unless in pursuance of an act of Congress. I shall object to the bill.

The SPEAKER. Objection is made.

Mr. BLAND. I move that the House do now adjourn.

The SPEAKER. The gentleman from Missouri moves that the House do now adjourn.

Mr. BOUTELLE of Maine. I hope the gentleman will withdraw that motion.

Mr. BLAND. I withdraw it.

Mr. BOUTELLE of Maine. I have some important measures which will take a very short time.

The SPEAKER. The gentleman withdraws the motion.

AUXILIARY NAVAL FORCE.

Mr. BOUTELLE of Maine. I call up from the Speaker's table House joint resolution 257, providing for the organization and enrollment of the United States auxiliary naval force for coast defense.

The joint resolution was read, as follows:

Resolved, etc., That a United States auxiliary naval force for coast defense is hereby authorized to be established, to be enrolled in such numbers as the President may deem necessary, for the exigencies of the present war

with Spain, and to serve for a period of one year, or less, and shall be disbanded by the President at the conclusion of the war.

SEC. 2. That the chief of the United States auxiliary naval force shall be detailed by the Secretary of the Navy from the active or retired list of the line officers of the Navy not below the grade of captain, who shall receive the highest pay of his grade while so employed.

SEC. 3. That enlistment into the United States auxiliary naval force shall be made by such officer or officers as the Navy Department may detail for the purpose, who shall also select from merchant vessels and other available sources such volunteers as may be deemed best fitted for service as officers in said force, and shall report to the Secretary of the Navy, for his action, their names and the grade for which each is recommended.

SEC. 4. That for the purposes of this organization the coast line shall be divided into districts, each of which shall be in charge of an assistant to the chief of the United States auxiliary naval force; and such assistant chiefs may be detailed by the Secretary of the Navy from the officers of the active or retired list of the line of the Navy, or appointed by him from civil life, not above the rank of lieutenant-commander.

SEC. 5. That the officers and men comprising the United States auxiliary naval force shall receive the same pay and emoluments as those holding similar rank or rate in the Regular Navy; and all matters relating to the organization, discipline, and government of men in said force shall conform to the laws and regulations governing the United States Navy.

SEC. 6. That the chief of the United States auxiliary naval force, or such officers as the Navy Department may detail for such service, may, with the consent of the governor of any State, muster into the said force the whole or any part of the organizations of the Naval Militia of any State to serve in said auxiliary naval force, and shall report to the Secretary of the Navy, for his action, the names and grades for which commissions in said United States auxiliary naval force shall be issued to the officers of such Naval Militia, and shall have the power to appoint and disrate the petty officers thereof.

SEC. 7. That the officers, warrant officers, petty officers, and enlisted men and boys of the United States auxiliary naval force thus created shall be paid from the appropriation "Pay of the Navy;" and said force shall constitute the inner line of defense; and the sum of \$4,000,000, or so much thereof as may be required, is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the purchase or hire of vessels necessary for the purposes of this resolution.

The Senate amendments were read, as follows:

Page 1, line 3, strike out "for coast defense."

Page 1, line 5, after "necessary," insert "not exceeding 3,000 enlisted men."

Page 3, lines 10 and 11, strike out "and said force shall constitute the inner line of defense."

Page 3, line 11, strike out "four" and insert "three."

Amend the title so as to read:
"Joint resolution providing for the organization and enrollment of the United States auxiliary naval force."

Mr. DOCKERY. I will ask the Clerk to read the paragraphs as they will read when amended.

Mr. BOUTELLE of Maine. I can state that to the gentleman more understandably.

Mr. DOCKERY. I ask the Clerk to read the paragraphs as they will read when amended.

Mr. BOUTELLE of Maine. This measure has been considered fully in the Committee of the Whole House, and the whole purport of the Senate amendments, I will state to the gentleman from Missouri—I will state it so that everybody else will understand it.

Mr. DOCKERY. The remark of the gentleman is entirely gratuitous and unnecessary.

Mr. BOUTELLE of Maine. While you are reading it I will state it so that other members may be able to understand me.

Mr. DOCKERY. I hope the gentleman will.

Mr. BOUTELLE of Maine. The Senate amendments—

Mr. DOCKERY. The gentleman has raised a very debatable question.

Mr. BOUTELLE of Maine. I shall be very glad to hear the gentleman. The amendments to this bill are three Senate amendments. The first is to strike out the words "for coast defense" and leave the title of the bill for a coast patrol—auxiliary coast patrol. The second is a limitation upon the power of the President to enlist men, and instead of leaving it unlimited it confines the enlistment at 3,000 men. The third amendment is a reduction in the appropriation for the hire or purchase of vessels for this inner line or patrol from \$4,000,000 to \$3,000,000. Mr. Speaker, I ask the adoption of the Senate amendments.

The question was taken; and the Senate amendments were concurred in.

HOSPITAL CORPS OF UNITED STATES NAVY.

Mr. BOUTELLE of Maine. Mr. Speaker, I desire to call up the bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties, and regulate its pay.

The bill was read, as follows:

Be it enacted, etc., That a hospital corps of the United States Navy is hereby established, and shall consist of pharmacists, hospital stewards, hospital apprentices (first class), and hospital apprentices; and for this purpose the Secretary of the Navy is empowered to appoint twenty-five pharmacists with the rank, pay, and privileges of warrant officers, and to enlist, or cause to be enlisted, as many hospital stewards, hospital apprentices (first class), and hospital apprentices as in his judgment may be necessary, and to limit or fix the number, and to make such regulations as may be required for their enlistment and government. Enlisted men in the Navy or the Marine Corps shall be eligible for transfer to the hospital corps, and vacancies occurring in the grade of pharmacist shall be filled by the Secretary of the Navy by selection from those holding the rate of hospital steward.

SEC. 2. That all necessary hospital and ambulance service at naval hospitals, naval stations, navy-yards, and marine barracks, and on vessels of the Navy, Coast Survey, and Fish Commission, shall be performed by the members of said corps, and the corps shall be permanently attached to the Medical Department of the Navy, and shall be included in the effective strength

of the Navy and be counted as a part of the enlisted force provided by law, and shall be subject to the laws and regulations for the government of the Navy.

SEC. 3. That the pay of hospital stewards shall be \$20 a month, the pay of hospital apprentices (first class) \$24 a month, and the pay of hospital apprentices \$18 a month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men in the Navy.

SEC. 4. That all benefits derived from existing laws, or that may hereafter be allowed by law, to other warrant officers or enlisted men in the Navy shall be allowed in the same manner to the warrant officers or enlisted men in the hospital corps of the Navy.

SEC. 5. That all acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

Mr. BOUTELLE of Maine. Mr. Speaker, when this measure was brought up before the gentleman from Tennessee [Mr. McMILLIN] desired some further time to examine into the matter. The only point that was raised during the discussion was that it authorized the Secretary to enlist or cause to be enlisted as many hospital apprentices, etc., as in his judgment might be necessary. There was some feeling that this was giving an unusual authority and it might have some effect of unduly enlarging the corps. I desire to say upon that point that this does not add in the slightest degree to the power of the Secretary of the Navy to give ratings either in the Medical Corps or either of the other corps to the enlisted men.

All of these appointments have to be made from the others. And then the number of enlisted men—of course the number of petty officers and warrant officers are rated from the body of enlisted men—depends upon the number of vessels very largely and upon the circumstances; and the Secretary of the Navy has always been vested, and necessarily so, with authority to rate as many petty officers, and such subordinate assignments as these, as are necessary to the exigencies of the service. So that this involves, necessarily, no increase in the number and no increase of authority, as I said when the bill was up before. This is essentially a reorganization of the Hospital Corps of the service, which hitherto has been very inefficient in system in the Navy. It has been based upon a system which has been tried and found very successful in the Army.

Mr. UNDERWOOD. Does not this bill increase the pay of the officers?

Mr. BOUTELLE of Maine. It makes a slight increase in the pay, the aggregate amount being something like \$11,000 a year.

Mr. UNDERWOOD. Why should the pay of these officers be increased at this time?

Mr. BOUTELLE of Maine. Because it is desirable to get a superior class of men. The original bill provided that the pay of the hospital apprentices should be \$24 a month of the first class and \$18 a month for the second class, but the Surgeon-General has called my attention since to the slowness of the enlistment and the desirability of increasing this wage rate sufficiently to enable them to get more quickly the men they desire.

Mr. UNDERWOOD. I do not think we ought at this time to increase the wages of these officers.

Mr. BOUTELLE of Maine. Perhaps the gentleman does not fully understand that the wages that are paid to the petty officers of the Navy have always been determined by the Department.

Mr. UNDERWOOD. But you are determining by this bill to increase it from what it is now.

Mr. BOUTELLE of Maine. This limits the amount to that rating, whereas the Department may make a rate of pay much exceeding this if they find the exigencies of the service require it, unless the limitation is put in here.

Mr. UNDERWOOD. In view of the fact that the country is being taxed by unusual and extraordinary expenses, I do not think we ought to increase the pay of these officers at this time.

Mr. BOUTELLE of Maine. Well, it is the privilege of any member to take exception to any part of this bill or to place his own judgment about a matter of that kind against the judgment of officers who are carrying on the war now in progress. For myself, I feel under obligations to pay the very greatest deference to the recommendations made to me, and the representations made to me, in the statement which I published in full the other day, and which I hope the gentleman has read.

Mr. UNDERWOOD. I have not.

Mr. BOUTELLE of Maine. I wish the gentleman had read it, because I think it would have been useful information to him. It contained the statement of the Surgeon-General of the Navy as to the necessity for making this provision to care for the large number of sick and wounded men who may be thrown upon our hands at any time. This bill is for the purpose of taking care of the sick and wounded of the Navy whenever we may meet with a disaster or severe loss. As I stated before, while we are expanding our expenses inevitably in every direction, this reorganization of the hospital force of the Navy is to enable our surgeons to take efficient care of the sick and wounded and involves an additional expense altogether of \$11,000 a year, and I confidently ask this House to make this increase, in order to provide what the Secretary of the Navy and the Surgeon-General of the Navy and the

consensus of the judgment of those responsible for the care of our Navy say is necessary and ask the Congress of the United States to provide for, and not to longer delay.

Mr. UNDERWOOD. I will say that if the pay is cut down to the usual amount I have no objection to the general features of the bill, but I can not vote for this extra charge of \$11,000 a year; or, if he will amend it so that it will apply only to the existing war, I will not object.

Mr. BOUTELLE of Maine. Why should we?

Mr. UNDERWOOD. I do not think we should increase the salary of anybody at this time.

Mr. BOUTELLE of Maine. Are we not increasing the force in the Navy?

Mr. UNDERWOOD. It is not increasing the general force that I object to. Of course you have to make an increase in that, but I understand your bill increases the pay of each individual man?

Mr. BOUTELLE of Maine. At the request of the Surgeon-General of the Navy.

Mr. UNDERWOOD. I see no reason for doing that.

Mr. BOUTELLE of Maine. This is a different classification. It is the belief of the Surgeon-General of the Navy that it is necessary to increase the pay from \$20 to \$24 a month in order to get a better class of service. I have waived my opinion in favor of his that it is necessary that we should get a better class of men. I do not think a dollar a day is an excessive rate of wages. I can not afford to stand up here and cheese-pare or delay for a dollar a day the payment of men for that devotion which is necessary to insure to our wounded and sick sailors the solicitous care they ought to have. This is a poor place to make a cut down.

Mr. UNDERWOOD. I will say to the gentleman again that if he will limit his bill to the present war, I will not object to it.

Mr. GAINES. There ought to be a larger increase in the wounded in this war before there is an increase in wages.

Mr. BOUTELLE of Maine. Then the gentleman wants to see more wounded men?

Mr. UNDERWOOD. I demand the regular order, Mr. Speaker. Mr. BOUTELLE of Maine. Does the gentleman object to the consideration of this bill? Mr. Speaker, I desire the question put to the House.

The SPEAKER. The gentleman from Alabama demands the regular order, which is equivalent to an objection.

Mr. PAYNE. I desire the Chair to lay before the House the bill—

Mr. BOUTELLE of Maine. I have one more bill I desire the House to act on—a bill of great exigency.

Mr. PAYNE. But the gentleman from Alabama [Mr. UNDERWOOD] has demanded the regular order.

Mr. BOUTELLE of Maine. On that bill.

Mr. UNDERWOOD. I do not care to insist on the regular order generally. I objected to that particular bill.

TEMPORARY APPOINTMENTS OF NAVAL OFFICERS.

Mr. BOUTELLE of Maine. I ask unanimous consent for the present consideration of joint resolution (S. R. 167) ratifying and confirming certain temporary appointments of officers of the Navy.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc. That the temporary appointments made by the President on and after April 21, 1893, and up to the date of the passage of this joint resolution, of officers of the line and staff of the Navy, are hereby ratified and confirmed, to continue in force during the exigency under which their services are required in the existing war; *Provided*, That the officers so appointed shall be assigned to duty with rank and pay of the grades established by existing law, and shall be paid from the appropriation "Pay of the Navy."

Mr. BOUTELLE of Maine. Mr. Speaker, in preparing for events which so rapidly succeeded each other in the exigency which forced itself upon us, it was necessary for the President to make these appointments, as was done in 1861, in advance of the final passage of the legislation authorizing such appointments. The necessary legislation was in process of preparation in the naval appropriation bill; but the delay which occurred in the final passage of that bill rendered it necessary that the Executive should make these appointments anticipatorily. The joint resolution which the Senate has passed and on which I now ask the action of the House is similar to one passed in 1861, when the President of the United States was obliged to act promptly and make some appointments prior to the enactment of the legislation conferring upon him regular authority in the matter.

Mr. DOCKERY. What is the character of appointments made?

Mr. BOUTELLE of Maine. They are appointments of officers in the Volunteer Navy—temporary officers provided for in the naval appropriation bill. This bill is designed to validate such appointments as were made prior to the signing of that bill by the President.

Mr. DOCKERY. Is this bill recommended by the Secretary of the Navy?

Mr. BOUTELLE of Maine. Oh, yes; this resolution was drawn at the Navy Department. A letter of the Secretary of the Navy,

embraced in the Senate report, will give all the information necessary on this subject. I ask that the Clerk read the letter.

The Clerk read as follows:

NAVY DEPARTMENT, Washington, May 14, 1898.

Sir: Referring to this Department's letter of the 5th instant, inclosing the draft of a joint resolution for the purpose of ratifying and confirming certain temporary appointments of acting officers of the Navy, made on and since the 21st ultimo, I have to state that after conference with Hon. CHARLES A. BOUTELLE, chairman of the Committee on Naval Affairs of the House of Representatives, and at his instance, certain modifications of the draft referred to are suggested. The modifications embrace the omission of the words "acting" and "temporary acting appointments," and the reference to such appointments as made by the President, instead of by the Secretary of the Navy, and are intended to conform to the provisions for these appointments as enacted in the act making appropriations for the naval service for the forthcoming fiscal year.

In making appointments prior to the passage of this act, and in anticipation thereof, as orally suggested by the committee, the Department conformed to the provision contained in the naval appropriation bill (H. R. 9878) when reported to the Senate, which, as you are aware, was afterwards changed by substituting "the President" for "the Secretary of the Navy," as the appointing power, and by striking out the word "acting" before the word "officers."

A draft of the proposed resolution, in the form suggested, is herewith transmitted, with the recommendation that it be substituted for that inclosed in this Department's letter of the 5th instant, above mentioned.

I have the honor to be, very respectfully,

JOHN D. LONG, Secretary.

Hon. EUGENE HALE,

Chairman Committee on Naval Affairs, United States Senate.

Mr. DOCKERY. As I understand it, this joint resolution validates certain action taken by the President in making appointments prior to the approval of the naval appropriation bill, which is now the law.

Mr. BOUTELLE of Maine. And the Senate inserted in the resolution drawn at the Department an amendment bringing it up to the present date. Authority on this subject was given in the regular naval appropriation bill and is now the law.

Mr. GAINES. Will the gentleman please state what was the action taken by the President? He states that this bill validates certain acts of the President; we would like to know what he did.

Mr. BOUTELLE of Maine. The joint resolution validates the action of the President in appointing certain officers in the Navy on temporary duty to go upon our cruisers and other vessels suddenly called into service. These appointments were made before the final passage and approval of the naval appropriation bill, in which the authority to make these appointments was given.

Mr. GAINES. Then they were practically emergency appointments?

Mr. BOUTELLE of Maine. They were all emergency appointments. This joint resolution simply validates the action of the President up to the stage when the Navy bill took effect.

Mr. HANDY. About how many of such appointments were there?

Mr. BOUTELLE of Maine. I am unable to state how many, but the number was small compared with the number that have been appointed since. These were the early appointments, made when they were fitting out some of these vessels for temporary service. It was known, of course, that the naval appropriation bill contained the provision giving this authority, and it was not deemed proper or wise for the Executive to await the final passage of the bill. He was obliged to go somewhat on faith.

Mr. HANDY. In asking the passage of the resolution validating what was done the Navy Department sent in no list of the appointments to be validated?

Mr. BOUTELLE of Maine. No, it did not; and I did not ask for any such list because it did not seem to be important that it should be given. The letter of the Department called attention to the fact that a similar act was passed by Congress in 1861, validating similar action of the President at that time.

Mr. CUMMINGS. If I may be allowed, I can answer the question of the gentleman from Delaware. I understand that there were thirteen of these appointments.

Mr. HANDY. I have no doubt that the measure is all right.

Mr. BOUTELLE of Maine. It is entirely proper legislation; there is no doubt.

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to a third reading, read the third time, and passed.

HOSPITAL CORPS OF UNITED STATES NAVY.

Mr. BOUTELLE of Maine. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] is now willing to accede to the consideration of the hospital bill, which I desired to bring up a few moments ago, if he be allowed the privilege of offering such amendments as he desires, to which I heartily agree.

Mr. GAINES. I believe the Chair ruled the other day that when an objection had been made to the consideration of a bill the objection could not subsequently be withdrawn. That ruling was made in connection with the consideration of the labor-arbitration bill. I am perfectly willing that this bill shall be taken

up if fully explained. I only desire to call attention to the ruling heretofore made.

The SPEAKER. If the Chair recollects the circumstances to which the gentleman refers, the House was engaged upon another matter of business when the gentleman who had objected undertook to withdraw his objection. But if the gentleman objects—

Mr. GAINES. I have not objected. The gentleman from Alabama who objected wants now to withdraw his objection. My statement is that in a similar case the other day the Chair objected to the withdrawal of the objection, and said it could not be done.

The SPEAKER. The Chair understands that on the occasion referred to, when the effort was made to withdraw the objection the House was engaged in some other business.

Mr. GAINES. I do not remember the matter that way; but I may be mistaken.

The SPEAKER. Does the gentleman—

Mr. UNDERWOOD. I consented to the request of the gentleman from Maine [Mr. BOUTELLE] that I withdraw the objection I made, provided the opportunity is given to amend this bill on the floor of the House.

The SPEAKER. The gentleman from Tennessee [Mr. GAINES] is right in making the point that the objection can not be withdrawn, because it is effectual when it happens; therefore that matter will have to come up at some other time.

Mr. GAINES. I make no objection to considering it. I am only reciting a bit of history.

The SPEAKER. The gentleman is right in demanding uniformity of action.

Mr. BOUTELLE of Maine. I understood the gentleman to withdraw his objection.

The SPEAKER. Objection can not be withdrawn after we have passed to another thing. The matter may again be presented to the House, but the objection can not be withdrawn.

Mr. BOUTELLE of Maine. Mr. Speaker, I ask unanimous consent to offer this bill again. It is of great importance that our surgeons be given this authority.

Mr. DOCKERY. Mr. Speaker, I want to say to the gentleman from Maine that I am willing to vote for this or any other bill that looks to carrying out the reasonable requests of the War and Navy Departments with respect to this war, but this bill reorganizes the Hospital Corps for all time, as was stated in the discussion a few days since. It may be a very proper reorganization. I have no special information on the matter. I am quite willing to defer to the judgment of the gentleman from Maine with respect to the bill if it is limited to the present war. During this war we may be able to get some experience which will enable us to improve upon the pending bill.

Mr. BOUTELLE of Maine. I will say to the gentleman that it is perfectly automatic, and, so far as this bill may operate, the force will shrink when the war is over.

Mr. GAINES. Can we not say that in so many words?

Mr. BOUTELLE of Maine. Yes; but it is not necessary. I will say to the gentleman from Tennessee that it is no more necessary to say so than in the law in regard to surgeons, because as soon as we decrease the number of our vessels, why we automatically decrease the assignment of these men.

Mr. GAINES. Can you not say it shall be so in so many words at the end of this war?

Mr. HENDERSON. Let us pass the objection point, and then we can take up this question.

Mr. BOUTELLE of Maine. Certainly. I am willing to have you offer any amendment you wish. We are very anxious to get some kind of a hospital corps.

Mr. UNDERWOOD. Will the gentleman consent in advance to put in a provision that the operations of this bill shall be limited to the existing war?

Mr. BOUTELLE of Maine. Let the House vote on it. If the House insists on it, I am willing; but I should prefer not to do it on my own responsibility, because I think the operation of the law will regulate itself.

Mr. HANDY. Would the gentleman be willing to accept such an amendment?

Mr. BOUTELLE of Maine. I am perfectly willing that the House shall vote on it and vote it in or out. In other words, so far as I have anything to do with it, I am perfectly willing to conform to the wishes of the House.

Mr. HANDY. It may be voted upon, with your opposition to its adoption?

Mr. BOUTELLE of Maine. Why certainly.

Mr. UNDERWOOD. I am afraid there will be no chance for this side of the House to secure the adoption of the amendment under those circumstances.

Mr. BOUTELLE of Maine. I do not think the gentleman would want to incorporate an amendment that the House will not approve of.

Mr. HANDY. The conscience and judgment of the House are so largely in the gentleman's keeping in reference to these matters—

Mr. BOUTELLE of Maine. Oh, no; I do not think that. I think we all ought to agree to let the House decide these questions.

Mr. OTEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OTEY. If another bill is brought up and passed, then I understand this can come up; but I understand the ruling to be that it can not come up until there is some other business. I understood the Speaker to say that.

The SPEAKER. Until there is an interval, when there is no business existing.

Mr. OTEY. I was going to suggest that if the Chair would recognize me on my bill, then that would make some intervening business. [Laughter.]

Mr. BOUTELLE of Maine. I ask unanimous consent that we may consider the bill, with the privilege of offering such amendments as gentlemen may desire.

The SPEAKER. The Chair would like to recognize the bill of the gentleman from Virginia [Mr. OTEY], because it is a reasonable one.

Mr. SHERMAN. I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. BOUTELLE of Maine. As against this bill?

Mr. SHERMAN. No; I do not demand it as against anything.

The SPEAKER. Is there objection to the consideration of the bill presented by the gentleman from Maine?

Mr. UNDERWOOD. Mr. Speaker, unless the gentleman will consent to that amendment going in, I shall object.

Mr. BOUTELLE of Maine. What amendment is it you want?

Mr. UNDERWOOD. Limiting the operation of the bill to the existing war.

Mr. BOUTELLE of Maine. I will accept that.

Mr. UNDERWOOD. Then I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

Accordingly the House proceeded to the consideration of the bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties and regulate its pay.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. "Provided, That the provisions of this act shall be limited to the existing war with Spain."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of section 4 the following:

"Provided, That the operations of this act shall be confined to the—

Mr. BOUTELLE of Maine. "Shall be limited."

The CLERK (reading)—

Limited to the present war.

Mr. GAINES. "To the existing war with Spain."

Mr. BARTLETT. "The pendency of the existing war."

Mr. PAYNE. "Duration."

Mr. BOUTELLE of Maine. Let the amendment be read again.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Insert at the end of section 4 the following:

"Provided, That the operation of the provisions of this act shall be limited to the duration of the present war with Spain."

Mr. BOUTELLE of Maine. I accept the amendment, Mr. Speaker.

The question was taken on the amendment; and on a division (demanded by Mr. PEARCE of Missouri) there were—ayes 102, noes 2.

Accordingly the amendment was agreed to.

Mr. GAINES. That is one vote in favor of the people, anyway. The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BOUTELLE of Maine, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. SHERMAN. I now demand the regular order.

Mr. PAYNE. The regular order would be the business on the Speaker's table?

The SPEAKER. Yes.

Mr. PAYNE. I should like to have the bill (S. 4645) to provide an American register for the steamship *Zealandia* considered.

The SPEAKER. That would require unanimous consent.

Mr. PAYNE. I think not. The Committee on Merchant Marine and Fisheries have reported substantially the same bill.

The SPEAKER. Substantially the same bill, and asked for its consideration?

Mr. PAYNE. Yes.

The SPEAKER. That is right. The Clerk will report the bill.

AMERICAN REGISTER FOR STEAMSHIP ZEALANDIA.

The bill (S. 4645) to provide an American register for the steamship *Zealandia* was taken from the Speaker's table and read by the Clerk, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamship *Zealandia*, owned by the Oceanic Steamship Company of San Francisco, Cal., to be registered as a vessel of the United States.

Mr. PAYNE. Mr. Speaker, this vessel is owned by a corporation incorporated under the laws of California, of which all the stockholders are American citizens. It is now sailing under the Hawaiian flag. It was built in Great Britain. It is now on the way from Honolulu to San Francisco. It is expected to arrive in port within the next twenty-four hours, and has been chartered by the Assistant Secretary of War for the purpose of transporting troops from the Pacific coast to Manila. The bill has passed the Senate, and has been reported unanimously by the Committee on Merchant Marine and Fisheries.

Mr. GAINES. What does the bill provide?

Mr. PAYNE. An American register for this vessel.

Mr. SULZER. I would like to ask the gentleman a question. Would it not be just as easy to pass the joint resolution to annex the Hawaiian Islands as to pass this bill? I favor now, as I always have, the annexation of the Hawaiian Islands, and hope they soon will be under the Stars and Stripes. If they were, this bill would not be necessary.

Mr. PAYNE. The passage of this bill is necessary, for the reason that the owners refuse to charter it for this purpose unless they are granted the privilege of American registry.

Mr. SULZER. My question is, Would it not be just as easy to pass the resolution annexing the Hawaiian Islands as to pass this bill?

Mr. PAYNE. Perhaps the gentleman will put that bill through and get rid of the necessity for this.

Mr. SULZER. I should like to, and I wish I could.

The SPEAKER. The Chair thinks the discussion should be confined to the topic before the House. [Laughter.]

Mr. HANDY. I would like to hear read the report on the House bill substantially similar.

The SPEAKER. The Chair did not hear the gentleman.

Mr. PAYNE. I have the report of the House committee.

Mr. HANDY. I would like to hear read the report of the House committee reporting a bill substantially similar to this one.

The SPEAKER. Does the gentleman raise the point of order that this bill is not properly before the House?

Mr. HANDY. I just want the report read for information, Mr. Speaker.

Mr. PAYNE. It may be read in my time, Mr. Speaker.

The report (by Mr. PAYNE) was read, as follows:

The Committee on the Merchant Marine and Fisheries report back H. R. 10427, to provide an American register for the steamship *Zealandia*, and recommend that the bill do pass.

This steamship is of 2,750 tons register; is owned by the Oceanic Steamship Company, of San Francisco, a corporation organized and incorporated under the laws of the State of California, and the capital stock of which is owned exclusively by people of the United States. She is now registered under the Hawaiian flag.

The sole reason for a favorable recommendation in this case, beyond the fact that she is owned by citizens of the United States, is that the *Zealandia* has been chartered for use for military service by the War Department, as will be seen by the annexed letter of the Assistant Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., May 20, 1898.

SIR: The Department having chartered the steamship *Zealandia*, of the Oceanic Steamship Company, for military use during the war with Spain, I have the honor to request that she may be put in commission at the earliest practicable date.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

HON. S. E. PAYNE,
Chairman Merchant Marine and Fisheries,
House of Representatives.

Mr. PAYNE. I ask for a vote, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

Mr. HANDY. Mr. Speaker, I move that the House do now adjourn.

Mr. GAINES. I rise to a question of personal privilege.

The SPEAKER. The gentleman from Delaware moves that the House do now adjourn.

Mr. HANDY. I withdraw that motion for a moment, as I understand the gentleman from Tennessee has something he desires to say.

Mr. GAINES. On page 5032 of the RECORD I am reported as saying:

Well, give it a slap, anyhow.

That is an incorrect report. What I did say was:

Well, try your hand on it, anyway.

Quite different. We were then discussing the labor-arbitration bill, for which I voted, and I have always voted for labor legislation. What I was trying to do was to get the bill discussed so we could see what it contained, and wanted the gentleman from Nebraska [Mr. GREENE] in his time to do so.

Mr. HANDY. I move that the House do now adjourn.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BENNETT. Division, Mr. Speaker.

The House divided; and there were—ayes 73, noes 24.

Mr. HOOKER. Tellers, Mr. Speaker.

Mr. SIMPSON. Too late.

The SPEAKER. No; the gentleman rose before the Chair announced the result.

The question was taken on ordering tellers.

The SPEAKER. Twenty-seven gentlemen have arisen—not a sufficient number.

Mr. HOOKER. The yeas and nays, Mr. Speaker.

Mr. RICHARDSON. Too late. I make the point of order that it is too late to call for the yeas and nays after calling for tellers and failing to get them.

Mr. PAYNE. That would suspend the Constitution, would it? The question was taken on ordering the yeas and nays.

Mr. CLARK of Missouri. A point of order. A parliamentary inquiry. About two or three weeks ago I raised this very same point and the Chair ruled against me.

The SPEAKER (after counting). Twenty-one gentlemen have arisen; and on the last vote twenty is sufficient.

Mr. BLAND and Mr. RICHARDSON. The other side.

The SPEAKER (after counting). On this question the ayes are 21, the nays 103; the yeas and nays are refused; the ayes have it; and the House stands adjourned until to-morrow at 12 o'clock noon.

And accordingly (at 1 o'clock and 57 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War recommending a credit in the accounts of Lieut. Col. Amos Stickney—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an urgent estimate of deficiency in the appropriation for subsistence of the Army for the current fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy relating to the importance of keeping open and manned the life-saving stations upon the Atlantic and Gulf coasts during the war and transmitting the draft of a bill for that purpose—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4578) to remove the disabilities imposed by section 3 of the fourteenth amendment to the Constitution, reported the same with amendment, accompanied by a report (No. 1407); which said bill and report were referred to the House Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8008) to refund to the State of New York certain duties paid by said State in 1863 to arm State troops organized to aid in suppressing the then existing insurrection against the United States, reported the same without amendment, accompanied by a report (No. 1412); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10371) conferring on the Court of Claims jurisdiction with respect to certain claims, reported the same without amendment, accompanied by a report

(No. 1418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 636) for the establishment of a light-house and fog signal at a point north of the bell buoy near the broken part of the Pollock Rip Shoals, on the coast of Massachusetts, reported the same without amendment, accompanied by a report (No. 1419); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8735) to establish a light and fog-signal station at or near terminus of what is known as the Straight Channel, in Maumee Bay, near Toledo, Ohio, reported the same without amendment, accompanied by a report (No. 1420); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8882) for the reestablishment and reconstruction of a light-house at or near mouth of Salem Creek, New Jersey, reported the same without amendment, accompanied by a report (No. 1421); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10423) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes, reported the same without amendment, accompanied by a report (No. 1422); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10427) to admit the steamship *Zealandia* to American register, reported the same without amendment, accompanied by a report (No. 1428); which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10253) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, reported the same with amendment, accompanied by a report (No. 1435); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10159) to grant an increase of pension to Charles R. Pradt, reported the same with amendment, accompanied by a report (No. 1408); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1807) granting an increase of pension to Abraham T. Casey, of Larned, Kans., reported the same with amendment, accompanied by a report (No. 1409); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7230) granting a pension to Mrs. Mary Paul, reported the same with amendment, accompanied by a report (No. 1410); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9833) granting a pension to Augusta Troland, reported the same with amendment, accompanied by a report (No. 1411); which said bill and report were referred to the Private Calendar.

Mr. DAVISON of Kentucky, from the Committee on War Claims, to which was referred House bill 4628, reported in lieu thereof a resolution (House Res. No. 303) for the relief of the estate of George Denny, sr., accompanied by a report (No. 1413); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1326) for the relief of John A. Bates, reported the same without amendment, accompanied by a report (No. 1414); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6789) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi, reported the same with amendment, accompanied by a report (No. 1415); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred House bill 9235, reported in lieu thereof a resolution (House Res. No. 303) for the relief of Mary E. O. Dashiell, accompanied by a report (No. 1416); which said resolution and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10384) for the relief of John Dailey, reported the same without amendment, accompanied by a report (No. 1417); which said bill and report were referred to the Private Calendar.

Mr. DAVISON of Kentucky, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5476) for the relief of Ann Stewart, administratrix of William Stewart, deceased, reported the same without amendment, accompanied by a report (No. 1423); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 2202, reported in lieu thereof a resolution (House Res. No. 304) for the relief of Septimus Brown, Alexandria County, Va., accompanied by a report (No. 1424); which said resolution and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred House bill 10098, reported in lieu thereof a resolution (House Res. No. 305) for the relief of W. B. Morrow, accompanied by a report (No. 1425); which said resolution and report were referred to the Private Calendar.

Mr. BELKNAP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2419) for the relief of Frank Dunn, reported the same with amendment, accompanied by a report (No. 1426); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3261) to remove the charge of desertion from the military record of George L. Plummer, reported the same with amendment, accompanied by a report (No. 1427); which said bill and report were referred to the Private Calendar.

Mr. OSBORNE, from the Committee on Claims, to which was referred the bill of the Senate (S. 133) for the relief of Richard King, reported the same without amendment, accompanied by a report (No. 1429); which said bill and report were referred to the Private Calendar.

Mr. McEWAN, from the Committee on Claims, to which was referred the bill of the Senate (S. 2678) for the relief of Lizzie Haggy, as administratrix of the estate of Frank B. Smith, deceased, reported the same without amendment, accompanied by a report (No. 1430); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 1067) for the relief of the estate of Daniel Woodson and of Ely Moore, reported the same with amendment, accompanied by a report (No. 1431); which said bill and report were referred to the Private Calendar.

Mr. CARMACK, from the Committee on Claims, to which was referred the bill of the Senate (S. 436) for the relief of the Continental Fire Insurance Company and others, reported the same without amendment, accompanied by a report (No. 1432); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 153) for the relief of Verona E. Pollock, reported the same with amendment, accompanied by a report (No. 1433); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OGDEN: A bill (H. R. 10458) to regulate the compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: A bill (H. R. 10459) to amend section 5 of the act approved June 10, 1880, governing the immediate transportation of dutiable goods without appraisement—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 10460) relative to the Corps of Engineers of the Army—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 10461) granting franking privilege to officers and soldiers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAIRD: A bill (H. R. 10462) for the relief of the estate of R. M. Scanlan—to the Committee on War Claims.

By Mr. BOUTELLE of Maine: A bill (H. R. 10463) to remove the charge of desertion from record of Charles W. Rollins—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 10464) for the relief of Henry W. Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting a pension to Martha J. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10466) for the relief of Benjamin F. Logue—to the Committee on Invalid Pensions.

By Mr. DAVISON of Kentucky: A bill (H. R. 10467) granting a pension to Mary Abercrombie Shufeldt—to the Committee on Pensions.

By Mr. DE VRIES: A bill (H. R. 10468) granting an increase of pension to Frank F. Carnduff—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 10469) granting an increase of pension to Mrs. Anna B. McCurley—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 10470) authorizing the issuance to Charles F. Beebe of patents for certain mineral lands, and mill sites appurtenant thereto, in the State of Washington—to the Committee on the Public Lands.

By Mr. WISE: A bill (H. R. 10471) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased—to the Committee on Claims.

By Mr. EVANS: A bill (H. R. 10472) granting a pension to Hermann Fischer, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10473) granting an increase of pension to John Kelley—to the Committee on Invalid Pensions.

By Mr. BREWER: A concurrent resolution (House Con. Res. No. 34) in respect to Gen. R. E. Lee and Mrs. Mary Custis Lee—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of Illinois: Protest of the Chicago Apothecaries' Society, against that part of House bill No. 10100 compelling druggists to place revenue stamps on goods now on hand—to the Committee on Ways and Means.

By Mr. BELL: Petition of District Assembly No. 49, Knights of Labor, of Denver, Colo., against the bond issue—to the Committee on Ways and Means.

By Mr. BUTLER: Petitions of the Woman's Christian Temperance Union of Ercildown, Chester County, Pa., and Presbyterian Church and Christian Endeavor Society of Faggs Manor, Pa., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Woman's Christian Temperance Union of Ercildown, Pa., and Presbyterian Church and Christian Endeavor Society of Faggs Manor, Pa., and Presbyterian Church, Epworth League, Independent Order of Good Templars, and Woman's Christian Temperance Union of West Grove, Pa., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. DAVISON of Kentucky: Paper to accompany a bill for the relief of Mary Abercrombie Shufeldt—to the Committee on Pensions.

By Mr. GROUT: Petition of W. C. Martin and 24 citizens of Weatherfield, Vt., in favor of legislation which will more effectively restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. HARMER: Paper containing the war record of Commander Felix McCurley, United States Navy—to the Committee on Invalid Pensions.

By Mr. LLOYD: Protest of the druggists of Hamilton, Mo., against the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, protest of 40 citizens of Greentop, Mo., against the issue of bonds and favoring the issue of greenbacks—to the Committee on Ways and Means.

Also, protest of International Association of Machinists, of Hannibal, Mo., against the awarding of Government contracts to manufacturing companies who do not employ union labor—to the Committee on Labor.

By Mr. WISE (by request): Petition of Mrs. G. W. MacMillan, Mrs. R. W. Carroll, and 10 other ladies of the State of Virginia, for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

WEDNESDAY, May 25, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

CREEK NATION OF INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with a provision of the Indian appropriation act of June 7, 1897, the correspondence showing the investigation made relative to the disbursement of money in the Treasury of the United States belonging to the Creek Nation of Indians; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial from the Choctaw Indians, remonstrating against the passage of the so-called Curtis bill and praying that the Choctaw people be given an opportunity of demonstrating to the United States Government that they are willing and anxious to make a final and satisfactory agreement; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MITCHELL presented a petition of the Woman's Christian Temperance Union of the Methodist Episcopal Church, the Congregational Church, and the Baptist Church of Kenosha, Wis., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Kenosha; of the congregations of the Howard Memorial Presbyterian Church, of Green Bay, the Methodist Episcopal Church of Green Bay, the Moravian Church of Green Bay, and the Methodist Episcopal Church, the Congregational Church, and the Baptist Church of Kenosha, all in the State of Wisconsin, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of sundry citizens of Green Bay; of the Woman's Christian Temperance Union, the congregations of the Methodist Episcopal Church, the Congregational Church, and the Baptist Church of Kenosha, and of sundry physicians of Green Bay, all in the State of Wisconsin, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. COCKRELL presented a petition of the Lafayette Woman's Christian Temperance Union, of St. Louis, Mo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. TURPIE presented a petition of William Hugo Lodge, No. 166, Brotherhood of Locomotive Firemen, of Huntington, Ind., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry druggists of Moores Hill, Bristol, Lagrange, and Roachdale, all in the State of Indiana, remonstrating against the adoption of certain provisions in the war-revenue bill relating to the stamping of proprietary medicines; which were ordered to lie on the table.

Mr. FAIRBANKS presented the petition of G. W. Pellett and 74 other citizens of Indiana, and the petition of Benjamin F. Cummings and 44 other citizens of Indiana, praying for the enactment of legislation to prohibit the sale of adulterated food products as pure food; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of L. E. Davis and 31 other citizens, of Ira C. Leedy and 35 other citizens, of Q. A. Hunt and 33 other citizens, and of James K. P. Gabin and 8 other citizens, all in the State of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented the memorial of F. N. Newton and sundry other druggists, of Sparta, Wis., and the memorial of B. F. Wing and sundry other druggists, of Marshfield, Wis., remonstrating against the adoption of the provision in the war-revenue bill requiring the stamping by the dealer of all proprietary medicines held in stock; which were ordered to lie on the table.

He also presented a petition of the Madison Convention of Con-

gregational Churches, of Madison, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Madison Convention of Congregational Churches, of Madison, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Madison Convention of Congregational Churches, of Madison, Wis., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Madison Convention of Congregational Churches, of Madison, Wis., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was ordered to lie on the table.

He also presented a petition of the Madison Convention of Congregational Churches, of Madison, Wis., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Madison Convention of Congregational Churches, of Madison, Wis., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. HANNA presented the memorial of C. F. Babcock and 18 other citizens of Ohio, remonstrating against the passage of the so-called anti-scalping ticket bill or any similar measure; which was ordered to lie on the table.

He also presented a petition of Plains Grange, No. 460, Patrons of Husbandry, of Ohio, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Plains Grange, No. 460, Patrons of Husbandry, of Ohio, praying for the enactment of legislation to secure to the people of the country protection against the use of adulterated food products; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregations of the Presbyterian Church and the Baptist Church, the Christian Endeavor Society, and the Gurney Friends, all of Salem, in the State of Ohio, praying for the enactment of legislation to prohibit the interstate circulation of newspaper descriptions of prize fights; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Presbyterian Church and the Baptist Church, of the Christian Endeavor Society, and the Gurney Friends, all of Salem, in the State of Ohio, praying for the enactment of legislation to prohibit the reproduction of prize fights by the kinetoscope and other kindred devices; which were ordered to lie on the table.

He also presented petitions of the congregations of the Presbyterian Church and the Baptist Church, of the Christian Endeavor Society, and the Gurney Friends, of Salem, and of the Woman's Christian Temperance Union of Marlboro, all in the State of Ohio, praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the congregations of the Baptist Church, the Presbyterian Church, and the Christian Church; of the Christian Endeavor Society, and of the Gurney Friends, all of Salem, in the State of Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Baptist Church, the Presbyterian Church, and the Christian Church; of the Christian Endeavor Society, and of the Gurney Friends, all of Salem, in the State of Ohio, praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance unions of Marlboro and Toledo; of Favorite Tent, No. 175, Independent Order of Rechabites, of East Liverpool; of the Commodore Perry Woman's Relief Corps, No. 128, of Cleveland; of the congregations of the Presbyterian Church of Bridgeport, the Christian Church of Wooster, the English Reformed Church of Wooster, the Presbyterian Church of New Concord, the Second United Presbyterian Church of New Concord, the Gurney Church of Salem, the Baptist Church of Salem, the Presbyterian Church of Salem, the Methodist Episcopal Church of Wellsville, and of St. John's Methodist Episcopal Church, of Toledo, all in the State of Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Woman's Christian Temperance Union of Cleveland and Toledo; of Favorite Tent, No. 175, Independent Order of Rechabites, of East Liverpool; of the congregations of the Kirkwood Presbyterian Church, of Bridgeport; the Christian Church of Wooster; the English Reformed Church of Wooster; the First Presbyterian Church of East Liverpool; the Presbyterian Church of New Concord; the Presbyterian Church of Salem; the Baptist Church of Salem; the Gurney Church, of Salem; the Methodist Episcopal Church of Wellsville, and St. John's Methodist Episcopal Church, of Toledo, all in the State of Ohio, praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Toledo; of Favorite Tent, No. 175, Independent Order of Rechabites, of East Liverpool; of the congregations of the Kirkwood Presbyterian Church, of Bridgeport, the Christian Church of Wooster, the English Reformed Church of Wooster, the Friends' Church of Dover, the Presbyterian Church of New Concord, the First Presbyterian Church of East Liverpool, the Presbyterian Church of Salem, the Baptist Church of Salem, the Gurney Church, of Salem, the Christian Church of Salem, the First, Second, and United Presbyterian churches, of Wellsville, and St. John's Methodist Episcopal Church, of Toledo, all in the State of Ohio, and a petition of the Young Woman's Christian Temperance Union of the city of Washington, praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a petition of Division No. 246, Order of Railway Conductors, of Wymore, Nebr., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

DEFICIENCY APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes, to report it with amendments. I ask that the bill may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached.

The VICE-PRESIDENT. That course will be pursued, in the absence of objection.

The Secretary proceeded to read the bill.

Mr. BATE. I should like to ask if this is a bill appropriating money out of the Treasury?

Mr. HALE. I suppose it will take money out of the Treasury.

Mr. BATE. I suggest the want of a quorum.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Tennessee. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	Mason,	Sewell,
Allon,	Frye,	Mills,	Shoup,
Allison,	Gallinger,	Mitchell,	Spooner,
Bacon,	Gray,	Morgan,	Stewart,
Bate,	Hale,	Morrill,	Teller,
Berry,	Hanna,	Pasco,	Turley,
Burrows,	Hansbrough,	Perkins,	Turpie,
Caflery,	Harris,	Pettigrew,	White,
Carter,	Hawley,	Pettus,	Wilson.
Clay,	Heitfeld,	Platt, N. Y.	
Cockrell,	Jones, Ark.	Pritchard,	
Cullom,	Kyle,	Quay,	

The VICE-PRESIDENT. Forty-five Senators having answered to their names, a quorum is present. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed. The first amendment of the Committee on Appropriations was, on page 2, line 11, before the word "employment," to insert the word "temporary;" so as to read:

WAR DEPARTMENT.

For the temporary employment of such additional force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the existing situation may demand, \$50,000.

The amendment was agreed to.

The reading of the bill was continued to page 3, line 19.

Mr. ALLEN. I was not in the Chamber when the bill was laid before the Senate. I desire to inquire if this is a general deficiency bill?

Mr. HALE. No; it is mainly pension deficiencies, with a few items for the two Houses that are necessary at the present time.

Mr. ALLEN. Is there any intention to lay a general deficiency bill before Congress prior to final adjournment?

Mr. HALE. Undoubtedly. I will promise the Senator that it will be large enough to please anyone.

The next amendment of the Committee on Appropriations was, on page 3, line 19, to strike out "December 31, 1898," and insert "March 31, 1899;" so as to read:

TREASURY DEPARTMENT.

For the following additional clerks in the office of the Auditor for the War Department and in the office of the Auditor for the Navy Department for a period not exceeding from the date of the approval of this act until and including March 31, 1899, namely:

The amendment was agreed to.

The next amendment was, on page 3, line 24, before "hundred," to strike out "fifty-five thousand eight" and insert "seventy-eight thousand seven;" so as to make the clause read:

Office of Auditor for the War Department: For eight clerks of class 4; seventeen clerks of class 3; ten clerks of class 2; and thirty clerks of class 1; in all, \$78,766.35, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 4, line 5, before "dollars," to strike out "thirteen thousand two hundred and ninety-five" and insert "eighteen thousand seven hundred and forty-five;" so as to make the clause read:

Office of Auditor for the Navy Department: For two clerks of class 3; three clerks of class 2; four clerks of class 1; six clerks, at the rate of \$1,000 per annum each; and four clerks, at the rate of \$900 each; in all, \$18,745.72, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was to add to the bill the following:

EXECUTIVE OFFICE.

For the following additional clerks commencing June 1, 1898, and continuing during the fiscal year 1899, namely: Two clerks of class 3, \$3,466.66, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was to add to the bill the following:

SENATE.

To enable the Secretary of the Senate to pay to Mary L. Walthall, widow of the Hon. Edward C. Walthall, deceased, late a Senator from the State of Mississippi, \$5,000.

The amendment was agreed to.

The next amendment was to add to the bill the following:

For miscellaneous items, exclusive of labor, \$15,000.

The amendment was agreed to.

Mr. WILSON. Are we agreeing to these amendments as we go along?

The VICE-PRESIDENT. The amendments are agreed to as they are read.

Mr. WILSON. I wish to give notice that to one or two little amendments I desire to call the attention of the Senate, and I will say now—

The VICE-PRESIDENT. The Senator will do so after the bill has been read through.

Mr. WILSON. I want to understand why we exempt the clerks who are provided for the War Department from a civil-service examination and do not exempt those to be employed in the Treasury Department? That is what I want to get at when the proper time arrives.

Mr. HALE. When the reading of the bill is completed we will go back to those amendments.

Mr. WILSON. All right.

The next amendment of the Committee on Appropriations was to add to the bill the following:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$5,000.

The amendment was agreed to.

The next amendment was to add to the bill the following:

HOUSE OF REPRESENTATIVES.

For compensation and mileage of Members of House of Representatives and Delegates from the Territories for the fiscal year 1897, \$4,633.

The amendment was agreed to.

The VICE-PRESIDENT. The amendments of the committee are completed.

Mr. ALLEN. I should like to ask the Senator from Maine if the expenses of the investigation made by the Committee on Naval Affairs for the destruction of the *Maine* are included in this bill?

Mr. HALE. In the office of the Secretary, Mr. Nixon, who has charge of all those matters, has gathered up the deficiencies in reference to all the investigations up to the present time and what are likely to take place during the rest of the session. So the bill covers everything.

Mr. ALLEN. Some time ago, probably two months ago, I introduced a resolution instructing the Committee on Naval Affairs

to make an investigation into the circumstances of the destruction of the battle ship *Maine*. I assume that that committee, under the leadership of the Senator from Maine, has discharged its duty under the resolution, and, so assuming, I should like to ascertain if the expenses of that investigation are embraced in this bill.

Mr. HALE. Everything for expenses of inquiries and investigations is embraced in this bill.

Mr. ALLEN. Allow me to ask the Senator if that investigation has been made?

Mr. HALE. It has not.

Mr. ALLEN. Why not?

Mr. HALE. Because the Committee on Foreign Relations took the matter up and the Committee on Naval Affairs did not think it advisable to interfere with that investigation.

Mr. ALLEN. The resolution was imperative, and the committee saw fit to overrule the imperative requirement of the resolution.

Mr. HALE. The committee took that course, and is, of course, subject to any further instruction of the Senate.

Mr. ALLEN. Yes; I suppose it is subject to further instruction, but the question is whether it will obey the instruction when given it.

Mr. HALE. The Senator will remember that the word "immediate" was stricken out of the original resolution.

Mr. ALLEN. That was stricken out upon the assurance of the Senator from Maine that the investigation would be made.

Mr. HALE. But the Senator from Maine did not at that time know that another committee was to be intrusted with the work, as it was afterwards, and he felt that the spirit of his declaration was carried out from the fact that another committee did the work.

Mr. ALLEN. Then I submit in fairness to the Senate, if not to the author of the resolution, the Senator from Maine ought to have returned the resolution with some kind of a report, that it might be disposed of by the Senate.

Mr. HALE. The Committee on Naval Affairs can do that if the Senator desires it. The Senator will remember that subsequent to his resolution the Senate took the matter up and in form referred the same inquiry to the Committee on Foreign Relations; and the Committee on Naval Affairs considered that that was an instruction to them not to proceed, as the Senate had acted afterwards in giving it to the other committee.

Mr. ALLEN. The Committee on Foreign Relations simply acted on the report of the naval board of inquiry. Its report, if I may be permitted to use the expression, was a secondhand report. That did not relieve the Committee on Naval Affairs, which was charged in imperative and unequivocal language to make a report, from making that report.

Mr. HALE. The Committee on Foreign Relations took other testimony. It summoned witnesses.

Mr. ALLEN. Assuming that the Committee on Naval Affairs was discharging its duty as directed and had incurred some expense, I made the inquiry of the Senator if those expenses were embraced in this bill.

Mr. HALE. Whatever expenses have been made by any investigation of any committee, as I have said, are covered by this appropriation.

Mr. ALLEN. But I understand the Senator to say that no investigation was made.

Mr. HALE. None by the Naval Committee.

Mr. ALLEN. And therefore no expense was incurred by that committee?

Mr. HALE. None whatever.

Mr. ALLEN. And therefore no expense from that committee is embraced in this bill?

Mr. HALE. None whatever.

Mr. ALLEN. None whatever. I am very thankful to the Senator for his frankness.

The VICE-PRESIDENT. If there be no further amendments to the bill as in Committee of the Whole, it will be reported to the Senate.

Mr. WILSON. Mr. President—

Mr. HALE. Let the bill be reported to the Senate first.

Mr. WILSON. Very well.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. HALE. Now let the Secretary go back and read the provisions with reference to clerks, on pages 2 and 3.

Mr. WILSON. I do not care enough myself about the matter to return and have the paragraphs read or debated at length. I will just call attention to the fact, which only a moment or two ago came to my notice, that in one paragraph, empowering or authorizing the employment of additional clerks for a limited time, the Secretary of War is very properly, in my judgment, permitted to make the allotments.

It would seem that by the phraseology of the bill some places have been taken out of the classified or civil service. I very much regret that this should be done by some very distinguished civil-service reformers. I am told it was done in the other House. I did not suppose that there was a civil-service reformer in the Senate, and therefore it must have been done in the House.

But in the very next place almost in the bill, on the next page, there is also a similar paragraph for the employment of additional labor for a limited period of time in the Treasury Department, which has the requirement that the employees shall go to the classified service, I take it, because the paragraph is entirely silent on that subject. I suppose the distinguished Secretary of the Treasury has made this recommendation.

If it was proper to give the Secretary of War the right to designate certain employees of his Department, it might have been proper to have given the same power to the Secretary of the Treasury. I am myself opposed to the whole scheme, and I can not understand why so distinct and marked differences should have been made in the bill in like employment in two different Departments under the Government.

Mr. PASCO. Mr. President, if there is to be an abandonment of the principles of the civil service in the appointment of a lot of clerks in the War Department or in any other Department, I think the Senate is entitled to some explanation of the matter. There has been no statement made by the Senator having the bill in charge that any such change in the practice was to be made, and but for the remarks made by the Senator from Washington the Senate would be passing upon this matter utterly ignorant of the proposition to have a lot of clerks employed during the next few months without being subject to the civil-service rules.

I hope before this measure passes from the consideration of the Senate there will be an opportunity for an explanation and an opportunity for Senators to determine whether they will allow this infraction or modification of the civil-service rules. It seems to me if the system is to prevail generally, it should prevail in this particular case and that those who have passed the examinations and whose names are on the list of eligibles should have their rights respected when there is to be an additional force of clerks employed.

Mr. COCKRELL. I hope the Senator in charge of the bill will explain lines 11 and 12 and line 18, on page 2.

Mr. HALE. Let the Secretary read those paragraphs.

Mr. COCKRELL. I hardly think the Senator from Washington has read the bill carefully or he would not have made anything like the statement he did.

Mr. HALE. The bill speaks for itself.

Mr. WILSON. I am subject to criticism by the distinguished Senator from Missouri. My attention was just called to it a moment before I rose. We do not have in the Senate every opportunity, as the Senator knows, to examine these things. Every Senator always knows about whatever is in an appropriation bill just brought in, and therefore a Senator is subject to criticism for not knowing something about a bill that has just come in.

Mr. HALE. The bill speaks for itself. I will read the clause and the Senator can see that there is no trouble in it. To begin with, the Senate has put in the word "temporary," so that these appointments do not permit any increased regular force in any of the Departments. It is one of the things that is made necessary by the war. The work in these auditing departments has been immensely increased. The House sent the bill here with the following language:

For the employment of such additional force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus.

That is a general provision. It does not in any way touch civil service. We have made it temporary. But if the civil-service rules comprehend this kind of clerkship they will all have to be examined. The paragraph goes on and says further:

To be allotted by the Secretary of War to such bureau and offices as the exigencies of the existing situation may demand.

That is the only discretion that is left to the Secretary of War. He allots them. We do not in terms say that there shall be so many clerks in one bureau and so many in another, but the distribution is left to the Secretary of War. However, there is nothing in the provision that interferes with the civil service. I am bound to say that I should not be specially displeased if there was, but the Senate committee did not think it worth while, although these are temporary clerks, to put in any provision interfering with the civil-service rules which apply to this Department or to all the Departments.

Mr. WILSON. May I ask the Senator from Maine whether the employees in the Treasury Department are not also to be temporary? Is not that employment to be just as temporary as the employment in the War Department?

Mr. HALE. What clause does the Senator from Washington refer to?

Mr. WILSON. The bill provides that the Secretary of the

Treasury shall appoint "the following additional clerks in the office of the Auditor for the War Department and in the office of the Auditor for the Navy Department for a period not exceeding from the date of the approval of this act until and including December 31, 1898, namely"—all those to be temporary, the same as in the other paragraph, on page 2.

Mr. COCKRELL. Their length of service is designated.

Mr. WILSON. The employment is purely temporary in both cases.

Mr. COCKRELL. Over on the other page there is no specific length of service. Therefore the word "temporary" had to go in. But here in the Treasury Department they can only be employed to a fixed date.

Mr. HALE. If the Senator will read to the close of the paragraph, he will find that there is no trouble.

Mr. WILSON. The employment is to a fixed date. It is temporary service, because it is to apply only until next December.

Mr. COCKRELL. But it is not necessary to use the word "temporary" there, while it was necessary to use it in the other cases.

I wish to say, in addition to what the Senator from Maine has said, that the paragraph in regard to the employment of additional clerks in the War Department or the Treasury Department does not directly or indirectly affect the civil service in any shape, manner, or form.

Mr. HALE. Not in the least.

Mr. COCKRELL. And it can not be so construed. The clerks, messengers, laborers, and other assistants who are now under the civil-service law must be selected under that law.

Mr. PASCO. The language would indicate that they must be selected in the same way.

Mr. COCKRELL. In the same way.

Mr. HALE. Undoubtedly.

Mr. COCKRELL. There is no question about it.

Mr. PASCO. Then the views of the Senator from Washington are incorrect.

Mr. HALE. Undoubtedly, and it is not strange. His attention was called to the words at the close of the sentence with reference to the discretion of the Secretary of War in allotting, but not in appointing.

Mr. PASCO. I made the remark I did because I thought it would be very strange if there should be so great a change made without proper notice to the Senate, and that without an opportunity to discuss and consider the matter the civil-service rules were to be broken in upon by appointing clerks without being subject to examination.

Mr. WILSON. Mr. President, a single word. I of course regret to differ from the explanations that have been made. My judgment is that as we move along we will find that under that paragraph the Secretary of War is empowered to designate clerks, and Senators will find that to be true before we get through.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 881) for the relief of Salvador Costa, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 8795) for the relief of Hubert Nyssen, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 8141) increasing the pension of Price W. Hawley, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 188) for the suspension of the collection of certain taxes in the District of Columbia, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 3035) to amend an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes;

A bill (S. 2473) to provide for the payment of final judgments of the supreme court of the District of Columbia under an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, and for other purposes; and

A bill (S. 2863) to repeal an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, as

amended by an act of Congress approved January 31, 1896, and to provide for the extension of certain streets and avenues, and for other purposes.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, to report it with an amendment and submit a report thereon.

I want to appeal to the Senator from Iowa. I ask him if he would have objection to the present consideration of the bill if it should not lead to debate? It proposes to repeal the highway act, which is doing great injustice and resulting in litigation in the courts in the District of Columbia. It concerns the people of the District and involves millions of dollars of property. If it leads to debate, of course I will immediately withdraw it. It has to go to a conference between the two Houses. It is a short bill.

Mr. ALLISON. Of course I would be glad if the Senator could delay a matter of this sort until a later hour in the day. The Senator knows perfectly well how the time was occupied yesterday.

Mr. GALLINGER. I will withdraw the report.

Mr. ALLISON. Until later in the day.

Mr. GALLINGER. Perhaps before the day closes I shall have an opportunity to secure the consideration of the bill.

The VICE-PRESIDENT. The report is withdrawn.

Mr. HANNA, from the Committee on Pensions, to whom was referred the bill (S. 4233) granting a pension to Solomon Kline, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4584) granting a pension to Mrs. Adda F. Thompson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1299) granting a pension to Eliza E. Reed, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GEAR, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1442) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, reported it without amendment, and submitted a report thereon.

TAMPA BAY IMPROVEMENT.

Mr. PASCO. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 150) directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Fort Tampa to its mouth in the Gulf of Mexico, to report it without amendment. It is simply a joint resolution calling for information and requires no appropriation. I ask that it be now considered. It will take but a moment.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAFFERY introduced a bill (S. 4649) for the relief of Mitchell F. Jamar; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON introduced a bill (S. 4650) for the relief of Schuyler Duryee; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANNA introduced a bill (S. 4651) to remove the charge of desertion from the military record of Francis J. Corborand; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4652) granting an increase of pension to Simeon B. Crick (with accompanying papers);

A bill (S. 4653) granting a pension to Emily Rynd (with an accompanying paper);

A bill (S. 4654) granting an increase of pension to Charles T. Shaw (with accompanying papers);

A bill (S. 4655) granting an increase of pension to Richard L. Tittsworth (with accompanying papers); and

A bill (S. 4656) granting a pension to Hugh B. Smith (with accompanying papers).

Mr. STEWART. I introduce a bill in regard to the Nicaragua Canal, and as it contains but a few lines, I should like to have it read at length. I ask that it be read and referred to the Select Committee on Construction of the Nicaragua Canal.

The bill (S. 4657) concerning right of way for a canal across the Isthmus of Darien, via Lake Nicaragua was read the first time by its title and the second time at length, and referred to the

Select Committee on Construction of the Nicaragua Canal, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to secure by such negotiations as he may deem proper from the Government of Nicaragua and any other government interested therein, the right of way for a canal across the Isthmus of Darien, via Lake Nicaragua, and such rights and privileges to construct such canal and a harbor at each end thereof as may be necessary and proper for that purpose, with such power of control and jurisdiction as may be necessary to enable the United States to construct, own, and control the canal and the harbors connected therewith, and keep the same open as a highway for all nations between the Atlantic and the Pacific oceans. And the President is further authorized and empowered to negotiate for and purchase whatever rights and privileges the Maritime Canal Company may have in connection with such canal, and to pay therefor a sum not exceeding the actual expenditures made by such company; and the amount necessary to carry this act into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. PROCTOR introduced a bill (S. 4658) to authorize the President to accept the services of volunteers from the States, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 4659) for the relief of J. N. McIntyre, of Tippah County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4660) for the relief of Mary E. Martin, of Tate County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 4661) granting a pension to Ella Hayne Agnew; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4662) for the extension of Nineteenth street NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4663) for the relief of Emmart, Dunbar & Co.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4664) to correct the war record of George W. McBride; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. ELKINS introduced a bill (S. 4665) granting a pension to Elizabeth E. Clark; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4666) granting a pension to John Canty; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4667) granting an increase of pension to Wesley C. Pryor; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4668) to pay the claim of James H. Sents; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4669) for the reference of the claim of Mrs. Mollie Forman against the Government of the United States to the Court of Claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MANTLE introduced a bill (S. 4670) granting an increase of pension to Charles Cook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 4671) granting a pension to Owen E. Davidson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4673) granting a pension to Elizabeth McGaw; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

THEODORE S. CROSS.

Mr. TURPIE. I wish to take an order of the Senate with respect to a private pension bill. It is the bill (S. 2107) granting an increase of pension to Theodore S. Cross. In that case the Committee on Pensions made an adverse report. I am now informed by the committee that the adverse report was a mistake. I therefore ask unanimous consent to reconsider the indefinite postponement of the bill.

Mr. GALLINGER. I do not recall the bill. There is no objection to the course being taken which the Senator from Indiana has suggested.

Mr. TURPIE. I ask unanimous consent that the motion indefinitely postponing the bill be reconsidered.

The VICE-PRESIDENT. Is there objection to a reconsideration of the motion? The Chair hears none, and unanimous consent is given. Shall the bill be recommitted?

Mr. TURPIE. The bill being now on the Calendar, I move that it be recommitted to the Committee on Pensions.

The motion was agreed to.

QUARTERMASTER'S SUPPLIES, ETC.

Mr. HAWLEY. I rise to a matter of a conference report. A day or two ago the Senate requested the House to return the

report of the committee of conference on the bill (H. R. 10121) to suspend the operations of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, for the correction of an error. The House has returned the conference report, and in order to correct it it will be necessary to reconsider the agreement of the Senate in the report. I move that the Senate recede from its agreement to the conference report heretofore made.

The motion was agreed to.

Mr. HAWLEY. I now move that a further conference be requested.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees at the further conference; and Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL were appointed.

JOHN B. HAYS.

Mr. SHOUP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8834) granting a pension to John B. Hays having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEORGE L. SHOUP,
FRANK J. CANNON,
M. A. HANNA,

Managers on the part of the Senate.

GEO. W. RAY,
W. S. KERR,

Managers on the part of the House.

The report was agreed to.

MARIA E. HESS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its first amendment, in line 7.

That the House of Representatives recede from its disagreement to the second amendment, and agree to the same.

J. H. GALLINGER,
LUCIAN BAKER,

Managers on the part of the Senate.

GEO. W. RAY,
HENRY R. GIBSON,
R. W. MIERS,

Managers on the part of the House.

The report was agreed to.

GEORGE H. BALDWIN.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9210) granting an increase of pension to George H. Baldwin having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
JOHN L. MITCHELL,

Managers on the part of the Senate.

GEO. W. RAY,
V. WARNER,

Managers on the part of the House.

The report was agreed to.

GEORGE BARNES.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8365) granting a pension to George Barnes having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment disagreed to by the House of Representatives, and agree to a new amendment as follows: In lieu of the amount proposed to be inserted by said amendment insert "eighteen"; and the Senate agree to the same.

J. H. GALLINGER,
J. C. PRITCHARD,

W. N. BOACH,

Managers on the part of the Senate.

GEO. W. RAY,
ROBERT W. MIFES,
I. A. BARBER,

Managers on the part of the House.

The report was agreed to.

JOHN X. GRIFFITH.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8936) granting an increase of pension to John X. Griffith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
JOHN L. MITCHELL,

Managers on the part of the Senate.

GEO. W. RAY,
V. WARNER,

J. D. BOTKIN,

Managers on the part of the House.

The report was agreed to.

JOHN P. THOMAS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 164) granting an increase of pension to John P. Thomas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment disagreed to by the House of Representatives, and agree to a new amendment, as follows: In lieu of the amount proposed to be inserted by said amendment insert "forty"; and the Senate agree to the same.

J. H. GALLINGER,
FRANK J. CANNON,
Managers on the part of the Senate.
V. WARNER,
C. H. CASTLE,
Managers on the part of the House.

The report was agreed to.

CALVIN P. LYNN.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3253) granting an increase of pension to Calvin P. Lynn, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
H. C. HANSBROUGH,
Managers on the part of the Senate.
GEO. W. RAY,
S. W. SMITH,
J. D. BOTKIN,
Managers on the part of the House.

The report was agreed to.

FLORENCE N. WALDRON.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3245) granting a pension to Florence N. Waldron, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
H. C. HANSBROUGH,
Managers on the part of the Senate.
GEO. W. RAY,
E. S. HENRY,
Managers on the part of the House.

The report was agreed to.

CHARLES F. BROWN.

Mr. MCENERY. I ask unanimous consent for the present consideration of the bill (H. R. 719) to correct the naval record of Charles F. Brown.

The VICE-PRESIDENT. Is there objection?

Mr. ALLISON. If the bill will not lead to debate, I shall yield for its consideration, but I give notice that I can not yield further.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Navy to issue an honorable discharge to Charles F. Brown, who served on the U. S. S. *Hartford* under the name of C. F. Banks, to date December 10, 1863, the day he left the naval service and enlisted in the Army, and provides that no pay or allowances shall become due or payable by reason of the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPENSATION OF POSTMASTERS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which was offered by the Senator from Nebraska [Mr. ALLEN], directing the Postmaster-General to report to the Senate the compensation of postmasters on the basis of the act of 1854, etc.

Mr. ALLISON. I hope the Senator from Nebraska will allow that resolution to lie over for still another day.

Mr. ALLEN. Very well.

The VICE-PRESIDENT. The resolution will be passed over, retaining its place.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed with an amendment the bill (S. 4556) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed with amendments the bill (S. 1883) for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted in which it requested the concurrence of the Senate.

The message further announced that the House had passed the

following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9354) granting certain lands to the city of Santa Barbara, Cal.;

A bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties and regulate its pay;

A bill (H. R. 10423) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890; and for other purposes; and

A joint resolution (H. Res. 271) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

The message also announced that the House had passed a concurrent resolution to print 12,000 copies of the Statistical Abstract of the United States for the year 1897, prepared by the Bureau of Statistics, Treasury Department, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 4645) to provide an American register for the steamship *Zealandia*;

A joint resolution (S. R. 167) ratifying and confirming certain temporary appointments of officers of the Navy; and

A joint resolution (H. Res. 257) providing for the organization and enrollment of the United States auxiliary naval force.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of House bill 10100.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. STEWART. Mr. President, I propose to discuss at the present time that portion of the report of the Committee on Finance which provides for the issuance of silver certificates upon the bullion in the Treasury and the issuance of one hundred and fifty millions of Treasury notes, commonly called greenbacks.

In my estimation the amount of revenue which will be produced by any system of taxation will depend largely upon the policy which is adopted with regard to issuing more money or issuing bonds. I believe that with the issuance of bonds, largely more taxation will be required to realize anything like the same amount of money. We have already had many lessons from experience in that respect. During the civil war the experiment was fully tried as to the effect of a liberal supply of money upon the capacity of the country to pay internal-revenue taxes.

At one time during the war—if I recollect, about the close of the war—as much as \$800,000,000 was raised in one year from internal-revenue taxes. There were not more than twenty-five millions of people to pay that money. That would be equivalent, if you take it per capita, to the raising by internal-revenue taxation of \$900,000,000 with the present population. Everybody will recognize that that would be impossible. Why could we do it? In the first act, which was passed in July, 1861, when Congress commenced to provide for war arrangements, we commenced to give the people something with which to pay taxes. We increased the taxes right along, but we always issued the means of paying taxes in advance of the requirement to pay; in other words, we did not during that period compel the people to make bricks without straw; we did not adopt Pharaoh's old policy, which has been reprobated ever since. In the first act for issuing bonds it was provided that \$50,000,000 of Treasury notes, receivable for Government dues, should be sold before there should be any bonds sold.

We have a further illustration of the effect of the supply of money upon the revenues of the country. While we were putting out new money in the shape of silver during the period that we put out, in round numbers, \$500,000,000 of new silver money or paper representing silver, we retired over twelve hundred millions of our bonded debt during that identical period and paid \$80,000,000 premium for the privilege of retirement, making about thirteen hundred million dollars which was paid on the bonded debt while we were supplying the people with money. We paid out about \$75,000,000 or \$80,000,000 a year right along. During all that time the revenues exceeded the estimates of the Treasury Department and the Finance Committee from \$50,000,000 to \$100,000,000 a year, and it became a common remark that the people in this country were so growing in strength and prosperity that they could pay off the national debt without the slightest depression, without the slightest inconvenience, and we should have had no national debt now if we had not changed our policy and deprived the people of the means of paying taxes.

Since the adoption of the Cleveland-Republican party policy in 1893 we have been going into debt about \$80,000,000 a year, and the estimates of the Treasury Department and of the Finance

Committee are far in advance of the actual receipts; in other words, the revenues do not come up to the estimates, and we keep on piling up taxation; but that does not increase your revenues.

If 25,000,000 people during the civil war could pay \$300,000,000 in taxes, and if from the sum realized from the ordinary taxation of the country you could pay off the debt at the rate of from \$75,000,000 to \$80,000,000 a year while we had new money constantly put out, and if after the new Cleveland policy was adopted we have been falling short in our revenues, it seems to me we should take these bald facts into consideration.

The majority of the Committee on Finance have proposed no new or experimental legislation. A bill was passed in March, 1894, providing for the coinage of the silver seigniorage in the Treasury belonging to the Government. That bill was passed in both Houses by a large majority, but was vetoed by President Cleveland on the 29th of March, 1894. There was at that time a law on the statute book authorizing the coinage of the seigniorage, but the bill that was vetoed proposed to anticipate the coinage and issue silver certificates to be used at once.

From the beginning there has been coined of the silver seigniorage and silver certificates issued therefor, \$19,645,376. There is remaining of it, which it is the duty of the Treasury Department to coin, and which they are coining slowly, \$42,488,427. The report of the majority of the Committee on Finance proposes to anticipate the coinage of the seigniorage, issue certificates on it, and coin it afterwards. That is not a very radical departure. Remember that the Treasury Department is coining the seigniorage now every day slowly, and probably in ten or fifteen years it will be all coined. I do not know exactly how long it will take, for that depends upon the action of the Department. All that this bill proposes in that regard is to make the seigniorage immediately available, as it would be ultimately available under existing law. That does not involve much of a silver question or any question as it stands, but it does involve the furnishing of money in this emergency for war purposes.

The majority of the committee recommend the issuance of \$150,000,000 of Treasury notes—greenbacks. There were originally issued under various statutes from time to time \$450,000,000. The policy of the Treasury Department under Mr. McCulloch was to retire them, and they were retired very rapidly. Finally, in 1868, retirement was stopped, and they were required to be reissued. There was supposed to be outstanding at that time \$346,000,000, I think was the amount. That was making a very liberal allowance. Nothing had been allowed for the retirement. I do not suppose that there are now outstanding \$300,000,000 of the greenbacks.

Mr. ALLISON. Of course the Senator desires to be exact about that.

Mr. STEWART. Yes.

Mr. ALLISON. There were authorized to be issued \$400,000,000 only, and \$50,000,000 were for special purposes. Those \$50,000,000 by the provisions of the original law were to be retired. Secretary McCulloch, under the act of 1868, was authorized to retire them at the rate of not exceeding \$4,000,000 a month; and he began retiring the \$400,000,000. When he had retired them down to \$356,000,000, there was a resolution passed by Congress in 1868 which stopped the retirement at \$356,000,000.

Mr. COCKRELL. Three hundred and forty-six million dollars.

Mr. ALLISON. No; \$356,000,000. Then, after the resumption act, there were others issued, as the Senator will remember, in 1873, during the panic in New York. So that the number of greenbacks had reached \$380,000,000. Then, under the resumption act of 1875, there was again authority given to retire them down to \$350,000,000. The act of May, 1878, limited them to the number outstanding, which was \$346,000,000.

Mr. COCKRELL. That is right.

Mr. ALLISON. So there were two laws for the retirement of greenbacks, and the total issue was only \$400,000,000, with \$50,000,000 for special purposes.

Mr. STEWART. I thank the Senator. I wanted to be accurate; but that is not very material.

Mr. ALLISON. No; it is not material, except as a matter of accuracy.

Mr. STEWART. A large portion of the greenbacks have been destroyed. There is nothing like that amount now out. There are other losses in the currency. The statement, of course, overestimates the currency we have in the country by a very large amount, probably one hundred and fifty or two hundred million dollars. This, however, is only a guess, and I do not care about going into that matter now.

The issuance of \$150,000,000 of greenbacks at this time would be a very small matter so far as the aggregate is concerned, but it would be a very great matter so far as the business of the country is concerned.

It is now proposed by the House bill to issue \$500,000,000 of long-time bonds and \$100,000,000 of short-time bonds—\$600,000,000 of bonds. The minority of the committee have reduced the amount of the long-time bonds to \$300,000,000.

What will be the effect of issuing bonds at all at this time? The manifest effect will be to invite the investment of the money of the country in these bonds at once, which will necessarily produce contraction. Your tax bill is on business; and by putting out bonds and inviting the people to invest in them you will draw the money from the business of the country, and your taxes will fall short. I believe the difference in the two plans will make in the current year from one hundred to one hundred and fifty million dollars in revenue by taxes, and perhaps more.

Three hundred millions of dollars were paid in internal-revenue taxes on the business of the country in one year during the civil war. This was at a time when there was plenty of money in circulation. If the United States could pay on the public debt seventy-five to one hundred millions a year from taxation during the fourteen years while five hundred millions of new silver money was being circulated, it can not be maintained that silver was destroying the credit of the Government. If sixty millions a year with increased taxation has been added to the public debt since no new silver money has been put out and the country has been approaching the gold standard, how can it be maintained that the gold standard benefits the credit of the country?

The new money, previous to the repeal of the purchasing clause of the Sherman Act, reduced the debt not less than seventy-five millions a year. The want of new money since the repeal of the Sherman Act has increased the public debt about sixty millions a year. The difference between new money and no new money in the revenues of the Government from taxation has not been less than one hundred and forty millions per annum. The difference in revenue from taxation which would be produced under the bonded system of the House bill and the new money system of the Senate bill would undoubtedly be from one hundred and fifty to two hundred millions in the existing condition of the country.

But the goldites tell us if we put out more money, if we do not continue on our downward road toward barbarism through contraction in maintaining the gold standard, we will pay the penalty. I deny that any country ever paid any penalty by the issuance of more money. More money has always brought prosperity. The penalty inflicted upon every country which has been compelled to issue money to maintain its existence has been inflicted by the holders of the obligations incurred during the exigencies which compelled their issuance.

The bondholders and money changers who speculate upon the necessity of the country always require enormous contraction to enhance the value of their holdings at the expense of the people. The twenty-two years' suspension of specie payment during which England furnished money to her allies, Russia and Prussia, and sent forth vast armies to overthrow Napoleon, were years of unexampled prosperity in the British Empire. Her wealth and commerce increased and expanded more in that time than in any preceding century. At the close of the war the paper issues of the Government and of the Bank of England were worth only about 40 cents on the dollar. Legislation made them worth par, more than doubled the wealth of the money changers and bondholders by transferring to them the property of the great mass of the English people who were engaged in business and enterprise and were necessarily in debt. The penalty which the British people paid for the money which saved the nation and gave England the first place among the nations of the earth was paid by the industrial class to the sharks and money grabbers who manipulated the currency.

Mr. GEAR. How does the Senator propose to redeem the paper money he wants to put out?

Mr. STEWART. I will come to the question as to how we shall redeem it.

I repeat that when Great Britain enlarged her circulating medium to meet war expenses and the contracts and business of the country were adjusted to the new condition, there was no justice in transferring by a so-called resumption act the property of the industrial classes to the speculators of Lombard street. The penalty which the people paid was for having in their midst a band of unscrupulous and dishonest money manipulators.

Before the United States put out bonds in the war of the rebellion they put out Treasury notes and greenbacks to enable the people to pay taxes. It is almost impossible to get at the exact amount of paper of one kind and another which was issued and receivable for Government dues, but it amounted to more than \$1,500,000,000 for less than 25,000,000 people; and instead of letting justice be done we contracted the currency more than one-half, funding the debt, selling it to a syndicate, and taking it away from the people, retiring greenbacks and demonetizing silver. These things were done, and the penalty we pay is the penalty for contraction and not for expansion.

Every robbery of the people by the money grabbers after a great war has been committed under the plea of saving the credit of the nation. The cry "Save the credit of the nation!" always covers a scheme of gigantic robbery of the people. It was the power of Great Britain to issue money, and it was the fact that she did issue

it and made the Bank of England notes legal tender in effect by repealing all laws for the collection of debts in anything else, and carried on that gigantic war with Napoleon, and loaned Bank of England notes to Prussia and Russia to help the allied powers, which placed England amongst the foremost nations of the earth. When the war was over, the first resumption act consolidated all the wealth of England in a few hands and made a monopoly, which still exists and to-day dominates the world. Sixty per cent of the real estate of Great Britain was conveyed to the bondholders and more than half the personal property went with the land. This was done to strengthen the credit of Great Britain when the war was over and she needed no further credit.

When I hear people talk about maintaining the credit of the United States, I ask, What was it which sustained the credit of the United States when credit was necessary? It was the exercise of the power to issue money that sustained it; it was that which sustained the Union; it was that which made the arms of the United States victorious, and nothing else. It gave us abundant credit. When the war closed, we owed nothing to foreign powers and there was very little private indebtedness. The credit of the United States was grand. We had no occasion to borrow more money, and we had the best credit in the world.

How has this credit been strengthened? It has been strengthened by adding year by year to the debt of the country and the people. We are getting in debt to-day. The national debt is larger than it was at any time during the war, if measured in property, and that is the only way money can be measured. Your debt has increased all the time, and although you have paid over seventeen hundred millions and over a hundred millions in premiums for the privilege of doing so, yet it will take more of the average products of labor to pay it now than when the war closed.

How did it strengthen the credit of the Government to retire greenbacks and produce violent contraction after the war and break every enterprising man in the country? How did it strengthen public credit to paralyze business between 1871 and 1879? Was the public credit strengthened by destroying the productive power of the country by enforced idleness? The wealth of the country consists in its capacity for production. Every three or four years the whole wealth is reproduced, and if you strike at the capacity for production you strike at the credit. Hundreds of thousands of enterprising men were stricken down by that contraction, and that was a loss to the Government of the United States of more than the whole debt by contraction during the war. The Bland-Allison Act gave the people more money. I do not discuss the silver question now. I am discussing the money question. More money came through silver, production started up, enterprise progressed, and the nation paid more than \$1,700,000,000 of its public debt.

Mr. ALLEN. Will the Senator permit me, although it is not exactly germane to his discussion, to put into the RECORD, while I have it in my possession, an official statement bearing out the proposition I made yesterday during the discussion with the Senator from Kentucky [Mr. LINDSAY]?

Mr. STEWART. Certainly.

Mr. ALLEN. I read from the report of F. E. Spinner, Treasurer of the United States, for 1874:

United States paper currency issued, redeemed, and outstanding to June 30, 1874, inclusive:

Total amount redeemed to July 1, 1874, \$3,500,658,217.81.

So when I made the statement that we had called in and destroyed over \$6,000,000,000 I was correct.

Mr. STEWART. We added to the debt and doubled the obligations of contracts.

Then, again, we had an extra session in 1893 to strengthen the public credit, and although we did not owe one dollar in gold, all our obligations being payable either in gold or silver and nobody questioned that, this Cleveland-Republican policy made a raid on the Treasury to strengthen the public credit and furnished \$100,000,000 of gold to a syndicate to speculate in Austrian securities and convert the \$2,400,000,000 of silver bonds into \$2,800,000,000 of gold bonds. It was said that it was silver that destroyed the country, the money that had helped us to pay off \$1,700,000,000 of indebtedness, the money that had brought into use the productive forces of the country and made the nation rich and strong. It was said that that was the evil and not the speculative fever which permeated the executive department and Wall street together.

Congress was brought together in a panic to strengthen the public credit by the repeal of all laws recognizing silver metal as money; to cut off all new money. We passed it, and our revenues have fallen off ever since, showing the falling off in our industries, because the revenues derived from the business of the country are a sure criterion of the condition of our industries. We pile on more taxes without money to pay them, as if that would increase our revenues. The result of the experiment of more taxation and less money to pay taxes has been illustrated so often that wise men ought to take notice. Look at the object lesson which Italy

affords. She contracted an enormous debt on paper and then resumed specie payments in gold. When the paper was out people were at work and they had bread. Now they have destroyed their productive enterprise, and the people of Italy are literally starving to death to-day.

You can not employ the people because the man who invests in business loses money with falling prices. He puts his money in a plant and by the time he has done it—it takes a year or two—20 per cent has been added to the purchasing power of money, and if he had kept his money in his pocket or in a safe he could have bought the plant and saved a very large amount of money. That discourages investments.

Go to any bank in the United States, and they will tell you to keep out of business, because business will not pay. The demand for money to-day is not half what it was six years ago. I mean by "demand" the power to give something in return in order to get it. There are not half so many men who can go to a bank to-day and get money by giving security for it as there were six years ago. Why is it? Are they any less industrious, or is it because business will not pay? Nothing pays but money—the increasing purchasing power of money. I take it for granted that the Republican party does not know anything about the money question, otherwise it would be radically dishonest. I can not excuse these proceedings on any other ground than that the people who legislate here are ignorant of the money question, and I am inclined to deliver them a lecture on that subject right now, and tell them what money is.

Money is the creation of law. The material on which the mandate of law is stamped or printed has no more to do with money than the paper upon which a statute is written has to do with a statute or the paper upon which a will is written has to do with the will. It is the intention of the lawgiver in each case. So it is in the case of money. I do not want that to go on my own assertion, but I call attention to the decision of the highest courts of all civilized countries. In the time of Elizabeth money was wanted to carry on war in Ireland, to pay the troops. A law was passed to coin mixed money, as it was called, out of bronze and some other material of no appreciable value. It was taken to Ireland to be used as money and to be the only money, pound for pound and shilling for shilling and pence for pence, and gold and silver should be only bullion.

Before the law was passed and before mixed money was introduced in Ireland, a merchant in Dublin made a contract with a merchant in London for the purchase of £200 worth of goods. A hundred pounds was paid down in cash. The other hundred pounds was to be paid at a future time and place in Dublin. When the time came, there was no money in Ireland but mixed money. The Irish merchant tendered a hundred pounds of mixed money to the English merchant, who refused it and brought suit. It became the most celebrated suit of Elizabeth's time. It was more elaborately argued and the authorities were more carefully collated than in any other case decided in that period. It is reported in Sir John Davis's Reports, commencing at page 48.

It was held in that case by all the judges, after mature consideration, that the tender of mixed money was a good tender. They raised all the points against it, that it changed the contract, etc. It was held further that the mixed money was the money of the contract, because every sovereign state must necessarily possess the power to create money; that money was the creation of law. They fully confirmed the doctrine which was well understood among the Greeks, and declared that, inasmuch as all contracts were made with a view of the power of the government to create money, the money current at the date of payment was the money of the contract. If anyone wants to read some very able reasoning on that subject, I commend him to get that case and read it, with its clear statement and strong reasoning.

During the war we issued paper money which was legal tender for some purposes. We exercised that sovereign right. Greenbacks were legal tender with the exception of paying customs dues and interest on the public debt. After the war it was contended that although the issuance of money was a sovereign attribute and might be exercised by other governments, might be done by sovereigns, the power was not conferred upon the United States by the Constitution, and that the Government had no right to issue legal-tender money in time of peace. It was most elaborately argued and reargued and decided and rededided. It was suggested that the court was packed. The question was brought up again in 1883, and the great and final decision was rendered by Mr. Justice Gray, of Massachusetts, in which he reviewed the whole subject, and held that the United States had the power to issue money without regard to the material upon which it was stamped; that whatever Congress in its discretion might do was final, and that the courts had no power to review or question it.

This great power must be exercised with prudence and caution. I am aware that it is liable to abuse. If that power were not liable to abuse, if there were some other rule than the use of the precious metals whereby to regulate the quantity, I would be for

discarding everything but paper. But we meet with difficulties when we undertake to do that, because although money is the creation of law, its quality depends upon its quantity. If you have too much money it is not fair, because it will inflate prices and rob the creditor. If you contract the volume of money you not only rob the debtor but you embarrass production and start down on the old road to decay and barbarism. Contraction of the money volume is the road which has been trod by every country when losing its civilization. No country has ever been able to stand a long period of constant contraction.

Bimetallism is simply the right to use both metals without limit for the purpose of coining them into money. We hear men talking here constantly about the parity of different coins. It would be just as proper to talk about the parity of different beans. That is not the question. The question is parity between property and money. Money performs many functions. All definitions that attempt to describe money by all of its functions fail. It is the fundamental instrument of association. Without it society could not exist, as shown by the use of some medium of exchange by every tribe of Indians. They avoid the isolation and destruction which follow mere barter by inventing some kind of money. It is the instrument of production, because without money no enterprise can be undertaken. Everybody concedes that.

There is hardly any undertaking you can conceive of that does not require money. It is the instrument of distribution. And here comes in one of its most important functions, because men must have money to buy, or property and the results of labor can not be distributed and enjoyed by the masses. When there is a deficiency of money there is a deficiency of distribution. Millions may starve where there are plenty of provisions on hand if the instrument of distribution is wanting. It is estimated that 10,000,000 people starved to death in India last year and the year before, and the reports from that country show that rice was cheaper than it had ever been before, that wheat was cheaper than it ever had been all over the world, and that there was abundance of food to be bought if the people had had money to buy, but it could not be distributed without the use of money. You must have a sufficient circulating medium in order to have distribution. It is the instrument of production, the instrument of business. That is why you can not add to the tax on business, reduce the volume of money, and increase your revenue.

It is, furthermore, the measure of time contracts. The whole system of human society depends upon time contracts. Even if a man has his own money, it involves time to use it in any enterprise. A man who bought a farm twenty years ago and has worked and improved it ever since, if he has raised any of the great staple crops, he finds that the appreciation of money more than balances his exertions. That is the effect of the gold standard. To-day there is not one-half of the productive force of the United States employed. The imagination can hardly conceive of the waste resulting from enforced idleness in this country. Many are starving, all are waiting for something to turn up, and it only turns up that those who invest in money and bonds get rich.

Everybody, therefore, seeks to invest in those things which go up, and the experience of the last twenty years has been that money alone has increased in purchasing power. A man who goes into productive business, upon which alone the wealth of any country depends, is regarded by the wiseacres as a fool. The idea that it is foolish to engage in productive pursuits to make a country great! The idea that every business house must leave productive pursuits alone and buy bonds, which are nonproductive! Every person who goes to a bank is advised to keep out of business, because it is hazardous. The result is that our productive capacity, our wealth, is dissipated by the thousands of millions every year for the want of money.

But the goldites tell us that what we want is good money. Certainly we do; but no money is good that is not honest. No money is honest which fluctuates in volume. The man who will expand and contract the volume of money with a view of enriching himself would use an india-rubber yardstick to cheat his customers. The only excuse that the gold party have is ignorance. They tell us that we must have good money and that every dollar must be as good as every other dollar. We have to confess right here in the Senate that there are two ex-Presidents still living who believe, or say they believe, that value is intrinsic. They have been preaching that doctrine to a great many people. If value were intrinsic in gold, it would stay there. If it were intrinsic in wheat, it would stay there. How would you get it out if it were intrinsic? They say it is intrinsic in everything. I say that value is the picture on the mind. It is estimation. It is fixed every time two men make a contract.

Examine this idea of intrinsic value. Suppose you were at a mountain spring with a dipper in your hand. You could quench your thirst without cost or sacrifice. Suppose you were on the Mohave Desert, 20 miles from a station, and a man were there with water and you had plenty of money. I think he could

fix the price, because no man can travel on the desert 20 miles and live without water. The price of water at the spring and on the desert would be quite different, although their intrinsic qualities were the same. So when the quantity is limited it depends upon the estimation of man, what he will give for it, to determine what it is worth. If the value of wheat were intrinsic, how could it jump about the way it does? Price is value expressed in terms of money. On the boards of trade they fix the price, which is the value expressed in money, of wheat and every other commodity in which they deal. Why look at the stock reports to see what your wheat is worth if its value is intrinsic? Why not have it analyzed by a chemist?

What is true of everything else must be true of money. The value of money depends upon the quantity. The authors say that if other things were equal and you cut the money in half, prices would fall one-half. That can not be tested experimentally, because other things would not remain equal. If you destroy one-half of the money, you destroy more than one-half of the property. If you increase it and start other forces at work and make more people able to work, you create a market for it. So it does not work exactly that way. But the value of money as a whole depends upon the volume. Every man in business has two matters to look out for. First he must look to the supply and demand of the commodity in which he is dealing, because the commodity will rise and fall according to supply and demand, and the relative value of commodities is constantly changing.

Every man must look to that; and it has been shown that the skill of man can overcome all difficulties connected with the changes in the relative value of commodities, because if one kind of business does not pay, he can go into another. The capacity of the people to overcome all difficulties in the relative value of commodities other than money is shown by the fact that when there has been a sufficient supply of money the people have always had prosperity. Men have always overcome the conflicting relative values of commodities. But no people have ever been able to contend against a shrinking volume of money, which lowers the prices of all things. A general fall of prices means disaster, which no enterprise can avert. It has crippled our revenues, and it will cripple them more if we continue in this line.

But the advocates of gold say, "Are we not on the gold standard now?" No; you are not on the gold standard now and you will not be for a hundred years to come. There are thirty-six hundred million of full legal-tender silver doing duty in the world as money. There are \$2,500,000,000 of uncovered paper. It would take to reach the gold basis throughout the world more than \$6,000,000,000 of new gold. But the process of reaching the gold standard, the grinding process of falling prices and the misery that must follow, are too fearful to contemplate. One country after another has discarded silver and bought gold. The money powers are forcing them to do so. Poor, miserable Austria converted her \$2,400,000,000 of silver bonds into \$2,800,000,000 of gold bonds. Italy has discarded her paper to get gold and is starving her people to death.

Turkey is on a gold basis, you say. But she has inflated paper. Russia is moving to reach a gold basis. She has been on a paper basis and prospered. She is now moving in the other direction. Last year Japan tried this terrible experiment; Japan, which had been sleeping through ages in seclusion, came forth when there was this difference in exchange which gave her an advantage in the business of the world by the use of cheap silver, and assumed a place among the foremost nations of the world. She vindicated her power and honor in the war with China and astonished the world as a great naval power. She moved forward with leaps and bounds to a first position among the nations of the earth, and she attributed her success to the difference in exchange. Without assigning a reason, a year ago last December she financially committed harikari, and she will be relegated to the place from which she rose if she continues to struggle for the gold standard.

Two years ago this spring she pointed out in her Government report the reason why she had succeeded, and said she had been a child in competing with the giant manufactures of the Western World. She pointed out the fact that her wares were then being sold in all the commercial marts of Europe and America. She said then that China was the only country that could compete with her. She had opened four ports in China to all the world, and foreigners might go there and manufacture and by the use of Chinese labor become dangerous competitors. She called upon the Japanese to seize upon the opportunity and establish factories in the ports of China which she had opened. With all her indemnity from China she has now become bankrupt through her efforts to adopt the gold standard.

Chile was the foremost among all the Latin nations of South America. She was a proud, industrious, happy people, and a warlike people. In a fatal hour she adopted the gold standard, and she is now in the depths of despair. It is heartrending to read the papers of Chile and see the bankruptcy and ruin which the gold standard has produced.

Take Mexico. She never enjoyed industrial success until now.

Twenty-five years ago she was more lacking in industry than any other country in the world, certainly any other country on this hemisphere. She has advanced more in the last two decades, comparing her present condition with her condition twenty-five years ago, than any other country in the world ever did in the same length of time. Her coffee fields, her tobacco, sugar, and cotton plantations, her mining and other industrial pursuits furnish abundant evidence of the benign influence of an adequate supply of money. Although many of the people were peons under the old Spanish system, and nine-tenths of them are Indians, she has been able to pay current expenses. Twenty-five years ago she commenced the building of railroads and incurred enormous debts, public and private, but by means of her stimulated production she has been able to pay interest on her obligations. None of her railroads have gone into the hands of receivers.

If my Massachusetts friends will read the report of the Mexican Central Railroad and other railroads in Mexico controlled in Boston, they will read a eulogy on the Mexican system more eloquent than I can deliver. Our Boston friends say that the system of money in Mexico brings them wealth and keeps their roads out of bankruptcy. All those reports show the progress there. This is an object lesson furnished by a country which twenty years ago had no industrial progress. It shows the advantage of plenty of money, which has made Mexico a desirable place for enterprise and for emigrants from our gold-standard country.

Mr. GEAR. I ask the Senator from Nevada if the rates of transportation are not four times greater on this side of the line?

Mr. STEWART. I do not know about that, but I do know that the people have plenty of money with which to pay it, and they do pay it, and both the railroads and the people prosper. Here the people suffer for want of money and the railroads go into bankruptcy. More than half of them have gone through the process of reorganization in the last few years. If you have dear money, you must have cheap property, cheap railroads, and cheap labor.

Mr. GEAR. The employees on this side of the line make over 100 per cent more than they make in Mexico.

Mr. STEWART. The employees on the other side of the line get more than they ever did before, while on this side of the line they are being crowded out of employment.

Mr. GEAR. Of course it is true as a matter of fact that the employees on this side of the line get just 100 per cent more than they get in Mexico. There is no money in Mexico except silver, and they have to pay high prices for everything, while on this side they have low prices.

Mr. STEWART. Prices in Mexico of everything produced in that country are as cheap now as ever before, while wages have advanced.

Mr. BUTLER. Will the Senator from Nevada allow me a moment?

Mr. STEWART. Certainly.

Mr. BUTLER. Statistics show that since 1890, and that year the status of silver was tampered with in the interest of the gold syndicate and was completely demoralized in 1893, that labor has each year suffered. In the last campaign the railroads threatened that some of their employees would be discharged and that their hours would be reduced and their wages reduced if we had free silver. Yet during this time from 1891 the railroads have been constantly lowering the salaries of their employees, have been constantly decreasing the number per mile employed under the gold standard, while at the same time they have been increasing the salaries of their big officers.

Mr. GEAR. Mr. President—

Mr. STEWART. If there is going to be a discussion, I will go on.

Mr. GEAR. I will say that—

Mr. STEWART. I do not want to have anybody else's speech injected into mine, because I can make a good one myself.

Mr. BUTLER. If the Senator from Iowa wants to contradict my statement—

Mr. GEAR. I will say to the Senator that I will contradict it. I say that better wages have been received; that where wages have been reduced 10 or 20 per cent the number of hours has been reduced.

Mr. STEWART. I decline to yield.

The VICE-PRESIDENT. Senators will address their remarks to the Chair.

Mr. BUTLER. If the Senator from Nevada will pardon me, I wish to make—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. BUTLER. The Senator will pardon me a moment.

Mr. STEWART. I will yield only to a very short interruption.

Mr. BUTLER. I want that statement in the RECORD. I want to give notice that I will put statistics in the RECORD which will refute what the Senator from Iowa says. What he says may be true in some special cases, but I will give the statistics for the whole country.

Mr. STEWART. I care nothing for special cases. I state with-

out fear of contradiction what is a fact, that you are not paying laborers in this country one-half what they would have under a proper money system. Millions are out of employment, and hundreds of thousands, if not millions, are on short time. Production is discouraged. That is the condition of the country. Your wealth is being dissipated. It is said the laborers are paid as much as they ever were. I do not believe in any branch of business they receive as much as they formerly did, but I do not care about that. That is sticking in the bark. Trades unions may for the time being prevent reduction of their wages, but the grinding process will go on until wages will find a common level with property. You can not have cheap property and falling prices without having wages fall, too.

Employers put laborers on short time or discharge them when business will not pay. Senators discuss the supposed conflict between capital and labor. The conflict is between money and labor, and not between laborers and their employers. They call the employers of labor capitalists, but such capitalists are struggling between the upper and nether millstones. They have their enterprises on hand, but they can make no profit while general prices fall. Bankruptcy is before them. When the laborer is kept down, all the rest are kept down. The pursuits of all—the merchant, the builder, the manufacturer, and the laborer—who contribute to the wealth of the country are embarrassed. They are the wealth producers. The usurers and the contractionists are the wealth absorbers. A merchant who buys a bill of goods is a constant loser, because he is not only losing interest on his money, but the value of the money with which he bought the goods is going up while the price of the goods is constantly going down. The whole productive world, including all business, loses by contracting the volume of the circulating medium.

I repeat, we have only commenced to demonetize silver. Let Austria resume specie payments if she can buy enough gold. Let Spain, Portugal, and Russia do the same. Let them buy enough gold to get on a gold basis. Let the untold millions of the entire world struggle for gold, and their struggle will continue to bring down wages everywhere, because gold will go where it will buy most of the fruits of labor. There is a certain relation between labor everywhere, and if you bear down on the citizens of any country you bear down upon all.

Contracts are sacred, and ought to be maintained; but when changed without the consent of the debtor, their moral obligation is destroyed. If the hundred thousand million dollars the world owes is changed by reducing the volume of money, so that twice as much property is required to pay it as would have discharged it at the time the indebtedness was incurred, and if this change was made by the creditor class, why is there any more obligation on the part of the debtor class to pay it than there would be to pay a check the face value of which had been doubled by a fraudulent change of figures? A change in the measure of value is a change in the contract. No greater outrage can be committed than to change the volume of money or the pound weight. "Divers weights, and divers measures, both of them are alike abomination to the Lord" (Proverbs xx, 10). And the contractor of the currency is most abominable of all.

Some people are ignorant enough to suppose that gold always has the same value as compared with property.

As learned a man as Professor Sumner, of Yale, contends that gold is an exact measure of all other things, including time contracts. He will not admit that the supply of gold has anything to do with its exchangeable value.

Sound Money, the organ of the New York so-called Sound Money Association, while indorsing the doctrine of Professor Sumner, says that the value of money is established by the estimation of man, and that consequently 23.22 grains of gold, being always of the same weight, is always of the same value, just as a yardstick is always the same length. It is strange that such learned authorities can not distinguish estimation from distance. The yardstick is always 36 inches in length, but 23.22 grains of pure gold is sometimes worth just as much as a bushel of wheat, and sometimes more and sometimes less. There is a serious variation which can not be found in the gold or in the wheat. The amount of pure gold remains 23.22 grains and the amount of good wheat remains a bushel, but they will not exchange even. Why? Because one or the other has grown to be more desirable than it was when they were equal in value. And so it must ever be between gold and commodities. Their relative value must constantly change in obedience to the laws of supply and demand. A yardstick measures length, which is fixed by law.

But how can you fix estimation? It is impossible to fix value by law. You could not pass a law saying what shall be the worth of a certain amount of wheat or what shall be the worth of a certain amount of gold, because value is above law. It is estimation. You can not legislate how a man should think, but you can legislate so as to give him subjects for new thoughts. If you make money scarce by law, you will make every man who wants money estimate the value of money more highly than he would if

the law made money plenty. In other words, although the law can not create value, because value is estimation, the law can create conditions which everyone must and will observe in estimating what money is worth.

This Congress can make a paper dollar worth five gold dollars to-day. If Congress should say that nothing but paper money shall pay debts and taxes, that gold shall not be money current, the same as they did in Elizabeth's time in regard to Ireland, the people would be compelled to have paper money, and they would estimate its value according to the supply. If the supply were only one-fifth of the present supply of money in the country, a paper dollar would be worth about five times as much as a gold dollar now is.

We are told that there is plenty of money in the banks; that they are full. They seem to suppose that the banks are full because there is plenty of money in the country. This is a great mistake. Money congests in the banks when falling prices, by reason of contraction, have made its use unprofitable in business. The purchasing power of money increases as the rate of interest decreases. As I said a little while ago, there are not half the number of men in this country that there were six years ago who can go to a bank and furnish security and get money. The bank can not trust them. Security is destroyed as the volume of money is contracted. It is suggested that the want of collaterals is the only trouble. Very true, because contraction destroys collaterals. Collaterals are worthless when property can not be sold for money. If nobody will buy property, collaterals are worthless, and the consequence is that money goes to the center to seek investment in bonds at a low rate of interest. The competition for bonds is so great that the Government can put them out for nominal interest. The bonds proposed in this bill will be absorbed at once by the people, if not by the syndicates.

I have had applications from Nevada making inquiry how these bonds could be obtained. They want more than \$100,000 of them in my little State, and so all over the country there will be a scramble for these bonds. The money of the country will be absorbed in them. It makes no difference whether they are all put out at once or sold in small lots. As soon as the people know that six hundred millions of bonds are to be sold, they will hoard their money until they have an opportunity to buy them, and the contraction will begin at once.

Why do people think these bonds will be so valuable? Because they are money futures, and the experience of the last twenty-five years shows them that money is going up and property is going down. All who have money are seeking opportunities to invest it in bonds, to take advantage of the continuous rise in the purchasing power of money.

These bonds would start the whole country seeking investments in them and the business of the country would be neglected. If you pass your tax bill, no matter how, with the bond provision in it, I predict that it will not increase the revenue \$50,000,000, perhaps not \$25,000,000, because the money will not be used in business. You are taxing business and the money will be used in the purchase of bonds. How long is this to go on? When are we to get to the bottom? Some people say there is abundance of gold produced in the Klondike or somewhere and we will have all the gold required. In the first place, we have no accurate statistics about the production of gold; and if we will take the annual new coinage of the world and compare it with the amount of gold which the Director of the Mint claims is annually produced, it will be seen that the increase of the volume of gold money in the world is very small.

There is very little increase in the gold coin of the world, no matter what the production may be. On the other hand, the demand for gold coin is increasing very much more rapidly than the supply. The increase of population is much greater than the increase of the supply of gold coin. Only comparatively few of the nations of the world use gold as money. On the contrary, more than two-thirds, if not three-fourths, of the inhabitants of the world have either suspended specie payment altogether or do their business on a silver basis. The increasing demand for gold while so many nations are struggling to reach a gold basis will continue to enhance the purchasing power of gold and enhance the price of property for a century to come, if the corner on gold can not be broken. It is seriously proposed by the financiers of London and the Indian Council to put India on a gold basis without delay. India has more than a thousand million dollars of silver money in circulation. The amount of gold necessary to make the exchange from silver to gold in India alone will exceed the possible output of gold for coinage purposes for the next ten years.

Mr. ALLISON. Will it interrupt the Senator if I should ask him a question?

Mr. STEWART. Certainly not.

Mr. ALLISON. What is the probable production of gold in our own country, say for the last year?

Mr. STEWART. Something over \$50,000,000.

Mr. ALLISON. We have imported in excess of our exports

about seventy-five million. So there must be \$125,000,000 more gold in the United States now than there was a year ago. I do not know in what form it is, but it must be in some form equivalent to money.

Mr. STEWART. I do not know whether that is true or not, but there has been more imported than was exported during the year. I have been trying to get at the amount of gold, but I find that it is only a guess with the Treasury Department. They start in with an arbitrary amount and they assume so much outside. They know what is in the banks and what is in the Treasury, and that is about all they know about it. Certainly the money which has been imported in the last year has not gone into circulation, but is still in the banks, and is held there for speculative purposes and not for use in the business of the country. If it had been silver or silver certificates instead of gold, it would have circulated and revived business. We do not know how much gold is used in the arts, and the Treasury Department does not make any allowance for gold taken out of the country by private hands. They assume that as much comes back as goes out. I do not think that assumption is correct.

One hundred thousand people go abroad annually. They start from home flush and come back pretty empty-handed. Instead of bringing back as much coin as they take away, I think they bring back very little United States coin. They take a large amount of American coin with them and save the cost of exchange, because gold is worth as much in Europe as in the United States. It suffers no discount. Its value is fixed by the mint laws of foreign countries. It is estimated that from \$100,000,000 to \$150,000,000 are annually spent by travelers abroad. How much of this is taken out by private parties and how much through letters of credit and bills of exchange of which a record can be obtained is not known either to the public or to the Treasury Department. The Treasury Department guesses there is more than \$750,000,000 gold in the country. If Mr. Gage should guess there was \$1,000,000,000 in the country, it might be difficult to disprove his guess, but it would be no more so than it would be for him to prove that there is more than \$500,000,000 in the country all told. Mr. Gage is a great guesser. He guesses that there never has been a cent or a dollar of any kind of money issued by the Government in the last thirty-five years lost or destroyed. He makes his statements upon the assumption that all the money ever issued by the United States which has not been retired by the Government itself is still in existence, and uses that absurd statement to show how much money there is per capita, and that there is great redundancy of currency requiring radical contraction.

As to the inflow of gold at this time, it is exceptional. We had good crops last year and they had a famine everywhere else. Our breadstuffs and meats were sent abroad in consequence of the famine. That is an exception, and the thing may turn against us next year. It can not be relied upon as a permanence, at all events.

Besides, right in this connection I want to call the attention of my friend from Iowa to a principle which I see the gold men constantly overlook. They say they want money good all over the world. All our Presidents say that. It appears to be a favorite expression of our Presidents, and particularly of our ex-Presidents. They say laboring men want money good all over the world. They appear to assume that the workmen do all their marketing in Europe; that they never use money in this country. There is no money good all over the world. The gold that is brought here is not money. It can not go into circulation until it is naturalized under our mint laws.

Money is only money within the jurisdiction which creates it. It is not money beyond that jurisdiction. Whether it is printed on paper or stamped on gold or on silver, it loses its money function as soon as it goes beyond the jurisdiction of the country that created it. I know of no international money except in one case. I refer to the Latin Union, where France, Belgium, Greece, Italy, and Switzerland agreed to make their coins a legal tender throughout the five countries.

It is true that foreign coins are sometimes converted into money by the countries to which they are exported, under laws which make them a legal tender. In 1793 Congress passed an act making all foreign coins full legal tender in this country according to the weight and fineness. The coin came here from the Spanish-American countries. Silver came in the shape of coin. The Spanish-American countries charged an export duty on bullion and none on coins; consequently silver came in the shape of coins. Our silver circulation was very large. There was much more silver in circulation than gold, but it was foreign silver coin made legal tender by our laws. The silver coinage of the United States previous to 1873 was nearly all recoinage of worn-out or mutilated foreign coins.

There was coined previous to 1873 over \$80,000,000 of full legal-tender silver coin, and about \$40,000,000 of subsidiary coin after the act of 1853 was passed limiting its legal-tender quality and

diminishing the quantity of silver in the minor coins. The amount of silver recoined shows that the amount in circulation must have been very large.

The foolish absurdity by which the goldite attempts to deceive the people is a statement that there were only 8,000,000 silver dollars coined previous to 1878. But during that time there was 80,000,000 full legal-tender silver coin struck at the mint. It made no difference whether it was in dollars or smaller coins.

The irreverent use of the name of Jefferson, and the attempt to make him as wicked as Harrison or Cleveland, by the assertion that he stopped the coinage of the silver dollar, is in keeping with goldbug distortion of history. Jefferson, on account of the suggestion that silver dollars were being shipped out of the country, confined the coinage of silver for a time to half and quarter dollars, but never for an instant closed the mint to the free and unlimited coinage of silver equally with gold at the ratio fixed by law.

Jefferson was a good man, and his name ought not to be tarnished by placing it among the modern type of goldite Executives.

I will now return to the question of having money good all over the world. The money of any country is as good all over the world as it is at home, less the difference in exchange. When it leaves the country creating it, it goes as a commodity and not as money. Gold is the worst money that has ever been invented, because it is a traitor. It is the money of the speculator. It never was the money of the people and never was in general circulation in any country. Gold is a coward. When a country gets in distress it leaves that country and joins the enemy, and becomes naturalized under the mint laws of the enemy's country.

When our gold coin goes to Germany it is melted up and becomes German money as readily as it becomes English money or French money. I assert the fact, and deny contradiction, that no country has ever gone through a great crisis with the use of gold as money. England owes her existence to her sovereign power to create money. If she had adhered to gold through the great struggles she had in former times she would have been a fifth-rate power.

Money is not created for export. It is exclusively for home use. The exportation of money paralyzes business at home. Gold money is unreliable, because it can be so readily naturalized under mint laws of other countries. What we want is a money which, if sent abroad, will come back. That is the kind of money every nation needs and must have in a time of necessity. The United States would have fallen to pieces if the Government had attempted to issue bonds and buy gold to fight the battles of the country in the late war, as is now proposed to carry on the war with Spain. Gold was our most vindictive enemy during the war. The gold gamblers of New York and London, who are now so powerful in our financial affairs, used the gold board, which they compelled Congress to enable them to create, to keep up a constant fire in the rear while our brave soldiers fought in the field. They induced the Committee on Finance of the Senate to put the exception clause in the greenback, so that it would not pay customs dues or interest on bonds, and thereby compelled the United States to buy gold of them at a fictitious price fixed by the gamblers in gold.

These same gold gamblers now want bonds which will absorb the money of the country, enhance the purchasing power of gold, depress the price of property, and increase the distress of the taxpayers.

France, on every great occasion when it became necessary for her to maintain her existence, has been forced to resort to her sovereign power to create money. There has not been an instance when a great war was waged with gold. The only great war of modern times which was ever fought on a metallic basis was the German war against France. They did not suspend. The war was very short. They were well prepared; but they were on a silver basis.

Mr. CAFFERY. May I ask the Senator from Nevada a question?

Mr. STEWART. Yes.

Mr. CAFFERY. Was the issue of what the Senator calls paper money made by the Bank of France or by the Republic of France to meet the war expenses referred to in the Franco-Prussian war?

Mr. STEWART. I think by the Republic of France. It was certainly the new Government. The empire was overthrown and Napoleon fled the country early in the war.

Mr. CAFFERY. My honorable friend from Indiana [Mr. TURPIE] spoke of that, I remember, in the speech he recently made in the Senate, and I understood him to distinctly state that the paper money which was issued was issued by the Republic of France. So I asked the question of the Senator from Nevada, as he was discussing that point.

Mr. STEWART. France has usually been wiser than other governments in money matters, because she has kept a large per capita circulation among the people, and that enabled her to pay

the war indemnity to Germany. She issued bonds of small denominations to raise that indemnity, which were taken up by her own people. She would not sell them to a syndicate. I was complimenting a member of the French legation about the success of France in placing her loans with her own people and not selling them to syndicates. I said I understood that practically it was so much money which could be exchanged from hand to hand, that the people took it in that way. "Well," he said, "the Government is not entitled to very much credit for that. If the Government of France would sell its bonds to a syndicate, as is done by your Government, the Government of France would not stand very long, for the French people would not tolerate what your financiers do."

A few words more about international money. International commerce is not carried on with money. It is purely the result of the exchange of commodities, and nothing else.

Mr. CAFFERY. Is there any difference in that respect between domestic and foreign commerce?

Mr. STEWART. It is the interchange of commodities by the use of money; but the people of foreign countries do not use our money in foreign commerce. It is different in that respect from our domestic commerce. In the interchange of commodities money is used in domestic trade. The first demand falls on money. You first get the money, and then you buy property; then you sell it for other property, and that constitutes exchange; but in foreign trade it is different. It has that same double process.

When, for instance, we send our commodities to France, we sell them for French money. We use French money to buy French goods. We import the goods and thus complete the interchange of the commodities of this country for the commodities of France. We do not use American money to buy French goods, nor do the French people use French money to buy American goods. When the French people want to deal with us, they sell their goods here and buy our money, and with it they buy our goods. They have no other interest in our money except to know that it is good money with which to buy our goods, and we have no interest in their money except to know that it is good money in their country with which we can buy their goods.

When the money of one country is exchanged for the money of another country, its value depends upon its purchasing power in the country where it was created, and the business of exchange is to sell or exchange the money of one country for the money of another country. You can go to any exchange bank in New York, and they will tell you how many dollars it will take to buy a thousand yens in Japan or a thousand rubles in Russia. If you go to a bank in Japan or in Russia, they will tell you how much it will take of their money to buy a given amount of our money. That is the business of exchange. You do not want to export your gold—your money—because that will leave you short. Honest measure depends upon the stability of the value of money. It must always bear the same relation to the property for sale to maintain stability of value in money and stability in the general range of prices. Stable prices and honest money mean the same thing. So long as a stable ratio between the volume of money in circulation and the property for sale can be maintained the money which circulates will be honest, justice will be secured, and prosperity will be the result.

Gold is a very good commodity to export, because its price is fixed abroad by mint laws, but its exportation means disaster to the country from which it is exported. On the other hand, the exportation of wheat or other commodities brings back gold or something else which the country needs, and is highly beneficial. Wheat is a legitimate export and more desirable for that purpose than gold, for it works no injury to the country exporting it. The price of gold being fixed, it is more convenient for export than any other kind of money. Every other kind of money when exported must stand the discount for being sent back to the country of its creation. It can not be naturalized at par in the mints of other countries.

Gold is the only money that has no country and no home. We want a money which will stay in the country where it is produced. Paper money and silver money stay at home, though silver has some of the tricks of gold, but it was not so treacherous as gold when the mints were open to both. It was the people's money on account of its weight, its general circulation, the denomination of its coins, etc., so that it could not be conveniently collected and shipped away. It never was shipped away to the extent that gold was. Gold is the most treacherous of all materials used as money. It is the speculator's money; it is the money which harasses and annoys mankind. Why should such a material have been selected as a universal money I have never been able to understand, except that it is like the marked card or loaded dice of the gambler. That may be why gold gamblers like it.

Gold as a measure of value means ruin.

It is a measure of dishonesty, a measure of speculation, a measure of treachery. If we had depended upon gold we would not now be a nation. If England had depended upon gold England

would not now exist as a nation. So with France, and so with almost every other nation. Italy would have gained her liberty if she had not discarded gold.

It is proposed that we shall fight the world for gold and fight the war with Spain on a gold basis both at the same time. No country every undertook such a double war before. A war against all mankind for the acquisition of gold and at the same time a war against a foreign country was never before contemplated. We must destroy our industries to get gold, because we must compete with all the world for gold; and that competition is growing harder and harder every year as one nation after another enters into the contest.

The road is downward; it holds forth a delusive hope. Because accidentally we had good crops this year and we got a little gold back, it is a mistake to think we can win this industrial fight. If we win this fight, our people must work for less than the Europeans do; we shall have to come to a lower level if we draw their gold from them, and we see them starving in their efforts to get gold in Italy, Austria, and other countries.

When we see people starving under the hard conditions imposed upon them, shall we enter that contest? I admit we can stand more than can any other country; our natural resources surpass those of all Europe; our inventive genius has no parallel in any race on earth; our capacity for production on account of our great resources and the genius of our people seems unparalleled, but if we must enter into competition with all the world for the instrument with which to do business, we must go down, down, down—the road has no upward turn. I ask for justice; I ask for an honest measure of value.

Mr. ALLEN. Will the Senator permit me a question at this point?

Mr. STEWART. Certainly.

Mr. ALLEN. There is a great deal of talk being made through the press and in Congress about the price of wheat. I want to call the attention of the Senator to the fact that December wheat is as low as it has ever been in the history of this country. I see from to-day's Chicago market that December wheat is quoted at 82½ cents. That makes it worth to the farmer about 60 cents a bushel.

Mr. STEWART. That is just what is going to happen; they are trying to fool the farmers because they had an accidental chance to sell some of their products.

Mr. ALLISON. That is a mere speculative price, of course.

Mr. STEWART. It is based upon the estimate that there will be good crops elsewhere. The price of wheat has not changed—the intrinsic quality of wheat has not changed, but the amount produced elsewhere has changed. Gold went from us for many years because other countries produced abundant crops to buy gold. When good crops came to us and famine visited them, gold came this way. Good crops abroad will again take our gold away, and on the gold standard constant fluctuations in the price of our products and in the value of our land are inevitable. Such an elusive material can not be an honest measure.

Mr. ALLEN. If I may have the attention of the Senator for just a moment, our Republican friends seem to want to take advantage of the corner that Leiter and Armour have on the wheat market at this time, and of the absolute starvation of Europe for a lack of that wheat, and they want the credit for the present increase in price.

Mr. STEWART. Of course. This whole system is a system of cornering, just as the gold board did in New York during the war. They cornered gold then just as they propose to do now. They want to corner agricultural products. It is the Cleveland-Republican system. They are cornering everything they can corner at every opportunity. That is what they want. They do not have any idea of anything but cornering, so that they can make money for themselves.

When we come to a discussion of the main question, when we come to consider money, the end and aim of monetary science is to maintain stability in values and in general prices.

All the authorities agree that the general prices are controlled by the volume of money. Then it is the duty of the Government, having a monopoly of making money and denying that right to the individual, to see that the volume is so arranged that the supply shall be equal to the demand; that the ratio between money and property shall remain the same. If you do that, I care not what other measures are passed, a country like this will have abundant prosperity. There was never a time in the history of the world when stability of prices prevailed and when the supply of money was adequate to the demands of any particular country that it did not have prosperity. An exception to this can not be named; it never has been found, and there can be no case cited in the history of the world where a general decline of prices did not bring adversity.

Liberty itself depends upon an adequate supply of money; the existence of our race depends upon it. The continuance of the gold standard will exterminate the American race. From the founda-

tion of our Government, and since the days of the colonies, there has always been an opportunity for young men to go forth and build homes and secure independence until within the last twenty years. There was no danger of poverty as the result of marriage. The husband and the wife could go forth and by their joint efforts soon secure a home and maintain their independence. Homes were thus established from the Atlantic to the Pacific all over this great country.

The money famine from 1810 to 1850, in consequence of the Spanish-American wars, which interfered with mining for the precious metals, was disastrous to Europe, but was mitigated in this country by the settlement of the great Mississippi Valley. That famine was, as it were, bridged over by the mass of immigration which came into this country and made homes on the public domain. Millions came to this country with what money they had and saved us from the paralysis of contraction.

When young people are contemplating marriage the question discussed is, Can they take the risk of poverty? The question is ever present with them whether or not they can endure the inevitable struggle against poverty and want. There is no hope for the young and enterprising while general prices are falling. Their only escape from starvation is in servitude and dependence. This condition of our country is slowly but surely exterminating the prudent and thoughtful of our people. Only the ignorant and reckless will attempt to raise families under such conditions. If we continue this grinding process of contraction and falling prices, we destroy the independent family homes of our country.

Gibbon informs us that when Rome lost her liberty and the Dark Ages spread over Europe, the old Roman stock had become extinct. Hard conditions and falling prices had exterminated the race. They passed laws in Rome to compel marriage, but those laws were fruitless. If the facts could be known in this country, there can be no doubt that marriages among the intellectual classes during the last twenty years have decreased a very large per cent. Education counts for nothing against contraction and falling prices. It is easy to tear down, but you can not build up by education unless you give the people the means of making homes and becoming independent. It is an old saying that starving men never maintained a republic, and they never will. Those who are feasting on the misfortunes of their fellows, those who are growing rich on the enhanced value of money, may prosper for a time; but if history is true, they will eventually go down in the common ruin.

We hear much talk about anarchy and anarchists in this country. Anarchy always begins at the top; anarchy begins at the head. Anarchy is the result of misrule. There were no anarchists in this country for a hundred years. This was a sanitarium for anarchists. Men who had become partially insane by reason of intolerable oppression in other lands came here, saw hope, and became good citizens and patriots.

I have heard it frequently said in fashionable society that we need a stronger government to put down anarchists. Such talk is very popular among the goldbug orators, who call the six and one-half millions who voted for reform at the last Presidential election anarchists. You can make anarchists by bad laws; you can tear down and oppress; but, like Samson, you will pull down the temple itself.

When the Roman usurers had sold the Roman people into slavery, when they had reduced the masses to slavery, they perished in the common ruin.

So long as the same unjust conditions prevail, disaster must follow. Revolution and turmoil are the outgrowth of injustice. Let every man feel that he has an interest in the Government; that it is an honest government; that it gives him an equal show, and love of country and patriotism will triumph.

The sentiment in this country against anarchy is still strong; it is still reliable. It was once invincible. The local authorities everywhere could take care of anarchists. If anarchy is dangerous now, it is dangerous because you have changed the instrument of distribution and prevented the masses from obtaining money with which to supply the necessities of life; it is because you have stifled production, because you have doubled all contracts payable in money. That is what the people feel. View it as you will, laugh at it as you may, call it a disposition to tear down the Government, call the people anarchists, call them what you please, I appeal to you not to do what despots have done. If you do, the same consequences will follow.

In this war with Spain, if you will furnish the money, let business prosper, and make it possible for the people to pay taxes, \$200,000,000 or \$300,000,000 a year would not be oppressive. Business is now stagnant, and your revenue must rest on business. You want revenue from business, and yet you stifle business by contraction. There can be no more cunning, no more effective device, no more wicked contrivance, than to contract the volume of money at this time by offering bonds to absorb the money of the country while you increase taxation.

I gave notice of an amendment of the character devised by

Madison and used heretofore on many great occasions. My amendment provides for the issuance of Treasury notes, running one year, and receivable for Government dues. If that policy should be adopted, it would enable the people to pay taxes, and the taxes would not be oppressive. That was done during the war of 1812. Van Buren did it; it was done under Tyler; and it was the method adopted by Polk during the Mexican war. We should let the people have a chance to make money, so that they may be enabled to pay taxes. That would not affect your gold standard; but it would give the people a breathing spell, so that they might have an opportunity to recover themselves and not be always oppressed.

I think the bill as it came from the House of Representatives is the most cruel, heartless, foolish, wretched performance that ever emanated from a legislative body. Do you propose to pass a bill which will say to the people "We will take your last dollar and throw you into bankruptcy; we will give you no means of paying the taxes which we impose upon you; we will stop your business. While you are fighting the battles of your country, while you are giving your lives for the sake of the honor of your country, while you are exhibiting your patriotism and love of country, we will take advantage of your extremity, and take from you the money which you need to pay taxes while we load on taxes; we will issue bonds; we will retire the greenbacks; we will perfect our scheme, a part of which is the sale of bonds. We will accomplish that, and then we will have you in our power. Then you have got to do as we say and you have got to work for the wages we fix or you will be discharged." Then the corporations will have the people at their mercy. They can say, "You will be deprived of employment; your families will be starving, and you will have to accept the conditions which we propose to dictate. We do not propose that you shall have the same power to resist that you had in 1896. We are not going to give you as much as \$20,000,000 the next time." Then we shall have starving men with starving families dependent upon them, and they can not have the courage of American citizens. Let the people have freedom, and then they will have the ability to pay taxes. Let every man feel that he is an American and that he has an interest in this country, but do not make him feel as if he were a born serf.

A republic is the strongest government in the world, where all the people have an interest; but when you take away their interest, it is the weakest. Why were not the Chinese patriotic? Because their Government robbed them, and they wanted to see it overthrown. Why was it that Alexander and the Roman generals could march over the oriental countries? Because their rulers had robbed the people and the money was in the hands of the few and citizenship was worthless. You can destroy a country, you can destroy its liberties and not only make the people anarchists and revolutionists, but you will finally reduce them to despair.

Make your taxation so that you can collect all the money you want. There is no limit to the amount of money that can be raised to whip Spain. If 25,000,000 people could pay \$300,000,000 a year in internal taxes during the rebellion, 75,000,000, if you give them like conditions, give them money to do it, can pay \$900,000,000 or \$1,000,000,000 a year of internal revenue. There is no trouble at all if you will only give them the opportunity. But either one of these bills, if passed in connection with the bond bill, will be more oppressive than the taxes were during the war and more difficult to pay.

I beg you to remember that this Republic rests on equality of privileges. There is no limit to the patriotism, no limit to the growth, no limit to the advancement of this great Republic if you will equalize privileges; but it will decay and wither under the same forces that have destroyed the hope of man in all ages. The money type is the enemy. It has done more harm in contracting the volume of money than all other forces combined, and in the word "contraction" everything that can afflict human nature is involved. It has done more harm to humanity than all the crimes, all the wars, all the famines, and all the diseases together; and, in fact, leaving out the convulsions of nature, the manipulation of the money volume is the cause of nearly every other calamity. It starved to death 10,000,000 people in India in the last two years.

Mr. ALLEN. It starved 40,000,000.

Mr. STEWART. Probably 10,000,000 died in the famine.

Take our own boasted land of liberty. The number of people who are being destroyed by want and privation in this country is startling. The limit it has made upon the growth of population is more dreadful than a war. It will prevent in this decade the existence of more than 5,000,000 of lives. The next census will show it. It limits population, discourages marriages, and the people die of want and privation. Nobody knows the number of poor women and children who are suffering even to-day for food on account of the want of employment on the part of their husbands and sons. They attract no attention.

Peace mongers talk about the terrible horrors of war. The horrors of war are terrible. It is a terrible thing to have a few hun-

dred or a few thousand of our bravest men killed, but you think nothing of it when you extinguish life by the thousands through starvation. The cruelty of prolonged peace under the rule of the money type is the cruelty of extermination. Rome prospered and grew great by war. The only enemy she could not conquer was the usurer. The only enemy which is dangerous to our country is the type of men which lives on usury and manipulates financial legislation. This bill as it came from the House is in the interest of the money type. As reported by the Finance Committee it is a bill to provide revenue for the war with Spain without impoverishing the people of the United States.

Mr. ALLEN. Mr. President, I shall not undertake to make a very close analysis of the pending bill nor enter into an extended discussion of its provisions. I shall content myself at this time with calling attention to a few obnoxious features and to pointing out, as best I can, why they should not be enacted into law. The discussion thus far has developed the fact that if the wishes of the different interests to be taxed are to be consulted the bill will be converted into a measure to authorize the issuance of bonds alone, and will carry with it no taxation whatever.

The junior Senator from Massachusetts [Mr. LODGE] but a day or two ago inveighed strongly against the imposition of a tax on corporations, claiming that it was unjust. The Senator from Connecticut [Mr. PLATT] also spoke strongly against the tax on corporations, as did the Senator from Maine [Mr. FRYE]. Corporations are protesting against the imposition of a tax on their franchise and property; and I do not myself see much distinction between a franchise and property. The manufacturers of patent medicines and proprietary articles are protesting against a tax on their wares. The transportation companies are protesting against a tax being imposed on them. The tobacco interests are protesting against so large a tax being imposed on them as the pending bill provides for. In fact every interest, every business that can reach this Chamber by telegrams and by letters is protesting that some other industry or some other business could better afford to be taxed than that particular business.

Mr. BUTLER. Will the Senator from Nebraska pardon me for a moment?

Mr. ALLEN. Certainly.

Mr. BUTLER. My State is a very large tobacco State. There are only a few States that are largely interested in tobacco. Our people are not protesting against a tax on them similar and equal to what we put upon others. In fact they have not protested against the tax being raised from 6 cents to 12 cents, which is 100 per cent increase. They merely protest when it is proposed to put it as high as 16 cents, and even 100 per cent increase is a great hardship when it bears on only a few States in the Union. If all the States of the Union were tobacco States it would be a very different thing, but we are standing without protest a 100 per cent increase. We do not, however, want any more, for any more would be clearly unjust.

Mr. ALLEN. I do not see that the remark is very germane to my discussion, and I do not regard it as necessary to notice it any further. I was trying to make it appear, as I think it does, that every interest in the land, except the agriculturists and laborers, are protesting against the imposition of a tax upon their particular industry or occupation.

Mr. President, it ought to be gratifying to every American citizen to pay his equitable portion of the war tax. I do not for a moment admit that just and equitable taxation is a burden, and when writers speak of taxes as being a burden, I regard it as a misnomer, for every citizen and every industry ought to regard it as a privilege to pay his or its just and equitable portion of the money expended to support the National Government. We obtain our compensation for taxes paid presumably in the protection the Government affords us.

The Government extends to its citizens and over their property and their interests a certain protection by means of its existence, and for that the citizen pays his portion of the public taxation to support the Government. It is not a burden when justly and equitably levied and assessed against either persons or property. So it is if these different interests I have mentioned could have their way, the pending bill would be absolutely emasculated of every form of taxation and would be converted into a bill to increase the bonded indebtedness of the United States.

Yesterday we had a learned discussion by the senior Senator from Kentucky [Mr. LINDSAY] on the Constitution, which is considered here so frequently. The Constitution is invoked on all occasions, not only in favor of certain measures, but against measures, as the convenience of the particular orator may require, and yesterday we were treated to a disquisition by the Senator from Kentucky on the constitutional powers of the State and National Governments to impose taxes. I hold, without referring to any judicial decisions or other authority, that there is no property and no individual or franchise in the United States that this Government may not lay a tax on, if necessity requires it, outside, possibly, of the mere administrative agencies of the respective

State and National Governments. They can not destroy themselves by taxation. But with that single exception the National Government can reach every individual of the 75,000,000 of our people, every dollar of money, and every article of property by appropriate taxation; and when it does it equitably, imposing a just tax upon persons and property, no man and no corporation and no interest has any right to complain.

Is there anything sinister, Mr. President, in this avowed purpose to escape taxation and to eliminate many of the tax features of this bill? It strikes me there is; and what is that purpose? It is to increase the interest-bearing debt of the country. If taxation can eliminate and take off of corporations and the tax on proprietary articles and on different articles embraced in this bill can be defeated, a void will be created which can be filled only by the issuance of greenbacks or interest-bearing bonds to augment the present bonded indebtedness of the nation. I have no hesitancy, sir, in stating that it is my belief that that is the motive underlying to a very great extent the opposition to the taxing features of the bill.

I shall not discuss the money question in all its various features, but I will endeavor to point out before I conclude wherein the United States can obtain ample money with which to conduct the war without the issuance of an interest-bearing obligation in any form. But before I do so I wish to call attention to a notable exception to the corporations that do not want to be taxed. I wish to call attention to one corporation that has expressed to me in writing, in the form of a dispatch, a desire to bear its full portion of the added taxation with which to successfully conduct the war. It is so exceptional and so rare and refreshing that I feel I ought to read the dispatch. I read:

Hon. W. V. ALLEN, Washington, D. C.

NEW YORK, May 25, 1898.

The beet-sugar manufacturers of the United States do not ask and do not want to be excluded from paying their just share of the war taxes along with other corporations, should such a tax be imposed.

HENRY T. OXNARD, President.

Mr. President, it is truly gratifying to find a great industry like the American Beet Sugar Company coming forward and taking a patriotic stand at this time and saying to Congress, "We do not desire to escape taxation, but as patriotic citizens we want to bear our full portion of the public burden and contribute dollar for dollar our equitable and just portion of taxation." How strongly this is in contrast to the telegrams and letters we receive from all over the country protesting against the imposition of a tax upon this particular corporation and that particular corporation and this particular interest and that particular interest. Mr. President, it would seem, if we are to follow the advice or request of some of the gentlemen representing corporations and some of these interests, that the Government would be absolutely paralyzed for want of money. We would not be able to raise a dollar to conduct this war in which we are all so deeply interested.

But bonds, interest-bearing obligations, are what is wanted, say some Senators, and the Senator from Connecticut [Mr. PLATT] yesterday said that he thought it was just that the burdens of the war should be distributed down through the years—that this generation should not bear the entire burden. That is the argument of cowardice. There is no other word that fittingly expresses it. Every generation of Americans should care for itself and pay its own obligations. It would be absolutely cowardly, inexcusably cowardly, to suffer the transmission to our posterity of a great national debt, to rest as a blight upon them and their industries. Why should we transmit to another generation the obligations growing out of this war and the duties imposed by it?

No, Mr. President, the great masses of the people desire to pay as they go. They are willing to pay their just portion of taxes, and they do not want this Government at the end of the war indebted one dollar more than it is at the present time. But a patriotic wave is sweeping over the country; the people are moved as they have not been for a third of a century before, and, taking advantage of it, the infamous money power of the United States and Europe is endeavoring to foist upon the people a perpetual national debt. I say "infamous," because it is infamous and because it is destructive of human liberty and its mission is to destroy liberty. There is not one of that power, sir, who would not see this Government sunk to the bottom of the ocean if he could make a fortune by it. There is not an impulse of patriotism, not a feeling of affection for the Government among them. The Government is to them simply a carcass upon which they are to feed and fatten.

Mr. President, who has pointed out a necessity for the issuance of bonds, and who can point out the necessity for it? We may go through the ledgerdom of politics that is exhibited here so frequently, pointing to the difference between gold and silver and paper money where there is in fact no difference. We may try to blind the eyes of the people by a process of pettifoggery, but it will not succeed. There is no cause for the issuance of interest-bearing obligations, and the people are not so blind but that they will see the iniquity of an issuance if it takes place. The Senator

from Iowa [Mr. ALLISON] said in his opening statement a few days ago that this bill as drafted by the Senate Finance Committee would give a net increase of \$152,481,806.

The Secretary of the Treasury and Mr. DINGLEY, of Dingley bill notoriety, tell us that the war would cost about three hundred millions annually extra, and legislating on the supposition that the war is to last a year, we have to raise only \$300,000,000 in addition to the ordinary revenues of the Government, unless the deficit of sixty-odd millions under the Dingley tariff act is to be covered up by the bill. One hundred and fifty-two million four hundred and eighty-one thousand three hundred and six dollars extra revenue by taxation can be derived from this measure. Add to that the money in the Treasury this morning, amounting to \$205,273,976.26, and there will be a total with which to conduct the war of \$357,755,282.26, or \$57,755,282.26 more than is necessary. To this, Mr. President, we can add forty-two millions by the coinage of the silver seigniorage in the Treasury. We can, by reenacting the income-tax provisions of the tariff act of August, 1894, increase the revenues forty millions more, and by the issuance of \$150,000,000 of greenbacks can make the grand total of extraordinary revenue for the year \$559,755,282.26, or \$289,755,282.26 more than is necessary to conduct the war to a successful termination.

Now, under such circumstances, can any gentleman justify himself in voting to give the Secretary of the Treasury power to issue bonds? And it is significant with what seeming cunning the author of this bill has distinguished between bonds and certificates of indebtedness. They each bear interest at the rate of 3 per cent. They are the obligations of the Government and must be paid by taxes levied from the people. If there is any gentleman in this Chamber who can point out a legal distinction between a Government bond bearing 3 per cent interest and a certificate of indebtedness bearing a like interest, I would be pleased to stop now and have him do so.

No, Mr. President, there is no distinction. An obligation which can be enforced, whether we call it a bond, a note, a check, or an ordinary contract or a certificate of indebtedness, has the same legal force if the terms of the instrument carry with it the same obligation, and you can not deceive the American people by saying that \$300,000,000 is to be bonds and \$100,000,000 is to be certificates of indebtedness. Be honest with them, gentlemen. Do not try to secrete the truth from them. Tell them that you mean to impose on them interest-bearing obligations to the amount of \$400,000,000 in addition to the thousand millions they are carrying now.

Mr. President, if we authorize the issuance of \$400,000,000 more of bonds we will have placed the bonded indebtedness of the country at over half what it was at the close of the late civil war. We will make it almost thirteen hundred million dollars, and I think in round numbers it was only twenty-three hundred million dollars at the close of the war, making something like twenty-eight hundred million dollars with the noninterest-bearing obligations added.

But Senators say it would not be a wise thing to do to coin the seigniorage. Why not, Mr. President? Can any gentleman point out in what respect there would be a lack of wisdom in coining the silver seigniorage in the Treasury? No, Mr. President, that man does not occupy a seat in this Chamber, unless he shall adopt the hackneyed and exploded theory that there is a difference between coin money and a limited volume of paper money having the same legal functions.

I heard a Senator say this morning in this Chamber, possibly it was yesterday, that silver had depreciated; and we hear it all over the country among a class of men who would enslave the American people by a perpetual interest-bearing debt. They say that silver has depreciated. Mr. President, silver has not depreciated in the slightest degree. There has been no practical depreciation in silver for years. Simply by cutting the cord that existed between silver and gold and casting all the money work upon gold alone, gold has risen and silver has stood still. It is the appreciation of gold and not the depreciation of silver that has made the difference.

Even the present Secretary of the Treasury, whose financial career has been confined until recently to the back parlor of a bank in Chicago, in a circular recently issued, Circular No. 143, on page 16, says:

Gold coins and standard silver dollars, being the standard coin of the United States, are not redeemable.

He goes on into quite a discussion of the standard silver dollar and standard gold coin. Does any man doubt that, if we will give silver the same office we give gold, if we will coin silver without limitation and make it a full legal tender for all debts public and private, it will stand as coin money upon a parity with gold in all respects?

Mr. President, it is the office or function of circulation and exchange performed by money that gives it its value. I have no patience, absolutely no patience whatever, with that class of

pseudo financiers who argue that the value of money resides in the commercial value of the material employed. We can displace every dollar of silver and gold in the United States and replace them with full legal-tender paper money, and if we limit that volume, every paper dollar will be equivalent in value to a dollar in gold.

Gold and silver are valuable over paper only in so far as nature has regulated the output and made it impossible for man to increase it; but regulate the volume of paper and coin at the same point and the paper dollar will be worth as much, will buy as much, and pay as much wages and indebtedness as the gold dollar. And yet, Mr. President, we hear goldbugs calling for gold all the time, and they tell us that we must have the money of the world, when they know there is no such thing as money of the world. There is but a single instance I can now recall where, in modern times, there was anything like the money of the world, and that was paper money that was issued by England and the joint powers in the wars against Napoleon, and from that sprang the English pound note that is so popular to-day.

Mr. President, \$42,000,000 of additional silver money would be absorbed without anyone noticing it. There is not a State in the Union where it would not be absorbed without creating a wave in commercial or industrial circles. The people would take it readily. The man who holds the plow and wields the ax and the hoe and spade will take it and be glad of the opportunity. It will bring relief to hundreds and thousands, yea, millions, of oppressed American citizens to-day. But the banker does not want it, the stockbroker does not want it, the gambler in money does not want it; and as the money gambler rules politics and controls the political throne, he is to be consulted and his wishes followed by the party in power.

Then, Mr. President, we can raise \$40,000,000 more by imposing an income tax. It may be said that the Supreme Court have decided the income tax to be unconstitutional, and therefore we should bow to the decision. I would give them an opportunity to decide it again. The Supreme Court left the impression in their decision that in the event of war or of unusual conditions Congress would have power to impose an income tax. Here exists the exact condition described by them, an exceptional condition, a great public exigency created by the existence of war with a foreign country. Let us revive the income features of the tariff act of 1894, and by that means increase the annual revenues \$40,000,000.

Mr. President, I have proposed and shall offer at the proper time the following as a substitute for section 27 of the pending bill:

That so much of the act of August 27, A. D. 1894, entitled "An act to reduce taxation, provide revenue for the Government, and for other purposes," as relates to the levying and collection of an income tax be, and the same is hereby, revived and reenacted; and it is hereby made the duty of the Secretary of the Treasury to collect the income tax therein imposed, beginning with the fiscal year commencing the 1st day of July, 1898; and all provisions of said act necessary and proper to carry out the purpose hereof and to administer said law are hereby revived and reenacted.

Let that be done, Mr. President, and it will remove any necessity for the issuance of any kind of interest-bearing obligations. The Supreme Court have said it can be done. If they say it shall not be done, they will be required to overrule the latest decision they have made on the subject. Of course they can overrule a decision very easily, as we well know. For one hundred years an income tax had been held constitutional by the Supreme Court, beginning with the Hylton case, in 8 Dallas and ending in 1883, I think, with the Springer case, in 103 United States Reports. In five different cases the Supreme Court has passed on the constitutionality of an income tax and held it to be constitutional.

Mr. TELLER. Unanimously every time.

Mr. ALLEN. Unanimously every time. The income tax had passed successfully in review before every Chief Justice of the Supreme Court excepting Ellsworth, I think, who had not taken his seat when the Hylton case was decided. It had passed successfully in review before forty of the most eminent associate justices who have ever occupied seats on the Supreme Bench. They reviewed it carefully, and held the Government had the constitutional power to impose an income tax; but it was reserved for the present distinguished jurist who occupies the office of Chief Justice, and a bare majority of his associates, to discover that all their predecessors and all the great lawyers of the nation for a hundred years had been mistaken, and that the Congress did not have constitutional power to impose a tax on incomes, and therefore the tax was void.

And whoever yet has discovered the marvelous change of opinion in that court within a few short weeks? Has that been explained to the world? One of the justices held the act to be constitutional in an elaborate opinion, and within a few days thereafter discovered that he was wrong and changed his mind and voted to hold the entire act unconstitutional. Marvelous change of judgment! Marvelous change of heart!

Mr. President, the fact that a man occupies a position on the Supreme Bench of the United States, or on any other bench, does

not make him a true man unless he is such before he goes there. No man has ever yet discovered, or, if he has, has explained to the world, that marvelous change of opinion. I would rather take a pick and go upon the highways and earn my living by digging in the streets at a dollar a day than to have rest on me the suspicion that in a judicial position I had changed my mind on a question of law for the accommodation of any particular industry in this or in any other country. Who were interested in preventing the income tax from being enforced? The great manufacturers and corporations; and rumor has it that the justice who changed his mind comes from one of the most highly protected States in the Union. What synthetic relation there may be between that and his change of opinion I do not know and I do not care to suggest.

Mr. President, it is deplorable when the people of a country like this lose confidence in their judiciary. Does any man doubt that politics rules the Supreme Court of the United States in some cases as much as it does in this Chamber and in the other branch of Congress? Decisions are made and handed down by that tribunal which rest upon nothing but mere party politics. Law is abandoned, justice is abandoned and thrown aside, and the court renders a decision, a political decision, just as our Republican friends and a few of their Democratic allies will in a few days vote bonds upon the country through political motives. The question of justice has nothing to do with it. It becomes a question of expediency and party policy. Is it not deplorable, sir, when the little boys and little girls of a nation are taught at the fireside to suspicion high judicial tribunals of being actuated by unworthy motives? How long can a government exist in its original purity and integrity where such a suspicion exists? And have they cause for suspicion? Go back, if you will, to the electoral decision of 1877.

Mr. President, I do not believe there is an intelligent human being in the United States who does not believe that Mr. Tilden was honestly elected to the Presidency and was entitled to his seat. The great mass of the people, I think, believe so. They certainly do in many sections of the country, regardless of politics. And yet some of the judges of the Supreme Court were taken from their high position and placed upon an unconstitutional commission for the purpose of deciding a question over which they and no other tribunal but Congress had jurisdiction. Who does not remember the result? Election return after election return was overturned and their force destroyed; every rule of evidence made to safeguard the administration of justice was ignored, and the tribunal stood 8 to 7, just according to the partisan politics of the persons composing that commission.

Mr. President, I do not believe there is any man who has any respect for the decision of that commission. It was partisan; it was intended to be partisan; it was created for the purpose of defrauding the man justly elected out of his position; and it succeeded; and yet it has its apologists even to-day.

So the judges of our courts are called from their designated duties to perform others entirely distinct from the offices for which they were selected. A short time ago, within the last two years, there was created what is called the Venezuelan Commission, to ascertain the boundary between British Guiana and Venezuela. Who does not recall the lurid message sent to us by the late prophet of the White House? We voted on the spur of the moment \$100,000 to authorize him to create a commission to determine where the true boundary line was, and he formed it.

He took two justices, one of the justices of the District supreme court and one of the justices of the Supreme Court of the United States, from their duties and made them a part of that commission. The \$100,000 has melted to a very few thousand. There are ten or twelve useless clerks drawing money from it constantly; doing nothing, absolutely nothing, and drawing salaries all the time. No report has been made. Do you suppose there will be a dollar of the appropriation left? No, Mr. President, it will be squandered. That money was illy spent, and it was ill advised to take a member of a court from his proper duties and make him a member of the commission. So we had a treaty of amity, and it was sought to transfer some members of the Supreme Court to it, or add to their duties the duties of judges of a great international court of arbitration, to be contaminated by eastern policies.

Mr. President, it is surprising under circumstances such as these that the people are becoming suspicious of the highest judicial tribunal in the United States? I do not speak of these things for the purpose of saying that the Supreme Court is particularly different from any other tribunal. I speak of it to show that our highest national organizations are becoming honeycombed with what I regard as political decay. It is so of Congress. No man can walk into this Chamber and not feel the heated political atmosphere the moment he opens the door.

Mr. President, he knows the instant he enters one of these doors that Congress is not legislating for the people. He understands that here it is a game of party politics from the opening of Congress to its closing; a sparring for political position and advantage;

an attempt to put forward this particular party, or to put that particular party in a hole. The legislation of this nation for two years could all be done in four months' time. If we would come here as a business organization, forgetting politics for the time, and sit down and legislate for the country, four months would be ample time to enact every law necessary for this Government for two years; and yet we have a long session running six and seven and eight months at a time and at other times longer, and then a short session of three months; and Congress is always behind, because it wastes its time in considering mere party questions.

So this laxity, this moral laxity, exists in Congress, in the Supreme Court, in the lower judicial tribunals, and I presume in other Departments.

Now, we are told, and it is simply a falsehood upon its face, that it is necessary to issue interest-bearing bonds with which to conduct this war. There is no necessity for bonds. There is but one class of people who call for them and they are the money power, Mr. President, which dominates both branches of Congress. I say in absolute humiliation and in shame that this branch of Congress and the other is controlled by the money power and the voice of the people is here stifled or treated with contempt, if heard at all.

We might add \$40,000,000 more by the adoption of this amendment, and then we can supply \$150,000,000, and I think it ought to be \$200,000,000, by the issuance of greenbacks, thus giving a surplus, as I said a moment ago, of \$289,755,283.26. Who can claim that under such circumstances it will be wise to authorize the issuance of bonds?

But, Mr. President, this means more. It means an interest, if these bonds are not paid—an interest charge to the people of the United States of \$120,000,000 during the next ten years, making \$520,000,000 when the bonds are paid. It means even more than that. It means that at the end of ten years there will be no money in the Treasury with which to pay the bonds. They will be refunded and go on from year to year as a great blanket mortgage upon the property and industries of the country.

Mr. President, when Grover Cleveland, late of Buffalo, came into power the second time, the annual interest charge to the United States was about \$23,000,000, possibly a little more than that. After four years of the delights and sweets and blessings of the gold standard under his Administration the annual interest charge to the United States grew to about \$34,000,000. Suppose Mr. Cleveland had followed out the platform and tenets of his party and had kept the promises made in this Chamber in 1893 by his representatives, and had caused silver to be coined freely and upon terms of equality with gold, there would not have been the slightest necessity for increasing the bonded indebtedness \$263,000,000, as was done. Now it is proposed by this bill to increase the annual interest charge to the Government \$12,000,000 more, or to about \$46,000,000 annually.

Mr. President, when we are discussing the gold question, I should like to know from the Senator from Iowa [Mr. ALLISON], who is in charge of this bill, or from any other Senator of the Finance Committee, where we are to obtain the gold with which to pay these bonds, and how we are to obtain it? The drain upon the gold of the United States amounts to \$325,000,000 annually; and where is it to come from, unless we are to enter upon a period of endless issues of gold-bearing obligations until the credit of the nation shall be broken down and the people and the Government shall go into bankruptcy?

England and other nations of Europe take from us every year \$325,000,000 in gold, or gold equivalent in the form of interest charges, transportation charges, and expenditures of money by American citizens visiting abroad. Our annual output of gold amounts to about \$42,000,000, one-half of which is consumed in the arts, or practically one-half. How are we to obtain the gold to pay these enormous charges, to say nothing about paying the principal of the debt when it falls due?

My honorable friend from Nevada [Mr. STEWART] complained about this a few moments ago, and said that our civilization was being reduced by it. Mr. President, unfortunately that statement is true. I wanted then to call his attention, as I call it now, to the fact that it is the purpose of the gold power to reduce the civilization of America; it is the purpose of this power to wield such an influence over our institutions and our people, that they will be made mere hewers of wood and drawers of water.

Does any man need an illustration more completely than is to be found in the last Presidential election? It has been charged, and never disputed, that \$16,000,000 were used by the Republican party to carry that election—\$16,000,000 to carry a party into power in a Government where the ballot is supposed to be free and where every man is supposed to vote without interference or interruption; and yet so open and so notorious has become this political prostitution that these charges pass unrefuted.

Mr. President, the civilization of the United States is involved in the issue. If the great mass of the people can be kept working and toiling year by year, yielding all above what is necessary for

mere existence from their surplus earnings to this gold power, to pay interest charges and debts, that is exactly what that power wants; that is exactly what it has endeavored to accomplish, and what it has almost succeeded in accomplishing. The Senator from Nevada need have no concern about it accomplishing its purpose unless there is virtue enough in the American people to rise up and shake off this influence effectually.

Mr. President, a tidal wave of patriotism is rolling over the country. The "peace-at-any-price men" of four or five weeks ago are leading in the war to-day. The men who were laggards five weeks ago, saying the country should compromise its honor, should compromise everything for peace, and permit the women and children of Cuba to starve by thousands, as they are starving now—and before we get into Cuba they will all be gone by starvation—those men have put themselves at the head of the procession, and are carrying the flag, and we are in the rear, beating the drums and sounding the fife.

Mr. President, the Moloch of greed is to be satisfied at any price. On the 21st of last month we declared on high Christian grounds, on grounds of civilization—even earlier than that, I think—that we would intervene in the affairs between Spain and Cuba to put a stop to unspeakable cruelty. Within 96 miles of our shores 500,000 old men, boys, women, children, and sucklings had been starved to death. The civilized world would not stand it longer. But here we were, the giant of the Western Continent, and I think when properly organized the most powerful nation on earth in all respects, sitting down supinely, watching the process of extermination go on in Cuba with scarcely a protest against it.

After a time, Mr. President, there came a quickened public sentiment and a demand that something be done; and we all remember how the peace-at-any-price men skirmished for delay—delay until the people of Cuba could be compelled to assume a \$500,000,000 interest-bearing obligation. When that did not succeed, the peace-at-any-price men fell in and put themselves at the head of the procession, and they have been running the war since then.

Mr. President, when will the war terminate? If it closes when the bond and franchise syndicate determines it shall, it will close only when they force from the remnants of the people of Cuba and the other islands financial conditions which will satisfy them; and it will not terminate sooner than that unless there is a popular uprising that can not be resisted. So we are marching under the gold standard to-day, if at all, and our fleets are sailing under the standard of the peace-at-any-price men. Every interest of our country, even the patriotism of the country, must be coined into obligations bearing interest when there is not the slightest necessity for it.

Mr. RAWLINS. Will it interrupt the Senator if I ask permission to have a bill laid before the Senate?

Mr. ALLEN. For action?

Mr. RAWLINS. Yes, sir.

Mr. ALLEN. I can not suffer an interruption to pass a bill at this time, because I am nearly through, and I would not want my remarks so ruthlessly cut in two and so unceremoniously destroyed. I shall be through in a moment.

I want to put myself on record as being now, as I have always been, against the issuance of bonds at all, and I hope to see the time come when Congress will have patriotism enough in both branches of it to take away the power from the Secretary of the Treasury to issue bonds, unless specifically authorized to do so. When there is a necessity, Mr. President, for the issuance of bonds and that necessity is presented to Congress, the Secretary of the Treasury will never be without it. Congress will confer that authority whenever it is necessary, but it is a most dangerous power to place in the hands of a subordinate officer. The Constitution devolves on Congress the whole financial policy of the nation—the power to tax, the power to raise revenue, the power to coin money, the power to emit bills of credit, the power to control the entire financial policy of the nation—and is it possible, Mr. President, that there is more wisdom in an average Secretary of the Treasury than there is in both branches of Congress?

A continuing power to issue bonds never would have been given in the early days of the Republic. And yet the Secretaries of the Treasury have desired so much to use the power that they have issued bonds in absolute violation of law. There was not a bond issued of the \$262,600,000 under the Administration of Grover Cleveland that is not absolutely void. John G. Carlisle had no more power to issue bonds than my distinguished friend from Louisiana [Mr. MCENERY] had at that time or at this.

There is not a word in the statutes, and there was not a word there then, authorizing the Secretary of the Treasury to issue bonds; and I say in the face of his friends here that he violated the duties of his office and the Constitution of the United States when he issued those bonds. Yet so strong is this power, that that man, who had been the champion of silver for years in this Chamber and outside of it, bowed to its yoke, and exceeded his

authority in the issuance of bonds, simply to placate the money power.

What is to be expected, Mr. President, of a country where a thing of that kind can take place with impunity? Does not every man know that civilization is imperiled when a great public officer, in defiance of his duty, in violation of the statute, in violation of the Constitution, can create a debt for the people to pay, that will be a burden on them for generations to come?

We are likewise informed that the present Secretary of the Treasury thinks he has the power to issue bonds. No doubt he thinks so. He represents simply one class of people, and that is the cent-per-cent class so aptly described by Mr. Dickens in the Veneering family. Do you suppose the Secretary of the Treasury for a moment thinks of the man who toils and labors and struggles for a living? He cares no more for him than for a beast of burden. He is only one of the small factors in the accumulation of wealth. And yet it is true that no man can become the head of the Treasury Department of the United States who does not go there as the pet of this particular money power and to administer the affairs of the Government in its interests.

I have nothing to fear from the Secretary of the Treasury, and I certainly have no love for his administration of his office. I say that his policy is to keep up the interest obligations on the people until every man, woman, and child of the 75,000,000, and the 100,000,000 that are to come pretty soon, will be the bond slave and the servant of the few, and our Government will pass, as it is rapidly passing to-day, from a Republic to an offensive aristocracy.

I have nothing to say as to the policy we are likely to pursue in the present war. It would not be proper for me to criticize what has been done or what has not been done thus far. I do not propose by anything I may say at this time or at any other time to lay any obstruction in the road of the President of the United States in conducting this war to a successful termination. I can not, however, resist the temptation of calling attention incidentally to this fact, to which I have before referred, I think, during my remarks.

We started out to relieve the reconcentrados of Cuba, who were starving to death, who, I am informed by competent and proper authority, are now dying by the thousands daily, and we have not taken to them one morsel of bread, nor a particle of raiment, nor a cup of water with which to assuage their thirst. They are suffered to die to-day, as they were dying months ago. The very purpose for which this war was inaugurated—to carry out a Christian civilization and to relieve those people—has been abandoned, and they are suffered to starve more effectually than they were before war was declared.

Mr. President, I will vote every dollar and every man necessary to successfully conduct the war. I feel somewhat interested in it because I received from the effete East a day or two ago a newspaper clipping, saying that Populist ALLEN from Nebraska was largely responsible for the agitation that brought about the war and wanting to know why I did not enter the Army. Mr. President, you know there are a great many patriots nowadays who are not particularly concerned about going into the Army themselves, but desire somebody else to do so.

I served through one war. I think I had the honor of being in a battle where you and I, Mr. President [Mr. MILLS in the chair], were on opposing sides; and yet, as I said to my amiable and good friend from Wisconsin [Mr. SPOONER] some weeks ago, if it becomes necessary to have more men, I will resign my position if he will resign his, and we will take our muskets and go side by side as private soldiers and discharge our duty as best we can.

Mr. SPOONER. That strikes me as a very poor sort of patriotism.

Mr. ALLEN. It may be, but I think otherwise.

Mr. SPOONER. The Senator is willing, if it becomes necessary in order to serve the Government and vindicate the national honor, to go into the Army for that purpose, if somebody else will also go.

Mr. ALLEN. The Senator and I served about the same length of time in the last war on the same side, but the Senator was wearing shoulder straps at that time, and I was carrying a musket and a knapsack.

Mr. SPOONER. I served a while without any shoulder straps, or any other adornment except a knapsack.

Mr. ALLEN. Not very long.

Mr. SPOONER. Long enough.

Mr. ALLEN. Not long enough to injure you. The Senator was riding a horse and was drawing a good salary, and he had a servant to cook for him, and all those things. I did not. I was the fellow who carried the knapsack and the gun.

Mr. SPOONER. Perhaps you cooked.

Mr. ALLEN. No; I was the man who carried a knapsack and a gun; and I walked; I did not ride. I cooked sometimes, too.

Mr. SPOONER. Nor did I ever ride. I walked.

Mr. ALLEN. You had a right to ride.

Mr. SPOONER. I had no right to ride.

Mr. ALLEN. As a major?

Mr. SPOONER. I was not a major.

Mr. ALLEN. Then I beg your pardon.

Mr. SPOONER. I was a captain of an infantry company and marched with my company.

Mr. ALLEN. But you did not have to carry any knapsack; I know that.

Mr. SPOONER. Perhaps I did not.

Mr. ALLEN. That is the reason I make the proposition I do to the Senator. We are about the same age, and I want to see him carry a musket, and I am willing to go with him and carry one, too. I do not want to be promoted to the position of assistant adjutant-general or assistant commissary-general or anything of that kind. My application is not on file. I want to go under these circumstances if it is necessary; but I say to my friend frankly that I do not want to go at my age unless it is necessary.

But, Mr. President, speaking seriously, there ought not to be a citizen of the United States who, as a last resort, would not be willing to lay his life upon the altar of his country in this great war against a nation whose people have for two thousand years been the known assassins of the world, that we may drive them from this continent, from the Philippines, from Cuba and Puerto Rico; and, Mr. President, if I had the power, I would drive them from the Canary Islands, the Cape Verde Islands, and from the Peninsula itself and destroy them, in the hope that out of their sickly civilization there might grow a greater and a better nation.

It is barely possible, sir, that the time has come, which was contemplated by certain men, when the struggle between the Anglo-Saxon and the Latin is at hand. It may be that we are entering that period where a long struggle, extending over years, is about to be entered upon with uncertain results. It was not altogether unwise in a distinguished English statesman to call attention a few days ago to the probable necessity of closer relations between the English-speaking and German-speaking peoples. And yet, Mr. President, I have taken, as I shall in the future, a firm stand against any alliance between this country and England until England shall be willing to do by Ireland what we do by our States—give them self-government and absolute home rule.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 10423) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes; and

A joint resolution (H. Res. 271) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

The bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal., was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties and regulate its pay, was read twice by its title, and referred to the Committee on Naval Affairs.

STATISTICAL ABSTRACT OF THE UNITED STATES.

The PRESIDING OFFICER (Mr. MILLS in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 12,000 copies of the Statistical Abstract of the United States for the year 1897, prepared by the Bureau of Statistics, Treasury Department; 3,000 copies for the use of the members of the Senate, 6,000 copies for the use of the members of the House of Representatives, and 3,000 copies for the use of the Bureau of Statistics, Treasury Department.

UINTAH INDIAN RESERVATION LANDS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1883) for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted; which were, on page 1, line 4, to strike out "of" and insert "consisting of not more than."

Page 2, line 9, strike out all after "be" down to and including "laws," in line 13, and insert:

Hold in trust by the United States for the purpose of sale to citizens thereof: Provided, That the United States shall pay no sum or amount whatever for said lands so ceded. Said lands shall be sold in such manner and in such quantities and for such prices as may be determined by Congress: Provided, That the amounts so received shall, in the aggregate, be sufficient to pay said Indians in full the amount agreed upon for said lands. All sums received from the sale of said lands shall be placed in the Treasury of the United States for said Indians, and shall be exclusively devoted to the use and benefit of the Indians having interests in the lands so ceded.

Page 3, line 7, strike out "twenty."

Mr. RAWLINS. I move that the Senate concur in the amendments of the House of Representatives to the bill. The amendments made by the House of Representatives do not materially change the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. RAWLINS], that the Senate concur in the amendments of the House of Representatives.

Mr. ALLISON. I hope the bill will lie over until to-morrow and that the amendments of the House of Representatives will be printed.

Mr. RAWLINS. These amendments were made at the suggestion of the Secretary of the Interior and were put on the bill in the House in order to conform it to his wishes. I do not see that there is any reason why the matter should not now be disposed of. It is expressly requested by the Secretary.

Mr. ALLISON. I do not quite understand how the lands are to be entered and sold. I do not wish to interpose any objection to the early consideration of the bill, but it will lead to some little debate.

Mr. RAWLINS. The lands will simply be disposed of as Congress may hereafter provide. It makes no provision as to how they shall be disposed of. That is deferred.

Mr. ALLISON. If it leads to no debate, I shall not object; but if it does, I shall interpose objection.

The PRESIDING OFFICER. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

WAR REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. CAFFERY. Mr. President, in order to carry on the war now existing between the United States and Spain it is necessary to have both men and money. The men we have, or can have. The young men of the nation have responded to the President's call in a manner to elicit the highest praise for the patriotism of the American youth. The second need is that which we are now attempting to supply. The pending measure has been denominated, and properly so, a war revenue bill. It is mainly a bill providing for internal taxes, with a bond feature attached.

The taxes are direct. They are levied upon a large variety of subjects, and I say that these taxes ought to be levied and these bonds ought to be issued under and according to the financial policy maintained by the Republican party. That party offers no new departure in the matter of financial policy. They are pledged to the maintenance of gold as a standard of value. That issue was fought out at the polls in 1896 and a majority of the American people have put their seal of approval upon the financial policy of the party in power. If they proposed anything novel or strange or involving a departure from their settled policy or a policy repudiated by the people, it would be our duty to look into and examine and carefully weigh the method of taxation which they propose.

Sir, in face of this war, in view of the absolute necessity of a speedy contribution by Congress of funds to carry it on, in view of the fact that the bill, at least as it came from the House, responds exactly, in my opinion, to the settled policy of the Republican party, to an old policy and not a strange policy—to a policy indorsed by the people—I think it is the duty of Congress to vote the supplies necessary to carry on the war substantially in compliance with the proposition of the prevailing party.

Mr. President, ingrafted upon this bill by the Senate committee are certain provisions to which I do not give my concurrence and which I think will breed trouble and litigation and be unproductive of the necessary funds to carry on the war. We must legislate in view of certain conditions. We must legislate in view of the decisions of the Supreme Court of the United States. We must legislate in view of the fact that the bond and inheritance tax features of the Senate amendments will almost certainly be the subjects of litigation, and therefore of delay and embarrassment.

The first proposition with which we are confronted, of a character that in my opinion is a departure from the settled financial policy of any party, is a tax of a quarter of 1 per cent on the gross receipts of corporations. The next is an inheritance tax; and the third, which is a departure from the settled policy of that party in whose hands is the conduct of this war, is the coinage of the so-called seigniorage.

The tax, of whatever amount it may be, upon the gross receipts of corporations because they are corporations, upon the occupation of a corporation, as styled by the Senator from Texas [Mr. CHILTON] and also defined by the Senator from Virginia [Mr. DANIEL], is a tax, in my opinion, upon the right to exist as a corporation, upon a franchise granted by a State, and in that particular I think the tax is violative of the principle of dual, sovereign,

independent governments, made by the Constitution of the United States when it framed a general government for the whole and left the States that sovereignty which they have not delegated to the General Government nor prohibited them to exercise.

Mr. President, I contend that the tax on the franchise of corporations is violative of State sovereignty. Wherever an occupation or a calling derives its existence from a grant of a sovereign State—and the States are sovereign with respect to the General Government in this particular—that right, that privilege, that franchise, is unsusceptible of taxation by any other sovereignty. The reason given by Chief Justice Marshall in the case of *McCulloch vs. Maryland* to prove that the States can not tax an instrumentality of the Federal Government selected as a means of carrying one of its enumerated powers into execution is equally potent to prove, a converse, that the Federal Government can not tax an instrumentality selected by a State government as an appropriate means to carry into execution its reserved and conceded power.

I do not deduce the power of the State to grant corporate franchise by inheritance from England. It is immaterial to me whether the English Kingdom at that period had or had not the power to grant corporate franchise to the colonies. It is a right that inheres in sovereignty, it belongs to sovereignty, and when the colonies threw off their allegiance to Great Britain and established their independence by the sword, each, every, and all rights of sovereignty lodged in the States created out of the colonies. One of the rights is, and in the nature of things is bound to be, that certain occupations, certain employments, certain businesses, can be carried on by the citizen under the grant of the sovereign body.

A corporation is an artificial creation of the sovereign power. It is an artificial being, and the most essential characteristic of a corporation is its longevity or continued existence, and that is a character which can only emanate from the sovereign power. Every individual is free to follow the calling which his choice or his judgment dictates, but no aggregation of individuals can derive the power of continuity, perpetuity, and the privileges attaching to corporate existence unless it be by a grant from the sovereign State having dominion and control over the corporation.

Mr. President, what do we find? First, a license required by Congress to authorize corporate institutions to carry on the business that the State has authorized them to carry on. The State has authorized them. A license is a tax on the particular calling. In some countries it is considered to be a permission to carry on that calling. It is made unlawful in some States to carry on the business unless under the permit of a license, but when the State has already licensed the occupation, already granted the authority without which corporate business can not be carried on, what concern is it of the General Government to grant what they have no power to bestow in the first instance? No license to carry on a business authorized under State sovereignty can be granted by the Federal Government. It has no power in the premises to do so. It is ultra vires for the Federal Government, great as it is and powerful as it is, to do so.

The distinction seems to have been made, or attempted to have been made, in the argument of my honorable friend the Senator from Tennessee [Mr. TURLEY] that because the Federal power was supreme in its enumerated grants, therefore the power of the State to tax Federal instrumentalities did not exist, but by virtue of this very supremacy the power existed to tax the instrumentalities of the States.

It makes no sort of difference whether the power of the Federal Government is supreme or not when you come to investigate the question as to whether or not the Federal power can lay its hand on callings and occupations existing as franchises under State authority, and tax them as such for the benefit of the General Government. The question is, Does the power exist? Not whether it is an enumerated supreme power possessed by the General Government. If there were a clash of the respective powers, of course the Federal power, being supreme, would prevail. The existence of the power being established, supremacy attaches.

Sir, it strikes me that this is a violent blow at State sovereignty and State autonomy. Let it be understood that the Federal arm of taxation extends to taxing all these different instrumentalities which the States call into being in order to carry out State purposes either of finance or of transportation or any other general purpose—let that be conceded, and you wipe out the State lines as with a sponge.

There is one authority—I shall not read many authorities—which I will read. I read from 11 Wallace, which states very clearly the distinction between the State powers reserved by them and the powers of the General Government. It has been stated over and over again, and from this statement of general principles, nobody denying the existence of them, it flows, according to my ideas, by irresistible inference, that the Federal power of taxation on State franchises must stop at the line of State sovereignty, and it can neither cross it by taxation nor by any other

means. I read from 11 Wallace the case of *Collector vs. Day*. I do not know but that it has been already read. Commencing on page 126, I read part of that page and part of page 127:

We do not say the mere circumstance of the establishment of the judicial department, and the appointment of officers to administer the laws, being among the reserved powers of the State, disables the General Government from levying the tax, as that depends upon the special power "to lay and collect taxes," but it shows that it is an original inherent power never parted with, and in respect to which the supremacy of that Government does not exist, and is of no importance in determining the question; and further, that being an original and reserved power, and the judicial officers appointed under it being a means or instrumentality employed to carry it into effect, the right and necessity of its unimpaired exercise, and the exemption of the officer from taxation by the General Government stand upon as solid a ground, and are maintained by principles and reasons as cogent as those which led to the exemption of the Federal officer in *Dobbins vs. The Commissioners of Erie* from taxation by the State; for, in this respect, that is, in respect to the reserved powers, the State is as sovereign and independent as the General Government.

There is the broad principle announced in this decision:

And if the means and instrumentalities employed by that government to carry into operation the powers granted to it are, necessarily, and, for the sake of self-preservation, exempt from taxation by the States, why are not those of the States depending upon their reserve powers, for like reasons, equally exempt from Federal taxation?

Mr. President, I ask the gentlemen who framed this feature of the bill to answer the question propounded by the court in the extract from its opinion.

Their unimpaired existence in the one case is as essential as in the other. It is admitted that there is no express provision in the Constitution that prohibits the General Government from taxing the means and instrumentalities of the States, nor is there any prohibiting the States from taxing the means and instrumentalities of that Government. In both cases the exemption rests upon necessary implication, and is upheld by the great law of self-preservation; as any government, whose means employed in conducting its operations, if subject to the control of another and distinct government, can exist only at the mercy of that government. Of what avail are these means if another power may tax them at discretion?

This is the case of a tax of one-quarter of 1 per cent on the gross receipts of corporations. There is no inhibition, no limitation upon the extent of the power of the Federal Government to tax when it has authority to tax. It can tax any per cent. It can tax, therefore, any corporation of any State out of existence at will. There is the plain fact; that is the plain deduction from a conceded power on the part of the Federal Government to tax the State instrumentalities out of existence.

Mr. President, it seems to have been conceded or rather yielded in argument that the power of taxation by the Federal Government on State instrumentalities only extends to those instrumentalities of a corporate character that perform some part of a governmental function. Is that true? Is it not incumbent upon every State, in the due exercise of an unlimited discretion and judgment and sovereignty, to judge whether or not the best interests of the State are subserved by incorporating individuals? If it be so, where is the distinction between impairing the right of the State in the instance of taxing a corporation that does not actually exercise any distinct portion of State sovereignty and in the case where the corporation does exercise a portion of State sovereignty? Take the case of a railroad corporation, which has more powers than any corporation that I know of.

It has the power of eminent domain delegated to it by the State, but it is a private corporation all the same. It is partly engaged in a business for the private benefit of the stockholders and the owners of the route, and while the purpose to be achieved by the corporation is of a quasi-public character, how are you going to divide that part of the corporation which is public or has a public purpose from that other part of the corporation which has only a private purpose—that of gain?

Now, sir, when a State grants this extensive privilege of carrying on a business under a corporate name which is to last for periods beyond the lives of the individuals incorporated and to survive in their successors, and grants it the prerogative of continuance for a purpose that the State, in the State's discretion, judges to be of great value to its commonwealth, has the Federal Government any power to intervene to tax the instrumentality? I do not think it is a strained argument to involve all these corporations in the same scope and exempt them all from the power of the Federal Government for taxation purposes.

Mr. President, this is a tax upon gross receipts. In my opinion the tax smells of injustice. Some corporations have gross receipts over their expenditures and some have not, and in that case the taxation is not uniform. The only way to get at taxing them, if you could get rid of the decision of the Supreme Court, is to tax the net income of a corporation. You can not tax the franchise of a corporation. You can tax its property. But you can not tax it out of existence by taxing it because it is a corporation.

But you can tax the property, and not the privilege of being a corporation, which is the admitted condition under which the tax is levied. The proponents of this tax, it occurs to me, are in the horns of a dilemma. If it is a tax on the property, it is repugnant to the decision in the *Pollock* case. It is the levy of a direct tax, an income tax. If it is a tax on the franchise of being a corporation, then it is repugnant to the genius and spirit and letter

of our Constitution, which, making the General Government supreme, left the States in the enjoyment of all rights not delegated to it by the Constitution nor prohibited by it to them.

There is no escape from this dilemma. They admit that it is not a tax on property, but they say it is a tax upon the occupation of being a corporation, measured by the gross receipts. Why, Mr. President, it does not make any difference how you measure it. You can even measure it with a bimetallic stick, or any other measurement, just so it is a tax upon that occupation.

This corporation tax singles out first transportation companies. Then it takes hold of banking corporations. Now, there is a license upon every corporation pursuing the calling of a banker in the first part of the measure; in the first section, I believe. Then, again, superadded to that is a tax of one forty-eighth of 1 per cent per month upon the average deposits of a banking corporation.

Now, Mr. President, in these times of war and depression deposits are apt to remain in the banks if business stagnates, and what is the construction of this particular part of the bill? Will you go on month by month and tax these average deposits, which may be the same deposits, for nobody is apt to deposit hereafter if capital is not remunerative? Will the bill operate as a standing tax of one-quarter of 1 per cent all the time on the same deposits if they are not renewed month by month on the average deposits?

Mr. President, it occurs to me that that is the most inequitable way of reaching at banks, if that is the object of the bill. Out of a spirit of hostility to banks comes this tax of a quarter of 1 per cent, and who are the depositors that it reaches? The depositors are generally poor people. The rich people keep their money going, and they are generally borrowers. The exploiters of commerce, the captains of industry, the men engaged in business, go to the savings banks with their two billion of capital to borrow money, and who are the depositors there? A body of poor men whose business is carried on in those institutions, by benevolent men in many instances, without charge. As a matter of course the tax falls upon each and every depositor in the savings banks.

This tax on deposits is a direct blow at the South. The national banks are not organized in the South to the extent that they are in the North and West. A great many State banks have risen up in the last few years. In 1895 I believe the capital of the State banks was \$300,000,000. That capital must have swelled largely since then—I speak by mere conjecture—to at least \$500,000,000 to-day, and banks with a capital of \$500,000,000 ought to carry deposits of between eight hundred million dollars and a thousand million dollars.

And sir, those banks do not issue one single cent of currency. They are carried on upon the deposit and discount plan. They are remunerative or they would not spring up so rapidly. This tax reaches right down to the very essence and vitality of those institutions. They tax every single depositor in the State banks. It occurs to me that if the design was to reach this mysterious power called the money power, they have shot at one set of men and hit others. In shooting at the money power, if that was the aim, they have struck the depositors, 75 per cent of whom are men of ordinary means and poor men. That is the case entirely with the savings banks, and it is largely so with the banks of deposit.

Mr. President, why are banks singled out for this double taxation, licenses, taxes, and a quarter of 1 per cent upon the average deposits? How much these licenses will figure out I do not know, but anybody can tell what a quarter of 1 per cent is upon eight hundred million or one thousand million dollars. That is to be a constant and never-ending tax, paid month by month, and in that respect it amounts to more than a quarter of 1 per cent. It is not an annual tax, but it is a monthly tax.

These banks of deposit are absolutely essential and necessary to the conduct of business in the Southern States. They are the intermediary between the lender and the borrower; they keep all the capital of the community active; they supply the sinews to every industrial enterprise. They bank upon commercial assets as all banks bank upon commercial assets, and they do not constitute the terrific power against which these taxes are leveled, this great money power, for they do nothing but circulate the capital of the community. They circulate its credit, build up enterprises, make business active, and inspire confidence among the people; for, sir, there is no better educator that I know in any community than the lessons of commercial integrity and commercial probity that the small banks of deposit teach the people in the midst of which they are situated.

It teaches them to be prompt and punctual and honest in meeting their obligations, and that promptness and punctuality and honesty with which they meet their obligations they have to exact from others, so that the spirit of confidence and integrity is instilled into the community, and a bank, whether of deposit or issue of currency, is a blessing to any community in which it is established, and it is one of these instrumentalities of civilization without which we can not get along. Why, therefore, single these banks out at this juncture for these excessive taxations?

The amendment providing for an inheritance tax has passed the Committee of the Whole. It will come up again for consideration in the Senate. That tax is as liable to constitutional objections as is the tax upon banks as banks. There is no higher privilege granted by any civilized state than the privilege of inheritance.

The courts tell us that inheritance is not a natural right, that it is a right that we hold from the State. It is a right granted by the whole social body of which the inheritor or heir is a member. It is not conferred by natural right, because it is held by the judiciary at least that a man's dominion over his property ceases with his death, and all testamentary dispositions and intestate descent of property are governed and controlled and regulated by the municipal statute.

Now, Mr. President, without criticising that statement, I submit that as the jurisdiction of every State extends over and embraces every particle of property situated within its borders, as the descent of that property is by and according to the law of the State, and as that constitutes, therefore, a privilege and a franchise of the supreme character, where is derived the power of the Federal Government to tax this benevolent regulation of the State out of existence?

Will men hold their property from an ancestor at the will and caprice of the taxing power of the General Government? Are we so wrung for money, so pressed for means to combat successfully with the power with which we are at war, that we have even got to invade the domain of the benevolence of fathers for children, husbands for wives, and lay upon them this tax upon the personality that they derive from them? I think not, Mr. President.

I think that the inheritance tax, as well as the taxes upon corporations, is utterly indefensible, both in point of law and in point of policy. There is nothing perfect about this inheritance tax but its inequality, its lack of uniformity. You tax a certain man so much money—for \$10,000, \$20; and you say all over \$10,000 shall be taxed \$40.

Ten thousand and one dollars, therefore, would pay \$40, and \$10,000 would pay \$20. There is your inequality. There is no uniformity in this tax. It has been held that under the State power which grants the privilege of inheritance the State can classify the heir and can put upon each class a tax which may not be uniform with another class, but, sir, that is a power of the State. It is not a power of the Federal Government. If we tax inheritances at all, or if there is any power in the Constitution to tax them, you must tax them under the rule of uniformity laid down to be observed in regard to all other taxes.

Mr. President, I do not propose to say much on the question of seigniorage. I do not want to provoke any discussion upon the monetary topic which has been discussed for the last twenty years. But as the Republican party in power has an established policy which I say is that of maintenance of the gold standard, I submit to my brethren who desire the seigniorage coined that in view of the maintenance of that standard you can not coin the seigniorage. First, because there is no seigniorage.

We have about 109,000,000 ounces of silver, which cost about \$99,000,000. The present worth of it is about 44 cents on the dollar. According to that calculation, you have not only no seigniorage, but you are large losers by the purchase. On what is called seigniorage you have lost about \$56,000,000, and you say that the seigniorage calculated is about \$42,000,000.

Mr. President, I submit that in this emergency of war we can not turn aside and discuss these money questions, which were discussed at the polls, and which were settled, temporarily at least, in favor of the party in power. We can not attempt at this period to inject into this bill the monetary views held by a large number of the members of the Senate.

There is absolutely nothing to coin. We say, whether correctly or not, that silver has declined by natural and legitimate causes. We say that the silver is worth only about 44 cents on the dollar. We say that, taking that calculation, we have lost money—a little more than half the amount that we paid for it. Why, therefore, attempt to inject the peculiar views of the gentlemen who hold to the free coinage of silver at the ratio of 16 to 1 into a bill framed by the opponents and antagonists of that view, and upon whom rests the responsibility for this measure? Mr. President, while this is the nation's war, and while it is the war of every American, the conduct of the war is in the hands of the Republican party. We must hold up their hands. We can not hamper them in their just endeavor to furnish the necessary sinews of war.

I say, sir, that the war is ours, and I say whatever differences of opinion there may have been in regard to the inauguration of hostilities, the noble sentiment of that noble Decatur, whose successor in the same service has cast imperishable luster upon our arms at Manila, is the sentiment that ought to fill every American breast in regard to this war and in the measures for its conduct. "Our country," said Decatur, "may she be always right; but our country, right or wrong." And, sir, when this war is the common war of the American nation against the Kingdom of Spain, and when the party charged with the responsibility of the proper con-

duct of the war demands not something new, only demands finances according to its established policy, I for one stand ready to grant that demand.

Then, sir, we are asked to issue \$150,000,000 of greenbacks. That to me is a most extraordinary demand. The argument has been made in favor of the greenbacks upon the ground that they are cheap money; that they save interest to the people. Why, Mr. President, that goes down to the very root of the controversy between the adherents of the gold standard and those who maintain that the Government can issue money by its fiat. Cheap money? Can that which is not money ever be cheap money? Has not the experience of the United States, as well as the experience of every civilized nation, taught us that this so-called cheap money is the dearest money that a nation ever issued? We have trouble enough, as was stated in argument yesterday upon this question, in regard to maintaining the gold reserve with \$340,000,000 of greenbacks in existence. Now, we do not want to supplement that trouble by adding \$150,000,000 more of greenbacks. There is not a civilized nation on the globe but ours that has not funded its war debt. Our greenbacks are hard to get rid of.

I was struck, Mr. President, by the very eloquent speech made by my honorable friend from Indiana [Mr. TURPIE] in regard to the magnificent manner in which the French nation had responded to the call of the Government for a loan to pay the indemnity exacted of France by Germany. He took occasion in his argument to extol the benefits of an issue of paper money to meet that crisis. I have not read the history of that time as my honorable friend has read it. I am afraid that if \$150,000,000 of these greenbacks are put out, they will never be redeemed; that they will stand to perplex us here and to perplex the country for an indefinite period, which will not be a short period.

But the French Government did not issue on that occasion fiat money—paper money. The Bank of France was authorized by the legislative council to issue, I think, a milliard of francs of paper, made a legal tender. That issue was guaranteed by all the assets of the bank, and in less than three years from the issue of that milliard of francs the whole of them were funded into rentes taken by the French people and the debt was wiped out.

If I could have a guaranty that not only this \$150,000,000 of greenbacks, but the \$340,000,000 now extant, would be consolidated and funded as the French funded their war debt, I rather think that I might vote for the proposition to issue the additional \$150,000,000; but with the experience of thirty-odd years staring us in the face, it is idle to hope that the \$150,000,000 would shortly be funded if put out or that the \$340,000,000 now in existence will be shortly funded.

I look upon the greenbacks as the source of many of our financial troubles. I look upon their issuance as having debauched, to some extent, the public mind and associated money with the idea of the imperial power of government to create value out of nothing.

I say, therefore, Mr. President, whether my view be right or whether the view of gentlemen who hold that by an imperial edict of this powerful nation we can give value to paper and keep it upon a par with gold, it is not now time to consider. But at least I ask that the prevailing policy of a party pledged to maintain the supremacy and integrity of the gold standard shall be allowed to prevail at this juncture of our affairs.

I do not think, Mr. President, that it is of any avail to discuss this bill in its general features any further than I have. So far as this amendment goes, there are a number of taxes in this bill which in general debate, I suppose, hereafter will be carefully considered, but so far as I am concerned I shall vote, and very cordially vote, against the coinage of the seigniorage. I shall vote against the corporate taxes on gross receipts, and I shall vote against the inheritance tax.

I should like to vote for a further issue of bonds. I believe that the Finance Committee erred when it did not follow the bill passed by the other House, providing for the issue of \$500,000,000 of bonds. The proposed issue of bonds is safeguarded in such a manner that no harm could accrue if there were more bonds issued than are necessary for the conduct of the war.

The proviso in the bill limits the proceeds of the bonds to war purposes, and gives the Secretary of the Treasury the power to issue the bonds whenever, in his discretion, it becomes necessary for war expenditures. I have full confidence in the President and his Secretary of the Treasury that bonds will not be issued to cover any other expenses than those provided for in the bill. With that safeguard, why not grant at once to the Commander in Chief of the Army and Navy a sufficient amount of funds to carry on this war to a successful termination?

I am just told that there is another call for 75,000 troops. To fill up the present organization of the Regular Army and the Volunteer Army 190,000 men are required. If you add 75,000 men to that number, you will then have to equip an army of 265,000 men. It will cost at least \$1,000 per man to thoroughly arm, equip, and put in the field for one year these 75,000 extra troops; and

with the enormous expenses that will be entailed in the transportation of troops from the Pacific coast to Manila, and with the enormous expenses that are necessary to be entailed in the occupation of Cuba, I believe that the estimates of the war expenses are entirely too small.

As my friend from California [Mr. WHITE] suggests to me, we have to establish a stable government in Cuba. That is going to cost a great deal of money. I have never been one of the enthusiasts who have thought that all we had to do was to raise our flag over the Island of Cuba, fire an American gun, and those redoubtable Cuban patriots would flock to our standard immediately and run the Spaniards into the sea. I must confess that I have had some doubts both as to the number and as to the capacity of the great army of Gomez.

It occurs, when we land munitions of war and provisions, after a preconcerted arrangement with the leaders of the insurrection to meet us there and take the arms and provisions, that we do not find the patriots. Perhaps, Mr. President, they have been in such a habit of eluding the Spaniards that they have to keep up that habit, and have eluded our efforts to provide them with arms and supplies. Be that as it may, we are all convinced that this campaign is going to cost a great deal more than any of us heretofore thought.

The rainy season in Cuba has commenced, or is about to commence. Field operations, I am told, are absolutely impossible in the rainy season, both on account of the difficulty of marching and on account of the danger from the different fevers they have there, especially the yellow fever. If we keep the troops here until fall or transport them to Cuba and then have a campaign, if, in the meantime, we do not annihilate the Spanish fleet—which is about as elusive as Gomez's troops—the expenses will swell up to an amount of which we can have no possible conception.

The choice lays between the hazardous and objectionable taxation of corporations, inheritances, and coinage of a loan, and the issuing of bonds under a perfect guaranty that the money will be legally and immediately procured and applied solely for war purposes.

I am not one who wants to fasten entirely upon this generation all the expenditures of this war. These bonds are only provided to run from ten to twenty years. They may be taken up at the expiration of ten years, and are payable at the expiration of twenty years. That is in the space of one generation. It is not a long time to wait. But taxation is a slow business. Before we can derive the amount of taxes imposed by this bill our armies may be in need, our soldiers may suffer, our fleets may want coal. We do not know what exigencies of war may arise.

The idea of saving money by issuing something that is not money in the shape of these greenbacks is an idea that I can not entertain. My feeble intelligence can not grasp it. We could pay as we go if we had a surplus like the Czar of Russia; but our Republic is so regulated that our expenditures and receipts ought to equalize. We do not want a surplus; we are not a despotism; and so, therefore, when war overtakes us we have a depleted Treasury.

The Dingley law itself, Mr. President, is furnishing quite a handsome deficit as the time goes by. The illusory dream entertained by the framers and proponents of that law that at the end of this fiscal year it will catch up, I do not much indulge in. Counting in the amount derived from the sale of the Pacific railroads, it is now \$20,000,000 short. In the first eight months of its existence it was about \$52,000,000 short. It certainly can not catch up in four months. I do not see how it can be done.

With, therefore, a law framed in peace times failing to raise sufficient revenue, with an expensive war on hand, I ask Senators if it is not wise and prudent at once to provide, after the manner of the financial policy of the party in power, for the necessary sinews, so that the war will not lag and that our armies may not meet with any impediment to that swift and perfect victory which is prayed for by every American patriot?

Mr. MORGAN. I move to lay on the table the amendment of the Senator from Louisiana to the amendment of the committee, and I ask for the yeas and nays on that motion.

Mr. TELLER. Let the amendment to the amendment be stated from the desk.

The PRESIDING OFFICER (Mr. MANTLE in the chair). The amendment to the amendment will be stated.

The SECRETARY. On page 62, in line 31, after the word "shareholders," it is proposed to insert:

Limited liability commercial partnerships, or corporations, and companies or corporations of limited liability conducting planting or farming business, or preparing for market products of the soil.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Alabama [Mr. MORGAN], to lay upon the table the amendment proposed by the Senator from Louisiana [Mr. McENERY], which has just been read, on which the yeas and nays are demanded.

Mr. GORMAN. I hope the Senator from Alabama will withdraw that motion until the Senator from Louisiana comes in,

Mr. MORGAN. I will withdraw it.

Mr. CLAY. I will state that the Senator from Louisiana [Mr. McENERY] has just come in.

Mr. MORGAN. Then I insist on my motion.

The PRESIDING OFFICER. Is the demand for the yeas and nays to lay the amendment to the amendment on the table seconded?

The yeas and nays were ordered.

Mr. WHITE. I wish to make a suggestion, if in order. I desire to make a few remarks on the general matter of the special corporation tax, but I prefer to do it the first thing in the morning. The Senator from Alabama, however, has made a motion to lay this particular amendment on the table; and it touches upon a subject which was pretty well discussed—

Mr. MORGAN. This question is not debatable, and I demand a vote.

Mr. WHITE. The Senator can have a vote.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). The senior Senator from Delaware [Mr. GRAY], with whom I am paired, is absent from the Chamber, and I therefore withhold my vote.

Mr. DAVIS (when his name was called). I am paired with the junior Senator from Texas [Mr. CHILTON].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. I do not see him in his seat, and will therefore withhold my vote.

Mr. MURPHY (when his name was called). I am paired with the junior Senator from New York [Mr. PLATT], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. I inquire if he has voted?

The PRESIDING OFFICER. He has not voted.

Mr. TURLEY. I withhold my vote, in the absence of that Senator. If he were present, I should vote "yea."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], who is absent, and I therefore withhold my vote.

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER], and therefore withhold my vote.

The roll call was concluded.

Mr. HANNA (after having voted in the affirmative). I am paired with the Senator from Utah [Mr. RAWLINS] who is not in the Chamber, and therefore I desire to withdraw my vote.

I wish further to say that my colleague [Mr. FORAKER] is absent attending the funeral of his father. He is paired with the Senator from Florida [Mr. PASCO].

Mr. TILLMAN. I have a general pair with the Senator from Nebraska [Mr. THURSTON]. I do not know how he would vote, if present, and I therefore withhold my vote.

Mr. PASCO. I am paired on this vote with the Senator from Ohio [Mr. FORAKER].

Mr. MANTLE. I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not see him in the Chamber, and therefore I withhold my vote.

Mr. HANNA. I desire to transfer my pair with the junior Senator from Utah [Mr. RAWLINS] to the Senator from Kansas [Mr. BAKER] and vote. I vote "yea."

Mr. ALLEN. I desire to announce that the junior Senator from Washington [Mr. TURNER] stands paired generally with the senior Senator from Wyoming [Mr. WARREN].

The result was announced—yeas 86, nays 10; as follows:

YEAS—86.			
Aldrich,	Fry,	Lodge,	Quay,
Allison,	Gear,	Mallory,	Rosch,
Bate,	Gorman,	Money,	Sewell,
Burrows,	Hanna,	Morgan,	Shoup,
Carter,	Hansbrough,	Nelson,	Teller,
Daniel,	Hawley,	Perkins,	Wetmore,
Deboe,	Helfield,	Pettigrew,	White,
Elkins,	Jones, Ark.	Platt, Conn.	Wilson,
Fairbanks,	Kyle,	Proctor,	Wolcott,
NAYS—10.			
Allen,	Chandler,	Faulkner,	Vest,
Bacon,	Clay,	Hale,	
Caffery,	Cockrell,	McEnery,	
NOT VOTING—42.			
Baker,	Harris,	Mills,	Spooner,
Berry,	Hoar,	Mitchell,	Stewart,
Butler,	Jones, Nev.	Morrill,	Thurston,
Cannon,	Kenney,	Murphy,	Tillman,
Chilton,	Lindsay,	Pasco,	Turley,
Clark,	McBride,	Penrose,	Turner,
Cullom,	McLaurin,	Pettus,	Turpie,
Davis,	McMillan,	Platt, N. Y.	Warren,
Foraker,	Mantle,	Pritchard,	Wellington,
Gallinger,	Martin,	Rawlins,	
Gray,	Mason,	Smith,	

So Mr. McENERY's amendment to the amendment of the committee was laid on the table.

Mr. WHITE obtained the floor.

Mr. ALLISON. Mr. President—

Mr. WHITE. I yield to the Senator from Iowa.

Mr. ALLISON. The Senator from California, I understand, desires to speak to the amendment now pending?

Mr. WHITE. That is correct.

Mr. ALLISON. For reasons best known to himself he prefers to go on to-morrow morning. It is certainly necessary for us, if the bill is to be completed within a reasonable time, to have some understanding about the length of the daily sessions.

I have ascertained, so far as I can, about the number of Senators who desire to speak to the merits of these propositions, and I am satisfied they will not occupy very much more time. I should be willing either that the Senate should adjourn or go into executive session at this hour if we could have some understanding that we will dispose of the bill during the present week. It is known that next Monday is a holiday and that to-morrow at 2 o'clock there is a special assignment in which all Senators are very much interested. I am sure that one faithful day spent upon the bill, possibly with an evening session, will enable us to conclude every provision in it. I ask unanimous consent to have it understood that this bill shall be completed on Saturday before adjournment, fixing no hour or time.

Mr. TELLER. I shall object to that proposition. I told the Senator I would. I do not think we are in a position to agree to that. I desire to say that so far as I am concerned I intend to take a very short time, but there is no necessity for such an agreement now.

Mr. JONES of Arkansas. Will the Senator from Iowa allow me to make a suggestion?

Mr. ALLISON. Certainly.

Mr. JONES of Arkansas. I believe the bill can be disposed of by Saturday night, but I believe it can be done much more certainly by not undertaking to have any definite time fixed when the vote is to come. There is no disposition, so far as I know, on either side of the Chamber to delay the consideration of the bill for an hour; we all desire to get along, but there is very strong feeling against being hampered with any definite proposition that we are going to dispose of it at any particular day or at any particular hour.

I believe it can be disposed of before we adjourn Saturday night; but I think the best way to do it is to agree to adjourn until 11 o'clock to-morrow, come here at 11 and do what we can, and then adjourn until 11 o'clock Friday, and so on. There will be no difficulty in its being done, but I think it is best not to undertake to have an agreement.

Mr. ALLISON. With the assurance of the Senator from Arkansas—

Mr. WHITE. I have the floor.

Mr. DANIEL. Will the Senator permit me? I do not concur with any of the gentlemen who think the bill can be concluded this week. I wish to say for myself that if perchance the amendments which are now pending shall be knocked out of the bill, I have other amendments to propose for them which may open debate. I want to give gentlemen full opportunity to vote for taxation to sustain the Government. If I should find that there is no disposition here to share in the payment of taxes to support the Government in such a way as seems to be equitable and just, I shall move to strike out some of the provisions of the bill in which the country has been put upon a war basis as if it were in a terrible predicament, while other subjects are left in repose. I do not believe we can give sufficient consideration to these subjects and get through by Saturday night.

Neither do I conceive that there is the slightest plausibility in any argument that there is any haste for getting through with the bill. We have the good news, which I certainly hope will prove true, that the Spanish fleet is now cooped up at Santiago de Cuba. If the report should prove to be true, especially if that fleet should be captured, we may dispense with borrowing the few hundred million dollars that are appended to the bill, as the occasion for their use for any legitimate purposes of war expenditure will probably be very much diminished.

Instead of hurrying through the bill, it seems to me, sir, that it ought to be the effort and desire of every member of the Federal Legislature to prevent, if possible, this tremendous public debt and expenditure of public money which is to be laid upon future generations. At least it seems to me that we ought to have every opportunity to put forward fully the views we have upon the various clauses in the bill.

I will state further, Mr. President, while I am upon my feet, that a number of gentlemen, including my neighbors, the Senator from Kentucky [Mr. LINDSAY] and the Senator from Louisiana [Mr. CAFFERY], have, instead of discussing the pending amendment to the bill, discussed the bill in its broader features, and that very little time has been occupied by the matter which is understood to be pending before the Senate; and of course if on every amendment of that sort there is to be such enlargement of

debate, the time may be extended in which the bill can be got through.

Mr. TELLER. I do not know but that the bill may be disposed of by Saturday night or by the close of the legislative day of Saturday. What I object to is fixing a time and then allowing certain Senators to take the floor and discuss questions connected with the bill and everything else, and at the last moment, when proper amendments are offered, there is no opportunity whatever to explain and discuss them.

I have no disposition myself to delay the bill an hour beyond what is necessary. I am not to be moved into any haste on this bill by any insane clamor we hear from the outside that we are delaying the Government in its efforts to carry on the war. There is nothing in that. The Government will have its money and plenty of it, and it will have it in time, and in ample time. This is a revenue bill of vast interest to the people of the United States, and it ought to be a revenue bill that will be a permanent and not a temporary one, in my judgment. We should take reasonable time for its fair consideration, and get it in shape where it may remain permanently on the statute books, or at least until we have received revenue enough to meet the demand that will certainly come upon us growing out of the war and the conditions that will arise immediately thereafter.

So far as I am concerned, I am willing to come here at 10 o'clock in the morning every morning until the bill is disposed of. If the Senate thinks it is necessary to press matters, I will vote for 10 o'clock as I voted for 11 o'clock yesterday.

Mr. ELKINS. Eleven o'clock is very onerous.

Mr. TELLER. Eleven o'clock or 10 o'clock is not onerous compared with the onerous proposition of disposing of a bill without due consideration. I know that it is popular in some places to suppose that we should, without due consideration, meet the demands for money without any reference to the methods by which the money is to be raised. If we are willing to raise the money in a constitutional manner, we ought at least to have an opportunity to discuss those questions, and, so far as I am concerned, I intend that it shall be done.

Mr. ALLISON. It was no part of my purpose in making these suggestions to prevent full and free discussion upon the bill and every part of it and upon every amendment that may be proposed to it. Senators all about me on both sides of the Chamber, upon such inquiry as I could make, stated that it was possible to finish the bill this week, and now at half past 4 o'clock it is proposed that we shall lay the bill aside. I could not see how it was possible to give full discussion unless we had some understanding as to the hour of meeting and the time for the final disposal of the bill.

I can only say that after to-day, having charge of this bill, I shall endeavor to secure longer sessions of the Senate and longer time for debate upon the various provisions.

Mr. DANIEL. Will the Senator from Iowa allow me to make an inquiry?

Mr. ALLISON. Certainly.

Mr. DANIEL. Is there any public emergency or occasion why we should attend at extraordinary hours? The Senator is aware that in the mobilization of the troops there are many necessary things that Senators have to attend to outside of the Senate. They are emergent upon them and can not be delayed. If we are to have sessions of extraordinary length, it is almost impossible to attend to them, while if we meet at the usual hour we may keep up with our legislative business and transact outside matters also.

Mr. ALLISON. I know of no public emergency that requires us to pass the bill one day rather than another day, but certainly there is necessity of the passage of the bill at as early a time as it can be passed with the debate and consideration which it ought to have. It seems to me that at this period of the session it is worth while for us to sit here a sufficient number of hours each day to make progress with the bill. We have made very good progress hitherto, I know, but I think we can dispose of these questions in a very few days to the full satisfaction of Senators. As we can have no understanding or arrangement about it, I now move—

Mr. WHITE. Will the Senator from Iowa yield to me? I should like to take the floor upon the bill, and I will state that I will proceed when the Senate meets to-morrow and the bill is taken up. I wish to add that so far as I am personally concerned I am anxious to see the matter pressed to a vote as soon as possible, and that I hope and believe it is possible to adjourn Congress within the next two or three weeks.

HOOR OF MEETING.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

SUBURBAN HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. It will be remembered that this morning I was about to make a report on the bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to

provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes. I ventured to state that this is a matter of very great concern to the people of the District of Columbia. It is a bill which the committee has had under consideration for several months constantly. I ask unanimous consent for its consideration upon the supposition that it will not lead to debate. If it leads to debate, I will ask that it go to the Calendar.

Mr. GORMAN. I trust the Senator from New Hampshire will not press the bill to-night. I prefer that it should go to the Calendar.

The VICE-PRESIDENT. Objection is made.

Mr. GALLINGER. Let the bill go to the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

RAILROAD COMPANIES IN THE INDIAN TERRITORY.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 8349) granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, in line 3, page 1, after the word "company," to strike out "created by or existing under the laws of the United States and;" and in line 1, page 2, after the word "to," to strike out "paralleling and" and insert "parallel or;" so as to make the bill read:

Be it enacted, etc., That it shall and may be lawful for any company operating a line of railroad, either wholly or partially, in the Indian Territory to enter into contracts for the use or lease of the railroad and other property of any railroad company whose line may now or hereafter connect with its line upon such terms as may be agreed upon by the respective companies, and to use and operate such road or roads in accordance with the terms of such contract or lease, but subject to the obligations imposed upon the respective companies by their charters or by the laws of the United States or of the State or Territory in which such leased road may be situated: Provided, That the terms of this act shall not apply to parallel or competing lines.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MASON. I should like to ask the Senator from Arkansas a question. Does the bill provide for the purchase of one railroad by another which parallels it?

Mr. JONES of Arkansas. It does not. If the Secretary will read the first part of the bill, the Senator will see what it does.

Mr. MASON. I do not care for that. I merely want the Senator's statement.

Mr. JONES of Arkansas. It simply provides that roads operating in the Indian Territory in the same direction that join each other—not parallel roads—may be leased and operated together under one management. There is no such power in the Indian Territory. It exists everywhere else, I think.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. JONES of Arkansas. I move that the Senate request a conference with the House upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT of Connecticut, Mr. PETTIGREW, and Mr. JONES of Arkansas were appointed.

CAB SERVICE IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 189) authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. McMILLAN. The joint resolution has already been read. After the word "in," in line 1, page 2, I move that the words "the city of New York" be stricken out and "Washington, D. C." inserted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 1, page 2, it is proposed to strike out "the city of New York" and insert "Washington, D. C.;" so as to make the joint resolution read:

Resolved by the Senate and House of Representatives, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to locate on the streets or parts of streets adjoining the stations of any railroad company in the District of Columbia, a stand for cabs, carriages, and other vehicles for the conveyance of passengers to and from the said railroad stations, said service to be established by the said railroad companies. That the rates of charges for the service to be rendered by the said railroad companies shall be fixed by the Commissioners of the District of Columbia, and that at no time shall the schedule exceed the rates now in force in Washington, D. C.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

MARY CAMPBELL.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 4086) to authorize the Secretary of the Interior to issue a patent in fee to Mary Campbell, a Nez Perce Indian allottee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue a patent in fee to Mary Campbell for that portion of the land heretofore allotted to her in the State of Idaho as a Nez Perce Indian which is situated within the limits of what was formerly known as the "Langford claim," and removes all restrictions as to the sale, incumbrance, or taxation of the land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS AND TRADE-MARKS.

Mr. PLATT of Connecticut. I ask unanimous consent to call up the bill (H. R. 9815) appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the President, with the advice and consent of the Senate, shall appoint three commissioners, to serve without compensation, whose duty it shall be to revise and amend the laws of the United States concerning patents, trade and other marks, and trade or commercial names, which shall be in force at the time such commission shall make its final report, so far as the same relates to matters contained in or affected by the convention for the protection of industrial property concluded at Paris March 20, 1883, the agreements under the convention concluded at Madrid April 14, 1891, and the protocols adopted by the conference held under such convention at Brussels, 1897, and the treaties of the United States, and the laws of other nations relating to patents, trade and other marks, and trade or commercial names.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. FINDLEY.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (H. R. 4456) for the relief of Joseph R. Findley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke the order dismissing Joseph R. Findley from the military service of the United States as captain of Company F, Seventy-sixth Regiment of Pennsylvania Volunteers, and to honorably discharge him, to date from the 4th day of October, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 26, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 25, 1898.

POSTMASTERS.

Andrew J. Locke, to be postmaster at Eufaula, in the county of Barbour and State of Alabama, in the place of E. L. Brown, whose commission expired March 20, 1898.

F. E. Cushing, to be postmaster at Red Bluff, in the county of Tehama and State of California, in the place of H. W. Brown, whose commission expired May 5, 1898.

William George, to be postmaster at Grass Valley, in the county of Nevada and State of California, in the place of E. C. Morgan, whose commission expires June 7, 1898.

John W. Wilson, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado, in the place of E. E. Whedon, removed.

B. E. Raulerson, to be postmaster at Lake City, in the county of Columbia and State of Florida, in the place of W. H. Perry, whose commission expires June 20, 1898.

M. C. McMurray, to be postmaster at Saybrook, in the county of McLean and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1898.

W. H. Steen, to be postmaster at Braidwood, in the county of

Will and State of Illinois, in the place of P. H. Kelly, whose commission expired February 14, 1898.

F. G. Atherton, to be postmaster at Osage, in the county of Mitchell and State of Iowa, in the place of A. C. Tupper, whose commission expired May 15, 1898.

Benjamin A. Nichols, to be postmaster at West Liberty, in the county of Muscatine and State of Iowa, in the place of N. C. Stanton, whose commission expires June 11, 1898.

G. L. Van de Steeg, to be postmaster at Orange City, in the county of Sioux and State of Iowa, in the place of T. J. Deck, whose commission expires June 1, 1898.

T. E. Hurley, to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas, in the place of Harry McMillan, whose commission expires June 7, 1898.

E. P. Johnson, to be postmaster at Seneca, in the county of Nemaha and State of Kansas, in the place of A. P. Herold, whose commission expired March 19, 1898.

J. Kansas Morgan, to be postmaster at Neodesha, in the county of Wilson and State of Kansas, in the place of J. B. Lile, whose commission expired March 19, 1898.

William Stackpole, to be postmaster at Saco, in the county of York and State of Maine, in the place of H. E. Tibbetts, whose commission expired May 15, 1898.

Henry H. Aplin, to be postmaster at West Bay City, in the county of Bay and State of Michigan, in the place of W. H. Phillips, whose commission expires May 28, 1898.

James Buckley, to be postmaster at Petoskey, in the county of Emmet and State of Michigan, in the place of P. B. Wachtel, whose commission expires May 28, 1898.

William J. Richards, to be postmaster at Union City, in the county of Branch and State of Michigan, in the place of E. H. Page, whose commission expires May 29, 1898.

Wesley E. Collins, to be postmaster at Summit, in the county of Pike and State of Mississippi, in the place of S. D. Persell, removed.

C. M. Alger, to be postmaster at Hannibal, in the county of Marion and State of Missouri, in the place of J. M. Nickell, whose commission expires May 29, 1898.

John N. Hassler, to be postmaster at Pawnee City, in the county of Pawnee and State of Nebraska, in the place of A. S. Story, whose commission expired April 23, 1898.

Andrew Richmond, to be postmaster at Orleans, in the county of Harlan and State of Nebraska, in the place of Emma J. Grafft, whose commission expired April 5, 1898.

Pierre Black, to be postmaster at Belleville, in the county of Essex and State of New Jersey, in the place of W. D. Holmes, whose commission expires June 5, 1898.

Elias H. Bird, to be postmaster at Plainfield, in the county of Union and State of New Jersey, in the place of J. M. Hetfield, whose commission expired May 11, 1898.

Leonard Schroeder, to be postmaster at Hoboken, in the county of Hudson and State of New Jersey, in the place of James Curran, whose commission expired December 12, 1897.

Peter F. Wanser, to be postmaster at Jersey City, in the county of Hudson and State of New Jersey, in the place of R. S. Jordan, whose commission expired April 5, 1898.

Ellsworth F. Pike, to be postmaster at Franklin Falls, in the county of Merrimack and State of New Hampshire, in the place of F. H. Daniell, whose commission expired April 7, 1898.

Napoleon B. Mulliner, to be postmaster at Hempstead, in the county of Queens and State of New York, in the place of W. H. S. Smith, resigned.

Charles E. Sheldon, to be postmaster at Sherman, in the county of Chautauqua and State of New York, in the place of D. W. Adams, whose commission expired March 23, 1898.

Charles A. Snyder, to be postmaster at Middleburg, in the county of Schoharie and State of New York, in the place of Alonzo Almy, whose commission expired March 6, 1898.

Emmons R. Stockwell, to be postmaster at Theresa, in the county of Jefferson and State of New York, in the place of P. B. Salisbury, whose commission expired April 18, 1898.

Seymour W. Hancock, to be postmaster at Newbern, in the county of Craven and State of North Carolina, in the place of Matthias Manly, whose commission expired February 16, 1898.

Almon L. Loomis, to be postmaster at Fargo, in the county of Cass and State of North Dakota, in the place of J. J. Hughes, whose commission expires June 2, 1898.

William N. Walker, to be postmaster at Stillwater, in the county of Payne and Territory of Oklahoma, in the place of Rufus J. Bost, removed.

S. E. Dubbel, to be postmaster at Waynesboro, in the county of Franklin and State of Pennsylvania, in the place of A. D. Morganthall, whose commission expired May 2, 1898.

Joshua E. Wilson, to be postmaster at Florence, in the county of Florence and State of South Carolina, in the place of J. S. McKenzie, whose commission expired May 11, 1898.

John Baker, to be postmaster at Deadwood, in the county of

Lawrence and State of South Dakota, in the place of Martin Gerard, removed.

H. C. Clark, to be postmaster at Mitchell, in the county of Davison and State of South Dakota, in the place of S. T. Greene, whose commission expired March 19, 1898.

Henry F. Attaway, to be postmaster at Hillsboro, in the county of Hill and State of Texas, in the place of Sallie West, removed.

G. L. Burk, to be postmaster at Van Alstyne, in the county of Grayson and State of Texas, in the place of B. F. Moore, whose commission expired February 7, 1898.

Charles H. Holmcamp, to be postmaster at Lagrange, in the county of Fayette and State of Texas, in the place of J. P. Ehlinger, whose commission expired November 1, 1897.

Everton W. Kennerly, to be postmaster at Giddings, in the county of Lee and State of Texas, in the place of J. E. Green, removed.

L. D. Getzendaner, to be postmaster at Charlestown, in the county of Jefferson and State of West Virginia, in the place of G. H. Flagg, whose commission expired April 7, 1898.

INDIAN AGENT.

John Jensen, of North Enid, Okla., to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland Agency, in Oklahoma Territory, vice Asa C. Sharp, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1898.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

William Woodville Rockhill, of the District of Columbia, to be envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia.

CONSULS.

Rounseville Wildman, of California, now consul at Hongkong, to be consul-general of the United States at Hongkong, China.

Victor E. Nelson, of California, to be consul of the United States at Bergen, Norway.

Oliver J. D. Hughes, of Connecticut, now consul at Sonneberg, to be consul of the United States at Coburg, Germany.

Richard T. Greener, of New York, recently nominated and confirmed as consul at Bombay, to be consul of the United States at Vladivostok, Russia.

Henry H. Morgan, of Louisiana, now consul at Horgen, to be consul of the United States at Aarau, Switzerland.

George F. Lincoln, of Connecticut, now consul at Antwerp, to be consul-general of the United States at Antwerp, Belgium.

George H. Jackson, of Connecticut, now consul at Cognac, to be consul of the United States at La Rochelle, France.

SECRETARY OF LEGATION.

Rufus A. Lane, of California, to be secretary of the legation of the United States to Nicaragua, Costa Rica, and Salvador.

SECOND SECRETARY OF EMBASSY.

Herbert J. Hagerman, of Colorado, to be second secretary of the embassy of the United States at St. Petersburg, Russia.

JUSTICE OF THE PEACE.

Samuel R. Church, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington).

SURVEYOR OF CUSTOMS.

James Jeffries, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

INDIAN AGENT.

James G. Reid, of Forest City, S. Dak., to be agent for the Indians of the Cheyenne River Agency in South Dakota.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be commissaries of subsistence with the rank of captain.

Eben B. Fenton, of Michigan.

Martin M. Marshall, of Iowa.

Robert H. Beckham, of Texas.

To be assistant quartermasters with the rank of captain.

Giles H. Holden, of Minnesota.

Chester B. Worthington, of Iowa.

POSTMASTERS.

Napoleon B. Mulliner, to be postmaster at Hempstead, in the county of Queens and State of New York.

J. Scoonover, to be postmaster at Greenville, in the county of Hunt and State of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 25, 1898.

The House met at 12 o'clock noon. Prayer by the Rev. HARVEY S. FISHER, of Buffalo, N. Y., chaplain of the Sixty-fifth Regiment New York Volunteers.

The Journal of the proceedings of yesterday was read and approved.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. PERKINS. Mr. Speaker, I desire to make a report from the Committee on Printing, and I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed 12,000 copies of the Statistical Abstract of the United States for the year 1897, prepared by the Bureau of Statistics, Treasury Department, 3,000 copies for the use of the members of the Senate, 6,000 copies for the use of the members of the House of Representatives, and 3,000 copies for the use of the Bureau of Statistics, Treasury Department.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection; and the resolution was agreed to.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. WILLIAMS of Pennsylvania, for ten days, on account of sickness in the family.

To Mr. THORP, indefinitely, on account of important business.

GRANT OF LAND TO NEW MEXICO.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8226) to make certain grants of land to the Territory of New Mexico, and for other purposes.

Mr. BAILEY. Mr. Speaker, I desire to ask the gentleman if this is the unanimous report of the Committee on Public Lands?

Mr. LACEY. It is. I think, as the bill is somewhat lengthy, that a few words of explanation will be better, and then the bill may be read at length.

Mr. BAILEY. I have no objection to that. My understanding is that it is a bill all of the committee has reported, and I am willing unanimous consent should be given.

Mr. PAYNE. I do not care whether explanation comes first or after, but I desire to have the bill read before unanimous consent is given for consideration.

The SPEAKER. The Clerk will read the bill.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. LACEY. I believe the proposition was to consider the bill in the House as in Committee of the Whole. I will briefly outline the purposes of this bill before having it read by sections for amendment. There are quite a number of amendments recommended by the committee. The Territory of New Mexico is one of the oldest settled of all the Territories of the United States. The city of Santa Fe is perhaps, if not quite, the oldest city in the United States. The country, however, has not been thickly settled; the population is to a considerable extent Mexican, familiar only with the Spanish language, and of necessity the progress of education in the Territory has been slow.

There have been many reasons for keeping this Territory in its present condition and not admitting it as a State into the Union, reasons which will be wholly unnecessary to discuss at this time, but I believe it will be admitted on both sides of the House that there is no immediate probability of its admission into the Union.

Now, this being the case, an injustice is being done to the people, and particularly to the children, of that Territory, by preventing them during so long a period from availing themselves of the privileges of the usual grants of land upon the admission of a Territory into the Union as a sovereign State. There have been recent cases decided by the Private Land Court—a court organized in the Fifty-first Congress to settle the various Spanish land grants which have for a long time clouded that Territory and Arizona—cases in which it has been held that land which has heretofore been claimed under Spanish grants are now subject to the general power of the Congress of the United States as a part of the public domain. These lands, however, unless selections are made from them, will speedily be culled until probably by the time the Territory shall have been admitted into the Union there will be nothing left for the new State but the desert land from which to make selections.

The gentleman from New Mexico, the Delegate from that Territory [Mr. FERGUSON], introduced this bill, taking the enabling act of the Territory of Utah as his guide, making a number of grants, the usual land grants, and introduced a bill granting immediately to that Territory substantially the same amount of

land that has been given to the State of Utah. In considering the matter in the Committee on Public Lands it was thought that this would involve a very close discussion as to the amount and character of the land, and as to the propriety of an apportionment by Congress, and it was suggested to the Delegate from New Mexico that it would perhaps be better to take his bill and scale it down and give to the Territory at present about one-half as much land as Utah has received, and reserve for the final admission of the Territory a grant of such additional amount as would bring it up to the amount allowed a new State, and something like in value what its sister States have heretofore received.

There is no State that is exactly like New Mexico. The State of Utah comes nearer to it as to the character and capabilities of the land, and we have taken the grants to that Territory as the basis, and have scaled the amount of the land to about one-half what was granted to that State. It is thought that that ought to be satisfactory as a solution of the question at this time, and will enable the new Territory to make a selection of a considerable portion of the land that will ultimately be of value.

Mr. DOKERY. What number of acres does the act grant to the Territory of New Mexico by this bill?

Mr. LACEY. The grant is made in different forms. The State of Utah obtained four sections for school purposes.

In most of the States—in fact, all of them lying east of the Mississippi—the grant was made of one section in each township for school purposes. West of the Mississippi and the Missouri the grant has usually been of two sections out of each township. But in Utah, the land being poor—largely arid—the grant has been increased to four sections in each township, it being thought that in consideration of the arid land of that region four sections would not be any more valuable than two sections somewhat farther east, or one section still farther east—east of the Mississippi River.

Mr. HARTMAN. Does this grant, which operates as a sort of grant preliminary to statehood, preclude the filling out of the full grant to New Mexico when it shall become a State?

Mr. LACEY. The committee in cutting the grant down to one-half, as I have already explained, inserted also a provision—

That this act is intended only as a partial grant of the lands to which said Territory may be entitled upon its admission into the Union as a State, reserving the question as to the total amount of lands to be granted to said Territory until the admission of said Territory as a State shall be determined on by Congress.

Mr. HARTMAN. That is satisfactory.

Mr. LACEY. That provision would enable Congress at some future time to make the total quantity of land what might be considered right. If the grant to Utah should be considered too large, the quantity could be scaled down; if it should be concluded that the grant in the case of Utah was substantially what the Territory of New Mexico ought to have, that quantity could be determined upon; or, if deemed just, a still larger grant could be made.

Mr. KING. Will the gentleman permit me to make an inquiry?

Mr. LACEY. I yield for that purpose.

Mr. KING. I desire to inquire whether this is a grant in present, transferring the title absolutely to the control of the Territory, so that it may be appropriated by the legislature for school purposes—whether or not the Territory by its legislature will be able to exercise proper control over this land, so as to alienate it, rent it, or do anything that a sovereign power may do with respect to territory under its control?

Mr. LACEY. The provision about which the gentleman inquires is embraced in the substitute for section 10. As proposed in the original bill, that section provided—

SEC. 10. That the Secretary of the Interior shall continue to dispose of said lands, except as herein otherwise provided, according to the general land laws of the United States, and shall preserve in separate funds the proceeds of the sale of said lands, after deducting all the expenses incident to the same, for the use of the Territory of New Mexico, as such proceeds may from time to time be appropriated by the legislative assembly of the Territory of New Mexico for the purpose indicated in each respective grant of land made herein.

The amendment proposed by the committee is as follows:

That the lands reserved for university purposes, including all saline lands, and sections 16 and 36 reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; but until the meeting of the next legislature of said Territory the governor, secretary of the Territory, and the solicitor-general shall constitute a board for the leasing of said lands; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State; and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions, and shall be paid out only as directed by the legislative assembly of said Territory, and for the purposes indicated herein. The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory.

It will be observed that the provision of the amendment gives

to the Territory the power to lease and also the power subsequently to sell—

and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales; and not more than one-quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than \$1.25 per acre; and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this act, etc.

Mr. McMILLIN. Will the gentleman permit me one question?

Mr. LACEY. Certainly.

Mr. McMILLIN. If I understand correctly, this bill is designed to give to the Territory of New Mexico a portion of the lands that would be given to it, according to the custom in such cases, if it were admitted as a State?

Mr. LACEY. Approximately about one-half.

Mr. McMILLIN. And this action is only anticipating to that extent the statehood of New Mexico?

Mr. LACEY. The gentleman is correct.

Mr. McMILLIN. Now, does not the gentleman think that the Territory of New Mexico has sufficient area to justify its admission as a State?

Mr. LACEY. I decline to discuss that proposition. I do not want to embarrass my friend from New Mexico by introducing the question of statehood at this time. I have very decided views upon that question; and I have no doubt my friend from Tennessee has equally decided views upon it. I do not care to go into that question at this time. It is enough to say that there is no present probability of the admission of that Territory into the Union during the present Congress.

Mr. McMILLIN. Then, if the gentleman declines to answer my question, I trust he will allow me a moment to make this suggestion: He has said there is no present prospect of the admission of that Territory as a State. Now, it has all the area necessary for admission as a State; it has and has had for years all the population necessary to admit it as a State. It ought to be admitted as a State—

Mr. LACEY. I think not.

Mr. McMILLIN. And I simply wanted to say that we do great injustice to that Territory and to ourselves by not admitting it as a State.

The effect of this, I fear, will be to postpone its admission as a State. I do not believe we ought to rob them of that to which they are entitled because we refuse to do them one justice; and as a representative of another portion of the Union, I want to raise my voice to-day in favor of the admission of both that Territory and Arizona as States, and I do not hesitate to say also that I am perfectly satisfied that but for political considerations they would have been admitted long ago and that if they were not Democratic they would be admitted now. [Applause on the Democratic side.]

Mr. LACEY. I hope my friend from Tennessee feels better, but at the same time—

Mr. McMILLIN. I should feel very much better if you would do justice to these people instead of having complaints made necessary.

Mr. LACEY. We are doing absolute justice to them. I am reporting a bill from the Committee on Public Lands, not from the Committee on Territories. We have no right to report a bill for the admission of that Territory into the Union. I say frankly that I do not think that Territory ought to be admitted into the Union at this time.

Mr. McMILLIN. What objection can there possibly be to it?

Mr. LACEY. I do not propose to go into a political discussion, but simply give my views upon it.

Mr. McMILLIN. If it is right to give an opinion it is not wrong to give a reason for it.

Mr. LACEY. Very well. The gentleman often gives opinions and seldom gives good reasons, and I will not give any reasons for the nonadmission of that Territory into the Union at this time.

Now, I should like to yield to my friend from New Mexico [Mr. FERGUSON], the Delegate from that Territory, such time as he may desire to explain this bill.

Mr. FERGUSON. Mr. Speaker, the proposition of this bill is that the Government shall grant to the Territory of New Mexico of the unappropriated public lands within the said Territory for its use during the remainder of its Territorial condition, for its public schools and other public institutions, a portion of the lands which would have been granted to the said Territory if it had been admitted to the Union during this term of Congress. I need not call the attention of the House to the fact that every new State receives from the Government, on its admission, a large donation of public lands within its borders for the use of its public schools and other public institutions.

New Mexico, having been denied admission by this Congress, now asks, and it is proposed in this bill to grant to her, not all the land she would have received if admitted at this time, but only a

portion thereof. The necessity for this legislation at the present time arises partly out of the arid condition of a large majority of the public lands of New Mexico and partly out of the operations of the Court of Private Land Claims, which has been passing upon Spanish and Mexican grants in that Territory since 1891.

If New Mexico had been admitted to Statehood at the time this land court was created, she would doubtless have received in the number of acres the usual quota given to new States upon admission. She would have found no lands of value to select from, because she has been retained so long in a Territorial condition, and because during this time all of the lands subject to irrigation, and therefore all the lands of any value, had been taken up by the entry of private individuals under the general land laws of the Government, and nothing remained at that time, practically, except what was locked up in the large number of Spanish and Mexican grants and what was arid and hardly worthy for private entry. It will be remembered that immediately upon the creation of the Territory Congress enacted that all Mexican and Spanish grants, as claimed, without reference to validity or invalidity, should be reserved from public entry.

All lands in New Mexico not so reserved had been culled over by private entries, above described, for about fifty years, during our Territorial condition, leaving only arid lands. The Land Court, however, has lately restored to the public domain many hundreds of thousands of acres of land which had previously been claimed under the Spanish and Mexican grants. These lands have lately been restored to the public domain, and they are quite valuable and will certainly rapidly be taken up by private entry under the general land laws of the Government. The necessity as well as the justice of our claim will therefore be at once recognized.

Though denied statehood, if we are permitted now, nevertheless, to select the lands we would have been enabled to select had we been admitted by this Congress, we can get lands of value from the land lately restored to the public domain; while if we are denied this right, which it is proposed in this bill to give us, and are kept even a few years longer in a Territorial condition, then when we may be admitted in the future, all the good lands will be gone by the operation of the general land laws of the Government and private entries of them under such general laws. It is to save New Mexico from this deplorable and undeniable injustice that this bill at the present time is a positive necessity.

It is, moreover, a just bill. Both Oklahoma and Arizona are permitted to lease the school lands within their borders, and I am informed by the ex-Delegate from Oklahoma that that Territory realizes from such lands, at the present time, about \$100,000 a year. Arizona gets some benefit from the same source; I do not know exactly how much. New Mexico is not even permitted to lease the public sections set aside under the general law, and she has positively never received a dollar of aid for her educational system from the General Government. The States lately created in the Northwest have received munificent donations of land, and for eight or ten years have had their public institutions supported by the General Government.

New Mexico can challenge comparison with any of them as to the excellence of her public-school system, which has been built up by voluntary taxation of her own citizens. We have indeed a magnificent public-school system in New Mexico. The justice of this bill, therefore, especially since one of the reasons that has been urged for rejecting our claim to statehood is that we are ignorant, can surely not be denied by anyone. If we are too ignorant for statehood, help us to become educated sufficiently, because you surely can not contemplate keeping us forever in a Territorial condition by refusing us the means of overcoming the objection of ignorance.

Now, the Public Lands Committee have gone exhaustively through this bill as to its details. The general purport of it has been very clearly and ably explained by the chairman of the Committee on Public Lands, the honorable gentleman from Iowa [Mr. LACEY], and I should like to say for him and for the other members of the Public Lands Committee that for conscientiousness and laborious investigation of this question they have shown themselves to appreciate our condition and to be above anything like partisan considerations in dealing with it.

Now, there is one other point that I should like to make, and that is this: We are in the midst of a war. Partisanship has been set aside. The people of New Mexico have had the right to feel that they have been badly treated by the Congress of the United States in being so long denied admission to the Union. Yet they are not embittered. They come to you now asking for simple justice, relying on the belief that their argument is strong enough to prevail with just men. They are not embittered; and when the President in his call for 125,000 volunteers allotted to New Mexico four troops of cowboy cavalry to represent that Territory's quota, in a shorter time than the majority of the States responded New Mexico responded with a full quota, and they are now at San Antonio or at New Orleans or on the way to Cuba. They are cowboys who are crack shots, every one of them, who were almost

born in the saddle, and who will be as capable to stand the hardships of army life and as brave in battle and as loyal to this Government as any troops that will be sent. [Applause.]

I will not at this time argue the question of the injustice of denying statehood to New Mexico. I will not inquire, as my friend from Tennessee [Mr. McMILLIN] has done, into the reasons why we are excluded. I put all that aside and ask for the passage of this measure without regard to that. I will not go into the reasons why we should be admitted into statehood. They are foreign to this question; but I do state to you that in these war times of universal enthusiasm and patriotism, in spite of the fact that that Territory has been so badly treated, it is as loyal and as enthusiastic and as ready to fight as any people in these United States, and while the quota of that Territory has been filled and her four troops of cavalry are now ready to embark for Cuba, and may be there within a week, I say to you that it is within my knowledge that if ten times that number had been called for, judging from the letters that I get personally, judging from the reports in the press, judging from all the evidence attainable, they would have been forthcoming just as promptly. [Applause.]

Now, it is not necessary for me to elaborate. The chairman of the committee has explained the general purport of the bill, and I want to say to everyone who is listening to me that he and his committee, as to the details of the bill, have gone through it exhaustively, and you surely can trust them.

I believe the chairman of the committee [Mr. LACEY] has certain amendments to propose, all of which I am willing to accept.

Mr. LACEY. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirty-seven minutes.

Mr. LACEY. I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, as a member of the Committee on Public Lands, I desire to say a few words concerning this measure.

New Mexico has been knocking at the door of the Union for admission for fifty years. Whether that admission has been denied rightly or wrongly has nothing to do with this measure. I myself believe that it ought to have been admitted long ago, but others may differ upon that question. I appreciate the fact that at this time we have no right to propose an amendment to this bill to admit the Territory of New Mexico, and consequently that matter is not germane and can not be considered; but I want to call your attention to the fact that that Territory has been trying to get into the Union for a long time, in order to show that the denial of that right to be admitted into the Union works a hardship upon its school interests. Each State on being admitted into the Union is entitled to sections 16 and 36 out of every township, and is entitled under the general law of the United States to a certain other number of acres for university purposes, for mining-school purposes, and for other purposes. Since the Territory of New Mexico under the present law is denied admission into the Union, it has no right to select any of the lands for these purposes.

The result is that individuals have selected the best lands in New Mexico. Nearly all the good lands up to a year ago in New Mexico were taken. The reason this measure ought to be passed immediately is that the Supreme Court has decided recently that certain Mexican land grants situated in the Territory of New Mexico, and which embrace some of the best lands in New Mexico, were not valid, and thus opened those lands to entry. Now, if this bill pass, and the Territory of New Mexico is permitted to select lands for school purposes, it will select these very rich lands which have been considered private lands.

The Supreme Court of the United States has decided that they do not belong to the individuals under Mexican land grants. If the Territory of New Mexico is not permitted to take lands at the present time, it will never be possible for that Territory to obtain lands that are valuable for their school purposes. The result of the Territory being allowed to select these lands will be that upon their sale a large quantity of money will go into the treasury of New Mexico for the purpose of educating the children of that Territory. On that account, it seems to me, whether admitted next year or ten years from now as a State, this law ought to pass now. If those lands are permitted to be taken up by private individuals, and if the Territory is not granted permission to select lands for school purposes until it is admitted into the Union, there will be no good lands left for this purpose.

Mr. GAINES. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. GAINES. When you compare the population and industrial condition of that Territory with those formerly admitted as States, does it not compare favorably?

Mr. SHAFROTH. It compares very favorably. New Mexico has been entitled to statehood for thirty years. There is no doubt about that; but that is not the question here. I would like to see it admitted as a State. I have always believed that a liberal policy ought to be pursued as to the admission of Territories. But

the question here is, Shall we give these lands to the Territory for school purposes, so that it may be able to build up a school fund for the education of the children therein, or shall we delay this grant until it acquires statehood, when all the good lands will have been taken up, and nothing will be left but desert lands that are of no value? The proceeds from the sale of desert lands will be small, indeed, to go into the school funds of New Mexico for the education of its children. That is all I have to say on the matter, and I hope the bill will pass unanimously. [Cries of "Vote!"]

Mr. LACEY. I yield five minutes to the gentleman from Oregon.

Mr. ELLIS. Mr. Speaker, I was on the subcommittee that went over this bill, the principle of which is to do substantial justice to the Territory of New Mexico. It will not be necessary, in order that this bill may be properly explained, to discuss whether or not it is proper at this time to admit New Mexico as a State. We each have our individual opinions in regard to that matter. But we do feel that in order that that Territory may have absolute justice it is necessary that a bill of this character should pass at this time. For reasons that have been recounted by gentlemen who have already spoken on this question, we know that lands valuable in their character have by a recent decision of the Supreme Court of the United States been thrown open for settlement under the land laws of the United States.

Now, if an act of this character is not passed, it is certain that these lands will be taken up by private individuals, and when New Mexico is admitted as a State, whether it be five or ten years from now, as has been well said by the gentleman from Colorado [Mr. SHAFROTH], there will be nothing but husks, comparatively speaking, for the support of the schools in New Mexico. One of the reasons urged why New Mexico should not be admitted as a State has been that the population was not sufficiently educated. Now, then, gentlemen, if there is anything in that argument, it is our duty, when we come to deal with this question, to give to those people such provisions as are within our right, and to do so in such a manner as will enable them to build up a common-school system that will be a credit to the Union when New Mexico is admitted as a State.

I think this bill is absolutely just and right, and this is a privilege that we should grant to New Mexico at this time. I believe that a delay in the passage of a bill of this character will work substantial injury to that Territory; and I do not believe the American Congress, if they fully understood all the relationships of this bill to the people of New Mexico, would hesitate for one moment to pass it. It is a good bill, in my opinion. We have given it careful consideration, and I believe this House ought to pass it at once.

Mr. LACEY. I yield five minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, this bill ought unquestionably to be passed for New Mexico. I take the floor only for the purpose of suggesting to the House that it does not go far enough. I have introduced no similar bill for Arizona, because the condition there, as it now exists, is that for school purposes we have no such lands to lay our hands on. They probably never will have lands that will be of much value when the Territory is admitted to statehood, it matters not whether it be by this Congress or a subsequent Congress. The lands, which are principally arid, ought to be directly donated to the Territory for school and administrative purposes.

Mr. ELLIS. If the gentleman will allow me to ask him a question. If some bill like this is not passed soon, will not New Mexico be in the same condition?

Mr. SMITH of Arizona. New Mexico will unquestionably be in the condition of Arizona if this land is not given to it for that purpose. Now, all the lands that can be taken up and cheaply irrigated are already held in New Mexico. As this land, by a decision of the Supreme Court, has been thrown open to settlement under the land laws of the United States, New Mexico ought to have the right to select it for school purposes; and if it is not given that privilege, the land will be taken up by private individuals. Congress ought to make a donation of the arid lands in the States and Territories which will enable them to put them to profitable use. The Government will never go to the expense of providing a system of irrigation for these lands; and if it does not intend to do so, they will never be irrigated.

Mr. DOCKERY. I desire to ask the gentleman the character of this land. I understand it is proposed to grant about a million acres. Is it agricultural or arid?

Mr. LACEY. It is both. It is all arid. New Mexico is an arid State. They lack water there and education. We are trying to furnish them land with which to aid in education. The land, some of it, is easily irrigated. Some of it recently held as public land may be easily irrigated and is of value.

Mr. DOCKERY. Has the gentleman considered the propriety of turning the arid lands over to the State and letting them wrestle with the problem of irrigation?

Mr. LACEY. That is one of the problems that has come up every year for twenty-five years. It is a suggestion that was made in the Carey Act. It was proposed there to give these gentlemen that want all the arid land, that want everything that is dry, it was proposed to give them a million acres in each State to try the experiment of State irrigation. Some features of it, I think, passed through the Committee on Appropriations. Under the Carey Act each arid State can take a million acres and irrigate it and own it. I believe no State has undertaken it except the State of Wyoming, the State in which Senator Carey resided. They have only taken a portion of it; they have not complied with the Carey Act even in that State. In other words, the well-intended Carey Act has practically proved a failure. We have upon the Calendar a bill introduced by the gentleman from Colorado [Mr. SHAFROTH] amendatory of the Carey Act, providing a different method of allowing each State to take a million acres and attempting to irrigate it. Whether that will prove a failure I do not know. My friend from Colorado is as full of hope as Senator Carey was.

Great opposition is developed to taking all the arid land. There is a journal published in San Francisco—possibly my friend gets it, for it is mailed to various members of the House—in which the main object of the editor is to satisfy the public that the State ought not to have the arid land, that it is too great a problem for the State, that the water to irrigate these lands must come from without the State—in Utah it must come from Idaho or Wyoming largely—and it is argued that this is a question beyond the power of the State and can not be handled by a single State.

Mr. SHAFROTH. If the gentleman will yield to me a moment, I desire to say that the people who advocate that do so upon the supposition that the National Government will appropriate money for the purpose of building canals and reservoirs, etc., for irrigation. My idea is that that is impracticable; that it is impracticable to ask that, and I think the land ought to be ceded to the State.

Mr. LACEY. I am in favor of my friend's bill, the bill to take the place of the Carey Act. It is an experiment and I do not have great hopes of it, for the reasons that I have suggested, that the water question is not limited to any single State. You must reach out beyond the borders of the State in order to have reservations for supplies of water. When you grant the State all the arid lands within its borders the State has, in the irrigation of those lands, something it can not handle, something which is now under the control of Congress, an interstate question which Congress is capable of controlling and legislating upon. The time will come when some general and comprehensive system of irrigation will be provided by national legislation. Not by any wild Coxey scheme of issuing bonds and greenbacks and turning somebody out to dig irrigating ditches, but by a careful, well-considered system of irrigation adapted to each locality. You can not draw a bill for one State that will fit another State, because the situations are so different. We have in this bill a grant of 500,000 acres to New Mexico for irrigation purposes, to be used in the construction of reservoirs, and in the line which has been suggested by my friend from Missouri.

Mr. DOCKERY. I desire to ask the distinguished chairman of the committee a question for information. Outside of the Indian reservations, about how many acres of agricultural land yet belong to the public domain?

Mr. LACEY. I have seen the statement made by E. V. Smalley, and I believe he is right about it. He says if you take a 20-acre field and start in at one side and run a furrow right straight through it, the irrigable land compared to the nonirrigable land in the whole Union is in the same proportion as the furrow to the 20-acre field. In other words, the amount that can actually be irrigated is remarkably small as compared with the vast tract in which the nonirrigable land is located.

But only incidentally does the irrigation question arise in the present bill. It arises to the extent of half a million acres to be used for irrigation purposes.

Mr. DOCKERY. The gentleman did not quite catch my question. Aside from the Indian reservations, how many acres of agricultural land now belong to the public domain suitable for agriculture without irrigation?

Mr. LACEY. That is a very difficult question, because the boundary of the land not requiring irrigation is somewhat uncertain. The hundredth parallel of latitude has been selected as a kind of arbitrary dead line, beyond which a settler takes his life in his hands if he attempts to farm without irrigation. That line, however, is not clearly defined. In some parts of the country you can go farther west with safety. In other parts you can not go quite that far. But in a general way somewhere near that line is the boundary between the land that receives usually rainfall enough for the raising of crops and the land that can only raise crops successfully by means of irrigation. The number of acres has not been definitely ascertained by the authorities. Surveys, however, have been in progress for several years, with which

surveys the gentleman from Missouri is fully familiar, because the Appropriations Committee has annually set apart funds for the purpose. I doubt not in a few years that question can be answered accurately, or with sufficient accuracy, by the Geological Survey.

Now, Mr. Speaker, if no one else desires to discuss this bill—and the opinion seems to be unanimously in its favor—I ask that the general debate be closed and that the bill be read by sections for amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate be now closed. Is there objection?

There was no objection.

The SPEAKER. The Clerk will now read the bill by sections for amendment under the five-minute rule, as in Committee of the Whole.

The first section of the bill was read, as follows:

Be it enacted, etc., That sections Nos. 2, 18, 22, and 36 in every township of the Territory of New Mexico, and where such sections, or any parts thereof, have been sold or otherwise disposed of, by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said Territory for the support of common schools, such indemnity lands to be selected within said Territory in such manner as is hereinafter provided: *Provided,* That the second, sixteenth, thirty-second, and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to and become a part of the public domain.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out, in line 3, page 1, the words "two" and "thirty-two;" also strike out, in line 13, the words "second" and "thirty-second;" also strike out, in lines 15 and 16, the words "nor to the indemnity provisions;" also insert, in line 18, after the word "grants," the words "of this act;" also strike out, in lines 18, 19, 20, and 21, the words "or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to and become a part of the public domain" and insert in lieu thereof the following: "but such reservations shall be subject to the indemnity provisions of this act."

Mr. LACEY. I move to amend by inserting, after the word "thereof," in line 5, the word "are mineral or;" so as to read "where such sections, or any parts thereof, are mineral or have been sold," etc.

The amendment was agreed to.

Mr. LACEY. I move further to amend by inserting, after the word "other," in line 7, the word "nonmineral;" so as to read "other nonmineral lands equivalent thereto."

The amendment was agreed to.

The second section was read, as follows:

SEC. 2. That 100 sections of the unappropriated lands within said Territory, to be selected and located in legal subdivisions as hereinafter provided in this act, shall be, and are hereby, granted to said Territory for the purpose of erecting public buildings at the capital of the State of New Mexico, when said Territory shall become a State and be admitted into the Union, when said capital shall be permanently located by the people of New Mexico, for legislative, executive, and judicial purposes.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out, in line 1, page 2, the words "one hundred" and insert the word "fifty."

Mr. LACEY. I move to amend by inserting after the word "unappropriated," in lines 11 and 12, the word "nonmineral."

The amendment was agreed to.

The third section was read, as follows:

SEC. 3. That lands to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the Territory of New Mexico for university purposes, to be held and used in accordance with the provisions in this section; and any portions of said lands that may not have been heretofore selected by said Territory may be selected now by said Territory. That in addition to the above, 150,000 acres of land, to be selected and located as hereinafter provided, together with all saline lands in said Territory, are hereby granted to the said Territory for the use of said university, and 200,000 acres, to be in like manner selected, for the use of an agricultural college. That the proceeds of the sale of said lands, or any portion thereof, shall constitute permanent funds, to be safely invested, and the income thereof to be used exclusively for the purposes of such university and agricultural college, respectively.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out, in line 10, page 3, the words "one hundred and fifty" and insert the words "sixty-five;" also strike out, in line 13, page 3, section 3, the word "two" and insert the word "one."

Mr. LACEY. I move to amend by inserting after the words "acres of," in line 4, the following: "non-mineral, unappropriated, and unoccupied public;" so as to read: "65,000 acres of non-mineral, unappropriated, and unoccupied public lands," etc.

The amendment was agreed to.

The fourth section was read, as follows:

SEC. 4. That 10 per cent of the proceeds of the sales of public lands lying within said Territory which shall be sold by the United States subsequent to the passage of this act, after deducting all expenses incident to the same, shall be paid to the said Territory, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said Territory.

The amendment reported by the committee was read, as follows:

Strike out, in line 1, page 3, the word "ten" and insert "five."

The fifth and sixth sections were read, as follows:

SEC. 5. That the schools, colleges, and university provided for in this act shall forever remain under the exclusive control of said Territory, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes, or of the income thereof, shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 6. That in lieu of the grant of land for purposes of internal improvement, made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to New Mexico, and in lieu of any claim or demand of the State of New Mexico under the act of September 23, 1850, and section 2429 of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said State of New Mexico, the following grants of land are hereby made to said Territory for the purposes indicated, namely:

For the establishment of permanent water reservoirs for irrigating purposes, 500,000 acres; for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of the water in the bed of said river, 100,000 acres; for the establishment and maintenance of an asylum for the insane, 100,000 acres; for the establishment and maintenance of a school of mines, 100,000 acres; for the establishment and maintenance of an asylum for the deaf and dumb, 100,000 acres; for the establishment and maintenance of a reform school, 100,000 acres; for the establishment and maintenance of normal schools, 200,000 acres; for the establishment and maintenance of an institution for the blind, 100,000 acres; for a miners' hospital for disabled miners, 100,000 acres; for the establishment and maintenance of a military institute, 100,000 acres; for the enlargement and maintenance of the Territorial penitentiary, 100,000 acres. The building known as the Palace, in the city of Santa Fe, and all lands and appurtenances connected therewith and set apart and used therewith, are hereby granted to the Territory of New Mexico.

The amendments reported by the committee to the sixth section were read, and agreed to, as follows:

Strike out, in line 13, page 4, the words "one hundred" and insert the word "fifty;" also, in line 20, the words "one hundred" and insert "fifty;" also, in line 21, the words "one hundred" and insert "fifty;" also, in line 23, the words "one hundred" and insert "fifty;" also, in line 24, the word "two" and insert "one;" also, in line 26, the words "one hundred" and insert "fifty;" also, in line 27, the words "one hundred" and insert "fifty;" also, in line 29, the words "one hundred" and insert "fifty;" also, in line 30, the words "one hundred" and insert "fifty."

Mr. LACEY. I move to amend by inserting after the word "of," in line 13, page 4, the following: "Nonmineral and unappropriated;" so as to read: "the following grants of nonmineral and unappropriated land are hereby made," etc.

The amendment was agreed to.

The seventh section was read, as follows:

SEC. 7. That the said Territory of New Mexico shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act; nor shall any further or other grants of land be made to said Territory when said Territory shall hereafter become a State and be admitted into the Union; but the grants of land made by this act are in lieu of any grants of land that might be made to said Territory when made a State and admitted into the Union.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out the whole of section 7 and insert the following:

"SEC. 7. That this act is intended only as a partial grant of the lands to which said Territory may be entitled upon its admission into the Union as a State, reserving the question as to the total amount of lands to be granted to said Territory until the admission of said Territory as a State shall be determined on by Congress."

The eighth and ninth sections were read, as follows:

SEC. 8. That all grants of land made in quantity or as indemnity by this act shall be selected by the governor of the Territory of New Mexico, the surveyor-general of the Territory of New Mexico, and the solicitor-general of said Territory, acting as a commission, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said Territory of New Mexico.

SEC. 9. That said commission shall proceed, upon the passage of this act, to select said lands, in separate bodies of land for each purpose as hereinbefore designated, in legal subdivisions, and each body of such in as contiguous and compact body as may be possible, and shall report to the Secretary of the Interior such selections, designating in such report the purposes for which such bodies of land are to be respectively used as provided above in this act.

The amendments reported by the committee to section 9 were read and agreed to, as follows:

Strike out, in lines 2 and 3, page 6, after the word "lands," the following: "In separate bodies of land;" also, in lines 4 and 5, the words "and each body of such in as contiguous and compact body as may be possible" and insert in lieu thereof the words "of not less than one-quarter section;" also, after the word "land," in line 7, insert the words "as selected."

The tenth section was read, as follows:

SEC. 10. That the Secretary of the Interior shall continue to dispose of said lands, except as herein otherwise provided, according to the general land laws of the United States, and shall preserve in separate funds the proceeds of the sale of said lands, after deducting all the expenses incident to the same, for the use of the Territory of New Mexico, as such proceeds may from time to time be appropriated by the legislative assembly of the Territory of New Mexico for the purpose indicated in each respective grant of land made herein.

The amendment reported by the committee was read and agreed to, as follows:

Strike out the whole of section 10 and insert as section 10 the following:

"SEC. 10. That the lands reserved for university purposes, including all line lands and sections 16 and 36, reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; but until the meeting of the next legislature of said Territory the governor, secretary of the Territory, and the solicitor-general shall constitute a board for the leasing of said lands; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any

way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State; and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions and shall be paid out only as directed by the legislative assembly of said Territory and for the purposes indicated herein. The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory, and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales, and not more than one-quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than \$1.25 per acre, and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this act, and shall be used only as the legislative assembly of said Territory may direct, and only for the use of the institutions or purposes for which the respective grants of lands are made: *Provided*, That such legislative assembly may provide for leasing all or any part of the lands granted in this act on the same terms and under the same limitations prescribed above as to the lands that may be leased only."

Mr. LACEY. I move to amend by inserting at the end of section 10 the following:

After the word "only," line 23, page 8, insert: "but all leases made under the provisions of this act shall be subject to the approval of the Secretary of the Interior, and all investments made or securities purchased with the proceeds of sales or leases of lands provided for by this act shall be subject to like approval by the Secretary of the Interior."

The amendment was agreed to.

The eleventh and twelfth sections were read, as follows:

SEC. 11. That there is hereby appropriated from the unexpended funds in the Treasury of the United States \$10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purpose of paying the expenses of the selection and segregation of said respective bodies of land, including such compensation to said commission as the Secretary of the Interior may deem proper.

SEC. 12. That all acts and parts of acts in conflict with the provisions of this act, whether passed by the legislative assembly of said Territory or by Congress, are hereby repealed.

Mr. TALBERT. I wish to ask the gentleman from Iowa, the chairman of the Committee on Public Lands, whether it is not possible that some general statute be enacted covering all these public-land questions, so as to obviate the necessity of so many special laws?

Mr. LACEY. So far as practicable the committee always brings in general bills on these subjects. But the situations in different cases are so various that it is impossible always to do so. For instance, the grant of land now made to the Territory of New Mexico is larger than the grant made to the State of Iowa. The State of Iowa receives only one section out of every thirty-six, while New Mexico receives two sections out of thirty-six, and this is only about one-half of what the Territory will ultimately be entitled to. As the situations change the legislation must of necessity change.

Mr. TALBERT. I suppose the admission of these Territories as States causes these complications.

Mr. LACEY. In this case it is the nonadmission of the Territory that has given rise to the necessity of this partial legislation to meet the peculiar circumstances that have arisen. Land is now available that will not be available unless this bill passes at this time. Hence we bring in a bill giving the Territory a portion of the land prior to admission to the Union, although ordinarily, and I think in every instance heretofore, the land has only been granted in the enabling act upon admission of a State into the Union. I call for a vote on the third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. Res. 257. Joint resolution providing for the organization and enrollment of the United States auxiliary naval force.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4645. An act to provide an American register for the steamship *Zealandia*; and

S. R. 107. Joint resolution ratifying and confirming certain temporary appointments of officers of the Navy.

EULOGIES ON THE LATE SENATOR ISHAM G. HARRIS.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent to have a special order made.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the consideration of a resolution which the Clerk will report.

The resolution was read, as follows:

Resolved, That Saturday, June 11, 1898, be set apart for paying tribute to the memory of Hon. ISHAM G. HARRIS, late a Senator from the State of Tennessee.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

EULOGIES ON THE LATE SENATOR JAMES Z. GEORGE.

Mr. CATCHINGS. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. JAMES Z. GEORGE, late a Senator from the State of Mississippi.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. CATCHINGS. Mr. Speaker, I desire to ask unanimous consent that gentlemen who desire to do so may print in the RECORD eulogies upon the late Senator GEORGE.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that gentlemen may print their eulogies in the RECORD. Is there objection?

There was no objection.

Mr. CATCHINGS. Mr. Speaker, Senator GEORGE had no more unselfish friend than myself. During my long acquaintance with him I never allowed an opportunity for serving him to go by unavailing of, and it so happened that more than one such opportunity arose. He many times most cordially acknowledged the assistance I had given him and thanked me for it. I never burdened him with my affairs and never called upon him to aid me in meeting and overcoming the difficulties which have at times beset me, as they do indeed every man in public life.

Hence what I shall say of him springs from a judgment unbiased except so far as it may insensibly be affected by sentiments of friendship. I first met him in 1870, while attending a term of the circuit court of Sunflower County, which was then held at the town of McNutt. His home at that time, as it had been for many years before, was in the town of Carrollton, the county seat of Carroll County. Shortly after my first meeting with him—in 1878, I think—he removed to Jackson, the capital of the State, in order that he might extend the sphere of his professional work. He formed a partnership with Hon. Wiley P. Harris, one of the most famous lawyers of the South, for whom I always entertained great affection and the highest possible admiration, and who honored me with cordial and outspoken friendship. It is my deliberate judgment that the law firm of Harris & George was as able as any that ever existed in any age or any country.

My acquaintance with both of its members was intimate, my observation of their methods and struggles was almost constant, and I unhesitatingly affirm that in my opinion they had both reached the very summit of professional excellence and power. In the trial of causes Senator GEORGE was resolute and aggressive from start to finish. When negotiations for settlement out of court had ceased and the arbitrament of the law had been appealed to, he did not wait for his opponent to strike the first blow, but moved upon him at once with all the enginery which industry, courage, learning, and skill could invent, and with a determination and aggressiveness that may well be called fierce. Indeed, he was never a carpet knight. He believed in the efficacy of hard blows, and when the struggle was on, whether in the fields of politics or of law, he rained them down upon his opponents with all the swiftness and vigor that his strong arm could command.

No client ever had reason to complain that his cause had suffered from neglect or indifference. He devoted to every cause intrusted to him, whether great or small, all the skill and ability and force he possessed. This was not merely because he felt that his duty to his clients exacted this of him, but because over and above all other considerations he loved the strife and combat of the court room. He knew his own power as a legal gladiator, and the exercise of it, I verily believe, was the greatest pleasure he ever experienced. True fighter as he was, he never complained of the blows that his own aggression provoked, but received or parried them as best he could, passed them by when the struggle was over as among its necessary incidents, and at once armed himself for the next encounter.

He often wrested victory from the jaws of defeat when a less able and skillful advocate would have given up the cause as lost. Indeed, this was a not uncommon incident in his career, for his ambition to win was so unbounded that it was often said of him that he did not know when he was defeated; and so, struggling

on when others would have surrendered, it oftentimes chanced that unforeseen opportunity would offer whereby he could turn disaster into triumph. Even when in the nisi prius courts the verdict had gone against him, or when in the appellate courts he had encountered an adverse judgment, he rarely abandoned the struggle. Motions for new trials, appeals, and applications for rehearing were everyday occurrences in his practice, and through them he often recovered the ground he had lost.

But when he had gained his cause his fierceness and aggressiveness were laid aside; and he always treated his defeated opponent with the greatest courtesy and kindness. And, better than this, he always advised his victorious client to make terms with his adversary, and the pound of flesh, except in cases of wrongdoing and fraud, was rarely ever exacted. It was but natural that such a lawyer should find his hands full, and in his case his hands were full to overflowing. He was not a specialist. He frequented courts of law, of equity, of admiralty, and of bankruptcy alike, and he was at home in all of them.

His capacity for work, and by this I mean work of the highest class, intellectually and otherwise, was simply prodigious. And the facility with which he could turn from one character of work to another wholly different was one of his most notable gifts. Indeed, his desire for work was quite equal to his capacity, and he simply could not be idle. Except in his latter days, when the condition of his eyes forbade his using them at night, I do not remember a time when I visited him, whether at his law office, his committee room, or his home, without finding him deeply absorbed in work.

Amidst the labors which I have but poorly described, and which were greater than most men could bear, he found time to officially report ten volumes of the opinions of the appellate court of his State, and to prepare and publish a digest of more than forty volumes of such opinions. This digest is a model in all respects and is so absolutely accurate that no lawyer familiar with it ever thinks of turning to the opinions themselves to verify his statement as to what was decided by them. He also found time to invest with care and prudence his professional earnings and to manage with marked success the large landed estates which grew out of them.

In 1879 he was appointed to the supreme bench of Mississippi, and became its chief justice. His opinions are marvels of learning, and bear upon their face the same tokens of infinite research and industry which had characterized his career as an advocate. The only criticism I have ever heard of them is that they are too long. They are long because he was anxious to demonstrate to the legal profession the soundness of his findings, and, with that purpose, he sometimes, perhaps, reviewed with unnecessary detail the facts and arguments laid before the court. If he committed a fault in this respect, it was on the right side, for litigants and their counsel, though losing as the result of his opinions, had at least the satisfaction of knowing that he had overlooked none of their contentions, but had given all of them careful and painstaking investigation.

I will now pass to some consideration of his political career. At the meeting of the bar of the Supreme Court of the United States, called to take suitable action upon the death of Hon. L. Q. C. Lamar, late an associate justice of that court, in discussing his life and services, I said:

The great conflict between the States had been far-reaching in its results. His fortunes had been cast with and had gone down with the States of the South. By the judgment of war they had never ceased to be States of the Union; whereas, by ordinance of the civic authorities, they were denied the rights belonging to States of the Union. This condition, paradoxical as it may seem, was not unexpected and perhaps could not have been avoided.

However this may be, there resulted an upheaval so tremendous and of such duration that for long there appeared no hope of surcease. There was first laid upon the South the heavy hand of military authority. That hand, carefully gloved though it may be, is always rude. When that at last was uplifted and counterfeit civil authority began, all government ceased. In its place came plunder, oppression, extortion, confusion—and all in the name of law.

It seemed that our brothers of the North, though bred of the same flesh and bone, could not see nor hear the cruelty and wickedness that was paralyzing the South. Consternation and despair abode with us by day and by night. But the dawn was soon to break.

The great statesman whose memory this assemblage would honor had been dreaming. With that profound insight and unerring sagacity for which he was so preeminent, he perceived (what few of us in the South did) that local quarrel and contention with those who had been installed in the high places in our midst could beget no lasting respite or relief. He foresaw that without the moral support of the strong and triumphant North those masquerades would vanish without a struggle. The field of action must be transferred to the halls of the nation's council. While the situation must be fearlessly unveiled, so that the whole world might behold its shameful nakedness and the honest judgment of the North be thus challenged, yet much more than this needed to be done.

The heart of the nation must be touched. The people of the contending sections must be brought together and made to understand each other. By such means alone could those whom he so dearly loved be rescued, and friendship and fraternalism reenthroned. To this great work the balance of his life may truly be said to have been consecrated. He sought and obtained a seat in the House of Representatives, and from that time, it may be justly affirmed, the real work of reconstruction began. How well he performed that lofty and self-imposed mission need not be recited here for it is a part of the country's history. Beginning with his exquisite yet startling and unexpected eulogy upon Charles Sumner, which with electric swiftness reached

and thrilled the hearts of all men, his utterances and actions have been a constant and eloquent plea for a higher, nobler, and more patriotic national life. His labors in this direction were rewarded by the richest fruition.

Largely through the devoted efforts of Mr. Lamar, mentioned by me in the foregoing remarks, the horrors which constituted the main feature of the reconstruction governments in the Southern States had come to be fairly well known throughout the North. The Congressional elections of 1874 gave abundant evidence of this. General Grant, then President, who fully appreciated the existing conditions, had publicly stated that the North had become weary of the autumnal outbreaks in the South, which regularly came for the purpose of enlisting Federal support in behalf of the reconstruction governments.

In 1875 there was to be in Mississippi a general election of members of the legislature, and it seemed that a united and well-directed effort might rid the State of the insufferable incubus which was strangling the life out of it, restore good government, and make it possible for peace and prosperity once more to cross its stricken borders. To achieve this great end it was not only necessary that the people should be aroused to supreme effort, but that they should so restrain their just resentment and indignation as not to overstep legal bounds, and thereby provoke Federal interference, which had theretofore on more than one occasion been a conspicuous factor in Southern politics. Senator GEORGE, then a private citizen, was chosen to lead this uprising, and to that end was made chairman of the Democratic State executive committee.

For months he laid aside his private business and gave all of his time and talents, and freely of his money, to the control and direction of this movement. With a patience that knew no bounds, a discretion that was the marvel of his friends, a diplomacy which was beyond exhaustion, and a courage and grim determination that inspired all who came in contact with him, he organized his forces, and led them to a victory which was beyond any dreamed of by few except himself. The legislature which assembled in the following January was overwhelmingly Democratic, and immediately set to work to undo the exasperating evils which had been wrought by the alien and hybrid government which I have described. Impeachment proceedings were lodged against the governor, who was a carpetbagger pure and simple. His counsel proposed that if these proceedings were dismissed he would resign.

The proposition was accepted; he did resign, immediately left the State, and has never put his foot in it since. The lieutenant-governor, who was a drunken negro, was impeached and removed for having accepted a bribe for granting a pardon. The superintendent of education, a carpetbag negro, was impeached and removed for corruption in office. This movement, so magnificently led by General GEORGE, and the beneficent results which followed it make up the first chapter in the emancipation of the State from its post-bellum afflictions. This great achievement naturally brought him into the field as a candidate for the seat in the United States Senate soon to become vacant.

His only competitor was Hon. L. Q. C. Lamar, one of the greatest of all Southern statesmen and a member of the House of Representatives, who had earned and was then in the full enjoyment of a brilliant national reputation. My acquaintance with Senator GEORGE was so intimate and my admiration of his abilities so great that, as a member of the State senate, I gave his candidacy my earnest support. He made a stout fight and was not many votes short, but Mr. Lamar was chosen. He accepted the result as might have been expected of a man of his fiber, and without murmur or repining resumed the active practice of his profession. In 1880 there was a hotly contested triangular fight for the seat in the United States Senate to become vacant in March, 1881.

With the consent and hearty support of one of the contestants, who withdrew for that purpose, Senator GEORGE, in the midst of the fight, was placed before the legislature as a candidate and elected. In this movement I was again his earnest and cordial supporter. His career in the Senate, which began in 1881 and only ended with his death in 1897, more than justified the hopes and expectations of the people of Mississippi. He actively participated in its proceedings, and was a striking and masterful figure in all the great debates which occurred while he was a member of that body. He was not outmeasured in intellectual stature nor surpassed in honorable achievement by any of his colleagues.

I will not pause to point out particular performances of this great Senator, for his notable exploits are so numerous that I would scarcely know where to begin, or, beginning, where to end. Though constantly engaged in the discussion and consideration of great national subjects, he was ever pondering over the dangers still pressing upon his beloved State because of the dense ignorance, illiteracy, and incapacity which envelop so large a part of its inhabitants. While, since the great victory won in 1875 under his splendid leadership, there had been continuous control of its affairs by the more intelligent and virtuous of its citizens, at times this control had been hardly maintained, and it remained constantly exposed to attack by the same forces which had then been overthrown.

He determined to call upon the people of the State to meet in convention and remodel their constitution, so that danger from this source might be measurably, if not altogether, averted. With that end avowedly in view, he took the stump in the summer and fall of 1890. He was opposed by many who believed that it was impossible under the provisions of the act of 1870, under which the State had been readmitted to representation in Congress, and under the limitations contained in the amendments to the Federal Constitution, to achieve the purpose he contemplated, and to try and fail would only add to the complexities of the situation.

Again I placed myself under his standard and contributed such influence as I possessed to the advancement of his design. The issue of "convention or no convention" was fairly presented to the people, and a majority of the members of the legislature chosen in November of that year were in sympathy with his views. A convention was called, and assembled in the summer of 1890, and he left his place in the United States Senate to take his seat as one of its delegates. He denied the validity of the readmission act of 1870 in so far as it assumed to withhold from the State the power to alter the franchise provisions of the constitution of 1860, and insisted that by the very nature of the Federal compact this Union is made up of coequal States.

The convention, agreeing with him in this view, set to work to frame a constitution. It is needless to describe the differences of opinion engendered and the difficulties encountered. There were times when it seemed as though all effort would come to naught. The convention was a body of unusually able men, but amidst them all his was the saving presence. While credit is due to many for the work done by that convention, he was facile princeps. In accordance with the practice of the people of the State, when left to manage their own affairs, the constitution framed by that convention was promulgated without being submitted to them for ratification. It is true that the constitution of 1890 was submitted for ratification, but that was not the act of the people of the State, but the act of Congress.

In the session of the United States Senate next succeeding its promulgation, this constitution was violently and relentlessly assailed. I know of nothing in the annals of Congress at all to be compared with Senator GEORGE's defense of it on the floor of the Senate. His adversaries were literally overwhelmed by his skill in debate, his masterful logic, and the infinite wealth of his learning. Brushing aside almost contemptuously the insinuations, innuendoes, and implied charges so copiously indulged in, he boldly challenged them to indicate in what particular the State of Mississippi had transcended its powers, or to point out so much as a single clause in the constitution adopted by it which was in contravention of the fourteenth and fifteenth amendments of the Federal Constitution. No answer came, and, so far as the United States Senate is concerned, the attack upon Mississippi's constitution has never been renewed from that day to this. In an opinion recently delivered by the Supreme Court of the United States its validity has been expressly affirmed.

Inasmuch as Senator GEORGE's name and fame are so largely identified with this constitution, and inasmuch as it has been so grossly misrepresented, justice to his memory seems to require that some brief explanation should be made of its provisions, in so far as they relate to the elective franchise. To be a qualified elector one must have paid all taxes which have been legally required of him for the two preceding years, and this payment must have been made on or before the 1st day of February of the year in which he offers to vote. If he owns no property, he must pay a poll tax of at least \$2 if he desires to vote. This poll tax is not a lien on property exempt from taxation, and as very few negroes own more property than is exempt, as to them it may be said that its payment is purely optional.

At the time when it must be paid issues have not been made up and there is no political excitement. Many white persons, even those who are large property owners, sometimes carelessly fail to pay their taxes by the prescribed date, and so lose their right to vote. It is but natural, moreover, that many who are poor should conclude that it is better to save the two-dollar poll tax than to pay it for the privilege of voting.

This tax provision is more effectual than all the other provisions of the constitution combined in cutting off the negro vote. Among other things, one must be able to read a section of the constitution, or if he can not read he must understand it when read to him or be able to give a reasonable interpretation of it.

This provision has been criticised as being devised for the purpose of admitting the illiterate white man to the franchise and excluding the illiterate black man, the charge being that this would be accomplished by the registrar in the case of the white man deciding that he understood or gave a reasonable interpretation of the section of the constitution read to him, and always holding the contrary as to the black man. This clause had its foundation in no such design. The State is divided into what are known as white counties and black counties. The former, having a majority of white persons, were but little troubled with the evils of ignorant suffrage, while the latter, having a majority of

negroes, were in constant excitement and turmoil in the effort to keep their county governments under intelligent control.

The delegates from the black counties insisted on a radical educational or property qualification, or both. The white counties opposed this on the ground that there were white men who, though illiterate, were intelligent and sensible and entirely capable of exercising the right of suffrage with sagacity and good judgment. They objected to any restriction that would disfranchise men of that class. The understanding clause, as it has come to be designated, was devised by the genius of Senator GEORGE as a compromise, and without it it may be doubted whether any agreement could have been reached by the convention. Experience has shown that its importance was greatly exaggerated by the convention, and that it has little or no effect in the black counties and scarcely more in the white counties.

Indeed, investigation has shown that more blacks than whites have registered under it. Such is the much-abused constitution of Mississippi so far as it relates to the suffrage. The criticisms of it were disposed of summarily by Justice McKenna, who said of its provisions:

They reach weak and vicious white men as well as weak and vicious black men, and whatever is sinister in their intention, if anything, can be prevented by both races by the exertion of that duty which voluntarily pays taxes and refrains from crime.

While many able men participated in its preparation and rendered most valuable service, yet Senator GEORGE by common consent is conceded to be its chief architect, and he builded a monument for himself which will make him famous and celebrated in the annals of the State for all time to come.

With its enactment came a feeling of security and restfulness that can only be realized by those who know what it is to struggle without ceasing, and almost without hope, to avert the evils and dangers which ever accompany the domination of ignorance. It came to the people of the State like a new declaration of independence. Purification and regeneration have made life and property secure, and the State is now the abiding place of law and order. The adoption of this constitution ends the second chapter, and all good men should pray that it may be the last, in the emancipation of the State from its post-bellum afflictions. Senator GEORGE has often been described as the great commoner of Mississippi. It were far better that he be designated its great liberator.

In 1891, what is known as the subtreasury plan had attracted the keenest attention, not only in Mississippi, but in many Southern and Western States. It was the chief subject of discussion, and was undoubtedly taking deep root in the minds of many. Some of the brightest and strongest men of the Democratic party were captivated by it, and were pushing it with eloquence, zeal, and vigor.

The legislature to be chosen in the fall of that year was to elect a Senator to succeed Senator GEORGE, whose term was to expire in 1893. To oppose it seemed to invite defeat, but Senator GEORGE at once declared it to be unconstitutional and illusory, and canvassed the State with such power and aggressiveness that he not only overcame it in Mississippi, but utterly destroyed its root and branch in whatever section of the country it had invaded.

His canvass attracted the most widespread attention, and the courage and skill with which he fought and conquered it commanded universal admiration. In this struggle, as in all others in which his fame or political fortunes were involved, I was his earnest and steadfast supporter. What man of this generation has to his credit greater deeds, or more useful, than these that I have recounted? Who has surpassed him in constructive ability, or in the power to conceive and press to successful conclusion the broadest and most beneficent designs? What Mississippi statesman has rendered her loftier or more substantial service than he did in leading the historic uprising of 1875, and in giving her a constitution in 1890 which safeguards her civilization against the assaults and dangers of ignorance and prejudice? What son of hers ever bore himself more ably and bravely in the council halls of the nation? These questions can have but one response. It was his lot to live in stirring times and amidst great events.

As a young man he was a soldier of the Mexican war. He was again a soldier in the great conflict between the States. I have already told of the part he bore in the trying times which came to the people of the South with the surrender at Appomattox. Under these and all other circumstances he played the part of a man—of a great man. He was loved and admired and trusted by the people of his State beyond my power to describe. When the hour for his going from them struck, a rude shock came to every home and fireside, and it seemed the lamentation would never cease.

His great deeds will live forever in the history of Mississippi, and by their side his fame will find a perpetual abiding place.

Mr. RAY of New York. Mr. Speaker, August 14, 1897, having passed his seventieth birthday, JAMES Z. GEORGE, a Senator from the State of Mississippi, was transferred from this world into the

great beyond. On occasions like this we are sometimes tempted to indulge in extravagant word praise of the dead that would be resented by the subject of our remarks were he living. It is my purpose, Mr. Speaker, to utter a few words on this occasion regarding our coworker in national legislation that shall describe him as he was and as he intended to be, both in public and in private life; words that Senator GEORGE would not be ashamed to have spoken were he sitting in yonder galleries or on this floor and looking his fellow-men in the eye.

A firm believer in the immortality of the soul, of the eternal living of all mankind, I would speak here not as a mourner for one eternally dead, but as one telling to the world the story of the useful life of a great and a good man gone on before to explore the shores and fields and cities of the better land. As men describe it, JAMES Z. GEORGE is dead, but as God has ordained it, he is just beginning to live. Personally he is gone from our sight, but intellectually he is still with us. We can no longer take him by the hand, or yield to the charm of his conversation, or be swayed by his logic in debate, but we remember his gentlemanly deportment, the dignity and courtesy of his manner, the words he spoke, and the wise counsel he gave, and benefited by all that was good in what he said or did, we truly say Senator GEORGE still lives.

The State of Georgia was his birthplace and the State of Mississippi his home. He was a Southerner, prejudiced in favor of the South, as he ought to have been, but a lover of his country and of his whole country, of the flag of our Union, and of human liberty. In early youth he volunteered as a private, and in the war with Mexico, which insured the independence of Texas and extended the territory and power of this nation, won distinction by that faithful adherence to and discharge of every duty which so characterized him in later life. When that war was ended he entered the walks of civil life and chose the profession of the law, one of the most, if not the most, honorable of all professions. He never disgraced it, but constantly labored to elevate the standing of all its members, and by his example and teachings did much to add to the dignity, purity, and learning of both bench and bar.

As a lawyer he was of the first, and as reporter of the high court of errors and appeals he did careful and painstaking and most useful work that shall cause him to be remembered and honored so long as law is obeyed and respected and as long as lovers of law and order exist. He was a most careful, laborious, and painstaking lawyer. He loved justice and knew that only through proper laws and their just interpretation and rigid enforcement could justice be obtained and good government maintained. He despised trickery in the profession and had no regard for those who sought to win their cases in court through technicalities or tricks of the trade. He was always laboring for the enactment of beneficial laws both in the State and National Legislatures. The common good of all was his constant aim. He stood so well before the people and with the profession that he was made judge of the supreme court of the State of Mississippi, and by his associates was made chief justice. These marks of esteem were merited, and the confidence reposed was not betrayed.

In the meantime, and not long after his entry into the profession of the law, the storm of civil war broke over the country. He was with his State, and an ardent advocate of the right of a State to secede. He had the courage of his convictions and was willing to lay down his life for a cause he sincerely believed to be just. He enlisted early in the Confederate armies and rose to the rank of brigadier-general of State troops and colonel in the regular army. He shirked no duty, evaded no responsibility, but was brave and devoted and self-reliant as a soldier.

When the war was ended he indulged in no recriminations or repinings, but at once entered on the duties of citizenship, determined to rehabilitate his State as an integral part of an undivided country; and through all the dark and trying days of the reconstruction period he demonstrated that as a fair, open-hearted, loyal man his duty and purpose were to rebuild the whole country and firmly cement the union of the States. He accepted the results of the war as a final determination of the case, and at once went energetically to work to make the decision final and the perpetual law of the land. He neither looked for nor sought a retrial, but accepted the verdict and judgment as final. Ever afterwards did he respect it; and were he living to-day no citizen of this land would rejoice more fervently than he to see the boys from every section of the Union—East, West, North, and South—touching elbows and keeping step to the tap of the drum under the banner of a united nation.

He was one of the first to realize that the boys who wore the blue and those who wore the gray should never again meet as foes, but side by side in peace advance the common good and shoulder to shoulder in war meet the common foe in the forefront of the battle. He desired the prosperity of his own State, but not at the expense of any other. When the highest judicial honors his State could give had been conferred, he did not sink into national obscurity, nor was he content with the ease and permanence of a judicial position, but at the call of the people of his State entered

the Senate of the United States, where a broader field of usefulness was opened before him. He served on many important committees, but he did his best work as a member of the Committee on the Judiciary, where his ripe learning in the law, his keen logic, his quick perception, his lucidity of statement, and his thoroughness of investigation won him high standing among the legal giants with whom he was associated.

He possessed an honest and a discriminating mind. He was opposed to all "catch" legislation and believed that there was more danger in too much than in too little statutory law. He had a firm, abiding faith in his fellow-men and believed they could maintain good government with little law if properly educated and rightly guided. He had faith in the people and refused to recognize the "divine right of kings," but did recognize and respect the divine right of men. He sympathized with the people, and any invasion of their rights met his immediate protest and opposition. He had no sympathy with oppression of any kind from any source and had an abiding faith in the ability of the people to govern themselves. He was the bitter foe of anarchy and lawlessness, laziness and shiftlessness, dishonesty and treachery.

His best efforts were always given to the upbuilding and maintenance of good order in the community, and as a lawyer he was usually on the right side of every litigation in which he took part, for the reason that he would have no part in attempting to bolster up or sustain a wrong. He was a practical man, and with him life was a business, not a show or a sentiment. He was a religious man, and conscientious. There was no pretentiousness about Senator GEORGE. His victories were won in fair battle, not by trickery or diplomacy. He did not pin his heart to his coat sleeve or air his opinions to the world unless occasion demanded; but when action was imperative, no one was more outspoken than he. His language was plain, concise, and pointed. He did not use words to conceal thought.

He loved nature. The woods and fields and mountains charmed him, for they were real and God's handiwork. He loved all of God's creatures, and was happy when among the dumb animals, who always had his kind care and attention. He saw but little about him to condemn, except the meanness of men, and he never saw this unless it was forced upon his attention. Few men have won a higher place in the estimation of their fellow-men than did Senator GEORGE. He was a man of ability, judgment, and character. He was a worker, not a drone. He was able and willing to earn his living anywhere. His entry into politics was not for fame or glory or pecuniary gain.

He was in favor of good legislation and saw an opportunity to do good work for his people and his country, and so accepted the high honors conferred and became first a just judge and then one of the hardest and most faithful workers in the Senate of the United States. But little escaped his vigilant eye, and a bad measure always met his vehement opposition and denunciation. He was swayed but little by policy; was always searching for the necessity and the justice of a proposed law. With him whatever was right and necessary was expedient, and whatever was unnecessary or wrong was not only inexpedient but positively harmful. In interpreting a statute he searched for the intent of the law-making body, and when found, sought to enforce it. He was always willing to oblige his coworkers if consistent with an honest and faithful discharge of duty, but he would not do or consent to a wrong to please any man.

Mr. Speaker, in the death of Senator GEORGE the Senators and Representatives in Congress lost a friend and a considerate and faithful coworker, the State of Mississippi lost one of her ablest and most respected citizens and public men, and the United States lost the services of one of its strongest, most faithful, and zealous Senators. For nine years I had known him as a legislator, and I shall always remember him as a magnificent type of American citizenship. If we disagreed, it was in the most friendly way and without a break in personal friendly relations. He fully recognized the right of other men to think and act for themselves and always respected the feelings of those with whom duty compelled him to differ.

Of his home life I will not speak. Those who knew him and saw him at his home with his family and home friends, at the fireside and social circle, can describe him as he was there, but we who only knew him in public life are sure that he must have been loving and kind and generous and gentle at the family hearth. He could not have been otherwise, for there was no littleness or meanness in his nature.

He is gone to a better land and a higher work. To a land not of golden streets and gilded towers and silvered minarets and white-robed angels doing nothing forever and forever, but to one, as he pictured it, where the fields are ever green, the flowers ever bloom, men and women continue to work and improve, and God's children are nearer home.

He is beyond the tumult of war, the necessities of legislation,

and the contentions of courts. He sees with a clear vision, hears with precision, understands God's ways, and is doing the work of the Grand Master of the universe.

Mr. ALLEN. Mr. Speaker, I am here to-day to unite with my colleagues and other friends in paying tribute to the memory of the late Senator J. Z. GEORGE, of the State of Mississippi. In addresses already delivered and others that are prepared an analysis of his character and the leading achievements of his active life are more ably presented than I am capable of doing. So that I find it unnecessary for me to attempt anything like a thorough sketch of his life and great public career.

Mr. Speaker, Senator GEORGE was what is ordinarily termed a self-made man, but no man could have been what he was who had not inherited a splendid mind and a robust constitution. He was self-made in the sense that unaided by fortune or influential relationships, by his own industry and force of character, he rose from the position of a poor boy to that of one of the great men of this great nation.

I have never known a man whose career presented a more encouraging example to the young men of our country of the splendid possibilities that open up to those born without wealth or illustrious parentage. To have risen unaided from poverty and obscurity to be a great lawyer, a great judge of the supreme court of his State, and one of the most profound constitutional lawyers who ever occupied a seat in the Senate of the United States makes a career in which all his countrymen can justly feel a pride.

Senator GEORGE held many positions of responsibility and trust, the duties of all of which he discharged with great thoroughness and ability; and it might not be inappropriate at this time to remark that he never owed any of his selections or promotions to the wealth of his family or the distinguished position held by his father. What he got he worked for and merited.

We are accustomed sometimes to speak of the disadvantages he had to contend against in being thrown on his own resources in his youth. But, Mr. Speaker, if the boy has in him the elements of true manhood, I doubt if these are really disadvantages, for I think the history of our country shows that from this class come most of our greatest men. When it is said of any man that he honored every draft and fulfilled every duty that good citizenship ever required of him, it is saying a great deal.

It can be said of Senator GEORGE that he measured fully up to this high standard as a citizen. During his lifetime his country was involved in two wars—one with Mexico, in his young manhood, and one between the States, in his maturer years. He was a soldier in both, and in both courageously did his duty as he saw it.

Mr. Speaker, the people of Mississippi loved, trusted, and honored Senator GEORGE, and the more they honored and trusted him the more worthy they found him of their trust. He was one of the people; he always had their interest at heart; he appreciated their affection and their confidence, and I believe I can truly say that, in my opinion, no man connected with the history of the State of Mississippi has contributed more, if any have contributed as much, to the material welfare of our State as the late J. Z. GEORGE, and if I were called on to pick out the most conspicuous services for which our people are indebted to him, I would say it was the part taken by him in two achievements so well related by my colleague, General CATCHINGS, who has just addressed you. The one in his great leadership in the great political revolution in Mississippi in 1875, when our very civilization was threatened and our people driven almost to despair by the corrupt and profligate government administered by aliens, who had taken advantage of conditions made possible after the close of the war by the enfranchisement of a great mass of ignorant negroes without any conception of the responsibility of citizenship.

Senator GEORGE's splendid leadership in that campaign, loyally aided as he was by almost all of the property holders and white people of the State, rescued our government from the hands of the despoilers and inspired our people with new hope. But the question as to whether intelligence should continue to control the destiny of the State or whether ignorance, under the manipulation of Federal statutes, should regain control had not been finally settled, and those of us who were associated with Senator GEORGE will always remember how much concern the situation gave him and how anxious he was to remedy it.

This feeling of uncertainty was a great drawback to the development of our State and a matter of great solicitude with all of our people, and especially with Senator GEORGE. It was then that he began the agitation for a constitutional convention in our State and which he did more to secure than any other one man. Many of us doubted the practicability of accomplishing anything in the direction Senator GEORGE was seeking to steer the convention.

But he persevered, accepted a seat in the convention from the State at large, and was easily the leading spirit in this convention composed of many of our ablest men. That convention under

his leadership accomplished more than the most sanguine friends of the movement thought it possible to accomplish toward settling race antagonisms and toward securing for many years to come, at least, the control of the government by the more intelligent and responsible classes of our people.

I do not believe there is an intelligent and patriotic citizen of Mississippi who has not since the adoption of this constitution felt a sense of safety and security that he had not felt before since the negro was enfranchised; and my own judgment is that the present constitution of Mississippi is the greatest achievement of this great man's long and useful career, and I trust it will be, as it should be, his most lasting monument.

In 1891 what was known as the subtreasury scheme became the leading issue in the campaign in Mississippi. It was temptingly put before the farmers as a measure for their especial relief. Senator GEORGE was known and recognized as their great friend and champion, and as such those who had been made to believe in the efficacy of this scheme as a measure of relief for them expected Senator GEORGE to go with them in advocacy of the same. But when his opinion was asked, he came out with a strong letter demonstrating the utter impracticability of the proposed measure and his opposition thereto, and announced his candidacy for reelection to the Senate and went before the people mainly on this issue.

It was my fortune to participate with him in this campaign; we traveled together and spoke together in different portions of the State. I was greatly impressed everywhere we went with the large gatherings that turned out to hear him, and the eager, patient, and respectful attention with which they listened to his arguments; and I attribute his great victory that year very largely to the confidence the farmers and many of the Farmers' Alliance men felt not only in his judgment, but in his devotion to their interest, and I remember well how it pained him to find so many of his old friends among the plain people, whom he had served so long and so well, had become so thoroughly committed in their judgments to the subtreasury plan that in their disappointment at his failure to agree with them they began to question his motives and heap abuse on him where they had been accustomed before that to praise him.

This was with him a matter of genuine regret. But, happily, most of them came back to be his genuine friends and admirers long before his death.

Mr. Speaker, if I were to speak of the characteristics of Senator GEORGE that I thought contributed most largely to his success, I would mention first his practical common sense, which is, after all, the best sort of sense; second, his great capacity for mental labor and the thoroughness with which he did his work—in this, I think, he excelled any man I ever knew—and lastly, the tenacity with which he adhered to his well-formed purposes and the moral and physical courage he exercised in maintaining them.

Mr. Speaker, the gentleman from New York [Mr. RAY], in his very much appreciated remarks about Senator GEORGE, spoke of his anxiety for the welfare of the whole country. While this was true, his greatest concern was for the welfare of the masses of the people of his own loved State; the people with whom his active life had been mainly spent; the people who had heaped their highest honors on him and whom he had served so long and so well.

I have often thought about it, that I never came back from Mississippi that he did not inquire with genuine interest and concern how the people were getting along; were they getting out of debt, were they raising their own supplies, and their prospects generally? All the good news about them seemed to please him and the bad news to distress him. And this, Mr. Speaker, accounts for the great love the people had for him in his lifetime and their great sorrow at his death. It is hard to fool the people long; they soon learn whether or not the professions of interest in them by a public man are sincere or feigned.

I attended Senator GEORGE's funeral in the town of Carrollton. It was held in one of the prettiest churches in a country town the size of Carrollton you will see anywhere, and his generosity had contributed very largely to the building of this church, which had been recently completed. I heard his pastor, the Rev. Dr. Johnson, pay him there among his neighbors one of the finest tributes I ever heard paid any man. I saw gathered there a great crowd of his neighbors and friends, who showed by all they said and did the great love and respect they had for him while living and their sincere sorrow at his death.

I heard his pastor tell about how often Senator GEORGE talked to him about his great concern for and interest in the poor and his generous charity to them. I went out to his home near Carrollton; it was his country home. He liked the country, and very much preferred to live on the farm to living in town; his house was one of the grand, old-fashioned Southern home houses, on an elevation surrounded by trees, many of which he had himself planted; there was his well-arranged office and library in the yard. It was an ideal place for a man who had performed his

life work as well as Senator GEORGE to spend his declining years, surrounded by his loved ones, with so many things about the place to interest him.

I could but regret while there that as Senator GEORGE had made up his mind to retire from public life at the end of the term he was then serving in the Senate and as his life had been up to that time such a busy one, he could not have had a few years at least of rest and recreation in this beautiful home, surrounded by his children and grandchildren, friends and neighbors, amid scenes that I am sure would have been pleasant and interesting to him. I am sure this was his intention, and I am sorry it was not to be.

Yes, Mr. Speaker, in the death of Senator GEORGE Mississippi lost one of the greatest men she has ever produced—and all Mississippians feel a just pride in the great men our State has produced—and I can express no better wish for my State than that those of her public men now living and those who are to come after may measure up to the standard of the public men who have passed away.

Mr. Speaker, Senator GEORGE was a dutiful son, a faithful and loving husband, a kind and indulgent father, a true and loyal friend, a good neighbor, a great lawyer, a great judge, a great Senator, and an exceptionally good citizen.

Mr. Speaker, when this much can be truly said of our deceased friend, what more need be said? I think all those who have an interest in his reputation and cherish his memory should be gratified to know that all this can be truly said of J. Z. GEORGE.

Mr. DOCKERY. Mr. Speaker, I regret that circumstances prevent me from paying suitable tribute to the life and character of the distinguished departed Senator from Mississippi. Senator GEORGE's public life, as has just been stated by the gentleman from Mississippi [Mr. ALLEN], was a fitting illustration of the splendid possibilities of American citizenship. His death was the end of a long and useful career, characterized by ability, integrity, and patriotic devotion to conviction and to duty. It gives me pleasure to add a tribute to-day to his high social, moral, professional, and statesmanlike qualifications. Senator GEORGE lived long, worked diligently, achieved grandly, and died in confident faith in another and better life beyond the stars.

Mr. Speaker, with him death was but "transition" to a life where the flowers forever bloom, where the birds forever sing, where there are forever and forever music and song and joy. He was honest, he was capable, and he was patriotic. In every relationship of life he measured fully up to its requirements, whether as father, husband, churchman, citizen, or Senator. What more, Mr. Speaker, need be said in memory of this faithful servant of the people?

But, Mr. Speaker, let me add merely that all of this service will have been in vain unless it prompt the endeavor on our part to emulate his stainless public and private life.

There are no dead, we fall asleep,
To waken where they never weep.
We close our eyes on pain and sin,
Our breath ebbs out, but life flows in.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I shall not enter into a narrative from birth to death of the life and career, as strange as fiction, of JAMES Z. GEORGE, late a Senator from the State of Mississippi. A bare outline of his life, beginning with the schoolboy working by day and studying at night by fire light, down to the moment when he refused beforehand a third election to a seat in the Senate of the United States, reads more like fiction than biography.

It furnishes an excellent example of what ability unaided and courage and industry unfavored could work out for their possessor in the field of equal opportunity furnished to all in the earlier and better days of the Republic. Suffice it for me to say that from small beginnings he had made of himself an exhaustive law writer; a great, prosperous, and rich law practitioner and planter; an able judge, whose opinions convinced by their very statement; a successful party organizer of a whole race in his native State at a critical and semirevolutionary period; a great Senator, whose excellence of judgment, especially in dealing with questions of American constitutional law, was everywhere recognized.

Nor shall I give a chronological schedule of his acts of public service, which would require a much larger space than I have at my disposal for their correct setting down. All these things have been said and will be said by others older and more able to say them than I. I shall only utter a few words of the kind which one of two friends left behind may speak at the closed grave of the other, who has moved away from among men, leaving behind him only the lifeless and buried casket which once bodied him forth to their eyes.

I shall prefer to speak of him as I knew him—as something present—the product, as all men are, of heredity, environment, and conscious purpose.

His heredity was simple. In his veins flowed the blood of generations of hard-fighting, hard-working, soil-tilling, English-speaking ancestry.

From it came a clean, healthy, natural intellect, housed in a great, healthy, warlike body; both body and mind capable of indefinite growth, expansion, and cultivation, with nothing abnormal, nothing degenerate, weakly sentimental, or maudlin about either. There went with them power and courage to face either the quick threat of danger or the slow wearing of hardship.

His environment you all know. It was that of his time, his class, his section and its institutions. He shared to the full its masterful virtues, to some extent its prejudices. He met fully all its tasks of suffering and achievement.

His purpose was to do honestly and with conscientious and unshrinking laboriousness whatever the time and its problems demanded to be done, and if it was political or legislative work, to do it with the confident hope of making his working contribute to the betterment of the condition of the masses—those masses whose lives are so isolated and whose minds are so absorbed in the drudgery of ceaseless manual occupation.

Senator GEORGE, Mr. Speaker, was neither born great nor did he have greatness thrust upon him. He achieved it. It came by no accident. It came by no favor. It never entered his mind to expect any good fortune except as the result of his own steady, sturdy, persistent, industrious, and intelligent effort. In fact, with his way of thinking, to obtain prosperity and honors, the reward, without giving labor, the price, would have been akin to cheating humanity out of its good opinion.

Under his great shaggy coat was a heart so simple and tender that it was childlike.

His capacity for physical and mental labor was immense—to the average man marvelous.

His mind was like his body, large, healthy to robustness, reveling, as great, sturdy bodies and minds must do, in exercise as its only appropriate element.

When he was over 70, the allotted age of man, he still rose with the sun, and although he went to bed almost as early as the lark, he counted it no strange nor unusual thing to sit at his desk studying, reading, examining, annotating—working persistently, working cheerfully, working untiringly, day by day, nine, ten full hours each day. I once thought that he reveled in work for work's sake, just as others revel in pleasure for pleasure's sake; but I found that he never worked without a purpose, and that each five minutes of persistent industry brought him nearer the consummation of some chosen and important task.

As a consequence of his remarkable healthfulness of mind and body and his resulting capacity for labor, it may be said, without invidiousness, that he left a larger and more lasting imprint upon the laws and the institutions of his native State, if not of the Union, than any other Mississippian. His ideas, whether embodied in leading cases, as announced by him from the bench of our supreme court or in the organic law as promulgated in our present and incomparable constitution, or as existing in the make-up and spirit of the Democratic or white man's party in Mississippi, which he guided in "the better and the middle way" during its formative period beginning in 1875, meet you at every turn. His defense of the institutions of his State and of the necessity for them in her peculiar social, industrial, and political condition meet you at every step in the study of the proceedings and debates of the Senate.

He it was who, as the directing spirit of the Mississippi constitutional convention, solved, for this generation at least, the seemingly insoluble problem of rendering impossible the rule of a vicious and ignorant majority, while making violence and revolutionary methods unnecessary, and yet, with it all, leaving the Constitution of the United States immaculate and unviolated. His work mainly it was which has made possible the preservation of civilization in the State of Mississippi, by putting it on a firm foundation of equity, law, and right, and which has pointed a present way out of their difficulties to the other States of the South.

He it was who, when his work was done, defended it in the Senate of the United States with such matchless historical and legal knowledge to the minutest detail and with such power of analysis and breadth of unanswerable analogy that the one attack then made was the last ever made upon it in that greatest of all parliamentary bodies. It will remain for the future historian to record that he has left, yet in manuscript, the clearest and fullest narrative of the so-called Southern issue as it existed before and after the civil war.

There was about Senator GEORGE, Mr. Speaker, no glitter, no tinsel, no meretricious graces; there was only a shield of just intent, impervious to darts; only a sledge-hammer weight of argument which literally beat down the antagonist.

Others might fight like Saladin with a Damascus blade; he fought like lion-hearted Richard with a battle-ax, which no inferior arm could so much as wield; which no skill, no discipline in

the schools could resist; which could at most be evaded only, if even that.

It was not without reason that the people of Mississippi called Senator GEORGE the "Old Commoner."

In the sense in which it was true of a tribune of the people in ancient Rome it was true of J. Z. GEORGE, that he was chief of the plebeians, and he was proud of his office—an office not fixed by statute nor filled by election, but one into which he was fitted by environment and sympathy and which he filled by process of natural selection.

In the midst of all changes, all surroundings, he remained a typical Mississippi farmer in manners, in easy accessibility, in sympathy, and, moreover, in self-judgment. Sturdy, serious, independent, self-confident, industrious, truth-speaking though ever so bluntly, proud of his class and his section, he was the very type of a class of yeomanry who with some faults have two supreme virtues which of themselves are sufficient to make any people possessing them great—virtues against which all temptations break like waves upon a rock. Those two cardinal virtues of the Southern agricultural class of which he was a type are these: They can not be scared; they can not be bought.

The farmer has been called the "forgotten man." He is the man pressed about prior to elections, forgotten afterwards.

So numerous, so active, and so well organized to make themselves heard and felt are other classes and so persistent are they in their demands that they leave the legislator but little time or leisure to think broadly and deeply of the "forgotten man."

But, whether in private life or in public office, the "unorganized masses," especially those engaged in the absorbing pursuit of agriculture, were never absent from the mind of our late Senator. He could not have thrust them from his thought had he desired to do so. It would have been to thrust aside his own identity. He was bone of their bone, sinew of their sinew; his thought was the highest type of their thought.

They constituted for him "the people"—not theoretically only, because they are a majority of the population, but practically and actually. The idea that anything antagonistic to their real interests could be for the best interest of the State or the nation was for him not even thinkable. It was unthinkable. To him the conviction, founded on observation and history, that all other interests are subordinate to the great agricultural interest and dependent upon its prosperity, immediately or remotely, not only for their own prosperity, but for their very life, was self-evident.

Not all the sophistry in the world nor the ablest special pleading could have obtained from him a moment's sympathetic consideration of the proposition that a nation could be made great or a people happy by taxing the capital and labor invested in agriculture in order that capital invested in manufactures might obtain a better profit, or that manufacturing labor might enjoy higher wages.

Not only from the political standpoint, but viewing the man in his private life from a social standpoint, it was not without reason that his people called him the "Old Commoner."

Whether as a barefooted boy, now attending the common schools of Carroll County, now working in the field; whether as a lad, trudging over the dirt roads while he drove the team that hauled his mother's cotton the long, dreary way from Carroll to the head of navigation at Yazoo for shipment; whether as a private soldier in the First Mississippi Rifles, marching proudly under the eyes of Col. Jefferson Davis or charging at Monterey; whether as a successful lawyer and frugal and prosperous planter and business man; whether on the field in the command of his regiment of Confederate soldiers, fighting for the right to secede, for which he had voted and spoken; whether in his capacity as reporter of the Mississippi supreme court or in that of judge of that court; whether wielding the power of an almost-dictator as chairman of the executive committee of his party in the revolutionary campaign of 1875; whether in his seat as a Senator in the Congress of the United States or at home dispensing the generous and open-door hospitality of a Southern planter, he was always the same J. Z. GEORGE—the same JIM GEORGE, as his neighbors called him—always a "commoner" and always earnest; indefatigable in labor, delving to the bottom of every problem, minutely attentive to each detail, honest in purpose and conviction, brave in execution, carrying fidelity to friends to a point where it sometimes seemed a fault, remembering always the lines—

Those friends thou hast, and their adoption tried,
Grapple them to thy soul with hooks of steel—

repaying favors, even fancied favors, personal or political, three-fold, tenfold; fond of his plantation, kind to his servants, indulgent to his children; in love with his wife and she in love with him.

No sweeter picture has it ever been my fortune to behold than that of these two old people—he past 70, she not much younger—with their childlike affection and mutual confidence—a confidence and affection not spoken, but easily seen of all men—surrounded

by their children and grandchildren, both knowing that Death had set his seal on the brow of each, yet gliding hand in hand, as contentedly as mortals may, into the awful abyss.

Senator GEORGE was one of the wealthiest men in Mississippi. This might have been expected as the natural result of his frugality, industry, and robust intellectuality. But wealth did not change him nor add one jot nor one tittle to his just opinion of himself nor contort his opinion of things beyond himself.

Washington did not spoil him; its glitter did not deceive him; its stupid pretensions did not awe him; its temptations did not allure him; his friends were still his old friends at home; the gods whom he worshiped here were still the gods whom he had worshiped amid the sweet hills of Mississippi—the *lares* and *penates*—the gods of the household and of the hearthstone.

Mr. DE ARMOND. Mr. Speaker, it would be difficult to add to the tributes already paid to the memory of the distinguished Senator from the State of Mississippi. As a man, a lawyer, and a statesman he has been painted and pictured in colors to which I feel that I hardly can contribute anything.

It was my good fortune to know Senator GEORGE—General GEORGE, as many of his admirers called him—and I am proud in the belief that he regarded me as one of his friends; and it is a sad pleasure to me, now that he is dead, to lay my tribute of admiration and friendship upon his bier.

There has been said of him here this afternoon much that can be said truthfully of but very few men, and yet of him it has been spoken truthfully. From a small beginning, with no advantages in early life, with struggles all along the way, with many and great difficulties to contend with and overcome, he achieved such success as few reach and none better deserve. Born in poverty, through toil and privation, with such education only as he could acquire, despite disadvantages, by extraordinary effort, he climbed steadily to the heights of fame in a country where, while the highest places are open to the competition of all, none but a few superior men can reach them and fill them acceptably when they do rise to them.

I happened to live with Senator GEORGE in the same house in this city for two or three winters. I knew him quite well, through that everyday intercourse in the unconventional friendship which grows up between those thus thrown together, and holding the same views concerning great issues. So I know that what has just been said, and said beautifully, concerning his domestic relations, being the simple truth, is merited praise and glory for him and for his noble wife. She, as well as he, was a superior being. They were unlike, and yet in some things very much alike. He, sturdy as an oak, stern, plain, thorough-going, tireless, unconquerable, yet generous and kindly; she, tender, gentle, cheerful, noble, having as lovely elements of heart and mind as ever are given to the daughters of Eve.

The hand of death for years was upon her. Stricken, sorely stricken, it was only a question of time when she would go, and all along the appearances and indications were that her time of departure was not far distant. The tenderness of this very strong man toward this woman, strong, too, in spirit, but physically weak, was lovely in its strength and simplicity. Gentle as he could be, tender as it was possible for anyone to be, he was devoted through all the long years of her affliction to the wife whose weakness found firm support in his strength. He was the sturdy, kindly oak; she the vine, flowering and fragrant, which could not live without the oak. So, united in life, they were separated but a little way in death, the one preceding the other but a short time on the long journey whose beginning only is open to mortal view. When one was gone, all who knew their relations well might predict that the other could not long survive.

As a lawyer, according to the judgment of those who knew him better than I, Senator GEORGE was almost without a peer. Possessed of a mind singularly strong and of wonderful constructive energy, thoroughly honest in his purposes, with an industry that was almost unparalleled, and a capacity for work truly wonderful, he steadily climbed to the highest round in the ladder of fame. That he was one of the greatest constitutional lawyers ever in the Congress of the United States in the whole history of the Republic is a fact that will stand the test of time and be evidenced by his works for many and many a day. He was one of the great representatives of a great State, a State that has given to public life so many conspicuously great men.

The service that he rendered to his State in the crucial time following the war, when wisdom and courage, patience and perseverance, were supremely necessary, can be estimated and appreciated better by Mississippians and by other people of his own Southland than by those of the State from which I hail or by the people from any other section of the Union. What it was to contend with the difficulties he had to encounter; what it was to overcome those difficulties; what it was to pilot his people, to carry them, through the stormy time that followed the war; to get

them over and clear of the dangers that beset them; to establish them upon the rock of constitutional liberty and right—appealing to the intelligence and aspirations of superior manhood to hold them there—that would require time to outline and the history of years to disclose.

The constitution of this great State of Mississippi is a monument to the wisdom and the far-sightedness and the patriotism and the lofty purpose of this great man. Long, long after his passage from this earth, long after we who speak here in his praise this afternoon shall have been gathered to our fathers, that constitution will be the bulwark and protection of the people of his State. The children and children's children of the generations of those with whom Senator GEORGE mingled will gather the fruit of the goodly tree that he planted. In all the years that that instrument is held up to admiration, that it is clung to for protection, his memory must survive as a glorious inheritance.

As a legislator, too much can not be said in his praise. He was industrious, he was thoroughly honest, he was able—he combined all the qualities and all the characteristics necessary for a great lawgiver. And as my friend General CATCHINGS, my friend Mr. WILLIAMS, and my friend Mr. ALLEN have said, in language full of pathos and beauty, he never lost sight of the fundamental principles of our Government, but always recollected, and always realized, and always worked upon the theory, that the rights of the people are the great thing to be conserved.

No man could know Senator GEORGE even for a short time, even casually, without being impressed with the simplicity and the nobility of his character. From poverty he had advanced by his own exertions, conquering the way at every step, to a competency, even to riches. From the ignorance of the poor boy having no school advantages, having to toil long and hard, he worked and grew into the man of wisdom. From the humble chore boy about his mother's house, the poor laborer upon the farm, he became—thanks alone to his talents, perseverance, and integrity—a great lawyer, a great judge, a great constitution maker, a great Senator; one of the greatest among the great.

Yet after all this progress, this traveling upward and onward during the weary years—after he had reached fortune and fame, after he stood upon an eminence which very few ever reach—still he was the same plain, simple-minded man of the people. Here in the city of Washington he was as plain and simple in his habits as he was at his country home—as simple and plain in his methods and ways of doing business and in his intercourse with men in the magnificent capital of our country as he was upon the plantation where he loved to dwell, away back in Mississippi. His life proves that greatness is not measured by egotism, and that success need not have vanity for an attendant.

The race to which Senator GEORGE belonged, the style of man that he was, seems not to have too many representatives in public life at this time. How common it is for some people, when a little success attends their efforts, when promotion comes to them and the opportunity presents itself to rise (not in actual fact so much as in their own imagination) above their surroundings, in their own vaunted greatness, to look down upon those who by the accident or chance of fortune are beneath them, but who in all other respects are their superiors.

Senator GEORGE never felt that he had any rights except those which belong to the humblest of the people whom he represented, the humblest of the honest people of this land. His self-reliance was far above vulgar egotism, and vanity, that vice of little minds, never afflicted him.

In legislation he never sought for anything except that which he believed would be beneficial to the great mass of the American public. As has been said truly and eloquently this afternoon, he sought the legislation best for the people; and in determining whether a proposed measure was good or bad, he gauged it always, from beginning to end, by his judgment of its bearing and effect upon the masses of the people. That is the true democracy of our Republic—the true liberty-loving spirit in which to study legislation and to enact laws.

But how many people forget, how many depart from that ideal! How many do we find who, when they come to this great capital city, forget the humble people at home, by whose suffrages and confidence they are here! How many come here, fresh from the utterance at home of sentiments which they do not give much play in legislative life at this great and gorgeous capital! How many are there as careful here, under temptation, of the rights of the people who sent them here as in their professions at home, in order to get here, they seemed to be?

Whoever lost faith in fundamental principles, he did not. Whoever proved false to the people, Senator GEORGE was not found wanting. Whoever lacked in courage in trying times, his courage never failed. Whoever allowed himself to be deluded into the belief that legislation inspired and urged by the privileged few may somehow be beneficial to the oft-forgotten many, or not hurtful to them, Senator GEORGE never was thus blinded; Senator

GEORGE never was thus misled. Faithful ever, Senator GEORGE was a marked man in all the years of his legislative life.

His career is a notable one in the history of our country. Of course, many men in our history have risen from poverty to affluence, have risen from the humblest station to the highest. Many have filled well the high stations to which they have climbed. But of which of them can it be said that in his life greater service has been rendered, that truer courage has been shown, that more steadfastness and devotion in the defense of fundamental principles have been exhibited, than in the career of Senator JAMES Z. GEORGE?

What can be added, what need be added, to the glory of such a man? A good husband, father, friend; a brave soldier in two wars; a patriot always and everywhere; a lawyer eminent at the bar and illustrious upon the bench; a legislator with hardly a superior and few equals. With all her great men, well may Mississippi place this great man high in her esteem and love. When the history of all of them is considered few will be found to stand above him.

Happy has that State been in her representation in Congress, when her own people could speak her own voice, when her own judgment could be consulted and was controlling in the selection. Strong in this House, strong in the other House—for years before the war and after the war, for years in peace and in war—Mississippi has been one of the proudest States of this Union, made illustrious by the services of her great men.

Of late she has been stricken sorely—both of her great Senators have gone. No wonder that the Mississippi heart is sad. No wonder that Mississippians gather tearfully about the biers of their great dead. No wonder that Mississippians, with all the greatness that they have in their living men, contemplating the illustrious past, may query who of them all shall rank with the great departed—who shall hold aloft the standard of Mississippi's glorious achievements as they that are dead used to hold it aloft?

Already in this House three of the distinguished sons of Mississippi have paid their eloquent and noble tributes to the memory of the dead Senator. The last utterance, I believe, in public of another great Senator of this great State was made in pronouncing a grand eulogy upon him who is now the subject of our remarks.

Most eloquent tribute also was paid by the worthy successor in the Senate of the great man whose death we deplore and upon whose virtues we comment this afternoon. Other Mississippians are to follow. I feel that they can speak upon this subject better than I can. I feel that their tributes will each be worth more than mine. These Mississippians have been heard and will be heard in the discharge of a duty to them more solemn, more glorious, than any that now can rest upon those of us who come from other and distant States.

It is a proud privilege to every one of them, prouder far than ours can be, to speak of the great Senator whom they and their constituents esteemed so highly. Proud, indeed, and thankful must every true son of Mississippi be for the privilege and opportunity of paying his tribute to the illustrious dead. We from distant States, from other parts of the Union, who learned to admire, to follow, to revere, the great Mississippian, simply join those from the State of his pride and love, join you, his friends, who knew him far better than we did and who must esteem him even more highly. We join gladly and yet sadly in these interesting ceremonies.

Always, I suppose, Mr. Speaker, when we contemplate death, we will, whether or no, peer if we can beyond the barrier of mists, into and through the dark that hangs about the river that all cross over when they leave us.

It seems to be an instinct of humanity to ask the question whether there is a life beyond this life, and to give it an affirmative answer. Much time has been devoted to the consideration of the old, old question, "If a man die, shall he live again?"

I shall not add anything. I can not add anything, to the discussion of that most interesting, that awful question which comes often in the lifetime of each; comes whenever the hand of death is laid upon a companion, a friend, a beloved one; whenever the country suffers the loss of one of its great defenders, one of its illustrious citizens. Surely there is something natural, something that we would not, can not, get rid of, in the hope that springs eternal in the human breast that beyond this life there must be another life; in the faith that the intellect which can grow and expand and develop, as did the intellect of our dead friend, must be something more enduring than the frail body that shelters it for a few short years; in the belief that the firmness of character, the integrity of purpose, the lofty ambition, correct and well guarded, the pure sentiments, the strong affections, which can control a noble life, ought to have fuller expansion and fuller fruition in another existence; that life is incomplete, that existence in large part is a failure, if there be not a life after this life is ended; if there be not a taking up of the life of the spirit, the soul life, the

life of thought and of love, in another sphere, under more favorable circumstances, where there may be infinite expansion, infinite growth, through infinite years.

How pleasant, too, when indulging in these reflections, must be the picture in the minds of the hopeful of the reunion upon the other shore of these kindred spirits, parted for a brief time by what we call death; of this great Senator, so strong, so sturdy, so brave, so resolute, and his noble wife, from whom, if there be another life, he was separated for but a few weeks—taking up forever over there the reunited thread of life broken here. How glorious must be the progress through the boundless realms of eternity of ransomed souls so noble here, so pure there, after all the dross of earth has been left behind!

Whenever we are stricken, whenever death comes close to us, we put by all the philosophy that denies a future existence. We cling to the hope, and we evolve for ourselves out of revelation or reason a philosophy, which does give a life beyond the tomb; which gives relief to distress; which cheers us in times of greatest trial and affliction; and which, we trust, will crown existence for us one and all. To millions the hope of immortality is the only bridge that spans the gulf of despair.

So far as earthly immortality is concerned, we may not look to a time so distant, to a period so dark in the life of our nation—we may not contemplate a state of civilization so wrecked and broken—that the memory of this great and good man will not live; will not be loved and treasured.

Mr. FOX. Mr. Speaker, eulogy has become so commonplace and has been so indiscriminately bestowed that it is often meaningless. The world has few great men and the world knows them. Their own lives are their greatest encomium. Their deeds live after them and by these are they judged. Magnificent mausoleums nor lofty panegyrics can give greatness to him who has not won it and who does not deserve it. Especially is it true in a republican government like this, where every man is judged by his services to his country, that there can be no counterfeit greatness. It is true that many strut across the stage of life surrounded by the glitter and glare of wealth, or the pomp and parade of accidental position, followed by fawning flatterers, but they soon make their exit and are forgotten.

The greatest man is not he who gets the greatest number of people to serve him, but he who serves the greatest number of people. I can not add to the greatness of JAMES Z. GEORGE by saying that he was great. That he had many of the elements of greatness is the verdict, not only of the great State to whose service he gave all his splendid abilities and powerful energies, but it is also the verdict of the American people, who knew him as the fearless champion of human rights as they were guaranteed by the Constitution of the fathers.

If achievement is a test of greatness, if to be a leader of men, if to understand and thoroughly master the science of free government, if to be able to grapple with the greatest problem of the age, involving the happiness and welfare of two races, and to have the brains and the courage to solve it in a manner that startled the conservatism of his friends and provoked the criticism of his political enemies, and yet in a manner satisfactory to both races; if to rise from poverty, and with no other aid except his own brain and energy win the proud position of being one of the first constitutional lawyers in the American Senate—if such achievements as these entitle him to be called great, he was a great man.

If it is admitted that he had faults, it is only to say he was human. There is nothing more proverbial than the frailty of human greatness. A great man, when asked the secret of his greatness, answered in one word, "Reserve." He concealed his weakness by the mask of reserve. But GEORGE despised all the artificial and adventitious aids to strengthen him in public opinion, and whatever faults he had were known of all men; in fact, he seemed to think the world was entitled to know them.

He perhaps neglected too much the amenities of life and had too little regard for its conventionalities; yet the great body of the American people, from whom he stood not aloof, and with whom he moved and lived without reserve, loved him best. It is frequently said that no man is great to his own valet; but the old body servant of Senator GEORGE, who, when emancipated, never left the old plantation, was next to his bier as one of the chief mourners at the funeral in the little church at Carrollton, and hundreds of ex-slaves who had known him from childhood followed him to his grave, sincerely appreciating and mourning the great loss which they, in common with their white neighbors, had sustained.

Those who knew GEORGE best wondered which to admire most, the simplicity of his greatness or the greatness of his simplicity. Without any of the graces of oratory, no public speaker had more influence with the people, to whom he expounded the most intricate political and social problems in the simplest and most unaffected way. Without parading himself as the patron of those he

helped, he was a philanthropist; with none of the wiles of a demagogue, he was a sincere lover of the people; with none of the arts of the politician, he was a statesman; without the ostentatious self-righteousness and hypocritical cant of the Pharisee, he was a Christian.

Emerson has said, "He is great who is what he is from nature and never reminds us of others." GEORGE imitated no one; he was like no one.

He was an indefatigable worker. Dumas said he lost 5 francs every time he stopped writing to put on his boots, and Victor Hugo thought it was a waste of time to feel his own pulse. GEORGE's big brain was so stirred with restless energy and great thought that he had little time to cultivate graces of manner or personal adornment.

He was most fortunate in his birth; fortunate for himself and fortunate for his people. He was the child of poverty and toil, and knew none of the temptations of wealth or the enervating influences of luxury, yet he was richly endowed with brains, energy, physical and moral courage, and self-reliance. These were great riches indeed, and he invested his entire capital in self-improvement, and JIM GEORGE, the plowboy, became the great lawyer, judge, and statesman.

Born of the common people, he was of the common people and knew the common people, and while he was too great to yield to their demands when influenced by passion or prejudice, he was great enough to fully comprehend and appreciate their wants and to sympathize with them in their wants.

The greatest man is he who does the most to perpetuate free government and to secure for all the people, however humble, equal rights under the law. To enter into such a work against the aggressions of the rich and powerful one must be in sympathy with the needs of the people. To be in sympathy with them one must be one of them. Lincoln could not have been Lincoln if he had not been a rail splitter. Christ could not have been Christ if he had been born in a palace instead of in a manger, if he had been born a Pharisee instead of the carpenter's son.

If popular government is to be perpetuated, it will be done by men who spring from the plain people. While it may be well for organized capital and great commercial interests to be represented in national legislation, such a constituency always has commanded and always will command the services of the most talented, assiduous, and aggressive. But in order that government by the people and for the people shall not perish from the earth, it is of the highest importance that the producers of wealth and the taxpayers be represented by men who at all times will cheerfully champion their rights and never yield to the temptations of place or power. Such a man was JAMES Z. GEORGE, and as such a grateful people will always honor and revere his memory.

Mr. LOVE. Mr. Speaker, he who comes last in a field which has been reaped of so much eloquence can only hope to glean among the already garnered sheaves.

We are here to pay tribute to the worth and greatness of a departed friend and colleague—to commemorate the life and services of the late Senator from Mississippi, Hon. J. Z. GEORGE, who, after a long life of usefulness and an illustrious career, on the 14th of August, passed away, and his noble spirit sunk to rest, down by the sounding sea, where the gentle breezes kiss the sighing pines at eventide and where the waves dash and break as they caress the silvery beach.

Neither praise nor censure can now reach him, but we can show our appreciation of his great and valuable services to our country, and keep alive and perpetuate his memory by burnishing his deeds bright in the minds and hearts of his countrymen.

Men attempt in various ways to perpetuate their memories. Some erect stately marble shafts that may portray them in grandeur to future generations, but this will only perpetuate their names, and the marble, too, will soon crumble and be swept into the sea of oblivion; but the monuments of great minds and the deeds of noble hearts will survive the wreck of matter and the shock of time. The only true life that lives after the personality has been destroyed is that which is written in the hearts and intelligence of the human race, for when we look back over the ages that have rolled by in the revolutions of time what have we left but the thoughts of men. So "we live in deeds, not years; in thoughts, not breaths." It is not how long we live, but how well.

The custom in antiquity was for political cabinets to take formal note of the death of those who were great only in their funeral panegyrics. Too long did the etiquette of courts prescribe hypocritical mourning. Nations should mourn only for their benefactors. The representatives of a people should recommend to their homage only the heroes of humanity. "An indiscriminate deluge of praise drowns mediocrity and greatness in one common grave, where there can be no distinction." The memorial orations and the monumental epitaphs spoken and written of our departed friends, expressive of our love, esteem, and appreciation, are often too long withheld. Kind words of approval and encouragement are of far more value to the living than to the dead.

It is gratifying to know, however, that the heart of our distinguished friend was thrilled and gladdened by paeans of praise while living. Though not without opposition and criticism, he was the recipient of the highest honors within the gift of a generous and grateful constituency, and his life was crowned with successful endeavor in achievements for his country.

Senator GEORGE was not possessed of personal vanity. He did not seek notoriety, rather preferring to be painted as he was, "and greatness is wise in wishing it." His ambition was to serve his country well, and the success of his people was his most coveted desire. He was a true, able, candid, courageous son of the South, faithful to her interest, to her convictions, to her traditions.

JAMES Z. GEORGE was born in Monroe County, Ga., October 20, 1826. His father dying in 1838, his mother moved to Noxubee County, Miss., in 1834, and two years later to Carroll County.

His school facilities were limited, but by hard study and extensive reading he acquired a fine English and fair classical education. At an early age he served in the Mexican war as a private in Jefferson Davis's famous regiment of Mississippi Rifles. He began the practice of law in 1847, and was elected State reporter of the supreme court of Mississippi in 1854. His ten volumes of reports are models of clear and accurate statements. He was a member of the secession convention in 1861, enlisted as a private in the Twentieth Mississippi Regiment, became lieutenant and captain, and was captured at Fort Donelson. He was afterwards commissioned brigadier-general of State troops in 1862, and colonel of the Fifth Mississippi Cavalry in 1863. He was again captured at Colliersville, Tenn., and remained a prisoner on Johnsons Island until the close of the war. He resumed the practice of law after the war, moving to Jackson, Miss., in 1873, where he codified and published, under great disadvantages, a Digest of the Supreme Court Decisions, a work rated among the best of its character, being extensively used by the profession in the State.

He afterwards formed a copartnership with Judge Wiley P. Harris, then the most noted lawyer in Mississippi. In 1875 he was chosen chairman of the Democratic State executive committee, planning and executing the most wonderful and successful political campaign ever waged in the State. It was in this campaign that I first knew him, and I was greatly impressed with his fine judgment and great executive ability. He at once became the Democratic leader, and was the guiding spirit of the civil revolution of that period. In 1879 he was appointed judge of the supreme court, and his associates conferred upon him a rare distinction by immediately choosing him chief justice. In this position he sustained the great reputation he had made as a practitioner. His judicial mind grasped the philosophy of jurisprudence, never being satisfied with a knowledge of law that did not include the reason for it. The law was his true element, and his intellectual force was that of analysis, in which he was especially gifted.

In 1881 he was elected by the legislature to the United States Senate, where he remained a prominent member until his death. His record as a legislator and statesman is equal to his career as a jurist. He served on leading committees charged with grave duties, but was always equal to the requirements of the position, acquitting himself with distinguished ability and with an integrity and fidelity questioned by none. His record is one of conspicuous merit, without a spot or blemish to mar its symmetry or cloud its horizon.

Whether discussing in committee or on the floor legal or constitutional principles or questions of public policy, he was recognized as one of the ablest men in the Senate. His strong minority report on the national inquest bill, his able speech in favor of the treaty with Great Britain, his exhaustive discussion of the race question, his powerful speech against the constitutionality of the Federal election bill were all masterpieces of logic and learning, and will compare favorably with the best speeches of Calhoun or Webster.

Perhaps the most important service rendered the State of Mississippi by our departed friend was in the constitutional convention of 1890. It was a high tribute to his statesmanship, and an evidence of popular trust, that he was called from the national capital to his home to assist in framing a constitution for his State.

It was my fortune to be associated with him in the performance of this difficult and laborious task, and it affords me pleasure to testify now to the faithfulness and efficiency of his master hand in contributing largely to the framing of a constitution that will ever be a monument to his genius.

The suffrage clause became afterwards the subject of criticism and attack in the Senate, on the ground that it was a violation of the Federal Constitution.

The reply of Senator GEORGE to these objections was so convincing and complete that all attacks were silenced. This was, in all probability, the effort of his life, for the question seriously involved the rights and interests of his own people, which to him was always paramount.

He was truly a friend of the common people. He made their cause his own, and sympathized with them in their joys and sorrows.

He was a practical agriculturist, having been raised on the farm, and was an extensive planter at the time of his death. The agricultural interest always had his deepest concern. He was active in the establishment of the Agricultural and Mechanical College in Mississippi, and its success was his pride. His letter to the Farmers' Alliance of Amite County was the ablest and most convincing argument ever written against the subtreasury. His famous speech in Mississippi on the silver question in 1895 was so full of information that it will go down to history as a revelation on that question.

As a lawyer he was the peer of any in the Senate—a legal gladiator. He possessed preeminently a legal intellect, great clearness of thought, accuracy of discrimination, soundness of judgment, and strength in debate—always clear in his grasp of a subject.

He trusted his cause on its merits and justice, and his weapons for success and supremacy were reason and argument. He possessed no blandishments or diplomacy.

Neither euphony nor rhythm found place in his speeches or writings. They were without embellishment in language or ornament of style. Beauty and brilliancy were lost in the substance of his argument and in the handling of facts. The sentimental and beautiful did not dominate his nature, nor did he dwell on imaginary things. He cared little for metaphysics and never attempted oratory, for the bent of his mind was logical, and reason rather than emotion held sway.

He was a dangerous antagonist, for he knew all the methods of attack and defense. He was fertile, original, and bold. He knew his capacity for work, which was unequalled, and did not undervalue his intellectual grasp and vigor, while his courage of heart equaled his capacity of brain.

He was a very practical man, and read such literature as he could turn to practical use. His was, indeed, a massive and splendid character. It stood out like a monumental stone, "not adorned by fretwork, but plain, clear, powerful, and ponderous as it rested on its imperturbable base."

He was not without faults, and, no doubt, at times his prejudice misguided his judgment, but no one ever doubted his sincerity.

He did not cultivate the social side of his nature, and cared nothing for conventionalities. He was always fond of his friends, however, and rejoiced in their presence. His courtesies were the natural promptings of generosity and goodness of heart, but notwithstanding his rugged nature he was a man of broad sympathies, profound convictions, and generous impulses. He was full of charity and gladdened many unfortunate lives by his generous aims; and, after all, the best fame is that which, though not sought, is won by goodness, charity, and brotherly love. They are the crowning beauty of our work in this world. The tear of gratitude shed by the distressed is a purer jewel than ever sparkled in the crown of political fame. Through all the weary months of his sickness and suffering the hearts of the people of Mississippi went out to him in sympathy and affection.

Let us in appreciation of his virtues emulate his example, and strive to so live that it can be said of us when the end comes that we left behind us a legacy of good deeds and of honorable achievements.

And now, in thine own native clime
Thou art at rest beneath the tomb,
Where brightest skies expand sublime
And choicest flowers forever bloom.

Mr. Speaker, at the request of the family of the deceased, I will ask to print as a part of my remarks the memorial address of Hon. W. M. Cox before the Mississippi legislature on January 18, 1898.

Death is never to be despised. His coming is at all times a thing to inspire interest and awe. But when the great and the good has been taken, when the leader and the benefactor of men has passed from his place "here on this bark and shoal of time" to the pale realms beyond, it should give us solemn pause, and persuade us to the serious contemplation of the life that has departed, that we may preserve and transmit the memory of its services and virtues, while we warm and ennoble our hearts with the sentiments of admiration, of gratitude, and of love.

He to whom we this night pay tribute of honor is worthy to receive it. This Commonwealth, rich though it has been in men of character and genius, has not produced a greater man. Mississippi has not had a more illustrious citizen, nor a patriot who served her with more unflinching zeal or purer purpose.

His life was for a half a century so blended with the history of the State that the one can not be rightly recounted without the other. Had not the spirit of boasting been alien to his nature, he might as he neared the end, looking back over the most momentous events in the history of his State and recalling its greatness and glory, have exclaimed with the hero of the Latin epic, "Quorum pars magna fui."

While still a youth he was one of the band of gallant spirits who illustrated Mississippi valor upon the fields of Mexico, and contributed so largely to the glory and success of Americans. Upon the cessation of hostilities he returned to his home and devoted himself to the mastery of that noble profession, the law. It is said that upon his admission to the bar, there were some who thought that a capital or driver was spoiled to make a poor lawyer. But these little understood what manner of man he was. They little knew the tremendous power of intense and sustained concentration of thought which resided in that massive brain. They did not appreciate the high ambition of that rough and uncultured youth, nor the force of that heroic determination which was destined to override all obstacles and place him among the foremost of the great men of his generation.

He rose rapidly to distinction in his profession. Ten years reporter for the supreme court, author of an elaborate digest of Mississippi decisions,

two years justice of the supreme court. These are facts which attest his industry, as well as his legal learning and ability. He made some important contributions to the jurisprudence of the State, and these alone would have sufficed to win him a noble fame.

But he was not to be merely the lawyer and jurist. Though this profession afforded him a great field for arduous and successful labor, and though for him its rewards were splendid, yet its sphere was too narrow for the full display of his great and matured powers and its limitations too severe for the bent of his genius and the instinctive and irrepressible aspirations of his heart. The law for him was a great training school. It helped to fit him for the broader, if not higher, field of statesmanship. Nature and discipline combined to make of him a great democratic statesman, a true commoner, a real tribune of the people.

He was a member of that great convention which in 1861 boldly asserted the Southern view of the Federal Constitution as being but a compact between sovereign States, and which severed Mississippi's connection with the Federal Union. He counseled and voted for this action. Of the titanic struggle which followed, of the conduct of the war, I must not now speak further than to say that he whom we this night honor gave proof upon the field of the sincerity and strength of his convictions. But his military services, though highly creditable, were not specially distinguished; neither nature nor discipline had made of him a great soldier, but both nature and discipline united to make him a great civil leader.

And now the time was coming when his power of civil command, his faculty for organizing and leading great popular movements, his capacity for conservative and constructive statesmanship of the highest and boldest kind were to find ample field for their exercise.

Mississippi was in the dust, her ancient doctrine of State's rights discredited, flouted, and scorned. The institution of slavery, so woven into every part of her social fabric, had been torn up by the roots, and all the relations of the dominant and the servile race violently dislocated by the rude hand of foreign and vindictive power.

The intelligence and virtue of the State were under the ban of radical hate and proscription. A race of slaves, whose immediate ancestors had been gibbering savages and whose only fitness for civil freedom has been acquired in the school of slavery, were not only emancipated and invested with civil rights, but were made the dominant power in the State. Into their hands were committed the destiny of a great Commonwealth and the fortunes of an enlightened and magnanimous people. So wicked an experiment, so infamous an exercise of despotic power, had been without parallel in the history of civilized people. It was followed by a saturnalia of misrule, of profligate corruption, of confiscation under the guise of taxation, of debauchery, infamy, and shame, which has never been equaled unless in the days when degenerate Rome gave her provinces up to be plundered by the targeholders.

The fabric of this odious despotism was held together and kept in place by the full power of the Federal Government, animated and directed by the bitter hate of a victorious and malignant faction. But for this it would have been swept away as soon as established by the indignant wrath of an outraged people. That under these conditions the people of Mississippi restrained their rage, that their righteous indignation did not flame out into wild, irregular, and hopeless insurrection and revolt, that biding their time they bowed their necks to the yoke until the season should be ripe for their deliverance, is to my mind the noblest thing in their history and the best evidence of their greatness and fitness for self-government.

Mississippi has always been fortunate in the character of her public men. During the trying ordeal of Radical and negro domination she was blessed with a host of popular leaders whose wise counsel curbed the impatience of the people and prepared the way for an ultimate overthrow of alien despotism and the restoring of civilization and social order. Some of them are yet living, but many are with the dead. Would that the limits of this address would permit me to name them all, and to pay some tribute, however feeble, to their memory and fame. Mississippi should never forget them, and, if true to herself, she never will.

Of these great men and splendid patriots JAMES Z. GEORGE was for the work to be done recognized as facile princeps. He was hailed as the one of all best fitted by native and acquired wisdom, by single-hearted devotion to the public welfare, by innate capacity for organization, and by tremendous power of his great personality and the grim force of his dauntless will, to lead the white people of Mississippi in heroic struggle against desperate odds for the rescue of their civilization and the rehabilitation of their institutions.

A great work was to be done. A mighty deliverance was to be wrought out. A revolution was to be accomplished—but it was to be without the mustering of hosts or the clash of arms. It must be under the guise of law, and sanctioned at every stage by outward compliance with its forms.

General GEORGE, as chairman of the Democratic executive committee, became the recognized leader of the white people of the State in this great movement. That it succeeded beyond the expectation of even the most sanguine is due largely to his industry and patient attention to details, to the thorough organization of the forces at his command, to his wise leadership, and the inspiration of his dauntless courage and invincible will.

As one of the later results of this great political revolution, General GEORGE was elected to the United States Senate to succeed Blanche K. Bruce. He was the colleague of Mr. Lamar, and, upon his elevation to the Supreme Court, of General Walthall. During this eventful period no State was more worthily represented than was Mississippi in that august body.

The world might safely be challenged to produce three jurists and statesmen of more splendid ability, loftier character, or purer fame. They had no thought but their country's good, and no ambition but to win the gratitude and love of their people; no faintest whisper of suspicion was ever breathed against their integrity, and calumny found them clothed in complete armor, the armor of simple truth and honesty. They commanded and the survivor of them continues to command the admiration and confidence of their fellow-Senators and of the whole American people.

By their character and services they contributed in a great degree to the bringing of the two late warring sections each to a better understanding of the character and purposes of the other, to the allaying of bitter sectional animosities, to the restoring of the Federal Constitution, and the building anew of the Federal Union. It was in no small measure through the influence of these three men that the cause which the South lost upon the field was regained in Senate and forum, and that the once despised but now ascendant doctrine of State rights has been more fully secured by judicial decision and general acceptance than ever before the great struggle made by the South for its assertion and vindication. It is no longer the mere shibboleth of a political party, but is fast coming to be recognized by all thinking men as the only safeguard against imperial centralization and its inevitable concomitant, despotism.

But the most splendid service of General GEORGE to the people of Mississippi was rendered during the latter years of his life. Though radicalism had been overthrown and driven from the State, it left behind a constitution which stood as a constant menace to white supremacy and Anglo-Saxon civilization. The facts and the theory of our civil life were in hopeless conflict. The organic law and the actual conditions were in pronounced and growing antagonism. We had conserved as best we could the fruits of a great revolution by ignoring and evading the law, by force, by fraud, by such other means as dire necessity compelled us to use.

But this could not go on forever. Our civil life was threatened with general corruption and our people with universal debauchery. Factions were springing up which portended the division of the white people into hostile camps with the negro in the background as the future umpire of their differences. The best and wisest citizens of the State were sick at heart over present conditions and fearful for the future.

The need for a new constitution was manifest to all. But it was doubted by many if, under the limitations of the Federal Constitution, the ignorant mass of the negroes could be disfranchised; while it was feared by all that if the experiment when made should prove a failure, it would leave us in a worse condition than before. But something was required to be done, and done at once. The thought was in every mind, "If it were done when 't is done, then 't were well it were done quickly."

The time called for a leader whose wisdom, courage, and devotion would inspire universal confidence and command the support of the whole people, and he was found in Senator GEORGE. He threw the weight of his great influence in favor of a constitutional convention and thereby secured its call. It is no disparagement to the other members of that great body, when assembled, to say that he was easily first in fitness for the work and first in the confidence and expectation of the people. The constitution met his approval, and it is generally agreed that the provisions regulating suffrage were formulated by him. I have not the time nor is this the occasion for a discussion of its merits. But it has accomplished its purpose. It has given us security with honor. It has freed Mississippi from the fetters which held her down, and now the future lies bright and alluring before her. No greater, indeed no other equal work has been done in Mississippi, and the part taken in it by Senator GEORGE has won him the increasing gratitude and affection of the people of this State.

But the new constitution was not to go unchallenged. It was assailed in high places as revolutionary in its purposes and methods, and as subversive of those amendments to the Federal Constitution designed to secure to the negro his rights as a citizen. It was the good fortune of Mississippi that she had in Senator GEORGE a man eminently qualified to maintain her part in this discussion. In the great debate in the United States Senate, in which the constitution of Mississippi was so bitterly assailed from so many quarters, Senator GEORGE vindicated it with such wealth of learning and such power of logic and eloquence that his adversaries were covered with defeat and confusion. Since that debate it is all but universally conceded that the constitution of Mississippi has successfully evaded the limitations of the Federal Constitution and is safe from the interference of Federal power. It is destined to be a model to all those States of the South and Southwest whose social conditions resemble our own.

The character of Senator GEORGE can best be drawn in a few strong, bold lines. He was a big-brained, big-hearted, strong-willed man, who was indifferent about the mere conventions of life and sometimes careless even of its amenities. He was transparently honest and without a trace of cant, phariseism, hypocrisy. He loved his family, his friends, his people, with a strong and unflinching devotion. He was sublime in his allegiance to convictions and principles, and absolutely without fear in the discharge of his duty. He seems to have taken as the rule of his life Woolsey's advice to Cromwell, "Be just and fear not. Let all the ends thou aimest at be thy country's, thy God's, and truth's." There was a wealth of tenderness about him little suspected by the casual observer.

I am told by one who knew him well, whose privilege it was to visit him during the last months of his life, that it was wondrously moving to see the gentleness, the solicitude, the marvelous tenderness with which this big-brained, big-hearted man, with the lionine head and thunderous voice, though himself smitten with death, ministered to his aged and invalid wife. They had trod the path of this mortal life together, and now together, with unabated love and devotion, they waited for the end.

And now, in the name of the people of Mississippi, I proclaim that—

"He was a man, take him for all in all,
I shall not look upon his like again."

And he is gone. In the plenitude of his fame he has passed away. Like ripened grain he has fallen before the reaper. We deplore his loss. But our grief is not unmingled with joy. His work is done. His past is secure. No defraction can ever dim the glory of his life. His future is in the hands of Him who is able to do for His saints exceedingly abundantly above all that we can ask or think, or are in anywise worthy to receive.

He believed in God and in Jesus Christ, His Son. He stayed all his hope of eternal life upon the word of Him who hung upon the tree; and such a hope can never be disappointed.

Patriot, hero, sage, saint of the Most High! we bid thee hail! hail! and farewell!

Mr. HENRY of Mississippi. Mr. Speaker, it is a time-honored custom of this body to pay tribute to the character and services of the distinguished dead of either House. Responding to this, and prompted by a sense of duty to my State as well as respect for the late Senator GEORGE, I shall in an humble way here record my estimate of his life and services to the country.

J. Z. GEORGE was born in Monroe County, Ga., on the 20th day of October, 1826; he removed to Mississippi in 1834; he died at Mississippi City, on the Gulf coast, on the 14th day of August, 1897, and was interred in the cemetery at Carrollton, his home, on the 17th day of August, 1897, in the seventy-first year of his age.

For some time he had been an invalid, and though somewhat prepared for the worst, the news of his death fell like a pall upon the people of his State and the country, for it was felt that a great man had fallen—great as a citizen, great as a lawyer, great as a Senator of the United States. As a citizen he faithfully served his State; as a lawyer he reached the highest judicial station in Mississippi's gift; as a Senator, by his ability, learning, and devotion to duty, he has made his impress upon the statutes of his country. Mississippi mourns his death; the Senate has lost one of its strongest and brainiest members, and the Government one of its ablest and staunchest supporters.

When but a youth he served his country in the Mexican war as a private in the First Mississippi Rifles, commanded by Col. Jefferson Davis. In 1861, having been a member of the secession convention, and having voted to sever the ties that bound his State to the Union, he early afterwards enlisted in defense of that which he believed to be right. He entered the army as a captain of a company in the Twentieth Mississippi Regiment of Infantry, but

was soon made colonel of the Fifth Mississippi Cavalry Regiment. In a charge on the Federals, Colonel GEORGE was captured and carried a prisoner to Johnson's Island, where he remained until the end of the war.

Returning to his home at Carrollton, Miss., he at once set about repairing his wasted fortunes and encouraging his people to submit to the new order of things, until in those dark days of reconstruction, when their rights were ruthlessly trampled upon by those in place and power, he, as chairman of the Democratic executive committee of the State, by his cool head and strong guiding arm, a veritable Moses, led them out of the wilderness of gloom and despair. He restrained the young and impetuous of our people, while he spoke words of cheer and encouragement to the old and despondent, and finally by lawful methods rid the State of carpetbag rule. Verily, he was to his people in those days as—

A pillar of cloud by day,
And a pillar of fire by night.

In 1870 General GEORGE was appointed by the governor one of the supreme judges of his State, and was soon thereafter made chief justice. As chief justice of a very learned court he easily sustained his reputation as an able and painstaking lawyer and won the admiration of bench and bar as a jurist.

In 1881 Judge GEORGE was elected by the legislature of his State to the United States Senate, in which body he served continuously until his death.

While a member of the Senate in 1890, his State having ordered a constitutional convention, Senator GEORGE was called home by his people to assist in framing a new constitution, as a delegate from the State at large, and his services, especially on the franchise committee, are gratefully remembered by the State. His genius for construction is indelibly impressed upon that instrument, and its practical workings and crucial tests have demonstrated his judgment and foresight.

Mississippi owes much to Senator GEORGE and recognizes the obligation. His able defense of the constitution he had helped to frame, when attacked on the floor of the Senate on his return, was grand, exhaustive, and convincing. It is a tribute to him that a few days ago the Supreme Court of the United States sustained this constitution. From an humble beginning, overcoming the adversities of fortune, Senator GEORGE, by his "self-consciousness," his indomitable energy, and untiring research, backed by his great strength of character, forged his way to the front rank and made for himself a name that will stand in the future pre-eminent among America's greatest jurists and statesmen.

He was recognized as the constitutional lawyer of the Senate; this was accorded him by political friend and foe alike. Duty to him was as a Divine command; and whether as chairman of the executive committee of his party, guiding it through the troublous breakers of reconstruction; on the supreme bench of his State, grappling with great legal questions; in the constitutional convention, laboring as a member of the franchise committee; on the floor of the Senate, discussing affairs of State; on the hustings, instructing his people, or in the private walks of life duty to him was paramount to any other consideration.

In his private life Senator GEORGE was unostentatious and charitable. Plain in his dress, often blunt in his speech, his kindness to the poor, and particularly to his old comrades in arms, was proverbial.

At his home, where he had wrought out his fortune and laid the foundation for his future usefulness, he was loved and revered.

Never can I forget the immense concourse of friends who gathered to pay a last sad tribute of respect on the occasion of his interment. Rich and poor, high and low, all showed unfeigned sorrow at his untimely death. Carrollton that day was literally in mourning; truly did it seem that the Angel of Death, hovering over the city, had touched the lintel of every home.

Greater tribute than this hath no man, that "after life's fitful dream is o'er," "after the battle has been fought and won," he is returned to his home, and there, amid the genuine sorrow and tears of friends and neighbors, is laid to rest in the generous bosom of that State which he loved so well and served so faithfully.

[Mr. STALLINGS addressed the House. See Appendix.]

Mr. FOX. Mr. Speaker, I desire unanimous consent to have printed in the RECORD, and also in the memorial volume that will be published afterwards, the funeral oration of Dr. John L. Johnson, delivered in the Baptist Church at Carrollton, Miss., on the occasion of the burial of Senator GEORGE. I want to say that it was the finest analysis of the character of Senator GEORGE that could possibly be written.

The SPEAKER pro tempore (Mr. RAY of New York). The gentleman from Mississippi asks unanimous consent to print in the RECORD a certain paper which has been mentioned. Is there objection?

There was no objection.

The memorial address of Dr. Johnson is as follows:

Memorial discourse delivered in the Baptist Church at Carrollton, Miss., August 17, 1897, by Dr. John L. Johnson, upon the occasion of the burial of Senator James Z. George.

Job v, 26: "Thou shalt come to thy grave in a full age, like as a shock of corn cometh in in his season."

I. The occasion: Mississippi buries to-day her great citizen. Perhaps if I had said "her greatest citizen" no heart here or elsewhere would protest against the distinction thus implied. Many of us, we fain would believe, love the State as fervently, as passionately, as he did, but to few of us has been accorded the power and the privilege of serving her as effectively as he served her.

To-day her people everywhere are mourning because he is dead. Her State officials are here to do him honor. His neighbors and friends are here, weeping for him. His church is here, heavy with sorrow. His family—children, grandchildren, and great-grandchildren—are here, sorely bereaved. The National Government is here, testifying through its honorable Senators and Representatives to his great worth and great service. The land he loved has opened her bosom, and presently will receive him to rest upon her heart; and he shall sleep calmly and long, pavilioned in her answering love.

Surely the occasion is worthy of more than there is to offer now. No man who properly appreciates it would attempt to meet its demands at the instant. And for me, it is no affectation of modesty to say that, with all the time I could wish, I could not hope to do justice to the character of the great statesman. Some day, at the National Capitol, his colleagues, after due preparation, will take his measure and speak of him at his worth. And yet, when this has been most fittingly done, nothing of it all would be sweeter to him than the tender love we bring him to-day. Let us linger together, then, a little, communing in our sorrow and thinking on him whose death stirs so deeply both us and all the people.

II. The man: We bury a man to-day, one upon whom the century may think and proudly say, "He was a man." We are not here to lay our wreaths upon the still heart of an infant with undeveloped possibilities, about which men may speculate. We come not together to lament the untimely fate of youth and the blight of promises that gladdened many hearts. The storm has not come and wrenched from its stem the swelling bud or the bursting bloom; nay, the flower, blown to its full, having given to the world all its beauty and fragrance, is silently loosed from its stalk and fallen to the earth in the calm of the evening sun. We mourn a man who has come to his grave "in a full age, like as a shock of corn cometh in in his season." From 1836 to 1897 was a long life. The ear was full, the grain ripe, and all was ready for the garner.

As we contemplate such a life we think of a statue, magnificent in dimensions, complete in outline, perfect in proportions, with every feature full, presenting small ground for criticism, speaking everywhere of greatness, and leaving little for those who gaze upon it but to admire. What were the elements of that splendid manhood, whose career and example are now the possession forever of our community and State and nation, and whose life story will be a perpetual adornment of American history? What are the energies that vitalize one's being and concur to uplift and sustain and constrain and impel him to the fulfillment of a course which stamps him with the seal of greatness?

I do not presume to speak by authority on a subject as difficult as this, but you will, I am sure, be patient with me. In the twilight of yesterday evening, soon after it was definitely decided that I should undertake the service I am now endeavoring to perform, I began to ask myself the very questions I have just propounded to you. As I meditated upon the qualities that make men great, it seemed to me that the secret of his power was not hard to find. The dynamics of success, by which I mean those elements of his character which vitalized and energized and compelled him to a great career, were chiefly these three, which, concurring in any man, must needs lift him high above the ordinary.

1. First of all was his self-consciousness. By this term I do not mean vanity, but rather do I mean something which differs from it as a full head differs from an empty one. Rather do I mean by it honesty with one's self, honesty with God in the recognition of gifts divinely bestowed, and in the manly resolve to invest them all. Now, here was a man upon whom God bestowed ten full talents. You know to-day that this is true, and you have known it for many a day. He, too, knew it; knew it before any of you, and far better than any of you; and this knowledge gave to him power that nothing else could have given. Without this consciousness, greatness comes not to any man. You, young friends here to-day, ponder the truth of my words and make an inventory of your own gifts. Perhaps in it you will hear a call to undertakings such as you have never yet meditated upon. It was the recognition of the lavish hand of God that stirred the brain of our honored dead, fired his heart and infused his blood with the iron of an energy that carried him resistlessly forward.

Does the conception seem to you to be unjust? To know God and to know one's self, these are the sum of knowledge for us. "Acquaint thyself with God" is the very pith of Revelation, and the profoundest exhortation that ever came from brain of man came in the two words, "Know thyself." How shall one know himself without taking account of what God has done for him? The merchant who knows his business takes at least once a year an inventory of his stock and counts his reserve capital. Is it vanity to do so? By no means; for only thus can he insure the proper relation between his business and his ability; and if he is wise he will be very honest with himself as to his ability. Even so ought every man to deal with himself. Can he do so honestly and yet be taken by surprise at his own resources?

I am aware that this view is in conflict with that sickly modesty which inspires its possessors to both falsehood and hypocrisy; which affects to parade its poverty of intellectual power before the public, and in the next breath has the effrontery to ask for office whose efficient incumbency demands the possession of consummate ability. Greatness in its virgin, uncorrupted character knows nothing of modesty like this. It is honest and it is ingenuous; it neither boasts itself publicly nor thinks it well to deny unto men the conscious possession of God's richest gifts. Even such was the quality in him of whom we speak.

2. His power of will: Underneath or along with this self-consciousness, this recognition of endowment by nature, lay an unconquerable will—a will whose temper was fired and energized by obstacles. Obstacles there were, obstacles all the way; but over them all he went, even as the untamed steed, which, fixing its eyes upon the distant goal, clears its path over ditches and dikes and attains to the freedom of its inheritance among the prairies. Better, perhaps, it would be to say, his was the iron will under whose command his life advanced to its successes, even as a mailed and manopled battalion moves steadily forward, peril proof, to the heights upon which it will plant its victorious standard.

3. Another element of success in Senator George was what I may call his "vision of opportunity." The echo tells of a voice and certain material conditions: the ax tells of forests, of timber, of houses, of homes, of fireside comforts, and luxuries. Even so does the consciousness of power tell of its objects and of the avenues to them. When those avenues did not open freely of themselves, that consciousness, supported by his will, was the inspiration which pointed out and forced the way. It was thus that he came to take his

place with the great men of his day. Conscious of extraordinary ability, girded and guided by an inflexible will, covering the times with the eye of a sentinel, he came to his fame as to a thing expected. Once it was written of a man that "he awoke in the morning to find himself famous." Never greater libel was uttered against him whom another called

"The Pilgrim of Eternity, whose fame
Over his living head like heaven is bent."

Never false word was spoken of anyone. The fame that comes while men sleep deserts them in their waking hours. It is not a hidden thing that loves to play the wanton with slanting looks from liquid eyes. Nay; it covets to behold the ample brow and the imperious gaze, and to hear the empire of the voice in tones of command. It loves to bend the knee and worship before him who goes armed with these powers, and it will not do reverence to any who has them not.

To the man who is conscious of great abilities and honest in his recognition of them as the gifts of God; who beholds in these gifts a high and inalienable commission, and feels in his heart a manly resolve to discharge it to the full; who, under the propulsion of an imperial will, watches ever for the gateways to opportunity and seizes upon them with a master's stern hand; to such a man fame gladly does obeisance and then goes forth with cheery, tripping gait and the charm of mellow voice to herald his way. Even thus, not captured while he slumbered, not taken by surprise, did the great Commander of Mississippi come to his fame.

III. His spheres of life: If there were time, I should love to show how in all the walks and spheres of life he went forth as a man girded by this triple power, self-consciousness, energy of will, foresight of opportunity. Next to the worship of God is the admiring contemplation of a man.

1. As a soldier, in his youth he went to the Mexican war, following as a private the flag and fortune of Jefferson Davis's regiment. When the clouds of war had settled over this fair land and hung dark and heavy, so long that the drumbeat of the long roll was not sufficient to drown the cries, North and South, of bereaved hearts—Rachel weeping for her children and refusing to be comforted because they were not—General GEORGE was all the while either in a Federal prison or ready to form the battle line.

As a conscious leader of men he went out in the beginning at the head of a company from Carroll County, and to the end of life his career was that of a leader. For a while he was brigadier-general of State troops, and later he became colonel of the Fifth Mississippi Cavalry. It was while in command of this regiment that he was captured by Federal troops and taken to Johnson's Island, where he lingered until the close of the war.

2. As a citizen his career was more distinguished than as a soldier. He was greater in peace than in war. He did not begin his career in poverty, as has been said of him so often, but in circumstances which counseled economy, while he gave himself to the study of his chosen profession.

At the age of 20 his disabilities were removed and he was admitted to the bar. He was appointed engrossing clerk of the State senate, and afterwards reporter of the supreme court of Mississippi. He was a member of the convention which passed the ordinance of secession and gave his voice for that act. In 1879 he was appointed a member of the supreme court, in which, by the action of his colleagues, he was at once preferred to the chief place. In 1880 he was elected to the United States Senate, and on the following year he took his seat at Washington and held it until his death. In 1890 he was called by the State to take part in the constitutional convention, and as a member of that body his service to the people is beyond estimate.

As soon as his own footing in Mississippi became sure, he began to study her needs. He was a friend of every right interest of the State and sought to prosper himself only by seeking prosperity for the State. He believed in popular education, and was actively instrumental in founding our Agricultural and Mechanical College as a school for the sons of Mississippi's yeomanry. His devotion to her people and to all the interests of her people was indeed a beautiful thing. This devotion was often put to the test, but never so strongly before as in 1891, when what he characterized as "the delusion about the subtreasury" took possession of the popular mind and threatened to change the political complexion of the State. Oblivious of his personal interests, scorning to hold his high place by holding his peace, he faced the issue squarely by meeting the people all over the State and discussing the question before them. His logic was irresistible and his triumph complete. Some of his utterances were framed in a pathos so contagious that nothing could withstand them, and men love to repeat them yet. Here is one:

"Public life has no charm for me beyond the consciousness of having at all times, to the best of my humble ability, worked for the welfare and advancement of the people of Mississippi and of the whole country. I shall not, therefore, compromise my principles, nor advocate what I know will injure the people, for the poor privilege of occupying a conspicuous place among those who have aided in destroying what I have always endeavored to preserve and advance—the welfare of my countrymen."

But chief among his high qualities as a citizen was his friendship and care for the poor. They have been all about him in his life, and it has been his delight to make life cheerful to them. They are here to-day, self-confessed recipients of his benefactions, thanking God for the life that sowed charities among them, mourning that now his hand is still. They are not all here; but benedictions fall upon him from those who needed and were helped by him, in numbers such that his great heart would beat with answering blessing, if only he could hear them yet. The mother, aged now and bent, whose boy in '61 went forth to flash his bayonet or flesh his maiden sword and fall on the battlefield; the widow, whose husband came not back from that sad strife to partnership of care for his children; the gray-haired soldier who went and came back, wearing now perforce the color which then he wore of choice, and halting still from wounds he courted then; children of these and the children of peace who inherited, at once, peace and poverty; all these, if they came within his power, felt the charity of his heart in the help of his hand.

Was he great at the bar, on the bench, in the National Council? You say so. But not greatest. A man gets very near to God when he gets near to the poor. The profoundest depth that ever yet was measured by human foot is when that foot is pressed upon the poor man's heart. The loftiest height that ever yet was scaled on earth is when one stoops to lift his brother's prostrate form and bid him look up and hope. Wordsworth tells us that—

"Trailing clouds of glory, do we come from God."

There are heights above that for him who bends to the poor, and as he does so, he shall be pavilioned in an unearthly glory; and upon him, even as he bends, shall be the image of God. Skeptics there are, I grant you, and for many reasons. But upon this picture the strong man and the rich, giving his strength and riches to lift up and bless the poor, his heart going along with his work and his wealth—upon this picture has never skeptic looked yet and, looking, doubted the divine truth of those words, "God created man in His own image."

3. Lastly, let me speak of the great man as a Christian. For many years he had been a professor of religion. During the war he had humbled himself before God and sought His guidance. When he came home from prison after the war, he sought and received baptism at the hands of Rev. Henry Pittman. Subsequently, but not until after he had taken his seat in the United States Senate, he formally connected himself with this church, then under the pastorate of Rev. L. S. Foster. Since that time he has invested the membership with an increasing love, and his interest in the church has

steadily grown. This building is largely the result of his concern to see his own people creditably domiciled, and his contributions to its erection were liberal.

But I will not wrong him to-day by concealing from you his deep regret in later years that he had not given greater emphasis to his Christian life and walk. As, at the evening hour, he meditated upon what he had done in life's long day, and what still needed doing, it came to him as a sad reflection that less now had needed to be done, if he had done more. And yet, poor as he felt this feature of his life to be, it was his very best. He saw God and honored Him; he humbled his heart before the bowed head on Calvary; and believing, he entered into life. This brings us the solidest comfort to-day.

We are glad for his greatness; glad for the great heart that lavished its benefactions on the poor; glad for the honors with which his fellow-citizens burdened him, and we are glad for the love in which they now enshrine him. But gladdest of all are we for this, that coming now to his grave in a full age, like as a shock of corn cometh in in its season, he comes also to a crown which no man can take from him and to "an inheritance incorruptible, undefiled, and that fadeth not away."

Let us go now and bury him—the soldier, the citizen, the Christian.

Mr. CATCHINGS. Mr. Speaker, I now move the adoption of the resolutions.

The resolutions were unanimously agreed to.

The **SPEAKER** pro tempore. Pursuant to the resolutions and as a particular mark of respect to the memory of the deceased, the late Senator **JAMES Z. GEORGE**, and in recognition of his eminent abilities and his distinguished public services, the House stands adjourned until to-morrow at 12 o'clock noon.

Accordingly (at 3 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from Commander C. H. Rockwell, for consideration in connection with H. R. 9553, an act to prohibit the publication of plans of coast defenses of the United States—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. H. Mercer, administrator of Samuel Clark, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement of the disbursements of the fund of the Creek Nation as provided by the act approved June 7, 1897—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10421) providing for a Second Assistant Secretary of War, reported the same without amendment, accompanied by a report (No. 1445); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army, reported the same without amendment, accompanied by a report (No. 1446); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas, reported the same with amendment, accompanied by a report (No. 1450); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3871) to authorize the Montgomery-Elmore Bridge and Improvement Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala., reported the same without amendment, accompanied by a report (No. 1451); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8390) to regulate the sale of poisons in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1452); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 3 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY of Connecticut, from the Committee on Invalid

Pensions, to which was referred the bill of the House (H. R. 726) to increase the pension of David W. Pennywitt, of Manchester, Ohio, reported the same with amendment, accompanied by a report (No. 1437); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1363) granting an increase of pension to Alvah A. Eaton, reported the same with amendment, accompanied by a report (No. 1438); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7971) granting a pension to Mary L. Cook, reported the same with amendment, accompanied by a report (No. 1439); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2700) granting an increased pension to Susan A. Gummer, reported the same with amendment, accompanied by a report (No. 1440); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7595) granting a pension to Mrs. E. Ward, reported the same with amendment, accompanied by a report (No. 1441); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3239) for the relief of Catharine McCarty, reported the same with amendment, accompanied by a report (No. 1442); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9466) to pension John H. Boyd, reported the same with amendment, accompanied by a report (No. 1443); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2117) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army, reported the same with amendment, accompanied by a report (No. 1444); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4512) granting an increase of pension to Ira A. Milliorn, reported the same adversely, accompanied by a report (No. 1447); which said bill and report were laid on the table.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9464) for the relief of Franklin W. King, reported the same adversely, accompanied by a report (No. 1448); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9465) for the relief of Elisha B. Lott, reported the same adversely, accompanied by a report (No. 1449); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10367) granting a pension to Hannah Dunlap, of Allentown, Pa.—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2493) to increase the pension of Harriet C. Mercur—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By **Mr. BABCOCK**: A bill (H. R. 10174) for the extension of Eleventh street NW.—to the Committee on the District of Columbia.

By **Mr. LITTLE**: A bill (H. R. 10475) to establish a court at Claremore, Cherokee Nation, Indian Territory, and for other purposes—to the Committee on the Judiciary.

By **Mr. BENTON**: A bill (H. R. 10476) to authorize telegraph and telephone companies to construct and maintain lines and offices in the Indian Territory—to the Committee on Indian Affairs.

By **Mr. MORRIS**: A bill (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of

Minnesota, to build, or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BREWER: A bill (H. R. 10478) granting increase of pension to Mrs. Jenette E. Arnold—to the Committee on Pensions.

By Mr. BARHAM: A bill (H. R. 10479) removing the charge of desertion from the record of James Brady—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 10480) granting a pension to Nelly V. Crosby—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10481) granting a pension to John W. Lamb—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 10482) to remove the charge of desertion from the military record of Thomas W. Brewer—to the Committee on Military Affairs.

Also, a bill (H. R. 10483) for increase of pension of James A. King, a veteran of the Mexican war—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10484) granting a pension to George Brown, of Sullivan County, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10485) granting a pension to Malinda McBride, of Sullivan County, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10486) granting a pension to Marion Southern—to the Committee on Invalid Pensions.

By Mr. SETTLE: A bill (H. R. 10487) granting an increase of pension to Ellen Walsh—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 10488) to increase pension of Susan C. Byrd, widow of Mexican war soldier—to the Committee on Pensions.

By Mr. SLAYDEN (by request): A bill (H. R. 10489) for the relief of H. D. Bonnet—to the Committee on Military Affairs.

By Mr. WILLIAMS of Pennsylvania: A bill (H. R. 10490) granting a pension to Maria Bates, of Wilkesbarre, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10491) granting an increase of pension to Robert Boston—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of Illinois: Petition of Henry F. Bader, druggist, of East St. Louis, Ill., protesting against the taxation of proprietary articles in the war-revenue bill—to the Committee on Ways and Means.

Also, protest of the Life Underwriters' Association of Chicago, Ill., against the passage of the clause in the revenue bill placing an additional tax on the life companies—to the Committee on Ways and Means.

By Mr. BARHAM: Petition of the Woman's Christian Temperance Union of Loyaltan, Cal., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Sierraville, Cal., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BOUTELLE of Maine: Petition of F. N. Hubbard and 71 other citizens of the State of Maine, protesting against the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. COWHERD (by request): Four petitions of prominent business firms of Kansas City, Mo., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petitions of A. W. Lacey and M. Weightman, of Topeka; S. P. Zimmerman, of Troy, and A. J. Leesh, of Eldorado, State of Kansas, protesting against certain provisions in House bill No. 10100, known as the war-revenue bill—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of A. F. Heald and 5 other citizens of Rockland, Me., in opposition to the anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. FARIS: Petition of 500 citizens of Greencastle, Ind., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. KIRKPATRICK: Protest of 13 wholesale and retail druggists of Easton, Pa., against the adoption of the clause in the war-revenue bill which provides for a stamp tax on proprietary medicines in stock—to the Committee on Ways and Means.

By Mr. LACEY: Resolution of the Epworth League of Albia, Iowa, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Homeopathic Medical Society of Des Moines, Iowa, in favor of Senate bill No. 164, to prevent discrimination against homeopathic physicians and surgeons in the military and naval service of the United States—to the Committee on Military Affairs.

By Mr. MCCALL: Petition of manufacturers of Boston, Mass., against the taxing of corporations—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to George Brown, of Sullivan, Ind.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Marion Southern, of Monroe County, Ind.—to the Committee on Invalid Pensions.

By Mr. MOON: Affidavits to accompany House bill No. 4281, for the relief of Jacob Cross—to the Committee on Military Affairs.

By Mr. OTEY: Protest of Cradock, Terry & Co. and other business firms of Lynchburg, Va., against the bank and corporation tax in the war-revenue bill—to the Committee on Ways and Means.

By Mr. REED: Petition of the Afro-American League of Stockton, Cal., and of other colored citizens, concerning the atrocious outrage perpetrated upon Frazier B. Baker and his family and the destruction of the post-office at Lake City, S. C.—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Petitions of the Druggists' Association of Fort Wayne, Ballou & Antorsides, of La Grange, and B. B. Goodale, of Metz, Ind., against the war-revenue tax on certain drugs and drug stock on hand—to the Committee on Ways and Means.

By Mr. RUSSELL: Resolutions of the Young Men's Republican Club of New Haven, Conn., in favor of the passage of a bill to prevent the desecration of the American flag—to the Committee on the Judiciary.

By Mr. SLAYDEN: Paper to accompany House bill for the relief of H. D. Bonnet—to the Committee on Military Affairs.

By Mr. WALKER of Massachusetts: Petition of the Epworth League of Southbridge, Mass., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, May 26, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

INDIANS OF ANNETTE ISLAND, ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 23d instant, a report touching the colony of natives on Annette Island, Alaska, by Dr. William Duncan, together with copies of the files and records of that Department relating to Annette Island and its occupancy by the Metlakatla Indians and Alaskan natives; which was read.

Mr. JONES of Arkansas. I move that the report of Dr. Duncan be printed as a document.

Mr. PLATT of Connecticut. That will include all the papers. The VICE-PRESIDENT. If there be no objection, the communication and accompanying papers will be referred to the Committee on Indian Affairs and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3088) to amend "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved November 3, 1893.

The message also announced that the House had passed a bill (H. R. 8226) to make certain grants of land to the Territory of New Mexico, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution authorizing and directing the Secretary of

War to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar, etc.; in which it requested the concurrence of the Senate.

The message also transmitted to the Senate the resolutions of the House as a tribute to the memory of Hon. James Z. George, late a Senator from the State of Mississippi.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented the petition of George A. Altizer and 32 other citizens of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Franklin Carson and 20 other citizens, of Josiah H. Bibler and 34 other citizens, and of M. A. Marshall and sundry other citizens, all in the State of Indiana, praying for the enactment of legislation to prevent the sale of adulterated food products as pure food; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of John M. Miller and 23 other citizens, of Thomas H. Watlington and 18 other citizens, and of David Biggs and sundry other citizens, all in the State of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented the memorial of J. P. Frenzel, president of the Indiana Trust Company, of Indianapolis, Ind., remonstrating against the adoption of section 1 of the war-revenue bill, relating to special taxes; which was ordered to lie on the table.

He also presented a memorial of the Indiana Wholesale Grocers' Association, of Indianapolis, Ind., remonstrating against the adoption of Schedule B of the war-revenue bill, which proposes to tax all articles of food and drink in common use; which was ordered to lie on the table.

He also presented a memorial of the A. Kiefer Drug Company, of Indianapolis, Ind., remonstrating against the adoption of the provision in the war-revenue bill requiring corporations to pay a special annual excise tax equivalent to one-fourth of 1 per cent of the whole amount of the gross receipts of such corporations; which was ordered to lie on the table.

He also presented the memorial of F. S. Willard & Co., of Kentland, Ind., and the memorial of R. A. Weyahn and H. Green, of Chesterton, Ind., remonstrating against the adoption of Schedule B in the war-revenue bill, proposing a tax on all proprietary medicines held in stock, and praying that a discrimination be made between proprietary articles and nonproprietary articles; which were ordered to lie on the table.

Mr. JONES of Arkansas presented a petition of the Woman's Christian Temperance Union of Paragould, Ark., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. PETTIGREW presented the memorial of C. S. Gerald and sundry other citizens of South Dakota, remonstrating against the issuance of bonds on the part of the United States; which was ordered to lie on the table.

Mr. GEAR presented a memorial of sundry merchants of Keokuk, Iowa, remonstrating against the enactment of the proposed legislation in the war-revenue bill selecting merchants for taxation doing business as incorporated companies as against the same class of merchants doing business as individuals or private partnerships; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 3034) granting a pension to Eliza A. Keeler, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 371) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic, to report it without amendment, and submit a report thereon.

Mr. COCKRELL. Why is the joint resolution reported when we have a general law which authorizes the Secretary of War to do that?

Mr. HAWLEY. Not for the Grand Army of the Republic. This is the national annual convention. It has been customary to give them an old gun out of which to make medals.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

RETIRED OFFICERS OF THE ARMY.

Mr. SEWELL. I desire, by instruction of the Committee on Military Affairs, to report an original bill in relation to retired officers. I will state that the provisions of the bill passed the Sen-

ate some time ago, but were not concurred in in conference committee.

The bill (S. 4677) to provide for the employment of retired officers of the United States Army in time of war was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That in time of war retired officers of the Army not above the grade of colonel may, in the discretion of the Secretary of War, be employed on active duty, other than in the command of troops, and when so employed shall receive the full pay and allowances of their grades.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Why is it limited to colonels and those below that rank?

Mr. SEWELL. On the general idea that those ranking above colonel are too old for service. At the present time there are a number of officers, two or three hundred, detailed from the Regular Army, where their services are absolutely necessary, whose positions can be filled by gentlemen from the retired list just as well, and allow them to go into the field. The committee was unanimously of opinion that it was a proper thing to do.

Mr. COCKRELL. This includes colonels, lieutenant-colonels, and majors?

Mr. SEWELL. Yes.

Mr. GRAY. Let the provision of the bill in that respect be read again.

The bill was again read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. TURPIE introduced a bill (S. 4673) granting a pension to Nancy C. Tenant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4674) for the relief of the estate of Fayette Hungerford; which was read twice by its title, and referred to the Committee on Claims.

Mr. CHANDLER introduced a bill (S. 4675) to facilitate telegraphic communication with the Army and Navy of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HANSBROUGH introduced a bill (S. 4676) for the protection of homestead settlers who enter the military or naval service of the United States in time of war; which was read twice by its title, and referred to the Committee on Public Lands.

COMPENSATION OF POSTMASTERS.

The VICE-PRESIDENT. The Chair lays before the Senate Senate resolution No. 373, offered by the Senator from Nebraska [Mr. ALLEN], directing the Postmaster-General to report to the Senate the compensation of postmasters on the basis of the act of 1854, etc.

Mr. ALLISON. I ask that the resolution be passed over for the present.

The VICE-PRESIDENT. At the request of the Senator from Iowa, the resolution will be passed over.

HOUSE BILL REFERRED.

The bill (H. R. 8226) to make certain grants of land to the Territory of New Mexico, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

HOSPITAL STEWARDS IN THE ARMY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4556) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes; which was, in line 11, after the word "war," to insert:

Provided, That the increase of hospital stewards under this act shall not exceed 100.

Mr. SEWELL. I move that the Senate concur in the amendment.

The amendment was concurred in.

HOUSE OF MEETING.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

WAR REVENUE BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the revenue bill, House bill 10100.

Mr. PETTIGREW. I suggest the absence of a quorum.

Mr. TURPIE. Mr. President—

The VICE-PRESIDENT. The absence of a quorum being suggested by the Senator from South Dakota, it becomes the duty of the Chair to direct the roll to be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Berry,	Chilton,	Daniel,
Allen,	Burrows,	Clay,	Davis,
Allison,	Carter,	Cockrell,	Fairbanks,
Bate,	Chandler,	Cullom,	Faulkner,

Frye,
Gallinger,
Gear,
Gorman,
Hale,
Hawley,
Jones, Ark.
Lindsay,

McMillan,
Mantle,
Mills,
Mitchell,
Morrill,
Murphy,
Nelson,
Pasco,

Perkins,
Pettigrew,
Pettus,
Platt, Conn.
Platt, N. Y.
Proctor,
Quay,
Roach,

Sewell,
Shoup,
Teller,
Turley,
Turpie,
White.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. The Senator from Iowa asks for the present consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

[Mr. WHITE addressed the Senate. See Appendix.]

Mr. TELLER. Mr. President, yesterday when the Senator from Iowa [Mr. ALLISON] who has the bill in charge proposed that we should come to a vote this week, I objected. I did not object because I desired delay, but because I felt that the bill should be thoroughly discussed, and because I felt that it was an important bill and that it needed the careful attention of the Senate. Without meaning any reflection upon any other body or departing from the established rules of the Senate, I will say that it is very apparent that the bill has received little or no attention so far from any other legislative body and will receive little or none unless it receives it at the hands of the Senate.

I am not in physical condition to make a speech, and but for the fact that the Senator who has the bill in charge seems to be impatient at what seems to me to be natural delay, I should not, feeling as I do, ask the attention of the Senate. I shall endeavor to discuss this question as I think it becomes a member of this body to discuss it. I do not regard it as having any relation, except incidentally, to the great monetary question which has been dividing the country, and that is to some extent a subject of general interest. I shall not attempt to discuss the question from a partisan standpoint, for if I know myself I do not desire in the present condition of things to intrude politics or partisan prejudices or in any wise to say or do that which shall particularly inure to the benefit of any political organization.

I regard a revenue bill as an important measure. It touches all the interests of the American people, and upon a wise system of revenue depends our ability to carry on a war, when there is necessity for it, to maintain a proper condition amongst the people, to foster and protect and not destroy the great interests on which the prosperity of the country is based. I should be ashamed of myself if at such a time, with a war rife, I should forget myself and take any position on any question here presented which I would not take at any other time, or if I should attempt in any way either to injure the dominant party or to build up a party that I believe is essential and necessary to the preservation of the liberties of the American people and upon which depends largely, in my judgment, the prosperity of the American people.

Mr. President, we are in a war. I am not going into the question whether it is a wise war or not. There is one thing which everybody must admit, and that is that the American people, without reference to party or section, have had a lively sympathy with the struggling people of Cuba for many years. For a generation we have seen the people of that unhappy island contending for that which we assert in our form of government is the right of all people under the sun—the right to govern themselves, the right to direct the form of government which they shall have. And this struggle, as well as the preceding one of many years duration, which has passed away within our memory, has been one that has challenged the sympathies of the American people, and there has been a general feeling that, so far as was consistent with our obligations as a neutral nation, we should assist the struggling Cubans.

Mr. President, we could assist the people of Cuba with every propriety and not violate any of the laws of neutrality that are binding upon us. Whether we have or whether we have not is not now a subject for discussion. We have now determined that so far as the power of the United States can be exerted it shall be exerted in their favor. We have also declared, with great unanimity, that these people are entitled to be free and entitled to establish a government of their own, and that all we seek in this war is to give them that opportunity and to aid them in so doing.

I am one of those who believe that we might have escaped war, and I am one of those—and I am not ashamed to say it—who, to the very last moment, hoped that we might avoid what I think is not a national blessing, but a national curse—a war. I do not mean to say that some good may not grow out of the war; I do not mean to say now that my judgment was infallible about escaping war and accomplishing what the American people desire—the freedom of Cuba. I may have been in error. Those who were charged with the exercise of governmental power did not agree with me. So now we are brought face to face with a foreign war for the first time in the memory of the present generation. Of

course I know we had a war in 1812, but that has practically passed beyond the recollection of the American people. We are now contending not with a great power, not with one of the rich and wealthy nations of the world, but with a worn-out, effete, and decaying nation, and yet we find ourselves in a position of unpreparedness, in an unsatisfactory condition, and we find necessary delays and obstructions which ought not to exist.

This war will be carried on because the American people are back of it. It will be carried to a successful issue, and, as I said yesterday, the Administration will find itself supported by every class of people in the United States, irrespective of their party affiliations. If we do not agree with all the policies of the Administration, even in the conduct of the war, there will be no holding back of the sinews of war; there will be no disposition on the part of anybody in the United States to refrain from giving to the Government all the money that it desires and at the time it desires it, and all the men the Administration says it wants, and at the time and in the way it wants them.

We have already 200,000 men, practically, in the field. I understand from the public press that yesterday the President called for 75,000 more. This will give, I believe, in round numbers, an army of 280,000. What the war will cost, nobody can say. When it will end, nobody is prepared to guess. If no complications arise, I think we have a right to suppose it will not be one of long duration.

When this war began we had in the Treasury of the United States \$225,000,000 in money, in round numbers, every dollar of which had been received from the sale of bonds; or, in other words, within the last few years—since 1893, when the Cleveland Administration came into power—we have run behind in our revenues, we have increased our expenditures, and bonds were sold and the proceeds put into the Treasury for a sum considerably exceeding that of the money I have mentioned. We are fighting this war now upon credit, and it is gravely proposed that we shall continue to fight it on credit.

I am one of those who believe that every generation should bear its due proportion of the necessary expense that may be incurred in the maintenance of American honor and of American integrity. If this were a war for the maintenance of our existence, as was the war of 1812 and the war of 1861, there would be great propriety in doing as the Senator from Connecticut [Mr. PLATT] said he wanted to do—distribute its burdens over the coming time. But we voluntarily assume to ourselves the championship of these oppressed people. We do it for two purposes. The first is because it is consistent with our ideas of righteousness and justice, because of our sympathy with those who struggle to be free; and we do it on another account, that it saves us the annoyance and gets rid of a troublesome feature on our border. If the war is of such magnitude that it will be an undue burden upon this generation, then I think very likely and very properly we should extend some portion of its burdens on the coming years. I doubt myself whether we have a right to engage in an enterprise of this kind and then saddle the cost upon the next generation.

Of course I am not insensible to the fact that the proposition is to issue bonds and pay them in ten years. But there is nobody here who supposes they will be paid in ten years. There is nobody here who supposes that those who suggest it expect that they will be paid in ten years. There is nobody in the country who supposes that we will attempt to pay the bonds in ten years. We certainly shall not attempt to pay them in ten years unless there is a revolution in the political affairs of the country that will put in power people with different notions as to the desirability of getting in debt from those entertained by the powers we have now. I assume that if we issue bonds they will be an obligation that will last for many years. Nobody on this floor has yet been willing to declare that he was for putting all the burden of this war on somebody else, that is, upon another generation or upon years to come. I suppose nobody will.

The House of Representatives, where these bills must originate, sent us a revenue bill with the bond feature attached. I need not say that the bond feature has no earthly connection with the revenue question. It is entirely independent of it, and we are as well qualified, constitutionally and otherwise, to initiate legislation for bond issues as is the House of Representatives. But it was known that in this body there were a great many Senators who have decided objection to the increase of the public debt. It was known also that under no condition save that of war was it possible to pass through this body a bill authorizing the creation of a greater bonded public debt than now exists. So the House of Representatives attached to the bill, not because it is cognate or related to it, but because it was supposed that the two things could be passed together, a revenue collection of about \$100,000,000 at the most and the creation of \$600,000,000 of interest-bearing debts.

Mr. President, the courtesies of the two bodies prohibit me from expressing my opinion as I should perhaps be willing to do if on the public stump. I simply want to say that in the history of

this country there never has been such an attempt before. The bill came to us from the House, where it was very briefly considered, and the moment it reached this body and went to the committee there came from certain sections of the country a decided clamor for immediate action on the part of the Senate. A bill which they said was to take \$100,000,000 out of the people in the form of taxes, that was to load us down with a debt of \$600,000,000 more at a time when our revenues were not sufficient to pay our ordinary expenditures—for they had not been during the year, although they might have been through a few months of the year—it was insisted by the active supporters of the bill, or more particularly the active supporters of the borrowing part of the bill, we should at once, in response to the House, take up and pass, because it was labeled a war measure.

Some of the public press went so far as to say that every man who opposed the bond issue was assisting the Spaniards and encouraging opposition to the Government of the United States in that country. I saw Senators who do not believe in a bonded debt characterized the other day as the "assistant Spaniards."

Mr. SPOONER. As what?

Mr. TELLER. As assistant Spaniards. It was done by one of the great public papers that support the party to which the Senator from Wisconsin belongs. I have no objection to stating the newspaper—I do not know that I quote the words exactly, but it was the New York Tribune.

Now, I want to repeat what I said yesterday. The Government of the United States is to have all the money it wants. It is to have all the support, financial and moral, that it wants in this country. It is to have it from us who do not believe in creating a public debt unless there is an absolute necessity. But it is not going to take away from the Senate of the United States its right to pass upon the methods of raising revenue when the bill comes to us from the House.

We were unfortunate, perhaps, in the committee. A majority of the committee was not in entire accord with the Administration, and yet we find the minority of the committee in charge of the bill, properly so, in my judgment, with my acquiescence at least. The minority of the committee insist, through the Senator who sits in front of me [Mr. ALLISON], as I understood him, that about all the money that we need collect is what the House has provided. The Senator from Iowa then went on to make a general statement as to what would be the result if the bill should pass as it had passed the House of Representatives, and what would be the result if it should pass as it came from the committee, with the increased taxation provided by a majority of the committee.

I believe all the members of the committee have been heard on the floor except perhaps two members of the committee who have not yet addressed the Senate on the subject. There may be three, but I think most of the Senators on the committee have addressed the Senate. I will venture to say, with no disrespect to the committee and no intention to unduly criticize the committee or any member of it, that in the whole history of revenue bills there has never been such an exhibition as there has been on this bill.

The House of Representatives, where the bill originated, where it must be supposed to have had some attention on the part of the committee, declared that at the most \$100,000,000 was all that the bill could raise, and in an itemized statement of what was to be realized the amount was fixed at \$90,000,000, although the chairman of the House committee in making the report says the bill "will in the aggregate yield from \$90,000,000 to \$100,000,000 of additional annual revenue, distributed as follows." Then he distributes it. Two million dollars of that was very promptly, as I understand, eliminated from the bill by the vote of every member of the Senate committee. I do not think it is improper to make this statement, because that is not a question, as I understand, of dispute in the Senate. That was the tonnage tax.

Mr. WOLCOTT. It was unanimous.

Mr. TELLER. Mr. President, I had some curiosity, and I have yet, to know upon what principle, upon what theory, upon what idea, the House of Representatives proposed at this time to put a tax of \$2,000,000 on the tonnage of ships entering American ports. If there is anybody anywhere who does not know that that was a tax upon exports in principle, although perhaps not in the sense that it was unconstitutional, but if there is anybody who does not know that that tax would have been a tax upon the export of every American product, it seems to me he has never considered this matter at all. Yet that provision came here and was included as one of the items of the bill that this clamor for immediate action would insist upon our accepting.

Then the Senate committee also struck off an item of \$5,000,000, which action I understand was equally unanimous. That was a special tax of \$4.80 per annum upon dealers in tobacco and cigars, which amounted to \$5,000,000. The aggregate of this itemized statement of the chairman of the House committee is \$90,000,000

of revenue that the bill was to supply. Seven million dollars of that has been taken out by the Senate committee, which leaves \$83,000,000, according to the House statement.

Now, upon that we might have gone to work with some idea that the committee had deliberately prepared its statement and that it did represent what the bill would very likely raise. But when the acting chairman of the Committee on Finance of the Senate, the Senator who has this bill in charge, tells us, as I understood him, that the bill as it came from the House would raise from \$115,000,000 to \$120,000,000, I do think we were entitled to an itemized account as to how the Senator expected to get it. When the Senator from Connecticut [Mr. PLATT] rises here, as he did day before yesterday, and tells us the same thing, we are still left in the dark, with no possible means of determining where the error is in the computation of the House.

Mr. President, that is certainly unusual. There never has been such a proceeding in the Senate before. I do not believe there ever was a revenue bill which came to this body before that did not come accompanied with careful estimates from the Committee on Finance as to what would be the amount raised. I can recall none.

In my judgment the Senator from Iowa who sits in front of me and the Senator from Connecticut have simply indulged in the Yankee privilege of guessing. When challenged, as they both were, to state what the items were, they still dealt in generalities.

Mr. SPOONER. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. Does the Senator think it possible in time of war to estimate as accurately the probable expenditures of the Government as can be done in time of peace?

Mr. TELLER. I am not talking about the expenditures of the Government. I am talking about the revenues of the Government. We have the estimate of the authorities as to the expenditures. I am not yet criticizing that. I do not know that I shall do so.

Mr. SPOONER. If the Senator will pardon me, does not the fact that we are engaged in war have something to do with the revenues? Is not that calculated to change the status?

Mr. TELLER. The Senator did not ask me about the revenues. He asked me about the expenditures. If he wants to know whether I think it is more difficult to estimate the revenues in time of war than in peace, I promptly answer him that I do.

Mr. SPOONER. But what I mean to ask is whether estimates for revenue made in time of peace are not very likely to be changed by a change of status from peace to war?

Mr. TELLER. Why, Mr. President, always so. But this estimate, if you can call it an estimate, was made in time of war. It was made after we had declared that there was war existing between us and Spain. To determine just how much revenue we want, I admit, there is some difficulty, but there is no more difficulty than we meet in other cases. We could take into consideration, when we got an estimate from the committee, that it was made at a time when it might be somewhat difficult to make it. Yet I think we are entitled to an estimate notwithstanding the difficulties that surround the case.

Mr. ALLISON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. TELLER. Certainly.

Mr. ALLISON. In the observations I made to the Senate some days ago in explanation of the bill I did not make a detailed statement of every item in the bill. I did undertake to say what I believed it would raise as it came to us from the House. The Senator now criticizes the committee because it did not take up the bill item by item and give an exact calculation of what the detailed revenues would be. I submit to the Senator, as no one has had more experience in these matters or better opportunity to make estimates and guesses than he has, it is impossible for us to state with anything more than approximate accuracy how much will be raised from the bill.

We can state with almost absolute accuracy what will be raised from malt liquors, as we can state with almost absolute accuracy what will be raised from the various forms of tobacco, because all experience has shown that the tobacco taxes with varying rates yield substantially the same revenue as compared with the population. As to the beer tax, I stated, at least if I did not state, I thought, that the estimate in the House of Representatives was too low, and I will now put my opinion against the opinion of that committee that the beer tax is estimated at \$2,000,000 less than it ought to be.

Mr. TURPIE. You mean the House committee?

Mr. ALLISON. I mean the House committee.

Mr. TELLER. In other words, you put it at \$35,000,000 instead of \$33,000,000.

Mr. ALLISON. The beer tax and the tobacco tax together.

Mr. TELLER. Oh!

Mr. ALLISON. I think the beer tax as estimated by the House is too small; but the two uncertain elements in the bill are Schedule A and Schedule B. Who can tell, except approximately, how much the stamp tax on checks will yield? When we had the stamp tax upon checks, we had deposits in the banks to the amount of about \$1,500,000,000. Now the deposits amount to \$6,000,000,000. I can estimate the check-stamp tax at \$8,000,000 or \$10,000,000, but it is only an approximate estimate; and yet I believe it will be between the two figures. If you estimate that single item, you will have as a result of it from \$15,000,000 to \$20,000,000 from Schedule A. As the bill came to us from the House Schedule B itself would probably amount to \$20,000,000 or \$25,000,000.

It was in this general way that I ventured to state that in my belief the estimates of the House of Representatives were too small, and yet it may turn out that my estimate is inaccurate. But where will we get the data, I ask the Senator from Colorado, to know how many checks will be drawn upon the basis of a deposit in the banks of the United States of \$6,000,000,000? Where will we get the data to ascertain the amount on the thousands of articles that have entered into consumption during the last twenty years, and that have not been subjected to the criticism of the reports of our taxgatherers? The other day I asked an intelligent man from the city of Chicago how much the daily sales of grain upon their public exchange amounted to. He could not tell me. I asked him where I could get that information. He said, "It is not in existence; there is no report to be found of the daily transactions of the Chicago Stock Exchange." I asked him how much he thought it would be. He was one of the dealers. He said it would be anywhere from fifty to one hundred million bushels.

If in the bill as it came from the House a stamp is required upon those transactions, although it is somewhat obscure, and yet it was intended to put a stamp upon those transactions as well as upon the transactions of the Stock Exchange of New York—

Mr. TELLER. Oh, Mr. President—

Mr. ALLISON. I do not want to disturb the Senator, but I am only trying to show how difficult it is to make more than an approximate estimate, because the accurate data is not found in the reports of the boards of exchange or in the reports of the stock exchanges. Yet the Senator tells me that I should put down to a thousand or ten thousand or a million dollars the amount of money that will be raised from Schedules A and B. I can only say, as the Senator could say, that in my belief it will be far in excess of any estimate that has been made thus far in this transaction.

Mr. TELLER. That is a pretty long question.

Mr. ALLISON. I did not rise to ask a question. I asked the privilege of answering the Senator.

Mr. TELLER. All right. The Senator has practically admitted now that he was guessing when he made the statement that the bill as passed by the House did not provide revenue enough.

Mr. ALLISON. I said so.

Mr. TELLER. And he guessed that with these amendments the amount would be \$37,000,000 above the House bill. He might just as well have guessed \$50,000,000.

Mr. ALLISON. Now, if the Senator takes no account of the stamp tax—

Mr. TELLER. I have not taken any account of the stamp tax yet.

Mr. ALLISON. My estimate was not \$37,000,000 above the House estimate. I made no such estimate as that.

Mr. TELLER. Practically that.

Mr. ALLISON. No; I said the House estimate was too low, that I believed it would be \$105,000,000, and that it might reach \$110,000,000.

Mr. TELLER. You said \$120,000,000.

Mr. ALLISON. No.

Mr. TELLER. I understood the Senator to say \$120,000,000, and I understood the Senator from Connecticut to make substantially the same statement.

Mr. ALLISON. I did not read my observations after they were made, and I have not looked at them in the RECORD.

Mr. TELLER. The point is not very material whether the Senator came within six or seven million dollars in his guess or within \$20,000,000. What I wanted to show was that it was a guess on his part, that when he said the House had underrated the amount that the bill would yield he guessed at it. I have as much right to suppose that the House was correct as he had to ask us to suppose that he was correct as to the revenue that the bill would yield.

Mr. President, it is not always necessary to guess. As to some taxes you can tell very nearly what they will produce. At least, the Senator went through the whole bill, more or less, suggesting what each paragraph ought to produce, without giving us any statistics, without giving us any numbers, or anything of the kind.

The majority of the committee propose some new measures of revenue, and that is what I want to address myself to very briefly now. I refer especially to the features antagonized by the Ad-

ministration members of the committee. They assume that there is no necessity for them and that the House bill is going to raise enough, or at least all the revenues we ought to put upon the people of the country at this time.

We have not had a very satisfactory discussion of this question, I admit, on the part of the committee. We have the statement in one breath that the bill will raise revenue enough, as much as we ought to raise by taxation, and in the next that it does not raise enough to carry on the Government, and that we ought to have a great bonded debt.

Mr. President, I am like the Senator from California. After listening to everything that has been said by members of the committee who sustain the House report, I fail to find anything that the committee are willing to put the tax on. They materially modify and change the provision regarding stamps. I do not know that I am going to criticize that, for of all the burdens, of all the taxes that have been collected since I have been acquainted with national taxation, I think the stamp tax is most offensive. I recall that during the war we had a very burdensome stamp tax, and that it was got rid of very early as one of the most objectionable features of the entire revenue system that was forced upon the people of the country during the war.

Whatever may be said about the income tax, I aver here that the income tax was never as unpopular with the American people as the stamp tax. I do not know that I need go into any very extensive argument to show why that was the case. A small portion of the American people were affected by the income tax, while every class of men, high and low, rich and poor, were inconvenienced by the stamp tax. It was not so much the expense as it was the irritation that accompanied the stamp tax. People did not object to the payment of 2 cents on a receipt, but a man taking a receipt distant from towns where stamps were kept, not having provided himself with stamps, took the chances of prosecution under the law for the omission and of having his receipt invalidated in a court of justice when he wanted to use it. Unless a man who wanted to make a check secured checks with the stamps already on them, he found himself in a condition where he could not comply with the provision of the law, and the result was great complaint.

I am not going to object that the committee have modified somewhat the stamp act. I do not know whether that provision received the approval of all the committee or not. I do not know now whether it is right or not. I wish for myself that you could eliminate the stamp provision. I shall vote for it, if the committee insist that it is necessary to raise revenue, just as I am going to vote for other things that I should like to have eliminated, if I could, because I know when you come to raise money you have got to put it on something. I do not belong to the class of legislators I have heard of who voted for all appropriations and voted against all taxes. I know if you have appropriations you must have taxes, and the best laid tax is that which is distributed all over and makes every man do something toward the maintenance of the Government of the United States.

I am myself opposed to taxes that are not universal. I have no sympathy with the suggestion that the \$1,800,000,000 in the savings banks of this country should bear no share of the public burdens. I believe accumulations, great and small, should bear their share. Neither do I sympathize with those who say that the State must reserve to itself certain lines of revenue and that the Government of the United States must be excluded from that source. The time would come, if that were true, when the National Government would be compelled to rely upon import duties, or, what is now the suggestion, upon borrowing money to conduct the affairs of the Government.

The State may tax its corporations, it may tax incomes, as is done in many of the States, or in some of them, at least, or incomes from certain kinds of business, but the State must lay its taxes with the understanding that the National Government is superior and has taxing power over everything that is not excluded by the very terms of the Constitution from touching. State taxes on such lines must be subordinated always to the tax of the National Government. Otherwise, in an emergency, the States might render it utterly impossible for the General Government to secure the means for carrying on a great war, such a war as we carried on from 1861 to 1865, when we taxed everything in this country which was taxable, when we hunted with extraordinary industry for articles upon which to put the hand of the General Government in the way of taxes.

Mr. President, we then had internal-revenue stamp taxes from which no man in this country escaped. There was not a man or a woman or a child in the United States who did not feel the influence of the tax. There was no man so poor, if he ate or drank, that he did not pay a proportion of that national tax, and when the war closed we were raising three hundred and some odd million dollars of revenue from internal taxation.

It was said here yesterday the same kind of taxation now would bring an immensely larger sum of money into the Treasury of the

United States. I have no doubt the people are better able now to pay a thousand million dollars than they were to pay \$300,000,000 during the civil war. They are double in population, and, more than that, you must take into consideration that one-third of our population at that time was practically deprived of all its property and was left in a state of absolute destitution, except so far as the ownership of land was concerned.

It is objected to this bill that a tax is put on corporations. We put a tax on corporations during the civil war, and also on individuals. I am one of those who would be glad to see this bill amended so that there would not be imposed a tax on corporations alone. I would tax every individual who produces as well as every corporation; I would put a slight tax on production, but I would modify to some extent, if I could, the tax upon consumption. The most onerous tax that a man pays is that upon consumption. He may decline to produce if he does not think he can produce with profit, but he must consume. When you put a tax upon the necessities of life, such as he must eat, he must pay it. I will not go into details. I have the original act of 1862 and the act of 1864, imposing internal taxes upon the people of the United States. Then every man who bought a pound of coffee, and had it ground before he bought it, paid 3 cents a pound upon that ground coffee to the Government of the United States.

If he bought a pound of pepper, or any one of a hundred other things which enter into a man's daily food, he paid a tax. The people of the United States paid that tax without grumbling and without complaint until the war was over. Then they went to work and got rid of those taxes as well as they could, but not wisely in many instances, because Congress took off some taxes which ought not to have been taken off, and kept some taxes on which ought not to have been kept on. The American people to-day will pay \$200,000,000 of internal-revenue taxes in addition to what they are paying if those taxes are righteously and properly laid. The American people are not a complaining people when it comes to paying taxes. They pay them readily. All they want to know is that they are just and equitable, and that no man pays more than his neighbor pays according to his means and according to the protection that is afforded him.

An absolutely just distribution of taxes, I admit, can not be made. You can not conceive of a tax which will not bear heavily on some, but you can make it as nearly just as possible by distributing it all over the country on all articles and on all the people alike.

The tax on beer is an onerous and burdensome tax, though I am in favor of it, because beer is one of those articles on which everybody seems to think you can collect the tax, and because you can collect it with less friction, perhaps, than almost any other; yet there are a hundred other articles just as taxable in justice and right as is beer.

Mr. President, the tax on corporations would suit me very much better if the principle was extended to individuals as well, and if I have an opportunity to vote for such an amendment as that I think I shall vote in that way before we get through; but if we can not do that, then I am in favor of the present provision in the bill as inserted by the majority of the committee. I know that it will work hardships upon some, but all taxes are burdensome. All taxes bear occasionally upon the people with great weight. That can not be helped, but I believe justice would be done if less tax was collected from tobacco and beer and more was imposed on a hundred other things that could be named.

If the committee had got to work and gone at it and established a system of revenue, which I think they ought to have done, which would last for years to come, I think they could have waived some of the very extraordinary tax on tobacco and have put it upon articles of luxury. Of course I know that tobacco is not one of the necessities of life, and I have not very much sympathy with its use myself, not using it myself; yet I know that, like beer, it has become almost an absolute necessity to a great many people in this country. Tobacco may be an evil, and yet it is in general use, and I have no doubt it affords great comfort and consolation to some men who have few of the comforts and blessings that ought to be vouchsafed to all the American people.

INCOME TAX.

I would not put all taxes upon the poor. I would put them upon the rich if I could. If I had my way, I would put taxes upon salaries; I would include every member of this body; I would include every man who gets his pay from the United States Government, except those who are protected by the Constitution of the United States from the imposition of a tax of that kind. I should feel a great deal better when I voted for this bill if I knew that out of the salary which the Government of the United States pays to me I had to pay a tax to the Government.

I could face the men who are complaining of burdensome taxes with a great deal better conscience if I could say that the members of the Senate of the United States, of the House of Representatives, and all the officials of the Government who are not protected by the Constitution are bearing this burden with you;

but when a man tells me, as men are telling me, "I am the owner of a proprietary medicine, out of the sale of which I have difficulty in keeping my family, and you are putting a burden upon me which will drive me out of business," I feel that the tax ought to be less than we propose to impose. Perhaps it could be made less if we would extend this tax to all industries, to all salaries, and to all the incomes, as we did during the civil war.

Mr. President, I know it is said we are precluded from taxing the wealth of the country because of the opinion of the Supreme Court of the United States in the income-tax cases. In some respects that is true. We are greatly embarrassed by the decision of the Supreme Court, a decision that I do not care to speak of except in terms of respect, although I will admit that it was a shock to me when the Supreme Court of the United States made it. I had been myself familiar with the decisions of the court on the question of direct and indirect tax made during the last hundred years, and I had examined them again and again.

I knew the question of direct taxes had been settled more than a hundred years before that time; that there had been four cases following it; that in the first case there sat three members of the constitutional convention, who ought to have known what was meant by direct taxes; and that in each of the five cases which had been adjudicated there had never been a dissenting opinion. I supposed, if it were possible that the meaning of a law could be established by precedent, that that had been done.

As a lawyer, I anticipated no possibility of the court taking away from the Government of the United States the great power in an hour of emergency of calling upon the wealth of the country to come to its relief. There had been no decision since the court was established which struck such a fatal blow to the Government of the United States as did that decision.

I shall not speak in terms of disrespect of the court or of its decision. My education, my training, and my life work combine to give me a high opinion of courts. But, Mr. President, courts are liable to make mistakes; and the question which occurs to me again and again is, Were all the five courts, with their forty-odd judges, mistaken, or were the four judges right who united in making the last decision as to the income tax?

Mr. President, I have no doubt the time will come when the American people will find themselves in need of this power; and when that time does come, I have no doubt that public opinion, which is sometimes strong in this country, will demand either an amendment of the Constitution, or will demand from the court a change of opinion. When I say this, I do not enter upon any debatable or doubtful ground; and it is no disrespect to the court to say that it may change its opinion, for the court has done so once.

Mr. LODGE. I simply want to ask the Senator this question: The court having held that the income tax was a direct tax, what is the objection to laying an income tax as a direct tax in the manner prescribed by the Constitution?

Mr. TELLER. The Senator knows very well that a tax laid in the manner in which direct taxes are laid is the most unfair tax that can be laid, and that it will never be resorted to except in a very great emergency.

Mr. GRAY. If the Senator will allow me, it would defeat the very object of an income tax. If you lay an income tax according to population, you would not tax people according to their incomes at all.

Mr. TELLER. I was going to say that. Such a method would take taxes from the poor and the rich alike. The theory of an income tax is that the wealth of the country should bear the burden which it would otherwise escape.

Mr. LODGE. Precisely. I understand the object, of course, is to reach the wealth of the country, and that a direct tax would be imposed according to the population of the different States, and paid by the States. Would it not?

Mr. TELLER. Yes; if the States saw fit to pay the tax, but otherwise the Government would have to collect it.

Mr. LODGE. Yes.

Mr. TELLER. During the last war, when we laid a direct tax, some of the States paid the tax and some of them did not; but I do not think the Government attempted to collect the tax except where the States paid.

Mr. BERRY. Oh, yes; it did.

Mr. LODGE. Yes; the Government collected the tax.

Mr. TELLER. I think it did collect the tax in some of the Southern States.

Mr. LODGE. In portions of the Southern States the Government collected the tax.

Mr. TELLER. I think that is so.

Mr. LODGE. But if we levy a direct tax it will be paid by the States.

Mr. TELLER. Not exactly. The States might decline to pay it. Mr. LODGE. The States might decline, and then the Government of the United States itself would have to collect it.

Mr. TELLER. If the States declined to pay the tax, the Government would have to proceed to collect it; but, as stated by the

Senator from Delaware [Mr. GRAY], the very purpose of an income tax is to reach the wealth of the country. Is that objectionable? I know that it will be said by some to be objectionable; but it is not objectionable, in my judgment. I could fortify myself here, if I chose to take the time of the Senate—which I hardly feel inclined to do—by reading at length from the Congressional Globe, which I have at my desk, the utterances of some of the most prominent Republicans in the United States, made in 1870 and 1871, as to the righteous character of an income tax.

There never has been but one income tax in the United States in the proper sense of the term and that was the income tax of 1862, with the modifications and amplifications that followed it. I had occasion not long since to call the attention of the Senate to some of the facts in connection with that income tax, and I will venture to call its attention now to the fact that when that income tax was before the Senate in 1870, after we had collected a large amount, almost \$350,000,000 under it, there was a proposition to repeal it and a proposition to extend it, one being in 1870 and the other in 1871, and there were very prominent men in the Republican party who took part in the defense of that income tax.

I have not brought here and did not intend to trouble the Senate with giving the views of the opposition at that time of those who were in favor of the repeal of the tax, but I simply want briefly to call the attention of the Senate to some of the facts in connection with the enactment of the tax in 1870 and the attempt to repeal it in 1871.

On June 3, 1870, Mr. Potter, in the House of Representatives, moved to insert at the end of section 85 the following proviso:

Provided, That the tax imposed by this section shall not continue or be collected after the expiration of the year 1870.

This was an amendment to the revenue bill, which was then in charge of Mr. Robert C. Schenck, of the State of Ohio, who was chairman of the Committee on Ways and Means, and Mr. Potter was a Democrat from the State of New York.

On the adoption of the amendment the yeas were 76 and the nays were 106. Among the negative votes were those of Mr. ALLISON, now a member of the Senate; Mr. HALE, now a member of the Senate; Mr. HOAR, now a member of the Senate; Mr. CULLOM, now a member of the Senate; Mr. Schenck, who had the bill in charge; Mr. Hawley, of Illinois, who was a prominent Republican, and was afterward Assistant Secretary of the Treasury, but is now dead, a man of great character and ability; and Mr. McCrary, of Iowa, who was afterward Secretary of War and a circuit judge, and who was a leading national Republican, I may say, in those days. If any Senator has the curiosity to examine the matter, he will find it recorded in the Congressional Globe, part 5, second session Forty-first Congress, page 4064.

On June 3, 1870, Mr. McCarthy moved to strike out all the section of the bill in relation to an income tax, which was to abolish the tax. On that motion the yeas were 60 and the nays 124. Among the nays were ALLISON, CULLOM, HALE, DAWES, HOAR, and SCHENCK. I have not attempted to add the names of the other Republicans, of which there were a great number, because I do not wish to make this statement too voluminous.

A motion was made to lay on the table the motion to reconsider the vote by which the main question was ordered upon the amendment of the gentleman from Ohio, Mr. Schenck, and the vote was—yeas 118, nays 68. Among the yeas on this motion were CULLOM, HALE, HOAR, and SCHENCK.

On the passage of the bill the yeas were 153 and the nays 35. That was a vote for an income tax; and an income tax which included, as did, I believe, the income tax of 1862, a tax on national bonds. I find amongst the names of those who voted in the affirmative for the passage of the bill the honorable Senator who sits in front of me [Mr. ALLISON], the senior Senator from Illinois [Mr. CULLOM], a former Senator from Massachusetts, Mr. Dawes, the senior Senator from Maine [Mr. HALE], the senior Senator from Massachusetts [Mr. HOAR], and Mr. Schenck, who had the bill in charge. I will say that, as a rule, it will be seen—because there were only 35 nays—the Republicans rallied to the support of the bill.

When the bill came to the Senate, Mr. Sherman, of Ohio, who was then the chairman of the Committee on Finance, stated on the 22d of June, 1870, that the income tax would yield about \$30,000,000 a year. The old law had yielded \$38,512,834. His speech will be found in the Appendix to the Congressional Globe of that year. I will deal with that a moment later.

I do not see the Senator from Maine [Mr. HALE] in his seat, but I have no reason to suppose that he will regard it as at all objectionable if I read from the remarks he made on that bill. He was then a member of the House of Representatives. The Senator from Maine moved to amend the motion of Mr. Hawley, of Illinois, who had moved an exemption of \$2,500, by substituting "\$2,000" in place of "\$2,500," and Mr. HALE then said:

The class who will pay this tax will be those who are not only above want, but above the pinch of anything besides fancied necessity. If we adopt this exemption of \$2,000, I see no wit in reducing the rate from 5 per cent to 3 per cent.

That was the question.

As a rule, the incomes above this amount are received by men who either have a certain and assured income, putting them above the necessity of a narrow rule of living, or by those who from trade or business derive large profits, enabling them to live luxuriously. Let us cut off the tax, if at all, at its lower stages and retain it on the higher.—*Congressional Globe*, second session Forty-first Congress, page 4027, part 5, June 2, 1870.

That is the correct principle, Mr. President. The wealth of the country should contribute to the support of the country. I do not read this to charge the Senator from Maine with any inconsistency, but simply to show that conservative Republican members of the House of Representatives were not opposing an income tax five years after the war closed; and yet I have heard it charged on this floor that every man who favored an income tax was attempting to despoil the rich; that he was in sentiment, at least, an anarchist.

Among the very prominent members of the House at that time was Mr. McCrary, of Iowa, of whom I spoke a moment ago, who subsequently became a member of the Cabinet of President Hayes, and afterwards a United States circuit judge.

Mr. WHITE. He was also a Republican member of the Electoral Commission, was he not?

Mr. TELLER. He became afterwards circuit judge, and was a very prominent, influential, and able man. He was, as stated, a member of the Electoral Commission, and, I believe, voted in favor of seating Mr. Hayes.

Mr. WHITE. That is my recollection.

Mr. TELLER. I want to read very briefly from the remarks of Mr. McCrary, who made quite a lengthy speech. I shall only read slight extracts. He said:

Mr. Speaker, there is another consideration which, to my mind, is entirely conclusive against the abolition of the income tax. It is the only mode by which a large part of the wealth of this country can be taxed at all. I call the attention of the House to the fact that a large portion of the wealth of this country, as every gentleman knows, is invested in bonds of the United States. Every gentleman knows that those bonds are not taxed, either by national, State, or municipal authority. The only mode by which this part of the wealth of the country can be called upon to contribute anything toward the support of the national or State governments of this country is by means of the tax on income. It is provided in the law under which most of those bonds were issued that they shall not be taxed by national, State, or municipal authorities, and it has been decided by the Supreme Court that they are exempt from taxation. Abolish the income tax and the man who has his fortune in these bonds will continue to receive his interest and contribute nothing to the support of government, either State or national.

Mr. President, I imagine now a suggestion made in this Chamber to tax national bonds would receive from certain Senators here the greatest condemnation; and yet the original income-tax law, passed by the Republicans, and which was maintained for a long time, did tax incomes from national bonds.

On June 2, 1870, Mr. Garfield, of Ohio, said:

I move to amend section 85 of this bill, so that it will read as follows—

I wish to state that that was the income-tax section—

"And be it further enacted, That there shall be levied and collected annually a tax of 5 per cent upon the gains, profits, and income of every person residing in the United States, and of every citizen of the United States residing abroad, derived from any source hereinafter described, whether within or without the United States, except as hereafter provided, and a like tax annually upon the gains, profits, and income derived from rents of real estate within the United States owned by any person residing without the United States and not a citizen thereof."

He said:

The effect of this amendment, with two slight amendments in the next section, will be to abolish all that portion of the income tax which relates to business—the making of money by engaging in work—so that if my proposition be adopted, the whole weight of the income tax will fall upon realized wealth.

Mr. President, that would be anarchy of the worst sort, if it should be enunciated here to-day. If anybody should say here that he wanted an income tax to fall upon realized wealth he would be severely criticised at least.

I desire, by the amendment, to remove the burden of this income tax from labor, that it may rest exclusively upon capital. The amendment will continue the income tax upon interest, rents, dividends, all profits arising from corporations. In short, whenever any man terminates his active career in life and becomes a mere capitalist, living upon the profits of his wealth invested in some permanent form, that man's income will pay a tax. But wherever a man enters into a business, wherever he is a producer of wealth, wherever by his labor he makes use of his capital to increase the wealth of the nation, then he is to be exempted from the income tax.

That bill came to the Senate. It is worth while for some of my Republican friends to take up the debate and go through it—those of them who were not then in public life. If they will do that we will never hear from them the castigations we have heard upon those of us who, as Republicans, supported the income tax in 1894.

Senator Morton said when the bill was before the Senate:

If the wealth is in the hands of the few there is where the tax should come from because they have got it.—*Congressional Globe*, Forty-first Congress, third session, part 1, page 630.

Mr. Morton was one of the great war governors of this country, one of the strong men I have met in public life, one of the men of great intellect, a great lawyer as well as a great statesman.

On the 25th of July, 1871, when another bill was before the

Senate—not this one, but a bill for the repeal of the former act—Mr. Sherman, after expressing great regret in taking the time of the Senate, said:

But my own conviction is so clear that its repeal is now wrong, both in policy and justice, that it becomes my imperative duty to state the facts and reasons fully and clearly upon which the opinion is founded.

He proceeded at length to discuss the justice and righteousness of an income tax. That speech may be found in the Appendix to the proceedings of the third session of the Forty-first Congress, page 58. It is well worth perusal. That was in the days when the Senator from Ohio was at his best, when it seems to me he was a little closer to the American people or the great mass of them than he has been for some years past.

I see before me the distinguished Senator from Vermont [Mr. MORRILL], and I find that he voted against the repeal. While not expressing very much love for the bill, he said he preferred that method of raising revenue to some other. He said:

I am not frightened by the bugaboo conjured up at the last moment about the unconstitutionality of the tax, etc. * * * There are some other taxes which I should be prepared to surrender as soon as, if not before, I should be willing to surrender the income tax.

Senator Howell, who then represented the State of Iowa and who was a Republican, also took part in the debate. I will not stop to read what he said, except simply to say that he opposed the repeal. Senator Tipton, of Nebraska, took an active part in the debate and opposed the repeal. Senator Cragin, who died recently, a Senator of high character from the State of New Hampshire, opposed the repeal in quite an extensive speech. Among other things, he offered in the Senate resolutions against the repeal of the income tax, passed by the Republican convention of New Hampshire. I will read them. I do not see either of the Republican Senators from that State present, but these are the resolutions which Mr. Cragin presented to the Senate as voicing the sentiment of the Republicans of the State, and both of the Senators from that State voted against the repeal:

Resolved, That all laws imposing unnecessary or unequal burdens, by taxation or otherwise, upon the whole or any portion of the community, thereby diminishing or wholly depriving them of that compensation, leisure, and opportunity for development and happiness which their industry and devotion to duty fairly entitle them to enjoy, are unjust and oppressive and should be immediately repealed.

Resolved, That all laws which favor capital at the expense of labor and offer a bounty to accumulated wealth at the expense of productive industry are inconsistent with the principles of democratic republicanism, and we hereby repudiate and denounce them as in direct conflict with the purposes and aims of the Republican party.

Resolved, That the wealth of the nation should pay its debt, and hence we are opposed to abolishing the income tax or taxes upon the luxuries that wealth only can afford, while we favor the reduction of all taxes upon the necessities of life.

These resolutions passed the State convention of New Hampshire on the 5th of January, 1871.

I wish to submit another speech which the Senator from Ohio, Mr. Sherman, made in 1870. It was on the passage of the bill as it came from the House continuing the income tax, to which I have referred as being supported by some of the Senators who were then members of the House. The Senator from Illinois [Mr. CULLOM] was not present, I think, when I made the statement that I found as to voting his name, and that of the Senator from Iowa, and the Senator from Maine.

Mr. CULLOM. I am in favor of an income tax yet.

Mr. TELLER. I am glad to hear it. I did not assume that the Senator was not. I was not reading this to convict anybody of inconsistency, but to support the proposition I make that it is consistent with sound political equity and justice to have an income tax, and that we who support it are not because of that to be charged with being disregardful of the interests of the public or with being anarchists or anything of that character.

Mr. CULLOM. If the Senator will allow me, I was just inquiring whether there was any prospect of a joint resolution being reported at this session proposing an amendment to the Constitution enabling Congress to provide for an income tax.

Mr. COCKRELL. There was one here.

Mr. TELLER. There was one here.

Mr. CULLOM. There is one before the Judiciary Committee.

Mr. TELLER. There was one offered here. I do not know whether it got the support of the Senator from Illinois. I do not remember.

Mr. COCKRELL. There was one offered and voted down.

Mr. TELLER. It had my support. I do not know about the others.

Mr. SPOONER. If my friend will allow me, I will state that there is an amendment of that kind pending before the Judiciary Committee.

Mr. TELLER. I know there is, and I am very much in favor of reporting it if we should have another meeting this session, which I very much doubt. We have not had one for a good while.

Mr. Sherman said:

But, sir, there never was so just a tax levied as the income tax. Why? What is the theory of it? The income tax is simply an assessment upon a

man according to his ability to pay—according to his annual gains. What tax could be more just in theory? You say it is difficult in practice, and so is any tax; so are all personal taxes. There is no objection that can be urged against the income tax that I can not point to in every tax and say, "Here the same objection can be made."

But there is another thing in a popular government like ours which Senators should not forget. They have heard the clamor raised about our ears by the newspapers and by men whose incomes are large; but when you come down to the solid basis of even-handed justice, you will find that writers on political economy, as well as our own sentiments of what is just and right, teach us that a man ought to pay taxes according to his income and in no other way. Property is not a proper test of taxes; because, as I said before, the property of the poor may be levied upon to make up the deficiency in the property of the rich. Unproductive property that yields no rent and no income may be compelled to pay the same rate of taxation as property which yields an annual rental of from 10 to 15 per cent. But the income tax levies upon all alike according to their income. It may operate unjustly in some special cases; but with a proper exemption and proper guards, there is no injustice in an income tax which does not apply to any other tax that can be levied in any form whatever.

Why, sir, the income tax is the only one that tends to equalize these burdens between the rich and the poor.

Even in England, which is the representative of property, where the House of Commons is composed almost exclusively of wealthy men, they have been compelled by the force of public opinion to maintain their income tax year in and year out since Sir Robert Peel proposed to react it—and no administration in that country has been strong enough to propose to do what the honorable Senator from New York now proposes to do here—entirely abrogate the tax on incomes.—*Congressional Globe*, part 5, Forty-first Congress, second session, pages 4714 and 4715, June 22, 1870.

It is so nearly 2 o'clock that I will suspend at this point, there being a special order for that hour. I have not concluded my remarks, however.

The VICE-PRESIDENT. The Chair so understands.

MEMORIAL ADDRESSES ON THE LATE SENATOR WALTHALL.

Mr. MONEY. Mr. President, I submit the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. EDWARD C. WALTHALL, late a Senator from the State of Mississippi, and that as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That at the conclusion of these ceremonies the Senate stands adjourned.

Resolved, That the Secretary communicate a copy of these resolutions to the family of the deceased.

Mr. MONEY. Mr. President, twice within a twelvemonth death has taken from the Senate two illustrious sons of Mississippi; within eight years four great men from that Commonwealth who were famous in this Chamber have passed away, Davis, Lamar, George, and WALTHALL, names not to be forgotten, but ever potent to evoke respect, admiration, and affection. To-day the Senate suspends its usual business to speak in eulogy of the latest mourned of these renowned statesmen.

EDWARD CARY WALTHALL was a native of Richmond, Va., born April 4, 1831, of an old and honorable family. While a boy his father moved to Holly Springs, Miss., where he received an education in an academy at that time celebrated. He began early the reading of law and commenced the practice at the age of 21, at Coffeeville, Miss.

Four years afterwards he was elected district attorney for the tenth judicial district, and was reelected in 1859, serving until he resigned to enter the Confederate army early in 1861. His service in that office was able and brilliant, and while an effective and vigorous prosecutor, he became a popular favorite.

His face and person were exceedingly handsome, his courtesy winning, his intellect bright and quick, his manner energetic, and his rise at the bar to distinction rapid.

At that time there were no railroads in that part of Mississippi and the bar at each court-house was marked by ability as lawyers and great good fellowship. The circuit was made by attorneys in private conveyances, attended by servants, and the business of the courts, made interesting by the conflict of learning and wit, was also brightened by the generous hospitality of the local bar and the citizens of the respective towns. In this goodly company no man could hope for either professional or social success without the aid of intellect, learning, integrity, and honor. Amid these congenial spirits the young district attorney was in his element, and his good qualities were amply recognized, and present success and reasonable expectation incited him to harder study and higher achievement.

In the spring of 1861 he was elected the first lieutenant of Company H, Fifteenth Mississippi. Shortly after the organization of the regiment, on the 15th of June, the lieutenant-colonel resigned to accept the appointment of surgeon, and Lieutenant WALTHALL was elected lieutenant-colonel. This regiment did brilliant service at Fishing Creek, or Mill Springs, in Kentucky, and here he won his spurs by a splendid display of that cool intrepidity which became the striking characteristic of his career. On the 11th of April, 1862, he was elected colonel of the Twenty-ninth Mississippi Infantry. On the 30th of June the same year he was appointed brigadier-general, to take effect the 13th of December,

1862. His brigade was composed of the Twenty-fourth, Twenty-seventh, Twenty-ninth, Thirtieth, and Thirty-fourth Mississippi Infantry.

On the 6th of June, 1864, he was appointed major-general. His division was composed of the brigades of Generals Quarles, Canty, and Reynolds.

Seven days after his appointment as major-general, Lieut. Gen. Leonidas Polk, the bishop general, was killed at Pine Mountain, and three names were sent to Richmond to be considered as his successor. These were the names of Maj. Gen. A. P. Stewart, Maj. Gen. William B. Bate, and Maj. Gen. E. C. WALTHALL.

I speak now with great pleasure of an incident that, in this world of struggle and rivalry, especially in military affairs, has rarely occurred.

General Bate and General WALTHALL wrote letters warmly endorsing General Stewart for the promotion, and magnanimously retiring themselves from consideration. They presented the facts of the seniority and military education of General Stewart, and would not permit their names to be used in competition with his. Both these men had gallantly won the substantial honor, and would have been justified in at least allowing the executive to weigh the merits of all three.

The modesty of General BATE, now a distinguished member of this Senate, is only equaled by the valor his wounds attest and will not permit him to mention this episode, as honorable to him as his feats of arms.

Of this magnanimous act General WALTHALL rarely spoke, but those who knew him best can imagine the honorable pride with which he unselfishly relinquished all claim to the prize.

After the close of the war he returned to Coffeeville, Miss., to resume the practice of his profession in association with L. Q. C. Lamar until January, 1871, when he removed to Grenada.

When the distinguished Lamar was appointed to the Cabinet by Mr. Cleveland March 4, 1885, General WALTHALL succeeded him by appointment, and was elected in January, 1886, for the unexpired term, was reelected in 1888 and again in 1892. Directly afterwards his health became very feeble, and, living up to his high sense of public duty, he resigned in January, 1894, his position for the balance of that term. He had already been reelected for the term beginning March, 1895, at which time he reentered the Senate to meet the welcome of his former associates.

It is not my purpose to follow the course of General WALTHALL through the several campaigns in which he was actively engaged, nor to describe nor even name the many battles in which he took a conspicuous part; but it is proper to mention a few of those which particularly displayed his soldierly qualities.

The battle of Lookout Mountain, which has been so exaggerated as "the battle above the clouds" in the fervid imagination of poetry and in the cold mendacity of prose, particularly distinguished the unflinching courage and the calm intrepidity of General WALTHALL.

There were no clouds that day—only a mist that came up from the valley.

WALTHALL's brigade of 1,500 men were ordered to hold the position occupied by a picket post extending from Lookout Creek up the side of the mountain, continuing across a bench to the cliff. The road by which relief must come or retreat be made, as well as the position, were swept by the fire of the Federal batteries of Parrott guns on Moccasin Point. General Hooker attacked WALTHALL's line upon his front and left flank with a division of 10,000.

The brave Mississippians, under their gallant leader, made good their resistance until they could be re-formed beyond the reach of the batteries. At 1 o'clock General Pettus, now present as a member of the Senate, came to the relief with his brigade, and the Confederate line held its new position until after dark.

General Thomas, in his report, says the resistance by WALTHALL was "stubborn;" General Bragg characterizes the resistance as "desperate," and the impartial historian writes it as "brilliant and desperate."

What was left of this brigade from this terrible fight—about 600 effectives—on the afternoon of the next day was thrown across Missionary Ridge to protect Hardee's left flank in retreat, and held the position until ordered away at 8 o'clock that night.

In this fight General WALTHALL received a severe wound in the foot, but left neither the field nor the saddle, enduring severe pain with stoic fortitude rather than discourage his men by retiring. He was confined for six weeks by this wound.

Upon the retreat of Hood from Nashville, when he was pressed hard by Thomas's reinforced and aggressive column, he sent for Lieutenant-General Forrest and asked him if he would undertake to protect the retreat. General Forrest replied: "Give me the major-general of infantry I shall choose and I will undertake it." Out of that army of brave veterans he selected WALTHALL, and it is unnecessary to repeat here the courage, the skill, the heroic daring that marked the defense of the retreating Confederates until the army had crossed the Tennessee River.

Moreau's military reputation was made more glorious by his retreat through the Black Forest than by the victory of Hohenlinden; so this retreat shed as imperishable glory upon Forrest and WALTHALL as any won by their most splendid victories.

When the occasion demanded a man of adamant firmness, unfaltering courage, and enduring patience, WALTHALL met the necessity.

In politics Senator WALTHALL was conservative, prudent, and cautious, not given to experiment, but never allowing a difference of opinion to impair his fidelity to his party.

He did not like joint debates, so usual in the South, and, in fact, did not often speak in political campaigns.

He was a delegate to the national conventions in 1868, 1876, 1880, 1884, and in 1896, and in four of them, by common consent, he was chairman of the delegation.

As a Senator he was devoted to the interest of his constituency, both in legislation in which they were concerned and in any private matters which would properly come before him. He was constant in attendance on committee meetings and industrious and scrupulous in performing the work allotted to him. He was always present at the sessions of the Senate, and when his health became so feeble in 1894 that he doubted his ability to give his usual attention to the performance of his duties he resigned his seat for the balance of his term—about fourteen months. His high standard of duty would not allow him to hold an office when unable to fully perform its functions.

While he did not often speak in the debates in this Chamber, his advice was often sought and highly valued.

He had great respect for law, for established authority. He was loath to disturb the regular order of things, respected usages and customs, was not in any sense an innovator, and had the qualities that better fitted him to suppress a revolution than to lead one.

He was just in allowing to everyone all to which he was entitled, yet firm in the insistence of his own rights. He was particularly jealous of his military reputation and never permitted any disparagement of it, even indirectly, to pass unchallenged and uncorrected.

Tributes of admiration to his intellectual endowments, to his resolute and valiant heart, his strong serenity of mind, to the just balance of his moral and intellectual nature, his softness and polish of manner with no trace of formality, always genial and accessible, although full of a quiet and simple dignity, and his talent and acquirements, will be paid by others in strong and clear outline, for these were his great characteristics as a public man; and this character he has left, a proud heritage to his countrymen, to be embalmed in their hearts and by their eloquence recorded in the history of a nation who thus delights to honor her illustrious dead; but the leading features of his character, to those who knew him when he unbent from the cares of public life, can be given their true valuation by his intimate friends only.

Among these the living and transparent graces of his well-regulated mind and heart, his pensive cheerfulness, the quick and kindly responsiveness of his nature, overflowing with gentleness and sympathy, attracted the coldest and most insensible soul.

Friendship existed in him in its loveliest proportions; it was one of the profoundest emotions of his heart; and this relation, when founded on real worth and once established, knew no bounds nor diminution.

He discerned no weaknesses, no shortcomings in the man he called friend. In its amplitude he listened to the voice of his heart alone. There seems to have been a far-reaching depth of personal identity or individuality, which drew men to him whose affection was soon lost in the abysses of this deep heart. The constancy of his own feeling met with that warm and faithful devotion which he gave in such fullness and so generously.

He was the idol of his soldiers, who followed him with unbounded enthusiasm. He was their inspiring leader in battle; in the hospital, around the camp fire, he was their comforter, their protector; and when peace came, and the dark waters of that sorrowful defeat rolled in and drowned every hope of the Southern heart, he was their stimulator to a new life under changed conditions. He forsook them not in their adversity and despondency. He recalled their fidelity, their courage, their hopeless struggle; he remembered the desolation of their battle-scarred land, and his noble heart gave to them of his strength and his hope, so that when WALTHALL's name was spoken among them, the bright example he was giving them of resurrected prosperity resulting from earnest endeavor, of success of the highest nature, they took heart and held him in war as in peace—their guiding spirit. It is not difficult for any man who knew Senator WALTHALL to comprehend the trust and affection he inspired. His delicately shaded mind enabled him to feel with those who appealed to him for help of any sort. At once there was the flash of a kindly impulse to succor his old soldiers in their distresses, to cheer the disheartened, to speak words of solace, and with matchless tenderness,

force, and fidelity, to lay a soothing hand upon the hearts of his suffering comrades.

I come now to speak of my friend as I know him in the family circle. Here he shone in his fairest light. It was in the dear home in Grenada, with his beloved wife, among admirers and friends, he found true and sweet rest. With his capacious heart, his generous nature, his truly refined and gentle spirit, is it surprising to know with what devotion he was beloved by his noble wife and all those who were connected with him by near and dear ties? The happiness he enjoyed in these tender relations shone in his face with a luster begotten only of the most genuine and deepest and most sacred feelings of the human heart.

He could afford to cease from his labors, for his work had been well and gloriously done. Into the higher regions of the unseen, the silent—which are but shadows to us—beyond the visible, the tangible, the audible things of this world, his soul has taken its flight; the mortal has fallen away from the immortal spark, which, born among celestial fires, has found its way back to its radiant home.

The poet asks:

Can storied urn, or animated bust,
Back to its mansion call the fleeting breath?
Can honor's voice provoke the silent dust,
Or flattery soothe the dull cold ear of death?

We answer "No!" but the marble shaft, the just panegyric, forever bear witness to intellect, to soul, to those high qualities that make the world better for their being, and incite in those who follow a glorious and fruitful emulation.

Mr. HAWLEY. Mr. President, General WALTHALL was not one of those who immediately become well known to all men. But it did soon come to pass that all who knew him instinctively respected him, and those who knew him best loved him. Whatever quality is needed to form a true gentleman he possessed. He was just, peaceable, kind, generous, courteous in address, brave, true to all duties and obligations.

Some of us have served with him on the Committee on Military Affairs thirteen years, less the fourteen months when he was absent because of ill health. His presence was always a pleasure. His judgment was sound; his temper perfect. Before that committee came many cases of erroneous record to be corrected—cases of injustice, owing to haste or carelessness or momentary petulance, new evidence that failed to reach a court-martial, etc., almost without end. In his treatment of all such matters no stranger coming as a casual observer could have discovered on which side of the great war he had ranged himself.

He was eminently judicial, yielding rather to the generous equities that the legislative branch may dispense than to the literal severities of law.

It was—

A kind true heart, a spirit high,
That could not fear and would not bow.

Those who met him in war forgot their quarrel. Succeeding it was "the courtesy that befits ancient foes turned friends."

Fortunate the man who won his friendship, fortunate the soldier he commanded, fortunate the State whose Senator he became, fortunate the country he served.

Mr. BERRY. Mr. President, on the morning after the death of General WALTHALL there appeared in the Washington Post an article so well written and which showed upon the part of the writer such a thorough and accurate knowledge of the character of General WALTHALL that I desire it to go into the RECORD. I ask that the Secretary read it from the desk.

The Secretary read as follows:

EDWARD CARY WALTHALL.

The death of Senator EDWARD CARY WALTHALL, of Mississippi, removes one of the most gallant and gracious figures in public life. He was a representative of the old South, the South of the great landed aristocracy, of gentle birth and high breeding and chivalrous practices and instincts. He was a gentleman in the finest and noblest sense of the word—not for occasion or parade, but always and under any imaginable circumstance. Courteous to the lowly as well as to the proud, considerate of poor and rich alike, he presented to his generation a most attractive personality, an example of all the manly virtues.

There was a man never noisy or aggressive, but calm and self-contained, conscious of his own sweet impulses, and governed by a pure, unquestioning self-respect. Behind his courtly manners, his intuitive good will toward men, and his spontaneous reverence for women, those who had the privilege of knowing him well and closely discerned the knightly heart that inspired every action of his life. Such men as EDWARD CARY WALTHALL explained to us the pride and glory of the South of forty years ago, its strength, its influence upon the thought and character of that time, its lofty standards, and its sensitive and jealous dignity.

He had for all a generous welcome and a splendid courtesy, yet he was enveloped in an atmosphere which no one ventured to invade unasked. He was the type of a class now rapidly disappearing. He belonged to another and a finer time. His was the bearing of the grand seigneur, his the kindness of an innocent and noble soul.

A brave and honorable gentleman, gallant as any paladin that rode with Charlemagne, simple, straightforward, and loyal as the day, he leaves with

us a memory full of grace, an example worthy of all gratitude and emulation. His death is a bereavement as his life was a benefaction to the State of Mississippi, if not to the entire South. He will be mourned as profoundly as, throughout his public career, he has been respected and admired.

Mr. BERRY. Mr. President, it is not possible for any man, either in a single newspaper article or in a single address and within a brief period of time, to do full and complete justice to the illustrious life and high and lofty character of General WALTHALL.

In all the qualities that command respect, compel admiration, and inspire love I have never known anyone who surpassed him. In his entire life, so conspicuous in many ways, there was never a blot upon his character, never a stain upon his fair name. He stood high up upon the mountain, far above and far removed from all that was base, all that was low, and all that was impure. He thought no evil, he spoke no slander, and repeated none spoken by others.

He trespassed upon no man's rights and never intentionally did any one an injustice, and yet if it was necessary, in order to defend himself or others, or to maintain his self-respect, no man would more quickly, fearlessly, or effectually resent a wrong or an insult. He was a man of a high order of ability and of many kinds of ability. He had read many books and had thought much. He knew his fellow-men well. He had a rare and most remarkable judgment, which seldom led to error. He knew intuitively that which was right and that which was wrong, and it never occurred to him that he was at liberty to choose between the two.

In all of his associations and dealings with his fellow-men he had erected for himself the highest possible standard, yet he never complained if others fell below it, and he neither assumed nor pretended superior virtues, and never in word or manner sought to exalt himself by calling attention to the defects of others. He was that character of man to whom all men who knew him turned instinctively for counsel and advice in matters of gravest concern to themselves. He gave it generously and always unselfishly. He spoke the truth boldly and fearlessly, yet always in kindness and never with a desire to wound. If any sought him with the hope or expectation that they might receive encouragement to evade their duty or find excuse to escape fair and just responsibility, they were always disappointed, and when he had spoken the line between that which was honorable and that which was dishonorable, that which was manly and that which was unmanly, was so clear and so broad that no man could mistake it.

It cost him no effort to be a gentleman; constituted as he was it was impossible for him to be anything else. No man has ever served in this Senate during the years I have been here who possessed the confidence and esteem of all the Senators to a greater extent. No man's judgment was more highly respected and no man's influence was greater. And I believe that I speak the truth when I say that no man was so much loved by so many of his associates as General WALTHALL.

He won great distinction as a soldier during the civil war; he fought his way up from first lieutenant to major-general; he was the idol of those whom he commanded. As a commanding officer he had the rare quality of being most self-possessed, coolest, and most courageous when the danger was greatest; most magnanimous and most generous in the hour of victory; most self-respecting, self-reliant, and proudest of the cause for which he fought in the hour of defeat. It was at Mill Springs, or Fishing Creek, Kentucky, where he first showed that unconquerable spirit, that ready resource in disaster, and that high courage which subsequently made him so conspicuous as a soldier. When the commanding general had fallen, when the untrained soldiers were in the greatest confusion, and when all seemed lost, Lieutenant-Colonel WALTHALL of the Fifteenth Mississippi held his men in line, threw them in front of the advancing foe and saved the army from great disaster. The reputation he made at this battle caused him to be chosen colonel of the Twenty-ninth Mississippi, and in December, 1863, he was promoted to brigadier-general.

In the great battle of Chickamauga he led his brigade into the thickest of the fight and 33 per cent of his men were killed and wounded, and by his rare judgment, his courage and gallant bearing upon the field he added greatly to the fame he had already acquired. At Missionary Ridge, when the Confederate lines were broken, when confusion and disorder were everywhere, when it seemed that the total destruction of the army was inevitable, General WALTHALL, although badly wounded, kept the saddle, held his men in line, drove back the victorious forces of the Union Army and withdrew in good order, and when the army was safe across the river he was lifted from his horse unable to walk. He participated in all the battles from Missionary Ridge to Atlanta, and in June, 1864, was made a major-general. In the fearful slaughter at Franklin his division was in the front rank of battle, and he was close by Gen. Pat Cleburne, of my State, when that great soldier fell.

In the battle at Nashville his command suffered heavily, but his lines were not broken. When the battle was lost, when it seemed

almost impossible that the defeated Confederate army could escape capture, General Hood asked General Forrest if it was possible to hold the rear and save the army. He replied, "Give me WALTHALL to command a division of infantry, and I promise that the army shall retreat in safety." How well he kept his promise, and how superbly General WALTHALL performed his part and justified the confidence of General Forrest, all the country knows. The defeated Confederates passed south to Bentonville, N. C., and there, in the very closing days of the war, they lined up in battle for the last time.

General WALTHALL once told me that on that day every man in the command knew that there was no longer any hope for the South; knew that the days of the Confederacy were numbered; and yet no man faltered; and he said that nothing in his life had ever touched him so much as when he rode down the line on that day and there burst forth from the tattered and torn remnants of his old division the old familiar cheer that had so often greeted him, and that the saddest word he ever spoke was to give the order for the charge that cost many of them their lives.

When the end came, he returned to his home in Mississippi. His ability as a lawyer and his high and well-known character brought him numerous clients, and for nearly twenty years he stood in the front rank of his profession and contested with such lawyers as Wiley P. Harris and James Z. George for the leadership of the bar of Mississippi.

He came here in 1885 as the successor of Senator Lamar, the man whom he admired most and loved best of all the men he had ever known. How well he sustained the high reputation he brought to this body is known to all Senators. His great ability as a lawyer, a soldier, and a Senator, his devotion to duty, his high purposes, and the purity of his life made him a conspicuous figure here from the time he entered the Senate until his death.

But there are many who knew him well in his service of twelve years here who do not know of his many generous deeds, his sacrifice for others, and his great tenderness toward his family and those whom he loved. He never failed to remember all who had any claim, direct or indirect, upon his generosity. No man who was a soldier under him, whether he lived in Mississippi or elsewhere, ever called upon him for aid that it was not generously given. That which endeared him most to those who knew him best was his thoughtful consideration for others, his readiness to sacrifice himself for his friends, and his kindness and tenderness for all who suffered and all who were in distress.

History has recorded and generations have applauded the noble act of Sir Philip Sidney, who, when his own death was fast approaching, gave the water brought to quench his dying thirst to the wounded soldier. On that terrible retreat from Nashville, on that fearful winter night never to be forgotten by those who followed Hood, General WALTHALL folded his last blanket around a wounded soldier and spent the night on the frozen ground without shelter. In his last sickness, when the fever was coursing through his veins, with the fearful pain in his brain, he did not even then forget his consideration for others, and he said:

Tell Mr. Spooner, with whom I am paired, that it is unfair to him to lose his vote on important questions while I am sick, and that he is at perfect liberty to vote as he deems proper.

We all remember his last appearance upon the floor of the Senate. He came here when he was so weak that he was hardly able to walk; he came against the advice of his physician and against the wishes of his family and friends; he came because he believed it to be his duty to come, and standing where I am standing now—for I am speaking from his desk—delivered that eloquent eulogy and paid that magnificent tribute to the life and character of his late colleague, Senator George.

Two weeks from that day, on the evening of the 21st of April, his great spirit crossed over the dark river, and there passed from this earth the truest, the bravest, and the gentlest man I have ever known. We bore his body to the beautiful town of Holly Springs, in Mississippi. Surrounded by many hundreds of the people whom he had served so faithfully, in the cemetery where his footsteps had often strayed in his boyhood days, near the academy where he had received his early education, close by the town where he was admitted to the bar and began the battle of life, we laid him to rest.

We buried him beneath a multitude of flowers which came as tokens of love from almost every town and village in Mississippi, and mingled with the flowers were the tears of many of the gray-haired and battle-scarred soldiers who had followed him through four years of battle, of bloodshed, and of strife. As I listened on that day to the eloquent words of Bishop Thompson, as he spoke of the pure life and high character of his personal friend, the thought came to me that no man could have been intimately associated with General WALTHALL without being a better man, that no man could have known him well without having a higher and better opinion of human nature, and that in the mysterious and unknown life beyond the grave the Great Ruler of us all would do most for him there who had done most for his fellow-men here.

Mr. SPOONER. Mr. President, I am sensible to the point of pain that I can not give expression to the tribute which is in my heart for EDWARD CARY WALTHALL. We came into the Senate within one week of each other. Both lawyers by profession, coming into this great forum without previous legislative experience, he certainly with high ideals, both anxious to serve well the people who had honored us, and distrustful of our power to even approximately maintain the standard created here by our predecessors, we met upon a common plane.

He early admitted me to his friendship, and we entered into a pair with each other which continued during my former term, and was, to my delight, renewed upon my return a little over a year ago.

I shall always count it an honor that he gave me his confidence, and I shall always value the friendship which existed between us. To me the friendship of Senator WALTHALL was of no ordinary quality. It was not effusive, but one who enjoyed it could not fail to realize its steadfastness. It required no nursing. Once gained, nothing could forfeit it or change it but unworthiness in its object. Emerson said of friendship:

It is sublime to feel and say of another, "I never need meet or speak or write to him; we need not reinforce ourselves, or send tokens of remembrance; I rely on him as on myself; if he did thus or thus I know it was right."

This I could always feel of him, and this I can say of him. I never met one in whose personal loyalty I had more implicit trust, or into whose care I would more willingly commit my honor or my life.

Calm, self-contained, thoughtful, always considerate of others, charitable in his judgments, tolerant of differences of opinion, making due allowance for the influence of tradition, association, the prejudices of environment, and all the factors which enter into life, his was a character rare in its evenness and perfection. He was modest, brave, sympathetic, and tender. He always bore about him a dignity of demeanor which, while it never in anywise repelled, commanded ever-increasing respect from those who were his intimates.

It has been said that "familiarity is the most destructive of all iconoclasts." In this sense no one could be his familiar. Those who were nearest to him trusted him most and loved him best.

It has not been my fortune to know a man who more instantly commanded respect and confidence than did he. His bearing was noble, and there was an inborn chivalry about him which no manly man could fail to discern. He was frank, sincere, and just. It is no disparagement of any other to say of him that from the South has come no man who in fuller measure answered to the old-time romantic ideal of the best type of the Southern gentleman than did Senator WALTHALL.

There is no place anywhere, to my knowledge, in which more quickly and with more unerring accuracy is judgment formed of the nature, ability, strong points, and weak points of a man than in the Senate; and I recall that among my colleagues on the Republican side of the Senate, in the frank interchange of opinion upon newcomers, there was universal expression of respect for Senator WALTHALL; and the sad news that he had passed into the

Silence, stirless rest,
That change which never changes,

brought to the heart of every Senator a keen sense of personal bereavement.

In the time when he came to the Senate there was still existent much of bitterness and sectional suspicion and animosity, the inevitable result of the war and of the political phases which followed it. I confess that I shared that bitterness, and more than once participated in impassioned and denunciatory debate upon sectional lines. All good men rejoice that it has, for the most part, passed away, and no one rejoiced more than Senator WALTHALL that the healing power of time was effacing the wounds and eliminating the bitterness which had held us apart. True, some of the problems are still unsolved, but the people trust to time, patriotism, and a spirit of brotherhood to rightly solve them.

He was in all ways a fit successor to the brilliant and able Lamar, of whom it will always be well remembered that he, of all the Southern statesmen, was the first in public place to sound the sweet note of returning fraternity, and to point his people and our people forward to a time when in heart, in patriotism, in hope, and in pride of a common country and a common flag, we should be one again and forever.

I utter a conviction, born of a consciousness of the influence which his candor and breadth and frankness and the earnest hope, often expressed by Senator WALTHALL, for renewed friendship and fraternity between the sections of our country, had upon my own thought and feeling, when I say that to him and to his presence, more than to any other, is due, in my judgment, the obliteration here of sectional animosity, and the restoration of that amity and confidence so essential to the prosperity and the strength of the Republic.

He seldom participated in debate, although able to cope with

any antagonist; but I remember that his first speech, to which the Senate listened intently, won universal commendation, although upon a sectional subject, by the temperate spirit which pervaded it.

He was the first man to teach me that a Confederate soldier, who had won by chivalrous daring his way from the rank of a lieutenant to that of a major-general, and who had led in a hundred battles under a flag which I had hated and against one which I loved, could be as loyal and as faithful to a reunited Republic and to its flag as if there had never been a division among us.

I can easily believe what I have been told by those who have seen him leading the Southern hosts into battle, that he was an ideal soldier, worshiped by the officers and men who served under him, and loved and implicitly trusted by those under whom he served.

He was an able and erudite lawyer. Many times I have had occasion to discuss with him legal questions in a conversational way, notably on an occasion within a year, and it was obvious that his mind was stored with legal principles, well digested and thoroughly and accurately understood. He possessed in a wonderful degree the elements which would have made him a great judge. He was essentially reflective, with fine power not only of analysis but of generalization, and of rare judgment.

No one who knew him will fail to remember of him that he was unusually discriminating and with profound and nice ethical sense; a safe man, always, to consult with the utmost confidence when one had any doubt upon a question of honor or propriety of conduct.

He hated sham or pretense. Always ready to give to every man his due, he had a contempt for one who claimed more than his due. Never a stickler for the credit due himself for any generous, honorable, or brave act, he despised beyond expression one willing to take to himself credit or honor for an act done by another. He rightly thought it the meanest form of larceny.

I have not known a man who seemed to me more incapable of an unworthy suspicion or an ignoble thought or act than Senator WALTHALL. And while sometimes here in the heat of debate we say harsh things to one another and of one another, and criticize each other's foibles, weaknesses, and peculiarities, I venture to say that no one ever heard a Senator speak other than in terms of the highest respect for the judgment and characteristics of our dead friend and colleague.

I was not surprised upon my return to the Senate to find him, although in an unostentatious and quiet way, a leader of peculiar power and influence upon that side of this Chamber and so regarded upon this. He made no effort, Mr. President, to win that place. It came to him because it was his due. It was the tribute unconsciously and naturally paid him by appreciative colleagues because of the nobility of his character and the wisdom of his judgment.

It needs not to be said that such a man hated oppression or cruelty. I can not forbear to mention that once, years ago, walking with him down the Avenue, we came across a burly colored man maltreating a ragged, unresisting, weeping colored lad, and I shall never forget how, without a word, with flashing eyes and a pallor brought by indignation into his face, Senator WALTHALL, with strong, quick arm, protected the little one from cruelty and in a manner to make it a lesson to be well remembered by his oppressor, and as we walked along he was as calm as if he were entering a drawing room and as silent about it as if it had been a matter of course. When it was a matter of fair play or humanity, there was no "color line" with him; and any creature, man or woman, child or animal, who or which was being oppressed or treated with cruelty found a ready sympathy in his heart and a prompt defender in his strength.

I have said that he was considerate, and I must be permitted, since I was the object of it, although it has been beautifully mentioned by the Senator from Arkansas [Mr. BERRY], his dear friend, to call again to the attention of the Senate the fact that his last known thought of the Senate and of public duty here was marked by that unselfish consideration for others which ever characterized his conduct.

As he lay dying, Mr. President, released for a little time from the grip of delirium, his body racked with pain, he recalled the fact that we were speedily to vote upon the question of war, and sent word to me by the Senator from Arkansas that he did not feel it would be fair that I should be precluded by reason of his absence from casting my vote upon such a question, and that he desired me to consider myself free to that end. This beautiful trait, possessed by him in such rare measure, ran like golden threads through the warp and woof of his whole life and endeared him to all with whom he came in contact.

I would not for all the world, Mr. President, consciously speak a fulsome word of eulogy above this new-made grave, yet I have said nothing of any fault or foible in him. I knew him long and well, but I did not know him long enough or well enough to discover any fault or weakness in his character.

His beliefs upon all the questions which divide parties were the

opposite of mine. Upon these differences we never spoke. How much of his opinions or of mine were due to the power of association, the strength of tradition, I know not. I never allowed myself to doubt that in all his beliefs he was sincere and, from his standpoint, purely patriotic.

In an inadequate and imperfect way I have given my estimate of him as a man. I had for him strong affection. He was a true knight, "without fear and without reproach," faithful in his friendships, loyal to his convictions. Well, indeed, did he obey the injunction of Chalmers: "Write your name in kindness, love, and mercy on the hearts of the thousands you come in contact with year by year, and you will never be forgotten." He will not be forgotten, Mr. President. In all the time to come, among the most priceless treasures of Mississippi, the State to which he gave his devoted love, will be the name and fame of EDWARD CARY WALTHALL, and here at the Capitol of the nation his career as a Senator will be a fragrant memory so long as any who have served here in this generation shall be remembered.

Mr. GRAY. Mr. President, the task I have undertaken to perform is the most difficult that has ever fallen to my lot. To speak here of the man I had come to love as a brother, how shall I do it and avoid, on the one hand, the display of a private grief, unbecoming this presence, and, on the other, the perfunctory and conventional phrases of obituary eulogy?

I would prefer to be a silent mourner for my lost friend, to embalm his memory in my heart, and wait upon the soothing effects of time to assuage my sorrow. I can do nothing now but add my voice to the general lamentation or swell the chorus of praise that has followed WALTHALL to his last long home.

In that beautiful country where last month we buried him amid a wilderness of flowers, the offerings of a sorrowing and affectionate people, the summer winds will chant his requiem and the silent stars will keep vigil over his grave. But the winds will never blow and the stars will never shine upon a truer, knightlier, or purer soul than WALTHALL'S.

There are certain words in our language which come spontaneously to our lips when speaking of our departed friend, words full of meaning and tense with feeling and emotion. They would fall unpleasantly on the ear were they ordinarily used, and offend against those canons of taste which forbid exaggeration or extravagance in speech. But they fall pleasantly on the ear when applied to WALTHALL, and, suggesting nothing but the truth, can not offend when used to portray his character.

"Chivalrous" and "knightly" are these words, often abused and misapplied. It seems as if they were reserved to have their full meaning, and all that they imply, illustrated by his life and conduct. If to be chivalrous is to be high-minded, magnanimous, courageous, unselfish, gentle, and true, preferring death to dishonor, then WALTHALL was the embodiment of chivalry. He never lowered his standard, never compromised his convictions of duty; and all this rigidity of moral principle was covered with the mantle of his affectionate and kindly personality, which drew men to him and made them his friends.

He was a gentleman in the best acceptance of that word, and I have sometimes thought that the best way to define the word was to point to him as the embodiment of all that it meant. The best description of a gentleman that I know is that given by inspiration in the Fifteenth Psalm, and to no one could it be more justly applied than to our departed friend:

Lord, who shall abide in Thy tabernacle? who shall dwell in Thy holy hill?
3. He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart.

4. He that backbiteth not with his tongue, nor doeth evil to his neighbor, nor taketh up a reproach against his neighbor.

5. In whose eyes a vile person is contained; but he honoureth them that fear the Lord. He that sweareth to his own hurt, and changeth not.

6. He that putteth not out his money to usury, nor taketh reward against the innocent. He that doeth these things shall never be moved.

Mr. President, the world is better for such lives as WALTHALL'S; and though the circle of his friends, the Senate and the State that loved him, and the country at large, are poorer by his death, they can never lose the legacy of his noble character and its inspiration to high living and unselfish devotion to high ideals.

There is no contribution that Mississippi could have made to the nation that could have compared in enduring value to that of the character of her great soldier and statesman whose death we mourn to-day, and no State in this great sisterhood of States can fail to realize the bright hopes of a high destiny that breeds such men and builds such character.

"The world is upheld by the veracity of good men; they make the earth wholesome." A State or a Commonwealth takes its reputation from its ideals, and a society that honors such character as WALTHALL'S is itself honored.

General WALTHALL'S reputation as a soldier can better be spoken of by others; that it was of the highest I have the testimony of those who are best qualified to speak—his fellow-soldiers of the South. As intimate as it was my good fortune to be with him, I rarely heard him allude to the great epic of the civil war,

in which his part was so conspicuous and honorable, and then only to some phase or incident of it unrelated to himself. That he was a great soldier I have learned from the history of the war, and I read the story of his affection for the men whom he commanded and with whom he shared the hardships and dangers of the camp and field, and of their devotion to him, in the tear-stained faces of the survivors of his old brigade, as they marched behind his hearse, laden with the flowers that were to make beautiful his open grave.

As a Senator it is needless that I should speak of him in the hearing of those, his colleagues, who surround me. We all remember sadly to-day the erect and gallant form which was rarely absent from its seat during a session of the Senate. Attentive, vigilant, and untiring in the performance of his public duty, Senator WALTHALL served his State and his country with a fidelity I have never seen surpassed. How wise he was in counsel, how steady and self-contained when others were excited, and how naturally we all turned to him for advice and leadership! Rarely taking the floor to speak, never exploiting himself, he exercised an influence on this body and its individual members which it and they were glad to recognize, and which was always for good. Here, as elsewhere, he contributed to the body of which he was a member the inestimable boon of his high character.

We were all glad to have him pointed out as a representative Senator and to put him in the front rank of those whose presence here was to refute the calumnies with which this body is sometimes assailed. That he did not often indulge in speechmaking was not because he could not speak well. Few excelled him in forceful and persuasive speech. With clear apprehension of the point in discussion, his arguments were logical and well ordered and calculated to convince. His mind was honest. It could not consciously tolerate fallacious reasoning, and the sincerity of his conviction tended to carry conviction to the minds of others. But the innate modesty and the self-suppressing habit of his life kept him from claiming the applause he could so easily win.

Mr. President, I have already said that one need have no fear of making himself amenable to the charge of extravagance or exaggeration in speaking of the character of Senator WALTHALL. I have no such fear. Yet all that I have said seems to me commonplace and unworthy. I can not dissect and criticize the elements that went to make up the rounded whole of his beautiful life. Faults doubtless there were, but I can not try to discover them. Words of cold criticism would tremble and falter on my lips should I try to utter them. I can only speak from the standpoint of my affection and admiration. It is not now the wise statesman, the intrepid soldier and commander, or the learned and well-equipped lawyer of whom I am thinking.

It is the friend I have lost, and who can never be replaced. It is those things which I feel but can not give utterance to that fill my heart and mind, and it is a tribute of love and affection, not of praise and cold approbation, that I would lay as a chaplet on his grave. Tears, not eulogy, are more fitting and natural to-day. The time is so short since we bore him from this Chamber to sleep in the warm bosom of the State which loved and honored him and amid the gallant people whom he so loved and honored that we still seem in the shadow of his grave. Grief must have its place and claim the privilege of silence rather than of speech.

The name and memory of WALTHALL will long continue a precious tradition of the Senate and an inspiration to ingenuous American youth.

May the simple, genuine spirit of the man who never acted a part or tried to seem other than he was long lover in this storied Chamber.

And though the warrior's sun has set,
Its light shall linger round us yet,
Bright, radiant, blest.

Scarce had he need to doff his pride or slough the dross of earth—
E'en as he trod that day to God so walked he from his birth,
In simpleness and gentleness and honor and clean mirth.

He had done his work and held his peace and had no fear to die.

Mr. GORMAN. Mr. President, during the past few years death has been very busy in this Chamber. It seems but yesterday since we followed from these walls to the tomb the caskets containing the beloved forms of Colquitt, Vance, Harris, and George.

And so close were their deaths upon their retirement from this Chamber that we may include those of McPherson, Coke, and Voorhees, all illustrious Senators and patriots.

And to-day, before the flowers are withered upon the grave of his colleague, we are brought together to lay our offerings on the urn of WALTHALL.

The fountains of human sorrow never run dry. Tears fresh and overflowing will fall when the heart is struck, just as the showers in great drops break from the clouds at the lightning's stroke. Human emotion and sympathy are inexhaustible, and

each repetition of bereavement and sympathy calls forth its own grief and affliction.

No death among all others that have taken place in our day has touched more deeply the heart of the Senate than that of our beloved associate, Senator WALTHALL, to whose memory we now record our sense of his loss and our sorrow at his death.

Senator WALTHALL was born and passed his youth in Virginia—that grand nourishing mother of great men—so full of memories and associations to inspire and cultivate the highest and noblest sentiments of duty and patriotism. He settled for life in the then young and vigorous State of Mississippi—the theater of Prentiss, Quitman, Foote, and Davis.

Scarcely had he begun his successful career when the civil war broke out, and for four years his bright and blameless sword shed the glory of Southern arms amid the shields of Johnston, Bragg, Polk, and Breckinridge. The war ended and he returned to his home to meet in work and duty there associates like Lamar, Hooker, Percy, Singleton, and the noble sons of Mississippi. In the full vigor of his faculties and attainments, upon the accession of Senator Lamar to the Cabinet in 1885, Senator WALTHALL came to the Senate.

My first personal knowledge of Senator WALTHALL was derived from Senator Lamar. That very great and very distinguished man spoke of his friend in words that still live in my memory; in words of admiration, affection, and of deepest interest; in words of praise and elevation seldom spoken of any man. The friendship of these eminent men was indeed beautiful; it lasted through life. It reminded me of two stars of the "first magnitude" in the heavens in close proximity, of equal brilliancy, and shedding upon and receiving from each other their united glory.

Of Senator WALTHALL's career in the Senate, after the just and exalted tributes rendered to it, it seems more than superfluous for me to add one word. That career was at all times the same. It was uniform, steady, consistent, constant, conscientious, diligent, dutiful; animated by the purest patriotism, directed to the noblest purposes, sustained by the most enlightened convictions, and untouched by a selfish ambition.

It was useful, honorable, admirable, without shadow or blemish, and commanded universal approbation. If he had any other end save the good of his people and the honor of his country, it was impossible to see or even to suspect it. In all things, at all times, under all circumstances, he was erect. He never stooped, or bent, or swerved, or wavered.

His actions were never dubious; never devious; but always direct, open, candid, fair. He moved on plain, straight lines only. The rays of the sun do not descend from their source with more certainty and truth than did all the words and acts of WALTHALL upon any subject in the Senate presented for his consideration.

He was never aggressive; never presumptuous; never, never offensive. With a sensibility to honor so delicate that he would not brook at life's cost a breath's shadow on his name, he was considerate, courteous, kind, deferential to all who differed with him. He did not believe that he had the right or duty to think for others. He regarded every Senator as the representative of his own State, and that his rights, statements, and arguments, when within the rules of the Senate, were sacred from rudeness and beyond assault and personal criticism.

He was as firm and quiet as the Rock of Gibraltar. He would have suffered martyrdom before he would have submitted to the dishonor of his State or country. But when great issues were at stake, when differences shook the country or his party, when peril to either was present, he was always ready and prompt to agree and unite with a majority of good men in measures of conciliation and adjustment which did not vitally threaten the life or honor of the country.

He had great respect for the judgment of his peers, and he accorded to them the same sincerity of conviction and propriety of action which he knew controlled him. He spoke pure, chaste, classic English. He was an Anglo-Saxon in his style and not Greek or Roman. When I heard him I often thought that, like my old friend Charles J. M. Gwynn, attorney-general of Maryland, he had doubtless acquired his style from the best models of the great lawyers of England and the United States.

Senator WALTHALL was eccentric in nothing. He was never extreme, never destructive. He was proper, reasonable, conservative always.

In one respect he was happy above nearly all the great men of his time: "He lived and died without enemies." He excited no hostilities. His policy, his principle, was to do no wrong and never to submit to wrong. He was as brave as a lion, yet tender as a gentle woman. His judgment was absolutely fearless and extremely clear. His arguments were generally axioms, and the influence of his position with men was very controlling. His positions were taken after great deliberation, and it was never safe to combat them without preparation.

In the Senate he was exceedingly useful. While maintaining

with highest integrity the dignity of a Southern man who had once taken up arms against the Government, he did not permit one sectional prejudice to disturb his sense of duty to the Union. His love for the South made his duty to the Union, his devotion to the country, more sacred.

It is impossible to do justice to the propriety of his manner. It was exquisite. Not after the method of Chesterfield; it was natural, sincere, agreeable; without artifice, very manly, and producing confidence and attachment and highest esteem; it reflected and expressed in every action and tone the soul of which it was the shadow.

He never sought office. His people sought him to bestow position—high position—on him. He was uniformly elected a Senator without competition, and while justly cherishing the great honor, he could and did lay aside a seat in the Senate with the serenity of a philosopher because he supposed his health not equal to the duty.

As a statesman he was never subjected to its supreme trial. He never had to oppose and resist a mighty impulse of his people which his judgment condemned as wrong and dangerous. Had that terrible condition confronted him, I trust that, with the sublime quality of Washington, he would have stood like a rock against the furious waves of popular madness and offered himself as a sacrifice to save his country.

Mr. President, he was not perfect. God alone is perfect. But he could not have been as he was without being a true Christian, loving his fellow-man and fearing and obeying his Maker.

Senators, this man was not the child of chance or fortune. This excellent and rare combination and embodiment was the growth and consummation of causes. It was not a charm, or spell, or accident.

Of WALTHALL truly may it be said that all the virtues in their strength and loveliness made up the harmony of his character. Truth, courage, honor, justice, fidelity, love, duty, pity, gratitude, mercy, and prudence presiding over all, combined to form this model of excellence, this man "who lived and died without an enemy."

I fancy that I comprehend to some extent the cause that made him so respected, so admired, so beloved by all. It was not alone the dignity and grace of his presence, the cordial smile on his lips, the elegance of his attire, the propriety of his deportment, the clear words that fell from his lips, the logic, the argument, the persuasion of his speech; not the story of his splendid gallantry on bloody fields, nor his patient fortitude amid disaster; not his eminent success at the law; not alone the rectitude of his moral life, the sweetness of his home, the beautiful exhibition of his humanity; not his long service in the Senate and the proud laurels which he wore; not his lamented death, with its touching surroundings. No! No! It is not one or many of these commendations; but it is the union, the concurrence, of all these qualities, all these virtues, in one harmonious, consistent, invariable whole that commands our admiration, sympathy, and love.

Senators, in the presence of this illustrious and magnificent example we feel like exclaiming, "How inestimable is the value of the patriot to his country!" Who can calculate the worth of this man? His life, his deeds, his services, his purity—all, all, for the good of his country! Society has been exalted by his influence, politics and statesmanship dignified and refined by his association, and the hopes of the Republic and of humanity encouraged by his example.

Peace and honor—beautiful, sweet peace; bright, cloudless honor—to his memory! May precious flowers in the morning shed the incense of loveliest affection on his grave! May evening's soft light hallow its shadows, and may Sculpture contrive a shaft of whitest marble to bespeak the purity of his heart and the excellence of his life!

Mr. COCKRELL. Mr. President, EDWARD CARY WALTHALL, late United States Senator from the State of Mississippi, was born in Richmond, Va., on April 4, 1831.

His father during his son's boyhood removed to Holly Springs, Miss., where the son received an academic education and at an early age began the study of the law, his chosen pursuit in life, and was admitted to the bar in 1852. He removed shortly afterwards to Coffeenville, in his adopted State, and entered upon the practice of his profession. In 1856 he was elected district attorney for the tenth judicial district of the State of Mississippi, and was reelected in 1859.

In the spring of 1861 he resigned his office of district attorney and entered the Confederate service as a second lieutenant in the Fifteenth Mississippi Regiment, and was soon thereafter elected lieutenant-colonel of that regiment. In the spring of 1862 he was elected colonel of the Twenty-ninth Mississippi Regiment, and in the following December was promoted to brigadier-general, and served as such until June, 1864, when he was promoted to major-general, and served as such until the close of the war.

He then resumed the practice of the law at Coffeenville until Janu-

ary, 1871, when he removed to Grenada, and continued his legal practice there until March, 1885.

Early in March, 1885, Hon. L. Q. C. Lamar resigned his seat in the Senate of the United States to accept the office of Secretary of the Interior in President Cleveland's first Cabinet, and General WALTHALL was appointed by the governor of Mississippi to fill the vacancy, and took his seat in the Senate on March 12, 1885.

In January, 1886, he was elected by the legislature for the unexpired term, and was reelected in January, 1888, for the term ending March 3, 1895, and in January, 1892, was reelected for the term ending March 3, 1901.

In January, 1894, on account of ill health, he resigned the unexpired term ending March 3, 1895, and on March 4, 1895, he entered upon his term in the Senate ending March 3, 1901.

He was chosen by the Democratic conventions of his State as a delegate at large to the national Democratic conventions in 1868, 1876, 1880, 1884, and 1896; in 1868 was one of the vice-presidents of the national Democratic convention, and in 1876, 1880, 1884, and 1896 was the chairman of the Mississippi delegation.

He had been in delicate health for some years past. His fatal illness began about February 1, 1898, and he was confined to his apartments in this city for weeks.

On April 7 last, the day set for paying the last tribute to his late colleague, Hon. James Z. George, deceased, Senator WALTHALL, still weak and slightly convalescent, against the protests of his friends and physicians, came to the Senate and delivered an address upon the life and character of his deceased colleague. He contracted a cold, which developed into typhoid pneumonia, against the ravages of which his extraordinary vitality could not successfully combat; and shortly after 5 o'clock in the afternoon of April 21, 1898, his useful, illustrious, and honored career on earth was ended, and he entered upon an immortal life beyond the reach of disease, suffering, or death. Few have lived a nobler, better life; few have enjoyed more fully the respect, confidence, friendship, and affection of the people of his adopted State; few have received higher honors at their hands than Gen. EDWARD CARY WALTHALL.

In all the relations of life and in all the varied positions of trust and honor conferred upon him he was an exemplar—incorruptible, faithful, diligent, earnest, true, and unostentatious. He was a successful and able lawyer—clear, concise, and convincing in the presentation of the facts and law, and justly enjoyed an eminent and enviable position at the bar. In the fearful fratricidal war of 1861 to 1865, when American citizen soldiers met each other in deadly battle array, he entered as a second lieutenant, and by his fearless gallantry and clearly developed military abilities he justly merited and rose from rank to rank to major-general.

In his general bearing and his striking and attractive personality he was the ideal soldier and officer.

When the war closed, the wisest, broadest statesmanship, the noblest humanity, and the purest Christianity demanded peace, reconciliation, and fraternity among all our people, North, South, East, and West, that the wounds, bruises, and devastations of the war might be healed and repaired and we might become one people, in one country, under one flag, with like purposes, hopes, and aspirations. To the full accomplishment of this glorious result, now realized and felt by all our people within all our extended domain, General WALTHALL contributed his full share. In the discharge of all his official duties as a Senator he was punctual, faithful, industrious, and reliable, and was a wise, safe, and conservative counselor.

He served with marked ability on many important committees, and was at his death a member of the Committees on Finance, Military Affairs, Civil Service and Retrenchment, and Rules. Few Senators have ever enjoyed more fully the admiration, respect, and confidence of his colleagues in this Chamber.

As a husband he was faithful, tender, and devoted.

In 1863 and 1864 I became personally acquainted with General WALTHALL, and our acquaintance soon ripened into the warmest personal friendship. I feel his death as a personal bereavement. He was a constant, true, and faithful friend, unassuming and unselfish. His companionship was always interesting, pleasant, and attractive.

I respected, admired, and loved him for his nobility of character in all the relations of life and for his abilities and wisdom. We shall miss his presence in this Chamber, and shall feel the loss of his intelligent and useful labors, his prudent and wise counsels, and his fearless and impartial actions. He was a fearless, model soldier, a true friend, a most useful Senator, a wise and able statesman, and the most perfect, exemplary gentleman.

Mr. BATE. For the second time, Mr. President, in the same Congress, the Senate meets to pay its last tribute of admiration and regard to a Senator from Mississippi. But few months have passed since our last mournful garlands were hung over the chair of the late Senator George, of that State, and to-day we are called upon to mingle our regrets at the death of his colleague, EDWARD

CARY WALTHALL. Truly, "Death borders upon our birth, and our cradle stands in the grave," and there are neither exemptions nor exceptions in that dread summons, which serves its process without discrimination as to honors or services—to-day upon a Gladstone, whose fame completes the honors of a century, and to-morrow strikes down some lowly peasant.

Truly, we all "await alike the inevitable hour" and follow only "the paths which lead but to the grave."

The associations of years upon this floor, the concurrence and agreement in public measures, the sympathy and sufferings in the tent and on the field of battle, all prompt me to offer the tribute of my sincerest regard and highest admiration for the memory of EDWARD CARY WALTHALL.

Long personal acquaintance and an earnest appreciation of his many and excellent virtues would induce me, were my powers equal to my will, to erect for him an imperishable monument. As I have been associated with him in the same efforts that have marked his most important public services, I am enabled to bear truthful testimonial of fine character and eminent worth as citizen and Senator in time of peace and as a superb and unsurpassed soldier in time of war. His sudden departure from the public service, from home, family, and friends can not fail to arouse in the minds of all who knew him sentiments of profound regret.

In this great community of States, Mississippi has many sympathizers, who will bear heartfelt testimony of their appreciation of the eminent character of her representatives in this body.

Senator WALTHALL was a native of Richmond, Va. At an early age he emigrated to the State of Mississippi. Here he received his education and grew to distinguished manhood. Here he won the esteem of his fellow-citizens and received the honors that crown his memory. Here were formed his early associations; here were matured the political sentiments that guided and directed him through life.

It is no ordinary character that we are called upon to portray. From his quiet, courteous deportment among his fellow-Senators, from his words of truth and earnestness, we can measure our sad bereavement. We may not expect soon to see that gentle dignity united to that heroic courage and chivalric sense of honor that felt a stain worse than a wound.

He took in by inheritance, as it were, the principles of Democracy as taught by the Virginia fathers; he imbibed their spirit as a natural gift through the atmosphere of free thought. They were thoroughly imbued with the conviction of the inherent right of the people to govern themselves. These convictions Mr. Jefferson had crystallized in his immortal work. This has become the political gospel of men of noble aspirations and all friends of the equal worth of men. The relations of the State to the Federal Government were clearly defined in Mr. Jefferson's celebrated resolutions that became an important chapter in the political history of that Commonwealth.

The same principles obtained no less prominence in Mississippi and were advocated with more intensity. In no State were political questions treated with more earnest convictions. The principles of Democracy in all their various aspects were maintained by a body of the most eloquent, learned, and determined advocates that ever appeared on the hustings. The public intelligence was never more completely cultivated and the general acquaintance with all the great political issues was thorough.

Among the leading political debaters may be ranked McNutt, Poindexter, Foote, Davis, and the matchless orator, Prentiss. The bench and the bar of the State were occupied with men noted for their learning and brilliant advocacy. It was amid a galaxy of illustrious names that Senator WALTHALL received his first political lessons and made his advent in the legal profession. His professional course was dictated by his moral personality; and his personality was the same in all relations of life.

A sincere and earnest purpose in his intercourse with all men in public or private duties marked the conduct of a character that never departed from the most delicate shades of honor. In all his eventful life, in peace and war, no suspicion that could mar his well-regulated conduct with men was ever entertained. So careful and just to all with whom he had relations was he that he was exempt from censure.

Senator WALTHALL received an academic education in Holly Springs, Miss., and studied law, and was there admitted to practice. He devoted himself with that assiduity that has ever marked his course in life. His success was rapid and remunerative, and soon he stood among the leaders of his profession, pre-eminent for brilliant talents and legal learning. He attained distinction and went to the front free from envy or antagonistic rivalry. This was the result of his personality.

He was in harmony with the people in their political sentiments. He was endowed by nature with a refined sensibility that introduced him to the confidence of the profession and the people. A supreme regard for the interests of his clients and the sanctity of his duty to them rendered him careful in the preparation of his cases and earnest in their advocacy. This gave him influence

with the court and jury. A lofty integrity and an acute sense of honor disrobed him of any suspicion of professional trick or the possibility of trifling with the interests of those who had confided in him.

With a zeal reinforced by an ardent sense of duty he devoted an intelligence that always proved adequate to the exigencies. His conscientious regard for his client's rights excited the most careful consideration of the principles involved. An exact judgment and an acute, penetrating, and active intellect were brought to the subject before him. A refined, courteous manner, born of his respect for the dignity and worth of all men, secured for him the respect of all classes. He had no strong yearning for office, but a determination to deserve the confidence of the community in his character for integrity and sincerity.

Instructed by the light of a former generation and encouraged by the success that had crowned their sublime purpose under like conditions, and seeing with impatience that which they believed to be a studied effort to deprive them of constitutional rights, the States of the South resolved, respectively, to assert their sovereign rights and retire from the Union and form a new republic that would be influenced by the voice of her own people, among whom similar pursuits created similar interests.

They were not dissatisfied with the Republic of their fathers, but they feared for their dearest interests under the influence of new political principles that had triumphed in the Republic, which they regarded as a direct menace to their institutions. Long and anxious had the people anticipated the crisis. Forty years of discussion and waiting had brought to them full fruits of their painful anxiety. The election of President in 1860 seemed to them the knell of submission or the establishment of a new government "founded on such principles and organizing its powers in such form as to them seemed most likely to affect their safety and happiness."

Senator WALTHALL, thoroughly imbued with these views, earnestly enlisted in the cause of his native and beloved South. His soldierly qualities, his fine powers, and earnest nature carried him through the military grades to that of major-general. He acted from patriotic conviction and in response to the demand of his State, which was his sovereign, and, if I may say so, in obedience to the demands of that unseen force that broods over human society and inspires the great events that mark the progress of humanity.

Mr. President, all great changes in society are preceded by extraordinary efforts. It is only during the throes of creative epochs that great characters are evolved. They mark the growth of the nations; they impress their purposes, philosophy, and sentiments on the human race. The conspicuous personages in history are evoked by those great epochs that force intense and severe conflicts of sentiments. They erect their monuments on the shores of time in the form of great and good men and noble deeds, and are as conspicuous as are the lofty mountains that mark the topography of the earth.

They are only the living, active forces that are created by the epochs. This period, in which occurred our war between the States, developed many splendid characters, of which any country might be justly proud; and among them is found, in our brief but brilliant Confederate history, the name of Gen. EDWARD C. WALTHALL.

I can not speak too highly of his success. To his fine judgment, earnest and dignified deportment, he added a fervent and unselfish patriotism. His gentle and simple manners were reinforced with the courage and prowess of Chevalier Bayard.

Firm and undaunted in battle, self-poised and resourceful in defeat, as distinguished for his generous humanity as he was revered for his heroic conduct in action, were the characteristics of his army life. He was the same character in war that he was in peace; devoted to his duty, he consecrated his fine powers to the interests of his country, and for the success of the cause he deemed it the supreme act of patriotism to secure its triumphs.

Mr. President, like my honorable friend who has just preceded me, my first soldier acquaintance with General WALTHALL was preceding the Bragg-Rosecrans campaign, the objective of which was south of the Tennessee River. This campaign culminated in the grand historic battle of Chickamauga, in September, 1863. General WALTHALL was on the Confederate side, and was in the forefront from the beginning to the close of that great battle, which history is writing as the best fought battle on both sides during the war. This brilliant victory for the Confederates was soon followed by their defeat at Missionary Ridge, where my friend from Florida [Mr. PASCO] was wounded. WALTHALL heard the shout of victory of the Confederates at Chickamauga, and that of victory from Federals at Missionary Ridge. I can only refer to the winter spent in Dalton, Ga., and the North Georgia campaign of a hundred days, when every movement was a battlefield and every battlefield a graveyard.

For one hundred days cannons thundered and muskets flashed, and for one hundred nights the stars looked down on new-made

graves and new battle lines stained with blood, in all of which General WALTHALL bore a conspicuous part. And so around Atlanta and Jonesboro, and then on to the glorious and ill-fated field of Franklin, Tenn., where 6,000 out of less than 15,000 trained and tried Confederate soldiers went down before the Federal breastworks in less than an hour and a half and in the most unjustifiable and unnecessary battle of the war.

It was a victory, but to gain it destroyed an army. WALTHALL was one of the assaulting party, as was my friend in front of me [Mr. COCKRELL]. He was also one of us to experience subsequent defeat around Nashville, and being ordered to bring up the rear of the retreating Confederate army, along with General Forrest, commanding the cavalry, did so in splendid manner and deservedly gained honor and credit for so doing.

He followed the Confederate army and was a part of it at its surrender.

The first great battle in which General WALTHALL and myself were together in the fight was that of Chickamauga, under General Bragg, and what a history it has, both in war and in peace. See Chickamauga to-day. No battlefield on earth, nothing in history is like unto Chickamauga. It was there on two separate days, in 1863, that men of the same kith and kin, after marching and countermarching for position, met in deadly conflict. WALTHALL was in that line. My friend from Missouri [Mr. COCKRELL] was in it. The field, after desperate struggle, was held by the Confederates, with a loss of near 30 per cent on each side.

To-day presents a scene not known to history. The parties who ought there then, amid the smoke of battle, grappled to the death, are to-day mustering together in a common cause on the blood-marked field and sleeping together under the same tent cloth and drilling and marching together as though they had never been enemies. What field can show such a history? It is a spectacle unique in history, without its parallel in all the annals of war. It is the romance of reality. How wondrous are the ways of Providence! "Behind a frowning Providence He hides a smiling face."

The Iliad of our long-exhausting woes having closed, Senator WALTHALL accepted the situation, returned to his home, resumed his profession amid the scattered remains of former prosperity and new political and social conditions. Life had to be commenced again under very embarrassing circumstances. With that heroic purpose that had ever marked his course he devoted his finest powers to the work. Before his unflinching fortitude all opposing obstacles yielded. The work of reconstruction was not only a grave impediment to the restoration of prosperity, but a most humiliating experience for the old residents of the State.

It was found in the South to be impossible to elevate an inferior race to the same moral, social, and political plane by a mere legislative enactment. Dissociable races must find by experience their working relations. This has often resulted in the total destruction of the weaker or their expulsion from the country. In the South the jarring contest finally mellowed into a tranquil submission to the natural laws of mutual interests. The life and services of Senator WALTHALL were not forgotten by a grateful people who had been given his finest service to promote their prosperity.

They elevated him to a seat in the body where his last labors were exerted for the Republic. There he knew he entered on sacred ground, trod in the olden time by the wise and great of the Republic, the demigods of the nation's glory. Their noble virtues and inspiring example were to him a pillar of fire by night and a directing cloud by day. To form a new nation and nurse it into vigorous manhood is the highest gift of the statesman. Next to these are the men who seek to maintain the established order and preserve in their integrity the institutions handed down by the creative men, such as our fathers were.

His modest deportment, refined manners, truthful and sincere men won for him honors and the approbation of all who knew him. Rarely in history do we find such marked efficiency united with such delicate sensibility. It is a notable instance where unassuming merit secured the prize that usually falls to the lot of aggressive audacity. He not only possessed genuine courage, but all the virtues akin to it. To a sense of duty and fidelity to the principles that actuated him, he added a ready intelligence and simple but captivating address that won all hearts, and none more than the Senators with whom he came in daily contact. He was not so ambitious of position as he was determined to deserve it, and was content with the conscious sense of having acted to the best of his ability the part assigned.

Senator WALTHALL belonged to that class of statesmen who devote themselves to the duty of maintaining the institutions of the country in their present state. He had a firm confidence in the capacity of the people to provide for their own local self-government and that separate States could best maintain their own local interest. He opposed all measures calculated to diminish the influence and power of the States. He knew that the Federal Government, with its vast prerogatives, commanding influence, and immense

patronage would not only take care of its integrity, but was continually trenching on the reserved rights of the States. Hence, with anxious solicitude he guarded the rights and interests of the States from all encroachments.

In the smaller communities the liberties of the people were secure so long as they were in the care of and protected by the State. The growing influence of the Federal Government and the diminution of the State were manifest, especially since the civil war, and were calculated to arrest the attention of all lovers of the Republic as it was organized and put in motion by Washington and his illustrious companions.

These duties, often important and of grave character, were performed by Senator WALTHALL with such a sense of justice and regard for the feelings and rights of others as to leave no sting behind them. No enmities mar his bright and stainless record—only the memories redolent of tender sympathies and sweet and pleasing reminiscence.

The late Senator from Mississippi was a man just and tenacious of purpose, with a refined and penetrating judgment, capable of bringing together within a short space all that was necessary to establish, to illustrate, and to decorate that side of a question which he supported, and stated his matter skillfully and with luminous explanation.

He was a politician, sincere and courageous, believing conscientiously in the principles of his party; yielding to no temptations of temporary expediency in the defense or advocacy of its measures or in the support of its administrations. He was destitute of all injustice toward those who differed from him on the great principles of government or measures of administration, awarding to every opponent the same honesty and sincerity which he knew actuated and governed his own public life.

He took no short cuts in politics, but pursued the well-defined paths of constitutional government, believing that only by a strict adherence to our fundamental charter would honesty in the administration of our Government be secured and prosperity and happiness attend the people.

His masculine understanding and stout, resolute heart gave an earnestness of purpose to all his undertakings, which were always directed toward the preservation and improvement of his State and country and the happiness, prosperity, and advancement of the people.

Bred to the profession of the law, that first and foremost of the sciences, which quickens and invigorates as well as liberalizes the understanding, he rose to prominence at the bar of Mississippi, and at an early age was, from 1856 to 1861, the district attorney for the tenth judicial district of that State. The civil war in 1861 arrested for a time his advancement in his profession, but on the return of peace he resumed its practice and continued to rise in its honors and emoluments.

In the midst of professional engagements he was not indifferent to the claims of his party upon his time and abilities, and became a prominent figure in the national Democratic conventions from 1868 to 1896, in which, as vice-president and chairman of the Mississippi delegation, he gave to his party the benefits of his abilities and experience. That prominence in the councils of his party naturally led to his selection as Senator on the resignation of Mr. Lamar, and his repeated subsequent elections by the legislature of Mississippi in 1886, 1888, and 1892 attest the confidence and admiration of the people of that State, who have continuously honored and sustained him in all the efforts of his public life.

He passed from the camp through the legal forum to the Senate, where the integrity of his character was a shield against calumny, and no rumor or report ever tarnished its brightness. He kept the even tenor of a diligent and industrious application to public duties, seeking neither applause nor compliment, content in the satisfaction that he served Mississippi with all the industry and energy of his nature, and the United States with the best efforts of mind and body.

Such, Mr. President, is but a brief epitome of the public usefulness of the late Senator from Mississippi, to whom the Senate pays this day the last tribute of its admiration and regard.

Without discrimination, I can say that since my entrance into this Hall there has not been among us a more erect and independent spirit, a man of higher honor, of more manly mind or more firm and determined integrity than EDWARD CARY WALTHALL.

He sleeps now in the bosom of our Southland, the land he loved; the land upon whose altar he offered life and all that life holds dear; the land where the sunlight glints in genial glow and the quick twinkle of the stars come true and gentle; where the skies bended as a bow, but the bow is without an arrow; a land where the magnolia is green all the year long and her blossom-crown is ever white; where the nightingale's song is in tune and the "musk of the roses blows."

He sleeps there, and his dust, as it enriches and nurtures, imparts his own modesty to the violets that peep out in early spring from the little green mound that swells above the buried chivalry;

and if his unaffected purity of purpose and simplicity of nature in life linger with his dust, their virtues will feed the little daisies in their growth, while his warm Mississippi patriotism will give aroma and color to the rose as it bursts with imprisoned sweets. Peace to the ashes of my comrade in war and in peace.

Mr. PASCO. Mr. President, on the 24th of March last our late associate, EDWARD CARY WALTHALL, united with his brother Senators in the memorial services held in this Chamber on the death of the late Senator Isham G. Harris, of Tennessee, and was among those who addressed the Senate on that occasion. Two weeks later, on the 7th of April, similar services were held in memory of his former colleague, James Z. George. Senator WALTHALL offered appropriate resolutions expressing the regret and sorrow of the Senate at the death of the late Senator and the condolence of the Senate with the family of the deceased and the people of Mississippi in their bereavement, and delivered an address which will no doubt be preserved among the historic archives of that great State. These two distinguished sons were long associated together in public service, and the recollections and views and opinions of the survivor have a special value for this reason.

But the occasion will always be remembered with peculiar interest by Senator WALTHALL's immediate friends in the Senate, because it was the last time he met with us here. He had been in a low state of health during the latter part of the winter, and for many weeks was absent from his accustomed seat. Through great care and attention he got over the attack, and when convalescing was advised to seek rest from his public duties. He was unwilling to do so, and believed that his strength would be gradually restored if he did not overtax himself. He resumed his work in the Senate and set his mind upon delivering the two addresses I have referred to. We hoped that when these duties were discharged he would spare himself and grow stronger as the spring advanced.

None of us realized when he asked at the close of the memorial services that the resolutions of the State legislature and of the supreme court of Mississippi in memory of Senator George be included with the Senate proceedings that his voice would never again be heard in the Senate. But his last adjournment had come. When we next met he was confined to his bed, and never again arose. Two weeks after the close of the memorial services, at about the same hour of the day, he crossed the dark river and left earth's scenes behind him.

My personal acquaintance with Senator WALTHALL commenced after my election to the Senate in 1887. But I had often seen him before then, when we were both engaged in the military service of the Confederate States during the late war, and I thus became familiar with his military career during some of the years that that terrible struggle continued. The regiment to which I belonged joined the Western army in the summer of 1862, and accompanied General Bragg in his famous march through Tennessee and Kentucky. WALTHALL was in that campaign as colonel of the Twenty-ninth Mississippi in Chalmers's brigade, and his regiment suffered severely at Munfordsville. The Mississippi and Florida troops were afterwards engaged near one another at Perryville, and later in other great battles of the Western armies, and his face and form were familiar to all the old veterans who marched and fought in the Army of Tennessee. It was soon after this Kentucky campaign that, in recognition of his distinguished services, he was promoted to the rank of brigadier-general.

When I entered the Senate, it was my good fortune to be assigned to a seat near him. There was much in the history of the past to draw us together; our views were alike on many subjects. Our closer contact increased the admiration and regard I had long cherished for him. Though he never volunteered any aid, I felt the influence of his experience and sound judgment and example in reaching my own conclusions and determining my own action; and an acquaintance was formed which ripened, as the years passed, into intimacy and friendship, the recollections of which will always be revived with pleasure and satisfaction as long as life lasts.

I shall not attempt in this brief and hastily prepared sketch to do more than give a mere outline of his career. When Mississippi passed her ordinance of secession January 9, 1861, he was a resident of Coffeeville, and was serving his second term as district attorney of his judicial district. He was about 30 years of age, well connected, popular with his people, of engaging manners, and with every promise of a bright future before him. In his profession he had already established a reputation as a sound adviser and a fearless and successful advocate. The war soon followed, and WALTHALL resigned his office and entered the military service of the Confederacy in the early spring. He first served as a lieutenant in the Fifteenth Mississippi and was soon made lieutenant-colonel. Other promotions followed his brilliant career, until he became a major-general in 1864, and those who are familiar with the inner history of the closing months of the Confederacy tell us that still higher honors were before him if the struggle had been much longer continued.

His services were especially conspicuous on many occasions in

resisting the tide of defeat and holding back overwhelming numbers until a successful retreat was practicable, as at Fishing Creek or Mill Springs, Lookout Mountain, and Missionary Ridge. After the last-named engagement I was separated from my command by the fortunes of war, but I have been informed upon high authority that when General Hood fell back from Nashville, in December, 1864, General WALTHALL was selected at the request of General Forrest to aid him in covering the retreat. This he successfully accomplished with a picked body of infantry, and he was the last to cross the Tennessee River.

When the banner of the Confederacy was furled and the terms of peace had been accepted, the soldiers returned to their homes and General WALTHALL, like the other great leaders of the South, went quietly back to his State and resumed the duties and accepted the obligations of private citizenship. For twenty years he continued the practice of law, first at his old residence in Coffeeville until 1871, and later at Grenada, winning his way to the very front of his profession and gaining its highest rewards.

But it was not easy to discharge the duties of citizenship in the States which had formed the Southern Confederacy during the years immediately succeeding the war. The plan of reconstruction inaugurated by the Executive in 1865 was accepted by the people; they returned to their usual vocations, and peace and order were gradually restored; but before the new State governments were fully organized, the plans of the Executive were overthrown by the legislative authority and the newly enfranchised freedman became a potent political factor under the second reconstruction. Years of strife, confusion, corruption, and misgovernment followed. They were hard years for the old inhabitants of the States which had been identified with the Southern cause. No other teacher than experience can enable one to form a correct idea of the trials and difficulties and perplexities of those days. In sections of country, as in many of the counties of Mississippi, where the white people were in a large minority, the conditions were aggravated. It was a contest for the preservation of our civilization, and in the end we regained control of our States because here and there were found such leaders as WALTHALL and George, his old colleague, with wisdom and prudence and determination to take advantage of suitable opportunities as from time to time they were presented.

When, as the work of restoration progressed, these representative men were sent by their States and districts to this Capitol, there were many who declared that the war had been a failure, that those who had once been in arms against the Government could not be trusted to legislate for its maintenance, and that their admission to seats in the Senate and House and to other high places threatened the permanence of the Union. When WALTHALL entered the Senate more than one-fourth of its membership was made up of those who had filled important positions in the Southern Confederacy, military and civil, and one in whose mind the recollections and prejudices of the past still lingered might naturally fall into the error of supposing that this was an element of weakness in the body politic. But this personal contact of Senators and Representatives who were on different sides during the civil war has been a potent influence in bringing the sections into closer and more friendly relations, and whatever fears may have been entertained of the effects of the return of the Southern leaders to place and power in the National Government, they have long since been dissipated.

It is worthy of mention that about the time of WALTHALL's death our differences with Spain developed into actual war; and if any bitterness or heartburnings still existed between the people of the North and the South, they were banished and forgotten in the presence of a foreign foe, and all were ready to unite together to carry the flag of our country to victory. How the heart of this patriotic man would have rejoiced had he been spared to us a few days longer to hear the message of the President nominating Lee and WHEELER among the generals of the army to lead soldiers of all sections of a reunited country against the armies of Spain and to see their unanimous confirmation without reference to party lines or to the old strife which was fought to a finish more than thirty years ago.

Although General WALTHALL was always ready to serve his people and his party during the years that he practiced his profession after the war, and on several occasions served as chairman of the Mississippi State delegation in the Democratic national convention, he held no public office till he became a member of the Senate March 12, 1885.

The Democratic party had gained a national victory in the campaign of 1884, and the newly elected President, in recognition of the generous support he had received from the South, desired the assistance of able and prominent men from that section to assist him in his Cabinet. He very naturally turned to Lamar, who was conspicuous among the great leaders on the Democratic side of the Senate for his learning, his eloquence, his sound judgment, his intimate knowledge of public affairs, and his widespread popularity, not in Mississippi alone, but throughout the entire South. Besides this, the conservative course he had pursued as a Senator

and his courage in maintaining his convictions in the face of public opposition had won the confidence and admiration of many in other parts of the country besides his own.

When he became Secretary of the Interior, Governor Lowry did himself great credit and satisfied the wishes and desires of the people of his State by selecting WALTHALL to fill the vacant chair, and Mississippi, through her legislature, thrice ratified this action by successive elections whenever it was necessary to renew his credentials, his last election extending his term to March 4, 1901. In January, 1894, he had suffered from a serious illness. His recovery was slow and his condition unsatisfactory. He required change and rest from the engrossing duties of his office. His friends urged him to secure the desired release from confinement and responsibility by obtaining a prolonged leave of absence, which the Senate would readily have granted him.

There was much to make this advice acceptable, for he had won his way to the chairmanship of the Committee on Military Affairs, and a resignation meant a surrender of his committee appointments and some of the advantages which are connected with continuous service in the Senate; but he had a high conception of what was due to his people and to the country. He felt that his State was entitled to the service of two Senators and that his personal wishes and interests ought not to control his action. If the condition of his health prevented him from rendering his portion of the service due from or belonging to his State for an indefinite period, he felt that he should ask the legislature to select another to assume the duties and responsibilities of the office. As the result of this action, Mr. McLaurin, now governor of the State, was chosen to fill the vacancy and served to the end of that term. On the 4th of March of the following year, 1895, the new term commenced, to which WALTHALL had already been elected prior to his resignation, and his old associates welcomed him back to the Senate, gratified that his restored health permitted him to resume his labors and duties.

Before WALTHALL had completed half of his first term the President appointed Secretary Lamar to fill a vacancy in the Supreme Court. Opposition arose to his confirmation because of his connection with the Confederate cause, and it developed so much strength that serious apprehension was felt by his friends that he might be defeated on the final vote. A warm friendship had long existed between these two distinguished men, and WALTHALL felt that the services of Lamar were so valuable to the country that they should be continued, even if the confirmation failed. This feeling, and his entire unselfishness, lead to an interesting incident which has been communicated to me by a near relative of Justice Lamar who occupies a prominent position in the State which I have the honor in part to represent. He has given it to me in the following language:

While matters were in this uncertain state, Mr. Lamar received a most striking and gratifying evidence of unselfish friendship from Senator WALTHALL. General WALTHALL had implored Mr. Lamar not to leave the Senate and accept a Cabinet position, although it was more than likely that the General would be his successor. He now thought that Mr. Lamar would be the most useful man to the State and to the South that could be sent to the Senate, believing that he had so proven while a member of that body. He feared that the opposition to Mr. Lamar's confirmation would succeed, and, so fearing, thought that the State legislature should make him a Senator again, both for his personal vindication and for the good of the State.

It was his intention to bring this about by resigning his own seat in order to create a vacancy. This intention he communicated to Mr. Muldrow, the Assistant Secretary. The fact was stated by Mr. Muldrow to Mr. Lamar while the action of the Senate was still in suspense, and Mr. Lamar replied: "Sir, before I would permit WALTHALL to do that I would go upon the streets of Washington and break rock for a living."

So generous a rivalry in renunciation for the sake of friendship is not often encountered in these days of selfish office seeking.

Senator WALTHALL enjoyed the entire confidence of the Senate. He was seldom absent from his seat either in the committee room or in this Chamber. He was diligent in looking after the interests of his people as they were affected by the legislation pending here. He did not often participate at length in the debates of the Senate, but when he spoke his words had great weight and he always had an attentive audience. But though he was not a frequent debater, few Senators were more successful with the measures they took in hand or exercised a greater influence upon the legislation before this body. His judgment was sound; he kept up with the current events of the country, and he was a safe and prudent counselor. No Senator on either side of the Chamber was more generally admired and beloved, and his death has left a void that will not be soon filled.

But the sorrow and mourning has not been confined to his family, nor to the circle of relatives and friends who were near to him, nor to the Senate, nor to the city of Washington. The great State of Mississippi laments the loss of a distinguished son, who had served her long and faithfully, in peace and in war, under the dark shadows of the period of reconstruction and in the happier days that followed her redemption. In his lifetime she trusted him and showered upon him her highest honors, and the news of his death brought forth expressions of grief and regret from all classes of her people.

It was my privilege to serve upon the committee appointed to

accompany his remains to their last resting place at Holly Springs, the home of his early days. Thousands had already gathered there from near and far in the early morning when our train reached the city. The cadets from the State Agricultural College served as a guard of honor and conveyed the body to the church where he used to worship with his parents; and in the afternoon the funeral services were there conducted in the presence of a vast gathering of mourners.

The loving wife was there who had accompanied him in many of his marches and campaigns during the war, nursed him when wounded, cared for him when sick, and added to his happiness during the years of their wedded life. Relatives and friends and old neighbors, political associates, and public officials had all gathered together to pay the last tribute of respect to his memory. Floral decorations in beauty and profusion had been sent from all parts of the State and were heaped around the casket and the altar. As the services closed at the church an organized body of battle-scarred veterans who had served under him during the late war came forward and each taking one of these floral tributes, carried them in their procession to the cemetery, where they were appropriately arranged in the family lot, and there, amid the fragrant flowers of spring, surrounded by a vast concourse of the people among whom he had lived, we laid him to rest in the bosom of the State he loved so well. There may he repose in peace till the morning of the resurrection.

Mr. BACON. Mr. President, it had not been my expectation to say anything upon this occasion, and I do so now only because of certain things which have fallen from the Senator from Arkansas [Mr. BERRY], the Senator from Maryland [Mr. GORMAN], and the Senator from Florida [Mr. PASCO] which recall to my mind an incident I had not thought of in some years. Those Senators have alluded to the cordial and close relations which existed between Senator WALTHALL and former Senator Lamar. The Senator from Arkansas has spoken of Senator Lamar as the friend whom WALTHALL loved best. I happen to know from a very close and intimate acquaintanceship with Senator Lamar, that he regarded WALTHALL as his best-loved friend.

While these two friends had in common many high and ennobling qualities and characteristics, they came from altogether different stock.

WALTHALL was a native Virginian. He was sprung from those knightly Virginia cavaliers, who—

Rode with Spotswood round the land,
And Raleigh round the seas.

Lamar was born in Georgia, where he was educated and grew to mature manhood; and if the Huguenots, from whom he sprung, found their prototype in him, there has been no knightlier race than they.

The relationship between these two distinguished men was a very remarkable one. It was the relationship of Jonathan and David, and, as the incident related by the Senator from Florida illustrates, in the case of either, as in the case of Jonathan and David, if a crown were coming to one, that one would be ready with his own hands to take it off his brow and place it on the brow of his friend.

It so happens that I have personal knowledge of the incident related by the Senator from Florida. I was passing through Washington at the time when Senator Lamar's nomination as justice of the Supreme Court was pending in the Senate. I visited him at his lodgings. It was at night, and I found him in bed suffering from a slight indisposition, and the conversation between us was while he was in his room. He narrated to me the difficulties which were being encountered in securing his confirmation as a justice of the Supreme Court. It was the evening before action by the Senate was anticipated. He stated to me the facts which have been narrated by the Senator from Florida, that Senator WALTHALL had insisted that in case of his rejection, he would resign his seat in the Senate in order that he, Lamar, could either be appointed by the governor or be elected by the legislature, I have forgotten which, and take his seat in his stead. The purpose was that if he should be rejected by the Senate, he should immediately resume the place he had formerly occupied here as one of its members.

Senator Lamar stated to me then his intention—which I did not know was known by others until narrated by the Senator from Florida—that he would not permit Senator WALTHALL to make the sacrifice. Said he, "If he resigns, I intend to see that his resignation is not accepted, because I intend that WALTHALL shall know that I am capable of making as great a sacrifice for him as he is now ready to make for me."

Mr. President, I doubt if in all political history a parallel can be found to this incident. A seat in this body is regarded as the highest of political prizes, possibly save one, and men spend their lives in the effort to attain it, and here we have the fact of these two great men each ready and anxious to surrender it for the benefit of the other. They were great men, Mr. President, par nobile fratrum; and, if in the great beyond there is recognition

between those who love each other here—and who can doubt it who believe in immortality—we know what sweet communion and converse there is between these two men, who so loved each other here.

Mr. President, as I have sat here to-day and listened to these most beautiful tributes, not only beautiful, but earnest, sincere, affecting, one thought has come into my mind. Some misanthrope propounded the question, Is life worth living? And as I have listened to-day I have thought that no better answer could be made to that question than to point to the life of this man. Surely life is worth living when, at its conclusion, in this great arena words such as have been spoken here to-day can be spoken of him with earnestness, with sincerity, and with feeling, and more particularly when everyone who listened to those words will gladly say they were the truth.

Mr. PETTUS. Mr. President, a custom, in all ages and in all countries, even partially civilized, has been to preserve a remembrance of the virtues of noble men who, by deeds of conspicuous courage, marked fidelity, wisdom in counsel, and a generous consideration for the rights of others, have served their country and mankind. And this custom among men, so universal, is to continue, because human nature is so constituted that involuntarily it renders homage to these manly virtues.

So, Senators, we are here to-day to testify to and declare our admiration of all these noble and distinguishing characteristics as exemplified in the life and conduct of EDWARD CARY WALTHALL.

A native of Virginia, yet reared and educated and honored in the State of Mississippi, he combined in one person all of the best and ennobling virtues of the people of both States. He inherited the highest appreciation of family and personal honor, and he lived among a generous people whose manly courage is so common that it is not noticed unless it is combined with some marked mental superiority.

Thus bred and thus surrounded in his manhood's years, his temper was mellowed and his character was refined by his associations in the Church of England. He was no Pharisee. He never claimed to be better than other men. He was simply a true man, trusting in God and trying to keep His Commandments. His personal life was pure and his conduct, as a private citizen and in official place, was free from any suspicion of a stain. He was too proud to think of doing a mean thing, and he was too brave to consider how any duty or responsibility might be avoided.

Since the death of "her most eminent statesman," General WALTHALL was perhaps more beloved by the people of the State of Mississippi than any of her great men, and he was as highly esteemed and honored as any one of them.

General WALTHALL first obtained distinction among men as a soldier, and from Fishing Creek to Bentonville his name is associated, and most honorably, with many of the important events of the civil war. Statesmen who love their country rejoice that the United States are again a united people, and that we can now look back to and comment upon the great events and even the details of that war as matters of history and give a just measure of praise to the grand and glorious deeds of daring on either side and admire and honor that grander and more glorious heroism of our people as soldiers which enables them to stand firm under the most severe punishments and privations, even unto death.

Like the British garrison at Lucknow, fighting and enduring without food, hoping to hear the bagpipes of Highlanders, or like Captain Herndon, of the United States Navy, temporarily commanding a passenger steamer between Aspinwall and New York, there he stands at his place on his sinking ship, after saving all of the women and children and his officers and crew and many of the male passengers—all the boats of the ship could carry—and he gracefully lifts his cap to the loaded boats and goes down with his ship to the bottom of the sea.

This heroism of endurance is a Saxon virtue, and Americans in the civil war proved themselves Saxons and that this virtue had not lessened as it came down to them through their ancestors.

My personal association with General WALTHALL began in the civil war, and I was with him in many battles; and being his comrade, I was honored by his friendship.

A few facts concerning the conduct of General WALTHALL as a soldier may better show his character than general words of commendation.

On the morning of the battle of Lookout Mountain, General WALTHALL's brigade was on picket around the base of the mountain opposite Moccasin Point, and that picket line was about a mile long. A fog concealed the movements of the Federal Army. And thus a corps of that Army made a sudden attack on that picket line and drove it back up the mountain side toward the Craven House, near which was the Confederate line of battle. But General WALTHALL and his gallant men retired slowly, fighting as skirmishers an overwhelming force, and contesting every foot of the ground.

So determined and stubborn was the fight made by that small

brigade that whilst it lasted I had time to march with my command from the old hotel on the mountain top down the old road and around the path on the bench to the Confederate line of battle near the Craven House, a distance of more than a mile. There I found General WALTHALL, still fighting with his skirmishers in regular order. And there that battle ended. And this is called "the great battle above the clouds." The fighting in that battle on the Confederate side was almost entirely by WALTHALL's brigade, and it was so desperate, though in retreat, that it gave much fame to the commander of the corps who made the attack.

On the next day came the great disaster to the army of General Bragg on Missionary Ridge. The Federal Army was marshaled on that day by the great general of the Union whose fame is known to mankind, whose son and grandson are now marching to the front in places of trust, honored by the American people. The military renown of Grant, of Lee, is now a common heritage of all patriotic citizens of the United States.

How full of hope it is to all true Americans to see the Lees and the Grants marching together, side by side, to do battle for our country.

But we will return to Missionary Ridge. The Federal Army assaulted the Confederate lines at every point. There was much desperate fighting, especially on the Confederate right. Finally the left of the Confederate line was turned at McFarlands Gap, and the Confederate center was broken.

General WALTHALL's brigade was then near, and to the right of that break. With the cool courage, which no danger could disturb, General WALTHALL instantly changed his front so as to face the Federal forces advancing on the left flank of the right wing of General Bragg's army. And that advance was then stopped. So the Confederate right wing was saved intact; and it retired slowly and in perfect order during the night across Chickamauga Creek.

And afterwards whilst commanding in the rear guard of General Hood's army on the second day of the retreat from Nashville, near Pulaski, General WALTHALL gave a terrible emphasis to the common learning of a soldier, that it is rabid folly to rush recklessly after even a defeated and retreating army, after it has had one night's sleep.

General WALTHALL never had a separate command. He was made a major-general during the siege of Atlanta. But wherever his command was placed, his coolness and courage and power of commanding were always manifest. His comrades loved and trusted him, and that trust was always proved to be well founded.

Prior to General Hood's Nashville campaign General WALTHALL was a perfect specimen of physical manhood—a combination of strength and symmetry—tall, graceful, and in perfect health. But that month of exposure, without shelter, on frozen ground, covered with snow, was enough to wreck the strongest constitution. He never recovered from the effects of that most disastrous winter campaign.

General WALTHALL won and held a high place as a lawyer at the bar in his State, and at a time when Wiley P. Harris and General George and other great lawyers were in full practice in the same courts. But I was not his associate in that branch of his work.

Here in this Chamber, as a Senator from the State of Mississippi, General WALTHALL became known to the people of the United States as a statesman, as a patriot, and as a Democrat who followed his convictions with a steadfastness of purpose rarely equaled. His long and faithful service here was interrupted only by his failing strength. The people of his State never faltered in their devotion to him nor in their earnest purpose to honor him. My time of service with our friend here was short, and others have described his long years of faithful labor as a Senator.

General WALTHALL had a great and distinguishing trait of character, which all of his associates must have observed. That was his unselfish and constant consideration for the rights of other men. You all remember the message which he sent in his last days by the Senator from Arkansas to the Senator from Wisconsin, with whom he was paired. That was merely an act proceeding from a principle—never to forget the rights of other men. Such a principle well followed, as our friend maintained it, might give to mortal man the power to look up and sincerely say: "Forgive us our trespasses as we forgive those who trespass against us."

Mr. President, the committee appointed by the two Houses of Congress escorted the body of our friend to Holly Springs, which was the home of his youth and early manhood; where his father and his mother and others dear to him were buried. That burial scene can never pass from the memory of any one of us who were present. The people of Mississippi came there to show how much they honored and loved this pure man, who had served them so long and so faithfully. Men of prominence from every part of the State were there; and rugged veterans of a four years' war were there, shedding tears over the remains of their leader. And lovely women and children, in large numbers, brought flowers, moistened by the evidence of their great sorrow.

The young soldiers of the State were there to do honor to the

dead hero. Thus his remains were followed to the old church, where a memorial window commemorated the virtues of the father and mother of our friend; and the Bishop of Mississippi, a leader of men, read the burial service and taught lessons of wisdom from the pure character of the dead man.

Senators, such a burial is well worth a long life of labor, privations, and perils. And such a burial will never glorify any grave unless it be the grave of a good and great man.

Mr. President, I ask for the adoption of the resolutions presented to the Senate by the Senator from Mississippi [Mr. MONEY]:

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, May 27, 1898, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 26, 1898.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ARANSAS PASS HARBOR, TEXAS.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution which I send to the Clerk's desk.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates, and to direct and make a survey, if deemed necessary, for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and in preparing said plans, specifications, and estimates the Secretary of War, or such Government engineers as he may designate to do the work, may consider the feasibility of utilizing such breakwaters now at said pass, constructed by the Aransas Pass Harbor Company, or the utilizing of any part of the same, and the value such use of such breakwater or material may be to the United States in deepening said channel; and in the estimate of such valuation any permanent damage which, in the opinion of the Government engineers, may have occurred by reason of the construction of said breakwater to said harbor or pass, or additional expense to the United States made necessary by reason of said attempted improvements in future improvements of said harbor or pass, shall also be considered by said engineers and reported by them.

That the Secretary of War is further directed to report to Congress at its next session; and the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of such plans, specifications, estimates, or survey.

The following committee amendments were read:

Strike out all after the word "estimates," in line 4, page 1, and line 5, same page, to the word "for."

Insert the following after the word "them," in line 11, on page 2:

"The engineers shall also report the approximate cost of construction of any breakwater of the said company which may be used by the Government, and also report the approximate cost of removing any part of said breakwater if it is deemed necessary to remove any portion of it."

Strike out all after the word "session," in line 13, on page 2.

Mr. KLEBERG. Mr. Speaker, I wish to offer an amendment at the proper time which will have the effect of making this a simple resolution providing for plans and estimates for this harbor, eliminating everything in regard to this private company. I offer the amendment which I send to the Clerk's desk.

The SPEAKER. If unanimous consent is given for the consideration of the resolution, the gentleman proposes to offer the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "harbor," in line 12, and adding the following:

"And report such plans to Congress, and also whether in his judgment such improvement should be made."

Mr. KLEBERG. That is in conformity with the usual form.

Mr. DINGLEY. That strikes out all the other.

Mr. KLEBERG. Yes.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The SPEAKER. The gentleman offers the amendment which has just been reported.

Mr. DINGLEY. Mr. Speaker, where does that amendment come in?

The CLERK (reading)—

After the word "harbor," in line 12, page 1.

Mr. DINGLEY. So that it remains simply a resolution for a survey and report?

Mr. KLEBERG. Certainly.

Mr. DINGLEY. Without any appropriation?

Mr. KLEBERG. Yes.

The amendment was agreed to.

The SPEAKER. The Clerk will report the committee amendment.

Mr. KLEBERG. The adoption of the amendment strikes out everything except the plans and estimates. All that is necessary now is to vote on the resolution.

The SPEAKER. The Chair thinks the gentleman is mistaken, and we will have to adopt the amendment as proposed on the bill that has been sent up here. The Clerk will report what is to be stricken out.

Mr. KLEBERG. The other amendment will have the effect of eliminating that.

The Clerk read as follows:

In lines 4 and 5 strike out the following words: "And to direct and make a survey, if deemed necessary."

Mr. DINGLEY. Those words ought to come out.

Mr. KLEBERG. All that has been stricken out, Mr. Speaker.

Mr. DINGLEY. Let the resolution be read as it will remain if the amendment should be agreed to.

The SPEAKER. The Clerk will read it as it would be if amended.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and report such plans to Congress, and also whether in his judgment such improvement should be made.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The concurrent resolution as amended was agreed to.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

POTTAWATOMIE AND KICKAPOO INDIAN RESERVATIONS, ETC.

Mr. BRODERICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 5480) providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes.

*Be it enacted, etc., That with the consent of a majority of the chiefs and headmen of the Prairie band of Pottawatomie tribe of Indians and the Kickapoo tribe of Indians in the State of Kansas, expressed in open council by each tribe, the Secretary of the Interior be, and hereby is, authorized and directed to cause to be sold in trust for said Indians the surplus or unallotted lands of the reservations of the Pottawatomie tribe of Indians in Jackson County, Kans., and the Kickapoo tribe of Indians in Brown County, Kans. The said lands shall be appraised in tracts of one-half quarter section each by three competent commissioners, one of whom shall be selected by the two Indian tribes and the other two shall be appointed by the Secretary of the Interior: *Provided*, That either tribe may consent to the sale of its own lands and select a commissioner without the consent of the other, and when one tribe does consent to the sale of its surplus lands the Secretary of the Interior shall proceed to sell the same.*

*SEC. 2. That after the appraisal of said lands as herein provided the Secretary of the Interior shall be, and hereby is, authorized and directed to offer and sell the same through the United States public land office at Topeka, Kans., at public sale, to the highest bidder: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than \$5 per acre, and to none except persons over 21 years of age. Each purchaser of said lands at such sale shall be entitled to purchase two half quarter sections and no more: *Provided*, That any member of either of said tribes of the age of 21 years may purchase not exceeding one quarter section of such lands at the appraised value. All purchasers shall pay one-third of the purchase price at the time said land is bid off, and if not paid immediately the bid shall be rejected and the land reoffered, and one-third in two years from the date of such sale, and one-third in four years from the date of sale, with interest on deferred payments at the rate of 6 per cent per annum; and all sums, when paid to the receiver of the public land office at Topeka, Kans., shall, under rules prescribed by the Secretary of the Interior, and with the assistance of the United States Indian agent for said Indians pay to such Indians upon the recognized rolls upon which moneys are paid them by the United States in other cases the said purchase money of such lands: *Provided*, That in the case of minors the money shall be placed in the Treasury of the United States and held for such minors, respectively, until they have attained the age of 21 years. No patents shall issue until all payments shall have been made; and on failure of any purchaser to make payment as required by this section he shall forfeit the land purchased, and the same shall be subject to entry and sale at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.*

SEC. 3. That there shall be excepted from the provisions of this section the lands for two boarding or industrial schools located on these reservations, not exceeding 320 acres for each school, the amount and location to be determined and designated, after the assent of the tribe or tribes, by the Secretary of the Interior.

SEC. 4. That for the purpose of carrying this section into effect the sum of \$2,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be reimbursed to the United States out of the proceeds of the sales of the lands made under the provisions hereof, each tribe to be charged only with the expenses attending the sale of its own lands.

SEC. 5. That before any of the surplus lands belonging to either of said tribes of Indians shall be sold under the provisions of this section there shall be allotted by the Secretary of the Interior 80 acres to each absentee of said tribes, and also to each of the children of the members of the respective tribes which have been born since the allotments heretofore made were

closed and to whom allotments have never been made, but such allotments shall be made and accepted subject to existing leases: *Provided*, That in making these allotments the said Pottawatomie children shall be restricted to the Pottawatomie lands and the Kickapoo children to the Kickapoo lands: *Provided further*, That this paragraph relating to allotments may be adopted or rejected by either tribe separate and apart from and without affecting the other provisions of this section.

The amendments recommended by the Committee on Indian Affairs were read, as follows:

Section 2, line 32, strike out the word "section" and insert the word "act."

In line 2, section 3, strike out the word "section" and insert the word "act."

At the end of line 1, in section 4, strike out the word "section" and insert the word "act."

In line 3, section 5, strike out the word "section" and insert the word "act."

After the word "of," in line 4, section 5, insert the words "either of."

In section 5, line 6, strike out the words "which have been."

In line 8, section 5, strike out the word "such" and insert the word "all."

In line 10, section 5, after the word "children," insert the words "and absentees."

In line 11, section 5, after the word "children," insert the words "and absentees."

THE SPEAKER. Is there objection to the present consideration of the bill which has just been reported?

MR. DINGLEY. Before consent is given, I would like to hear an explanation of the bill.

MR. BRODERICK. If consent is given, I desire to make two amendments to meet the recommendations of the Indian Bureau. This bill was passed substantially in this form two years ago, but was not accepted by the Indians. It provided then, as it does now, that before the lands shall be sold the Indians shall assent. This land is upon two small reservations. About five years ago the lands were allotted, and I think there remains upon one reservation about 3,000 acres and upon the other about 5,000 acres, making in all about 8,000 acres. It was not deemed best to make the homestead provision apply in any way to this land, because there is so little of it. Hence we provide that the Indians shall assent, and that thereafter the lands shall be appraised and sold at public sale for their benefit. That prevents the land from going into the hands of a syndicate or any speculation in the lands.

MR. DINGLEY. No payments at all are to be made to these Indians until the lands shall have been sold.

MR. BRODERICK. An appropriation is provided of \$2,000 for the survey, but that is to be refunded.

MR. DINGLEY. No payments are to be made to the Indians on account of the sale of the lands, except as that money may be received from the sale of the lands, neither now nor any time in the future?

MR. BRODERICK. There is no appropriation to be made except for the survey, and that is to be reimbursed.

MR. MCRAE. Why do you put this provision in the bill?

To none except persons over 21 years of age.

THE SPEAKER. Is there objection to the present consideration of the bill? The Chair hears no objection.

MR. BRODERICK. Mr. Speaker, the gentleman from Arkansas asks me a question.

MR. MCRAE. I will move to amend the bill. Why do you put this unusual provision in—that it shall not be sold except to persons over 21 years of age?

MR. BRODERICK. We want to make it impossible for a syndicate to get hold of it; and we also want to provide that a whole family shall not buy tracts.

MR. MCRAE. Do you think syndicates are usually made up of infants?

MR. BRODERICK. In some localities they are.

MR. MCRAE. I think you are very much mistaken. The homestead law provides that persons who are heads of families or over 21 years of age may enter land, and I see no reason why the head of a family under 21 years should not have the same right to buy a piece of land as one who is over that age. I think your theory of escaping syndicates is rather farfetched and will prove ineffectual in this as in other cases.

MR. BRODERICK. I have no objection to the gentleman's amendment.

MR. CURTIS of Kansas. The objection was made that if people under 18 years of age were able to buy this land, members of one family would buy three or four tracts; and it was the object of the bill to prevent that, so that one family could not go in and buy up a large quantity of this land.

MR. MCRAE. Why not follow the language of the homestead law by inserting "head of a family or"?

MR. BRODERICK. I have no objection to that.

MR. MCRAE. I move that amendment. Insert between the words "except" and "persons," in line 16, page 2, the words "to heads of families or;" so that it will read "to none except to heads of families or persons over 21 years of age."

MR. BRODERICK. Mr. Speaker, there are two other amendments recommended by the Indian Bureau that I desire to have made.

THE SPEAKER. The Clerk will report the amendment offered by the gentleman from Arkansas.

The Clerk read as follows:

Page 2, line 16, after the word "except," insert "to heads of families or."

The amendment was agreed to.

MR. BRODERICK. Mr. Speaker, I move to amend by striking out, in line 3, the word "and" and inserting, after the word "headmen," in lines 3 and 4, the words "and male adults."

The Clerk read as follows:

Page 1, line 3, strike out after the word "chief" the word "and" and insert after the word "headmen" the words "and male adults."

The amendment was agreed to.

MR. BRODERICK. I move to amend, on page 3, lines 5 and 6, by striking out the words "and with the assistance of the United States Indian agent for said Indians, pay" and insert "be paid."

The Clerk read as follows:

On page 3, lines 5 and 6, strike out the words "and with the assistance of the United States Indian agent for said Indians pay" and insert "be paid."

The amendment was agreed to.

MR. BRODERICK. One other amendment. I move to strike out the last word in the bill and insert the word "act."

The Clerk read as follows:

On page 4, strike out the last word of the bill and insert the word "act."

The amendment was agreed to.

The amendments recommended by the committee were agreed to. The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 8834. An act granting a pension to John B. Hays;

H. R. 5245. An act granting a pension to Florence N. Waldron;

H. R. 3953. An act granting an increase of pension to Calvin P. Lynn;

H. R. 9210. An act granting an increase of pension to George H. Baldwin;

H. R. 164. An act granting an increase of pension to John P. Thomas;

S. 4108. An act granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington;

H. R. 3663. An act granting a pension to George Barnes;

H. R. 8636. An act granting an increase of pension to John X. Griffith; and

H. R. 864. An act granting a pension to Maria E. Hees, widow of Florian Hess.

The message also announced that the Senate had passed the bill (S. 4086) to authorize the Secretary of the Interior to issue a patent in fee to Mary Campbell, a Nez Perce Indian allottee; in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McMILLAN, Mr. PROCTOR, and Mr. FAULKNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill and joint resolution of the following titles in which the concurrence of the House was requested:

H. R. 10878. An act making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes; and

H. Res. 189. Joint resolution authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes.

The message also announced that the Senate had disagreed to report of the committee of conference and still further insists upon its amendments to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1883. An act for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted; and

S. 4621. An act to amend sections 10 and 13 of an act entitled

"An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 23, 1898.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 713. An act to correct naval record of Charles F. Brown;

H. R. 4450. An act for the relief of Joseph R. Findley;

H. R. 9815. An act appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names; and

H. Res. 150. Joint resolution directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Port Tampa to its mouth in the Gulf of Mexico.

The message also announced that the Senate had passed with amendments the bill (H. R. 8349) granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4036. An act to authorize the Secretary of the Interior to issue a patent in fee to Mary Campbell, a Nez Perce Indian allottee—to the Committee on the Public Lands.

TIME FOR HOLDING UNITED STATES COURT IN IDAHO AND WYOMING.

Mr. GUNN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 3088, to amend "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved November 3, 1893.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3088) to amend "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved November 3, 1893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the act entitled "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, be amended to read as follows:

"SEC. 3. That for the purpose of holding terms of the district court said district is divided into three divisions, to be known as the northern, the central, and the southern divisions.

"The territory composing the counties of Idaho, Kootenai, Latah, Nez Perce, and Shoshone, including any and all Indian reservations within such territory, constitute the northern division, the court for which must be held at the town of Moscow.

"The territory composing the counties of Ada, Boise, Blaine, Camia, Canyon, Elmore, Lincoln, Owyhee, and Washington, including any and all Indian reservations within said territory, constitute the central division, the court for which must be held at Boise City.

"The territory composing the counties of Bingham, Bannock, Bear Lake, Custer, Fremont, Lemhi, and Oneida, including any and all Indian reservations within such territory, constitute the southern division, the court for which must be held at the town of Pocatello.

"That any new county created out of any of such territory shall remain a part of the division out of which it, or the larger portion thereof, shall be created, but if a portion of a county of one division shall be attached to a county of another division, it shall become a part of the latter division."

SEC. 2. That section 6 of said act approved July 5, 1892, as amended by the act approved November 3, 1893, be amended to read as follows:

"SEC. 6. That the terms of the district court for the district of the State of Idaho shall be held at the town of Moscow, beginning on the second Monday of May and the fourth Monday of October in each year; at Boise City, beginning on the second Monday of March and the second Monday of September in each year; and at the town of Pocatello, beginning on the second Monday of April and the first Monday of October in each year; and the provision of statute now existing for the holding of said courts on any day contrary to the provisions of this act is hereby repealed; and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to, said court are hereby transferred to, and shall be made returnable to, and have force in, the said respective terms in this act provided, in the same manner and with the same effect as they would have had had said existing statute not been passed."

SEC. 3. That this act shall take effect from its approval.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was read a third time, and passed.

On motion of Mr. GUNN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PRENTICE HOLMES.

Mr. CURTIS of Iowa. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5463) granting an honorable discharge to Prentice Holmes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the record of Prentice Holmes, late first lieutenant in Company A, Eighty-sixth New York Volunteers, and to issue to him an honorable discharge, dating from December 18, 1863.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I desire, Mr. Speaker, to call attention to the omission of the usual proviso,

Mr. CURTIS of Iowa. There is an amendment of that kind recommended by the committee and which is to be offered. I will ask the Clerk to read the amendment proposed by the Committee on Military Affairs.

The Clerk read as follows:

Amend by adding the following:

"Provided, That no pay, bounty, or other allowance shall become due or payable by reason of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BENNETT. Mr. Speaker, I call for the regular order.

CONTROL OF STREET PARKING IN THE DISTRICT OF COLUMBIA.

Mr. COWHERD. Mr. Speaker, I offer the following conference report on House bill 5880.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia the control of the street parking in said District, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted strike out all after the enacting clause and insert the following:

"SEC. 1. The jurisdiction and control of the street parking in the streets and avenues of the District of Columbia is hereby transferred to and vested in the Commissioners of the District of Columbia.

"SEC. 2. That the park system of the District of Columbia is hereby placed under the exclusive charge and control of the Chief of Engineers of the United States Army, under such regulations as may be prescribed by the President of the United States, through the Secretary of War.

"The said park system shall be held to comprise:

"(a) All public spaces laid down as reservations on the map of 1894 accompanying the annual report for 1894 of the officer in charge of public buildings and grounds;

"(b) All intersections of parkings forming triangles, trapezoids, etc., at the intersections of streets;

"(c) All portions of the space between the building lines in the streets and avenues of the said District, after the same shall have been set aside by the Commissioners of the District of Columbia for park purposes;

"(d) All land acquired for park purposes under the act approved March 2, 1896, entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities;'

"Provided, That no areas less than 250 square feet between sidewalk lines shall be included within the said park system, and no improvements shall be made in unimproved public spaces in streets between building lines or building lines prolonged until the outlines of such portions as are to be improved as parks shall have been laid out by the Commissioners of the District of Columbia: And provided further, That the Chief of Engineers is authorized temporarily to turn over the care of any of the parking spaces included in class 'b' above to private owners of adjoining lands, under such regulations as he may prescribe and with the condition that the said private owner shall pay special assessments for improvements contiguous to such parking under the same regulations as are or may be prescribed for private lands: And provided further, That where in any portion of a street more than one-half of the front is occupied and used for business purposes the Commissioners are authorized and directed to denominate such portion of the street as a business street and shall authorize the use for business purposes by abutting property owners of so much of the sidewalk and parking as may not be needed, in the judgment of the said Commissioners, by the general public, under such general regulations as the said Commissioners may prescribe.

"SEC. 3. This act shall not affect in any manner the provisions in the act of March 3, 1891, entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes,' that no permits for projections beyond the building line on the streets and avenues of the city of Washington shall be granted except upon special application and with the concurrence of all said Commissioners and the approval of the Secretary of War; and the operation of said provision is hereby extended to the entire District of Columbia.

"SEC. 4. That when, in the judgment of the Commissioners of the District of Columbia, the public necessity or convenience require them to enter upon any of the spaces or reservations under the jurisdiction of the Chief of Engineers for the purpose of widening the roadway of any street or avenue adjacent thereto or to establish sidewalks along the same, the Chief of Engineers, with the approval of the Secretary of War, is authorized to grant the necessary permission upon the application of the Commissioners.

"SEC. 5. That when in accordance with law or mutual legal agreement spaces or portions of public land are transferred from the jurisdiction of the Chief of Engineers of the United States Army, as established by this act, to that of the Commissioners of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary.

"SEC. 6. That the said Chief of Engineers and the said Commissioners are hereby authorized to make all needful rules and regulations for the government and proper care of all the public grounds placed by this act under their respective charge and control, and to annex to such rules and regulations such reasonable penalties as will secure their enforcement.

"SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed; but nothing contained in this act shall be construed to affect in any way any pending litigation involving the validity or invalidity of the occupation of any public space or reservation in the District of Columbia."

And that the Senate agree to the same.

W. S. COWHERD,
JOHN J. JENKINS,
G. M. CURTIS.

Managers on the part of the House.

JAMES McMILLAN,
REDFIELD PROCTOR,
A. P. GORMAN.

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5360) vesting in the Commissioners of the District of Columbia control of the street parking in said District, submit the following statement:

The bill as reported gives to the Commissioners control of the street parking practically as was provided in the House bill. It gives to the Chief of Engineers exclusive control of the park system of the District of Columbia, and specifies what shall constitute that system, as follows:

(a) All public spaces as laid down on the map of 1894, accompanying the report of the officer in charge of the public buildings and grounds.

(b) All intersections and parkings forming triangles and trapezoids, etc., at the intersection of streets.

(c) All portions of the space between building lines set aside by the Commissioners for park purposes.

(d) All land acquired for park purposes under the highway act of 1893.

The Commissioners are given the right, where more than one-half of the street is used for business purposes, to denominate it a business street, and authorize the use of so much of the sidewalk and parking as shall not be needed by the general public, to be used for business purposes under such regulations as the Commissioners may prescribe.

It is provided, however, that nothing in this bill shall affect in any manner the provisions of the present law prohibiting projections beyond the building line, except upon concurrence of the Commissioners of the District and the Secretary of War, and the operation of this law is extended over the entire District.

The Chief of Engineers, with the approval of the Secretary of War, is authorized to grant to the Commissioners the right to enter upon public parks, to widen the roadway of any street or avenue adjacent to the same, or to establish sidewalks. A method is provided for the transfer of spaces or portions of land from the jurisdiction of the Chief of Engineers to the Commissioners and vice versa, and both the Chief of Engineers and the Commissioners are empowered to make rules and regulations for the government and care of the public ground placed under their control.

Mr. CANNON. I wish to ask the gentleman in charge of this report when the bill passed the House upon which this conference has been had?

Mr. COWHERD. I think it was about three weeks ago. The bill itself will show.

Mr. CANNON. Well, we had before us a kindred bill—one dealing with the parks or with the squares, trapezoids, etc., of this District—last Monday.

Mr. COWHERD. Yes, sir.

Mr. CANNON. I recognize some of the items embraced in this conference report as being on all fours with the matters embraced in that bill.

Mr. COWHERD. Yes, sir.

Mr. CANNON. Now, I want to ask the gentleman what will be the effect of the legislation agreed to in conference, placing under the jurisdiction of the War Department all parks set aside or hereafter to be set aside under the highway act?

Mr. COWHERD. I really think that has no effect. So far as I am informed, no land has been set aside or acquired for park purposes under the highway act of 1893; and a bill to repeal that act has been passed by the House and I understand is now pending in the Senate.

Mr. CANNON. Well, why put in that provision?

Mr. COWHERD. If the highway act should not be repealed and parks should be acquired under that act, those parks, under the provisions of this bill, would be placed under the control of the Chief of Engineers.

Mr. CANNON. I want to ask the gentleman a further question. He was present on Monday last when the House, if I recollect aright, struck out the provision in the bill then before us touching the parks under the highway act. I ask my friend whether he recollects the action of the House on that matter?

Mr. COWHERD. I do not. I was present, but I do not remember the striking out of that provision.

Mr. CANNON. Oh, yes; that was done. The provision was in that bill, as well as in this bill now reported, and the House struck it out. In fact, the Committee on the District of Columbia assented to the propriety of striking it out. Now, I will ask my friend, How extensive are these parks to be, if the highway act should not be repealed?

Mr. COWHERD. I can not answer that question. There are, as I understand, in the highway act provisions for acquiring parks outside of the city. Those parks under the provisions of this bill as now reported would be placed under the control of the Chief of Engineers instead of the District Commissioners.

Mr. CANNON. Now let me ask my friend another question. Under former legislation touching the District, wherever there is an addition made to the city of Washington—since, I think, probably 1893 or 1898—it may be 1891—that addition must conform to the plan of the city of Washington. The meaning of that is that out at Petworth, or out beyond Mount Pleasant, or away out northwest toward the Observatory, and generally wherever parks have been made within the last five or six years or wherever they shall be made in the future, those additional parks must conform to the plan of the city of Washington.

Mr. COWHERD. Has not that provision been so amended as to require that these additions shall conform to the plans on file and of record rather than to the plan of the city of Washington?

Mr. CANNON. Without reference to the highway act—whether it is repealed or not—the law now is that additions which may be

made in the future to the city of Washington—and this law was passed several years ago—shall conform to the plans of the city of Washington; that is to say, there shall be such a laying out of the land as to give the parks or the reservations or the trapezoids referred to. Now, if I understand, the effect of the bill as now reported would be this: Although one of those parks might be laid off 5 miles away—or whatever the distance—it would be thrown under the control of the War Department.

Mr. COWHERD. I am inclined to think the gentleman is mistaken in the statement that these outlying additions must now be planned in accordance with the plans of the city of Washington. A bill has been reported from the Committee on the District of Columbia—I am not certain that it has passed—

Mr. CANNON. I do not think that I am mistaken.

Mr. COWHERD. My understanding was that the additions hereafter made must conform to the plans which have been drawn in the District Commissioner's office—not necessarily the original plans of the city of Washington.

Mr. CANNON. The gentleman will find I am right about this if he will examine the legislation.

Now, if I understand the bill as reported, all the parks within the District of Columbia, including the "Zoo," including the immense park beyond the "Zoo" to the District line upon which no improvement has been commenced—all these parks will be thrown under the jurisdiction of the War Department. That is the effect, I believe, of the provision of the bill as now reported by the conference committee. Am I correct?

Mr. COWHERD. I think that is true.

Mr. CANNON. Then I understand further that by this bill the parking on every street in Washington, from the front of the house to the street proper, would be placed under the control of the War Department?

Mr. COWHERD. No, sir; the control of that is given to the Commissioners of the District.

Mr. CANNON. I did not so understand, but I may have misunderstood.

Mr. COWHERD. Yes, the gentleman misunderstands. I have just called for the conference report; but the first clause in the conference report gives to the Commissioners of the District control of all the street parkings. Then the conference report provides that the parks shall be under the control of the Chief of Engineers, and it provides that such of the street parkings as are formed at the intersection of streets, forming triangles, trapezoids, etc., shall be set aside as parks, that those shall be under the control of the Chief of Engineers.

Mr. CANNON. I will ask my friend if this is not true, that under the practice and the law all parks, whether in the city or in the District, are under the jurisdiction of the War Department, and not only controlled by the War Department, but that their maintenance and care are at the exclusive expense of the United States Treasury?

Mr. COWHERD. I so understand.

Mr. CANNON. Now, if my friend will yield to me for a minute: If the gentleman has answered me correctly (and I believe he has), and if I understand aright what this conference report does, I do not believe that if this House understands it it will adopt the conference report, and I do not believe it ought to.

Mr. COWHERD. Will the gentleman permit me to correct a remark I made a moment ago?

Mr. CANNON. Yes.

Mr. COWHERD. The gentleman asked whether this does not place all parks in the District under the control of the War Department.

Mr. CANNON. Yes.

Mr. COWHERD. It does not. It places all parks that are set out in the map of 1894, which accompanied the report of the Superintendent of Public Buildings and Grounds, under the War Department. That was a map prepared for the specific purpose of showing just what parks were at that time under the control of the Department.

Now, the only other parks placed under the control of it are the intersections of parkings at the corners of streets, where this wide parking comes together and leaves a trapezoid or a triangle. That is placed under the control of the Chief of Engineers. Then the space between building lines, such as occurs here at Thirteenth street and New York avenue, where a very wide space is formed, more than is needed for public travel, and it is costly to maintain. That is placed under the control of the Chief of Engineers, it being thought that it would be cheaper to the Government to put that into a park than it is to keep up the pavement.

The only other thing placed under the control of the Chief of Engineers is land acquired for park purposes under the act of 1893. Therefore I was mistaken when I said in answer to the gentleman's question that these parks outside of the city were by this act placed under the control of the Chief of Engineers, such as the Zoological Park and others. They are not.

Mr. SHAFROTH. May I ask the gentleman a question?

Mr. CANNON. Go ahead.

Mr. SHAFROTH. The placing of these intersections of streets and triangles and circles in the hands of the War Department will mean that the United States Government alone will have to meet the expense of caring for them, will it not?

Mr. COWHERD. I was coming to that. In the first place, these triangles and trapezoids that are placed under the control of the Chief of Engineers are, in large degree, as I have said, at the intersection of streets. A good many of them are now put under the care and control of the private property owner who owns the land abutting on that triangle or trapezoid, where they are too small to be used for public-park purposes.

They are placed under his control, upon the condition of his paying special assessments in the way of sidewalks, etc., and they will remain the same. The only things that will be put under the control of the Chief of Engineers are these triangles and trapezoids, larger spaces such as were provided for in the bill that passed the House last Monday.

Mr. SHAFROTH. That expense goes onto the National Government alone, does it not?

Mr. COWHERD. Yes.

Mr. SHAFROTH. If those are public places and public circles in the city, and the city has the use of them, why should it not be under the general expense of both the District and the nation, under this agreement of 1878?

Mr. COWHERD. That has not been the policy. The policy has been that all public parks are under the control of the Chief of Engineers, and the Government maintains them. But let me say that the conference committee were informed by the Commissioners that the expense of paying such of these small spaces as are now a part of the street, which under this bill will be placed under the control of the Chief of Engineers, and many of which are places much larger than the public need for street purposes—that the maintenance of the pavement is more than it will cost to maintain the parks.

Mr. SHAFROTH. Well, the National Government does not have to maintain the paving.

Mr. COWHERD. Yes; the National Government pays for half of it.

Mr. SHAFROTH. That may be, but it does not pay all of it.

Mr. CANNON. Well, I would like to say to my friend that as I gathered from the reading of the conference report, it does throw all the parks in the District under the War Department, and that includes these immense parks from the Zoological Park to the District line along Rock Creek, which, when it is improved, will cost \$5,000,000 to improve it, and which was acquired not alone at the expense of the United States, according to my recollection, but by special taxation, half and half, from the revenues—

Mr. BLAND. Does the title of the land rest in the Government or not?

Mr. CANNON. The title of what?

Mr. BLAND. Of all these parks that are put under the charge of the War Department. Does the title of the land or the park rest in the Government, or is it in the District of Columbia? Could you go and put a public building on it?

Mr. CANNON. I will say to my friend that without examination I do not know, but that as Congress is the only common council for the District, without any limitation whatever, we could do with these parks whatever we chose.

Mr. BLAND. Well, I rather agree with the gentleman on his idea of this expense.

Mr. CANNON. Yes.

Mr. BLAND. But I wanted to know whether or not we could put a public building on a park, as we put the Library building on this park here?

Mr. CANNON. Well, we did not—

Mr. BLAND. Whether the title rests in the Government, so that we could take possession and erect public buildings on it?

Mr. CANNON. Well, the title either rests in the Government, so that we could, or we have such jurisdiction of all parks and streets that we can vacate them or do what we choose with them, under our power, acting as a municipal government, if you choose, or a common council for the District.

But what I want to suggest is that in the future improvement of this great park, which is now a wilderness, this legislation, if adopted, will throw the whole expense upon the Federal Treasury, to the exclusion of any expense to the District revenues, and I wanted to ask my friend if this is not so important that it ought to be printed in the RECORD and go over until one day next week, so that we can all have a little time to examine it?

Mr. JENKINS. I want to say—

Mr. CANNON. I have no desire to antagonize it if it ought to be enacted, and yet it seems to me, as I understand it, that the House would not enact this legislation if it understood it as I am inclined to think it is.

Mr. JENKINS. I want to say to my friend from Illinois that he is entirely mistaken when he assumes that this conference re-

port provides for imposing the entire expense of maintaining the parks upon the National Treasury. He is entirely mistaken in that assumption. It does not do any such thing. It just merely places the control of the parks under the War Department, and the control of what is commonly called the parking is under the Commissioners; but it does not touch the question of expense. That is already provided for by prior legislation, and there is no attempt to change that.

Mr. CANNON. Oh, my friend is aware of the fact that whenever the War Department exercises jurisdiction over parks the maintenance of those parks is at the sole expense of the Government.

Mr. JENKINS. Why, there is no such provision of law.

Mr. CANNON. Well, nevertheless, it is so well established a custom that I have no doubt it would be followed in this case, as it has been followed heretofore, and I apprehend that careful examination would show the law to be that way; and when you put all the parks under the jurisdiction of the War Department, then necessarily the custom will be followed, and that is just what I want to avoid.

Mr. JENKINS. There can not be any objection to this being printed in the RECORD and having the matter go over, because the committee are entirely in sympathy with the position of the gentleman from Illinois on the question of expense; but I want to say to the gentleman from Illinois that the District Commissioners were represented before the conference committee, and the Chief of Engineers was represented there, and that the judgment of the conference committee is that the gentleman is wrong in assuming that this expense is going to be charged to the General Government.

Mr. SHAFROTH. Why not let it go over and see whether there is any question about it?

Mr. COWHERD. This does not place the large parks under the control of the Secretary of War. It does not change, as far as that is concerned, the control of the parks the gentleman has referred to.

Mr. JENKINS. And there is no such intention.

Mr. COWHERD. It only affects those parks mentioned in the map of 1894, and that relates to parks that were then under the control of the Chief of Engineers. The only others are these triangles and trapezoids which I have mentioned. We have no objection to the request of the gentleman.

Mr. CANNON. It seems to me it may be so important that the gentlemen themselves and the House ought to have a little time to read it in print.

Mr. JENKINS. We will let it go over, at the suggestion of the gentleman from Illinois.

Mr. COWHERD. My understanding of the request of the gentleman from Illinois is that it may be printed in the RECORD.

Mr. CANNON. Yes.

Mr. SHAFROTH. May not you have the bill printed as amended?

Mr. SETTLE. It appears as amended.

Mr. COWHERD. It appears as amended in the report.

The SPEAKER. The gentleman asks that the report of the conference committee and the statement of the House conferees be printed in the RECORD, and the matter—

Mr. JENKINS. And the matter go over until Tuesday next.

The SPEAKER. And that the matter go over until Tuesday. If there be no objection, the matter will be so disposed of.

There was no objection.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I desire to call up the House bill making urgent deficiency appropriations, which, I believe, is on the Speaker's table with Senate amendments, and to dispose of the Senate amendments.

The SPEAKER. The Clerk will report the bill and amendments.

The Clerk proceeded to read the bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes.

Mr. SAYERS. Mr. Speaker, is it necessary to read the bill?

The SPEAKER. The Chair thinks not.

Mr. SAYERS. I suggest the reading of the Senate amendments only.

The SPEAKER. The Clerk will read the Senate amendments. The Clerk read as follows:

Page 2, line 11, after "the" insert "temporary."
Page 3, line 19, strike out "December 31, 1898," and insert "March 31, 1899."

Page 3, line 24, strike out "fifty-five thousand eight" and insert "seventy-eight thousand seven."

Page 4, lines 5 and 6, strike out "thirteen thousand two hundred and ninety-five" and insert "eighteen thousand seven hundred and forty-five."

Page 4, after line 10, insert:

"EXECUTIVE.

"Executive office: For the following additional clerks commencing June 1, 1898, and continuing during the fiscal year 1899, namely: Two clerks of class 3, \$3,406.00, or so much thereof as may be necessary."

Page 4, after line 10, insert:

"SENATE

"To enable the Secretary of the Senate to pay to Mary L. Walthall, widow of the Hon. Edward C. Walthall, deceased, late a Senator from the State of Mississippi, \$5,000."

Page 4, after line 10, insert:

"For miscellaneous items, exclusive of labor, \$15,000."

Page 4, after line 10, insert:

"For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$5,000."

Page 4, after line 10, insert:

"HOUSE OF REPRESENTATIVES.

"For compensation and mileage of Members of the House of Representatives and Delegates from the Territories, for the fiscal year 1897, \$4,563."

Mr. CANNON. Mr. Speaker, if there is no explanation desired on the amendments, I move that the House agree to the Senate amendments.

The SPEAKER. It requires unanimous consent to bring the matter before the House first.

Mr. UNDERWOOD. Is there not a provision in the Senate amendments for the appointment of a number of additional clerks in some of the Departments?

Mr. CANNON. There was in the House bill. The Senate amendment refers to the same provision for clerks in the War Department that the House bill did, and takes the House provisions which were for certain clerks in the two Auditors' offices running to the 1st of January next and extending them to the 1st of March.

Mr. UNDERWOOD. I understood that the bill—

Mr. CANNON. And also two executive clerks at the White House, which is entirely new by a Senate amendment.

Mr. UNDERWOOD. This is not the bill, then, in which there are eighteen clerks added?

Mr. CANNON. Yes, I think so; and were in the House bill.

Mr. UNDERWOOD. The question I want to ask is this: I understand these clerks are to be appointed, although in the Departments, and not appointed under the civil-service law. I want to know why that exception is made?

Mr. CANNON. In my judgment these clerks are not under the civil-service law. That is my opinion and judgment; and so far as the House was concerned, and the majority of the House committee, it was intended that they should not be, for these reasons: That it purely results from the war; an increase of force necessary in the War Department to do the work in the enlistment of 125,000 people and the increase in the Regular Army. In the work in the Office of the Adjutant-General, the Commissary-General, the Surgeon-General, and the whole of them, it was found that it was absolutely impossible to do this great temporary increase of work, arising out of the war, without additional force. It was also found that it was impossible, with the correspondence in the Treasury Department and the auditing of the accounts of the War and Navy expenditures, to take care of that work, from the greatly increased expenditures, without an increase.

Now, there was no intention to make a permanent increase in the number of clerks either in the War Department or the two Auditors' offices, but only for the temporary stress of increase growing out of the war. Therefore it was the intention of the Committee on Appropriations of the House to make them temporary, and the majority at least of that committee understood that they were not, and intended that they should not be, under the civil service, because they are needed at once and only temporarily needed.

Mr. COX. Will the gentleman allow me to ask him one question right there in that connection?

Mr. CANNON. Yes.

Mr. COX. Has your mind been directed to the proposition that is now before the House in the shape of a bill to give a Second Assistant Secretary of War?

Mr. CANNON. It has not; but it is not upon this bill.

Mr. SAYERS. This is an appropriation bill, and has nothing to do with what the gentleman from Tennessee suggests.

Mr. COX. I know it is an appropriation bill.

Mr. CLARDY. When are these clerks to be employed?

Mr. CANNON. They are to be employed at once. Those at the War Department were to terminate on the 1st of January next, and it is proposed that the time be extended to March 31 next.

Mr. COX. I am afraid we are going a little too fast in this line. We have got a bill to increase the force and put in position an additional Secretary of War.

Mr. CANNON. This has nothing to do with an additional Secretary of War, but it has to do absolutely with the clerical work that comes in on the War Department from day to day on account of existing conditions.

Mr. MAHANY. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. MAHANY. Is it not true that there are at present on the waiting list of the Civil Service Commission from 58,000 to 60,000 applicants—

Mr. CANNON. I do not know.

Mr. MAHANY (continuing). Who would be willing to take these temporary places if opportunity were given? Now, if it is thought advisable not to give appointments to those on the list, is not that a very serious reflection upon the efficiency and utility of the Civil Service Commission?

Mr. CANNON. Well, the Committee on Appropriations were not recommending this bill for the purpose of blaming on the one hand or praising on the other hand the civil-service law. This is a temporary matter. These clerks are to go on duty. War is upon us and we need them at once—to-day. We do not have the time to ask the Civil Service Commission to certify, to hold examinations, and wait. We want these people for a little work temporarily, and we do not think we ought to stop the mobilization of the troops to enable the Civil Service Commission to perform.

Mr. MAHANY. That is a curious commentary on the civil-service law. Is not the gentleman in terror lest the reformers criticize his committee for this attitude?

Mr. CANNON. I am content that they should do so, and we will bow meekly to the criticism.

Mr. UNDERWOOD. I understand there are a number of clerks in the War Department who have been removed under the civil-service law within the last six months, some within the last month. These men are eligible to any position after long service. They could be appointed to the eighteen clerkships to-day. They are tried men, that the War Department have had in their employ, experienced men who know the business.

Their heads have been cut off and they have been wiped out, and yet when the War Department, under the stress of the circumstances of this war, requires eighteen men, the bill provides that instead of allowing them to be appointed under the civil-service laws from the eligible list, from men tried in that very Department and proved to be capable of attending to the duties of that Department and the business of the Department, the committee comes in here with a bill providing that they shall be selected from the outside, from men who, as far as we know, have not been tried or examined. Without meaning any reflection on the gentleman or his committee, it is evident that the only purpose of the bill is to give to that Department eighteen political positions instead of selecting them from the men who have been examined and tried.

I have not been an ardent civil-service man, but if it is right to have the civil service in these Departments at all, if that law is to stand on the statute book, then I say it ought to be enforced from the beginning to the end. I will ask the Clerk, if the gentleman will allow me, to read the provision that I desire to move to nonconcur in.

Mr. CANNON. The privileged motion is a motion to concur, and that motion I shall make.

Mr. UNDERWOOD. Will the gentleman not allow a motion to nonconcur in that amendment?

Mr. CANNON. If the House refuses to concur, it amounts to nonconcurrence.

Mr. HENRY of Mississippi. I should like to ask the gentleman a question.

Mr. CANNON. Certainly.

Mr. HENRY of Mississippi. What is the advantage of having these people on the eligible list if we do not put them into active service whenever men are needed?

Mr. CANNON. I will try to answer both questions together. The gentleman from Alabama [Mr. UNDERWOOD] says that there has been a number of clerks removed from the War Department within the last six months. I do not know whether that is true or not, but if they were removed under the civil-service law they could only be removed for cause.

Mr. UNDERWOOD. There was a large number discharged from the Library force, and from those men more than eighteen efficient clerks could be selected.

Mr. CANNON. There is nothing to prevent the Secretary of War, if any one of these men is competent, from employing him for that purpose. But let me say to my friend that it is my belief, after some inquiry, that there is at least one-quarter of the clerical force in this Department protected by civil-service law that would not remain in any private employment for a holy month. [Applause.] They are almost absolutely useless and worthless for the public service.

Now, then, I did not intend to discuss that part of it. The civil-service law can be discussed and stand or fall on its own merit. This is a provision temporarily from now until the 1st day of January next. Authority is asked to employ people to do actual work. Now, if I was the Secretary, I would employ people that were competent and would do it. I believe the Secretary will.

Mr. HUNTER. I want to ask my colleague a question.

Mr. CANNON. Certainly.

Mr. HUNTER. You state that the emergency is such that you have to suspend the operation of the civil-service law—

Mr. CANNON. Oh, no; we have not suspended it at all.

Mr. MAHANY. Simply ignored it. [Laughter.]

Mr. HUNTER. Is it not true that you can obtain the force more rapidly from the civil-service list to-day than in any other way?

Mr. CANNON. No; we can not.

Mr. FITZGERALD. Mr. Speaker, I want to say that there is a young man in Boston who has been examined and has a record of ninety-one and a fraction on the civil-service list, and if the appointment is to go outside, he never will be reached. [Laughter.]

Mr. CANNON. I do not know whether he will be reached or not. If not, it is probably because there are better men, although that is saying a great deal if the gentleman is a constituent of my friend from Massachusetts. [Laughter.]

Mr. MAHANY. The point I desire the gentleman from Illinois [Mr. CANNON] to consider is that we have appropriated \$150,000 to sustain this civil-service establishment. Now, when we need eighteen temporary clerks, the commission breaks down. As a matter of economic common sense, ought not this fact to seriously engage the attention of the American people?

Mr. CANNON. We will consider it the balance of the year, but in the meantime I hope the House will concur in these amendments.

Mr. HENRY of Mississippi. Is it a fact that the commission is broken down, so that they can not furnish the clerks?

Mr. CANNON. I do not know whether it is a fact or not; and I do not care whether it is a fact.

The SPEAKER. The gentleman from Illinois asks unanimous consent—

Mr. UNDERWOOD. Pending the request for unanimous consent, I wish to ask the gentleman from Illinois whether he will allow the House to have a direct vote on the proposition whether these eighteen clerks shall be under the civil service or not?

Mr. CANNON. This being not a conference report, but a proposition to concur in the amendments of the Senate, the question will be upon the latter motion. If we do not concur, that amounts to nonconcurrence.

Mr. UNDERWOOD. There are other propositions involved here in which, no doubt, the House would be willing and glad to concur. I do not want to raise a question against the whole proposition.

Mr. CANNON. I will make no bargain with the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask this parliamentary question: Has a member the right to call for a separate vote on this particular part of the conference report?

The SPEAKER. This is not a conference report. The proposition is to consider amendments of the Senate to a House bill.

Mr. UNDERWOOD. Then I ask whether a member of the House has a right to ask for a separate vote on the proposition which I have stated?

The SPEAKER. Any member has a right to demand a separate vote on concurring in any amendment if it is in fact a separate proposition.

Mr. UNDERWOOD. Then I will ask—

The SPEAKER. The first question is upon granting unanimous consent for the present consideration of the amendments of the Senate. Is there objection? The Chair hears none.

Mr. CANNON. I now move that the House concur in the amendments of the Senate.

Mr. UNDERWOOD. I ask for a separate vote on the amendment providing—

Mr. HEPBURN. I rise to a parliamentary inquiry. Is it competent to move to concur in the Senate amendment with an amendment?

The SPEAKER. That would be in order.

Mr. HEPBURN. I desire to move concurrence with an amendment which I desire to have read.

Mr. UNDERWOOD. I rise to a parliamentary inquiry. Was not I recognized to ask for a separate vote?

The SPEAKER. The gentleman was so recognized, and he will indicate the amendment on which he demands a separate vote.

Mr. UNDERWOOD. I desire a separate vote on the amendment providing for these additional clerks. Will the gentleman from Illinois be kind enough to indicate the particular amendment?

Mr. HEPBURN. I desire that my motion may be read to the House. The amendment I desire to move would perhaps do away with the demand for a separate vote.

Mr. CANNON. The only amendment that the gentleman from Alabama [Mr. UNDERWOOD] can torture into having the effect that he speaks of is the word "temporarily" on page 2, line 3.

The SPEAKER. The gentleman from Alabama, as the Chair understands, moves to strike out the word "temporarily."

Mr. CANNON. I should like to have a vote on that amendment.

Mr. MAHANY. I wish to ask the gentleman from Alabama a question for the illumination of history. Is he in favor of "civil-service reform"?

Mr. UNDERWOOD. I will say to the gentleman candidly, I do not know that I am in favor of civil-service reform as we now have it.

The SPEAKER. The gentleman from Alabama, as the Chair understands, desires to move nonconcurrence in the Senate amendment striking out the word "temporarily."

Mr. UNDERWOOD. I make the motion to nonconcur.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] moves to concur in the amendment with an amendment.

Mr. CANNON. I should like to hear that amendment read.

The Clerk read as follows:

Add to the bill the following:

"Provided, That none of the clerks authorized by this bill shall be placed in the classified service."

Mr. MOODY. I make a point of order upon that amendment.

Mr. HEPBURN. I do not think the amendment is subject to a point of order.

Mr. CANNON. I think it is. I hope at any rate my friend from Iowa will not offer the amendment.

Mr. HEPBURN. I have done so. [Laughter.]

Mr. CANNON. And the gentleman from Massachusetts has made a point of order. I am ready for a decision.

Mr. MOODY. Mr. Speaker, it seems to me very clear that if this amendment is to accomplish anything—and I suppose it is intended to do so—it must accomplish a change of law. The President now has power under the civil-service act to classify all the Government employees in the Departments at Washington.

This amendment seeks to control the power which has been conferred upon the President by the so-called civil-service act, and consequently it is clearly a change of existing law. I therefore submit that my point of order is well taken.

Mr. HEPBURN rose.

The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. HEPBURN] on the point of order.

Mr. HEPBURN. Mr. Speaker, perhaps the word "temporarily" itself accomplishes the whole purpose of this amendment. If it does so, then the gentleman's point of order will not avail. But at all events the amendment which I have offered can do no more than declare with certainty the effect of the word "temporarily."

Mr. CANNON. Mr. Speaker, I want to say a word. This is a bill that carries nearly \$9,000,000 for the payment of pensions. The money for that purpose is exhausted—

Mr. BINGHAM. And there must be a payment made on the 4th of June.

Mr. CANNON. This must be passed at once, if the 4th of June payments are made. Now, the bill does other things that grow out of the present war, all of them proper within themselves, and up to this point we have had some sparring back and forth about the civil-service law. It seems to me the time has come for us to pass this bill. I do not think that the gentleman from Iowa [Mr. HEPBURN], or the gentleman from Alabama [Mr. UNDERWOOD], or any other gentleman is going to put this into a civil-service struggle and let this pension appropriation be postponed, as it would be if we got the reformers in the House and the reformers in the Senate talking about the civil service. The war might, in the minds of some reformers, in my judgment, go to the devil, and so might everybody else, if they could get upon their hobby. [Laughter.] Now I hope that we may have a vote upon concurring in these amendments.

Mr. MOODY. Will the gentleman from Illinois permit a word or two?

Mr. FITZGERALD. Mr. Speaker, I should like to say a word. The SPEAKER. The Chair will sustain the point of order.

Mr. FITZGERALD. I want to say a word on the point of order.

A MEMBER. But the point of order is sustained.

Mr. CANNON. Now, Mr. Speaker, I move the previous question.

Mr. FITZGERALD. I should like to say a word on this matter. I should like to ask if it is in order to submit another amendment. I am rather surprised at the effort of my colleague from Massachusetts [Mr. MOODY] to allow persons who are getting into the civil service to stay there without a civil-service examination.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] in charge of the bill moves the previous question.

Mr. MOODY. I should like just a word.

Mr. CANNON. Now I yield a minute to my colleague from Massachusetts, Mr. MOODY, and then I will yield a minute to my colleague from Massachusetts, Mr. FITZGERALD, before I move the previous question.

Mr. BINGHAM. To debate the question?

Mr. MOODY. Mr. Speaker, all I care to say about this matter is that I think the whole discussion has arisen out of nothing. The law known as the civil-service law provides that employees in the Departments at Washington shall be classified under the provisions of that law. It contains no limitations which say that the employees who shall be permanently employed shall be classified and that those who shall be temporarily employed shall not be classified. It makes no distinction and no difference whether an employee authorized by Congress in the Departments at Washington is employed indefinitely or for a limited period. In either case he comes within the scope of the civil-service act, and must be dealt with accordingly, and I believe that all these employees, so far as they can be under that act, will be appointed under its provisions.

Mr. FITZGERALD. Mr. Speaker, I am a little surprised—

The SPEAKER. To whom does the gentleman from Illinois yield?

Mr. CANNON. I yield one minute to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am a little surprised that my colleague from Massachusetts should have raised the point of order against the amendment offered by the gentleman from Iowa [Mr. HEPBURN]. I think the amendment offered by the gentleman from Iowa is a perfectly proper one, because it would prevent the possibility of persons who are given employment under this bill for political reasons being incorporated within the civil-service-law provision.

Now, Mr. Speaker, if I had had an opportunity, I would have presented an amendment which would have called for the appointment of these clerks under civil-service rules. As I stated a few moments ago, I have within the last two or three days received a letter from a constituent who, on a civil-service examination, obtained a percentage of ninety-one and a fraction—next to the highest percentage on the list. He is anxious to go to work for the Government, but under the processes that have been in vogue since war has been declared, that gentleman is denied the opportunity to be certified. All appointments are made as emergency ones, and no requisition is made upon the civil-service list. Yet my colleague from Massachusetts [Mr. MOODY] stands upon this floor and wishes that those gentlemen who are employed now for political purposes, and put in for political reasons, shall be given the protection of the civil-service law, although they have never passed a civil-service examination.

Mr. MAHANY. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. MAHANY. In the interest of the eternal verities, so to speak, I would like to ask the gentleman if he is in favor of the civil-service law?

Mr. FITZGERALD. I am in favor of the civil-service law being observed in the appointments provided for in this bill.

Mr. MAHANY. In all cases?

Mr. FITZGERALD. In all cases—I am in favor of the enforcement of the law as long as it is upon the statute books. [Laughter.]

Mr. GROSVENOR. Mr. Speaker, I desire to ask the gentleman from Illinois [Mr. CANNON], in charge of the bill, a question.

Mr. CANNON. Very well.

Mr. GROSVENOR. I understood the gentleman from Illinois to state to the House and to contend that these provisions of the civil-service law do not apply to these clerks.

Mr. CANNON. In my judgment they do not.

Mr. GROSVENOR. I do not propose that any measure may be brought in here that is susceptible of the construction given to it by the gentleman from Massachusetts [Mr. MOODY], who is a member of this committee, without receiving my protest, and I will vote against the bill unless that provision is made clear.

Mr. CANNON. Well, the gentleman has that privilege. Now, Mr. Speaker, I move the previous question.

The question was taken on ordering the previous question; and on a division (demanded by Mr. GROSVENOR) there were—ayes 53, noes 15.

Mr. GROSVENOR. I make the point of no quorum.

Mr. CANNON. I hope the gentleman will not filibuster against this necessary bill.

Mr. WILLIAMS of Mississippi. The gentleman ought not to filibuster against the old soldier. [Laughter.]

Mr. GROSVENOR. "The gentleman's" attitude is perfectly proper. I can stand that much better than I can to have a bill slipped through here that conveys a fact that nobody knew anything about.

Mr. CANNON. Well, there is no slipping of the bill through, I will say to the gentleman.

Mr. GROSVENOR. After a long debate here, in which it was stated that a certain provision was in this bill, the gentleman gets up and says to the country that it is a great triumph for civil-service reform if this bill passes.

Mr. TERRY. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. TERRY. This discussion is not in order after the point of no quorum has been made.

The SPEAKER. The gentleman is correct. Debate is not in order. The only thing in order is a count of the House, and the Chair can not count unless gentlemen are in order. [After counting the House.] One hundred and twenty members present—not a quorum. Accordingly, under the rules of the House, the yeas and nays are considered as ordered, and a call of the House is ordered. The doors will be closed. As many as are in favor of ordering the previous question will, when their names are called, say "aye," those opposed "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 142, nays 51, answered "present" 27, not voting 135; as follows:

YEAS—142.

Acheson,	Curtis, Iowa	Hitt,	Powers,
Aldrich,	Curtis, Kans.	Hooker,	Ray,
Alexander,	Dalzell,	Hull,	Reeves,
Allen,	Danford,	Hurley,	Ridgely,
Babcock,	Davenport,	Jenkins,	Royce,
Ball,	Davison, Ky.	Joy,	Russell,
Barham,	Dingley,	Kerr,	Sayers,
Bartholdt,	Dockery,	Kirkpatrick,	Settle,
Belden,	Dolliver,	Knox,	Sherman,
Belford,	Dorr,	Lacey,	Showalter,
Bennett,	Dovenor,	Lanham,	Skinner,
Benton,	Eddy,	Lester,	Smith, Ky.
Bingham,	Evans,	Littauer,	Smith, S. W.
Bishop,	Fenton,	Loudenslager,	Snover,
Boutelle, Ill.	Fischer,	McCleary,	Spalding,
Boutelle, Mo.	Fitzgerald,	McClellan,	Sperry,
Brantley,	Foot,	McCulloch,	Stevens, Minn.
Brenner, Ohio	Gibson,	McIntire,	Stewart, Wis.
Broderick,	Gillet, N. Y.	McRae,	Stone, W. A.
Bromwell,	Gillett, Mass.	Maddox,	Sturtevant,
Burleigh,	Graft,	Mahany,	Sulzer,
Burton,	Greene,	Marsh,	Tawney,
Butler,	Griffin,	Miller,	Taylor, Ohio
Cannon,	Grosvenor,	Minor,	Tongue,
Capron,	Grow,	Moody,	Van Voorhis,
Clardy,	Hager,	Morris,	Wadsworth,
Clark, Iowa	Hamilton,	Northway,	Wanger,
Clarke, N. H.	Harmer,	Olsted,	Ward,
Coddins,	Hawley,	Olmsted,	Warner,
Connolly,	Heatwole,	Oversstreet,	Weymouth,
Cooper, Wis.	Henderson,	Packer, Pa.	Wheeler, Ky.
Corliss,	Henry, Conn.	Payne,	Williams, Miss.
Cousins,	Henry, Ind.	Pearce, Mo.	Wise,
Cowherd,	Hepburn,	Perkins,	Young,
Crumpacker,	Hilborn,	Pierce, Tenn.	
Cummings,	Hill,	Pitney,	

NAYS—51.

Adamsen,	Dinsmore,	Kieberg,	Rixey,
Badley,	Driggs,	Lewis, Ga.	Robinson, Ind.
Baker, Ill.	Fleming,	Little,	Shafroth,
Berry,	Griffith,	Livingston,	Shuford,
Brewer,	Griggs,	Lloyd,	Sims,
Brucker,	Hartman,	Love,	Stark,
Carmack,	Hay,	McAleer,	Stephens, Tex.
Castle,	Henry, Miss.	McDowell,	Stokes,
Clayton,	Henry, Tex.	Maxwell,	Strowd, N. C.
Cochran, Mo.	Howard, Ga.	Meekison,	Terry,
Cox,	Hunter,	Miers, Ind.	Underwood,
De Armond,	Jones, Va.	Moon,	Zenor.
De Graffenfeld,	King,	Peters,	

ANSWERED "PRESENT"—27.

Bartlett,	Gaines,	Lewis, Wash.	Shelden,
Bell,	Gunn,	McEwan,	Stallings,
Bland,	Hinrichsen,	Maguire,	Talbot,
Botkin,	Howard, Ala.	Mahon,	Updegraff,
Burke,	Jones, Wash.	Mann,	White, Ill.
Clark, Mo.	Kelley,	Rhea,	Yost.
De Vries,	Knowles,	Richardson,	

NOT VOTING—135.

Adams,	Devey,	Lorimer,	Shattuc,
Arnold,	Davidson, Wis.	Loud,	Simpson,
Baird,	Davis,	Lovering,	Slayden,
Baker, Md.	Dayton,	Low,	Smith, Ill.
Bankhead,	Elliott,	Lybrand,	Smith, Wm. Alden
Barber,	Ellis,	McCall,	Southard,
Barlow,	Ermentrout,	McCormick,	Southwick,
Barney,	Faris,	McDonag,	Sparkman,
Barrett,	Fitzpatrick,	McMillin,	Sprague,
Barrows,	Fletcher,	Marshall,	Steele,
Beach,	Foss,	Martin,	Stewart, N. J.
Belknap,	Fowler, N. C.	Mercer,	Stone, C. W.
Benner, Pa.	Fowler, N. J.	Mesick,	Strait,
Bodine,	Fox,	Meyer, La.	Strode, Neb.
Booze,	Gardner,	Mills,	Sullivan,
Bradley,	Grout,	Mitchell,	Sullivan,
Brewster,	Handy,	Mudd,	Sutherland,
Brossius,	Hemenway,	Newlands,	Swanson,
Broussard,	Hicks,	Norton, Ohio	Tate,
Brown,	Hopkins,	Norton, S. C.	Taylor, Ala.
Brownlow,	Howe,	Odell,	Thorp,
Brumm,	Howell,	Ogden,	Todd,
Brundidge,	Jett,	Osborne,	Vandiver,
Bull,	Johnson, Ind.	Otey,	Vehalago,
Campbell,	Johnson, N. Dak.	Parker, N. J.	Vincent,
Catchings,	Ketcham,	Pearson,	Walker, Mass.
Chickering,	Kitchin,	Prince,	Walker, Va.
Cochrane, N. Y.	Kulp,	Pugh,	Weaver,
Colson,	Lamb,	Quigg,	Wheeler, Ala.
Connell,	Landis,	Robb,	White, N. C.
Conney,	Latimer,	Robbins,	Wilber,
Cooper, Tex.	Lawrence,	Robertson, La.	Williams, Pa.
Crainford,	Lentz,	Sauerhering,	Wilson.
Cramp,	Linnay,	Shannon,	

So the previous question was ordered.

Mr. MORRIS. Mr. Speaker, I was not present when my name was called. I should like to vote.

The name of Mr. MORRIS was called, and he voted "yea."

The following pairs were announced:

Until further notice:

Mr. JOHNSON of Indiana with Mr. COOPER of Texas.

Mr. BENNETT with Mr. GAINES.

Mr. LINNEY with Mr. FOWLER of North Carolina.

Mr. THORP with Mr. TALBERT.

Mr. PRINCE with Mr. HINRICHSSEN.

Mr. MANN with Mr. JETT.

Mr. HOWELL with Mr. FITZPATRICK.

Mr. McEWAN with Mr. VEHSLEGE.

Mr. WILLIAM A. STONE with Mr. McCLELLAN.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. MILLS with Mr. McCORMICK.

Mr. TAYLER of Ohio with Mr. BARTLETT.

Mr. CLARKE of New Hampshire with Mr. CARMACK.

Mr. BARRETT with Mr. MARSHALL.

Mr. MAHON with Mr. OTEY.

Mr. SHELDEN with Mr. TODD.

Mr. JOHNSON of North Dakota with Mr. SWANSON.

Mr. LOUD with Mr. DE VRIES.

Mr. BARNEY with Mr. CRANFORD.

Mr. HICKS with Mr. BANKHEAD.

Mr. PUGH with Mr. RHEA of Kentucky (except election cases).

Mr. MESICK with Mr. TATE.

Mr. BROSIUS with Mr. ERMENROUT.

Mr. YOST with Mr. SULLIVAN.

Mr. STEWART of New Jersey with Mr. NORTON of Ohio.

Mr. BULL with Mr. ROBE.

Mr. LYBRAND with Mr. LENTZ.

Mr. MERCER with Mr. DAVEY.

Mr. HOWE with Mr. BLAND.

Mr. ROBINS with Mr. BROUSSARD.

Mr. FLETCHER with Mr. JONES of Washington. Mr. JONES of Washington reserves the right to vote on sundry civil and Indian appropriation bills.

For this day:

Mr. WALKER of Massachusetts with Mr. BAIRD.

Mr. SPRAGUE with Mr. BENNER of Pennsylvania.

Mr. KETCHAM with Mr. BODINE.

Mr. DAVIDSON of Wisconsin with Mr. DAVIS.

Mr. HOPKINS with Mr. ELLIOTT.

Mr. FOWLER of New Jersey with Mr. STALLINGS.

Mr. CHICKERING with Mr. FOX.

Mr. WM. ALDEN SMITH with Mr. KITCHIN.

Mr. LORIMER with Mr. LAMB.

Mr. LOVERING with Mr. McMILLIN.

Mr. ODELL with Mr. NORTON of South Carolina.

Mr. STRODE of Nebraska with Mr. HANDY.

Mr. BAKER of Maryland with Mr. CATCHINGS.

Mr. WHITE of Illinois with Mr. SLAYDEN.

Mr. BURTON with Mr. BRADLEY.

Mr. McCALL with Mr. VANDIVER.

Mr. MUDD with Mr. OSBORNE.

Mr. BROWNLOW with Mr. COONEY on this vote.

Mr. TALBERT. Mr. Speaker, I desire to withdraw my vote. I am paired with the gentleman from Virginia [Mr. THORP].

Mr. FOOTE. Mr. Speaker, I desire to say the pair announced between Mr. GRIGGS and Mr. FOOTE is now off, both being present. Mr. GRIGGS voted "nay"; I voted "yea."

Mr. McEWAN. Mr. Speaker, I have a general pair with the gentleman from New York, Mr. VEHSLEGE. I inadvertently voted, and withdraw my vote.

Mr. OSBORNE. Mr. Speaker, I am paired with the gentleman from Maryland, Mr. MUDD. I would vote "nay."

The result of the vote was then announced as above recorded.

The SPEAKER. The question will first be taken on the amendments, excepting the amendment numbered 1, referred to by the gentleman from Alabama.

The question was taken on concurring in the other amendments, and the amendments were concurred in.

The SPEAKER. The question is upon concurrence in the first amendment.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. CANNON. Division, Mr. Speaker.

The House divided; and there were—ayes 78; noes 50.

So the amendment was concurred in.

On motion of Mr. CANNON, a motion to reconsider the several votes by which the Senate amendments were concurred in was laid on the table.

GEORGE BARNES.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report on the bill H. R. 3663.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3663) granting a pension to

George Barnes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment disagreed to by the House of Representatives, and agree to a new amendment as follows: In lieu of the amount proposed to be inserted by said amendment insert "eighteen"; and the Senate agree to the same.

GEO. W. RAY.

ROBERT W. MIERS,

I. A. BARBER.

Managers on the part of the House.

J. H. GALLINGER,

J. C. PRITCHARD,

W. N. ROACH.

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The House passed this bill granting a pension of \$24 per month to George Barnes, who served two years and three months, and who is now destitute of property, with a family dependent on him for support and substantially helpless. Only a few months of this service was under the orders of the officers of the Government of the United States.

The Senate believe that the facts would not justify a pension of \$24 for this soldier and reduced the amount to \$12 per month.

After full and free conference it is agreed that under the circumstances of the case a pension of \$12 per month is inadequate, but that \$18 per month will afford the soldier reasonable care during the remainder of his days, and that sum is all the Government ought to pay, considering the short service of the soldier with the armies of the Government.

Dated May 24, 1898.

GEO. W. RAY.

ROBERT W. MIERS,

ISAAC A. BARBER.

Managers on the part of the House.

Mr. RAY of New York. Mr. Speaker, I move that the report of the committee of conference be agreed to.

The question was taken; and the report of the committee of conference was agreed to.

JOHN P. THOMAS.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 184) granting an increase of pension to John P. Thomas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment disagreed to by the House of Representatives, and agree to a new amendment, as follows: In lieu of the amount proposed to be inserted by said amendment insert "forty"; and the Senate agree to the same.

V. WARNER.

C. H. CASTLE.

Managers on the part of the House.

J. H. GALLINGER.

FRANK J. CANNON.

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

As the House passed this bill to increase the pension of the soldier from \$12 to \$50 per month upon the ground that in all probability the soldier's disabilities which produce total helplessness are the result of his army service.

The Senate is of the opinion that under the circumstances of the case an increase to \$50 is not warranted when you consider the doubt that must exist in the case, and it therefore reduced the pension to \$30 per month, believing that this sum would afford reasonable care and attendance for the soldier.

After full and fair conference, the conferees are of the opinion that \$30 is insufficient for the purpose indicated, but that \$40 per month will afford a reasonable sum for the support and care of the soldier in his present condition. All agree to this, and the effect of the conference report is to increase the pension of this soldier from \$12 to \$40.

Dated May 24, 1898.

V. WARNER.

HENRY C. BREWSTER,

C. H. CASTLE.

Managers on the part of the House.

Mr. RAY of New York. Mr. Speaker, I move that the House agree to the report of the committee of conference.

The question was taken; and the report of the committee of conference was agreed to.

GEORGE H. BALDWIN.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9210) granting an increase of pension to George H. Baldwin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. W. RAY.

V. WARNER.

Managers on the part of the House.

J. H. GALLINGER.

JOHN L. MITCHELL.

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The House passed this bill granting an increase of pension to George H. Baldwin from \$17 to \$40 per month, the board of examiners having recommended \$44 per month.

The Senate reduced this amount to \$30 per month upon the theory that the facts would only justify that increase.

After full and free conference and an examination of the papers, the Senate conferees agree with the House that the facts fully warrant an increase of pension to \$40 per month, the soldier having received his wounds and disabilities in actual battle, aggravated by actual exposure while in the service and in the line of duty.

The effect of the agreement is to give the soldier a pension of \$40 per month.
Dated May 24, 1898.

GEO. W. RAY,
V. WARNER,
EDMUND H. DRIGGS,
Managers on the part of the House.

The conference report was agreed to.

MARIA E. HESS.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its first amendment, in line 7.

That the House of Representatives recede from its disagreement to the second amendment, and agree to the same.

GEO. W. RAY,
HENRY R. GIBSON,
R. W. MIERS,
Managers on the part of the House.
J. H. GALLINGER,
LUCIAN BAKER,
Managers on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The House passed the bill granting a pension of \$12 per month to this widow, and the Senate reduced the amount to \$8 per month under the impression that the soldier served in the war with the Indians prior to or subsequent to the war of the rebellion. In fact, the soldier served during the war of the rebellion and lost his life by reason of wounds received in battle during that time, and is entitled to a pension of \$12 per month.

The effect of the agreement of the conferees is to give the widow of the soldier, who lost his life by reason of wounds received in battle during the war of the rebellion, a pension of \$12 per month.

Dated May 24, 1898.

GEO. W. RAY,
ROBERT W. MIERS,
HENRY R. GIBSON,
Managers on the part of the House.

The conference report was agreed to.

FLORENCE N. WALDRON.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8245) granting a pension to Florence N. Waldron, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. W. RAY,
E. S. HENBY,
Managers on the part of the House.
J. H. GALLINGER,
H. C. HANSBROUGH,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The House passed the bill restoring to Florence N. Waldron her pension of \$20 per month. This amount had been awarded her by the Bureau of Pensions, but the pension was dropped on the ground that she was not otherwise permanently helpless within the meaning of the law. The House found that Florence N. Waldron was and always had been permanently helpless within the meaning of the law, and that she was therefore entitled to the \$20 per month given her by the general law if permanently helpless from infancy.

The Senate reduced this amount to \$12 per month, not taking into consideration the rank of the father, which entitled this child to \$20 per month under the general law if permanently helpless within its meaning.

This fact being brought to the attention of the Senate conferees, they readily acquiesce in the rate fixed by the House. The disagreement was the result of a misapprehension.

It should be understood that when a pension is continued to the insane, idiotic, or otherwise permanently helpless child of a soldier, the rate is determined by the amount to which the soldier or widow is entitled under the general law, and this rate in the case of a private is \$12 per month, and in the case of an officer may vary from \$15 to \$30 per month.

Dated May 24, 1898.

GEO. W. RAY,
EDMUND H. DRIGGS,
E. S. HENRY,
Managers on the part of the House.

The conference report was agreed to.

JOHN B. HAYS.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8834) granting a pension to John B. Hays, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. W. RAY,
W. S. KERR,
Managers on the part of the House.
GEORGE L. SHOUP,
FRANK J. CANNON,
M. A. HANNA,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The House passed the bill granting to this soldier, who fought in many hard battles and rose from private to the rank of major, a pension of \$30 per

month. He resides in the city of New York, and has a wife and two daughters dependent on him for support. He is no longer able to earn anything either by mental or physical labor, and is very poor.

The Senate reduced this amount to \$20 per month, but after full and fair conference and an examination of the facts is satisfied, through its conferees, that the soldier, on account of his rank and brilliant service and disabilities incurred in the service, is entitled to the full amount given by the House, and has therefore receded from its amendment, and the effect of the conference report is to give to this soldier a pension of \$30 per month.

Dated May 24, 1898.

GEO. W. RAY,
EDMUND H. DRIGGS,
W. S. KERR,
Managers on the part of the House.

The conference report was agreed to.

JOHN X. GRIFFITH.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8836) granting an increase of pension to John X. Griffith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. W. RAY,
V. WARNER,
J. D. BOTKIN,
Managers on the part of the House.
J. H. GALLINGER,
JOHN L. MITCHELL,
Managers on the part of the Senate.

The statement of the conferees was read, as follows:

The House passed the bill increasing the pension of this soldier from \$8 to \$50 per month. He was a good soldier, and a prisoner in the hands of the Confederates for many months, where he contracted the disabilities from which he has never recovered. He is totally blind, very poor, and has no one to support him. He is 60 years of age.

The Senate reduced this amount to \$30 per month upon the theory that \$30 per month would be sufficient to give this man reasonable care. After full and free conference, the Senate through its conferees is of the opinion that \$50 per month is a reasonable amount to give this soldier. The Senate conferees have heard the statements of those who served with John X. Griffith and knew him personally in the Army and knew his sufferings and disabilities incurred therein.

The effect of the conference report is to leave this soldier's pension at \$30 per month.

Dated May 24, 1898.

GEO. W. RAY,
V. WARNER,
J. D. BOTKIN,
Managers on the part of the House.

The conference report was agreed to.

CALVIN P. LYNN.

Mr. RAY of New York. Mr. Speaker, I submit the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. W. RAY,
S. W. SMITH,
J. D. BOTKIN,
Managers on the part of the House.
J. H. GALLINGER,
H. C. HANSBROUGH,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The House passed the bill increasing from \$8 to \$20 per month the pension of Calvin P. Lynn, who had a long and faithful service and who is very poor and unable to earn anything for his own support.

His disabilities would entitle him to \$30 per month, if of service origin. The conferees have agreed that this soldier has disabilities of service origin that entitle him to a pension of at least \$20 per month, and the Senate has therefore receded from its amendment and the effect of the conference agreement is to give this soldier a pension of \$20 per month.

Dated May 24, 1898.

GEO. W. RAY,
J. D. BOTKIN,
S. W. SMITH,
Managers on the part of the House.

The conference report was agreed to.

SUSPENSION OF LAWS RELATING TO THE QUARTERMASTER'S DEPARTMENT.

Mr. MARSH. Mr. Speaker, I ask to take from the Speaker's table House bill 10121, to suspend the operations of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, wherein the Senate disagrees to the conference report and asks for a further conference.

Mr. McMILLIN. Mr. Speaker, can we have the amendments read?

Mr. MARSH. This is not a conference report. The Senate disagreed to the conference report and asked for a further conference. I move, Mr. Speaker, that the House nonconcur in the Senate amendment and agree to the conference as requested by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HULL, Mr. GRIFFIN, and Mr. HAY.

REPRINT OF PUBLIC ACT NO. 67.

Mr. HULL. Mr. Speaker, I want to say to the House that a large number of members have asked me to ask unanimous consent for the reprint of public act No. 67, which was to provide for the temporary increase of the military force of the United States in time of war. A large number of members are receiving applications for that act, and the edition is exhausted.

Mr. McMILLIN. Is that the volunteer bill?

Mr. HULL. That is the volunteer bill. I ask for a reprint of 3,000 copies of the volunteer act.

Mr. PERKINS. Do I understand that the number that was printed and sent to the folding room to the credit of members has been exhausted?

Mr. HULL. I have been so informed to-day by fifteen or twenty members, that there are no more there and that the edition was exhausted some time ago.

Mr. PERKINS. Is it proposed to send these to the document room or the folding room?

Mr. HULL. I propose to have them sent to the document room and placed to the credit of members.

Mr. PERKINS. In the former instance they were sent to the folding room and put to the credit of members. The expense, Mr. Speaker, is small.

The SPEAKER. The gentleman asks unanimous consent for the reprint of 3,000 copies of the volunteer act, No. 67. Is there objection?

Mr. PERKINS. I think it should be designated, Mr. Speaker, what disposition is to be made of them. In the former instance we passed a resolution providing for the reprint of 30,000 copies, and sent them to the folding room to the credit of members.

Mr. HULL. If anyone wants it that way, I have no objection to including that in my motion, but I believe that in that way you will have a surplus for some members and not enough for others. Some members have no call for them, while other members have a call for a very large number.

Mr. PERKINS. I do not care whether they go to the document room or the folding room, but I think it ought to be designated in the motion.

Mr. HULL. I will include in my motion that they go to the folding room to be placed to the credit of members.

The motion was agreed to.

REPRINT OF PUBLIC ACT NO. 70.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the reprint of 1,000 copies of public act No. 70, for the better organization of the Army, to be sent to the folding room.

Mr. PERKINS. Mr. Speaker, it seems to me that if you print 1,000 copies it should go to the document room. Each member would only get two and a fraction copies, and I fear it would hardly serve the purpose that the gentleman has in view.

Mr. SHAFROTH. I would like to ask the gentleman from Iowa [Mr. PERKINS] what would be the difference in the cost of printing 5,000 copies instead of 1,000? Is it very much more?

Mr. PERKINS. No; the cost is not very great.

Mr. HULL. I fixed this number of copies because the superintendent of the folding room said that 1,000 copies of this bill would be all that was needed. He said of the other act 3,000 would answer the call, and so it was fixed at that number.

Mr. PERKINS. I think it would be preferable to have these additional copies go to the document room, and then so long as the supply lasts any member who has a demand for copies can get them there; but if they are apportioned among members and sent to the folding room—

Mr. HULL. I preferred in the beginning that they should go to the document room, but some members objected. I submit the motion in that form.

Mr. ROBINSON of Indiana. I think the folding room preferable.

Mr. SHAFROTH. Why not make the number 1,100, so as to give each member three copies?

The motion of Mr. HULL as modified was agreed to.

RAILROADS IN INDIAN TERRITORY.

Mr. SHERMAN. I ask to take from the Speaker's table the amendments of the Senate to the bill (H. R. 8349) granting additional powers to railroad companies created by the laws of the United States and operating lines in the Indian Territory. I wish to ask concurrence in these amendments.

The amendments were read, as follows:

On page 1, lines 3 and 4, strike out "created by or existing under the laws of the United States."

On page 2, line 2, strike out "paralleling and" and insert "parallel or." Amend the title so as to read: "An act granting additional powers to railroad companies operating lines in the Indian Territory."

Mr. LIVINGSTON. What effect will these amendment have?

Mr. SHERMAN. The bill as passed contains the language "paralleling and competing lines." One of these amendments strikes out the words "paralleling and" and inserts the words "parallel or."

The other amendment is this: The bill as passed applied only to such railroads as may have been incorporated under the laws of the United States. In its amended form the bill is extended to railroads incorporated under the laws of the States.

There being no objection, the House proceeded to the consideration of the amendments of the Senate; and they were concurred in.

MARY ANN SULLIVAN.

Mr. SULZER. I ask unanimous consent to have taken up and passed the bill (H. R. 6525) granting a pension to Mary Ann Sullivan.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BENNETT. Reserving the right to object, I wish to ask whether this is not a bill that might more properly be considered at a Friday night session—whether it differs in any respect from other private pension bills?

Mr. SULZER. I would say that this bill was passed over last Friday night and, I believe, the Friday night previous.

Mr. BENNETT. Then I object.

DISTILLED SPIRITS.

Mr. EVANS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 10253) to amend the internal-revenue laws relating to distilled spirits, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. LACEY in the chair), and proceeded to the consideration of House bill No. 10253.

Mr. EVANS. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. SULZER. I object.

The Clerk proceeded to read the bill.

Mr. SULZER (before the reading was concluded). I do not insist on the further reading of the bill.

Mr. EVANS. I renew the request that the first reading be dispensed with.

There being no objection, it was ordered accordingly.

Mr. EVANS. Mr. Chairman, before we begin the consideration of this bill I wish to say that this is a unanimous report of the Ways and Means Committee. The matter has received great consideration at the hands of the committee; and I do not know that there is any opposition to the bill. I understand, however, that as we have not had any talk on politics in the House for some time, several gentlemen desire to occupy time in general debate. I therefore ask unanimous consent that not exceeding two hours be allowed for general debate, to be divided equally between the two sides—the time on this side to be controlled, I presume, by myself, and by some other gentleman on the other side. I ask that general debate be closed at quarter before 5 o'clock.

Mr. DINGLEY. Then the bill will not get through to-night.

Mr. EVANS. If it be more agreeable that general debate be limited to one hour, all right.

Mr. SULZER. Why not proceed with the bill now under the five-minute rule?

Mr. EVANS. I think that is a good suggestion; I thank the gentleman for it. I ask unanimous consent that general debate be now closed.

Mr. GROW. I desire to occupy some time.

Mr. EVANS. I will see that the gentleman gets the time he desires.

Mr. SHAFROTH. Is it understood that under the five-minute rule we shall be allowed liberal extensions?

Mr. EVANS. Undoubtedly.

The CHAIRMAN. Unanimous consent is asked that general debate be now closed. Is there objection?

Mr. BROMWELL. I wish to occupy from fifteen to twenty minutes; and if I am to be cut off by the five-minute rule, or obliged to get my speech in by pieces under various paragraphs of the bill, I shall have to object.

Mr. SHAFROTH. I also desire to occupy some time.

Mr. GROW. I suggest that the time allowed for debate be one hour and a half.

Mr. BENNETT. Say an hour all together.

Mr. SHAFROTH. Oh, no.

Mr. EVANS. Mr. Chairman, I renew my suggestion that we have an hour and a half of general debate, to be divided equally between the respective sides.

The CHAIRMAN. An hour and a half on a side, or an hour and a half all together?

Mr. EVANS. All together.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that there be general debate for an hour and a half, at the end of which time the general debate shall be closed upon the bill, the time to be controlled one-half by the gentleman from Kentucky and one-half by whom upon the other side?

Mr. EVANS. The gentleman from Tennessee or the gentleman from New York or the gentleman from Texas.

Mr. SHAFROTH. I want to make some remarks, Mr. Chairman.

Mr. EVANS. I suggest the gentleman from New York [Mr. McCLELLAN], who is on the committee.

Mr. McCLELLAN. I have no desire to talk, and I will yield to the gentleman from Colorado [Mr. SHAFROTH], who is anxious, I understand, to oppose the bill.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Kentucky?

Mr. MAXWELL. Mr. Chairman, I understand the gentleman moves to waive the reading of the bill. Now, we know nothing about its provisions.

The CHAIRMAN. That has been already done. The question is when the general debate shall close.

Mr. MAXWELL. There ought to be sufficient time to discuss the bill thoroughly, and I am opposed to limiting the debate.

The CHAIRMAN. Objection is made by the gentleman from Nebraska.

Mr. McCLELLAN. I suggest that the gentleman make it two hours.

Mr. EVANS. I am willing.

Mr. DINGLEY. I will say that if two hours are taken for general debate, this bill can not be completed to-night.

Mr. SHAFROTH. Why can we not complete it to-morrow?

Mr. EVANS. To-morrow will be Friday.

Mr. DINGLEY. The gentlemen who are interested in the bill and have been pressing upon the Ways and Means Committee to report it say that it is exceedingly important that it should become a law at the earliest possible moment. If there are to be general speeches on other subjects, then we can take up the rest of the summer; but I think it is very important that the bill should become a law at as early a date as possible.

Mr. SHAFROTH. Let the debate run, and then move to close debate.

Mr. GROW. Mr. Chairman, this is a very important measure—

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. EVANS. Mr. Chairman, I exceedingly regret that we could not reach some agreement about this matter, for the convenience of the House. If I thought there was any disposition to discuss the merits of the bill itself, I should be perfectly willing to yield all the time necessary for that, but inasmuch as there was a proposition simply to talk politics for an hour and a half, I was hoping that all would agree to limit debate to that time. I understand the gentleman from Nebraska [Mr. MAXWELL] objects. I should be very sorry to know that he insists upon that objection. I ask that the request be renewed for an hour and a half of general debate.

The CHAIRMAN. An hour and a half altogether?

Mr. EVANS. Yes.

The CHAIRMAN. That proposition has already been submitted, and the gentleman from Nebraska [Mr. MAXWELL] has objected.

Mr. PAYNE. Make it an hour and forty minutes.

Mr. EVANS. I ask that there be an hour and forty minutes of general debate.

Mr. SMITH of Kentucky. That will be satisfactory to the gentleman from Nebraska.

The CHAIRMAN. The gentleman from Kentucky [Mr. EVANS] asks unanimous consent that general debate be closed in an hour and forty minutes. Is there objection?

There was no objection.

Mr. EVANS. Mr. Chairman, I would be very glad now to have the attention of the House to a short discussion of the merits of the bill.

I believe I can truthfully say that I never consume any portion of the time of the House in discussing political questions upon bills of practical moment.

This is a bill of great interest alike to a large number of the people and business men of the country and to the Government itself. It will, I think, very beneficially affect the revenues of the Government, and this is a time when we should be very careful about that. The bill, while, in my judgment, giving the country largely increased revenues, will also afford relief to a large number of business men who need it. I do not intend now to occupy much of the time of the committee. I shall very briefly outline the provisions of this bill and will then yield to others to speak until they have exhausted some portion of the time, when, if any gentleman desires to ask me questions, I shall be ready to answer them.

It is known to all who have given any attention to the internal-revenue laws that under the act of 1894, commonly called the Wilson bill, what is known as the bonded period was extended from three years to eight years. When that was done, what is

known as the evaporation or outage period—that is to say, the period of time during which those portions of the spirits which evaporated were not taxed—was only extended from three years to four years, leaving a term of four years during which there was no allowance for what are called outages. In other words, under that law the spirits were allowed to remain in bond eight years before the taxes were due, but the allowances for the leakage or evaporation which necessarily occurs from natural causes during this long process of perfecting the spirits were not extended over the last four years of the bonded period.

This change in the law, as fully shown in the report of the committee, has been disastrous.

It was an experiment. Nobody understood how that law would operate. There was no precedent for it. No man could forecast its operations. It has turned out to be a very remarkable anomaly, and one that threatens to bring great disasters upon those who manufacture distilled spirits and upon the Government itself through them, as the Government is largely interested from a certain standpoint in the success of those who make the spirits. This bill is the result of a great deal of consideration by the Committee on Ways and Means, of a very large number of bills on the subject introduced in the House during this session.

The first section of this bill reduces the bonded period from eight years to seven years, and the second section extends the outage period from four years to seven years. There never was any wisdom in having these two periods distinct or different. It is essential to the successful operation of the law that the two periods should be coincident and coextensive. The second section therefore extends the outage period to seven years, so that it coincides with the bonded period, which is reduced from eight years to seven. This harmonizes the law and protects the distilling interests against one of the most serious disasters that has ever threatened them, viz, the enormous depreciation in value of the spirits over four years old to which the outage law does not apply further.

The other sections of the bill are desired by the Internal-Revenue Office to remedy certain defects in the law, by requiring stamps to be put upon certain packages which are extensively used by illicit operators in their efforts to evade payment of the taxes. Other minor provisions of some importance are also suggested by the Internal-Revenue Office.

With this brief outline and general statement of the features of the bill, I yield to the gentleman from Ohio [Mr. BROMWELL], who wishes to leave the House in a short time. The gentleman introduced one of the bills the committee considered, and his bill is largely incorporated in the second section of the one under consideration. I yield to him ten minutes.

Mr. BROMWELL. Mr. Chairman, the only provision of this bill upon which I wish to speak is the one that the gentleman from Kentucky [Mr. EVANS] has already referred to, extending the outage period, so called, from four years to seven.

I want to say to those who have received communications from their constituents regarding the outage bill which was introduced by me some two or three months ago, and about which a very extensive correspondence has been had by gentlemen representing the whisky interests, the cooperage interests, and the warehouse, insurance, and banking interests of the country with members of this House, that the provisions of the bill which I introduced and the passage of which these gentlemen have advocated are incorporated in this bill exactly as they were in mine, except that my bill called for an extension of the outage period from four years to eight, while this increases the outage period to seven years only.

That change is made by reason of the fact that this bill provides for a reduction of the bonded period, so that the outage period is made to correspond, as it ought to, with the bonded period. Now it may be that some members of the House do not understand this outage period, and I will briefly explain it. It is a very simple matter.

Under the law as it now stands the manufacturer or distiller of whisky can place his whisky when first distilled in a bonded warehouse, giving to the Government his bond for the payment of the tax when the whisky is drawn out and used. He can allow that whisky to remain in the bonded warehouse for a period of eight years, as the law now stands, or for seven years in case the bill which we are now considering goes into effect.

He does not have to pay any tax at all upon this whisky in bond until it is drawn out, but at the end of the fourth year, if he allows his whisky to remain in bond after four years, the whisky in every barrel or package is gauged, and the gauge then taken fixes the taxable amount for that barrel or package of whisky, no matter when it is afterwards drawn out of bond.

Now, there is an allowance under the present law for the evaporation, leakage, and absorption which necessarily takes place in these barrels and packages stored in the warehouse. That allowance under the present law is 2½ gallons a year, or 9 gallons for the four years of the present outage period. That allowance

ceases at the end of four years, and while the loss still goes on at about the same rate as it did during the first four years, the owner of that whisky is not allowed any reduction when he comes to pay his tax on what has evaporated after the fourth year.

The result of that is as follows: Suppose we assume that during the fifth year there has been an evaporation of 2 more gallons—which is less than the allowance that the law now makes for each of the first four years—at the end of the fifth year, if he proposes to take the whisky out of bond, he will pay \$1.10 on each of the 2 gallons that have gone into the air or into the wood. In other words, that barrel of whisky stands him in by way of taxes \$2.20 on whisky that is not in the barrel, but has disappeared.

Now, at the end of the next year, the sixth year, he will be out \$4.40 by reason of this evaporation. At the end of the seventh year he will be out \$6.60 for the same reason. As the result of this, the whisky which went into bond in 1892 and 1893, if tax paid and withdrawn to-day, would be paying a much higher rate of tax than the whisky drawn out at the end of the fourth year; or, in other words, the 1892 and 1893 whisky, by continuing in bond from four to six years, will be paying a higher rate of taxes per gallon on what is left in the barrel than whisky which has been put in bond since that time.

Mr. SHUFORD. Will the gentleman allow me to ask him a question?

Mr. BROMWELL. Yes.

Mr. SHUFORD. Will not the advance in the price make up for that?

Mr. BROMWELL. I will answer that question by saying that that is about the first question that suggests itself to one who is not informed on the subject. The same thought came to my mind when this question was first propounded to me, and I was answered when I asked the question of the whisky men, "Does not the increased value and the increased price for which you can sell this old whisky more than compensate for that loss by evaporation?"

I am assured by those gentlemen who are interested in this manufacture, and I am assured by an inspection of the price lists, that the profit on old whisky upon the market to-day, with the advance in the price that can be obtained for its greater age, is not at all commensurate with the loss per gallon by reason of the tax on the evaporation. The 1892 and 1893 whiskies can be bought on the market for less than 1894, 1895, and 1896 whiskies. This was clearly shown by Mr. J. G. Pontefract, president of the Eastern Rye Whisky Distillers' Association, in his statement before the Ways and Means Committee of the House. He said:

GENTLEMEN: This bill (H. R. 7345) is intended to correct a certain inequality in the manner of collecting tax on whisky.

By the present law whisky may remain in bond for eight years, but tax is assessed and collected upon the amount in cask at the end of four years.

Whisky is an exceedingly volatile substance; in practice it is kept in oak casks, stored in dry warehouses, in a moderately warm temperature—say 80°. Evaporation under these conditions is continuous, nor could it be prevented or lessened.

This evaporation constitutes the "loss of spirits without the fault or negligence of the distiller or owner thereof," used in the present law, and repeated in lines 19 to 25 of this bill. The quantities thus lost during certain periods of time have been ascertained by the experience of distillers and by officers of the internal-revenue service to be substantially as set forth in lines 26 to 32 of the bill. The law as it now stands does not tax this loss during the first forty-eight months, but thereafter all loss occurring is taxed.

The result is that we do, in fact, have different rates of taxation on whisky under the excise laws of the United States:

1. One dollar and ten cents per gallon on whisky from one day to four years old;
2. About \$1.15 on whisky from four to five years old;
3. About \$1.20 on whisky from five to six years old;
4. About \$1.25 on whisky from six to seven years old; and
5. About \$1.35 on whisky from seven to eight years old.

This additional tax is made up of tax paid on quantities in excess of the amount withdrawn from the distillery warehouse, and is ascertained by dividing the amount of tax paid by the number of gallons withdrawn. This, then, is the inequality of which we complain and which we ask Congress to correct. We want the domestic tax on whisky to be uniform throughout the United States; not \$1.10 in localities where raw spirit is sold, as against \$1.35 in Pennsylvania, where old whisky is the distiller's product.

The Constitution requires uniformity. (Article VIII, section 1.) The suggestion that an *ad valorem* tax might be laid, value to be based on difference in ages, will not bear examination. There are no brands of whisky on the market worth more when new than others at six years old.

The relief for which we ask is necessary to enable us to tax pay and put into consumption the large oversupply of whisky now in bond, distilled in 1892 and 1893. If Congress will change the law so that these goods shall pay no more tax than other whisky, we will be able to dispose of them and meet our obligations to the Government as they become due—that is to say, beginning in the fall of 1899.

If relief is refused, these goods can not be freely distributed in competition with the lower-taxed new whisky. They will continue to drag as they do now, and at the end of their bonded period we shall see them forced into exportation, with all attendant evils and no benefits except to the foreign warehousemen and steamship companies.

Mr. McRAE. Will the gentleman allow me to ask a question?

Mr. BROMWELL. I have not time just now to yield for a question. I will gladly do so later.

Now, Mr. Chairman, let me illustrate how the cost to the owner goes up on a barrel of whisky on account of the outage. A barrel holds, we will say, 45 gallons. At the end of the fourth year it

has suffered an evaporation of 9 gallons. That leaves 36 gallons in the barrel, and the tax of \$1.10 a gallon on this number of gallons makes the tax on the barrel \$39.60. At the end of the fifth year 2 more gallons have evaporated, leaving only 34 gallons, which still has to pay the tax of \$39.60, or at the rate of \$1.17 a gallon instead of \$1.10.

At the end of another year, the sixth year, there will be but 32 gallons in the barrel, which still pays \$39.60, which is at the rate of \$1.24 per gallon; at the end of the seventh year on each of the 30 gallons left, the tax is \$1.33; and at the end of the eighth year \$1.41; so that the cost of this old whisky to its owner is continually going up by reason of the fact that there is less left in the barrel at the end of every year on which the same amount—\$39.60—has to be paid by way of tax; and as the result of that, while the tax goes up the value of the whisky goes down.

Mr. Chairman, I wish here to insert a clear and comprehensive statement of the situation as presented to the Ways and Means Committee by Mr. T. E. McNamara, of Cincinnati, who has given this matter careful consideration and speaks from absolute personal knowledge, gained by many years' experience in the whisky business. As it is too lengthy to read to the House at this time, I will cause it to be printed as a part of my remarks at this point.

GENTLEMEN: I take it for granted that you need scarce be reminded that the interest we represent contributed to the Treasury during the fiscal year ending June 30, 1897, the sum of \$22,008,542.92 of the entire \$140,019,590.47 received from all sources during that year.

Let it should occur to you that the measure under consideration contemplates any serious inroad upon the future revenue, I will briefly illustrate, by figures taken from the annual report of the Commissioner of Internal Revenue, to what extent, had it been a law during the last fiscal year, it would have affected the receipts.

Of the 1892 and 1893 distillations—the seasons running from July 1 of one year to June 30 of the next—there were withdrawn during that fiscal year 4,025,058 original gallons of 1892; 8,777,270 original gallons of 1893. Reducing these figures to barrels, there were 85,652 barrels of 1892 and 186,760 barrels of 1893 withdrawn. On the basis of extended allowance that this measure proposes, of 14 gallons outage for each year after the fourth year, and assuming that quantity as the outage, then, on the 1892's, and say one-half gallon on the 1893's, which had only passed into the regauge period the five months prior to June 30, the taxable gallons of further allowance would have amounted to but 221,558, or, in taxes, to \$244,042.

If we carry the illustration to the present time, and assume that an equal quantity will be withdrawn during the present fiscal year of these ages, or distillations, they having been in bond a year longer, and assuming also the full allowance of 3 gallons on the '92's, and 1½ on the '93's, the quantity in gallons is but apparently 857,098, and in tax \$590,805.

This illustration covers the product of the entire country; of which there was in bond June 30, 1897, 137,130,270 original taxable gallons. So that, taken at its highest figure, against an income of between eighty-five and ninety millions of dollars which this interest will yield to the Treasury this year—i. e., fiscal year—the comparatively insignificant sum of \$590,805 would be the apparent but not actual decrease. If the withdrawals were tabulated by actual periods of withdrawal monthly, instead of applying them approximately as of one date by entire years, it would not be two-thirds of the amount named; probably even less.

It is not, however, from the point of view of the mere dollars and cents which this tax on outage after the fourth year costs us that we propose to speak of this measure, but, first, from the standpoint of the manifest injustice of this tax upon an article that does not exist; that has disappeared through natural processes, and, as the statute expresses it, "without the fault or negligence of the distiller or owner thereof." The distiller nor owner, nor anyone else, derives the slightest benefit from the vanished spirits. It does not go into consumption any more than the 9 gallons allowed for loss arising from the same causes, evaporation and soakage, during the first four years. It is simply a tax upon nothing, an exaction, from an interest that does so much, that has no foundation in common justice.

Secondly, if merely compelling us to pay this penalty for a privilege dearly bought, as I will show a little further along, was all that was involved in the question, used as we are to being taxed right and left, there would, perhaps, be no serious objection—we would grin and bear it as we do other exactions, and be thankful it was no worse—but its effects otherwise, by affecting the value and cost to the merchant investing in this class of property, are of the most pernicious character.

Independently of the tax itself on the vanished spirits after the fourth year, it operates to depreciate the value of the goods to which it applies, until the loss sustained in this direction amounts to many times the actual sum of the unjust penalty imposed. This constitutes the real injury to us, and as one illustration concerning this point will answer for all, and there are many that might be stated, I may mention that it is not at all unusual, in fact it is quite common in consequence, to see offered, quoted, and sold a 4-year-old whisky at much less figures than a 3 or 4 year old of the same brand.

This is not because the older are worth less intrinsically, nor because they cost less to produce and carry, but simply and alone because the older goods, being subjected to this penalty, are avoided for that reason by the buyer. The result is that practical confiscation ensues, necessitating a sacrifice to dispose of them and entailing an actual loss upon the unfortunate owner, growing greater every year.

To illustrate briefly what I mean by confiscation of value of the merchant's holdings in bond through the operation of this penalty: The assumed withdrawals of 1892 and 1893 for the fiscal year I have stated as 4,025,058 and 8,777,270 gallons, respectively; the vacuum tax or tax on evaporation after the fourth year as approximately \$590,805, equivalent to about 4.8 cents a gallon on the withdrawals of these ages. There were remaining in bond June 30, 1897, of these ages 41,513,023 gallons, and deducting the withdrawals for this year would leave next June about twenty-eight and three-fourths million gallons, or approximately to-day about 28,000,000 of gallons of 1892 and 1893 distillations in bond.

The commercial depreciation by reason of this pending tax on these goods it is no exaggeration to estimate anywhere from 10 to 35 cents per gallon on their actual cost to the owner, taking as the basis of this cost original contract price, interest, and insurance from 1892 and 1893 to date. At 20 cents per gallon, which is a fair average, the lowest loss by depreciation amounts to \$5,600,000. So that to bring slightly over half a million into the Treasury a direct and positive destruction in value of nearly twelve times the amount is inflicted upon the trade in respect to these two ages of whiskies alone.

This depreciation of older ages affects, necessarily, all others by making

the purchase and carriage of bonded holdings not only undesirable, but to a large degree profitless. The total loss by depreciation to the distillers, merchant owners, and bank holders of the warehouse receipts for whiskies in bond of all ages can scarcely be estimated at less than \$10,000,000.

Up to three or four years ago, and when there was no vacuum tax such as is now exacted, the principal business of nearly every merchant in the trade was in these bonded holdings. They were profitable investments. They had a value in bank as collateral second only to Government bonds and other undoubted securities. Both of these conditions or elements have disappeared through the operation of this penalty.

The forty-one millions of 1892 and 1893 whiskies in bond June 30, 1897, represented in round numbers something over 900,000 barrels. I venture the assertion that two-thirds of the warehouse receipts covering them are to-day held by banks and financial institutions which they have been carrying for five or six years. They would gladly sell them if they could; the owners are doing all they can to lift them and pay off their loans, and but for the very thing I am discussing, this pernicious and wholly unnecessary tax, they would sell perhaps at no greater price than the current quotations of this date, but they would find a market, they would be withdrawn for consumption more rapidly, and the depreciation increasing each year as the penalty accumulates would cease.

There is no more reason why this tax upon what disappears after the fourth year should be levied and enforced upon this interest, from which so great revenue is derived, than for the outrage accruing prior to the end of the fourth year. Through its application and exaction the eight-year bonded period has become, instead of the benefit which it was supposed to be, an injurious act of intended kindness; much as if we had thanked you for a favor and then received a sound kick for accepting it.

We do not regret your having given us the privilege of keeping our fine whiskies in bond eight years—please don't misunderstand us as to that—but let it be borne in mind that when an indulgent Congress, in August, 1894, granted the relief from forced tax payments then maturing, and which, on account of the conditions affecting the whole country—when the impossible, through no fault of ours, confronted us, and the money to meet maturing obligations could not be had upon any terms, scarcely; when, I repeat, Congress granted us relief by extending the period from three to eight years, it slapped on at the same time an increase of the tax rate of 22 per cent, and that, too, under the guise of a bill that declared its purpose to be "to reduce taxation."

This increase of 20 cents in the rate of tax netted the United States Treasury from this interest in the fiscal year ending June 30, 1897, the handsome sum of \$13,994,046. If wringing this enormous sum from the merchants engaged in lawful trade in the manufacture and sale of distilled spirits did not in like proportion increase the revenue from this branch of taxation, compared with the receipts under the 90-cent tax, it was only because the higher tax gave greater stimulus to unlawful production, and all but paralyzed those who have been and are yet true to the Government, meeting their obligations honestly, a condition from which they have not yet recovered.

The measure before you, and which we are here to request your favorable action upon, was not conceived for the mere purpose of avoiding any taxes that we should justly be called upon to pay. The insignificant sum involved, or if it was double, is not in itself what we ask relief from, but from the effects of it, which, as I have briefly, and in a few words as possible, endeavored to point out, are destroying the value of our property many times more in amount.

We do not aim in this measure to abate one dollar of revenue which, fairly and honestly considered, the Government is justly entitled to receive or exact from us.

In practical effect, we assert that it will not reduce your revenues, but will increase them, immediately and permanently, by making these older and aged stocks more available, cheaper to the extent of the abatement of the penalty, and more in demand. It will undoubtedly increase your income by stimulating the bottling-in-bond feature of the business, now retarded by the increased cost put upon the age of goods which the bottling-in-bond law—one of the best ever enacted in the interest of the trade and public—requires to be used, four-year and older distillations.

In conclusion, we take the simple ground upon this subject that it would be equally as equitable and as just in principle if this Congress were to utterly abolish all allowances from the day of manufacture and tax us accordingly as it is to maintain the penalty of taxing us upon the loss after the fourth year.

I want, however, to call the attention of the House to the fact that not only the whisky men and distillers are interested in this bill, but that it affects a great many other interests. The tables in the report of the Commissioner of Internal Revenue show that the quantity of grain used for the purpose of the production of spirits for the fiscal year ending June 30, 1897, was 13,131,891 bushels, which shows a decrease of 5,498,727 bushels from the quantity used in the preceding fiscal year, which was 18,630,618 bushels, and is 8,240,173 bushels less than the average amount used for that purpose during the last ten years.

Now stop and think what that means. A falling off in the consumption of five and a half millions of bushels of grain used in the manufacture of this whisky! It affects the farmer as well as the whisky man. It cuts down the business of the great malting houses. It injures the great cooperage works of the country that make the casks, barrels, and hogsheads in which this whisky is put. It reaches the hundreds and thousands of employees about the warehouses of the Government.

A falling off in the manufacture not only makes much less work for the distiller and his hands by the closing down of the distillery, throwing his men out of work, but it affects the sale of the grain of the American farmer; it affects the employment of men about the warehouse and the men who handle the whisky, and it affects the interest of the insurance companies that insure it, as well as of the banks that make advances of credit on the whisky in bond to the distiller.

To show how seriously both the farming and the whisky interests have been affected, largely due to this cause, I desire to call attention to the report of the Commissioner of Internal Revenue for 1897, page 77, in which he says:

The quantity of grain used for the production of spirits for the fiscal year ended June 30, 1897 (13,131,891 bushels), shows a decrease of 5,498,727 bushels

from the quantity used in the preceding fiscal year (18,630,618 bushels), and is 8,240,173 bushels less than the average (21,872,034 bushels) for the last ten years.

The number of gallons of spirits produced from grain during the year (59,154,877) shows a decrease of 23,301,276 gallons from the product of the fiscal year ended June 30, 1896 (82,456,153 gallons), and is 33,300,522 gallons less than the average product (92,455,399 gallons) for the last ten years.

How enormously the fine whisky interests have been affected may be gathered from the following statistics for the State of Kentucky alone, which are simply taken as an illustration, as it is the great fine Bourbon whisky State.

The production of whisky in the State of Kentucky for the year ending—

Fiscal year ending June 30—	Quantity.	Fiscal year ending June 30—	Quantity.
	Gallons.		Gallons.
1890.....	36,000,000	1894.....	20,000,000
1891.....	36,000,000	1895.....	20,000,000
1892.....	37,000,000	1896.....	19,000,000
1893.....	46,000,000	1897.....	7,000,000
Total.....	155,000,000	Total.....	66,000,000

Showing a falling off of nearly 90,000,000 of gallons of production in the last period of four years from the amount produced in the four years immediately preceding. This at \$1.10 a gallon means a loss of income to the Government of nearly \$100,000,000.

The effect of the present law is to discriminate against all whisky more than 4 years old by attaching a penalty in the shape of taxation on the evaporation after the fourth year.

This is just contrary to what you would think should be done, because the law certainly ought to encourage the production and aging of those whiskies which are not put on the market until they are so thoroughly matured that they are best adapted for medicinal purposes and least injurious when taken as a beverage. The law as it now stands practically says to the distiller, "The greener you put the whisky on the market, the less we will tax you; but if you keep your whiskies in bond until they are finely matured and best adapted for beverage or medicinal purposes, we will attach a penalty in the form of taxation on the evaporation after the fourth year."

It certainly must have been in the minds of the framers of the original bill to encourage the distiller to keep in his bonded warehouses the higher grades of whisky until they were fully matured, otherwise the eight-year bonded period would not have been granted; but the effect of the law is just the contrary. Now, by reason of this fact, whisky which is in bonded warehouses, more than 4 years old, becomes less valuable from year to year, because it is subject to a tax on evaporation, which is constantly going on, while the younger whisky is not subject to this tax.

The destruction of values on whisky more than four years old, therefore, goes on steadily, and this lowering of values on the older whiskies naturally tends to lower the values of the younger whiskies in proportion, so that there is constantly an undermining of values by reason of the law, which allows evaporation on one kind of whisky and collects tax on the evaporation of the other kind. In other words, the purchaser of whisky in bond more than four years old is simply "going it blind" and taking his chances.

As a result of this uncertainty, the fine whiskies distilled in 1893 and 1893, which have consequently been in bond five or six years, are held out of the market, whilst the newer whiskies are forced into consumption.

One of the beneficial effects which was expected to be derived from the bottling bill which passed this House a year ago, namely, the bottling in bond of whiskies of matured age, is lost by reason of this unfair discrimination, as the dealers can not afford to bottle 1892 and 1893 whiskies in bond on account of the increased cost, due to the tax on the evaporation after the fourth year.

The additional cost of tax-paying those whiskies older than four years compels the dealer, after they are taken out of bond, to adulterate and reduce the whiskies in proof in order to cheapen them, the result being that what the Government is supposed to gain by taxing evaporation after the fourth year it loses by only getting revenue on a consumption on the basis of 60 or 70 per cent proof.

The internal-revenue laws permit whisky to be reduced in proof to any per cent desired after it has been tax-paid. The Government charges tax on the basis of 100 proof, so, if the whisky is reduced to 70 proof by the addition of water, the Government only collects tax on 70 per cent of \$1.10, equivalent to, say, 77 cents per gallon on the amount actually consumed.

Another serious result of this discrepancy in the rate of tax has been the almost complete failure of value of the securities in the shape of whisky certificates held by banks and trust and investment companies which advanced to distillers large sums of money

on whisky when it went into bond and, after paying storage charges and insurance, find themselves unable to pay the tax at the increased scale which I have shown above without losing more than the amount which they have advanced; and the result will be that, unless some relief is given, the Government will have to forfeit this whisky and sell it for what it will bring to get a portion of the tax assessment. This will result in immediate losses to the holders of whisky certificates and in a very great loss to the revenue of the Government.

But a more serious condition exists. The whisky men find, when it comes time to pay the tax to take it out of bond, that they can not put it on the market without a loss to themselves after paying the tax, and so they withdraw it for export. Under the law as it now stands they can send the whisky abroad and store it in warehouses until they find a market for it, and then bring it back, and when they bring it back pay the tax only on what comes into the country and not upon what went out. What is the result?

The distillers can thus secure by exportation the relief which is refused them by the existing law, because the Government recognizes the correctness of the principle of taxation on what is in the barrel by permitting the distiller to export his whisky at the end of four years and bring it back any time, whether it be one, two, three, four, five, or any number of years, and then be tax-paid at \$1.10 on what the barrel actually contains at the time it is brought back to this country.

There is a difference of \$6.25 per barrel in favor of exporting the whisky and storing it abroad for the second term of four years, rather than leaving it on storage in American warehouses for this second term of four years. This bill will forever prevent any exportation of whisky for storage purposes by destroying all the profit in the transaction; but many of the largest owners of whisky have already exported large quantities of 4-year-old and 5-year-old whiskies to foreign ports, especially Bremen and Hamburg.

This whisky is carried in foreign vessels; the insurance on it while abroad is paid to foreign insurance companies; the storage is paid to foreign warehouses, and the cost of taking care of it to foreign labor; while the State, county, and local taxes are lost at the same time the Government is losing the tax on the evaporation which the owner of the whisky saves while the whisky is abroad, because upon its return it is regauged and the tax paid only on what he brings back, and not on what he shipped.

[Here the hammer fell.]

Mr. EVANS. I will yield the gentleman three minutes more.

Mr. BROMWELL. As I said, this whisky goes abroad in foreign vessels, it is stored in foreign warehouses, it is insured by foreign insurance companies. As a result of that, this country loses this tax just as it would under the outage bill. It loses the tax on the evaporation, because a tax is only paid on what is left in the barrel.

In the meantime the American money of the American distillers has gone to increase the profits of the foreign steamship companies; it has gone from the American warehouses to pay foreign warehouses for storage; it has gone to the warehouses of Bremen and other points in Europe, instead of remaining in those of your State and mine, and the insurance on the whisky, which should have been paid to American companies, is paid to companies in foreign countries.

Mr. SHUFORD. Will the gentleman yield to me for a question?

Mr. BROMWELL. I will.

Mr. SHUFORD. Do I understand that this whisky, after it has been in the bonded warehouse for a full term of eight years, can be taken out and sent abroad?

Mr. BROMWELL. No; at the end of eight years it has to be taken out and the tax paid. I am referring to that which is taken out at the end of four years. The outage is allowed up to the end of four years. At the end of four years, inasmuch as they can get no more outage, the owners, in order to age their whiskies without this burden, take the whisky out of the warehouses of this country and send it abroad for storage in foreign warehouses, and they can keep it there five, ten, twenty, or a hundred years, and then pay the tax only upon what comes back.

Mr. SHUFORD. They are not allowed to take it out at the end of eight years and send it abroad?

Mr. BROMWELL. No. They must pay the tax and take it out of bond at the end of the eight years, but may export it at any time before the expiration of the eight years. But outage is only allowed up to four years, and it is thus to their interest to export it at the end of the fourth year.

The following illustration, submitted to the Committee on Ways and Means by Mr. George W. Harris, vice-president of the Kentucky Distillers' Association, and undoubtedly one of the best posted men on this subject in the United States, clearly shows that there is such a profit to the distiller or owner of bonded

whisky in sending it abroad after the fourth year as would ultimately result in almost the entire product of four or more years old whisky being thus exported.

Cost of carrying whisky in United States distillery bonded warehouses for second term of four years under the existing law.

	Per barrel.
Deficiency tax on evaporation, say 8 gallons, at \$1.10.....	\$8.80
Insurance on basis of \$20 per barrel, at rate of 1 per cent per annum.....	1.00
Storage, four years, at 5 cents per barrel per month.....	2.40
Total.....	12.20

*In comparison with—
Cost of exporting to Bremen and carrying the same whisky for the second term of four years.*

	Per barrel.
Freights, including all other charges, from distillery to Bremen.....	\$2.25
Insurance, four years, at valuation of \$20 per barrel, at one-fifth of 1 per cent per annum.....	.16
Storage, four years, at 5 cents per barrel per month.....	2.40
Return freight, at end of four years, to New York, Boston, or Baltimore.....	1.00
Total.....	5.81

Profit in exporting..... 6.39

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman from Ohio a question. Is one of the objects of this bill to increase the manufacture and consumption of whisky in this country?

Mr. BROMWELL. Not at all.

Mr. SIMS. How does it affect the grain crop or the grain dealer?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHAFROTH. Mr. Chairman, in being recognized by the Chair for a silver speech, some one may be saying to himself, Of course he is for silver, because his State produces silver.

I want to emphasize the fact that the State of Colorado to-day produces more gold than silver. In 1897 the gold product of that State was \$20,000,000 and the silver product \$12,000,000 commercial value, or \$24,000,000 coinage value. From the standpoint of production, the people of the State of Colorado are more disinterested than the people of any other State in the Union. As our production of gold and silver in coinage value is nearly equal, you can readily see that it is as much to the interest of the people of that State to have gold monometallism, which causes the appreciation of gold, as it would be to have the free coinage of silver, which would elevate the price of that metal. But the interest of the people in the other States of this Union is not so equally poised. In many of the States the interest of the people is all one way, for the reason that they principally raise farm products that must be sold for and measured by gold.

If gold were simply a commodity like iron or copper, its increase in value would be of very little consequence. If iron and copper increase in value, it will make those who want to purchase an iron or copper article pay a little more for it than before the increase, but that is the only way in which it will affect the people. So if gold were simply a commodity, it would affect the people only when they wanted to buy a gold article, such as a watch, a charm, or a bracelet.

Mr. Chairman, the reason the increase of the value of gold is so important to every man and woman in the world is because when you adopt the gold standard you make gold the measure of everything purchasable that exists in the world. If gold increases in value, it means that its purchasing power becomes greater; that means that you can buy more products and property with a given quantity of gold than before its increase, and that means that the people who own all of the products and property must yield up more of those products and property in order to obtain the dollar of that standard. That means that they must sell at a less price.

No person can comprehend the question of the free coinage of silver unless he understands the distinctions that exist between moneys. There are two kinds of money in the world:

First, primary money.

Second, credit money.

Primary money is the money of ultimate payment or ultimate redemption. Under the gold standard gold alone becomes the primary money, because the whole monetary system is founded upon the gold valuation. Under a bimetallic system gold and silver become the standard or primary money, because payment can be made in either. Of course gold certificates are equivalent to primary money, as gold is on deposit to redeem them.

Credit money is that which is issued upon the general credit of the Government or of the bank issuing the same. It is really not money at all; it is simply a promise to pay standard money. Examine one of the United States notes commonly called greenbacks and you will notice that it reads as follows: "The United States promises to pay to bearer five dollars." Five dollars in what? In the coin that the Government adopts as its standard of value. You can readily see, therefore, how important it is to the people of the world that the standard money, or money of ultimate payment, should not increase in value. All of the credit money of the

world becomes redeemable under a gold standard in gold, and as gold increases in value, all of this credit money also increases in value, because it is redeemable in gold.

Thereupon all of the bonds issued by the various gold-standard nations of the world, as well as those issued by States, counties, and municipal corporations therein, by reason of the redemption of their paper money in gold became payable in that metal, or the equivalent thereof, and are directly affected by the increase in the value of gold. So also all the promissory notes that are executed by individuals, upon the adoption of the gold standard, become payable in gold or in that money which is redeemable in gold. Consequently, as gold increases in value, that is, in purchasing power, it increases the value or purchasing power of every bond, promissory note, and other security payable in money in such gold-standard country. It can readily be seen, therefore, what a terrible injustice an increase in the value of gold becomes to the man who owes money.

These moneys have different functions. All moneys act as a circulating medium. All moneys of our Government perform that function well. But the far more important function of money is its measure of values, and it is only primary money that acts to any considerable extent as the measure of values. While the increase of credit money would tend to elevate prices, yet, without an increase in the gold base, that tendency would be largely overcome by the greater demand made thereby upon gold with which to redeem such paper money. It must be remembered that the value of basic money is fixed by the world's demand for the metal composing the same. An increase in basic money not only enlarges the circulating medium to the extent of the increase, but permits the building thereon of a large quantity of credit money. Redemption money can support at least three times its amount in credit money; hence an addition in basic money is so important in relieving the strain on gold and hence in elevating prices.

Mr. Chairman, I want to discuss three propositions to-day.

First. That theoretically the demonetization of silver must produce a great increase in the value of gold.

Second. That in point of fact, in point of history, the demonetization of silver by the various nations of the world has greatly increased the value of gold; and

Third. That the United States has the power to establish the parity of value between the metals at the ratio of 16 to 1.

Upon the first proposition, namely, that in point of theory the demonetization of silver would greatly increase the value of gold, I want to assume, for the purpose of more clearly showing the operation of the theory, that the world is now upon a bimetallic standard of value. The total amount of gold and silver coin in the world is now, and at almost all stages of the world's history has been, about equal. There is to-day, according to the last report of the Secretary of the Treasury, \$4,859,600,000 of gold coin, and \$4,268,300,000 of silver coin in the world.

Now, what effect would the demonetization of one of these metals have upon the value of the other? When by legislation you strike down one of these metals as primary money, you must of necessity shift onto the other all of the burdens of this monetary system, and of the bonds, promissory notes, and other securities. In other words, all the burdens of commerce and credit borne by both metals as primary money by demonetization of one become transferred to the other metal alone. As the amount of these metals for monetary uses is about equal, it must of necessity double the burden upon that metal. Doubling the burden upon a metal means that you have doubled the demand for that metal.

Doubling the demand for a metal means what? You understand the principle of supply and demand. You know that if you increase the demand, you increase the value of that which you demand. Consequently doubling the demand for a metal must of necessity double its value. Therefore if by legislation the nations of the world should strike down silver as primary money, they would thereby double the burden upon gold, double the demand for gold, and double the value of gold.

Doubling the value of gold means the dividing by half the gold prices of all property. If you double the length of the foot rule, you cut half in two everything measured by that rule. The man who is now 6 feet in height becomes only 3 feet by that measurement. It is therefore fatal to all people who must sell commodities and property in order to obtain money with which to pay debts, taxes, and other fixed charges. It means the mortgage will take the farm. Is it any wonder, then, that people should condemn that legislation which in time produces such fatal effects upon the value of property?

The great political economist, John Stuart Mill, has well said:

The value of money, other things being the same, varies inversely as its quantity, every increase of quantity lowering the value and every diminution raising it in a ratio exactly equivalent.

Ricardo has also said:

That commodities rise or fall in proportion to the increase or diminution of money I assume as a fact that is incontrovertible.

Since barter to any considerable extent no longer exists, the demand for money is equal to the total sum of the demands for all commodities and property. In fact, they are reciprocally the supply and demand of each other. Hence prices must vary inversely just as much by the destruction of one-half of all money as they would by the destruction of one-half of all commodities. It must not be forgotten that the ratio of credits to money is about 15 to 1 and of commodity and property values about 30 to 1; therefore the contraction of every dollar in money means the loss of \$15 in credits and \$30 in property values.

I am aware, Mr. Chairman, that gold has not actually doubled in value. And why? Because all of the nations of the world have not yet demonetized silver, and consequently gold is not bearing all of the burdens of primary money which were formerly borne in the world by both gold and silver. There are still some nations in the world that relieve the strain on gold by treating silver as primary money, and some by also holding their mints open to the free coinage of silver. The silver-standard nations are Mexico, China, Siam, Straits Settlements, Central American States, most of the South American States, Persia, Tripoli, and Japan, constituting about one-fourth of the nations of the world in commercial importance.

The earth is then divided into gold-standard nations, which transact about three-fourths of the world's commerce, and silver-standard countries, which transact about one-fourth of the business thereof, which, according to every principle of supply and demand, should, theoretically, increase the value of gold a very great amount.

I am aware that this increase in the value of gold by reason of the shifting of burdens that were formerly borne by both gold and silver onto gold alone did not take place in a short interval of time. And why? Because silver was demonetized gradually. It was one nation after another, at intervals of years, that transferred to gold the burdens that were formerly borne by both, and consequently the appreciation in the value of gold has been gradual, just as these increased burdens have by the nations been transferred to gold.

The coinage on government account by gold-standard nations, if the policy of such governments is to offer to redeem it in gold, does not relieve the strain on gold. The silver coin then becomes simply a promise to pay gold. The coinage of silver in that manner makes that many more obligations redeemable in gold, and hence makes that much more burden that gold, as the money of ultimate payment, must bear. Under those circumstances the coinage of silver on government account, instead of relieving the strain on gold, actually increases the demand for it, and consequently the value thereof.

Mr. Chairman, we all recognize this principle of supply and demand when it is applied to the commodities. Then why should we not recognize it when applied to gold and silver? There existed for centuries, at least in some nations, the right of any person to take gold and silver bullion to the mint or mill of the government and have it coined into legal-tender money. Would not the taking away of that right as to one metal affect not only its value but also that of the other?

Suppose the nations of the world were to conclude, from a scientific inquiry, that it was unhealthy to eat wheat bread, and that as a sanitary measure they should pass laws that millers should no longer grind wheat. If that law could be enforced, what effect would it have upon the price of wheat? Everyone knows that the minute that law took effect wheat would sink lower and lower in value until it reached a price equal to what it would be worth to feed to animals. Why? Because the very demand for which wheat had been raised was destroyed, and consequently its value must be fixed by the next thing for which it is demanded. What effect would this same law have upon the price of corn? You know that the minute that law took effect corn would begin to rise rapidly and go higher and higher in price until it reached double its former value. Why? Because the enormous demand which existed for wheat and corn had been transferred to corn alone; and as the demand for corn had been doubled, it must of necessity double the value thereof. Gold and silver are metals that are subject to the same law of supply and demand, and consequently must yield in price as the demand is removed from one and shifted to the other.

HAS THE INCREASE OF GOLD MONEY EQUALED THE QUANTITY OF SILVER MONEY DEMONETIZED?

Our friends upon the gold side of this question say, however, that as silver has been demonetized gradually, the burdens that have been shifted onto gold gradually have been relieved by the annual production of gold which has continually caused an addition to the gold basic money of the world. The difficulty with that statement is that the annual production of gold has been so small compared to the total stock and the part that has gone into coinage so little that it has not kept pace even with the commerce and credit of the world.

Besides, the abrasion of the total stock of gold coin has annually

been very great. In the *Statistician and Economist* of 1897 and 1898, at page 602, it is stated that on \$1,000,000 shipped from New York to Liverpool the loss by abrasion was \$256. If so great a loss to coins securely packed takes place from a single trip, what must be the loss from the handling of the pieces in pocket and in trade?

It was estimated several years ago by Mr. Robert Giffen, the president of the Statistical Society of London, and a gold-standard advocate, that not one dollar of the gold product of the world went into coins. He did not mean by that that there was no coinage, but that the melting pot of the goldsmith transformed as many coins into the arts as there was gold coined.

Prof. C. L. Fawcett, a gold monometallist and an eminent statistician, stated that of the world's product of 1892, which was \$146,000,000, \$110,000,000 of it was consumed in the arts.

Sir Lyon Playfair, a gold monometallist and member of the British Parliament, who has made a study of the production of gold and silver, has declared that 75 per cent of the gold product of the world is consumed in the arts.

You can readily see that there is great force in these estimates. Twenty-five years ago the number of gold watches, chains, and charms that were worn in a town of, say, 1,500 population could have been counted on the fingers of your hands, while now they are almost counted by the hundreds. The number of gold medals that were issued twenty-five years ago was a very small fraction of those which are now awarded each year.

The amount of gold used in dentistry twenty-five years ago was almost infinitesimal compared to the amount used to-day, and the amount of gold leaf used in gilding in signs and in decorations has been multiplied in recent years. When you look across the Capitol Grounds and see that the great dome of the Library building is covered with gold leaf, and that there are many other buildings in the United States that are decorated in the same manner, you can easily imagine how vast in recent years has been the use of gold in the arts. Senator John Sherman on July 11, 1876, estimated that the total amount of gold money in the world at that time was \$3,500,000,000. Secretary Gage now estimates that the total amount of gold coin in the world is about \$4,350,000,000. Thus we see that in twenty-two years, by the most active attempts of all governments to produce gold coin, there has been added to the gold money of the world only \$850,000,000, or about \$39,000,000 a year.

The total amount of gold produced in these twenty-two years was \$2,765,688,100, and thus it can be seen that only about 30 per cent of the gold product has gone into coin. But even if we were to estimate that 30 per cent of the annual product of gold would go into coin, it would only make an addition to the basic money of the world, according to the large production of 1896, of only \$60,000,000 a year; and the share which the United States would be entitled to according to its commercial importance would not exceed \$20,000,000 a year. Yet we know that the demand which this Government made upon gold during the last two years of the Cleveland Administration was enormous compared even to the total amount of gold that goes into gold coin. Thus it became necessary during those two years, in order to maintain the gold reserve of the Treasury, to issue bonds for the purchase of gold to the extent of \$262,000,000, and hence it is plain that if it is necessary that this Government should demand \$130,000,000 a year, how greatly inadequate is \$60,000,000 a year for the total supply of all the nations of the world.

Mr. Chairman, it is true that gold is now coming to this country in payment of the wheat and other products we have shipped to Europe, which is relieving the strain on gold in this country; but it is causing a corresponding famine in gold in Europe. Only the other day the Bank of England raised the rate of discount for gold shipment to 4 per cent, and as the value of so many of our products is fixed by the London market, a famine in gold there is almost as disastrous to us as it is here.

When you adopt a single gold standard, you are thereby tying yourself to a metal the production of which does not keep pace with the commerce of the world; and consequently the continually increasing demands that are made upon gold must increase its value and must mean that everything that gold will buy must go lower and lower in price. Therefore, it is no answer to the proposition that gold should theoretically increase in value by reason of the shifting of the burdens which were formerly borne by both gold and silver upon gold alone, to say that there has been gold added each year to the money of the world, when in truth and in fact that addition of gold has not kept pace with the increasing commerce of the world.

HAVE BANK CHECKS OVIATED THE NECESSITY FOR MORE MONEY?

Mr. Chairman, the gold-standard advocates further contend that in the last twenty-five years banking facilities have increased so much and bank checks so largely taken the place of a circulating medium that we no longer need as much money as formerly, and consequently that the strain on gold has been very much diminished. At the first statement of the proposition one is inclined

to believe that there is considerable truth in the contention, because of the enormous development that has been made in recent years in so many industries of this nation. But, sir, upon a close examination it will be discovered that there is very little if anything in the proposition.

If depositors could have checks paid by a bank without having money to their credit to cover the same, then, of course, there would be great force in the argument. But when you realize that the use of the check simply obviates the necessity of the depositor going to the bank, drawing the money which he has on deposit, and paying it over to his creditor, one realizes that it is not so much credit as cash that is the foundation of the transaction. It is true that banks do not keep in their vaults all the money that is deposited with them, but they are required to have a very large reserve, which in the past few years has been between 30 and 50 per cent of their deposits. But it is also true that the checks that are outstanding at any time never equal the amounts held by the banks as reserves. Hence the use of the check can not lessen to any considerable extent the necessity for money.

IS A GREATER PROPORTION OF BUSINESS DONE BY CHECKS NOW THAN FORMERLY?

The contention that so much more business is now done by checks and credits than was done when silver was demonetized is not well founded. There is no better test of the amount of the business which is done by checks in one period over another than is ascertained from the clearing-house reports of such a city as New York, which for the past thirty years has had about the same number of banks. I hold in my hand a statement showing the clearings of the New York clearing house from 1869 to January 1, 1898, which I ask to have incorporated as a part of my remarks.

Statement showing by comparison the transactions of the New York clearing house for twenty-nine years, and for each year, the number of banks, aggregate capital, clearings, balances, average of the daily clearings and balances, and the percentage of balances to clearings.

Year.	Number of banks.	Capital.*	Clearings.	Balances paid in money.	Average daily clearings.	Average daily balances paid in money.	Per cent of balances to clearings.
1869..	59	\$2,730,000	\$97,407,028.967	\$1,120,318,306	\$121,451,309	\$3,087,301	2.5
1870..	61	\$3,020,000	\$7,804,589.406	1,036,464,822	90,274,479	3,365,210	3.7
1871..	62	\$4,420,000	\$9,300,966.682	1,209,721,029	95,133,074	3,927,606	4.1
1872..	61	\$4,420,000	\$3,844,369.566	1,428,532,702	109,884,317	4,636,682	4.2
1873..	59	\$3,370,000	\$5,461,032.826	1,474,508,025	115,866,794	4,818,654	4.1
1874..	59	\$1,635,000	\$2,855,927.630	1,386,733,178	74,092,574	4,206,076	5.7
1875..	59	\$0,435,000	\$5,061,237.906	1,408,608,777	81,899,470	4,608,397	5.6
1876..	58	\$1,731,000	\$1,507,274.247	1,255,042,029	70,349,428	4,218,378	5.9
1877..	58	\$1,665,000	\$2,289,263.707	1,373,996,302	70,358,170	4,504,906	5.9
1878..	57	\$3,611,500	\$2,548,488.443	1,307,843,897	73,555,968	4,274,000	5.8
1879..	59	\$0,800,000	\$5,178,770.691	1,400,111,063	82,015,544	4,590,622	5.6
1880..	57	\$0,475,000	\$7,132,128.621	1,516,538,631	121,510,224	4,966,000	4.1
1881..	60	\$1,162,700	\$8,585,818.212	1,776,018,162	130,232,191	5,823,010	3.5
1882..	61	\$0,982,700	\$6,558,893.161	1,996,000,245	134,637,965	5,195,440	3.4
1883..	62	\$1,162,700	\$4,293,165.258	1,893,963,196	132,543,307	5,161,129	3.9
1884..	61	\$0,412,700	\$4,002,037.338	1,524,930,994	111,048,982	4,967,302	4.5
1885..	64	\$5,312,700	\$5,250,791.440	1,295,355,252	82,739,480	4,247,069	5.1
1886..	63	\$5,312,700	\$9,374,652.216	1,519,565,365	109,087,569	4,985,804	4.5
1887..	64	\$0,892,700	\$4,672,848.788	1,599,668,325	114,357,330	5,146,816	4.5
1888..	63	\$0,702,700	\$0,863,636.603	1,570,163,528	101,132,415	5,148,192	5.1
1889..	60	\$0,702,700	\$4,796,465.529	1,737,037,473	114,839,822	5,000,784	4.8
1890..	61	\$0,512,700	\$7,696,686.572	1,738,040,145	129,074,139	5,738,866	4.7
1891..	61	\$0,773,700	\$4,085,628.770	1,584,635,500	111,651,471	5,195,526	4.6
1892..	61	\$0,422,700	\$0,279,365.236	1,661,500,575	118,561,782	6,093,354	5.1
1893..	64	\$0,422,700	\$4,421,380.670	1,666,207,176	113,978,082	5,616,580	4.9
1894..	65	\$1,632,700	\$4,230,145.386	1,883,441,694	79,704,436	5,214,611	6.5
1895..	66	\$2,632,700	\$5,264,379.128	1,861,574,849	86,670,035	6,218,278	6.2
1896..	65	\$0,632,700	\$2,350,894.884	1,842,280,225	96,232,442	6,043,571	6.7
1897..	65	\$0,022,700	\$1,337,760.848	1,908,301,886	108,434,954	6,300,006	6

* The capital is for various dates, the amounts at a uniform date in each year not being obtainable.

From this tabulated list it is shown, surprising as the statement may appear, that the clearings for the year 1896 were less than the clearing for the year 1869, 1872, or 1873. The clearings for the year 1896 being \$29,350,594,894, while those for the year 1869 were \$37,407,028,967; those for 1872 \$33,844,369,568, and those for the year 1873 \$35,461,053,826. Even the clearings for 1897, the year of the so-called restored confidence, were less than those of the early years to which I have referred. The clearings for the year 1897 being \$31,337,760,248.

These figures show conclusively that notwithstanding the enormous increase in the business of New York City, not as much of it is transacted by checks as formerly.

Mr. Chairman, it is often asserted by the single gold standard advocates that the use of checks in the last few years has become so universal that now 95 per cent of the business of the United States is done by checks. That proposition also I most emphatically deny. This same statement of the clearings of the New York Clearing House shows that it takes 6 per cent in cash to pay the balances among banks, and it must be plain and clear to anyone

that if it takes 6 per cent in money to settle balances among institutions which are created for the purpose of saving cash transactions, how great must be the per cent of cash in the ordinary retail transactions in city and country. This same statement shows that it requires more money now to settle balances among the banks of New York City than it did twenty-five years ago; that in 1869, 1872, and 1878 it took 3, 4.2, and 4.1 per cent in money, while in 1895, 1896, and 1897 it took 6.7, 6.2, and 6 per cent in money to settle balances.

The necessity for more money now than formerly with which to transact business is very apparent. Twenty-five years ago the farmer ran his bill for all he needed at the general merchandise store and made his settlement once a year, and that settlement often, if not generally, was in the products of his farm. Such a thing as a strictly cash house was almost unknown in those days. To-day there are vast numbers of strictly cash houses, and where in other business houses credit is obtained, the bills must be paid every thirty days instead of at the end of the year. It seems to me that the fallacy of this claim should be settled forever by the admission of the Comptroller of the Currency, Mr. Eckels, who can not be said to favor the silver question in any particular, on page 381 of the Report of the Secretary of the Treasury for 1894. That statement shows that from returns made by national banks all over the United States 41.1 per cent of the deposits of retail commercial houses is in money. How much greater, then, must be the per cent of moneyed transactions with savings banks and among the people!

Consequently the contention that the strain on gold caused by the demonetization of silver has been relieved by decreasing the necessity for money through banking facilities and the use of checks is not well founded.

President McKinley, in a speech at Toledo, Ohio, on February 12, 1891, clearly expressed the operation of the theory of the demonetization of silver in the following language:

During all of Grover Cleveland's years at the head of the Government he was dishonoring one of our precious metals, one of our own products, discrediting silver and enhancing the price of gold. He endeavored even before his inauguration to office to stop the coinage of silver dollars, and afterwards and to the end of his Administration persistently used his power to that end. He was determined to contract the circulating medium and to demonetize one of the coins of commerce, limit the volume of money among the people, make money scarce, and therefore dear. He would have increased the value of money and diminished the value of everything else—money the master, everything else the servant. He was not thinking of "the poor" then. He had left "their side." He was not standing forth in their defense. Cheap coats, cheap labor, and dear money. The sponsor and promoter of these professing to stand guard over the welfare of the poor and lowly! Was there ever more inconsistency or reckless assumption?

It seems to me, therefore, Mr. Chairman, that my first proposition—namely, that in point of theory the demonetization of silver, which transfers the burdens borne by both gold and silver to gold alone as redemption money, must greatly increase the value of gold—is conclusively proven.

THE SECOND PROPOSITION IS THAT IN POINT OF FACT, BY REASON OF THE DEMONETIZATION OF SILVER, GOLD HAS GREATLY INCREASED IN VALUE.

The increase in the value of gold can not be estimated in dollars and cents, because it is the unit of measurement. This increase in value can only be estimated by its increased purchasing power. What we mean by increased purchasing power is that it buys more of commodities and property. That means that the owner of commodities and property must yield up more of them in order to obtain a given quantity of money upon the gold valuation than before the increase in value of gold, and that means he must sell at a less price.

Consequently the only way it is possible to determine whether gold has increased in value is to ascertain whether it will buy more of products and property than formerly; that is, whether products and property have decreased in price.

In order to satisfactorily prove a fact it is important that we should adopt an authority that can not be questioned; the proof must be something that was not framed with reference to the silver question and something that deals with facts that can not be denied.

Mr. August Sauerbeck, of London, an eminent statistician, conceived the idea that it would be an important piece of information to the world if the prices of commodities were kept from day to day and from year to year. He selected forty-five of the principal commodities* that are used by man, which he termed staple commodities, such as wheat, rye, corn, and barley; such as beef, pork, and mutton, cotton and wool, and in the metals such as iron and copper. These comprise 80 per cent of the total marketed commodities of the world.

He selected those which in his judgment would be freer from

* The following are the articles upon the prices of which are founded the Sauerbeck tables: English wheat, American wheat, flour, barley, oats, maize, potatoes, rice, beef (prime), beef (middling), mutton (prime), mutton (middling), pork, bacon, butter, sugar, sugar (Java), coffee, tea, iron (pig), iron (bars), copper, tin, lead, coal, coal (average), cotton (middling), cotton (fair), flax, hemp, jute, wool, wool (English), silk, hides, leather, tallow, oil (palm), oil (olive), oil (linseed), petroleum, soda, nitrates of soda, indigo, timber (hewn and sawed).

the cheapening effects of inventions. The London market price of each of those forty-five commodities was taken for each day in the year since 1846. The London market is the best and safest from which to reckon, for the reason that it draws its supplies from the entire world. The price of commodities in that market is not affected by a drought in one country or an overproduction in another nearly as much as in the countries themselves where the drought or overproduction occurs. At the end of each year the price of each and all of those forty-five commodities was averaged and tabulated. These tables have been kept to the present time, and they are not open to the charge of being made in the interest of one side or the other of this question.

I hold in my hand the tables which I ask to insert in my remarks:

Mr. Sauerbeck's index numbers, to which is added the annual average price of silver in London and to which is added index numbers of the same forty-five commodities, taking as their base the average prices of 1873, and a table showing the increase of the purchasing power of a dollar, taking the average prices of 1873 as the base.

Year.	Sauerbeck's index numbers of 45 principal commodities, taking average price of 1873 as their base=100.	Index numbers of same 45 principal commodities, taking the average price of 1873 as their base=100.	Table showing increase of purchasing power of a dollar, taking the average prices of 1873 as the base=100.	Sauerbeck's index numbers of silver, taking the price 1867-1877 of 60.84¢=100.	Annual average price of silver in London.
1873.....	111	100	\$1.00		Fence.
1874.....	102	92	1.09	95.8	58.4
1875.....	96	86	1.16	93.3	56.1
1876.....	95	85	1.18	86.7	52.1
1877.....	94	84	1.19	90.2	54.1
1878.....	87	78	1.28	86.4	52.1
1879.....	83	75	1.33	84.2	51.1
1880.....	88	79	1.27	85.0	52.1
1881.....	85	76	1.31	85	51.1
1882.....	84	75	1.33	84.9	51.1
1883.....	82	74	1.35	83.1	50.1
1884.....	76	68	1.47	83.3	50.1
1885.....	72	65	1.54	79.9	48.1
1886.....	69	62	1.61	74.3	45.1
1887.....	68	61	1.64	73	44.1
1888.....	70	63	1.59	70.4	42.1
1889.....	72	65	1.54	70.2	42.1
1890.....	72	65	1.54	78.4	47.1
1891.....	72	65	1.54	74.1	45.1
1892.....	68	61	1.64	65.4	40.1
1893.....	68	61	1.64	58.6	38.1
1894.....	63	57	1.75	47.6	28.1
1895.....	62	55.8	1.78	49	29.1
1896.....	61	54.9	1.82	50.5	30.1
1897.....	62	55.8	1.79	45.3	17.1
January, 1898.....	62.8	56.6	1.77	43	26.1
February, 1898.....	63.4	57.1	1.75	42.1	25.1
March, 1898.....	63	56.8	1.76	42.2	25.1

Mr. Chairman, these tables show conclusively that since the demonetization of silver the prices of these commodities have been going lower and lower each year when measured in gold. If one commodity falls in price, it is entirely proper that we should look to the supply and demand of that one commodity in order to determine the cause. When one commodity falls and the other commodities do not, you can always account for the fall by the overproduction of that one commodity. The rule of supply and demand knows no exception. But there is no such thing as a continual overproduction of one commodity year after year. There are checks in nature that prevent it. Neither can there be such a thing as an overproduction of all commodities even for one year.

Mr. Chairman, there is no overproduction of food when people are starving, nor of clothing when they are half naked. The very existence of such conditions negatives the contention. The possibility of the demand for products is perfectly enormous. For instance, the consumption of wheat in the United States for the year 1896 was 4.73 bushels per capita. The total wheat crop of the world for the year 1896 was 2,430,497,000 bushels. There are 1,500,000,000 inhabitants on the earth. If the rest of the world consumed as much as we do, there would have to be raised in order to feed them 7,170,000,000 bushels of that cereal. Taking the average American as the standard, there would be a demand for nearly three times as much as the quantity now raised.

The consumption of cotton in the United States in 1896, though a little below the average of recent years, was 18 pounds per capita. If the inhabitants of the world used cotton goods in the same proportion, there would have to be produced, in order to supply the demand, 67,500,000 bales of 400 pounds each instead of the 13,380,000 now raised by the world. In other words, if the people of the world were as well clothed as Americans, there would have to be produced nearly six times as much cotton as now. All nations desire to be as well fed and clothed as the Americans, and hence the possibility of the demand is enormous.

According to this table of Mr. Sauerbeck, we find the condition existing that ever since 1873 there has been a continual decline in

the price of not only one of these commodities, but in the price of all of them. There have been some rallying points, but they are few and at long intervals. The first year after demonetization, the price of these commodities fell to 92 per cent of what they were in 1873; the next year to 86 per cent, and year after year they fell lower and lower, until in 1896 they reached the lowest level that has existed in the world for the last two hundred years. In that year they reached the low level of 54.9 per cent of what they were in 1873, showing that gold when measured in these forty-five commodities had increased 82 per cent in value.

When we see all of these commodities declining year after year, and know that it can not be on account of overproduction, had we better not turn to see whether there is not something wrong with that thing by which we measure all of these forty-five commodities? Had we better not see whether these low prices have not been caused by the fact that continually since 1873 the nations of the world have been transferring burdens from both gold and silver onto gold alone, thereby increasing the burden upon, increasing the demand for, and increasing the purchasing power of, gold?

The cause for the few slight upward turns in the prices of these commodities can be traced to the decreased demand for gold produced by the addition of silver money.

President Harrison, in December, 1890, sent a message to Congress, in which he used the following language with reference to the Sherman Act:

The increased circulation secured by the act has exerted and will continue to exert a most beneficial influence upon business and upon general values. The enlargement of our currency by the silver bill undoubtedly gave an upward tendency to trade and had a marked effect on prices; but this natural and desired effect of the silver legislation was by many erroneously attributed to the new tariff act.

Jeremiah Rusk, then Secretary of Agriculture, a little later, in his annual report, made the following statement with reference to the same act:

The recent legislation looking to the restoration of the bimetallic standard of our currency, and the consequent enhancement of the value of silver, has unquestionably had much to do with the recent advance in the price of cereals. The same cause has advanced the price of wheat in Russia and India, and in the same degree reduced their power of competition. English gold was formerly exchanged for cheap silver, and wheat purchased with the cheaper metal was sold in Great Britain for gold. Much of this advantage is lost by the appreciation of silver in those countries.

I therefore contend that there are two conditions that affect the price of commodities: First, the supply and demand of the commodity itself, and second, the supply and demand of that thing which measures all commodities—namely, the metal out of which we make standard money.

Mr. Chairman, at all periods of the world's history when there has been a diminution of the metallic money for a long series of years, it has invariably produced ruin and disaster, misery and poverty, ignorance and crime. On the other hand, when there has been an increase in the volume of primary money of the world there has always resulted enterprise and prosperity, happiness and wealth, education and civilization.

No better authorities can be cited to sustain such a statement than the historians Hume and Alison.

Mr. Hume has clearly stated the fact in the following language:

We find that in every kingdom into which money begins to flow in greater abundance than formerly everything takes a new face; labor and industry gain life; the merchant becomes more enterprising; the manufacturer becomes more diligent and skillful; even the farmer follows his plow with greater alacrity and attention.

A nation whose money decreases is, at times, weaker and more miserable than another nation which possesses no more money, but is on the increasing land. Falling prices and misery and destruction are inseparable companions. The disasters of the Dark Ages were caused by decreasing money and falling prices. With the increase of money, labor and industry gather new life.

Jacobs, in his History of the Precious Metals, records the fact that at the time of Augustus Caesar the silver and gold in the Roman Empire amounted to what is equivalent in our money to \$1,640,000,000, and that at the time of the discovery of America they had dwindled to \$170,000,000. These prices were the lowest in the history of the world.

Sir Archibald Alison in 1853, after the great gold discoveries in California and Australia, most eloquently expressed the same fact in the following language:

The two greatest events that have occurred in the history of mankind have been directly brought about by a contraction and, on the other hand, an expansion of the circulating medium of society.

The fall of the Roman Empire, so long ascribed, in ignorance, to slavery, egotism, and moral corruption, was in reality brought about by a decline in the silver and gold mines of Spain and Greece. And, as if Providence had intended to reveal in the clearest manner the influence of this mighty agent on human affairs, the resurrection of mankind from the ruin which those causes had produced was owing to a directly opposite set of agencies being put in operation.

Columbus led the way in the career of renovation. When he spread his sails across the Atlantic, he bore mankind and its fortunes in his bark. The annual supply of the precious metals for the use of the globe was tripled. Before a century had expired the price of every species of produce was quadrupled. The weight of debt and taxes insensibly wore off under the influence of that prodigious increase.

In the renovation of industry the relations of society were changed, the weight of feudalism cast off, the rights of man established. Among the many concurrent causes which conspired to bring about this mighty consummation the most important, though hitherto the least observed, was the discovery of Mexico and Peru.

If the circulating medium of the globe had remained stationary or declining, as it was from 1815 to 1840, from the effects of the South American revolution and English legislation, the fate which crushed Rome in ancient, and has all but crushed Great Britain in modern, times would have been that of the whole family of mankind.

All these evils have been entirely obviated and an opposite set of blessings introduced by the opening of the great treasures of nature in California and Australia.

The memorable prediction of Mr. Ernest Seyd, of London, in 1871, as to the effect of the demonetization of silver, is being verified year by year. It was as follows:

It is a great mistake to suppose that the adoption of the gold valuation by other states besides England will be beneficial. It will only lead to the destruction of the monetary equilibrium hitherto existing, and cause a fall in the value of silver, from which England's trade and the Indian silver valuation will suffer more than all other interests, grievous as the general decline of prosperity all over the world will be.

The strong doctrinism existing in England as regards the gold valuation is so blind that, when the time of depression sets in, there will be this special feature: The economic authorities of the country will refuse to listen to the cause here foreshadowed; every possible attempt will be made to prove that the decline of commerce is due to all sorts of causes and irreconcilable matters. The workman and his strikes will be the first convenient target; then speculation and overtrading will have their turn. Later on, when foreign nations, unable to pay in silver, have recourse to protection, when a number of other secondary causes develop themselves, then many would-be wise men will have the opportunity of pointing to specific reasons which in their eyes account for the falling off in every branch of trade. Many other allegations will be made totally irrelevant to the real issue, but satisfactory to the moribund tendency of financial writers. The great danger of the time will then be that, among all this confusion and strife, England's supremacy in commerce and manufactures may go backward to an extent which can not be redressed when the real cause becomes recognized and the natural remedy is applied.

These authorities ought to convince every one that not only in point of theory but in point of history every contraction of the money of the world has produced falling prices, with their inevitably fatal results.

But gold monometallists, while denying the principle of supply and demand as applied to gold and silver, nevertheless assert that the cause of the low price of these commodities is overproduction. There is kept as the forty-sixth commodity, alongside of the forty-five, the London price of silver bullion, and the table of Mr. Sauerbeck shows that the London price of silver bullion has gone down also in about the same ratio as those of the forty-five commodities.

HAS THERE BEEN AN OVERPRODUCTION OF SILVER?

Mr. Chairman, our gold friends say that the reason silver is worth only about 50 cents on the dollar is because there has been an overproduction of that metal. Let us examine into that contention, for if there has been an overproduction of silver we should acknowledge it, and if there has not been they should acknowledge it. The world's production of gold and silver is kept with more accuracy than that of any other product. The nations, knowing the importance that the precious metals are to the monetary systems of the world, have with the greatest care kept record of the annual output of each.

I hold in my hand a table of the production of gold and silver of the world from 1741 to 1896, as estimated by the Director of the Mint, which I ask to insert in my remarks.

Production of gold and silver in the world in the last century and a half.

Period.	Gold.		Silver.	
	Fine ounces.	Value.	Fine ounces.	Value.
1741-1750	15,824,300	\$227,116,000	342,812,235	\$443,336,000
1751-1760	13,313,315	276,211,000	419,711,890	542,658,000
1761-1770	11,436,970	236,464,000	565,235,580	730,810,000
1771-1780	5,715,937	118,152,000	287,469,225	371,677,000
1781-1790	3,679,598	76,063,000	173,857,555	224,760,000
1791-1800	4,570,444	94,479,000	148,070,040	191,444,000
1801-1810	6,522,913	134,841,000	191,758,675	247,890,000
1811-1820	17,005,018	368,928,000	250,930,422	324,400,000
1821-1830	32,051,621	662,568,000	442,442,986	564,169,000
1831-1840	32,431,813	670,415,000	445,477,148	568,092,000
1841-1850	29,747,913	614,944,000	377,000,863	478,861,000
1851-1860	31,350,490	648,071,000	215,267,914	273,313,000
1861-1870	27,955,068	577,883,000	316,585,069	400,322,000
1871-1880	27,715,550	572,981,000	393,878,000	500,256,000
1881-1890	23,973,773	495,582,000	400,019,723	504,773,000
1891	5,135,679	106,163,900	93,297,290	120,628,900
1892	5,116,861	105,774,900	93,123,586	120,391,000
1893	5,230,775	110,198,900	108,827,006	140,706,400
1894	5,973,790	123,489,200	130,212,611	155,427,700
1895	5,740,306	118,848,700	136,065,062	174,829,000
1896	6,320,194	130,650,000	137,170,919	177,352,300
1897	7,094,266	146,651,500	153,151,762	196,014,400
1898	7,618,811	157,494,800	165,473,621	213,944,400
1899	8,764,392	181,175,600	164,610,224	212,829,600
1896	9,641,337	199,304,100	167,298,729	216,232,500
1896	9,517,901	202,956,000	165,100,887	213,463,700
Total	300,469,124	7,451,351,600	5,727,841,723	7,406,687,800

According to that statement, there has been produced in the world of gold during those one hundred and fifty-six years \$7,451,851,600.

Under the principle of supply and demand, the price of silver being but 50 cents on the dollar in gold, you would naturally expect that the world's production of silver in that time would have been nearly double that of gold, and yet when you turn to that table, which evidently was not framed in the interest of silver, we find that, instead of the amount of silver produced in those one hundred and fifty-six years being nearly twice as much as gold, it was only \$7,405,687,800 coinage value.

Thus we find that during that period there was \$45,000,000 less of silver produced than gold, and yet our gold friends contend that the low price of silver is due to overproduction. This table, from the Treasury Department, over which gold-standard Secretaries have for thirty years presided, should forever stamp as false any such contention of gold monometallists.

It is true that in recent years the production of silver has increased, but it must be remembered that the production of gold has also increased. For the year 1897 it is estimated by the Director of the Mint that the production of gold exceeds that of silver.

Mr. Chairman, if overproduction has not caused the fall in the gold price of silver, what has? But one other thing could have caused it, and that is the destruction of the demand for that metal produced by depriving it of the function of redemption money and of the right to be coined into full legal-tender money.

Senator Sherman, in a speech in the Senate on July 11, 1876, clearly expressed the same conclusion in the following words:

The enormous effect of the law in Germany and as a consequence the partial demonetization of silver coins, I suppose is felt by every man, woman, and child who buys or sells anything. A struggle for the possession of gold at once arose between the great nations; because anybody could see that if \$3,200,000,000 of silver coin were demonetized and \$3,600,000,000 of gold coin made the sole standard it would enormously add to the value of gold, and the Bank of France, the Bank of England, and the Imperial Bank of Germany at once commenced grasping for gold in whatever form. Therefore, what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of the demonetization of silver.

We often hear it asserted by gentlemen upon the floor of this House that when silver gets back in commercial importance and value to gold they will be willing to open our mints to the free coinage of silver.

How is it possible to elevate the price of a metal when you have taken from it the very demand and use for which it was designed? Gold and silver were designed by nature as money metals on account of the peculiar properties that make them so valuable for such purpose. They possessed the quality of indestructibility, by reason of which they can be melted and remelted without appreciable loss. They are very valuable compared to their bulk, and they have the additional quality of being limited in their production, which makes it impossible to inflate such a currency.

When by legislation you strike down the very demand for which these metals are mined, when you take away the very use for which they are designed, you are bound to depreciate their value just as surely as you would depreciate the price of wheat to prohibit it being ground for bread. Consequently that value can never be restored to silver unless you restore the demand which gives it that value.

HAS THERE BEEN AN OVERPRODUCTION OF WHEAT?

The gold advocates further contend that there has clearly been an overproduction of wheat; that Argentina and India have been pouring their wheat into the world's market, which has caused the price of that cereal to go down. There is another table, which was framed by a gold monometalist, J. Sterling Morton, the last Secretary of Agriculture, showing the world's production of wheat from 1891 to 1896, which I ask to incorporate in my remarks. It can not be said that table was framed in the interest of silver.

Wheat crop of the world, 1891 to 1896.

Country.	1891.	1892.	1893.
	<i>Bushels.</i>	<i>Bushels.</i>	<i>Bushels.</i>
United States	611,780,000	515,949,000	396,132,000
Canada	62,635,000	49,701,000	42,650,000
Mexico	15,000,000	14,000,000	15,000,000
Total North America	689,415,000	579,650,000	453,782,000
South America	53,805,000	55,792,000	51,703,000
Europe	1,201,732,000	1,410,688,000	1,514,298,000
Asia	407,355,000	358,945,000	432,884,000
Africa	47,137,000	39,731,000	38,288,000
Australasia	83,875,000	87,096,000	42,453,000
Grand total	2,432,322,000	2,481,805,000	2,562,913,000

Wheat crop of the world, 1891 to 1896—Continued.

Country.	1894.	1895.	1896.
	<i>Bushels.</i>	<i>Bushels.</i>	<i>Bushels.</i>
United States	480,237,000	467,103,000	427,684,000
Canada	44,583,000	57,490,000	40,809,000
Mexico	18,000,000	14,000,000	8,000,000
Total North America	522,820,000	538,593,000	476,493,000
South America	104,915,000	85,000,000	68,000,000
Europe	1,521,029,000	1,437,060,000	1,484,301,000
Asia	429,702,000	404,578,000	389,397,000
Africa	54,795,000	48,842,000	38,400,000
Australasia	43,360,000	32,461,000	25,900,000
Grand total	2,676,651,000	2,546,494,000	2,430,497,000

You will notice that during the whole period of six years there never was a variation of 5 per cent in the world's production of wheat in any one year over that of the preceding year, and there was not a variation from the very highest production during that period to the very lowest to exceed 10 per cent, and yet during that time wheat fell from 88.9 cents per bushel to 49.1 cents per bushel. This table, compiled from the highest authority upon such questions, should set at rest forever the claim that the low price of wheat is caused by overproduction.

The increase in the price of wheat during the past eighteen months can be traced with absolute certainty to the famine in India the shortage of crops in Europe and Australia and the war between the United States and Spain.

HAS THERE BEEN AN OVERPRODUCTION OF COTTON?

Mr. Chairman, the gold-standard advocates further contend that the low price of cotton has been caused by overproduction. It is true there has been an increase in the world's production of cotton from 6,452,000 bales of 400 pounds each in 1873, to 13,139,000 bales of the same size in 1897, but that increase did not much more than keep pace with the increased uses of cotton goods during that period, and does not account for the enormous fall in price from 18 cents per pound in 1873 to 6 cents per pound in 1897.

The following table shows the world's production of cotton for 1873, and from 1890 to 1897, taken from Circular No. 1 of the United States Agricultural Department, and for the last two years from the World Almanac:

Commercial year.	The world's cotton crop (in bales of 400 pounds each).	Per cent produced by United States.	Per cent produced by balance of world.
1873	6,452,000	66.95	33.01
1890	11,386,000	74.83	25.17
1891	12,604,000	80.40	19.31
1892	12,214,000	80.88	19.12
1893	10,531,000	75.81	24.19
1894	11,688,000	76.13	23.87
1895	12,157,000	84.50	15.50
1896	12,330,000	85	15
1897	13,139,000	82.24	17.76

The world's crop for 1890 was only 15 per cent less than that of 1895, yet the price for 1890 was 84 per cent higher than that of 1895, the average price in 1890 being 11.53 cents per pound while that in 1895 was 6.26 cents per pound. Although the crop of 1897 was less than that of 1892, 1895, and 1896, cotton in New York on December 31, 1897, and for months prior, sold at from 5½ to 5¼ cents per pound, the lowest price in the history of the world. So it appears plain that the fall in the price of cotton has not been caused by overproduction.

In the same manner you could go through each of the forty-five commodities named in the Sauerbeck tables and demonstrate as to each that there has been no overproduction. When we find that the low price of silver, wheat, and cotton was not caused by overproduction, the only thing that can have caused their low price is the increase in value of that thing which measures silver, wheat, cotton, and the other forty-three commodities, namely, gold, and that increase in value was caused by the world making increased demands upon it as primary money, to take the place of silver as it was demonetized.

HAS LABOR FALLEN IN PRICE?

Mr. Chairman, it is claimed that labor has not declined in price, and therefore the appreciation of gold is not the cause of the fall in prices. Our opponents usually take the year 1860 as the date of the comparison of wages. In the first place that date is not a fair one, because at that time nearly one-half of our nation afforded a poor market, if any, for labor, on account of the existence of slavery therein. The price of labor in the remainder of the Union was most seriously affected by the proximity thereto of the cheap labor that slavery afforded.

But the principal reason why there has not been as much reduction in wages of those actually employed as there has been in the

price of commodities is because wages have been held up by all manner of human devices in the shape of trades unions and labor organizations. Labor never had a fair opportunity to compete with capital until within the last few years. But, notwithstanding these advantages, if you take into consideration the number of men out of employment, there is a far less total sum paid for labor than if all were employed at greatly reduced wages. It is absurd to say that the products of labor may fall year after year and yet not affect the price of labor.

HAVE IMPROVED PROCESSES CAUSED THE FALL IN PRICES?

The theory that the introduction of improved machinery and the lowering of transportation charges accounts for the decline in the price of commodities is erroneous. The price of a commodity is not determined by its cost; it is determined by the operation of the principle of supply and demand. If the price of a commodity were determined by its cost, it would never sell for less than cost, no matter how much the market in that line was glutted, and it would never sell for any considerable profit, no matter what scarcity existed in that product. The only influence that the cheapening of the cost of production and transportation has is to make the profit of the farmer greater instead of less, and the very desire to make more profits stimulates production and thus increases the supply, and in that way only affects prices.

These influences of cheapening the cost of production ought to operate to the advantage of the farmer instead of his loss. But even if there was some truth in the assertion that improved machinery and lower transportation charges has cheapened the price of farm products, it must be remembered that farm products, like everything else, are measured in gold and their price fixed in gold.

There can be no doubt that there have been in the past twenty years improved processes in the treatment of gold ores, in the hoisting apparatus used in mining, in the use of electricity in drilling, mining, and igniting explosives, and in the character of high explosives for blasting, which have lowered the cost of the production of that metal far more than the improved processes in farming have lowered the prices of farm products.

As a matter of fact, the great era of labor-saving machines in farming was from 1850 to 1873, and during all of that time there was a general rise in farm products. People unfamiliar with mining may think that transportation charges constitute a very small per cent of the value of the ores and hence would affect the general cost of marketing very little; but they are mistaken. The greatest yield and the most constant yield is from the mines that net a very small sum per ton over the cost of mining and shipping to the smelter; and freight charges often determine whether a mine can be worked at all. When we know that there are thousands of tons of ore from the Rocky Mountain regions smelted in Chicago, one may realize that the haul is not a short one.

If the cheapening of the cost of raising products and of mining gold ores had been the same, and had controlled prices, the fall in each being the same, there should have been no fall at all when measured by each other. But the cheapening of the cost of raising and marketing farm products in the past twenty years having been less than the cheapening of the cost of mining and marketing gold ores, we are led to the inevitable conclusion that relatively there should have been a rise in farm products measured in gold, instead of a fall. We therefore conclude that this theory of the cost of production controlling prices is erroneous; that it is the great principle of supply and demand that controls the price of gold as well as that of farm products; that the great fall in the gold price of products is due to the fact that the demand for gold has so enormously increased; that having to bear all the burdens of primary money that both gold and silver bore, gold must have increased in value and therefore decreased the price of every product measured by that metal.

DOES LOWER INTEREST SHOW THAT MONEY HAS NOT INCREASED IN VALUE?

Our opponents, in order to show that gold has not appreciated in value, point to the fact that the rate of interest on money is less now than when silver was demonetized. In that contention they confuse the idea of a sale of money with that of a lending of money. The agreement to pay interest does not contemplate the purchase of money, but the return of the same thing borrowed. The value of money is to be determined by its purchasing power, not by its interest-getting power. The demand for the purchase of money is founded upon entirely different conditions from the demand for the loan of money. In fact, when the purchasing power is greatest the lending power is least.

The increasing of the purchasing power of money is "falling prices" of everything else. Falling prices work ruin and disaster to industries and business. Men do not increase their industries or start new enterprises when everyone is losing money in their line. Industries and business are operated largely upon borrowed money. The demand for the loan of money is created by the activity of industries and business. Therefore interest is highest when industries and business are most thriving and lowest when they are diminished by falling prices. Consequently lower rates

of interest, instead of proving that money has not appreciated in value, demonstrate the contrary. In other words, the appreciation of money, which is falling prices, has produced diminution of business, and therefore less demands for credits and lower interests.

Mr. Chairman, I therefore contend that my second proposition, namely, that in point of fact the demonetization of silver has greatly increased the value of gold, is clearly proven.

The third proposition is that the United States has the power to establish the parity in value of the metals at the ratio of 16 to 1.

In the discussion of this proposition, I wish to examine—

1. As to the supply of silver in the world available for coinage;
2. As to the demands which the United States as a Government can make upon silver;
3. As to the power of the people of the United States, contrasted with that of the people of the world;
4. As to the demands for silver which the people of this country must make under free coinage; and
5. As to the pivotal position this nation occupies among the gold-standard and silver-standard nations of the world.

Mr. Chairman, in order to show what great influence a powerful nation can exert in establishing the equal value of the metals, an important fact to be borne in mind is that there is now and always has been a shortage in the precious metals. This is demonstrated by the fact that governments, either through their treasury departments or their banking institutions, have been compelled, by reason of the lack of gold and silver currency and consequently of full-covered paper money, to issue a substitute therefor in the form of uncovered paper currency, called credit money. No nation would undertake the issuing of money based upon the general credit of the government or permit banking institutions to issue such money if there were not an imperative necessity for a greater circulating medium.

Consequently the total amount of such uncovered or credit money in the world indicates the existing shortage of metallic money. We know that there is in existence in the world at the present time, according to the report of the Secretary of the Treasury, \$2,565,800,000 of such uncovered or credit money. With such an enormous shortage in the precious metals, you can readily see that a powerful nation would have much greater influence in establishing their parity of value than if there was an abundance or an oversupply of the same.

It is conceded on all sides that if the United States can make a greater demand upon silver than there is silver available for coinage in the world, the parity of value between the metals will be established. In other words, if we can make a greater demand at the mint rate than there is silver to supply that demand, then the mint rate will be established. The question, then, must be determined by the greatness of the demand which the United States can create for that metal. Let us, then, analyze that power.

The gold-standard men tell us that if a law is passed opening our mints to the free coinage of silver, immediately gold will go to a premium, and that if it goes to a premium of even 1 per cent, under the Gresham law it will leave the country. I do not believe that any such thing will occur, for the reason that speculation will foresee the enormous demand that this Government can make upon silver, and therefore gold will not go to a premium. But I want to assume, for the purpose of this argument, that gold will leave the country upon the enactment of a free-coinage law, because by such supposition we can more clearly estimate the enormous demands this Government can make upon silver and the consequent increase in the value of silver and more clearly estimate the increase of the supply of gold to gold-standard countries and the consequent decrease in the value of gold. If we are to test the strength of this Government as to these demands, you must grant us the most favorable conditions for the making of the same.

DEMANDS WHICH THE GOVERNMENT CAN MAKE ON SILVER.

Mr. Chairman, it is estimated by the Secretary of the Treasury, Mr. Gage, that there exists in the United States \$696,300,000 of gold coin, an enormous amount. What effect would the withdrawal of that gold coin from the United States produce? There would be instantly created thereby a demand for \$696,000,000 of silver coin or silver certificates to take its place. From where would the supply of silver come to satisfy such an enormous demand? You must remember what is conceded—that if the demand which the Government can make is greater than the supply it will establish the parity of the metals in value. There are but four sources from which it is possible that any silver can come.

1. The first source is from silver bullion.

We know that there is no large quantity of silver bullion in existence in the world. The reason we know it is that no man can point to where any considerable quantity is located. We know to the fraction of a dollar the quantity of gold coin and silver coin that are in all the banks in the world, and also of the gold bullion that exists in the form of bars; and if there were any considerable

amount of silver bullion in the shape of bars, it could not be concealed. The sharp eyes of the reporters of the gold-standard organs would soon bring it to light as a great sensation.

The challenge has been made in the United States Senate time and again to show where there is more than \$25,000,000 of silver bullion in existence in the world, outside of the United States Treasury, and no gold-standard man has ever attempted to point out where even such a quantity of silver bullion exists.

The reason there is no great quantity of silver bullion in existence is because it has not been profitable to keep silver in the form of bullion. Silver has been going down in price year after year ever since 1873, and consequently the man who has attempted to hoard or store silver bullion has lost not only by the lower price of silver itself, but also the interest on the amount he invested in the bullion. The truth is that as soon as silver bullion leaves the smelter it goes almost immediately into subsidiary coinage and into the arts. Therefore we could not expect this predicted supply of silver to come from silver bullion now in existence. In fact, we could not expect more than \$25,000,000 to come from such a source, and that, of course, is a mere drop in the bucket compared to the enormous demand for \$696,000,000, which would be created by the displacement of gold.

2. The second source from which it is said we must expect a large supply of silver is from the arts. But the man who makes such a statement ignores one fact, which will absolutely prevent any silver from coming from the arts. He ignores the fact that the cost of skilled workmanship upon the silver articles adds such a value to the articles as makes them worth more than the coinage value of the silver contained therein. It must be remembered that the cost of workmanship in the proportioning of the metals, in the molding, the polishing, the gilding, the carving, and other ornamentation of the article must be very great, and the man would be an idiot who would coin into dollars something that was worth more in the shape of a work of art. As man is guided by self-interest, it seems clear that not any of this pretended supply of silver would come from the arts. Not even any considerable part of the worn silver articles would be coined, because of the sentimental associations connected therewith.

3. The third source from which it is said we will have the flood of silver is from the countries of Europe. There is a great quantity of silver in the form of coins existing in Europe. It is said that they are of the value in our money of \$1,500,000,000, but the man who says that these coins will come to this country in the event that we open our mints to the free coinage of silver is either ignorant of or ignores one important fact—that is, that the coins of Europe are in circulation upon a gold valuation, just like our silver dollars in this country are now in circulation upon a gold valuation. What would you think of the man who would take a United States silver dollar to our mint as soon as it was opened to free coinage and have it coined into another dollar? The dollar he has now is upon a gold valuation, and by minting it again he could not make it any more valuable. So the holder of European coins that are circulating upon a gold valuation could gain nothing by having them stamped at our mints. In fact, he would lose enormously by the transaction.

The ratio at which coins are in circulation in Europe is 15 to 1, which makes the coinage value of silver in Europe \$1.33 an ounce, whereas in this country the ratio is 16 to 1, which makes the coinage value of silver \$1.29 an ounce. The man holding European coins would lose not only the freight and insurance in bringing those coins to this country, but also would lose 4 cents on each ounce of silver coins that he brings. Those Europeans may not be so intelligent and bright as are the Americans, but they know enough not to lose 4 cents on each ounce of coins they import to us. Thus it is clear that silver coins in circulation in Europe would not be brought to our mints.

4. The fourth source from which they say we must expect a flood of silver is from the silver-standard countries. They are China, Mexico, Siam, Straits Settlements, Central and South American States, Persia, Tripoli, and Japan, constituting at least one-fourth of the nations of the world in commercial importance. Japan has adopted a gold standard, but upon the silver valuation, and is therefore still on a silver basis. In those countries silver circulates at its commercial value, namely, about 50 cents on the dollar, and consequently at first thought one might believe that silver would come from those countries to our mints. In order to determine whether any silver would come from those countries, it is important that their condition and needs of a circulating medium should be understood.

Mr. Chairman, if I knew but one fact, namely, the condition of gold and silver standard countries of the world for the past five years, I would know that the cause of the depression in the United States for that period was due to the gold standard; that it was due to the greatly increased demands made upon gold in 1892 and 1893 by the closing of the India mints to the free coinage of silver and the attempt to establish the gold standard in that country; by the large purchases of gold for the war chest of

Russia; by the effort of Austria to resume specie payments in gold, and by the offer of our Government to redeem all the Treasury notes issued under the Sherman Act in gold. Every gold-standard country in the world, whether situated on this continent or the other, whether in the Northern Hemisphere or the Southern Hemisphere, ever since the closing of the India mints has been in the throes of a financial panic having the same trend of falling prices that prevailed in this country, and that fact existed irrespective as to whether in those countries there was a high tariff or a low tariff.

On the other hand, every silver-standard country in the world, whether situated upon this side of the waters or the other, whether north or south of the equator, and whether it has a high or a low tariff, is to-day and has been for the past five years, compared to its former condition, enjoying a marvelous degree of prosperity.

By this statement I am not saying that the Mexican is equal to the American, and I must say that the man who uses the statement "Do you want to Mexicanize America?" does not know the meaning or import of an argument. We could with equal propriety say, "Do you want to Turkeyize America?" for Turkey has the gold standard, and I am willing to contrast the civilization of Mexico at any time with that of Turkey; and I am willing further to contrast the wages paid in Mexico with not only those paid in Turkey, but also those paid in any European nation. I might further say, "Do you want to Egyptianize America?" for Egypt has the gold standard.

Do you want the civilization of the Portuguese, for they have the gold standard. The truth is that there are many things that determine the civilization of a nation, the most important of any being climate; and I apprehend that there is no danger of bringing the climate of Mexico to the United States. But these silver-standard nations, compared to their former condition of five years past, are marvelously advanced. In the last five years the exports of Mexico have increased more than 50 per cent. The number of manufactures in Japan and Mexico have more than doubled, and the railroad building in every silver-standard country has been increasing enormously, while in the gold-standard countries, instead of an increase of manufactures, there has been, during these five years, a shutting down and closing of them to an extent unknown before in the history of the nation. It is true that on account of the famine in India, the shortage of crops in Europe, and the war between the United States and Spain there has, in the last eighteen months, been an upward tendency in the price of some commodities, but when conditions again become normal the same low prices must again prevail.

These silver-standard countries, by reason of the increase in their commerce and manufactures, are in need more and more of a greater circulating medium, and consequently it becomes pertinent to inquire whether nations having such need for increase of money can easily yield up any quantity of money they have now for the purpose of bringing it to our mints for coinage into American dollars. When we look into the monetary statistics of those countries, we are struck with the fact that they have entirely too small a circulating medium for their own use to be able to part with any of their money. Mexico has a circulating medium of but \$4.71 per capita, Japan but \$4.09 per capita, the Central American States but \$3.78 per capita, and China but \$2.08 per capita, while we in the United States have a circulation, according to the statement of the Secretary of the Treasury, of \$34 per capita, and France has a circulating medium of nearly \$40 for each inhabitant. Is it possible that those silver-standard countries with a shortage of circulating medium now would be willing to part with that circulating medium in order to flood the United States with silver? Why, if Mexico should send all of her silver here, it would be but a bagatelle. The total circulating medium of Mexico in 1895 was but \$50,000,000, and that is only about one-fourteenth part of the demand caused by the withdrawal of the \$696,000,000 of gold.

Mr. Chairman, some people talk of this flood of silver as if it would be disastrous to the nation should it occur. No nation was ever injured by its people having an abundance of the precious metals, and instead of being a detriment, it would produce the greatest era of prosperity in the history of this country. Some people think that as soon as a foreigner brought silver to the United States mint and had it coined that there would be some American with gold chasing him, in order to get him to exchange the silver for a gold dollar. I apprehend that the American people are intelligent and that they are not going to exchange a gold for a silver dollar unless it is to their advantage to do so. When a foreigner brings his silver to our mints and has it coined into dollars, what is he going to do with his money?

You know that a foreign coin will not circulate in this country, neither will a United States silver dollar circulate in a foreign country, consequently it will do him no good to take the silver dollars back to his own country. The only thing that he can do with them is to buy something that we have for sale, and we are not going to sell him any more of our products than we think his

silver dollar is worth. I am willing to put the shrewdness of the Yankee against that of any other people in the world. Consequently this flood of silver which is held up as such a great "bogy man," even if possible, would turn out to be one of the greatest blessings that could possibly happen to this country.

So it seems to me to be clear that these silver-standard countries, in view of the small circulating medium they now have and of the immense upward impetus in their commerce and manufacturing industries, could not part with any considerable amount of their circulating medium to dump into the United States, and therefore I do not think we could have any flood of silver.

But suppose these silver-standard countries could take from their own circulating mediums the enormous sum of \$696,000,000, bring it to the United States, and thus supply the demand caused by the withdrawal of gold! The man who thinks that the powers of the United States are exhausted does not know the strength of this Government.

There are in existence \$346,000,000 of credit money, called United States notes, the existence of every dollar of which is due to the fact that we have not enough circulating medium without those notes. Every dollar of those notes could be retired by the substitution of the silver dollar or the silver certificate, and thus there would be a demand which the Government could create for \$346,000,000 more of silver. I am free to say that if the law providing for the free coinage of silver were passed to-day, under President McKinley's Administration, with the Secretary of the Treasury discriminating against silver, as he has in the past, that this Government could not establish the parity of the metals. But under an administration that would use the powers of the Government for the purpose of establishing the parity of the metals, I have no doubt of the ability of this nation to establish that parity.

But these are not all the powers of our Government. There are in existence \$231,441,686 of national-bank notes. The only excuse for their existence is the fact that they are absolutely needed as a circulating medium. Every dollar of that credit money could be retired and silver or silver certificates substituted in place. Thus there can be created by this Government a demand for the enormous sum of \$1,275,000,000 of silver, all at once if desired, without increasing the circulating medium one dollar. It seems to me, in view of that great demand, there can be no reasonable doubt of the ability of this Government to establish the parity of the metals.

We have had an experience which should teach every one the power of this nation. In 1890 Congress passed the Sherman Act, which provided for the purchase of only 4,500,000 ounces of silver per month. Under a demand for simply that amount of silver that metal rose in price higher and higher until it reached 1.21½ per ounce, within eight points of par, not only at the mint in Philadelphia and on the exchange at New York, but in London, in Calcutta, and in every other market in the world. If such a small demand raised the price of silver to such a height under a limited coinage act, it seems to me clear that the instantaneous demand for \$1,275,000,000, or 200 times as much, would certainly establish the parity of the metals. If we should increase our circulating medium to correspond with that of France, we would make a demand for \$750,000,000 more of silver, or a total demand for \$2,025,000,000 of silver. That amount is more than three times as much as there is silver in the world that could possibly come to our mints.

POWER AND WEALTH OF THE UNITED STATES.

Mr. Chairman, great as the Government is, there is something still greater, and that is the people of the United States. We are the greatest people on earth. We are the greatest producers and consumers on the face of the globe. Our 75,000,000 of people are equal to 700,000,000 of the average of the balance of the world.

It is strange, but nevertheless true, that many Americans do not appreciate the great power and wealth of this country, and it is remarkable that in order to prove our high position among the nations we have to quote from foreign authorities.

Mr. Mulhall, an eminent statistician of England, a few years ago, in an article in the North American Review, analyzed the effective force and power of this country and made the startling statement that in power and effective force the United States was nearly equal to Great Britain, France, and Germany combined. He said:

If we take a survey of mankind in ancient or modern times as regards the physical, mechanical, and intellectual forces of nations, we find nothing to compare with the United States.

Professor Francois, a French economist, in a recent article in an economic paper of Paris, stated that the wealth and power of the United States was one-fourth of that of the world; that the wealth in 1890 was \$62,600,000,000, while that of the entire world was \$291,580,000,000.

There is no nation which can compare with ours. It is only by comparison with groups of nations or with the balance of the world that the greatness of these United States is shown.

Mr. Chairman, a comparison of the statistics concerning the commercial, agricultural, mining, and manufacturing industries of this country will conclusively show that in commercial importance we are between one-fourth and one-third of the entire world, or between one-third and one-half of the balance of the world.

No better test can be found as to the amount of commerce done by a nation than the number of tons of freight carried by its railroads. The foreign trade of every nation, consisting only of its surplus products, must be small compared to the business of the nation itself. It is said that one railroad in the United States, the Pennsylvania Central, carries more freight than that which constitutes all our foreign trade.

The total railroad mileage of the United States is nearly half as much as that of the entire world, there being 182,776 miles of railroad exclusive of side trackage in the United States, as against 436,240 miles for the entire world, or 253,474 miles for the balance of the world.

The tons of freight carried by the railroads of the United States are more than one-half of that carried by the railroads of the world. According to Mr. Mulhall, the United States carried in 1892, 845,000,000 tons of freight 100 miles, as against 1,348,000,000 tons carried by the world the same distance, or 503,000,000 tons carried by the balance of the world. These figures present the startling fact that the United States carries more freight than all the rest of the world.

The expenditures of the railroads of the United States are \$775,000,000, against \$1,535,000,000 for the entire world, or \$760,000,000 for the balance of the world. Our expenses for transporting freight were more than that of the rest of the world.

The receipts of the railroads of the United States are \$1,095,000,000, as against the total receipts for the world of \$2,515,000,000.

The steam power of the United States, according to Mr. Mulhall, is nearly one-third of that of the entire world, or between one-third and one-half that of the balance of the world, being 14,400,000 horsepower, as against 50,150,000 horsepower for all the world.

The carrying power of vessels used in lake and river traffic in the United States is 9,300,000 tons, which is one-fifth of the carrying power of the world on the high seas. The navigable waterways and canals of this country are 51,820 miles, while those of the earth are 170,550 miles. Add the tons of freight carried on ocean, lakes, canals, and rivers to those carried by railroads and it will show that the United States transports by water and rail nearly as many tons as are carried by the rest of the world.

The United States in 1896 produced 10,235,000 bales of cotton of 400 pounds each out of a total production of the world of 13,330,000 bales, or ten-thirteenths of the world's cotton, and in 1897 produced 10,305,000 bales, out of a total product of the world of 13,139,000 bales, or three-fourths of the world's crop.

This nation in 1896 consumed 3,422,600 bales of cotton of 400 pounds each of the entire consumption of the world of 13,330,000 bales, or about one-fourth.

The production of corn in the United States is more than four-fifths of that of the whole world, being in 1896 2,283,000,000 bushels, as against 2,714,240,000 for the world, or four times as much as that produced by the rest of the world.

The production of wheat in this country is between one-fourth and one-fifth of that of the entire world.

The total production of grain in the United States in 1896 was more than half as much as that of the rest of the world, being 3,533,188,000 bushels, while that of the entire world was about 9,900,000,000 bushels, or about 6,600,000,000 bushels for the balance of the world.

In 1896, according to the Statistician and Economist, we had 15,124,057 horses out of 73,335,694 in the world; 2,278,946 mules out of 8,952,984 in the world; 42,842,759 hogs out of 104,193,746 in the world.

According to Mr. Mulhall's Dictionary of Statistics our product is as follows:

	Quantity.	World's product.
Fish.....tons..	600,000	2,306,000
Beef.....do..	2,190,000	7,205,000
Pork.....do..	2,170,000	4,479,000
Butter.....do..	610,000	1,946,000
Oysters.....number..	3,500,000,000	4,439,000,000
Hay.....tons..	42,000,000	159,000,000
Straw.....do..	60,000,000	127,000,000
Tallow.....do..	880,000	2,617,000
Tobacco.....do..	210,000	768,000
Quicksilver.....flasks..	96,104	105,644

More than one-fourth of the pig iron of the world is produced by this nation, in 1896 being 8,761,197 tons, out of a total production of 31,009,831 tons for the entire world.

We produce one-third of the total steel in the world, in 1896 being 5,366,518 tons, out of the world's production of 17,591,131 tons.

The copper product of the United States is more than half that of the entire world, being 203,893 tons in 1896, against 373,208 tons for the world, or 80,000 tons more than all the rest of the world.

The production of coal in the United States for the year 1897 was 198,250,000 tons, while that of the entire world was about 600,000,000 tons, nearly one-half as much as that of the balance of the globe.

The coal fields of the United States comprise nearly half of those of the world, being 194,000 square miles, as against 471,800 square miles.

We produce more than half of all the petroleum of the world, being in 1894 48,412,666 barrels, while that of all the world was 84,330,809 barrels.

The forest products of this nation are nearly one-half that of the balance of the world, being annually 9,300,000,000 cubic feet of lumber, against 32,460,000,000 for the world.

Our forest lands are 466,000,000 acres, while those of all the earth are 1,308,000,000 acres.

The United States produces more than one-fourth of the gold of the world, the product in 1896 being \$53,088,000, as against \$202,956,000 for the world.

The silver production of this country is more than one-third of that of the entire world, being in 1896 \$76,069,000, coinage value, as against \$213,463,700, coinage value, for the world.

The amount of life insurance in force in this country is \$13,742,495,420, as against \$5,923,168,549 for the balance of the world.

The length of the world's telegraph system in 1897 was 4,909,823 miles, of which there was 2,516,548 miles in America.

The number of newspapers in the United States in 1897 was 20,569, as against 50,000 for the entire world.

The number of copies of monthly publications in the United States in 1890 was 230,000,000, while that of the world was 813,000,000.

The number of post-offices in the United States in 1895 were 71,258, while there were 225,354 in the world.

The number of letters, postal cards, papers, and book packets sent through the mail in 1895 was 5,664,138,718 in the United States, while it was 17,046,443,939 in the entire world. The people of the United States send half as much mail matter as the balance of the world.

The number of telephones in the United States is 900,000, as against 1,402,100 in the entire world, or nearly twice as many as the rest of the world.

Considerable investigation has been made in recent years as to the mechanical force that a man is capable of exerting and of the comparative energy of the men of each nation. The adult laborer, it is estimated, each day expends in energy sufficient strength to lift 300 tons 1 foot. That power of a man is recognized as the unit and is called a "foot-ton."

It is calculated that the power of a horse is ten times that of a man. If everything were done by hand, the mechanical power of nations compared to each other would be nearly in the proportion of their population. But on account of the forces that Americans have produced by their inventive genius the power that we exert is almost incomprehensible.

Mr. Mulhall has applied this foot-ton principle in ascertaining the comparative strength of nations. He estimates that in 1895 the working energy of the United States was 129,306,000,000 foot-tons daily, or 1,940 foot-tons daily per capita. In other words, the forces used in this nation for each individual are 1,940 times as much as could be exerted by a man without the aid of tools or machinery. That daily force of the United States is sufficient to lift 600,000 pounds 24,489,772 miles each day, or, eliminating the resistance of the air, sufficient to send that weight around the world nearly 1,000 times each day.

When we compare the mechanical force of this nation with that of the rest of the world, it shows that in strength we are nearly equal to one-half the balance of the world. That force is:

	Foot-tons daily.
In the United States.....	129,306,000,000
In Great Britain.....	56,100,000,000
In Germany.....	45,580,000,000
In France.....	34,580,000,000
In Austria.....	22,510,000,000
In Italy.....	11,390,000,000
In Spain.....	10,640,000,000
In balance of world is about.....	120,000,000,000
Total for the world.....	430,106,000,000

Mr. Chairman, great as these figures may show our country to be, our manufacturing industries are still greater.

The products of manufactures in the United States, according to Mr. Mulhall, are one-half as much as those of the balance of the world, being annually \$7,215,000,000, while those of the entire world are \$22,370,000,000.

The gentleman from Maine [Mr. REED], now Speaker of this

House, in a speech before this body on February 1, 1894, referring to the manufacturing interests of this country, said:

I do not vouch, nor can anyone vouch for these figures, but the proportion of one-third to two-thirds nobody can forcibly dispute. We produce one-third and the rest of the world, England included, two-thirds. The population of the world is 1,500,000,000, of which we have 50,000,000, which leaves 1,450,000,000 for the rest of mankind. We use all our manufactures or the equivalent of them. Hence we are equal to one-half the whole globe outside of ourselves, England included, and compared as a market with the rest of the world our population is equal to 700,000,000.

With such an array of facts and figures, who can doubt that this nation in commerce, mining, manufactures, and agriculture is equal to at least one-fourth if not one-third of all the nations of the world? With such a power and such a force, is it possible that we are too weak to establish a financial policy of our own?

DEMANDS THE PEOPLE OF THIS COUNTRY MUST MAKE ON SILVER UNDER FREE COINAGE.

Mr. Chairman, it has been estimated that there are between \$20,000,000,000 and \$30,000,000,000 of long-time indebtedness, consisting of national, State, county, city, and corporation bonds, and individual promissory notes, owed in this nation. Over one-half of this is payable in lawful money of the United States.

Under free coinage, silver dollars become legal tender for the payment of all that ten or fifteen billions of debt. It is a principle recognized in all political economies that if one dollar is cheaper than another, that all the obligations payable in lawful money will be paid in the cheaper dollar, and thus if silver should ever go to a discount compared to gold, there would be that enormous demand created for silver by the debtors who owe the \$10,000,000,000 or \$15,000,000,000. With such an enormous demand upon the limited quantity of silver available for coinage, is it possible that anyone would part with silver at an appreciable discount? You must remember that this silver dollar is not only a legal tender for the payment of private debts, but it is also a legal tender for the discharge of State, county, and city taxes, which aggregate about \$500,000,000 a year. It is a legal tender for the payment of all import duties, internal-revenue duties, and postage dues of the National Government, and you must remember that the National Government raises by those duties the enormous sum of almost \$500,000,000 a year.

The premiums contracted to be paid in lawful money each year in the United States upon life-insurance policies is \$323,902,327, and upon fire-insurance policies is \$158,819,888.

The total amount of life insurance in force in the United States, all of which is payable in lawful money, is \$13,742,495,420.

According to the report of the Comptroller of the Currency for the year 1897, the amount of deposits, payable in lawful money, in our—

Savings banks is.....	\$1,989,376,035
National banks is.....	1,853,349,128
State banks is.....	723,640,795
Loan and trust companies is.....	566,922,205
Private banks is.....	50,278,243

The amount of loans, consisting mostly of thirty, sixty, and ninety day paper, all of which is payable in lawful money, in favor of our—

Savings banks is.....	\$1,066,507,686
National banks is.....	2,066,776,113
State banks is.....	669,973,556
Loan and trust companies is.....	445,629,725
Private banks is.....	50,278,243

The total amount payable on shares in building associations is \$450,667,594. The amounts agreed to be paid in lawful money at periods of from one to five years, on contracts for construction of buildings, railroads, ships, canals, and other improvements in the United States, must aggregate several billions of dollars.

The desire on the part of all the people and corporations owing these enormous amounts to pay in the cheaper money would make such a tremendous demand upon silver should it go to a discount of even 1 per cent as to immediately restore its parity with gold. No one would part with silver dollars or silver certificates at a discount when he could utilize them at par for so many purposes and to such enormous extent.

It is claimed by the gold-standard people that there can be no parity maintained between the metals, because there is a variation in the amount of each produced. They seem to lose sight of the fact that in addition to the question of production there is an increased demand made for the cheaper metal by reason of the legal-tender quality given to the money coined therefrom.

Under free coinage the minute one metal becomes cheaper than the other all the demand is taken from the dearer and transferred to the cheaper metal. That demand is so great compared to the difference in annual production that it almost immediately restores the value of the cheaper metal. It is on that account that bimetalism acts as an automatic regulator of the value of the metals. From the years 1800 to 1841 there was three times as much silver produced in the world as gold, and from the year

1850 to 1873 there was more than three times as much gold produced as silver, and yet during all that time, while the mints of France were open to the free and unlimited coinage of silver and gold, the variation between the market price of both silver and gold did not exceed the difference between the coinage ratio of the various nations.

I hold in my hand a tabulated list of the commercial ratio of silver to gold from 1687 to 1893, taken from the Report of the Secretary of the Treasury for 1894, at page 288, which I ask to have incorporated in my remarks.

Commercial ratio of silver to gold for each year since 1687.

[NOTE.—From 1687 to 1832 the ratios are taken from the tables of Dr. A. Soetbeer; from 1833 to 1878, from Pixley and Abell's tables; and from 1878 to 1897, from daily cablegrams from London to the Bureau of the Mint.]

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1730	14.51	1773	14.62	1816	15.28	1859	15.19
1688	14.94	1731	14.94	1774	14.62	1817	15.11	1860	15.29
1689	15.02	1732	15.09	1775	14.78	1818	15.35	1861	15.50
1690	15.02	1733	15.18	1776	14.55	1819	15.33	1862	15.35
1691	14.96	1734	15.39	1777	14.68	1820	15.63	1863	15.37
1692	14.92	1735	15.41	1778	14.68	1821	15.96	1864	15.37
1693	14.83	1736	15.19	1779	14.80	1822	15.80	1865	15.44
1694	14.87	1737	15.03	1780	14.72	1823	15.84	1866	15.43
1695	15.02	1738	14.91	1781	14.78	1824	15.82	1867	15.57
1696	15.00	1739	14.91	1782	14.42	1825	15.70	1868	15.59
1697	15.20	1740	14.94	1783	14.48	1826	15.70	1869	15.60
1698	15.07	1741	14.92	1784	14.70	1827	15.74	1870	15.57
1699	14.94	1742	14.85	1785	14.92	1828	15.78	1871	15.57
1700	14.81	1743	14.85	1786	14.60	1829	15.78	1872	15.63
1701	15.07	1744	14.87	1787	14.98	1830	15.82	1873	15.92
1702	15.02	1745	14.98	1788	14.65	1831	15.78	1874	16.17
1703	15.17	1746	15.13	1789	14.75	1832	15.73	1875	16.59
1704	15.22	1747	15.26	1790	15.04	1833	15.90	1876	17.88
1705	15.11	1748	15.11	1791	15.05	1834	15.73	1877	17.22
1706	15.27	1749	14.80	1792	15.17	1835	15.80	1878	17.94
1707	15.44	1750	14.55	1793	15.00	1836	15.72	1879	18.40
1708	15.41	1751	14.39	1794	15.37	1837	15.83	1880	18.05
1709	15.31	1752	14.54	1795	15.55	1838	15.85	1881	18.16
1710	15.23	1753	14.54	1796	15.65	1839	15.62	1882	18.19
1711	15.20	1754	14.48	1797	15.41	1840	15.62	1883	18.64
1712	15.31	1755	14.08	1798	15.39	1841	15.70	1884	18.57
1713	15.24	1756	14.94	1799	15.74	1842	15.87	1885	19.41
1714	15.13	1757	14.87	1800	15.68	1843	15.93	1886	20.78
1715	15.11	1758	14.85	1801	15.46	1844	15.85	1887	21.13
1716	15.00	1759	14.15	1802	15.29	1845	15.92	1888	21.99
1717	15.13	1760	14.14	1803	15.41	1846	15.90	1889	22.09
1718	15.11	1761	14.54	1804	15.41	1847	15.80	1890	19.75
1719	15.00	1762	15.27	1805	15.70	1848	15.85	1891	20.32
1720	15.04	1763	15.20	1806	15.53	1849	15.73	1892	23.72
1721	15.05	1764	14.70	1807	15.43	1850	15.79	1893	26.49
1722	15.17	1765	14.83	1808	15.08	1851	15.46	1894	32.50
1723	15.20	1766	14.80	1809	15.26	1852	15.59	1895	31.00
1724	15.11	1767	14.85	1810	15.77	1853	15.33	1896	30.68
1725	15.11	1768	14.80	1811	15.53	1854	15.33	1897	32.29
1726	15.15	1769	14.72	1812	16.11	1855	15.36		
1727	15.24	1770	14.62	1813	16.25	1856	15.26		
1728	15.11	1771	14.66	1814	15.04	1857	15.27		
1729	14.92	1772	14.58	1815	15.26	1858	15.26		

By that tabulated list it is apparent that only in two years up to 1873 did silver fall below the ratio of 16 to 1, and then only by a very small fraction, and that was in the years 1812 and 1813, when the Napoleonic wars disturbed all commercial transactions; and the difference between the London price, where free coinage did not exist, and the Paris price, where free coinage did exist, must have been at its maximum. From the time that the nations of the world began to take away the principal demand for silver by demonetizing it, silver began to decline in value as compared to gold.

The only way its value can be restored is to give it the same rights of legal tender, redemption money, and free coinage as is now given to gold.

WHY IS IT?

Mr. Chairman, why should the coinage ratio between silver and gold be fixed at 16 to 1? Because that is the proportion, as near as can be ascertained, in which the metals exist in the earth. It is, therefore, the true ratio.

Although for several years the production of one metal at that ratio exceeds the other, yet in a long series of years the total amount produced is very near sixteen times as much silver in weight as gold, or at coinage value about equal.

The table of the production of silver and gold from 1741 to the present time shows that there was produced in that period 360,459,124 ounces of gold and 5,727,841,723 ounces of silver. Divide the silver by the gold and you will obtain as the result 15½. That demonstrates that for the period of more than 150 years there was almost exactly 16 times as many ounces of silver produced as of gold, and that the coinage value of the same was about equal.

WHY MEXICO DOES NOT ESTABLISH PARITY OF METALS.

Our gold friends tell us that the mint is open to the free coinage of silver in Mexico and ask why does not that establish the parity of the metals. They talk of Mexico as if it were a gigantic power. Do you know that the commerce of Mexico is not equal to that of the State of Illinois, and would you expect the State of Illinois,

unaided by the rest of the States in the Union, to establish the parity of the metals? The reason Mexico does not establish the parity of the metals is because it is not sufficiently powerful in commerce to do so, but when you compare Mexico with the United States you compare a pigmy to a giant. You must remember that this great nation is composed of forty-five great States, and that an act of Congress is simply an international agreement in itself among those forty-five great States.

THE PIVOTAL POSITION WE OCCUPY IN THE FINANCIAL WORLD.

Mr. Chairman, in determining what a powerful effect such a nation as the United States would have in establishing the parity of the metals, you must take into consideration the pivotal position that it occupies as to the monetary systems of the world. The silver-standard nations, which make their demands upon silver alone for currency, constitute one-fourth of the nations of the world in commercial importance. The world is then divided into nations, one-fourth of which are upon the silver standard and three-fourths of which are upon the gold standard. The United States alone, as I have stated, constitutes in wealth, commerce, and power at least one-fourth of the world.

Let that power of the United States be transferred from gold to silver, and you immediately have the world divided into equal parts, one-half the nations in commercial importance making their demands upon silver and the other half in commercial importance making their demands upon gold, and thus we have an equal demand upon equal metals, which, according to the principle of supply and demand, must make an equal price.

A BIMETALLIC STANDARD OF VALUE NOT A BIMETALLIC CURRENCY IN EACH NATION.

There is great confusion in the minds of many people between a bimetallic standard of value and a bimetallic circulating medium. Many people think that you can not have a bimetallic standard of value unless in each country gold and silver circulate side by side. It is quite immaterial and unimportant, as far as measuring values is concerned, whether gold and silver circulate in each nation.

You can have a bimetallic standard of value without silver circulating in a gold-standard country or gold circulating in a silver-standard country. If one-half of the nations of the world in commercial importance were to adopt the single gold standard and not permit silver coin to circulate in those countries, and if the other one-half of the nations in commercial importance were to adopt a single silver standard and not permit gold coin to circulate in those countries, the world nevertheless would be upon a bimetallic standard of value, because there would be an equal demand created upon an equal quantity of metals, which would produce an equal price. You can readily see that, though the silver did not circulate in the gold countries, it would be doing service in another part of the world as primary money, and consequently would be relieving the strain upon gold, just as much as if it circulated side by side with the gold in that gold-standard country.

Many people think that because there were but 8,000,000 silver dollars coined in the United States previous to 1873 we were not upon a bimetallic standard. The reason no more silver dollars were coined in the United States was because the ratio of 15½ to 1 prevailed at the French mint, which made silver worth \$1.33 an ounce, whereas our ratio of 16 to 1 made it worth \$1.29 an ounce. The holder of silver bullion in the United States at the expenditure of 1 cent per ounce could transmit his silver to the French mint and thus make 3 cents more per ounce than he could make by having it coined into American dollars. Is it any wonder, then, that there were no more silver dollars coined in America than 8,000,000? But during that period the great quantity of silver that we transferred to France was doing duty and service as money in Europe, and was therefore relieving the strain upon gold equally as much as if that silver were in circulation in the United States.

A FREE-COINAGE LAW WOULD MAKE CAPITALISTS HELP ELEVATE THE VALUE OF SILVER.

It must be borne in mind also, in determining what great influence a powerful nation like the United States will have in establishing the parity of the metals, that, although the people of the United States are nearly equally divided upon the question of opening our mints to the free coinage of silver, 7,000,000 having voted for President McKinley and 6,500,000 having voted for Mr. Bryan, the minute that a free-coinage act is passed all of this difference of opinion will vanish, and we will have a united nation and a united people using all their powers to establish the equal value of the metals.

Why is this true? Because all of the capitalists in the country have obligations that are payable in lawful money, the United States bonds themselves held by national banks being payable in coin; and when silver under free coinage becomes lawful money, with full legal-tender powers to discharge those obligations, immediately it becomes the interest of those capitalists and banks to elevate the price of silver, to make the purchasing power of the silver dollar just as great as they now desire the purchasing power of the gold dollar to become, and hence the minute a free-coinage law is passed, that minute you have all the power of Wall street

exercised to its utmost to elevate the price of silver. It has been the history of depreciated currencies that no class of people have exercised such a wonderful influence and power in elevating such depressed currencies to par with coin as have the capitalistic class, and therefore the wealth and power of the entire nation would never permit silver to go to a discount.

I therefore conclude that, on account of the fact that there is now a shortage in the precious metals to the enormous extent of \$2,500,000,000; on account of the pivotal position in the world which the United States in commerce holds, being able by throwing its influence from the gold to the silver side of this controversy to equally divide the nations in commercial importance in their demands upon the precious metals, thus making an equal demand upon equal quantities of metal, and thereby producing an equal price; on account of the enormous demand which this nation can make upon the silver of the world; on account of the limited quantity of silver in the world that could be brought to our mints, it seems to me that the United States could as certainly produce an equality in value of the metals as it is possible to foretell any future event.

It must be remembered that when you elevate silver to the value of gold you do not have to elevate the silver that is contained in our own currency, as that is already upon a gold valuation. You do not have to elevate the great mass of silver coins in Europe, because they are upon a gold valuation. You do not have to elevate the silver in the arts, because that silver by reason of the cost of workmanship is now worth more than the coinage value of silver. The only silver in the world that must be elevated in price is simply the quantity of silver in the silver standard countries, which those nations will assist in elevating by their own demands upon it as primary money.

It seems to me, therefore, conclusive, Mr. Chairman, that my third proposition is proven, namely, that the United States, by reason of its great power, by reason of its pivotal position among the nations of the earth, single-handed and alone, could establish the parity of the metals.

COULD BIMETALLISM BE MAINTAINED?

It is also contended by our opponents that bimetalism could not be maintained because in a year or two after silver reached \$1.29 an ounce its production would be so great as to overcome the demands of this nation. That reasoning as to increase of production would be true as to wheat, corn, or other products where the amount that can be raised is unlimited, but it does not apply to silver.

The variation between the amount of silver produced when its price is high and low is very small. Why? Because the greater portion of silver is extracted from ore that contains both gold and silver. When more than half the value of the ore is from the gold, it is called a gold mine, with silver as a by-product, and vice versa. Those ores will be mined even if silver should go to 10 cents an ounce, because they would be worked for the gold therein; and if silver were \$1.29 an ounce, those mines could not produce very much more. It must be remembered that under bimetalism the purchasing power of gold and silver is correlative. As the value of silver increases the purchasing power of gold declines, hence the net value of the ore remains about the same.

It is the low-grade mines which yield the greater part of both gold and silver, because they are so numerous and it takes generations to exhaust them. It is true there are some mines that produce silver without any gold, but they are very few compared to the number that contain both gold and silver. They are generally very rich and easily exhausted. Their product bears no greater relation to the total silver produced than the free gold contained in placer claims bears to the total production of gold. Hence there is no danger that in the long run there will be any great variation between the quantity of silver and gold produced.

Eliminating the amount that goes into the arts, the annual production of neither gold nor silver has ever exceeded 3 per cent of the world's stock of the same, and it is not likely that such proportion will ever be exceeded. Besides, as soon as silver reaches par, or anywhere near par, the Latin Union and any number of other nations that have grown weary of the experiment of gold monometallism will give the same mintage rights to silver as they now do to gold, and thus restore the great blessings of a stable par of exchange between the nations of the world.

THE FUTURE OF THE SILVER QUESTION.

Mr. Chairman, those who claim that the battle for free coinage of silver has been fought and lost, and that it will never be the leading issue again, do not realize what must yet be done, and how slowly in accomplishment in order to establish the gold standard. The next step to be taken by the gold-standard powers will be to treat all silver and silver certificates as credit money redeemable in gold. The Secretary of the Treasury has already announced that he will directly redeem the silver in gold when in his judgment there is any necessity for so doing. After that policy is firmly established, the gold-standard nations will attempt

to absolutely destroy all silver as money. They will claim with irresistible logic that if silver money is redeemable in gold, it is nothing more than a promise to pay gold; that a promise to pay can be printed on paper at a small fraction of the expense required to buy silver bullion and coin it into money. The gold advocates of this country will claim that it is foolish for the United States to have nearly \$500,000,000 invested in silver coins when they are merely promises to pay gold.

Again, it will be claimed that as silver coins can be counterfeited out of silver bullion for about 50 cents on the dollar, so perfectly that Government employees can not detect the same, the use of silver coins is dangerous to the circulating medium. Already this argument is being used with great force in Europe. Legislation by gold-standard nations will then surely follow, providing for the retirement and sale of all silver coins. Those so-called friends of silver, who profess to believe in an enlarged use of silver redeemable in gold, are simply playing into the hands of the gold monometallists. The logical result of the establishment of the gold standard is the absolute annihilation of silver as money. That means greatly increased burdens upon, demand for, and value of, gold and greatly decreased price of all commodities and property.

The establishment of the gold standard throughout the world means ultimately the redemption in gold of all the inconvertible paper currencies now in existence. So long as a paper currency is inconvertible it acts as primary money and relieves the strain upon gold. Such a greatly increased demand for gold will surely produce falling prices, with their attendant ruinous effects. We are beginning to realize the truth of the statement of Secretary John G. Carlisle in the House of Representatives in 1878, when he said, concerning the destruction by legislation of silver money, that—

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world.

The silver question, therefore, must continue to be the leading issue until won or lost. It can not be lost for decades.

Is it any wonder, Mr. Chairman, that we who believe such fatal results will follow from the establishment of the gold standard should fight with all the intensity of our being such legislation, or that we should pledge ourselves anew to the cause that in our opinion will alleviate the bad conditions, prevent the destruction of business and enterprise resulting from falling prices, and produce an era of development and prosperity unparalleled in the history of the world? [Applause.]

Mr. GROW. Mr. Chairman, the honor and good faith of the Government of the United States is pledged to the payment of its debts in all cases where the kind of payment is not specified in such legal tender, if it has more than one, as its creditors may select at the time of payment. For the reason, if there was no other, that the Government alone, in the exercise of its arbitrary though legal power, makes the tenders for the payment of debts, and can change them at its own will, without the consent of its creditors. There are no two parties, and there can not be, to this transaction. The Government, therefore, in promising to pay its creditors a certain number of the units of its own coinage must, in honor and business fairness, allow its creditors to select the tender in which to receive the payment.

In the business transactions of individuals neither party has anything to do with making tenders for the payment of debts and are in no way responsible for their change. Hence, each takes the chance as to what may be legal tender at the time of the maturity of their contracts. The debtor, being the party to pay, has the right, therefore, in all business fairness, to select the tender with which he will pay. Not so with the Government, which makes the tenders, when it is itself the debtor, for the Government is bound to see to it that all the tenders it creates for the payment of debts are at all times the equivalent, one with the other, in commercial value. And it is this obligation which in business fairness makes its position in the payment of its debts different from that of individuals.

If that is not the case, then the Government could make a tender perfectly worthless with which to pay its debts, while a tender good in commercial value is in use. For instance, the lawmaking power could buy copper and have each ounce of it stamped at the mint \$1, then make such dollars a tender in the payment of debts, and with such copper money pay all its coin obligations. That would be just as honest and just as fair a business transaction as to pay its coin obligations in any legal-tender dollar of a commercial value of 30 or 40 cents or less.

All the laws ever enacted changing the ratio in weight of one money metal to another were for the purpose of keeping one the equivalent of the other in commercial value. If the Government neglects this plain duty, it can not on the first great principle of equity take advantage of its own wrong. It must, therefore, in honor and fair business dealing allow its creditors the option of the tenders in the payment of its debts. It has the power, of

course, to pay its debts in anything, or not to pay them at all. For it makes the legal tenders and can not be sued without its consent. Hence it is under a double obligation, in honesty and fair dealing, to allow its creditors the option of tenders, if it has more than one, at the time of payment.

The creditors of governments which have a bank like England, France, and Germany, through which they do their financial business, collecting the government revenues and holding them on deposit, must receive over the counters of such banks the legal tender offered by the bank, for the bank in this case, not the government, is the debtor, and the bank does not make the tenders. Hence, it has the same right of option in paying its debts as an individual. But when the government itself is the debtor, and makes the tenders for the payment of debts, it has in business fairness no such right of option in paying its debts at the counter of its own treasury.

The law of 1862, which authorized the first issue of legal-tender Treasury notes, by its accepted terms at the time of passage and by the understanding of its supporters bound the Government in good faith to pay its debts in gold or its equivalent.

In discussions upon debatable legislation it is always desirable to have the correct history of such legislation, and, if possible, the reasons existing for it at the time of its enactment, especially if the laws are of an unusual character. The House will, therefore, bear with me in recalling briefly a part of the history of the legislation creating our national debt.

The first session of the Thirty-seventh Congress, in obedience to the proclamation of the President, convened on Thursday, July 4, 1861. On Monday, the 8th of July, the House was fully organized by the election of all its officers and the appointment of its standing committees. Both Houses adjourned finally on Monday, the 6th day of August, having been in session thirty-three days, including five Sundays. In these twenty-eight working days acts were passed revising the tariff, levying direct and internal taxes, reorganizing the military establishment of the Government, enlarging the Navy, increasing the Regular Army, authorizing the enlistment and equipment of 500,000 men, and a loan of \$250,000,000 was authorized and \$300,000,000 were appropriated for the support of the Army for the then current year.

At that session, after disposing of the foregoing measures and others of public necessity, it was not thought advisable to take up the financial question, therefore no change was made in the money then in use, though every member of either House regarded the financial policy to be adopted by the Government to meet the contingencies of the then overhanging future as the most vital as well as the most difficult question to be settled in legislation. The shot had already been fired at Sumter which, like that at Lexington, rang round the world.

At the next session, beginning December 2, 1861, almost three months were spent in the discussion and consideration of the financial policy to be adopted by the Government. One hundred and fifty million dollars in gold had already been borrowed from the banks of Boston, New York, and Philadelphia. Specie payments had been suspended in the previous November. A bill was finally matured in the House, authorizing the issue of bonds, bearing 6 per cent interest, to the amount of \$500,000,000, since known as the five-twenties, and \$150,000,000 of Treasury notes, known as "greenbacks," without interest, but legal tender in payment of debts.

At that time the Government was in a life-and-death struggle for its existence. Its Treasury was empty and its credit greatly impaired. At such a time the Government was about to appeal for a loan of \$500,000,000, to be repeated how soon, or how often, no human sagacity could then foretell, with which to provision, clothe, and equip its defenders on the battlefield. Without such munitions of war, no matter how brave their hearts, their arms would have been as powerless as if paralyzed in death. The vital question with those charged with the administration of the Government at that time was, therefore, how to give the greatest possible credit to the Government in securing such loans of money as it must have.

This question gave rise to greatly diverse opinions. There was no difference of opinion in either House as to the bonds to be authorized. The differences of opinion were as to the kind of Treasury notes, if any, to be issued. There were those in both Houses, not small in number nor of inferior ability or statesmanship, who were opposed to issuing any kind of Treasury notes, and who advocated the policy of keeping the Government on a specie-paying basis by selling bonds in the market for gold with which to do it. Others were opposed to that policy and in favor of issuing Treasury notes, made legal tender for all debts and demands of every kind. Others favored the issue of Treasury notes legal tender for all dues to the United States and for all claims and demands against the United States of every kind whatsoever, but not a legal tender between individuals.

In the bill that first passed the House these notes were made legal tender in payment of debts of all kinds, public and private.

The Senate amended the bill by adding after claims and demands against the United States, "except interest on the bonds and notes of the United States." The reason for this amendment was elaborately presented by Senator Fessenden, of Maine, chairman of the Senate Finance Committee. Senator Collamer, of Vermont, discussing the amendment, said:

The bill as it came from the House of Representatives, in order to give currency to these notes, provided that men should have a right, when they had a quantity of them, to fund them in Government bonds, having twenty years to run, with interest payable in what? In these very notes that they had put in. It was saying to them, "If you will only take these notes, you may fund them in a bond, and take your pay in the notes again." What a financial juggle is that? That is the form in which it came to us from the other House; but an amendment reported by our committee and adopted by the Senate provides that the interest, at least, shall be payable in money.

This amendment to pay interest in coin had been reported unanimously by the Finance Committee, and it passed the Senate without a division. This amendment and one pledging the proceeds from the sales of the public lands in payment of the bonds—after the bill was returned from the Senate—caused a long and very earnest debate in the House. The following extracts from speeches made in the House will show what was the prevailing sentiment at that time as to the meaning of the word "coin" in the amendment:

Mr. Spaulding, chairman of the subcommittee on Ways and Means, who reported the bill that passed the House, and who was in favor of only one kind of money, in opposing the amendment of the Senate to pay interest on the bonds and notes in coin, said:

All bonds and Treasury notes heretofore issued are payable generally without specifying that either the principal or the interest shall be paid in coin, and yet the legal effect is the same.

By all means let us pay the interest in gold to those who desire it, if it is possible to do so.

Suppose the public debt to amount to the sum of \$1,000,000,000 in one year from this time. Six per cent interest on this sum would require \$60,000,000 in gold to be obtained annually—\$30,000,000 every six months to pay interest. How is the gold to be obtained? You will not get it from taxes or from duty on imports, because these by the bill are payable in Treasury notes. The only way, then, to get this gold will be by selling your bonds at the market price to procure it. This is a large amount of coin to be procured on a forced sale of your bonds—\$30,000,000 every six months.

A sum greater than all the gold possessed by the New York banks at this time. The fact that you create by your bill this large demand for gold will tend greatly to enhance the price.

Mr. Pomeroy, who had opposed the issue of legal-tender paper in any form, in advocating the amendment of the Senate to pay interest in coin, said:

The credit of the Government has been recently brought to the test of practical experiment in a much more favorable time than the present, when the banks were plethora with gold beyond all former experience and promptly meeting all engagements in coin.

Now, this paper is or is not equal to gold. My colleague may take whichever horn of the dilemma he pleases. If it is not, it is folly to suppose that people are voluntarily going to place themselves in a position where, for a term of years, they compel themselves to receive it in interest and assume all the risk of depreciation. If it is equal, then there can be no unjust discrimination in paying interest in gold.

While we exercise the power to compel the people to receive it as gold in the payment of debts, we unfortunately have not the power to compel them to loan it back to us on time and receive more of the same kind in interest.

The Committee on Ways and Means are talking about paying, whereas the problem is how to borrow. If capital will seek Treasury notes at par for the purpose of investment in bonds, with the interest payable in notes, how much more readily will it seek the same notes, at a slight depreciation, for the purpose of such investment with the interest payable in gold.

No inducement is offered by the House to fund these notes in the nature of the new security. The credit of the Government is alike bound for the payment of both classes of indebtedness ultimately in gold.

Mr. Stevens, chairman of the Committee on Ways and Means, who had from the first advocated but one kind of money, either all paper or all coin, to be used, whichever it might be, for all purposes whatsoever, said:

All classes of people shall take these notes at par for every article of trade or contract, unless they have money enough to buy United States bonds, and then they shall be paid in gold.

In discussing the report of the committee of conference on the bill, Mr. Stevens, who was chairman of the committee, said in reference to the action of the conference committee:

We provided that the Secretary of the Treasury, in order to raise gold to pay this interest, should throw into market the bonds of the United States at whatever they would bring. * * * We saw no way but to raise the coin in some other mode than selling our paper. * * * We made the imports payable in coin.

In all the discussion in either House on paying interest in coin the words "coin" and "gold" were used indiscriminately. No one had any idea then that the interest would ever be paid in silver or that the bonds at their maturity would be paid in anything but gold, as all such bonds had always been paid theretofore.

The House finally concurred in the Senate amendment for paying interest in coin, but nonconcurred in the pledge of the proceeds of the sales of the public lands. The committee of conference on the bill struck out the pledge of the proceeds from the

sales of public lands and inserted in lieu thereof that duties on imports should be paid in coin, and that was agreed to in both Houses without a division. In this way the disagreement between the two Houses was finally settled, and the act of February 25, 1862, became a law with the following provisions relative to the United States notes and the national debt that might be created:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to issue on the credit of the United States \$150,000,000 of United States notes, not bearing interest, payable to bearer, at the Treasury of the United States.

And such notes herein authorized shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin; and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid.

And such United States notes shall be received the same as coin at their par value in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury.

SEC. 2. *And be it further enacted,* That to enable the Secretary of the Treasury to fund the Treasury notes and floating debt of the United States he is hereby authorized to issue on the credit of the United States coupon bonds or registered bonds to an amount not exceeding \$500,000,000, redeemable at the pleasure of the United States after five years, and payable twenty years from date, and bearing interest at the rate of 6 per cent per annum, payable semiannually.

SEC. 3. *And be it further enacted,* That all duties on imported goods shall be paid in coin, and the coin so paid shall be set apart as a special fund and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862.

That was the pledge of the nation to pay its debt, principal and interest, in coin, which everybody understood at the time to be gold. This pledge was to collect the duties on imports in coin and to set apart the coin so collected in payment of the interest on the bonds and notes of the United States and for payment of 1 per cent of the entire debt of the United States annually after July, A. D. 1862. This pledge was made in the darkest hour of the nation's history, and is a component part of its act making paper a legal tender, and the terms "coin" and "gold" were used interchangeably by the lawmakers at that time, and with the general expectation that the interest and the debt would both be paid in gold. Until the last dollar of the Government indebtedness created by that legislation is paid the Government is bound in honor and good faith to pay it in such tenders as its creditors may select at the time of payment.

By these two amendments to the original bill—one made in the Senate without a division, to pay the interest on the bonds in coin; the other to collect the duties on imports in coin, made in conference committee and agreed to unanimously by both Houses—the national currency was in reality kept on a specie basis, and the industries of the country were saved from serious depression, if not entire prostration. Had the duties on imports been collected in this paper money, with nothing to prevent its depreciation except its being legal tender in payment of debts, it would have reduced the rate of duties so it would have resulted in almost free importation of foreign manufactures from all countries, to the great detriment of our home industries.

With the interest on the national debt payable in paper, the capitalist, no matter how patriotic, would have hesitated to part with his money and receive nothing as an income for the support of his family except these paper promises, which would fluctuate in their purchasing power with the uncertainties hanging over the battlefield, and with an additional doubt whether this paper might not possibly in the end become entirely worthless by the excessive issues required by the necessities of the Government itself. But with an income while the conflict might last that could not be destroyed or lessened in its purchasing power, men of wealth were ready to part with their money and trust to the future for the repayment of the principal. Of all the legislation of that period, these two provisions of paying interest in coin and collecting duties in coin were the wisest and the best.

Both came almost by accident, so far as human foresight is concerned. They were not the conception of any one member of either House, but resulted from the disagreement of the two Houses in discussions as to the best method to give the greatest credit to the Government in borrowing money for its then pressing needs.

The provision of the act of February 25, 1862, which requires the interest on the bonds of the United States to be paid in coin receives not a little denunciation from the Democrats and Populist members of the House whenever they have occasion to refer to it. And they freely charge that this provision must have crept into the bill by some lobby influence around these Halls, in the favorite phrase of Populistic orators, of "organized greed"—of bankers and capitalists seeking their own avaricious and selfish

gains; and that it was such influences which controlled in the enactment of that legislation.

Sir, the only lobby influence around these Halls when that act passed was a lobby of patriotism. It ill becomes this generation to asperse the memory of the dead or the characters of the living legislators of those times. But they need no vindication in words of eulogy. The far-reaching beneficent results of their acts will be their vindication through all time for wise statesmanship and patriotic devotion to the best interests of their country in that crisis hour of its existence. And the only vindication for unselfish patriotism required for what is known as the "moneyed class" of our citizens at that period is a correct knowledge of the history of their acts. The banks of Boston, New York, and Philadelphia, at the first outbreak of the rebellion, loaned the Government \$150,000,000 in gold, on the application of Mr. Chase, then Secretary of the Treasury.

Justice to this greatly maligned class of American citizens, living and dead, compels me to say in this connection that the promptness and patriotism with which the bankers and the capitalists of the country at that time devoted their wealth to the cause of their country was excelled only by that of the soldier who periled his life on its tented fields.

In support of this declaration I trust the House will pardon me in calling attention to a remarkable instance, not then uncommon except in its degree.

Two war ships were being built on the Clyde, in England, and were almost ready to sail. Charles Francis Adams, then our minister to the Court of St. James, called upon Lord John Russell, secretary of state for Great Britain, with a request, based on the recognized obligations of strict neutrality between belligerents, that an order should be issued by the government preventing the sailing of these cruisers. He presented the evidence, full and complete, which he had procured through his detectives, that the cruisers were built with money furnished by the Confederacy, were to be manned with Confederate sailors, and outside the 3-mile limit were to take aboard their war armament and go forth on their mission of destruction of American commerce upon the high seas.

Lord Russell, after listening patiently to the presentation of the case by Mr. Adams, declined to comply with his request. Mr. Adams, rising from his seat and turning to leave the audience chamber, said (in that sharp, concise tone of voice and with compressed lips, which always characterized him in earnest speech): "I need not remind your lordship this is war."

Next day Mr. Adams received a note from Lord Russell requesting him to call at the foreign office. At their interview Lord Russell said to Mr. Adams that it had been decided to issue the order preventing the sailing of the cruisers, provided he would place in the Bank of England, within forty-eight hours, £1,000,000 sterling in gold, to be held as an indemnity fund against any award of damages that might be obtained against the Government in the court of admiralty.

Mr. Adams returned to his office perplexed and in great doubt what to do; for it seemed impossible for him in this short time to comply with the conditions imposed. The evening shadows of the day scarcely closed in, when a gentleman called at Mr. Adams's residence and said to the servant at the door: "Tell Mr. Adams that a gentleman wishes to see him on strictly private but important business."

In response to this message, Mr. Adams repaired to his reception room and found there George Peabody, then a London banker. Mr. Peabody, addressing Mr. Adams, said:

I know all about your interview to-day with Lord Russell; and realizing how difficult, if not impossible, it would be for you to procure a loan of \$5,000,000 in the time specified, even if you had the authority of your own Government, duly authenticated, I have come to say to you that at 10 o'clock to-morrow I will see that \$5,000,000 in gold is placed to your credit in the Bank of England on one condition, that it shall be a profound secret how this money is obtained, known only to President Lincoln and such of his officials as must know about it. I will take the bonds of the United States as soon as they can be prepared and sent to you here for delivery in payment of this loan.

Next day Mr. Adams called on Lord Russell and the £1,000,000 sterling in gold was placed on deposit in the Bank of England, as required by Lord Russell, and an order was issued preventing the sailing of these two cruisers.

By this prompt, patriotic act of this millionaire banker the lives and the property of American citizens were saved from destruction upon the wide ocean and the cause of the American Union from impending disasters. And by this act the ruling classes of England were saved from a hatred and rancor in the hearts of the loyal American people deep and bitter as ever burned in the bosoms of the old Continentals against the redcoats and the hiring soldiery of George III.

I judge what would have been the feelings of the American people at that time by my own. Such a national animosity in this period of the world's history between these two English-speaking peoples would have been a calamity to the well-being of the future

of mankind scarcely less than would be the dismemberment and destruction of the union of these States.

The Republic owes it to itself some day to erect in front of this Capitol two colossal statues—the one to be inscribed in letters of living light, "George Peabody—the Massachusetts boy, the London banker, the devoted patriot in the hour of his country's greatest need;" the other to be inscribed in characters as enduring as the granite of his native Quincy, "I need not remind your lordship this is war." Such a group to stand through all the years of the long-coming future a memorial of one of the most vital incidents in the history of the new Republic.

But to return from this digression into which I have been led in vindicating the patriotic devotion of all classes of loyal American citizens, including banker, merchant, and capitalist, in the five years of the crisis period of the country's history from 1861, I will call the attention of members to the wording of the act to strengthen the public credit, passed March 18, 1869:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the law by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision, at the earliest practicable period, for the redemption of the United States notes in coin.

The act expressly declared that the debt is payable in coin or its equivalent, and it provided that no interest-bearing obligations of the Government shall be redeemed before maturity unless the United States notes are at the time convertible into coin at the option of the holder. What was the reason for any such legislation at that time? For the pledge in the act of February 25, 1862, was specific that the Government would pay the interest on its bonds in coin, and would pay in coin 1 per cent of its entire debt every year after 1862.

Why was this act of 1869 passed? At the time there was neither gold nor silver circulating as money. Specie payments were suspended in November, 1861, and were not resumed until January, 1870. Coin at that time meant gold, or its equivalent. The equivalent was either silver of the commercial value in the markets of the world of \$1.29 an ounce, or paper made the equivalent of gold by adding the discount, whatever it might be.

The Greenback party, which sprang into existence in 1867 and 1868, insisted that these bonds were payable in greenbacks at the expiration of five years from the date of their issue; for the reason, they said, that the wording on the face of the bond was that the United States were indebted in dollars, and the wording of the greenback on its face was that the United States promised to pay dollars. Therefore, whenever the time for payment matured, the promise on the greenback to pay dollars, being a legal tender, was good for the payment of these bonds, that on their face called only for dollars, though the law under which they were issued said they should be paid in coin dollars.

To put at rest this question then agitating the public mind, and in order to remove all doubt and settle conflicting questions and interpretations of law by the cheap-money advocates of that time, the act of 1869 was passed, declaring that the faith of the United States is solemnly pledged to the payment of the national debt in coin or its equivalent.

The wording of the act is that "the faith of the United States is hereby solemnly pledged to the payment in coin, or its equivalent." Could it have been intended in using the word "equivalent" to declare that the silver dollar of the weight of 412½ grains of standard silver, worth in the markets of the world in 1869, when this declaration was made, a little over 100 cents, is the equivalent to the silver dollar of 412½ grains of standard silver, worth in the markets of the world in 1898 from 42 to 45 cents?

The act of July 14, 1870, to authorize the refunding of the national debt, is especially explicit as to the kind of coin in which the debt was to be redeemed, "in coin of the present standard value;" that is, of the standard value of July 14, 1870. At that time the silver dollar was equal in commercial value to the gold dollar, and each was of the value of 100 cents. There is nothing said in this act, or any other law, about weight being an equivalent to value.

Yet all the advocates of paying the bonds of the Government in silver claimed that the weight of 412½ grains of standard silver is equivalent at all times to 100 cents in value, making no distinction between debt-paying value and commercial value, and ignoring entirely the words of the act of July 14, 1870, which are, "Redeemable in coin of the present standard value." At that time the standard value of coin was equivalent and equal to gold;

silver and gold dollars were then of the same commercial and debt-paying value.

Treasury notes of 1890, issued in payment for the purchases of silver bullion, are in specific terms payable in either gold or silver at the option of the Government. If the Government has the option of tenders rightfully in paying its debts, what necessity was there for so specifying in this case? It was thought by those who advocated it that as it was silver received, it was fair and right to pay in the same kind of money; and for that reason it was specifically provided that the Government had the option. And the only reason urged at that time why the Government should have the option was that it was paying in just the kind of money it received.

But for the act of Congress pledging the good faith of the Government to keep all kinds of money—gold, silver, and paper—on a parity with each other, the Treasury notes of 1890 might be paid in silver coin. But these notes, being in every way exceptional in character, stand by themselves in every respect an exception to the general rule. There is not a bond of the United States to-day, and there never has been one except those issued in aid of the Pacific railroads, nor is there any other obligation of the Government, not specifying a specific kind of payment, that the Government is not bound in good faith and fair, honest, business dealing to pay at maturity in legal-tender money at the option of the creditor, if the Government has more than one kind of tender, at the time of payment.

Mr. MCLELLAN. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Chairman, I hoped some member of the Committee on Ways and Means would fully explain to the House the effect and purpose of this bill, but up to this time we have heard nothing which to my mind ought to be accepted by the House as a reason for passing it. I find, however, on examination of the report, the reason why it is presented:

It has been shown as one reason for the passage of this bill that there are greatly more spirits in the warehouses than there is any demand for in the markets, and that all of them which are over four years old are rapidly depreciating in value, though getting better in quality, because the outage period does not now extend to them.

At a time like this, when the Government is in need of revenue and is calling for people to enlist in the Army and taxing every possible subject of taxation throughout the country except the trusts, corporations, and the incomes of the rich, it seems to me it is a bad time to directly or indirectly relieve the whisky distillers of the country of a part of the tax imposed upon them. The report says:

If it be the policy to paralyze this great revenue producer, all that is needed is to leave the law as it is and the work will be effectually done; but as the revenue is greatly needed and as it can come from no other source which will be so little felt, the committee have deemed it wise to recommend that the relief offered by this bill should be afforded.

Relief to whom? It is not a revenue bill, but a bill to relieve the large distillers.

I am surprised at this statement in the report from the committee presided over by the able and eminent gentleman from Maine, the chairman of the committee, because I had always understood it was the purpose of the lawmakers of that State to suppress the liquor traffic rather than to encourage it. Continuing, the report says:

The results of having a bonded period of eight years and an outage period of only four years have not only been disappointing, but threaten, as will be seen hereafter, serious disaster to the trade and to the revenues.

As correctly and practically applied to the subject of the taxation, the law is wholly incongruous and unsuitable.

Shall we, because the act of 1894 has been disappointing and threatens disaster to the whisky trade, pass this bill? The whisky trade is as able to bear the burdens of this war as any other branch of trade.

If it is incongruous and unsuitable to have a bonded period of eight years and an outage period of only four years, then I suggest that the incongruity can be removed in another way than the one suggested by the committee. Instead of increasing the outage period from four to seven years, and reducing the bonded period to seven years, why not reduce the bonded period to four years, and thereby require an earlier payment of the tax on this large amount of whisky which they say is stored up by the great distilleries, so that the Government can get it at a time that we need money so badly?

Mr. BERRY. Does the gentleman think a man ought to pay for the goods taken out of bond before he gets them ready for the market?

Mr. McRAE. I think he ought to pay on whisky when it is made.

Mr. BERRY. You do not do it with any other article.

Mr. McRAE. I am not familiar with the practice in that respect, but we do and should treat whisky differently from other items of internal tax. Four years was for a long time supposed to be the proper period for whisky to age. Up to the passage of the act of 1894 only three years was allowed as the bonded period.

It was argued, and insisted with great force, as I remember the debate on that question, that by extending the bonded period to eight years a better article would be had, because the whisky would enhance in value and do nobody an injury. But now these same gentlemen come here, after obtaining the concession which enabled them to continue their whisky in bond four years longer, and ask the Government to stand the loss of evaporation for three years. In other words, they ask the Government to wait seven years after the whisky is made for the tax, and demand a discount of 2 gallons a year on each barrel in bond because it does wait.

Mr. BERRY. In other words, the whisky men only want to pay for the amount of whisky in the barrel when they sell it, and not for the amount that has evaporated?

Mr. McRAE. The Government does not propose to keep a warehouse to store liquors until the whisky men are able to sell them. The tax is upon the manufacture of whisky and not on the sale of it. The manufacturers are given a reasonable time to age it, which for a long time was supposed to be three years.

Mr. SHUFORD. Is not this virtually a loan by the Government to the whisky men?

Mr. McRAE. I construe it to be nothing else. It is simply an extension of time for the payment of money due under the law from these distillers, who will pay the tax at the end of four years unless the Government will bear the loss of evaporation, which is more than the interest on the money. I enter my protest against it. I believe it is all wrong, and I hope the House will defeat the bill unless it is changed as I have suggested.

Mr. McCLELLAN. I yield five minutes to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Chairman, I desire to state to the House what the present law is and what this bill proposes to do. Under the present law a man who makes fruit brandy, or makes whisky, can put it in a bonded warehouse, and it is not to be taken out by him, unless he desires, for eight years. But after the expiration of four years they do not allow any deduction for evaporation. The condition is, at the end of four years, as I have stated, although the whisky may evaporate two gallons per barrel every year, this Government allows no deduction for the two gallons that evaporated after the end of four years.

Now, the United States is the only Government in the world that taxes whisky that does not require the payment of the tax at the time the whisky is consumed. Germany and France and all other nations in the world that collect taxes on goods collect at the time of the consumption of the article. This Government does it for everything else except whisky. On tobacco the manufacturer is not required to pay the tax until it is ready for consumption, and he then pays tax on the amount he ships out for consumption.

Now, the difficulty in connection with the whisky trade is that we do not let our whisky remain in the bonded warehouse long enough for it to get good and mellow. Consequently we do not secure the best whisky, and hence we have a large importation of good foreign whisky. Scotch whiskies are imported, and whiskies of various kinds. Why? Because in England, in France, in Germany, and other countries, the distiller of whisky is allowed to keep his whisky in bond for twenty, thirty, or forty years, and not pay the tax until he takes it out of bond. Thus a good quality of whisky is secured. But in this country we cease at the end of four years to allow any deduction for evaporation. Consequently our distillers are not disposed to let their whisky remain in bond for any longer period.

Besides, at the end of the fourth year, when the deduction on account of evaporation ceases, a great deal of our whisky is imported to Great Britain, Germany, and other countries, and then at the end of seven, eight, or nine years, when all the fusel oil has evaporated and you have a pure article not deleterious to health like whisky raw and new, it comes back here, and under the law when it reaches New York it pays a tax upon the quantity in the barrel, precisely what this bill provides for.

The gentleman says that this bill proposes practically a loan to the distiller. Sir, the man who has his whisky in a bonded warehouse has his capital invested. He is losing the interest on his money. All that this bill proposes is at the end of seven years to allow a gauger of the Government to ascertain the amount of whisky in the barrel, and then the Government is to collect tax for every particle of whisky which that gauging shows. Why not do that in regard to tobacco? Why should you not as well require a man to prepay his tax on goods imported into this country; why not require the tobacco manufacturer to prepay the tax, if you are going to compel the whisky manufacturer to do it? Why hold the scales of justice differently for one man from what you do for another? Why should we not apply those Democratic principles, equality and justice? Why should we say that one class of manufacturers or one branch of industry shall be separated and isolated because you happen to have some prohibition ideas or convictions?

Mr. McRAE. But you propose an extension of the bonded period for the benefit of the distiller.

Mr. SWANSON. I say it is not an extension of the bonded period; there is only an extension of the period for regauging, which makes the Government get tax on every particle of whisky in the barrel.

Mr. BAILEY. Does not this practically reduce the period?

Mr. SWANSON. It reduces the period for payment one year. That is the compromise effected in this bill.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SWANSON] has expired.

Mr. SWANSON. I trust I may be allowed a few minutes more.

Mr. EVANS. I yield the gentleman two minutes.

Mr. McCLELLAN. And I will yield him two minutes of my time.

Mr. SWANSON. Under the present law a man may keep his whisky in the bonded warehouse for eight years and the Government can not compel the payment of the tax until the end of that time. This reduces the time within which the tax must be paid one year.

A MEMBER. And if he does not pay the tax at the time fixed he suffers a loss?

Mr. SWANSON. Yes; he suffers a loss. We provide in this bill that the Government shall get its money one year earlier than now, and that the distiller shall be allowed a deduction of three years for evaporation. Is not that a fair and just compromise? The Government gets its money one year earlier than under the present law, and the distiller gets simply an extension of about three years for evaporation. The largest part of the evaporation occurs during the first four or five years.

Mr. SHUFORD. Is any privilege of this kind extended to the farmer?

Mr. SWANSON. A similar privilege is extended to the farmer who manufactures fruit brandy. In my district I believe there are three or four hundred of these farmers who distil brandy from fruit. Such a distiller can put his brandy in a special bonded warehouse and allow it to stay there for seven years, getting mellow and good. Thus we can produce as good peach or apple brandy as can be produced in foreign countries. Do you want to deprive the farmers of that privilege?

A MEMBER. Are those distillers farmers?

Mr. SWANSON. Yes; they are farmers. All of those who make fruit brandy in my district are farmers. There are no large distillers in my district.

Mr. SHUFORD. How does the production of brandy there compare with other products of the farm?

Mr. SWANSON. Well, it is a pretty large industry in my district, where there are plenty of peaches and apples.

How can we expect Americans to compete with foreigners in the production of good whisky and brandy unless we allow our own manufacturers or distillers a fair opportunity for their products to become mellow and good?

[Here the hammer fell.]

Mr. McCLELLAN. I yield to the gentleman from New York [Mr. DRIGGS].

Mr. DRIGGS. Mr. Chairman, I would say to Spain as Burke said to Parliament upon the question of the conciliation of the American colonies:

It is not a question with me whether you have the right to render your people miserable, but whether it is not your interest to make them happy.

The world knows why Burke uttered these words, and we also know that English injustice, oppressive taxation, and coercion continued until finally, unable to stand these injuries, the colonies revolted and threw off the English yoke. So, to-day, while not denying the legal—not the moral—right that Spain has to make her people of Cuba miserable, we must, at the same time, also recognize the right of the Cubans to throw off that yoke of misery, of horror, of injustice, to win the blessings of liberty and equal rights.

I believe that the four greatest curses the world has ever known are famine, pestilence, war, and Spanish colonial rule. While it is not my purpose to enlarge upon all Spanish rule, I do desire to review that rule on the Island of Cuba.

I desire to say first of all, Mr. Chairman, that it is the aim of every man in public life to-day to so conduct himself during this history-making epoch of the nation that the world of to-day and posterity of the future will say that humanity demanded, justice compelled, and honor forced American intervention for the freedom of the struggling patriots on the Island of Cuba, and also for the general welfare of our own people.

It was said by a famous United States Senator that the sufferings of the American people prior to the Revolutionary war were "as dust in the balance" compared to the sufferings of the Cubans during the past eighty years.

The American Revolution and its successful termination was the signal of freedom to many of the possessions of Spain upon this

hemisphere. Chile, Peru, Mexico, Venezuela, and United States of Colombia all sooner or later won their freedom, and it seemed as though Cuba, too, would be lost to her.

This, however, was not to be, for her fairest jewel, her "pearl of the Antilles," remained unswervingly true, until at last the world knew her as "faithful Cuba." Despite this, Spain had not sufficient gratitude to say to the people of this island, We will give you such reforms, such liberality of government, that you will be practically free.

What, then, did she do? Ah! With that Machiavelian policy of treachery for which she was and is so famous, her fairest promises were but twisted sword thrusts of far greater wrongs and cruelties.

In 1823 martial law for the government of the island was instituted, the will of the Governor-General being made absolutely supreme upon every question, the Crown never interfering in any manner. The people were to have no voice in the election of their legislators (this is practically so to-day), all being appointed by the Crown, and for protection of their rights they had to rely entirely upon Spanish whims and cruelties. Schools were not started and free education is to this day practically an unknown quantity. Cuba had to pay the entire cost of the invasion of Mexico, amounting to \$10,000,000, and in later years the entire cost of putting down the San Domingan insurrection, and the ten years' war, amounting to \$23,000,000 and \$400,000,000, respectively. As though this were not enough, extra taxes were levied for all sorts of purposes, and it is true that the per capita tax of each resident or subject of Spain upon the island is nearly three times as heavy as that of the Spaniard in Spain.

Is it any wonder that in the early part of the century discontent and dissatisfaction were soon apparent? Spain had broken her pledges, and in 1823 her people revolted. This insurrection, however, did not last long. It was followed by several others until the famous Lopez-Walker troubles of 1848-1852. To this insurrection or raid I propose to allude to some extent, not because of its importance to Cuba, but because of the many valuable state documents written by Presidents Taylor and Fillmore and Secretaries Clayton and Webster, showing our policy toward Spain at this period, and in addition because these state papers are so similar to many, many others written by nearly every other President and Secretary of State from that period to the present time.

These expeditions were supposed to have been organized at Mobile, Ala., in 1849 by a man named White, acting for Lopez and Walker.

The United States acted with dispatch and decision and the Secretary of State, Mr. Clayton, ordered the most rigid investigation, stating that the persons organizing such expeditions were guilty of "high misdemeanor" and subject to a heavy fine and imprisonment.

He also wrote to the United States authorities at New York in relation to a supposed expedition from that city:

If this expedition proves to be against Cuba, proceed by every means in your power to enforce the laws and prevent the violation of our treaty with Spain.

August 11, 1849, President Taylor issued a proclamation in relation to these expeditions, warning "all citizens of the United States that such an enterprise (aiding Cubans) would be a gross violation of our laws and treaty obligations." In no unmistakable manner he declares that the "United States will hold all citizens to account for any violation of our neutrality laws." Two days after this proclamation the President received a letter from the Spanish minister, Calderon de la Barca, protesting against this supposed "expedition of adventurers" against Cuba. This was replied to by Mr. Clayton, Secretary of State, with:

The United States wholly disapproves and condemns the designs referred to, and that it will earnestly and in good faith do all that lies within its power to defeat those designs, and the United States will keep strict watch over any attempt on the part of any of its citizens against the island of Cuba.

The Spaniards, then, too, as now, must have exhibited a great bitterness of feeling against all Americans, for our consul in Cuba urged us to send a naval squadron to protect lives of Americans, as they were seriously endangered.

A few months later this same consul wrote from Santiago de Cuba to the Secretary of State that the people of Cuba are now loud in their grateful applause of the Government at Washington for arresting invasion against Cuba. I presume the particular arrest here alluded to was that of two vessels, one the *Sea Gull*, with munitions of war, and the other the *New Orleans*, with men and arms, as they were about to clear from lower quarantine in New York Bay. This destroyed the first filibustering expedition from New York. Eternal vigilance is certainly the price of preservation of neutrality laws.

Taking the evidence of the Spanish minister at this time (1849), it is most clearly shown that this revolution in Cuba would have been very extensive and difficult to suppress had it not been for the prompt action of President Taylor and Secretary Clayton.

The Spanish minister "placed implicit reliance upon our attempt to stop all expeditions against Cuba." Later, among other pro-

tests was one, in May, 1850, against the flag that was raised by the New York Sun over its New York building, claiming that the Sun had called this the flag of the Cuban Republic, and insisted that the owners of the Sun be required to furnish bail to keep the peace and from disturbing the public mind. There is nothing to show in the archives of the State Department whether the Sun was placed under bonds, but it does prove to me that the Sun was the original "Cuba Libre," "Jingo" newspaper in the United States. I simply would add, "Good for the Sun."

On May 10, 1850, the Spanish minister wrote a most threatening letter to Secretary of State Clayton about an expedition that was supposed to have left New York. He said that "if these pirates," as he called them, "received deserved chastisement, no matter how hard or severe, no interposition in their favor shall be listened to; neither will the sympathy which they may inspire have any foundation; nor will any complaint or claim be considered just." Mr. Chairman, knowing how hard and earnestly our Government was working to preserve our laws of neutrality, this letter seems to me to be one of the most unnecessarily severe ever received by our State Department.

SPANISH DIPLOMACY IS NOT OF A GENEROUS AND OPEN ORDER.

May 18, 1850, Secretary Clayton replied that "the United States had always used its best exertions to put down former disturbances, and would do the same in the present emergency."

Lopez landed with 400 men at Cardenas May 19, 1850, and after thoroughly defeating a small Spanish force retreated to his ships. (It is a peculiar coincidence that the place where the first battle of Cuban filibusters was fought against Spanish troops is also where American troops and sailors were first in contest with Spaniards.)

After this battle the Count of Alcoz, Governor-General of Cuba, declared Cuba—

I. In a state of siege.

II. Coasts of the island and its waters were declared in a state of siege, and all vessels whose papers were not all right would be searched, and whenever arms or munitions of war were found the vessel and her sailors would be treated as pirates.

III. All persons detected in belonging to band were to be immediately shot.

IV. All people found associating with any member of the "band of robbers" (so called) would be shot.

V. Anyone aiding them in any manner with news, arms, money, provisions, or doing any service would be shot.

VI and VII were equally as severe. It is also true that the entire edict was so cruel and barbarous that all the inhabitants were afraid and suspicious of each other. The suffering it caused was certainly tremendous, and is it to be wondered that the Cuban patriots dreaded taking up arms against Spain when defeat meant certain death?

Lopez in his pronunciamiento simply said the rebellion was "to liberate the people of Cuba from the tyranny and oppression to which they are now subject by the power of Spain."

To revert, two days after the battle at Cardenas the Spanish newspapers in Havana recorded in most patriotic language the great victory of the Spanish troops, when in reality it was a disgraceful defeat. Their journalism of to-day differs very little from that of fifty years ago. I desire to quote part of the editorial of one of these papers, the *Diario de la Marina*, in order to show the very accurate, prophetic discernment of its editor:

From this day the Queen of the Antilles will march secure of her future by the road of prosperity that has been opened to her by the protecting hand of our sovereign and the solicitude, tact, and care of the authorities that so well govern us.

The world knows the truth of this prophecy, and time shows the paragraph should have read as follows:

From this day the Queen of the Antilles will march insecure of her future by the road of adversity that has been forced upon her by the treacherous hand of her sovereign and the inhumanity, errors, and criminal neglect of the authorities that so wickedly and outrageously govern us.

June 1, 1850, President Taylor sent a message to Congress in response to a request from the Senate to the State Department "for all information and correspondence upon an alleged revolutionary movement in the Island of Cuba." With this message was sent a vast amount of correspondence upon the conduct of the United States to Spain in relation to various attempts (to quote from the message) "under the directions of foreigners enjoying the hospitality of this country to get up armed expeditions for the purpose of invading Cuba," and the message concludes by saying: "It will be seen by the correspondence that this Government has been faithful in the discharge of its treaty obligations with Spain and in the execution of the acts of Congress which have for their object the maintenance, in this regard, of the peace and honor of this country."

Time and again the Secretary of State wrote our consuls, marshals, district attorneys, and the Spanish authorities that the President intended to sustain the honor of this Government by the faithful discharge of our obligations toward Spain. At the same time Secretary Clayton refused to recognize the right of

Spain to hang, garrote, or shoot any American citizens captured on the high seas in a filibuster. They were unquestionably guilty of a violation of the United States law, but of no law under which Spain could punish them. "The intention to commit crime is not crime. Some overt act must accompany the intent." The President decided that "the eagle shall and must protect them against any punishment but that which the tribunals of their own nation may award." "Warn the Count of Alcocz, Governor-General, in the most friendly manner and in the true spirit of our ancient treaty, that if he unjustly sheds one drop of American blood at this exciting period, it may cost the two nations a sanguinary war."

There is Yankee pluck for you; there is Yankee patriotism; there is protection to American citizens, and it was by such men as Secretary Clayton and President Taylor and documents similar to theirs that the United States is great and powerful to-day. No beating around the bush to avoid war, but everything for national honor and protection to our citizens, ashore or afloat.

The Navy Department cooperated with the State Department, and gave many explicit orders to our naval commanders to prevent expeditions leaving the United States, and, in addition to this, a strict patrol was kept between New Orleans and Charleston.

Lopez was finally captured and garroted, and with him were garroted or shot a number of poor, misguided, deceived American citizens; and remember, these Americans had not violated any law that was punishable by a severer penalty than fine and imprisonment. They were also entitled, under article 8 of our treaty with Spain, to a fair trial, and as this same article 8 and one similar to it have been referred to so many times of late, I quote it in its entirety, viz:

And, in all cases of seizure, detention, or arrest contracted or offense committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such cases and at the taking of all examinations and evidence which may be exhibited at the said trials.

To revert to the Lopez massacre, it was said and proved that the most revolting and barbarous indignities and mutilations were committed on the bodies of these Americans after their assassination.

On August 21, 1851, a terrible riot in New Orleans was caused by the arrival at that city of the steamer *Crescent City* from Havana with letters from executed men, written prior to execution, to friends in New Orleans. A Spanish newspaper office was demolished and destroyed, the Spanish consulate looted and attacked, and Spanish stores robbed and burned. No one, however, was killed, and in consequence of the fact that Spain, through the conduct and actions of her subjects, was partially responsible for the riot, our Government refused to pay any indemnity excepting for damage at the consulate.

The Spanish minister, writing to our State Department October 14, 1851, said something to this effect: "The action of Spain in Cuba in executing filibusters was just and honorable, and she (Spain) proposed to sustain, at all hazards, the honor of the Castilian flag, that flag without stain," etc., and this, gentlemen, was written after the mutilation of the bodies of the executed men of the Lopez expedition. If this was not a stain upon the flag of Spain, I do not know what could have been; but Spain has ever used fine language in diplomacy, torture and inhumanity in actual treatment of her subjects and prisoners, and utter disregard of all treaty obligations in her dealings with another power.

In every instance of her history with us she has held herself the aggrieved, while in reality she has been the relentless, cruel aggressor, and humanity, acting through the medium of the United States, has frequently been forced to make her desist in the treatment meted out to her subjects. To revert to this famous letter of De la Barca, he informed us also that "unless we desisted, all Americans, including the American consul, would be ordered out of Cuba," at the same time claiming indemnity for destruction of Spanish property. One month later, November 13, 1851, that great statesman, Daniel Webster, then Secretary of State, replied in the most diplomatic language and beautiful satire that "the United States recognized the past greatness and honor of the Castilian flag and the early greatness of Spain; at the same time regretted the action of the mob in New Orleans, but would not pay one dollar of indemnity excepting for property destroyed at Spanish consulate."

De la Barca then endeavored to intimidate Mr. Webster, but found his vaporings had about as much effect upon our great statesman as the ocean has upon the rock-bound coast of Maine. War seemed inevitable, but the episode was hushed up and the Lopez incident declared closed.

The Lopez incident disturbed the "peace and happiness" of our people and upset our "general welfare."

The next source of trouble was the famous *Black Warrior* case. Spain boarded and searched without warrant of law and in viola-

tion of every treaty obligation this vessel for munitions of war when there was not any sign of trouble upon the Island of Cuba. Again the dark war clouds appeared on the horizon, but the sun of diplomacy dissolved them and the episode was declared settled. Thus again was the peace and happiness and general welfare of the American people disturbed.

How about the people in Cuba during all these years? Their condition became more deplorable, taxes became heavier, cruelty grew apace, slavery was in existence all over the island, Spanish thievery diminished not in the least, and finally in 1868 began the war that lasted until 1878 and is known in history as the ten-years war. This war was conducted with the usual Spanish cruelty and inhumanity. I would say the ostensible cause of this was was for the liberation of the slaves, but in reality the cause was for representation in the Spanish Cortes and a reduction in taxation. Peace was finally brought about by Martinez Campos, the Governor-General, promising all reforms asked.

It was during this war that the famous *Virginian* affair occurred, when so many Americans were foully butchered at Santiago de Cuba. What did President Grant do? He sent an ultimatum demanding that Spain should pay an indemnity, apologize, and salute the American flag, and cowardly Spain, knowing the military ability of General Grant, instantly obeyed orders and did as commanded. War would certainly have resulted had not Spain acceded to President Grant's ultimatum, and it seemed as though it would occur anyway. Thus once more were the peace and happiness and the general welfare of the American people disturbed.

Spain kept but one of her promises to the people of Cuba, their condition becoming more deplorable than ever before. The slaves, it is true, were freed, but the election reforms were a delusion and a snare, free education was a lie, reduced taxation was in reality almost doubly a burden, and finally, in 1895, when several Cuban newspaper editors were deported, mutterings of revolt could be heard at every place where Cubans were wont to congregate. Finally the storm burst and Cuba was again in revolt. While it is true that the ten years' war was a revolution of the lower class, it is equally true the present revolution is one of the better class.

I would say here that the great majority of the doctors, lawyers, and all the professional men and merchants are native Cubans. Remember, too, out of 1,600,000 population there are not more than 150,000 native Spaniards, 400,000 negroes, while the remainder, or over 1,000,000, are native Cubans. This table is from the most accurate source, and the Spanish yarn about two-thirds of the population of Cuba being negroes is, as usual, a Spanish lie.

In the pronunciamiento of the rebels, which is a very strong document, it is said the war is for the purpose of "seeking redress for long-continued wrongs, injuries, and cruelties." From its inception the war has been a success for the patriotic cause, and Spain, as usual, had to finally resort to the butchery of innocent men, women, and children to attempt to stop its ever onward progress. When this availed naught, "Butcher Weyler" was given command and soon was promulgated his famous order of reconcentration. By this order all men, women, and children were ordered to the towns. This was really an order of extermination, Weyler knowing full well that the towns had not provisions and supplies sufficient for their own use, leaving aside the task of supplying thousands more.

The people of the United States could hardly stand these cruelties, and finally when the *Maine* was destroyed the last straw broke the long-suffering camel's back and war resulted.

But you may say now we had not the right to intervene. Ah, Mr. Chairman, the policy of the United States is the policy of peace until there shall arise a just cause for war. Our commerce with Cuba is large and important, and the records of the diplomatic intercourse between the two countries ought to manifest to Spain how sincerely, how earnestly, the United States has "manifested the hope that no changes of any character might lead to a transfer of Cuba from the Spanish Crown."

If any nation has done all in its power to promote, establish, and maintain amicable relations with Spain, that nation is the United States. Again, I repeat, our records and reports of the State Department are full of the evidences of the distinguished consideration we have had for Spain. It is well to remember that for many years our commerce suffered most severely from attacks of pirates and freebooters whose headquarters were on the islands of Cuba, Puerto Rico, and the shores of Texas, and were finally destroyed, not by Spanish vigilance, but by Yankee gunboats and men-of-war. Yet the United States did not cry out in bullying tones to Spain to suppress these pirates, for she knew that Spain was too exhausted, too poor after her French wars, to maintain a fleet of sufficient size for their destruction.

If we wanted Cuba, then was the time for conquest, for annexation. But no, we were too honorable, too just to strike a nation when it was almost in the last throes of national existence; and going further, we informed Spain that we could not view with friendliness the attempt of any foreign power to take these islands

from her. This was our idea of justice, of friendship toward the nation that had no friends to aid, protect, or defend her, and that had so grossly violated her treaty obligations with us. Thank God for our American charity, diplomacy, and policy of malice toward none and justice to all.

Yet some say we are not justified in now acting against Spain. The time had come; the hour was here and America had to act. The naked sword of justice may indeed be now used without disgrace and without criticism. "We can not suffer oblivion to cover the past;" we must remember the history of Cuba. So long as the reconcentrados continued suffering and starving, just so long would efforts constantly have been made by generous and noble-hearted American citizens to alleviate their condition, while the cry "Cuba libre" would strike a responsive chord in the breast of every true lover of American liberty and institutions. So long as Cuba remained a Spanish colony, just so long would it have been a thorn in the side of our body politic, and at periods recurring far too frequently caused us national pain and commercial disquietude.

Can we desire more reasons for intervention? Can we ask for further cause for authorizing the President to use the Army and Navy? Not being a lawyer, I am compelled to rely upon the unchallenged arguments of one of the best lawyers in the House of Representatives for the purpose of giving the legal rights of intervention. This argument in part is as follows:

INTERVENTION FOR FREEDOM AND HUMANITY.

If our right to intervene in Cuba by reason of the injury and disquietude to the United States is clear, it is equally clear that it is our moral duty to secure peace, order, and freedom in Cuba and to succor her starving people. International jurists differ as to the right of nations to intervene on humanitarian grounds, but international jurists do not make law; they simply collect and discuss the precedents which constitute international usage.

If it is said to think of the interventions which have taken place for selfish motives, to establish oppression and stifle the spirit of liberty, it is reassuring to find nations which are strong intervening to save those which are weak, intervening in the name of justice and liberty. Vattel held—

"That a foreign power has a right to succor an oppressed people who implore their assistance, when from good reasons they take up arms against an oppressor, and that it is but an act of justice and generosity to assist brave men in the defense of their liberties."

Sir James McIntosh, in the English Parliament in 1823, said: "Whatever a nation may lawfully defend for itself it may defend for another people if called upon to interpose."

Bluntschli and Wheaton and Woolsey admit the right of intervention for motives of humanity or to aid an oppressed race.

"Intervention—"

Said Sir William Vernon Harcourt—

"when wisely and equitably handled by those who have the power to give effect to it, may be the highest power of justice and humanity."

And again:

"The only object and justification of intervention is peace."

We can not lay down an absolute rule that will cover all cases. Each must be decided on its own merits and our practical relation to it. The massacre of the Armenians by Turkey aroused immense moral indignation in the United States and was the subject of various appeals to our Government by a sympathetic people. Our Government could and did make moral protests to the Turkish Government, but it could not forcibly intervene.

That duty belonged to the five great powers. They had assumed the responsibility of securing good government in Armenia, and it is a blot on the civilization of the nineteenth century that they did not fulfill their duty. Mr. Gladstone's famous appeal will go down to history. Spain is the Turkey of the New World and Cuba is our Armenia, and the people of this country have determined that slaughter and oppression and massacre and starvation shall cease in that island.

The United States Government itself has intervened in the affairs of other nations, and for humane reasons. It gave moral support to the efforts of Hungary to obtain its independence. It has made moral protest in behalf of persecuted Jews. It interposed in 1851 by sending a United States ship to Turkey to bring Hungarian exiles to this country. It has interceded in behalf of political offenders. It interceded for the protection of Venezuela and Mexico.

The United States rendered a service not only to its own citizens, but also to civilization and humanity when they forcibly intervened to break up the piracy of the Barbary powers. There were several American statesmen who thought it cheaper to pay the Barbary powers the yearly tribute they exacted than to fight them; but the result showed that war in this case was cheaper and shorter than peace, and a long and final peace was the blessed result of a short war.

So much for the legal phase. In conclusion, how would our forefathers have acted? Thomas Jefferson said:

We love and value peace. We know its blessings from experience. We abhor the follies of war, and are not untired in its distresses and calamities. Unmeddling with the affairs of other nations, we had hoped that our distance would have left us free in the example and indulgence of peace with the world.

Washington:

Europe has a set of primary interests which to us have none or a very remote relation.

Van Buren, 1838, second message:

That the people of the United States should feel an interest in the spread of political institutions as free as they regard their own to be, is natural, nor can a sincere solicitude for the success of all those who are at any time in good faith struggling for their acquisition be imputed to our citizens as a crime. With the entire freedom of opinion and an undisguised expression thereof on their part, the Government has neither the right, nor, I trust, the disposition, to interfere.

He then goes on to say that whether the United States should interfere is wisely left to Congress. This is exactly what President McKinley did. He waited and then asked Congress, the direct representatives of the States and the people, what should be done. He certainly had warrant enough under a vast amount of

historical authority to proceed in this manner, and Congress, knowing full well the desires and wishes of a great majority of the American people, acted in full concordance with their desires.

Webster wrote the following plank in President Fillmore's second message—1851:

The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to those in which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country.

Seward, 1864:

Nations are equal in their independence and sovereignty, and that each individual state is bound to do unto all other states just what it reasonably expects those states to do unto itself.

I contend, Mr. Chairman, that when Spain recognized the beligerency of the South during the civil war, she opened a way for us to do unto her at some time what she did unto us; and I am satisfied that if we had conducted our war with barbarism, murder, and outside the pale of civilized warfare, she would have allowed the independence of the Confederacy, and also would have intervened if necessary to stop the war.

She would have had a notable precedent for such action, as we also have now, namely, the action of Great Britain, France, and Russia in intervening to stop the Turkish atrocities, many years ago, at the time of the Greek insurrection. It was then considered necessary to do this "on the ground of humanity, to stay the effusion of blood." It has been said that—

The emancipation of Greece was a high act of policy, above and beyond the domain of law. As an act of policy, it may have been and was justifiable. (Wharton—Kent and Harcourt.)

We must take the course for our present severe action along these lines, and we are justified in intervening, as Spain would have been under similar conditions.

This being the case, why should our sympathy and assistance be given to this people of the island? Because we are bound to follow the illustrious example of our forefathers—and it should be here remembered that at the close of the Revolutionary war our Government was being conducted under articles of confederation, the Constitution not having been adopted until some years later. This, however, did not deter France from giving the aid and encouragement that we so sorely needed, and at this time I am forcibly reminded of the words of Washington:

Born, sir, in a land of liberty, having early learned its value, having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country, my anxious recollections, my sympathetic feelings, and my best wishes are irresistibly excited whenever in any country I see an oppressed nation unfurl the banners of freedom.

Admitting, in regard to our relations with foreign governments, that our national policy should be one of noninterference in their domestic affairs, I believe that there must be a few exceptions and objections to the absolute infallibility of this doctrine. Civil war, anarchy, and oppression are some of the exceptions that would justify armed interference or intervention in the domestic affairs of a foreign power.

We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny.—Polk, first message, 1845.

So, believing this, and taking as my guides Washington, Webster, Clay, Monroe, and many other famous men, I am forced to the belief that the people of Cuba have the right to decide their own destiny irrespective of Spain, and it is our duty, if we still love those principles for which our fathers struggled and fought, and through the medium of which we have become the greatest Republic the world has ever known, to say to these Cubans, "Be of good cheer, for we, the people of the United States, propose to help you gain your freedom, in order that you may enjoy the inestimable blessings of free speech, free government, free education, and humane laws, for we know that, downtrodden and crushed and inhumanly treated as you have been, you could not develop. Aye, we will assist you along the path of national greatness, we will protect you from foreign invasion, we will comfort you in your hours of adversity, and now extend to you the right hand of fellowship and strength, saying, 'Welcome, thou Pearl of the Antilles, into the sisterhood of North American republics.'"

You say, This means war! So be it; for honorable and justifiable war is infinitely better than national cowardice. Oh, ye of little courage, have you forgotten the *Maine*, or her gallant crew who were so foully slaughtered in that Spanish harbor? Aye, the eagle is ruffled and the American people have volunteered and are ready to rush to the front in answer to his shrill call to uphold the national honor and help free Cuba from Spanish thralldom.

This idea of our remembering the rights of Spain should not be considered. Time and time again we have submitted to her insults; time and time again we have protected her island from falling into the hands of foreign powers. Has she forgotten our kindness to her in 1823, 1825, 1890, 1848, 1851 to 1853?

If she has, we have not. It seems to me that some nations do

not know how to hold their friends or how to heed their advice. "A nation has justification for war while admitted wrongs remain unredressed." So as we have not had redress for our injured commerce and martyred sailors, we were compelled to give Spain the opportunity no longer to continue her course against us.

John Quincy Adams said:

There is a stage in every revolutionary contest when the party struggling for independence has a right to demand its acknowledgment.

Not so much a question of interest, but of feeling for that cause of liberty we love so well. When a sovereign can not maintain his authority over his people, they—the people—certainly have a right to choose their own government. I think we are all willing to admit that "voluntary agreement is the only legitimate source of authority among men, and that all just government is a compact," and we are ready to go a step further and say that Spain had not the remotest chance to subdue her recalcitrant subjects; and also agreeing that our Government is founded upon the doctrines of humanity and the inalienable right of man to be governed by just and equitable laws, made by himself for himself, based upon the doctrine of equal rights and equal privileges and not upon no rights and exclusive privileges (which is now the style of government in Cuba), then we absolutely must believe and are compelled to acknowledge that Spanish rule in Cuba can no longer continue and the people have the right to be free.

In addition to this we can not be indifferent to the sufferings of the innocent reconcentrados on the Island of Cuba. America remonstrated at the cruelties that were being perpetrated upon the Armenians, and to-day we have within but a few miles of our own shores sufferings compared to which the Armenian atrocities were as naught. And were not inhumanity, cruelty, and destruction of property in Cuba proper conditions to influence action of Congress and the American people? Knowing what we owe to the cause of liberty and free government and to the principle of lawful resistance to oppression and tyranny, in the language of Webster—

Does it not become us, then—is it not a duty imposed upon us, to give our weight to the side of liberty and justice; to let mankind know that we are not tired of our own institutions?

We could not and would not allow this cruel, inhuman struggle between Spain and Cuba to continue; for it meant not only the absolute devastation of the island, but the annihilation of this people, who have the right to govern themselves. Therefore, in the name of humanity and through the right of "providing for our own general welfare," we were justified in armed intervention.

The members of the National Legislature intrusted with the honor of the nation should strive, at all hazards, to preserve peace and promote commercial prosperity; at the same time, however, they ought never to think of securing either at a price so dear as that of national disgrace.

In the study of history we will find one truth more clearly taught than any other, and it is that a nation, great or small, to be honored at home or abroad, to have the respect of its own people, or to hold its position of strength among the great powers, must ever guard, defend, and protect its national honor, must bear about it a spirit to resent and when necessary an arm to repel an affront, insult, or injury, come from what quarter it may.

It matters not what its resources may be, the size of its standing or volunteer army, the number of battle ships riding quietly at ease in some well protected harbor, what vast amount may be stowed away in a nation's treasury, if the sense of national honor be lacking or if it be weakened from luxury and ease growing out of national prosperity or from submission to wrongs or indignities from others, that nation has taken its first step toward retrogression and must soon become the sport and the scorn of every respectable power. And, Mr. Chairman, it is as true as Holy Writ that when we have lost the respect of our peers we soon forfeit our own self-esteem and are rushing headlong to an abyss of degradation and dependence, to end in imbecility and national death.

What course, then, should we, the nation's representatives, pursue? I believe, sir, we should make an individual case of each case to be determined, assuming the position of the nation, based absolutely upon its Constitution, guided entirely by its laws, surrounded by its treaty stipulations, laden with its duties and obligations to all mankind, and having determined what line of conduct should be individually adopted, let that be "the guide to our reason and the lamp to our feet."

Duty belongs to man; consequences rest with a higher power.

From 1812 to 1898 our whole intercourse with Spain over the Island of Cuba has been marked with a spirit of domination on her part and patient and friendly endurance upon ours. Conscious of our superiority in physical greatness and resources, intellectual culture, civil liberty, and in everything which tends to give lasting duration to a government, power to a nation, or happiness to individuals, we have kept down and held in check that spirit of resentment which sprung up at each successive trespass and infringement on our rights, even at the hazard, peace-loving as we are, of being charged by the world with cowardice, in

hopes that a returning sense of justice would convince the Spanish Government of the utter fatuity, folly, and blindness of her course. Most of the wars that have deluged nations in blood have had their origin in causes far less offensive than those which we have suffered from Spain.

Our nation is awake, and upon every side can now be heard:

My country: May you ever be right, but right or wrong, my country for ever.

Mr. McCLELLAN. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has seven minutes.

Mr. McCLELLAN. Does that include the time the gentleman from Kentucky yielded to me?

The CHAIRMAN. That was taken out of his time.

Mr. McCLELLAN. I yield the balance of my time to the gentleman from Kentucky [Mr. BERRY].

Mr. BERRY. Mr. Chairman, I never thought that legislation ought to be based upon prejudice, and it seems to me that a tax of seven or eight hundred per cent more than its value upon the chief product of my State is unreasonable and unjust, and only founded upon the prejudice of the people of this country against the man who now and then takes more whisky than he ought to have. The distillers of Kentucky contribute about \$18,000,000 a year to the taxes of this Government. The object of this bill, as I apprehend it, is to give to the manufacturer an opportunity to allow his goods to ripen and mature and become a wholesome drink for the average American citizen who imbibes in that direction. I do not think a few temperance men in this country ought to control and direct legislation alone upon the idea of prejudice against an article which sometimes induces men to get drunk.

This bill interests not only the whisky manufacturer, but it interests the farmer whose grain is used in the manufacture of the liquor. It interests the thousands of coopers who are engaged in the manufacture of the barrels, and it interests the many others who are directly or indirectly concerned in the production of this article before it reaches the markets of the world.

Under the law as it is now, the man who carries his liquor abroad and holds it in a foreign port under foreign insurance and in a foreign warehouse, or in a foreign vessel, is not taxed with the evaporation which takes place during that time, but when he keeps it in this country beyond a certain limited time he is taxed upon the evaporation, and I say that is an unfair proposition.

If a man takes a hundred barrels of whisky from my State and carries it to the Bermudas and puts it into a warehouse there and brings it back at the end of three years, the Government, knowing each one of those barrels by its designated number, when it comes back into this country does not tax the man for the whisky which has evaporated, even if 20 gallons have gone out of each barrel by evaporation. But if the whisky is retained in the United States in a bonded warehouse he is compelled to pay a tax upon each and every gallon evaporated after a specific time. Why should a man be required to pay a tax upon an article that he is going to sell to the public until he is ready to sell it?

The real fact is that the whisky has not gone through the entire process of manufacture and been made a drinkable article until it is six or eight years old. That time is required to mature it, and the man who drinks whisky that is two or three years old drinks it at the risk of his system and the destruction of his stomach. It is not mature whisky, ready for consumption, until it is six or eight years old.

Now, last year in the State of Kentucky a bushel of corn was not worth more than 25 cents. I believe it is worth a little more now under the Dingley bill. Last year, when it sold for 25 cents, we could get 5 gallons of whisky out of a bushel of corn. Yet you tax those 5 gallons of whisky \$5.50 under the existing law, and you compel a man to pay that tax before he is ready to put the article upon the market and get some return upon it. What is the effect? Nearly every great whisky-distilling concern in the Commonwealth of Kentucky has been broken up in the last few years.

Down in the Owensboro district one of the largest concerns in Kentucky has been destroyed. Three or four distilleries in Louisville and others in Lexington and in Frankfort have gone to pieces. When they consented to the increase of the bonded period and the tax was raised from 90 cents to \$1.10 a gallon they went into the banks and pledged their whisky, and when the money became due and they were not able to pay it the banks squeezed them. The consequence was that they went to the wall. There is hardly a great distillery in Kentucky to-day which has not suffered from the increased tax. Now, what do they ask? Simply that when the whisky is ready for the market they shall pay their tax, and not before, and that they shall not pay a tax upon that which is lost by evaporation.

Why, when the whisky is placed in a bonded warehouse it is under lock and key in the hands of the Government all the time. Not a drop can be taken out unless the agent of the Government is

there. Why should we be made to pay for the whisky while the evaporation is going on, while it is in process of maturing so as to make it a desirable drink for the human system? I think the proposition in this bill is fair, and I believe every man in this House ought to favor the bill.

Why, under the Dingley bill, about which we had so much talk, most other articles are taxed about 40 or 45 per cent, yet whisky is taxed seven or eight hundred per cent. I ask you, is it fair to tax us at that rate on the whisky which is allowed to evaporate in order to make the remainder a good, drinkable article? It is in the interests of the American people that the whisky which is consumed in this country should be mature and wholesome.

Mr. EVANS. Mr. Chairman, I believe the time on the other side has been exhausted.

The CHAIRMAN. The time has all been exhausted except one minute, which was not reserved.

Mr. EVANS. Does the gentleman from New York desire to consume that one minute?

Mr. Chairman, I believe that every member of the committee who will consider the bill from the standpoint of the Government and the standpoint of the other parties in interest will see that the Ways and Means Committee have reached a wise conclusion, one that will be beneficial to the Government as well as to the private individuals concerned. The important fact is that when the tax was increased to \$1.10 a gallon and the bonded period was extended to eight years, the production of whisky in a short time diminished possibly 70 per cent; that is, the gross product of bourbons and ryes in 1893 was over 57,000,000 gallons and in 1897 only 10,400,000 gallons. Now, I do not think it is for the interest of the Government that this great revenue producer should be so hindered by the legislation of Congress. The result indicated has been largely increased by the excessive taxation upon it, but it is also considerably contributed to by the anomalous condition of the law, which gives an eight-year bonded period and allows for outage only four years. These outages result from the necessary process of manufacturing the spirits.

Now, Mr. Chairman, I should like an opportunity to extend my remarks in the RECORD so as to embrace the report of the committee on this subject. That report was carefully prepared. It is too long to be read at length, but I will put it into the RECORD, so that all who desire to know the facts may have access to them. If there be no objection, I will incorporate the report as a part of my remarks, so that this question can be fully presented in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to incorporate the report of the committee as a part of his remarks. Is there objection?

There was no objection.

The report of the Committee on Ways and Means (by Mr. EVANS) is as follows:

The Committee on Ways and Means, having carefully considered the bill (H. R. 10233) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, recommend that the same be passed.

This bill is the final outcome of the consideration which the committee have given to certain phases of the internal-revenue laws relating to distilled spirits, and to which several bills introduced at the present session have directed attention.

In their efforts to reach a proper conclusion the committee have been greatly assisted by the Internal Revenue Office.

Some of the bills referred to proposed to reduce to a greater or less extent the rate of tax on distilled spirits, but while the present rate is certainly high, and in the estimation of many extremely so, being at least 700 per cent on the original cost of production of the finest and most expensive spirits, and ranging from that to about 1,300 per cent on the cost of producing the cheapest grades, yet in view of the present war conditions, and the necessity of now imposing taxation upon many other articles, the committee have not considered it wise or expedient at this time to favor the proposition to lower the tax rate on spirits, although in his carefully prepared letter of May 5, 1897, addressed to the President of the Senate in reply to a resolution of that body (Senate Document No. 72, Fifty-fifth Congress, first session), the present Secretary of the Treasury used the following language:

"Third. What rate of tax will, in the judgment of the Secretary, produce the greatest amount of revenue consistent with the protection of the honest manufacturer and dealers?"

"In considering this question I submit the following table, which shows the revenue-producing results under the several rates of taxation on distilled spirits since the establishment of the present internal-revenue system:

Consumption per capita of distilled spirits from materials other than fruit, and tax thereon and revenue therefrom.

Year.	Per cent of tax.	Population.	Aggregate of population.	Aggregate gallons consumed.	Per capita consumed.	Revenue.
1800	None.	31,443,321	31,443,321	83,904,285	2.86	None.
1804	50.20	34,046,000	34,046,000	85,295,393	2.57	\$17,059,792
1805		34,748,000				
1806		35,469,000				
1807	2.00	36,211,000	125,575,875	37,970,104	.30	75,958,306
1808		36,973,000				
1809		37,756,000				
1810		38,558,000	154,652,000	279,090,810	1.70	139,049,905
1811	.50	39,555,000				
1812		40,596,000				

Consumption per capita of distilled spirits, etc.—Continued.

Year.	Per cent of tax.	Population.	Aggregate of population.	Aggregate gallons consumed.	Per capita consumed.	Revenue.
1872		40,596,000				
1873		41,677,000				
1874	.70	42,798,000	102,000,000	169,444,000	1.65	117,900,800
1875		43,951,000				
1876		45,137,000				
1877		46,353,000				
1878		47,598,000				
1879		48,890,000				
1880		50,155,783				
1881		51,316,000				
1882		52,495,000				
1883		53,685,000				
1884		54,911,000				
1885	.50	56,148,000	1,191,836,632	1,412,997,777	1.27	1,271,697,997
1886		57,404,000				
1887		58,680,000				
1888		59,974,000				
1889		61,289,000				
1890		62,622,000				
1891		63,975,000				
1892		65,403,000				
1893		66,829,000				
1894		68,275,000				
1895		69,753,000				
1896	1.10	71,233,000	110,615,275	115,104,612	.95	121,670,803

"This table would indicate that the highest revenue-producing rate was 70 cents per gallon."

That the condition of the distilled-spirits business is bad, and that it is such as will not yield to the United States the best and most satisfactory results in revenue, and certainly not such as it would yield in a healthy condition, are facts which are not only admitted by all who are acquainted with the subject, but which are demonstrated by the official figures, which will presently follow. Of course the interest of the United States in the subject is that of revenue only, and it would be a shortsighted policy for the Government, by unwise or oppressive legislation, to crush out the energetic men who have invested immense sums in a business which of late years has been very much more profitable to the Government than it has been to them. That disaster is impending over the business, and that such a result will most injuriously affect the revenues, is apparent from the great falling off in production since the present law went into effect. The quantities of spirits produced in each year from 1890 to 1897, inclusive, are as follows:

Statement of the production of distilled spirits in the United States, as shown by the returns to the office of the Commissioner of Internal Revenue from July 1, 1890, to June 30, 1897.

Fiscal year ended June 30—	Spirits warehoused.					
	Fruit brandies.	Bourbon whisky.	Rye whisky.	Alcohol.	Rum.	Gin.
	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
1890	1,137,649	32,474,784	13,355,577	11,554,448	1,657,808	1,322,940
1891	1,223,725	29,331,415	14,345,389	12,200,821	1,784,312	1,393,874
1892	2,044,893	29,017,797	13,436,827	14,490,367	1,950,318	1,538,617
1893	1,250,276	40,835,873	16,702,240	12,250,380	2,100,765	1,424,490
1894	1,330,289	15,518,349	10,026,544	10,570,070	1,864,365	1,287,977
1895	906,359	18,717,153	12,321,543	8,819,923	1,777,083	1,176,689
1896	1,284,857	16,935,862	9,153,066	9,960,301	1,490,223	1,088,876
1897	620,362	6,113,736	4,289,220	9,503,353	1,294,157	1,159,314

The totals are as follows:

Fiscal year.	Quantity (taxable gallons).	Fiscal year.	Quantity (taxable gallons).
1890	111,101,728	1894	92,153,651
1891	117,767,101	1895	81,909,771
1892	118,436,506	1896	99,962,555
1893	131,010,330	1897	64,279,074

As further showing the condition of the business and its effect upon the revenue, the following official figures are given:

Quantity, in taxable gallons, of spirits produced and deposited in distillery warehouses and the quantity withdrawn from such warehouses, tax paid, for the periods stated.

Deposited during thirty months—	Gallons.
Ended August 31, 1894	277,127,809.6
Beginning September 1, 1894	194,038,705.5
Falling off in production during last thirty months	83,089,104.3
Withdrawn, tax paid, during thirty months—	
Ended August 31, 1894	254,192,712.9
Beginning September 1, 1894	151,346,340.6
Falling off in tax-paid withdrawals during last thirty months	102,846,372.3
Receipts from distilled spirits during the thirty months—	
Ended August 31, 1894	\$261,182,893.06
Beginning September 1, 1894	164,151,439.59
Falling off in receipts during thirty months, from September 1, 1894	67,031,453.47

Quantity, in taxable gallons, of spirits produced and deposited, etc.—Cont'd.

Receipts from tobacco during the thirty months—	
Ended August 31, 1894	75,985,779.20
Beginning September 1, 1894	75,016,527.63
Falling off in receipts during thirty months, from September 1, 1894	969,251.57
Receipts from fermented liquors during the thirty months—	
Ended August 31, 1894	79,014,123.44
Beginning September 1, 1894	78,227,398.48
Falling off in receipts during thirty months, from September 1, 1894	1,586,724.96
Percentage loss in receipts from—	
Distilled spirits	16.95
Tobacco	1.64
Fermented liquors	1

It will be observed that while the loss during the second period in receipts from fermented liquors was only 1 per cent, and from tobacco less than 1 per cent, the decrease in receipts from distilled spirits was nearly 17 per cent, notwithstanding the increase of the rate of tax on spirits of more than 25 per cent.

These figures, per se, demonstrate the danger, which, in the near future, will threaten as well the manufacturer of spirits as the revenues of the country, for without the production of the spirits the revenues are lost, and unless there is left some margin or prospect of profit to the manufacturer, he can not continue the business. If it be the policy to paralyze this great revenue producer, all that is needed is to leave the law as it is and the work will be effectually done; but as the revenue is greatly needed and as it can come from no other source which will be so little felt, the committee have deemed it wise to recommend that the relief offered by this bill should be promptly afforded.

The present anomalous condition of the law respecting the time which distilled spirits may remain in bond in order to perfect their manufacture into the best article, and respecting the maximum allowance which may be made for those losses from evaporation or leakage which are necessary incidents to that manufacture, has worked very great injustice and injury to the trade without any advantage to the Government.

Under the act of 1894 the tax rate was increased from 90 cents per gallon to \$1.10—a raise of 20 per cent on the rate and an increase of over 130 per cent on the original cost of production of the subject of the taxation. As some compensation for this great increase, the same act extended the bonded period from three years to eight years, but only extended the period during which there might be an allowance made for losses by evaporation, etc., and which will hereafter be called the outage period, from three years to four years, although that evaporation was certain to continue during the whole eight-year bonded period, however carefully the spirits may have been warehoused and guarded, because it is a continuous work of nature.

The bonded period was given upon the ground that it takes the time to perfect the manufacture of the goods. Yet under the present law the spirits lost beyond the possibility of recovery by the evaporation which takes place during the last four years of the bonded period must pay the tax precisely as if still on hand, ready to go into the market. This change of law by the act of 1894 was a new and untried experiment. No one could or did foresee how it would work. The results of having a bonded period of eight years and an outage period of only four years have not only been disappointing, but threaten, as will be seen hereafter, serious disaster to the trade and to the revenues.

As correctly and practically applied to the subject of the taxation the law is wholly incongruous and unsuitable.

The committee has knowledge of no fact which justifies having a bonded period of one length of time and an outage period of another. The two should correspond. Practical experience has fully shown that the two periods should be coincident and coextensive, and the principal object of this bill is to accomplish that result.

The most startling and unexpected effect of this condition of the law is the unquestioned fact that it discriminates against spirits more than four years old, and in so doing ruinously diminishes their value. Although those spirits are older and better and intrinsically more valuable, yet because of that discrimination they can not be sold in the market for as much as those of the same make and brand which are less than four years old, and this for the reason that the purchaser knows in one case what his allowance for outage will be when he shall come to take his goods out of bond, and in the other he does not.

Hence the fact was clearly proved to the committee that fine whiskies distilled in 1892 and 1893 can not be sold in the market for as much by 10 to 20 cents per gallon as the whiskies of the same make manufactured in 1895. The productions of the years just previous to 1894, as the figures already given show, were very large, and this immense depreciation in their value by reason of this incongruous state of the law threatens such overwhelming disaster to all those in interest that it can not escape our attention. An average depreciation of 15 cents per gallon on the combined product of fine whiskies for the four years prior to 1894 would be a loss so great that no trade could stand it.

The only way to prevent this gross injustice to the citizen is to enact this bill into law. If it is not done, the only remaining refuge lies in the exportation of the spirits to avoid payment of the tax—a result which, while only partially relieving the distress of the citizen, in no way benefits the United States, nor saves to it any of the taxes exportation is necessarily made to avoid.

The unwisdom and injustice of driving the citizen to this mode of relief from bad laws will be further noticed in this report.

It was, indeed, considered by several of the committee that the proper and logical legislation for the emergency, and indeed for all time, was to provide for an indefinite and unlimited bonded period, with allowances for all evaporations naturally occurring without the fraud or negligence of the owner during the whole time the spirits remained in bond, requiring the tax to be paid only upon such of the spirits as went into consumption, thus taxing consumption instead of manufacture.

Our earliest internal revenue enactment (act of 1862) provided for the payment of the tax on distilled spirits only when they were sold for consumption. That is the law now as to all other subjects of internal-revenue taxation, such as tobacco, cigars, beer, etc.

Justice would seem to demand that no tax should be levied on what can never be sold for consumption. If every gallon of spirits on which the tax is paid is sold, and the purchase price paid by a consumer, the distiller or dealer has no cause of complaint, for in that case an equitable distribution of burdens arranges itself by the laws of trade; but if the tax is exacted on what has previously evaporated and gone into the air, the owner is out just that much without the possibility of recovery, and equally without the possibility of ever getting a price for it. Other countries do not tax what is never sold. The English distillers and the French distillers put their spirits into docks or

warehouses, and they remain there indefinitely untaxed until they are sold, and then taxed only on what remains. The injustice of taxing evaporation has long been recognized by those of our laws which partially mitigated it.

Indeed, if the rule were once established that the tax should be paid only on what goes into consumption, all the uncertainty and injustice now complained of, and which tends periodically to prostrate the trade, would be removed and the legitimate consumption of spirits per annum would still measure the amount of revenue collected. It is error to suppose that anything but consumption ordinarily measures the amount of revenue obtained from distilled spirits. If there are materially more spirits in warehouses than the demands for consumption will justify paying taxes on, it will not be done. On the contrary, the spirits will and necessarily must be exported, for no man can afford to pay \$1.10 per gallon tax on spirits and lay them aside to wait for a purchaser not reasonably expected soon to appear. He will either export the spirits or importune Congress for temporary relief. Recurring periods of such importunities, and the troubles that provoked them, have been the causes of many incongruities and difficulties in our system which do not exist in those of other countries.

Pending the committee's consideration of the subject, the present Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, has expressed himself to the committee upon one of the bills before them in this language:

"With reference to the indefinite extension of the bonded period, intended to be secured by the form of bond prescribed, I would state that these provisions of the bill meet with my full approval. In my opinion the same rule of taxation that applies to all other products subject to internal-revenue tax should apply to distilled spirits; that is to say, the tax should be levied only upon the article withdrawn from the premises of the manufacturer for consumption or sale. The sooner such a law is passed the sooner will Congress be relieved from solicitations to pass bills offered from time to time to afford temporary relief."

"It needs no argument to show that any legislation which interferes with the operation of the natural law of supply and demand will prove irksome, not to say destructive, to any business so interfered with. The internal-revenue laws which require that distilled spirits shall be thrown upon the domestic market at a certain time, without regard to the demand which may or may not exist at that time, and without regard to the quantity actually delivered at that time, introduce such elements into the business problem as must often render it one of difficult solution."

Some of the committee have not coincided with these general views, but all agree that there is an urgent necessity for the relief finally agreed upon in the bill now reported as being a wise adjustment of those differences of opinion and as being well adapted to existing conditions.

In order to accomplish this result the first section of the bill reduces the bonded period from eight years to seven years, and the second section increases the outage period from four years to seven years, thus making the two periods coextensive; and it will not be overlooked that the provisions of section 2 of the bill carefully guard the interests of the United States against any fraud or neglect upon the part of the distiller by giving the Commissioner of Internal Revenue ample authority to collect the tax at once in such cases.

No relief would have been adequate, or would have met the requirements of the evil conditions existing, which did not provide for so extending the outage period as to reach the enormous production of 1893—a production which the tables already given show was the largest ever known.

It was proposed by some to lower the bonded period to six years, and extend the outage period accordingly; but besides the difficulty already mentioned regarding the enormous production of 1893 this proposition would have required spirits made in the fiscal year 1898-99 to be tax paid at the same time as those which had been made in 1896-97, and those made in 1890-1900 to be tax paid at the same time as those produced in 1897-98, thus requiring in each of the years 1904 and 1905 the payment of taxes on two years' product instead of one. It was regarded as most unwise to do this. But it is probable that the hardship of bringing the two years of 1898 and 1899 together in 1906, which might be great, will be mitigated by the parties in interest exercising wisdom in adjusting their production next year to this condition.

Fine whiskies (bourbons and ryes) can not be made without long storage and aging in wood. This aging is a necessary part of their manufacture, without which the spirits are not fit for use, and necessarily involves a considerable evaporation each year. Experience has shown that the natural rate is practically what is provided for in section 2 of the bill. If it is more in any case no allowance is made for it. If it is less in any case the tax is, of course, collected on all that remains. The allowances named in the bill are simply the maximum quantities, and do not exempt from taxation any spirits which are actually on hand at the time of withdrawal from warehouse.

It is true that many fraudulent counterfeits are put upon the market with liberal quantities of foreign ingredients put into them which pay no tax, and in that way the people drink much which they are not aware of, and to that extent the Government fails to get the full revenue it would get without the addition of this foreign matter; but this only adds to the burden of the manufacturer who adheres to the undiluted article.

The aging of spirits is a very long and expensive process. The actual cash outlays for grain, labor, interest, insurance, etc., to say nothing of large plants, are very great, and profitable returns must be long waited for. When at last the long-drawn-out period of aging has culminated, the manufacturer may meet a prostrate or sensitive market to add to his burden, as is the case at this time.

In this respect he is very different from the maker of such merchandise as comes from a resort to adulterants. He is also very different from the manufacturer of such useful articles as alcohol, whose product is at its best when it runs from the still, and who can by immediate sales turn over his capital several times in one year, instead of waiting a good many years to turn it over once.

It has been shown as one reason for the passage of this bill that there are greatly more spirits in the warehouses than there is any demand for in the markets, and that all of them which are over four years old are rapidly depreciating in value, though getting better in quality, because the outage period does not now extend to them. But there is also another reason of great potency.

The Constitution of the United States, in clause 8, section 9, Article I, provides that "No tax or duty shall be laid on articles exported from any State."

This constitutional provision entitles every manufacturer at any time before the eight-year bonded period has expired, and before the tax is due, to export his product free of tax to some foreign country. He is driven, whether he wants to do so or not, to resort to this means of relief from the taxation if he can not find a purchaser. If he does not export it, our laws compel him to pay the tax of \$1.10 per gallon on all that has been evaporated after four years as well as on what is left. As he finds it impossible to pay the tax, he must export. If he chooses to do so, any number of years afterwards he may reimpose the spirits, and when he does he only pays the tax on what is left and brought back.

In this way he gets the benefit of an unlimited outage period, he pays on nothing which has evaporated, and by a laborious and roundabout but indispensable method he has obtained what this bill proposes to give him directly. In doing it he has paid largely to foreign laborers, foreign insurance and

warehouse companies, and foreign ships sums that should have been expended at home. Yet he has saved money by it, as the following illustrative example, prepared by one well acquainted with the facts, will show:

(Illustration.)

Cost of carrying whisky in United States distillery bonded warehouses for second term of four years under the existing law.

	Per barrel.
Deficiency tax on evaporation, say 8 gallons, at \$1.10.....	\$8.80
Insurance on basis of \$30 per barrel, at rate of 1 1/2 per cent per annum.....	1.00
Storage, four years, at 5 cents per barrel per month.....	2.40
Total.....	12.20

In comparison with—

Cost of exporting to Bremen and carrying the same whisky for the second term of four years.

	Per barrel.
Freights, including all other charges, from distillery to Bremen.....	\$2.25
Insurance, four years, at valuation of \$30 per barrel, at one-fifth of 1 per cent per annum.....	.16
Storage, four years, at 5 cents per barrel per month.....	2.40
Return freight, at end of four years, to New York, Boston, or Baltimore.....	1.00
Total.....	5.81

Profit in exporting.....

6.39

The United States is not injured, but benefited, by aiding in keeping in healthy condition the trade from which it derives so much revenue, and it is not believed by the committee that there will be any loss of revenue from the passage of the proposed bill, but a considerable gain. The facts shown, combined with the right to export, will always limit the revenues to what is sold to go into consumption, and while the Government would not encourage consumption for the sake of revenue, it should not so hamper the operations of the laws of trade as to diminish it. A healthy trade will make a healthy, reliable revenue.

The first three sections of the bill relate to the matters already discussed. The remaining sections are very strongly urged from the administrative standpoint by the Commissioner of Internal Revenue and the Secretary of the Treasury.

In the communication of the Secretary before referred to he uses the following language:

"Second. The effect of the greatly increased incentive to fraud furnished by the present high rate of tax is shown by the following facts:

"Since the passage of the act of August 23, 1894, the number of illicit distilleries and of registered distilleries reported as operated illicitly has increased from 1,016 to 1,905. The number of arrests for violation of the internal revenue laws has increased from 614 to 839.

"The number of registered grain distilleries in the United States averages annually about 1,000. Of this number one-half is the average number operated during each year. Of the 1,000 a little less than half have registered daily capacity of 4 bushels or less, 470 have a registered capacity of more than 4 but less than 20 bushels, and 469 have a capacity of 20 bushels or more. The records in the office of the Commissioner of Internal Revenue show that since the increase of the tax a very large per cent of the smaller distilleries operate each year, and that the per cent of the larger distilleries operating during the year has decreased very considerably. In many sections of the country where these small distilleries are located it is found impracticable to sell forfeited spirits at a price equal to the amount of tax due on them. In these same sections it is found that distillers and dealers have agreed to furnish customers with distilled spirits at much less than the tax thereon, provided the purchasers agree to return the stamps intact or the barrel heads bearing the stamps. Other evidence is in the possession of the office of the Commissioner that in the sections where the small distilleries are operated spirits have been offered for sale at from 40 to 60 cents a gallon."

And the Commissioner in urging these provisions has furnished the committee with the following:

"Suggestions in support of the proposed measure requiring internal-revenue stamps to be affixed to certain packages containing distilled spirits not now required by law to be so stamped.

"Under the provisions of section 3295, Revised Statutes, as amended, all packages containing distilled spirits must have affixed thereto, before removal from the distiller's premises, stamps denoting payment of the tax thereon. The provisions of this section, while furnishing a basis of the entire stamp system as to distilled spirits subject to tax, do not in themselves afford adequate protection against evasion of the tax—as, for instance, where spirits are illegally produced, or, after being duly assessed for by the distiller, are surreptitiously removed from his distillery premises.

"With the view of preventing frauds of this character, the law (sections 3300 and 3321, Rev. Stat., as amended) also requires packages containing spirits rectified or rechecked on the premises of a rectifier or wholesale liquor dealer to have affixed thereto appropriate stamps after the spirits have been duly inspected and verified by an officer. These last-named provisions, however, apply only to casks or packages containing 5 wine gallons or more.

"So far as it extends, this system of stamping and re-stamping distilled spirits affords reasonable protection to the Government against fraud, but by taking advantage of the limitation above referred to dishonest distillers are enabled to dispose of their illicit spirits in kegs, jugs, and other vessels containing less than 5 wine gallons, and with comparatively little risk of detection.

"It is believed that the greater portion of the spirits illicitly produced in the United States are disposed of in the manner here described; and that the proposed measure, requiring the inspection and stamping of all packages containing not less than 1 wine gallon, not now required to be inspected and stamped, would not only tend to discourage illicit distilling, but would render it exceedingly difficult for dishonest distillers or dealers to dispose of any considerable quantity of spirits fraudulently removed from the distillery premises after having been duly deposited in a bonded warehouse. That frauds of the kind last referred to have been successfully committed, and with no small loss to the revenue, are clearly indicated by the large number of distillery warehouses which have of late years been destroyed by fire, and without any explainable reason other than for the purpose of concealing fraudulent removals of the spirits.

"The adoption of this proposed measure is therefore urged, not only as a needed protection to the revenue, but as an act of justice to the honest distiller, who is now forced to place his spirits, upon which a high rate of tax has been paid, in competition with spirits which the dishonest distiller is enabled, through a defect in the revenue law, to place on the market without payment of any tax whatever."

The last section of the bill is also insisted upon with great force by the Internal Revenue Office as being essential to the prevention of many frauds,

* Reimported whiskies are usually sold as delivered in customs warehouse at above ports.

and particularly that one which consists in shutting down a distillery if the revenue officer assigned to duty thereat does not happen to be agreeable to the distiller after he has traveled at his own expense to get there and must do the like to get back home.

Threats to resort to this course have been known to aid in frauds or else have worked great injustice to the officer. This section is designed to prevent both the one and the other result.

The general subject of this bill received great attention from the Committee on Ways and Means at the first session of the Forty-seventh Congress. Their report was written by the chairman, Mr. Kelley, of Pennsylvania, and the following extracts from it will show how well the views of that committee agreed with those of the present committee.

It was there, among many other things, said:

"1. An indefinite extension of the time during which distilled spirits may remain in bond. Under the existing internal-revenue laws distilled spirits is the only article upon which the Government requires the tax to be paid before it is actually sold or removed for sale or consumption. In every other case the manufacturer keeps the article in his own possession and under his own exclusive control, without the payment of any tax, until he chooses to sell it or remove it for consumption or sale. The manufacturers of tobacco, snuff, cigars, beer, matches, perfumery, cosmetics, etc., are permitted to hold their goods until there is a consumptive demand for them, and pay the tax only when they sell.

"As we shall see hereafter, none of them are required to execute any bonds except as manufacturers, and the Government does not have the custody or control of their products as it does in the case of distilled spirits. In all these cases the tax is strictly upon consumption, and the manufacturer or owner is permitted to take advantage of favorable markets and avoid unfavorable ones to the same extent precisely as if there were no tax upon his goods. This is undoubtedly the true principle of excise taxation. While the Government is justifiable in exacting its revenue, it is not justifiable in attempting to control the trade in a legitimate article of commerce by forcing the owner either to sell at a loss on the original cost of production or to permanently invest the amount of the tax in addition to that cost.

"In his annual report for the year 1879, the Commissioner of Internal Revenue, speaking of deficiency taxes upon spirits withdrawn for exportation, used the following language:

"The intention of the internal-revenue laws is to levy a tax of 90 cents a gallon upon spirits which are manufactured for and actually go into consumption in this country, and the tax in question is evidently not intended for revenue, but as a restrictive measure to prevent fraud."

"There appears to be no sufficient reason why the single article of distilled spirits should be excepted from the general rule applied to all other taxable products. It can not be for the mere purpose of preventing fraud on the revenue, for certainly there is not as much danger of a fraudulent removal of the property without the payment of the tax in a case where the Government itself has actual possession and control of it as in the cases where it is left in the custody of the manufacturer or owner under a bond that he will pay the tax when he sells or removes it. And so far as the cost of governmental supervision is involved, it is exactly the same whether the spirits remain in the warehouse for one year or for an indefinite time. The compensation of the storekeeper is the same in amount in each case, and his constant attendance at the warehouse is required in both.

"During the last fiscal year the consumption of distilled spirits in this country amounted to 67,372,575 gallons, the tax upon which was \$62,214,127.50. About 12,000,000 gallons of these spirits consisted of what is known as bourbon and rye whiskies. On the last day of March last there was remaining in bond about 84,000,000 gallons of spirits, upon which the tax would amount to about \$75,600,000. Much the greater part of this is bourbon and rye whisky. This vast accumulation of spirits in bond shows conclusively that the demand has not equalled the supply heretofore, and does not equal it now; and yet, under the existing law, the article is being forced out of the warehouse, and the owners are being compelled to advance the tax upon it before it can be sold.

"In considering the question as to the propriety of extending the bonded period, it must be borne in mind that the Government can gain nothing whatever by forcing the owners to pay the tax before there is a demand for the article, for the obvious reason that the spirits thus forced out will constitute a stock in the market which must be consumed before another supply will be manufactured. If the Government were to compel the payment of the tax in every case immediately upon the production of the spirits, it would not in a series of years collect a dollar more than if it permitted the article to remain in the warehouse for an indefinite length of time.

"In the first case, no more would be manufactured within a year than could be sold and consumed; while, in the second, every gallon that could be sold or consumed would certainly be withdrawn from the warehouse during every year. In the end the result would be precisely the same, no matter which course is pursued by the Government. In the absence of fraudulent evasions of the tax, an actual diminution of the consumptive demand is the only thing that can possibly reduce the revenue. If all the spirits now in bond were to be immediately destroyed by fire or other casualty, the total amount of revenue would not be affected in the least, because its place would be at once supplied by a new product, and consumption would go on at the usual rate.

"Suppose that the owners of the spirits now in bond shall be forced to pay 90 cents on the gallon and remove them from the warehouse before there is an actual demand for them in the market, they will, of course, be compelled to sell them at such prices as they can obtain. They can not afford to hold, for any considerable time, an article in which they have been compelled to invest so much beyond its intrinsic value, and the consequence will be that they will, necessarily, put prices down to the lowest possible point, and sell in competition with the inferior grades of goods known as rectified and compounded spirits. To the extent that they compete with these other grades of spirits they necessarily prevent their consumption, and thus deprive the Government of the tax which those spirits would otherwise have yielded. It is manifest that the Treasury can gain nothing by a policy which forces the consumption of one kind of spirits instead of another, so long as both kinds pay the same rate of tax, and it is equally manifest that the manufacturers and dealers in rectified and compounded spirits would be greatly injured by such a policy.

"The Government has possession of the spirits all the time, for, although the warehouse is erected by the distiller at his own expense, and is frequently a very costly building, the official storekeeper is required to keep it securely locked, and it is never allowed to be unlocked or opened except in his presence or in the presence of some person designated to act for him, and no articles are allowed to be received into it or delivered from it without an order or permit signed by the collector of the district. To secure the payment of the tax, therefore, the Government has, from the very beginning, the possession of all the property upon which the tax is imposed, and in case of default, by a failure to execute the bond or otherwise, nothing is necessary except to issue the proper process.

"4. The bill proposes to extend the maximum allowance for leakage and

evaporation until the end of eight years, instead of three years, as now provided by the act of May 28, 1880. The law prescribing a maximum allowance for loss of spirits by leakage and evaporation has been in force nearly two years, and its operation has been, so far as the committee has been able to ascertain, satisfactory alike to the taxpayers and the revenue authorities. From July 20, 1886, to May 28, 1880, the owners of distilled spirits were required by law to pay a tax on the whole quantity entered in the warehouse, although a large part of it may have been actually lost by leakage and evaporation while in the custody of the Government officials.

"The seventeenth section of the act last mentioned required the spirits to be regauged when withdrawn, and established a scale of maximum allowances. In its report upon that bill this committee used the following language:

"A brief review of the former legislation upon this subject will show that the principle upon which the eighteenth section of the present bill is based is not a new one in this country, except in so far as it limits the measure of allowance for evaporation and leakage, and a reference to the existing internal-revenue laws imposing taxes upon manufactured articles other than distilled spirits will show that the same just and equitable rule is still applied to all of them.

"The forty-first section of the act of July 1, 1862, provided that there should be paid on all spirits that might be distilled and sold, or removed for consumption or sale, of first proof, on and after the 1st day of August, 1862, a tax of 20 cents on each gallon, and that it should be paid by the owner, agent, or superintendent at the still or other vessel in which such spirits might be distilled at the time of rendering the accounts of spirituous liquors as required by the act (12 Stats., page 447). The forty-fifth section of the same act required these accounts of the distiller to be rendered on the 1st, 10th, and 20th days of each month (12 Stats., page 448). Under this section and others contained in that law no duty was exacted on spirits in warehouse until there was a sale or removal for sale or consumption, and then only upon the number of gallons actually sold or removed.

"The twelfth section of the amendatory act of March 3, 1863, expressly authorized the Commissioner of Internal Revenue to make rules and regulations providing for deductions, on account of leakage, from the quantity of spirituous liquors subject to taxation under the act to which it was an amendment, not exceeding 5 per cent of the amount removed for sale; and it was provided that the deduction should be so adjusted in different parts of the United States as to be proportioned as nearly as practicable to the distances over which the manufacturer usually transferred such liquors for the wholesale thereof (12 Stats., page 723). This, it will be observed, extended the principle a step further than the former law, and allowed for loss by leakage up to the time when the spirits had actually reached a market. Then followed the act of March 3, 1864, which returned to the principle of the act of 1862 and provided for a tax of 60 cents per gallon on all spirits that might be distilled and sold, or distilled and removed for consumption or sale, prior to the 1st day of next July, and under this law the tax was imposed only on the spirits inspected out of the bonded warehouse when removed for sale or consumption.

"The act of June 30, 1864, increased the tax to \$1.50 per gallon, but made no change in the law as to allowances for evaporation and leakage; nor did the act of July 13, 1866, make any alteration of the law in this respect.

"Under these laws the tax was collected only on the quantity of spirits withdrawn from the warehouse, as is shown by the official circulars and instructions issued from the office of the Commissioner. In a circular dated February 1, 1866, relating to bonded-warehouse accounts, the collectors were directed to take credit "for leakage and loss of spirits in transport, and which stand in the warehouse;" and in the same document it was provided that "all actual loss of spirits or coal oil from leakage while in bonded warehouse will be allowed upon the proper certificate of the inspector;" and again, in the regulations of August 29, 1867, collectors were authorized to allow for leakage when it did not "exceed 1 per cent per month for each month the merchandise has been in store." Any loss in excess of that amount was to be allowed by the Commissioner himself instead of the collector.

"This was the state of the law and the practice under it until July 20, 1886, when Congress passed an act the fourth section of which declared that distilled spirits, spirits, alcohol, and alcoholic spirits, within the true intent and meaning of this act, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance, and that the tax should attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately or at some subsequent time transferred into any other substance, either in the process of original production or by any subsequent process (15 Stats., page 126).

"The latter part of the section just mentioned, declaring that the tax "shall attach to this substance as soon as it is in existence as such," established for the first time in our legislation upon this subject a rule which makes a great discrimination against distilled spirits as to the manner of assessing internal-revenue taxes, and subjects the manufacturers of that article to the evil of which they now complain. According to the letter of this law, the tax attaches to the alcohol as it exists in the mash while in the fermenting tubs and before it has been separated from the other substances by the process of distillation; and in accordance with this interpretation the distiller is now in many instances actually required to pay tax upon the spirits which ought to have been produced from the mash, although the entire fermented matter may have been lost or destroyed by accident, and without fraud or negligence upon his part. This injustice is accomplished by assessing him as for a deficiency in not having produced 80 per cent of the surveyed capacity of his distillery as established by law.

"As already intimated, this rule, which makes the tax attach to the article as soon as it has an existence, and without reference to its sale or consumption or removal for sale or consumption, is exceptional in our legislation, and applies only to distilled spirits. In the case of tobacco and snuff, articles upon which many millions of dollars are annually collected, the law provides for the collection of a tax only upon the quantities "manufactured and sold or removed for consumption and sale," and the manufacturer is permitted to retain them in his own possession, without the payment of tax, for as long a time as his interests or fancy may dictate. The law is the same with regard to fermented liquors, cigars, medicines or preparations, perfumery, cosmetics, matches, wax tapers, playing cards, etc. "Manufactured and sold," or "made and sold, or removed for consumption or sale," is the language of the law in all cases except distilled spirits; so that, with this single exception, the uniform and settled policy of the Government is to levy and collect internal-revenue taxes only upon manufactured articles which actually enter into consumption in this country, or are removed for consumption or sale in this country.

"During the present session, Congress, by the almost unanimous vote of both Houses, has reaffirmed this just policy by the passage of a bill allowing for loss by leakage while spirits are being transported to the port of shipment for exportation. The question of taxation upon exports could not affect the principle of that bill in the least, for the obvious reason that spirits actually lost by leakage or otherwise, and for which the allowance is to be

made, can not be exported. It can only be vindicated upon the general ground that the citizen ought not to be compelled to pay an excise tax upon an article which can neither be sold nor consumed. This is undoubtedly the true policy, and is in strict accordance with the principles which underlie every just system of taxation; for upon no other theory or plan can the public burdens be properly distributed among those who ought rightfully to bear them.

"To tax the citizen upon a particular manufactured article simply because he has manufactured it, when, without fault or negligence of his, he can neither sell nor consume it, is to compel him to contribute more than his just proportion toward the support of the Government. When, however, the tax is collected upon the article sold or consumed, everyone who purchases or in any way uses it necessarily pays his share of the duty.

"But the existing system, erroneous as it is in principle, has not even the merit of being uniform in its operation upon all classes of distillers. Notwithstanding the positive declaration of the act of July 20, 1886, that the tax shall attach to the spirits or alcohol as soon as it exists, there is another section of the law which, by construction, exempts a large class of distillers from the payment of a tax upon the whole product of the grain used in their establishments and secures to them in every case an absolute allowance of from 3 to 5 per cent upon the entire quantity of spirits manufactured.

"These distillers complete the manufacture of their spirits and prepare it for the market by the process of continuous distillation; that is, they not only distill, but also rectify, purify, or refine the spirits. The ordinary distillers of high wines, rye, wheat, bourbon, and other grain-flavored spirits are required by the law, as already stated, to convey the product of the still directly to the receiving cistern, from which it is drawn off by the gauger, in the presence of the storekeeper, into casks or packages, and immediately marked, branded, and gauged for taxation, without any allowance whatever for waste or absorption; but the continuous distiller is permitted to conduct the spirits produced by him from the still to a tub or cistern, and thence to the rectifying, purifying, or refining apparatus; and after it has been subjected to that additional process it is, for the first time, marked, branded, and gauged for taxation.

"From the time it leaves the still until it is gauged, after rectification and purification, there is a waste of from 3 to 5 per cent, or from 1½ to 2 gallons in each package of 40 gallons. This gives to the continuous distiller a great advantage over others who manufacture only high wines, rye, wheat, or Bourbon spirits, because, when the latter pay a tax upon 100 gallons as it comes from the still, he pays only upon 95, or, at the most, 97 gallons; and, besides, he has so refined and purified his article that it is ready to go on the market for immediate sale and consumption.

"The bill reported will place all distillers upon precisely the same footing in this respect by requiring all alike to pay the tax only upon the quantity sold or removed for consumption or sale, whether it be refined and prepared for the market by the mechanical process just mentioned or otherwise.

"It is a fact worthy of serious consideration in this connection, as tending to show the gross injustice resulting to domestic distillers, rectifiers, and dealers from the operation of the present law, that foreign traders may now purchase untaxed spirits in this country, or receive a drawback if the tax has been paid, with allowances for leakage between the warehouse and port of shipment, export it to a European or other port, keep it as many years as may be desirable to give it age and value, and then reimport it, have it gauged at the customs warehouse, and pay a tax of 60 cents per gallon upon the actual contents of each package.

"In this way the foreign dealer receives the benefit of the whole amount of evaporation and leakage, is exempt from the payment of interest upon the tax, and finally places the spirits, greatly increased in value by age, upon the American market in competition with the domestic distiller and dealer, who have been compelled to pay a tax upon the original quantity contained in the packages, and interest upon that tax besides. The whole cost of exporting the article to Liverpool and reimporting it into this country will not exceed the interest which the home producer or owner is compelled to pay on the tax, so that the foreign parties actually secure by the operation a clear advantage of from 7½ to 10 gallons on each package of 40 gallons.

"This proceeding is authorized by section 2500 of the Revised Statutes, which provides that upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal revenue has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid as duty equal to the tax imposed by the internal-revenue laws upon such articles. Under this statute and the decisions of the Treasury Department upon the subject, large quantities of domestic distilled spirits have already been sent from this country to Liverpool and to the Bermudas and other places, and, after remaining there in bond for a sufficient length of time to become purified and refined by age, have returned to our ports and paid the internal-revenue tax, with a full allowance for evaporation, leakage, and other loss.

"The bill lately passed by the House does not increase the maximum allowances in any case, but merely extends the period for which they may be made from three years to eight years, and provides that after that time no allowance or deduction shall be made. The spirits are to be regauged as provided by the existing law, and if it shall be found that there has been a loss, without the fault or negligence of the distiller or owner, the tax is to be collected only on the quantity of distilled spirits contained in the cask or package at the time of the withdrawal; but in no case can the allowance exceed the quantity named in the bill, even though there may have been in fact a loss of double that quantity. On the other hand, if it shall be ascertained by the regauge that less than the quantity mentioned in the bill has been lost, the allowance can be made only for the actual deficiency.

"Each package must be regauged and its contents accounted for separately, so that it is impossible, under any circumstances, for the owner or distiller to secure an allowance for more than is actually lost; while it may often happen, and, in fact, does often happen in the practical administration of the law, that he is compelled to pay the tax on spirits wholly lost by leakage and evaporation. For instance, if a number of packages have remained in the warehouses for two years and when regauged it is ascertained that one of them has lost 2 gallons, another 3 gallons, and another 10 gallons, making an actual loss of 15 in all, yet the distiller or owner will, under the bill, receive an allowance of only 10½ gallons; that is, he will be allowed only the actual loss on the first two packages, and the maximum quantity, 5½ gallons, allowed by the bill on the third one.

"It will be seen, therefore, that the question of average losses by leakage or evaporation does not enter into the consideration of this subject at all. There are no average allowances; the distiller or dealer who has 5,000 packages in the warehouse is, in this respect, in precisely the same situation as the distiller or dealer who has only 1 package. Each separate package will be allowed for its own loss of contents, unless it exceeds the quantity prescribed by the bill for the time it has been in the warehouse; and if it should exceed that quantity the owner must pay the tax on the excess without regard to the fact that some other package has lost less than the maximum allowance.

"In this connection it is proper to call attention to section 3393 of the Revised Statutes as amended by the act of March 3, 1879, under which the Commissioner of Internal Revenue has the right, at any time when he believes

that there has been an excessive loss of distilled spirits from any cask or package, to require the immediate withdrawal of such spirits from the warehouse and the payment of the tax upon the original quantity entered. So much of the section as relates to this subject is as follows:

"If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section 3221 of the Revised Statutes of the United States, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, together with the interest accrued thereon, if any, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax and interest are not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected."

And the Commissioner of Internal Revenue at the time expressed his views on the subject as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 3, 1893.

SIR: I acknowledge receipt of your valued favor of this instant in regard to House bill No. 5297, which provides for an extension of the bonded period upon distilled spirits.

The bill was prepared with great care, and in respect to its machinery I am satisfied it will work admirably. The principle of the bill is, I think, correct. Upon all manufactured articles upon which the internal-revenue tax is levied, except in the case of distilled spirits, the manufacturer or owner is not compelled to remove the same from the place of manufacture until he can find a sale for the product. This is so in respect to beer, tobacco, cigars, matches, etc.

The extension of the bonded period to three years gave quite a stimulus to the manufacture of fine whiskies. On the 1st of March last there were 69,243,833 gallons in distillery warehouses in Kentucky, Pennsylvania, and Maryland. It seems to me unreasonable to suppose that these spirits can all be removed for consumption within the time now required by law. If the manufacturers and owners are required to pay the taxes within three years, I would expect to see such a decline in prices as would seriously embarrass many strong firms, probably cause many failures, and unfavorably affect other branches of business without any beneficial results to the Government. I think, upon this ground alone, the extension of the bonded period is entirely justifiable.

Very respectfully,

GREEN B. RAUM,
Commissioner.

HON. BEN. BUTTERWORTH,
House of Representatives.

Mr. BRUCKER. As I understand it, these bonded warehouses are owned by distillers.

Mr. EVANS. Unquestionably.

Mr. BRUCKER. And during the period to which the gentleman refers the expense of insurance and care and maintenance of the property is borne by the individual.

Mr. EVANS. Oh, yes.

Mr. BRUCKER. Supervision and everything.

Mr. EVANS. Certainly. Everything except the payment of the storekeeper in charge. He is paid by the Government. Now, Mr. Chairman, I will not undertake to consume any more time.

Mr. PIERCE of Tennessee. Will the gentleman yield for a question?

Mr. EVANS. Certainly; and I shall be glad to answer any other question.

Mr. PIERCE of Tennessee. What effect will this have on whisky that is now in bond?

Mr. EVANS. This will have no effect upon whisky now in bond except to give the outages allowed by this bill to it.

Mr. PIERCE of Tennessee. That is what I supposed.

Mr. EVANS. That is all.

Mr. PIERCE of Tennessee. That is the basis of this bill, is it not?

Mr. EVANS. That is the basis of one section of the bill.

Mr. PIERCE of Tennessee. I supposed that was the purpose of it. The Government loses the revenue, does it not?

Mr. EVANS. The Government does not lose one dollar of revenue. On the contrary, I say the passage of this bill will ultimately greatly increase the revenues of the Government, and I say, after having considered it perhaps quite as much as the gentleman, that the ultimate effect of this bill will be largely to increase the revenues of the Government. The reasons for this view are clearly stated in the report of the committee.

The falling off in production of warehoused spirits (bourbons and ryes) from 56,000,000 gallons in 1893 to less than ten and one-half million gallons in 1897 shows how the Government has lost, while a healthy condition of the trade would certainly increase the revenues. When I say warehoused spirits, I mean those put in bond on which the tax will be paid. I do not allude to the enormous increase in illicit production on which the tax is not collected.

Mr. SIMS. I should like to ask the gentleman the question which I asked the gentleman from Ohio, but which he did not answer.

Mr. EVANS. Certainly.

Mr. SIMS. From the arguments I hear made here, that the farmer is interested in this, and that the cooper is interested in it, on the idea that there will be more grain distilled and more barrels made, therefore from that argument is it not the purpose to manufacture and consume more whisky in the interest of the distillers?

Mr. EVANS. I have not myself made an argument on the bill from the standpoint of the farmer or anybody else, except the Government of the United States and the distillers, whose interests, I think, will alike be largely promoted. I think the passage of the bill will prevent an overwhelming disaster to the distilling interests, which, if it came, would necessarily affect the interest of the Government, which gets so much out of them.

Mr. SIMS. The gentleman has not answered my question.

Mr. EVANS. "The gentleman" did not make a suggestion that it would be beneficial to the farmer, because "the gentleman" has not considered it from that standpoint.

Mr. SIMS. I will ask the gentleman the direct question: Is it not the object of this bill to increase the manufacture and consumption of whisky in this country?

Mr. EVANS. It certainly is not.

Mr. SIMS. How does the present law bring disaster, then?

Mr. EVANS. If you will take the pains to read the report, I think you will see exactly how the present law will bring disaster. The present law extends the bonded period to eight years, but only extends the outage period to four years. Just as soon as the four-year period has expired, the value of the whisky in bond, that has remained four years, is reduced by 15 to 20 cents per gallon, as the evidence clearly showed the committee. The bill will ultimately increase the revenue, but will not in any way advantage the distiller except in the way that I have stated, as to outages.

Mr. BRUCKER. I will ask the gentleman this question: If the owners of the whisky are to be credited the outage or evaporation, how is the Government going to be the gainer in the long run?

Mr. EVANS. It is believed that if this provision is made, there will be a healthy trade and there will be a failure to export spirits.

Mr. BRUCKER. More spirits consumed?

Mr. EVANS. There will be a healthy trade.

Mr. YOST. And there will be less illicit distilling.

Mr. EVANS. There will certainly be less illicit distilling. That is one of the great evils of the present high tax; it greatly increases frauds. One section of the bill is designed to prevent the consumption of illicit spirits as against tax-paid spirits. High taxes greatly increase, as the report and the figures show, the illicit trade. We desire to give the Government the benefit of the tax on all whisky that is consumed, rather than give an advantage to the illicit distiller. The time for general debate having expired, I hope the bill may now be read by paragraphs for amendment.

The CHAIRMAN. The Clerk will read the bill for amendments under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That section 3293 of the Revised Statutes of the United States, as the same has from time to time been amended, be, and the same is, further amended so as to read as follows:

"Sec. 3293. The distiller or owner of all spirits removed as aforesaid to the distillery warehouse shall, on the 1st day of each month, or within five days thereafter, enter the same for deposit in such warehouse, under such regulations as the Commissioner of Internal Revenue may prescribe. Said entry shall be in triplicate, and shall contain the name of the person making the entry, the designation of the warehouse in which the deposit is made, and the date thereof, and shall be in the following form:

"ENTRY FOR DEPOSIT IN DISTILLERY WAREHOUSE.

"Entry of distilled spirits deposited by ——— in distillery warehouse ——— in the ——— district, State of ———, during the month ending on the ——— day of ———, A. D. ———."

"And the entry shall specify the kind of spirits, the whole number of packages, the marks and serial numbers thereon, the number of gauge or wine gallons, proof gallons, and taxable gallons contained in them, all of which shall be verified by the oath of the distiller or owner of the same attached to the entry.

"The distiller or owner shall at the time of making said entry give his bond in duplicate, with one or more sureties satisfactory to the collector of the district, and in a penal sum not less than the tax on the spirits covered thereby, and conditioned that the principal therein named shall well and faithfully comply with all the requirements of law and regulations respecting the depositing, storing, and rebonding of such spirits, and will pay all taxes due on the spirits before or at the time of their removal from such warehouse, and within seven years from the date of said entry, and will likewise pay on demand the tax on any such spirits which may be lost by leakage or from any cause whatsoever while stored in such warehouse and not allowed by law. One of said entries shall be retained in the office of the collector of the district, one sent to the storekeeper in charge of the warehouse, to be retained and filed in the warehouse, and one sent with the duplicate of the bond to the Commissioner of Internal Revenue, to be filed in his office: Provided, That the distiller may, at his option and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, execute an annual bond for the spirits so deposited in lieu of the bond herein provided.

Mr. McRAE. I move to strike out, in line 23, page 2, the word "seven" and insert the word "four."

The Clerk read as follows:

On page 2, line 23, strike out the word "seven" and insert in lieu thereof the word "four;" so as to read: "four years."

Mr. McRAE. Now, Mr. Chairman, I want to say that it seems to me we can remove the only just criticism which to my mind there is anything in by changing this to four years. This makes the outage period and the bonded period the same as is proposed

by the bill, except that it changes it from seven years to four years, and the Government will then lose no money at all in waiting for anything that is now due. It will collect it when due under the present law. And if it were the only purpose of this bill, this amendment would be adopted.

But if it is to give three years longer in which the money can be kept by the whisky trust, then the bill will pass as reported. Make this change, and alter the other provisions of the bill so that they will conform to it, and you will have left the bill as I believe it ought to be. So far as I am concerned, speaking for myself, I believe that this manufactured whisky ought to pay the tax required by law and, above everything else, it ought to pay it at this time and within the time fixed; and if they do not pay it, then they ought to bear the loss by evaporation as the law contemplated when this bonded period was extended from three to eight years.

Mr. BRUCKER. Does your amendment give the distillers any credit for the evaporation at the end of the four-year period?

Mr. McRAE. It gives them the evaporation during the four-year period. They get the benefit of that evaporation for four years, but not for seven. Now, the whole purpose of this bill is to give them a rate of deduction of 2 gallons, I think it is, each year for each barrel, which is about \$6.60 for the three years the whisky is in bond after the four-year period. The tax is now due, and I do not believe the country is in any condition to make any such concession to this industry.

It is an industry that ought to be heavily taxed, and I do not believe that if this release was refused that they would suffer any more than other branches of business. We can not afford to say that we will only tax the branches of business that are prosperous in the face of the bill recently passed by this House. The tax on whisky does yield an immense revenue, and it ought to yield it. I will not take up the time of the House in telling why it ought to contribute to defray the expenses of the Government. It is the policy of the Government to tax whisky. The reasons for it are known of all men. It is enough to say that we ought not, when we are bonding generations yet to come, and taxing everything owned by the poor, to release to the distillers of the country \$6.60 on a barrel of whisky.

Mr. BRUCKER. The effect of the bill, if passed in its present form, would be retroactive, would it not?

Mr. McRAE. Yes; in a sense.

Mr. BRUCKER. It would relieve the distillers of the tax now due the Government how much a barrel?

Mr. McRAE. If it is 2 gallons a barrel per year, and the tax is \$1.10, and the period is three years, that would be \$6.60.

Mr. SWANSON. This bill does not extend the time of the payment; it reduces it.

Mr. McRAE. We understand exactly that the period has been reduced from eight to seven years, but there is no evaporation allowed after four years under the present law, and unless they pay it in four years they suffer the loss, which is enough to make them pay. It has already been shown by the gentleman from Ohio that it is to their interest to pay it; that they put inferior whisky upon us because they will not suffer the loss of the evaporation. I say it is the duty of the Government to get the revenue, and if, as a consequence of getting the revenue, it reduces the consumption of whisky, you have, in my opinion, accomplished two good purposes.

Mr. SWANSON. I understand the gentleman to say that although the distillers have eight years to keep their whisky in bond, yet, as they sustain the loss, they will pay the tax and the Government will get it immediately.

Mr. McRAE. Yes; I hope so.

Mr. SWANSON. What position does that put the distillers of America in? This Government prevents the American distiller from having an opportunity to let his whisky get good and mellow and old, so as to compete with the foreign distillers of whisky. Consequently, you have a vast importation of foreign whisky, because we do not give the American distiller an opportunity to get his whisky old and mellow as the law gives the foreign distiller. I say that the American should have the same opportunity allowed him as is allowed foreign distillers.

Mr. BROMWELL. Mr. Chairman, I move to strike out the last word. I want to answer a remark of the gentleman from Arkansas. I suppose the gentleman from Arkansas knows that under the present law if whisky is destroyed by fire, or by any unavoidable accident not due to the negligence of the owner or distiller of the whisky, he is relieved from the payment of the tax on that whisky. Now, what difference is there in principle between that slow loss which occurs by evaporation, or the soaking of the whisky into the barrel, and that great, rapid loss which occurs by the evaporation and destruction of the whisky in the case of loss by fire?

The distiller is not required to pay a tax on whisky burned up or that which occurs by leakage for the first four years. The principle is admitted by the Government by the allowance of the

outage during the first four years. The Government recognizes this loss, and says it is unfair that the distiller should pay a tax on a vacuum, on a thing that does not exist. Why is not the fairness of this bill exactly the same as that which the Government now recognizes is just? On the whisky that is in four years the outage is now allowed to the owner. This bill says at the end of five, six, or seven years, if he draws it out, he shall be allowed to pay tax only on what is in the barrel. Is not that fair? Is not that just?

Mr. McRAE. I think not. There is a vast difference between that which is destroyed by fire and that which evaporates. In the one case it is all lost; in the other that which remains is improved in quality by reason of the evaporation.

Mr. BROMWELL. Only a difference in the length of time.

Mr. RICHARDSON. And in amount.

Mr. McRAE. It was supposed that four years was a sufficient time to age whisky and make it fit for use. In 1894, at the request of the whisky distillers, it was extended to eight years, for the reason alleged by them that it did not properly age in a shorter time.

Now, after having that period extended and their agreement to take the risk and bear the loss for that four years, they come and insist on a rebate for the additional years. I would like to ask my friend, who appears to be an expert in this matter of distilling whisky, how long before whisky will become perfected? It will not take very many more years to destroy half of it, and if you continue to allow for loss for twenty years at the rate mentioned in this bill, there will be nothing left to tax; you will not have any whisky in the barrel at all.

Mr. BROMWELL. Let me remind the gentleman that it was not the whisky men who made this compromise by which the bonded period was extended to eight years and the tax increased to \$1.10. That arrangement was made in the Senate of the United States against their protest.

Mr. EVANS. And it was made in the Wilson bill, for which my friend from Arkansas voted.

Mr. McRAE. Well, I think the tax ought to have been increased.

Mr. BROMWELL. That provision was distinctly understood to be a thing to trade upon when the Wilson bill should come back to the House; but unfortunately the gentleman from Arkansas and the other gentlemen on his side of the House were so anxious to get the Wilson bill passed in some shape that there was no chance for the trade to be made so as to give the whisky people what they did want.

Mr. McRAE. So far as I am concerned, I have no regret that the tax was fixed at \$1.10. I would not vote to reduce it to-day. If we could get more money out of it, I would vote to increase it. What I object to is that you extend the time for the payment of the tax which is due from these distillers, while upon other men—men who are half clad and without sufficient food—you lay the heavy hand of the law and compel them to contribute to the expenses of this Government, without any special privilege in their favor. That is what I protest against.

[Here the hammer fell.]

Mr. EVANS. I call for a vote on the amendment of the gentleman from Arkansas [Mr. McRAE].

The question being taken on agreeing to the amendment, there were—ayes 28, noes 53.

Mr. McRAE. I call for tellers.

Tellers were not ordered, only 10 voting therefor.

The CHAIRMAN. Tellers are refused; the noes have it, and the amendment is rejected.

The Clerk read as follows:

A new bond shall be required in case of death, insolvency, or removal from the State of either of the sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue; and in case the distiller or owner fails or refuses to give the bond hereinafter required, or to renew the same if lawfully required, or neglects, if lawfully required to do so, to immediately withdraw the spirits and pay the tax thereon, or, if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the tax found to be due, as ascertained by him from the report of the gauger if no bond is given, or from the terms of the bond if a bond was given; but this provision shall not exclude any other remedy or proceeding provided by law.

"If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package deposited in any distillery warehouse, general bonded warehouse, or special bonded warehouse other than the loss provided for in this act and in section 3231 of the Revised Statutes of the United States as amended, which in the opinion of the Commissioner of Internal Revenue is excessive or fraudulent, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such distilled spirits and to collect the taxes accrued upon the original quantity of distilled spirits entered in the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax is not paid on demand, the collector shall report the amount due on his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected.

"That the tax on distilled spirits shall be paid by the distiller or owner before and at the time of the removal of the spirits from the distillery or other place of storage, and within seven years from the date of the entry for

deposit therein, except in case the removal therefrom without payment of the tax is authorized by law; and all warehousing and transportation and warehousing bonds hereafter taken under any provision of the internal-revenue laws relating to distilled spirits shall be conditioned for the payment of the tax before removal from warehouse and within seven years as to fruit brandy from the date of the original gauge and as to all other spirits from the date of the original entry for deposit: *Provided*, That the tax on distilled spirits heretofore deposited in any distillery warehouse or general bonded warehouse or special bonded warehouse and lawfully remaining therein shall be due and payable within the time conditioned in the warehousing bond or transportation and warehousing bond given therefor: *And provided further*, That all bonds hereafter given for distilled spirits produced prior to the passage of this act and redeposited in any general bonded warehouse, or special bonded warehouse, shall be conditioned for the payment of the tax within the time as specified in the bonds given upon the original deposit of said spirits in warehouse."

Sec. 2. That section 50 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," passed August 23, 1894, be, and the same is hereby, amended to read as follows:

"Sec. 50. That the distiller or owner of any distilled spirits deposited in any distillery, warehouse, or special bonded warehouse or in any general bonded warehouse may, prior to the expiration of seven years from the date of original gauge, file with the collector a notice giving a description of the packages containing the spirits and request a regauge of the same; and thereupon the collector shall direct a gauger to regauge the spirits, and to mark upon each such package the number of gauge or wine gallons and proof gallons therein contained. If upon such regauging it shall appear that there has been a loss of distilled spirits from any cask or package, without the fault or negligence of the distiller or owner thereof, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of the withdrawal thereof from the distillery warehouse or other bonded warehouse: *Provided*, however, That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed 1 proof gallon for two months or part thereof; 1½ gallons for three and four months; 2 gallons for five and six months; 2½ gallons for seven and eight months; 3 gallons for nine and ten months; 3½ gallons for eleven and twelve months; 4 gallons for thirteen, fourteen, and fifteen months; 4½ gallons for sixteen, seventeen, and eighteen months; 5 gallons for nineteen, twenty, and twenty-one months; 5½ gallons for twenty-two, twenty-three, and twenty-four months; 6 gallons for twenty-five, twenty-six, and twenty-seven months; 6½ gallons for twenty-eight, twenty-nine, and thirty months; 7 gallons for thirty-one, thirty-two, and thirty-three months; 7½ gallons for thirty-four, thirty-five, and thirty-six months; 8 gallons for thirty-seven, thirty-eight, thirty-nine, and forty months; 8½ gallons for forty-one, forty-two, forty-three, and forty-four months; 9 gallons for forty-five, forty-six, forty-seven, and forty-eight months; 9½ gallons for forty-nine, fifty, fifty-one, and fifty-two months; 10 gallons for fifty-three, fifty-four, fifty-five, and fifty-six months; 10½ gallons for fifty-seven, fifty-eight, fifty-nine, and sixty months; 11 gallons for sixty-one, sixty-two, sixty-three, and sixty-four months; 11½ gallons for sixty-five, sixty-six, sixty-seven, and sixty-eight months; 12 gallons for sixty-nine, seventy, seventy-one, and seventy-two months; 12½ gallons for seventy-three, seventy-four, seventy-five, and seventy-six months; 13 gallons for seventy-seven, seventy-eight, seventy-nine, and eighty months; 13½ gallons for eighty-one, eighty-two, eighty-three, and eighty-four months; and no further allowance shall be made: *And provided further*, That in case such spirits shall remain in warehouse after the same have been regauged, the packages containing the spirits shall, at the time of withdrawal from warehouse, and at such other times as the Commissioner of Internal Revenue may direct, be again regauged or inspected; and if found to contain a larger quantity than shown by the first regauge, the tax shall be collected and paid on the quantity contained in each such package as shown by the original gauge: *Provided further*, That taxes shall be collected on the quantity contained in each cask or package as shown by the original gauge, where the distiller does not request a regauge before the expiration of seven years from the date of the original entry or gauge; that the foregoing allowance of loss shall apply only to casks or packages of a capacity of 40 or more wine gallons, and that the allowance for loss on casks or packages of less capacity than 40 gallons shall not exceed one-half the amount allowed on said 40-gallon cask or package; but no allowance shall be made on casks or packages of less capacity than 20 gallons: *And provided further*, That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than 100 per cent.

Mr. DINGLEY. I move to amend by inserting at the end of section 2 the proviso which I send to the desk.

The Clerk read as follows:

Provided also, That distilled spirits hereafter exported and subsequently imported shall pay an import duty equivalent to the internal tax that would have been imposed upon such spirits at the time of importation if such spirits had not been exported.

Mr. DINGLEY. The object of this amendment is to make entirely clear a provision of the tariff act of 1897 relating to goods exported and subsequently imported. Some question has arisen as to how that act should be construed with reference to spirits, and in some cases the construction has been adopted that the internal tax to be paid in the form of a duty should be the tax that any spirits would bear at the time of importation.

The object of this amendment is to have them bear the same import duty at the time of importation that they would have borne as an internal tax if they had remained in this country. In other words, we desire not to put a premium upon exportation and subsequent importation in the case of spirits. The amendment simply carries out the real intent of the present law. As there has been some misunderstanding in reference to the question, this amendment is offered for the purpose of making the matter perfectly clear.

Mr. McRAE. As I understand the proposition of the gentleman from Maine, it will deprive the American distiller of the benefit of the evaporation for the time that the spirits may remain in foreign countries.

Mr. DINGLEY. Not at all. The amendment simply takes away the premium for exporting spirits, retaining them in a bonded warehouse abroad, and then importing them.

Mr. McRAE. What is that "premium," if not the saving of the tax on the importation?

Mr. DINGLEY. In the exportation of spirits and allowing

them to remain abroad and subsequently importing them there is, it is claimed, a profit amounting to several dollars per barrel. This arises from a particular construction which has in some cases been adopted of the statutes relating to exported goods which are subsequently imported as applied to spirits. I may say it never was the intention of the statutes to grant any such premium.

Mr. McRAE. If I understand the gentleman's proposition, I am in favor of it, and think it ought to be adopted. But I wish to know what is the "premium" that the gentleman speaks of? Is it not the tax on the amount of whisky which it is claimed is lost by reason of the evaporation which occurs during the period the spirits remain in bond or in a foreign country? Can it mean anything else? If it is anything else, what is it?

Mr. DINGLEY. Under the law as it exists to-day the period allowed for evaporation expires at the end of four years. Now, in order to avoid the payment of the tax at the end of that time the practice has grown up, under the construction of the statute to which I have referred, of exporting spirits, to be placed in bond abroad for the purpose of further evaporation, then importing the spirits and paying internal tax according to the quantity of spirits that there may be in the barrel at the time of importation.

For the purpose of preventing any such evasion of the law, this amendment is offered, providing that when spirits are exported and subsequently imported they shall pay the same duty as an internal-revenue tax which they would have paid if they had remained in this country. This takes away the temptation to export spirits simply for the purpose of avoiding the taxation which would arise if they remained in this country.

Mr. McRAE. That is just the way I understood the proposition of the gentleman from Maine. Now that this matter is clearly understood, it seems to me the House can and ought to see its way clear to make the change in the other parts of this bill which I have suggested. When, by such a proposition as the gentleman from Maine now submits, you can make it impossible for the Government to be defrauded out of its internal tax, the House is confronted with the question which it can not dodge, whether it will give this relief to the distiller.

As implied in the amendment and the remarks of the gentleman from Maine, you can prevent the evasion of the internal tax by imposing such a tax as the gentleman from Maine proposes. Now, why should we not reduce the period during which whisky may continue in bond to four years? You will then get the tax from these distillers three years earlier than you will under this bill. I have called attention to this amendment in connection with what has been said, in order that the House and the country may understand this bill as I believe it is, a proposition to give to the large manufacturers of whisky in this country three years longer in which to pay their taxes, or rather to bear the loss of the evaporation for them if they do not pay during that time.

Mr. BRUCKER. Suppose the distillers at the end of four years export their whisky and sell it abroad and do not reimport it, does not the Government collect the tax?

Mr. McRAE. No; they do not collect anything on whisky or anything else exported. The Constitution prevents that; but the great object here is to get this internal tax. We can secure the collection of this tax by laying an adequate customs duty upon it when it is imported. That is easy, if we want to do it. The question is, Shall we consent to give an extension to them in which the tax shall be paid and deduct all loss of evaporation? That is all there is in this bill.

Mr. PAYNE. Did the gentleman vote for the Wilson bill in 1894?

Mr. McRAE. Oh, I think so.

Mr. PAYNE. Did the gentleman know when he voted for the Wilson bill that it contained this privilege, extending the bonding period from four years to eight years?

Mr. McRAE. I think I did.

Mr. PAYNE. Did the gentleman know at that time that he was putting off the time of the payment of this tax four years?

Mr. McRAE. I knew also that the Government did not assume the loss of the evaporation during this extended period. I am not willing to give that to them now.

Mr. PAYNE. Does the gentleman know that that bill increased the outage period from three years to four years, so that it did give them a partial benefit?

Mr. McRAE. Yes; but I was willing to concede all those things in order to get an increased tax of 20 cents a gallon upon whisky. The gentleman voted against that proposition, voted against all of those propositions. He had better reconcile his own record instead of attacking mine. If he opposed that bill then, why does he favor this one now? He and I opposed each other then and we do now.

Mr. PAYNE. I shall not have any trouble about my own record upon that question. The gentleman insisted then upon voting to increase this bonded period, and now, by the gentleman's action, distilleries are loaded up with whisky from 4 to 8 years

old. Now the gentleman comes in here and asks the House to vote to compel them to pay the taxes on those whiskies which are from 4 to 8 years old, of which there are millions upon millions of gallons, and to pay that tax, although he knows, or ought to know, that they can not find a market in the United States for 5 per cent of the whisky now.

He would compel them to pay \$1.10 a gallon, which amounts to over eleven hundred per cent upon the value of the whisky. I am content with my vote against raising the tax on whisky 20 cents a gallon, because I believed there was more revenue to the United States Government in 90 cents a gallon than there would be at \$1.10 a gallon—

Mr. McRAE. I believe I have the floor.

Mr. PAYNE. Very well.

Mr. McRAE. Mr. Chairman, I am proud of my vote to raise the tax upon whisky, because it was an honest effort on my part to get from that source more revenue for the Government; but if it had the effect of reducing the consumption of the stuff, I do not regret it for that reason. The people would be in better condition than they are if consumption were still further reduced.

Mr. Chairman, I will not give my vote to remit \$6.60 a barrel to the whisky distillers of this country when an effort is now being made to lay a stamp tax upon the notes and mortgages of the poor and upon the medicines of the sick of this country. When we are driven to such necessities as that, you will never get my vote to relieve the whisky manufacturers from taxes because they can not find a market for their whisky. The people of my State pay taxes on property they can not sell.

Mr. PIERCE of Tennessee. The taxes are already due on this whisky.

Mr. McRAE. Certainly, the tax is due. That is why the bill is pressed at this time.

Mr. EVANS. I call for a vote on the amendment.

The amendment of Mr. DINGLEY was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. EVANS. I move that the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. McRAE) there were—ayes 68, noes 25.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10253) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, and had directed him to report the same back to the House with an amendment, and with the recommendation that as amended the bill do pass.

Mr. EVANS. Mr. Speaker, I move the previous question on the bill and amendment to the passage.

The previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill,

Mr. McRAE demanded a division.

The House divided; and there were—ayes 68, noes 27.

Mr. McRAE. Yeas and nays.

The yeas and nays were ordered.

Mr. EVANS. I move that the House do now adjourn.

Mr. McRAE. Mr. Speaker, I understand the yeas and nays are ordered. That will be the first vote in the morning.

The SPEAKER. The first vote in the morning.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1893. An act for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted;

S. 4621. An act to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898; and

S. 4108. An act granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation in the State of Washington.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. HICKS, for the remainder of the week.
To Mr. WHITE of North Carolina, for one week, on account of important business.

The motion of Mr. EVANS was agreed to.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting estimates of deficiencies in the appropriations for the Quartermaster's Department for the fiscal year 1898, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 7) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York, reported the same without amendment, accompanied by a report (No. 1453); which said resolution and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 622) concerning sail vessels of over 700 tons, reported the same with amendment, accompanied by a report (No. 1456); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5920) for the relief of Monson W. Bliss, reported the same with amendment, accompanied by a report (No. 1454); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10316) for the relief of Georgie Smiley, reported the same with amendment, accompanied by a report (No. 1455); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2867) granting an increase of pension to Henry O. Briggs, reported the same with amendment, accompanied by a report (No. 1457); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4542) to increase the pension of Samuel F. Johnson, reported the same with amendment, accompanied by a report (No. 1458); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 10393) for the relief of Emmart, Dunbar & Co., on account of work done by said firm for the District of Columbia; and the same was referred to the Committee on the District of Columbia.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McRAE: A bill (H. R. 10492) for the protection of homestead settlers who enter the military service of the United States in time of war—to the Committee on the Public Lands.

By Mr. YOUNG: A bill (H. R. 10493) providing that all soldiers of the war of 1861 who were commissioned as officers shall receive bounties the same as if not commissioned—to the Committee on War Claims.

By Mr. ACHESON: A bill (H. R. 10494) to provide for the pay of enlisted men who in time of war serve outside the territorial limits of the United States—to the Committee on Military Affairs.

By Mr. FISCHER: A joint resolution (H. Res. 273) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of May, 1898, on the 28th day of said month—to the Committee on Accounts.

By Mr. PERKINS: A resolution (House Res. No. 307) to print 2,600 copies of the Digest and Manual of the Rules and Practice of the House of Representatives, second session Fifty-fifth Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CORLISS: A bill (H. R. 10495) to increase the pension of Jerome McWethy—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 10496) for the relief of Andrew Hatfield—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 10497) granting a pension to Charlotte Hughes—to the Committee on Pensions.

By Mr. FOOTE: A bill (H. R. 10498) for the relief of George W. Stearns—to the Committee on Military Affairs.

Also, a bill (H. R. 10499) for the relief of John Redmond—to the Committee on Military Affairs.

By Mr. GROW: A bill (H. R. 10500) for the relief of the legal representative of Samuel Tewksbury, deceased—to the Committee on War Claims.

By Mr. HURLEY: A bill (H. R. 10501) granting an honorable discharge to Bury J. O'Brien—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 10502) for the relief of Gipsie P. Powell, of Spottsylvania County, Va.—to the Committee on War Claims.

By Mr. PEARCE of Missouri: A bill (H. R. 10503) for the relief of Alonzo E. Miltimore—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 10504) for the relief of Seth R. Cooper, of Stafford County, Va.—to the Committee on War Claims.

By Mr. WILBER: A bill (H. R. 10505) to remove the charge of desertion from the military record of George Hallenbeck—to the Committee on Military Affairs.

By Mr. ACHESON: A bill (H. R. 10506) to correct the military record of W. H. Kern—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of the council and borough of West Washington, Pa.; Liberty Methodist Episcopal Chapel, of Washington, Pa.; Methodist Episcopal Church, Ladies and Pastors' Union, Epworth League, teachers, and the Woman's Christian Temperance Union of West Washington, Pa., for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Liberty Methodist Episcopal Church and Epworth League, of Washington, Pa.; Woman's Christian Temperance Union, teachers, Ladies and Pastors' Union, Methodist Episcopal Church and Epworth League, and council and borough of West Washington, Pa., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BAKER of Illinois: Petition of the Western Merchants and Manufacturers' Association, against that part of the war-revenue bill taxing corporations one-fourth of 1 per cent of their gross receipts—to the Committee on Ways and Means.

By Mr. BARTLETT: Petitions of the First National Bank of Waycross, Ga.; F. E. Fletcher, cashier Bank of Forsythe; W. H. Head Banking Company, W. T. Maynard & Co., all bankers of Forsythe, Ga., protesting against the tax on bank deposits and the stamp duty on bank checks contained in House bill No. 10100—to the Committee on Ways and Means.

By Mr. BRENNER of Ohio: Paper to accompany House bill No. 6001, for the relief of Jacob Hundobler, late of Company I, Eleventh Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. FITZGERALD: Resolution of the Sailors' Union of the Pacific, San Francisco, Cal., favoring the passage of Senate bill No. 95 and House bill No. 1633, for the relief of American seamen—to the Committee on Labor.

By Mr. GILLET of Massachusetts: Petition of certain citizens of West Brookfield, Mass., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on the Judiciary.

Also, petition of certain citizens of West Brookfield, Mass., favoring the passage of a bill to prohibit kinetoscope reproductions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petition of certain citizens of West Brookfield, Mass., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. GRIFFITH: Protest of J. A. Munger, of Moores Hill, Ind., against Schedule B in the war-revenue bill—to the Committee on Ways and Means.

By Mr. HULL: Resolutions of the State Council of Iowa, Order of United American Mechanics, favoring the extension of the

franking privilege to United States Volunteers—to the Committee on the Post-Office and Post-Roads.

By Mr. KULP: Petitions of Henry Disston & Sons and Hance Bros. & White, business firms of Philadelphia, Pa., and Murray, Douglass & Co., Limited, of Milton, Pa., favoring the passage of House bill No. 8066, to authorize and encourage the holding of a national exposition of American manufactured goods in Philadelphia in June, 1899—to the Committee on Interstate and Foreign Commerce.

Also, protest of the Chamber of Commerce of New York, against the provision in House bill No. 10100 increasing the tonnage tax—to the Committee on Ways and Means.

Also, petition of the Coahoma Lumber Company, of Philadelphia, Pa., against the taxing of corporations—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce, in favor of the establishment of an international American bank—to the Committee on Banking and Currency.

Also, papers to accompany House bill No. 10137, to increase the pension of Charles C. Jones—to the Committee on Invalid Pensions.

Also, protests of the Board of Drug Exchange and Shoemaker & Busch, of Philadelphia, Pa.; A. K. Ackerman, of Turbotville, Pa., and Dr. G. L. Reagon & Co., of Berwick, Pa., and retail druggists of Milton, Pa., against the adoption of the clause in the war-revenue bill which provides for a stamp tax on proprietary medicines in stock—to the Committee on Ways and Means.

Also, protest of H. K. Mumford & Co., of Philadelphia, Pa., against the free distribution of hog cholera serum—to the Committee on Agriculture.

Also, petition of the Board of Trade of Philadelphia, Pa., against the amendment limiting the free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of the Hahnemann Medical Association of Iowa, favoring the passage of Senate bill No. 164 to prevent unjust discrimination in the appointment of surgeons in the Army and Navy—to the Committee on Military Affairs.

By Mr. McALEER: Resolution of the Trades League of Philadelphia, Pa., protesting against a tax on corporations—to the Committee on Ways and Means.

Also, resolution of the Board of Trade and the Grocers and Importers' Exchange of Philadelphia, Pa., protesting against any reduction in the appropriation for the free-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. McCULLOCH: Petition of the Woman's Christian Temperance Union of Paragould, Ark., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. McDONALD: Petition of D. A. Zeigler, of Montgomery County, Md., for relief—to the Committee on War Claims.

By Mr. PAYNE: Papers in support of House bill No. 10412, to correct the military record of Andrew Corney, of Cayuga, N. Y., late of Company E, Eightieth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. RIXEY: Paper to accompany House bill for the relief of Seth R. Cooper, of Stafford County, Va.—to the Committee on War Claims.

By Mr. YOUNG: Paper to accompany House bill for the relief of Jacob A. Schmid, late captain of Company I, Ninety-eighth Regiment Pennsylvania Volunteers—to the Committee on War Claims.

SENATE.

FRIDAY, May 27, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PROTECTION OF EXPLOSIVE MINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill "to protect explosive mines in the waters of the United States, and for other purposes," and recommending and urging the immediate favorable consideration of the bill, under which it is thought that the Department may properly and effectively regulate the matter; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 8349) granting additional powers to railroad companies created by laws of the United States and operating lines in the Indian Territory; and

A bill (H. R. 10375) making appropriations to supply deficiencies

in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 164) granting an increase of pension to John P. Thomas;

A bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess;

A bill (H. R. 3663) granting a pension to George Barnes;

A bill (H. R. 3953) granting an increase of pension to Calvin P. Lynn;

A bill (H. R. 5245) granting a pension to Florence N. Waldron;

A bill (H. R. 8636) granting an increase of pension to John X. Griffith;

A bill (H. R. 8834) granting a pension to John B. Hays; and

A bill (H. R. 9210) granting an increase of pension to George H. Baldwin.

The message further announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. GRIFFIN, and Mr. HAY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1833) for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation, in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted;

A bill (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington; and

A bill (S. 4621) to amend sections 10 to 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898.

PETITIONS AND MEMORIALS.

Mr. HALE presented a petition of the Annual Conference of the Methodist Episcopal Church of Bangor, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Annual Conference of the Methodist Episcopal Church of Bangor, Me., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Annual Conference of the Methodist Episcopal Church of Bangor, Me., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the Annual Conference of the Methodist Episcopal Church of Bangor, Me., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented sundry petitions of citizens of Indiana, praying for the enactment of legislation to secure to the rural sections of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of James Hampton and 18 other citizens of Indiana, and the petition of Joseph R. Bailey and 39 other citizens of Indiana, praying for the enactment of legislation to prevent the sale of adulterated food products as pure food; which were referred to the Committee on Agriculture and Forestry.

Mr. CARTER presented sundry memorials of druggists of Montana, remonstrating against the adoption of the provision in the war-revenue bill proposing a tax on proprietary medicines; which were ordered to lie on the table.

Mr. KYLE presented a petition of the Woman's Christian Temperance Union of Davison County, S. Dak., praying for the enactment of legislation to prohibit the sale of liquor in Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Temperance Club of St. Lawrence, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government build-

ings; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. FRYE. I report back favorably, without amendment, from the Committee on Commerce, in behalf of my colleague on the committee the Senator from Missouri [Mr. VEST], who is detained by sickness, the bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment, submitted by himself on the 9th instant, relative to all unexpended balances of money heretofore appropriated for the construction of reservoirs at the head waters of the Mississippi River, etc., intended to be proposed to the deficiency appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. LODGE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring). That there be printed 12,000 copies of the Statistical Abstract of the United States for the year 1897, prepared by the Bureau of Statistics, Treasury Department; 3,000 copies for the use of the members of the Senate, 6,000 copies for the use of the members of the House of Representatives, and 3,000 copies for the use of the Bureau of Statistics, Treasury Department.

SECOND ASSISTANT SECRETARY OF WAR.

Mr. CARTER. By direction of the Committee on Military Affairs, I report a bill and request its present consideration. I ask that the accompanying letter from the Secretary of War be read in connection with the bill.

The bill (S. 4673) providing for a Second Assistant Secretary of War was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there shall be in the Department of War, during the existing war, a Second Assistant Secretary of War, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of \$4,000 a year, payable monthly, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. CARTER. I ask that the letter from the Secretary of War be read.

Mr. BATE. I am in favor of the bill; but a measure of this kind should certainly be considered with more than eight or ten Senators in their seats. Being a matter of such importance, I think it proper that we should have a quorum present. I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Tennessee, and the Secretary will call the roll.

The Secretary called the roll.

After some little delay,

Mr. ALLISON. May I inquire if the Sergeant-at-Arms has taken proper steps to inform Senators that the Senate is in session? If not, I hope that direction will be given to him.

The VICE-PRESIDENT. The Chair will state that no direction has been given to the Sergeant-at-Arms except by the Chair.

The following Senators having answered to their names:

Allen,	Fairbanks,	McEnery,	Pritchard,
Allison,	Faulkner,	McMillan,	Quay,
Bate,	Frye,	Mason,	Rawlins,
Berry,	Gallinger,	Mitchell,	Roach,
Burrows,	Gear,	Morgan,	Shoup,
Caffery,	Gorman,	Morrill,	Spooner,
Carter,	Hale,	Nelson,	Stewart,
Chandler,	Hansbrough,	Pasco,	Teller,
Clay,	Harris,	Perkins,	Turley,
Cockrell,	Hawley,	Pettus,	
Cullom,	Jones, Ark.	Platt, Conn.	
Deboe,	Lodge,	Platt, N. Y.	

The VICE-PRESIDENT (at 11 o'clock and 17 minutes a. m.). Forty-five Senators have answered to their names. A quorum is present. The bill reported from the Committee on Military Affairs is before the Senate as in Committee of the Whole.

Mr. CARTER. Let the letter of the Secretary of War be read in connection with the bill. It is very brief and explains the reasons why the bill should pass.

Mr. ALLISON. Will the bill take any time?

Mr. CARTER. It will not lead to any discussion, I think.

Mr. ALLISON. I suggest that the letter be printed in the Record without reading.

Mr. CARTER. Very well; let it be printed in the RECORD. The bill was reported to the Senate without amendment.

Mr. CHANDLER. I ask that the letter of the Secretary of War be read.

Mr. HALE. I shall have to object to the consideration of the bill if it is to take any time.

Mr. CARTER. I trust the Senator from Maine will not object.

The VICE-PRESIDENT. The Chair did not understand the Senator from Maine.

Mr. FRYE. Let the Secretary read the letter.

The Secretary read as follows:

WAR DEPARTMENT, Washington, May 20, 1898.

DEAR SIR: In reply to your oral inquiry this morning, respecting the office of Assistant Secretary of War, I beg to say that upon examination it is found that the appointment of an Assistant Secretary of War was authorized by an act of August 3, 1861 (12 Stat., page 287), and that an act of January 22, 1862 (12 Stat., page 332), authorized the appointment of two additional Assistant Secretaries of War for the period of one year. An act of February 20, 1865, authorized the appointment of an additional Assistant Secretary of War for one year (13 Stat., page 331). By section 4 of the "Act to provide for the temporary increase of the pay of officers in the Army, and for other purposes," approved March 2, 1867, section 1 of the act of August 3, 1861, authorizing the President to appoint an Assistant Secretary of War, was repealed. The office was, however, revived by act of August 5, 1862, but, not having been filled, the provision of the said act reviving the office was repealed. By act of March 5, 1890 (26 Stat., page 17), the appointment of an Assistant Secretary of War was again authorized.

The records show that P. H. Watson, of the District of Columbia, was appointed Assistant Secretary of War on January 22, 1862, and continued in that office until July 31, 1864; that John Tucker, of Pennsylvania, was appointed Assistant Secretary of War January 27, 1862, and continued in the office until February 1, 1863; that C. P. Wolcott, of Ohio, was appointed Assistant Secretary of War July 1, 1862, and continued in the office until January 1, 1863; that C. A. Dana, of New York, was appointed Assistant Secretary of War March 1, 1864, and continued in the office until July 31, 1865. The next appointment of Assistant Secretary of War was that of Lewis A. Grant, of Minnesota, who was appointed in pursuance of the act of March 5, 1890, and who was succeeded by Joseph B. Doe, of Wisconsin, who, in turn, was succeeded by G. D. Meiklejohn, of Nebraska, the present incumbent.

From the foregoing it will be perceived that for a portion of the period between January 22, 1862, and July 31, 1864, there were three Assistant Secretaries of War serving contemporaneously.

Very truly, yours,

R. A. ALGER.

Secretary of War.

Hon. THOMAS H. CARTER,
Of Committee of Military Affairs, United States Senate, City.

The bill was ordered to be engrossed for a third reading; and it was read the third time.

Mr. TELLER. I wish the Senator from Montana would state what the purpose of the bill is, whether it is to make a permanent increase of Assistant Secretaries or not.

Mr. CARTER. The bill provides for a Second Assistant Secretary of War during the continuance of the existing war. The office will terminate when the war terminates.

The bill was passed.

ADDITIONAL CLERK OF COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WOLCOTT April 4, 1898, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads is authorized to employ an additional clerk at the rate of \$1,440 per annum, whose compensation shall be paid from the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. HAWLEY. I should be glad to have the Senate consider a bill.

Mr. HALE. I shall object to the consideration of any measure except the revenue bill.

Mr. HAWLEY. It will take but one minute. It is a bill that ought to be passed soon if at all. It relates to granting a cannon to the National Grand Army Encampment. They get every year a dismounted old brass cannon out of which to make medals.

The VICE-PRESIDENT. Will the Senator from Connecticut state the Calendar number of the bill?

Mr. QUAY. I hope the Senator from Connecticut will wait until morning business is concluded.

Mr. HAWLEY. I will wait until morning business is through.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 4679) for the relief of certain veterans who have been pensioned under the laws of the United States; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4680) granting a pension to Susanah Ludlam; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAFFERY introduced a bill (S. 4681) to increase the pension of Joseph F. Mollere; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4682) for the relief of Francois L. Bouillotte, Louisa L. Bouillotte, Mary A. Crowley, born Bouillotte, and Lausa M. Price, born Bouillotte, children and only

heirs at law of Joseph Bouillotte, deceased, late of Rapides Parish, State of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 4683) to provide for increasing the military establishment of the United States in time of war; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO WAR REVENUE BILL.

Mr. MORGAN. I submit an amendment intended to be proposed by me to House bill 10100, the tax bill. I ask that the proposed amendment be read at the desk, printed, and laid on the table.

The amendment was read, and ordered to be printed and to lie on the table, as follows:

Amendment proposed by Mr. MORGAN to H. R. 10100.

SEC. —. When any of the islands of the Atlantic or Pacific oceans are owned by the United States, or when they are occupied by the civil or military forces of the United States as a result of war with Spain, or as a necessary means of conducting such war, to be determined by the President as the Commander in Chief of the Army and Navy of the United States, it shall be lawful and within his discretion for the President to appoint a civil or military governor of such island, or any group of such islands, with full authority, under such rules and regulations as the President shall prescribe, not inconsistent with the laws of civilized warfare, to maintain good order and to protect the lives and property and the domestic peace of the people thereof.

And there shall be extended over such islands and enforced therein such parts and provisions of the tax laws of the United States or of such islands, whether relating to customs duties or to internal taxation, as shall, in the judgment and discretion of the President, be justly applicable to such islands during the existence of the war with Spain.

SEC. —. The currency of the United States, whether of gold, silver, or paper money, shall be a lawful tender in said islands so owned or occupied in the same manner and to the same extent that they are a lawful tender in the United States in the payment of all debts, public or private. And the provisions of this act that relate to such islands, together with such regulations as shall be made by order of the President for executing the same, shall remain in force until the same are altered, amended, or repealed by act of Congress.

Mr. LODGE. I offer an amendment to the pending war revenue bill, which I move be printed and laid on the table.

The motion was agreed to.

PAY OF STENOGRAPHER.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Finance, May 3, 1898, on the bill (H. R. 10100) to provide ways and means to meet war expenditures, be paid from the contingent fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following act and joint resolution:

An act (S. 4607) providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes; and

A joint resolution (S. R. 167) ratifying and confirming certain temporary appointments of officers of the Navy.

COMPENSATION OF POSTMASTERS.

Mr. ALLISON. Is the morning business closed?

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 872, introduced by the Senator from Nebraska [Mr. ALLEN], which was laid over from yesterday.

Mr. ALLISON. The Senator from Nebraska is absent at this moment, and I hope the resolution will be laid over until tomorrow.

The VICE-PRESIDENT. The resolution will go over until tomorrow.

DONATION OF CONDEMNED CANNON.

Mr. HAWLEY. Is morning business concluded?

Mr. ALLISON. Mr. President—

The VICE-PRESIDENT. The Senator from Connecticut rose to make a request of the Senate.

Mr. HAWLEY. It is a joint resolution that will take but one minute. It will be worth nothing if it waits a week. It is simply to give an old gun, such as has been given every year for a good many years, to make certain memorial medals for the Grand Army Encampment. I ask the Senate to consider the joint resolution (H. Res. 271) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HALE. I object.

Mr. HAWLEY. I think that is very unkind.

The VICE-PRESIDENT. Is there objection?

Mr. HALE. I object.

Mr. HAWLEY. It is very unkind.

The VICE-PRESIDENT. Objection is made, and the joint resolution will lie over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1540) granting an increase of pension to William H. Oliver.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6209) to pension William Stephenson Smith, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. WARNER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the following bills, asks conferences with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY, Mr. WARNER, and Mr. DRUGGS managers at the respective conferences on the part of the House.

A bill (H. R. 378) granting a pension to Lowell H. Hopkinson;

A bill (H. R. 1801) granting an increase of pension to Catherine Clifford;

A bill (H. R. 4488) granting an increase of pension to Peter Castle; and

A bill (H. R. 5006) to increase the pension of Edward Starr.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5468) granting an honorable discharge to Prentice Holmes;

A bill (H. R. 8480) providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations, in Kansas, and for other purposes; and

A joint resolution (H. Res. 273) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of May, 1898, on the 28th of said month.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 597) granting a pension to Henry H. K. Elliott;

A bill (H. R. 908) granting a pension to Zolman Tyrrell;

A bill (H. R. 1825) to increase to pension of David Parker;

A bill (H. R. 2123) increasing the pension of William P. Haskell;

A bill (H. R. 2150) granting an increase of pension to Col. Benjamin Beach;

A bill (H. R. 2231) granting a pension to C. S. Alvord;

A bill (H. R. 2318) for the relief of John T. Brewster;

A bill (H. R. 2695) granting a pension to Olivia Betton;

A bill (H. R. 2815) granting an increase of pension to Eliza Miller;

A bill (H. R. 3524) increasing the pension of Gustavus A. Kindblade;

A bill (H. R. 3596) granting a pension to Mrs. Bettie Gresham;

A bill (H. R. 4449) granting an increase of pension to Charles Beckwith;

A bill (H. R. 4675) granting an increase of pension to George Van Vliet, of Brookville, Pa.;

A bill (H. R. 4691) to increase the pension of Charles Hoffman;

A bill (H. R. 4962) granting an increase of pension to William D. Foote;

A bill (H. R. 5776) granting an increase of pension to Sidney J. Hare;

A bill (H. R. 6242) granting a pension to James C. Kinkle;

A bill (H. R. 6785) granting a pension to Julia L. Roberts;

A bill (H. R. 7672) to increase the pension of George W. D. Wade;

A bill (H. R. 7802) granting a pension to Emily A. Hausner; and

A bill (H. R. 8904) to pension Mrs. Mary E. Taylor.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 368) granting a pension to Jennie E. Burch;

A bill (S. 408) to restore a pension to Harriet M. Knowlton;

A bill (S. 862) granting a pension to Mary A. Benjamin;

A bill (S. 1115) for the relief of the legal representatives of John Roach, deceased;

A bill (S. 2357) granting an increase of pension to Merlin C. Harris;

A bill (S. 3026) granting a pension to Ida Emmott;

A bill (S. 3254) granting a pension to Adelaide H. Lambertson;

A bill (S. 4003) to construe an act approved June 3, 1884, relating and including the disability of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry; and

A joint resolution (S. R. 168) authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of House bill 10100.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. TELLER. Mr. President, when I was interrupted yesterday by the special order I was presenting some facts in reference to the passage of an income-tax bill in 1870, and I had not quite concluded on that point.

On the 24th of June, 1870, while the bill was before the Senate, a motion was made to strike out the fifth section of the amended bill, which afterwards became the sixth section of the bill, and was the provision concerning the income tax. On that motion the yeas were 34 and the nays 23. So the provision was stricken out of the House bill. Those voting in the negative in the Senate were Messrs. Boreman, Brownlow, Chandler, Drake, Hamlin, Harlan, Howard, Howe, Howell, Morrill of Maine, MORRILL of Vermont, Morton, Pratt, Ramsey, Rice, Ross, Schurz, Sherman, Sprague, Thayer, Warner, Willey, and Williams—23. I believe I am not mistaken when I say that every one of those votes was a Republican vote.

The motion was then made to strike out sections 44 and 45 of the House bill taxing the income of corporations. It was an income tax of corporations, taxing their net profits about 24 per cent, I believe, at least that is the way it finally passed, and I believe that was the condition then. The Vice-President submitted the question to the Senate by stating that they were two sections relating to the income tax on the dividends of corporations. On the motion to strike out Senator Morton, of Indiana, said:

Mr. President, I was not surprised at the vote that we have had here this morning.

That is the vote to strike out the general income tax, which became section 6 afterwards.

I have expected it for some time, but nevertheless I regret it deeply. I regret it as a mistake in every point of view. Whether we consider it in regard to public sentiment, whether we consider it in regard to public justice, whether we consider it in regard to what is due to the great mass of the people, and especially to the great mass of the poor people of this country, I regret it as a mistake, and a great mistake.

Mr. Drake, of Missouri, a Republican Senator, interposed:

Mr. DRAKE. A blunder.

Mr. MORTON. Aye. It is a blunder, and that in politics is called a crime; but I will not so designate it this morning—that would not be respectful—but I do designate it as a blunder, and such a one as legislators rarely commit.

On the same day Mr. Drake took the floor and said:

Now, if the Senate is so intent upon gratifying this outcry of the 200,000 against a tax that falls upon them that it will continue taxes that fall upon all the rest of the 40,000,000 of this people, let them go on and do it, and then attend the funeral of the Republican party.

Mr. President, I spoke advisedly, at least to my own mind, when I interrupted the Senator from Indiana a little while ago, with the interjection of the word "blunder" as characterizing the vote this morning. Never was there a greater political blunder, in my judgment, made by any political party in this country, or at least by the Republican party. Sir, we have been the champions of the downcast and the oppressed, and of the many against the few. And now we change front to make ourselves, in our taxation, the champions of the few against the great multitude of this nation. I hope that there will be wisdom enough left in the Senate to reconsider that ill-considered and ill-starred vote that they have given this morning, and let the country see that this party, as represented on this floor, is still the champion of the multitude and not the champion of the few.

Mr. Howe, of Wisconsin, one of the very ablest and purest men who ever sat in this Chamber, a man of great conservatism, a very great lawyer, who was afterwards a member of a Republican Cabinet, said on this motion, among other things in the same line that I do not quote:

Now, Mr. President, I do not want to confess to the country that we are utterly unwilling that fixed incomes over \$2,000 in amount shall be taxed the small and inconsiderable sum of 3 cents on the dollar, while every man who consumes sugar in this country shall pay a tax equal to about 50 per cent of the value of what he consumes. If it be possible that we can avoid that confession I should like to avoid it. Let me say right here, Mr. President, that you can not avoid a tax on income, and you do not try to do it. That is not possible. Lay your tax on what objects you please, they must be paid out of income. There is nothing else to pay taxes with. The tax you levy upon the salt that the poor man puts in his bread he pays out of his income, out of his daily earnings, his daily sweat, just as much as the capitalist pays out of his income the tax you lay upon the dividends on his stock.

On the 1st of July, 1870, the motion to reconsider the vote by which the section concerning the income tax had been stricken out was reconsidered, and the vote stood 26 yeas and 23 nays. I want to call the attention of the Senate to the Senators who voted for the reconsideration, which was in effect to reinstate the income tax in the bill, all of them, I think, leading Republican Senators, and almost all of them men of more than ordinary national reputation. The list was as follows: Messrs. Abbott, Anthony, Cragin, Drake, Edmunds, Hamlin, Harlan, Howe, Howell, Morrill of Maine, MORRILL of Vermont, Nye, Patterson, Pool, Pratt, Ramsey, Rice, Schurz, Sherman, Spencer, Sprague, Tipton, Warner, Willey, Williams, and Wilson.

Mr. Morton, of Indiana, did not vote on that question. He and some others were paired in favor of the proposition.

July 5, 1870, a motion was made to strike out of the bill all relating to the income tax, and the vote on that question I shall give. That included the proposition to strike out all in section 6 and what afterwards became the income tax on corporations, taking, as the bill passed, the sixth section of the act up to and including the sixteenth. The yeas were 26 and the nays 26; so the motion did not prevail. Those voting in the negative were favoring the income tax, and were Messrs. Anthony, Boreman, Chandler, Cragin, Drake, Edmunds, Hamilton of Texas, Hamlin, Harlan, Howe, Howell, MORRILL of Vermont, Morton, Nye, Patterson, Pool, Ramsey, Rice, Ross, Sawyer, Schurz, Sherman, Spencer, Warner, Willey, and Williams.

On the same day the bill passed the Senate by a vote of 43 yeas to 6 nays; and I shall now read the names of those who voted for the passage of the income-tax provisions, which included the individual income tax and the income tax upon corporations, that was certainly much more burdensome to corporations than the proposed measure in the present bill. They follow: Messrs. Anthony, Boreman, Carpenter, Chandler, Cole, Conkling, Corbett, Cragin, Drake, Edmunds, Fenton, Gilbert, Hamilton of Texas, Hamlin, Harlan, Howe, Howell, Kellogg, McDonald, MORRILL of Vermont, Morton, Nye, Patterson, Pool, Ramsey, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Sherman, Spencer, Sprague, STEWART, Stockton, Thayer, Thurman, Trumbull, Warner, Willey, Williams, and Wilson.

Mr. President, I want to say that a careful examination of the debates indicates that very many of the Senators who voted to strike out the income-tax provisions voted not because of their opposition to the income tax any more than to any other taxation, but because the whole purpose of the bill was to reduce taxation. It was supposed that we were collecting too much money and that something had to be dropped out. I recall only two Senators who during that debate made an attack upon the constitutionality of that measure. Among those voting for that bill with its income tax on individuals and the provision that taxed corporations very much more severely than the measure now proposed were found nearly all the Republican Senators in this body. There were many distinguished lawyers, among whom I might name our former colleague, the Senator from Vermont, Mr. Edmunds, and McDonald, of Indiana. Those who had the privilege of serving with McDonald will bear me out when I say that few men who ever sat in this body had more legal ability than he.

Among the number who voted for the measure was that distinguished lawyer and jurist from Ohio, Mr. Thurman. There was that very learned lawyer and very able Senator from Wisconsin, Mr. Carpenter, who was one of the two who did express some doubt as to the constitutionality of the act, to which it was replied, if I recollect, by the Senator from Vermont [Mr. MORRILL], who still serves in the Senate, that it was too late to question the constitutionality of the act.

Mr. President, later, in 1871, the clamor became very great for the repeal of the income tax by the 200,000 people, as Mr. Drake says, who were paying it; but I believe an estimate made by the Department placed the number of people who were paying the income tax prior to the raising of the exemption from one thousand to two thousand dollars at about 272,000. Of course that dropped some out. I suppose it will not be forgotten that the income tax was on a sliding scale. A man who had an income of \$5,000 paid a certain amount and the man who had an income of \$10,000 paid nearly twice as much, if not quite that. I remember very distinctly that a man who had an income above \$10,000 was required to pay 10 per cent of his income, save and except a thousand dollars, which he was allowed to take out, and certain other exemptions in the shape of taxes or something of that character.

A bill was introduced in the Senate for the repeal of that income tax, and the vote was—yeas 26, nays 25. Those who were opposed to the repeal were: Messrs. Abbott, Blair, Boreman, Brownlow, Cragin, Hamlin, Harlan, Howard, Howe, Howell, Johnston, MORRILL of Vermont, Patterson, Pratt, Ramsey, Sawyer, Sherman, Spencer, Sprague, Stearns, Tipton, Warner, Willey, Williams, and Wilson.

Among the pairs announced were the following:

Mr. MCCREERY. I am paired with the Senator from Indiana [Mr. Morton]. If he were present, he would vote against the repeal and I should vote for the repeal of the income tax.

Mr. NYE. I have paired with the Senator from Vermont [Mr. Edmunds]. If he were here, he would vote "nay" and I should vote "yea" on the passage of this bill—January 20, 1871. *Globe*, part 1, third session Forty-first Congress, page 755.

Mr. President, that bill did not become a law. It went to the House of Representatives, when the House challenged the right of the Senate to pass legislation of that kind, and passed a resolution to that effect. On its return to the Senate the legal question was discussed whether the Senate had such power. Finally the Senate asked for a committee of conference, which was granted—which the Speaker of the House, Mr. Blaine, declared was not a conference on the bill, but a conference on the constitutional question whether the Senate had a right to originate a bill of that charac-

ter or whether that was an exclusive right of the House. That conference met, and did not agree. The House stood by their declaration by a practically unanimous vote, and that was the end of the bill.

Mr. President, I have not read this, in common parlance, to put anybody in "a hole" or in a disagreeable position, but I have read it to show that, after an experience of eight years with a law of this kind, the leading men of the Republican party, and of the Democratic party, too, for that matter, declared almost universally that it was a constitutional tax, and most of the Republican members of this body and of the House of Representatives asserted that it was a just and equitable tax.

Now, Mr. President, how a principle of raising money that was just and righteous in 1870 and 1871 can become so objectionable as it is asserted it is now, I can not quite understand.

The constitutional right exists to impose an income tax; and it is so admitted by the Supreme Court of the United States. The only question now is as to what can be included in an income tax. If, as stated by Senator Sherman, Senator Morton, and various other Senators here, it is a righteous and equitable tax, it seems that the committee might have found some method of bringing themselves within the constitutional restriction as declared by the Supreme Court, and that there might be a large amount of money raised from that source without injury to any portion of our people.

Mr. President, if this question should be submitted to the Senate in any shape, with all my respect for the Supreme Court of the United States, I shall be compelled on my oath to vote that the income tax of 1894 was a constitutional measure. I voted for it then, with a hundred years of precedent before me, with five decisions, as I said yesterday, of the Supreme Court determining the question affirmatively as to our power to impose such a tax; and although the court has held in a particular case that we invaded the Constitution by its imposition, yet I have no reason to suppose that the court may not return to its former decision on that subject. In fact, I have every reason to suppose that the court would, if the question were submitted anew, take such action.

THE SILVER SEIGNIORAGE.

Mr. President, I want now to take up a proposition, which I suppose will be fiercely contested, if the opponents of the amendment offered by the majority of the committee shall discuss it at all, which so far I have seen no inclination on the part of the minority of the committee or on the part of the Republican portion of the Senate to do; I refer to the question of the coinage of the seigniorage. It was asserted here with great vehemence the other day that the silver seigniorage was a trust fund which could not be interfered with.

I challenged that statement then and I challenge it now. It is not charged in any way as a trust fund. The trust fund applies only to so much of the silver bullion in the Treasury as is sufficient and necessary to make as many silver dollars as there are Treasury notes outstanding, and the policy of the Administration has been to, as fast as the seigniorage was eliminated—that is, whenever a dollar was coined—set aside a certain amount of the bullion as seigniorage and treat it as the property of the Government, to be coined into dollars, which went into the Treasury just the same as did the silver dollars coined under the Bland-Allison Act or under the Sherman Act.

It is too late, Mr. President, for Senators who are opposed to this provision of the bill as reported by the committee to assert that there is any breach of trust or any violation of sound financial policy in coining the silver seigniorage into money. We have an unquestioned right to segregate from the one hundred millions of money, in round numbers, or the amount equivalent to the Treasury notes in circulation—we have an undoubted right to segregate that which will ultimately be seigniorage, and treat it as if it were separate and had never been connected with that transaction.

The Treasury Department has sent us a statement that the seigniorage when coined will amount to \$42,488,427. There is no difficulty in arriving at what the amount will be. The only question that can be asked, and the only question that we ought to consider, is, can it be coined without detriment to the public service? It is \$42,488,427 of silver which, when coined, belongs to the people of the United States; which has been paid for, and has been lying in the Treasury for some years, while we have been selling bonds to pay current expenses. It does not stand as a support to the \$102,000,000 of Treasury notes that are out.

The policy of this Administration and the last Administration has been so often declared that nobody expects a dollar of this seigniorage to be coined for the purpose of giving it to the people in exchange for Treasury notes, unless a citizen of the United States goes there and makes a demand for the silver dollar. We issued under the act of 1890—I shall not attempt to give the exact numbers, because I have not them before me—in the neighborhood of \$154,000,000 of Treasury certificates. A large number of those have been redeemed in gold and reissued. Whenever they are redeemed in silver they are forever retired and the silver takes their

place. Fifty-three million dollars of them have been exchanged for silver dollars, practically, since 1893. The people have preferred the silver dollar to the Treasury certificate, which is, under the policy of the Government, redeemable in gold.

Mr. President, every silver dollar in circulation in this country is performing the same monetary function as the gold dollar, and there has been no depreciation or divergence between the silver dollar and the gold dollar at any time. It has been preferred on various occasions, and large sums taken from the Treasury of silver dollars and gold paid therefor. Nearly \$200,000,000 in gold has gone into the Treasury of the United States in exchange for the despised silver dollar within the last fifteen or twenty years.

Is there a Senator here who will stand before the American people and say that he believes there is any danger in coining 42,000,000 more of silver dollars? I do not care how he answers to his conscience or to his constituents as to the relation which exists between gold and silver, whether he asserts it is because silver performs money functions that keeps it at par with gold, or whether he insists that it is at par with gold because of the illusory promise and vague suggestion of the Administration that it may be ultimately redeemed in gold. The fact is before us, Mr. President, that in every transaction of life in every section of the country the silver dollar is equal in purchasing power and in debt-paying power to the gold dollar.

You can as safely issue \$42,000,000 more of silver money as you can issue \$42,000,000 more of gold. If any Senator will risk his reputation by saying that he believes \$42,000,000 will disturb the financial affairs of this Government, I hope he will do so before this debate closes.

We heard long years ago, when there was less than \$50,000,000 of silver money in circulation in the United States, a statement from the Secretary of the Treasury made to the House of Representatives that if \$50,000,000 of money of that character was coined the differentiation between gold and silver would begin, and that the gold dollars of this country would be driven from it in the same proportion as silver circulation increased; and yet, in the face of that prophecy, we saw year after year such an accumulation of gold in this country as had never been seen before, and we saw net imports of gold in the face of the coinage of silver such as no other country in the world could ever boast of.

I will not discuss that question further. I do not think it is necessary that I should do so. I believe every Senator here, if put upon his honor, would declare that he did not believe there is any danger in the coinage of that \$42,000,000 worth of silver which is doing no duty, which is silver belonging to the Government of the United States; silver that, if put into money, which will perform the functions of money as well as any money that can be borrowed upon bonds, and upon which the Government will save interest for all time, instead of issuing bonds and paying interest thereon.

No matter what may be the theory of Senators as to the issue of paper money, they can not defend this proposition here or elsewhere by saying that with \$42,000,000 of silver in the Treasury, which will make as good money as gold, we are to keep it locked up there and then borrow an equal amount and pay interest upon it.

BONDS AND GREENBACKS.

Mr. President, I want to go to one other branch of the subject. I did intend to take up the corporation tax in detail, but I have occupied so much time that I shall not attempt to do that now further than to say that I shall be delighted if the principle of the corporation tax can be extended so that it shall not apply to corporations any more than to individuals doing the same character of business which the corporations are doing. I prefer to vote for it in that way, and it will be defensible then upon every ground. I take it that it is defensible as it stands, and I shall vote for that provision even in case it shall not be amended as I have suggested; for it is in accordance with what we did in the acts of 1862 and 1864. I do not intend to discuss the constitutional question, because I do not believe that there is any constitutional question involved.

The other proposition of the majority of the committee is that, instead of borrowing money, instead of running in debt, we should issue paper money to the extent of \$150,000,000. I will say that I have not been one of those who have been in favor, as a general rule, of issuing paper money. I know that the authority of the United States exists to issue paper money. That has been settled by the Supreme Court of the United States upon substantial grounds. Whatever difference of opinion there might have been upon the question years ago, there is no difference of opinion now. I think that may be considered as *res adjudicata*, and that we may rest upon it being the law for all time hereafter; that if the Government of the United States sees fit to make money out of paper it has the right so to do.

But we are met here, Mr. President, with this proposition: We are told that the people can not afford to bear the burden of carrying on this war at this time; that we must raise part of the expenses to be incurred by this war by taxation, and that a part of

the debt we should put upon the next generation; or, if we do not put it upon the next generation, that we must move it off from the immediate present. As I said yesterday, I think everybody knows that if we issue bonds and make them payable in ten years, they will not be paid at the end of ten years, but they will be much more likely to be paid, if they are made payable now, in a year or two years.

I shall not be very much concerned if the Congress of the United States adopt the policy of increasing the public debt. I am not very much concerned as to the character of that debt. What I object to is a debt of any kind. What I object to is that a people richer than any other people under the sun, a people who are touched more lightly with taxation than any other people under the sun—as the Senator from Iowa [Mr. ALLISON] once said here with great force, with more untouched and untaxed powers of revenue than any people in the world—that we can not carry on a war of this character and magnitude without running into debt.

But, Mr. President, we are met with the statement that the issue of greenbacks will disturb the public and will destroy confidence in the financial affairs of the Government of the United States. I do not intend to take time to discuss the question of paper money or the question of money. I have done that on various occasions here. I will, however, enunciate one principle, which I insist is fundamental, which is, that the Government of the United States has the power to make money, and to make money out of paper, because there are at least two decisions of the Supreme Court of the United States in support of that position.

There is, then, no constitutional question involved as to our right to add to the present circulating medium of this country any sum that we see fit, and to make it legal tender for all dues, public and private, or to follow the old system which was in vogue in this country previous to 1862—make the paper money a legal tender simply for dues to the Government of the United States. Either one of these courses could be followed under the Constitution as it is now declared to be by the highest judicial tribunal in the land.

It seems to me, Mr. President, the only question is one of policy. If I believed that the issue of \$150,000,000 of greenbacks or Treasury notes, or whatever you choose to call them, would disturb the business of this country and destroy the confidence of the people in the financial integrity of the Government of the United States, I might hesitate to give my approval to such an issue; but I say here and now that I do not believe any Senator is going to stand on this floor and assert that there would be a surplus of money in this country if, with the present circulation of gold, silver, and paper, we should add to it \$150,000,000 more. In 1878 we had in circulation \$846,000,000 of Treasury notes. We had in circulation at that time, in May, 1878, three hundred and some odd million dollars of national-bank notes. We had also in circulation between sixteen and seventeen million dollars of what we called fractional notes, they not having been fully retired.

Our population in 1878, at the close of that year, was supposed to be 47,000,000 by the estimate made at the Treasury Department. We were adding to our population at the rate of nearly a million and a half a year. So I suppose when we passed the act to which I am about to refer we had about 46,000,000 people.

In the winter of 1878 the House of Representatives sent to the Senate a bill providing that there should be no further retirement of greenbacks. It passed the House of Representatives by 177 votes to 35; that is to say, upon the question of suspending the rules for the consideration of the bill, there were 177 votes in favor of that motion and 35 against it, no roll call being had upon the actual passage of the bill.

Mr. President, I want to call the attention of the Senate to the character of the men who voted for that measure. It was not a measure of inflation. We had a law that required the Treasury Department to decrease the greenbacks gradually; it being the provision of the law that the greenbacks should be retired to three hundred millions. There being much complaint in the country that there was a lack of currency for the business of the country, the House of Representatives, by the vote I have mentioned, declared that there should be no further retirement, but that the greenbacks that were taken into the Treasury should be reissued, and that that number should be kept in circulation; and that number has been kept ever since, except so far as there has been an actual loss, which always accompanies paper money and any other money, for that matter.

I have taken the pains to look over the roll call of the House of Representatives upon that motion. I do not wish to load the RECORD with a great list of names, and so I have picked out a few prominent Republican members of the House of Representatives at that time who voted for this measure. I find among the names voting in the affirmative, who were favoring the proposition that no more greenbacks should be canceled, William McKinley, jr., the present Executive of the United States; EUGENE HALE, a member of this Senate; Omar D. Conger, who became ultimately a

member of the Senate; JOSEPH G. CANNON, who is still a member of the House of Representatives; Hiram Price, a distinguished Republican from Iowa, who afterwards became Commissioner of Indian Affairs under a Republican Administration; Charles Foster, who subsequently became Secretary of the Treasury; J. Warren Keifer, who afterwards became Speaker of the House of Representatives, and Thomas Ryan, who was later our minister to Mexico and now is Assistant Secretary of the Interior under the present Administration—all Republicans.

That measure, sir, was regarded as a conservative one. Of course it was assailed by a certain class of Senators and Members; but it can be seen by the vote I have mentioned that there was an overwhelming majority in the House for the proposition. It came to the Senate. At that time the Senate of the United States was composed of 39 Republican Senators and 37 Democratic Senators, if you include 1 Independent, who usually acted with the Democrats. On the passage of the bill in the Senate as it came to us from the House there were 41 yeas and 18 nays. There were 24 Republican Senators in the Senate who favored it and either voted for it or were paired in its favor.

Mr. PLATT of Connecticut. What was the date of its passage in the Senate?

Mr. TELLER. I do not believe I have it here, but my recollection is the 28th day of May, 1876. It passed the House on the 29th day of April.

Mr. COCKRELL. It passed the Senate on the 31st day of May.

Mr. TELLER. On the 31st day of May? I think it was approved on the 31st. However, it is immaterial. It passed during the last days of May and became a law on the 31st.

Mr. COCKRELL. It became a law on the 31st.

Mr. TELLER. I think it passed on the 28th, although that is immaterial.

As I said, Mr. President, there were only 17 Republicans voting for it, but a number were paired. There were 10 Republicans voting against it, the vote standing as I have stated, the sentiment of the Senate being 24 Republicans in favor to 15 against, making 39.

Among those who voted for the bill I find the following: ALLISON, Armstrong, Bailey, Beck, Blaine, Cameron of Pennsylvania, Cameron of Wisconsin, COCKRELL, Coke, Conover, Davis of Illinois, Dennis, Ferry, Gordon, Grover, Harris, Hereford, Hill, Ingalls, Johnston, Jones of Florida, Kellogg, Kirkwood, McCreery, McDonald, McMillan, Matthews, Maxey, Merrimon, MORGAN, Oglesby (two or three times since that date governor of the State of Illinois), Paddock, Ransom, Saunders, Spencer, TELLER, Thurman, Voorhees, Wallace, Windom, Withers. Windom afterwards became Secretary of the Treasury, and Kirkwood Secretary of the Interior.

The question then was, as it is now or will be, whether there is too much money and whether we ought to contract the volume. Can we increase the issue of paper money in this country with safety by an addition of \$150,000,000? In 1890, the Republican party having come into power and the Democratic party having gone out, there was great complaint in the country of lack of currency. Republican legislation in this body and the other, both Houses then being Republican, resulted in a very large increase of the currency, an increase very much greater than now proposed by the committee.

I wish to call the attention of the Senate and of the country to the fact that that increase of currency or circulation resulted beneficially to the country and not injuriously, and that we increased it by \$154,000,000 of paper money, perhaps as good as but no better than that now proposed. That was the Treasury note. Mr. Windom, who had voted for the act of 1878, which maintained the status of the greenbacks and declined to allow them to be retired, became Secretary of the Treasury, and in making his report in 1890 he submitted four tables, which I will not attempt to read, but I will read the synopsis which he submitted at the same time. It may be found in the report of the Secretary of the Treasury for 1890.

Mr. ALLISON. Eighteen hundred and eighty-nine.

Mr. TELLER. It is the Annual Report of the Secretary of the Treasury on the State of the Finances for the year 1890. It is in the report that came out in December, 1890.

I should like to read this synopsis instead of putting in the tables, because it will take less of the RECORD. I will read the synopsis of each statement:

Table No. 1. Comparative statement showing the changes in circulation during twenty years from October 1, 1870, to October 1, 1890.

He foots up that there were in those twenty years a total net increase in circulation, to which I desire to call the attention of the Senate, of \$727,760,700, or an average net increase each month of \$3,032,386.

The next table is a "comparative statement showing the changes in circulation during ten years from October 1, 1880, to October 1, 1890." This shows a net increase in ten years of \$476,089,034, or

a net increase of \$3,966,902—almost \$4,000,000—per month. It will be noticed that the increase per month was greater in the last ten years than it was for the twenty years.

The third table is a "comparative statement showing the changes in circulation during period from March 1, 1890, to October 1, 1890," a period of nineteen months. There was a net increase in nineteen months of \$93,806,813, or an average net increase per month of \$4,940,358, almost five millions a month.

The fourth table is a "comparative statement showing the changes in circulation during period from March 1, 1885, to October 1, 1886," another period of nineteen months. During that period there was a net decrease of \$21,859,498, or an average net decrease per month of \$1,150,500. There were nineteen months when there was a shrinkage in the circulation and the remainder of the time there was the increase I have stated.

The legislation of 1890, passed on the 14th of July of that year, resulted, as the Secretary shows here, in a large and rapid increase of circulation.

Fifth, "comparative statement showing the changes in circulation during period from July 1 to October 1, 1890." It will be seen that this is a very short time, July, August, and September, only three months, and yet the net increase during those three months was \$68,354,333, or a net average increase per month of \$23,784,778.

Mr. CHILTON. What was the cause of that extraordinary increase?

Mr. TELLER. That increase came largely from the fact that there was at that time on deposit in the Treasury Department a trust fund deposited by the national banks for the redemption of their notes. When we passed the bill I remember it was stated that it would be \$60,000,000.

Mr. COCKRELL. Fifty-five million dollars.

Mr. TELLER. Fifty-five million dollars. I was about to state that it did not turn out to be quite as much as was stated on the floor. That money was, by the provisions of the act of 1890, turned into the Treasury as a general fund, and the Government drew from it every day current income to redeem the notes as they came in, and that money was promptly paid out and put into circulation. Then there was some increase, of course, by the purchase of bullion and the issue of Treasury notes; a most remarkable increase of circulation. This was largely used for the purchase of bonds, it being the only way the Government could get it into circulation.

If I can put my eye on it, I should like to read what the Secretary says about the advantage of this increase, which he pronounced very beneficial to the business of the country. I do not know that I can put my eye on it, but the Secretary declared that there had been great benefit to the country by this increase of circulation. If we could increase it at that time at the rate of \$23,000,000, practically, a month for three months, and then continue it at the rate of \$4,500,000, for that is practically what we did for some time, I think the business of this country can stand \$150,000,000 in addition.

If you will take the population of 1878 and the amount of greenbacks then in circulation and the Treasury notes and the national-bank notes, and then take the present national-bank notes and the present greenbacks and the Treasury notes and add them together, and add \$150,000,000 to the sum, you will find you have not so much paper money per capita as you had in 1878, when we declared there should be no further retirement of greenbacks. The cessation of the retirement of greenbacks in 1878, together with the purchase of silver and the issue of silver certificates under the Bland-Allison Act, stayed the tide of depression and falling prices which had prevailed from 1873 up to that time.

There had been practically no import of gold into this country until we started the business of this country as we did, by saying to the business people of the country, You shall know affirmatively what amount of paper money there is to be in this country, and it is \$348,000,000 plus whatever the national banks may issue, and then, in addition to that, whatever may be the amount of \$2,000,000 worth of silver purchased and coined into silver money. From that time, I repeat, for several years this country was in a prosperous condition, and a prosperous condition which we have not had since the repeal of the Sherman Act in 1893.

Now, since 1893 there has been no increase of the circulating medium of this country. I know that I now come in conflict with the Treasury Department. I know the Treasury Department figure up a gradual increase. They do that by misstatement as to the amount of gold in circulation in the country. It can be demonstrated, I think, beyond question that there is not any such amount of gold in the country as the Treasury Department insist upon declaring there is. I repeat if you add \$150,000,000 to the present amount of greenbacks, if you assume that every greenback which has ever been issued is still in existence and still doing money duty, and then add the present issue of national-bank notes and the existing amount of Treasury notes, you have less

paper money per capita than you had in 1878, and you have a great deal more gold and a great deal more silver than in 1878 with which to support your paper money.

If the Treasury Department is correct, we have a circulation now of about \$23.69 per capita. I will not touch upon that point, because I understand that one other Senator at least proposes to deal with it, and I will leave it to someone else. I will say, however, that nobody believes that there is now in circulation \$23.69 per capita. There is neither in circulation nor in reserve that amount of money per capita by a good many dollars, in my judgment. Now, if we add to the present sum \$150,000,000, will we have any more money than the business of this country requires? If anybody believes it I wish he would stand up here and say so. If the people who are in favor of the issue of bonds and opposed to greenbacks put their opposition upon the ground that we will have a redundancy of money, I wish they would tell the American people where it is, so that they may have an opportunity to get some of it.

The most prosperous countries in the world are those which have the greatest amount of circulating medium or are so situated that they can make a smaller amount of circulating medium suffice. Great Britain, with twenty dollars and some cents per capita, can handle her money three or four times over where a country like ours can handle it once. Take France. Through all the depression which has existed France has been one of the places where there has been less depression, less complaint, than in almost any other section of the world. If I were to mention any other country, I would mention Belgium for one and then the Netherlands for another, where they have a large amount of money per capita.

The Treasury Department gives to France about \$35 per capita. An intelligent examination of the finances of France and the circulation of gold and silver in that country will raise that at least \$10. There is in France at least \$45 per capita of gold and silver money, and if the testimony of some gentlemen who have been high in public office is true, there is even more than that. Our minister to France under the first Administration of Mr. Cleveland declared that there was more than a thousand million dollars of silver money in circulation in France. Conservative estimates have never, until made so by the Treasury Department, put the silver of France at less than \$700,000,000 and the gold at less than \$800,000,000, with their 38,000,000 people.

But take the Treasury Department's statement of \$35.47 per capita. Then take Belgium, which, as I said, is one of the prosperous regions of Europe, one of the sections of the country where the manufacturers are doing better than in any other part of Europe, in my judgment. The manufacturers of Belgium are invading every portion of the world. A few years ago, when bids were invited in Kansas for the building of a public building, Belgium secured the contract for the iron work for the building. She has invaded England, to the destruction of English mechanics and artisans. She has \$28.49 per capita, and the whole country is not larger than one of our smaller second-class States. Take the Netherlands, another small country. It has a greater per capita than we have.

I am a great believer in gold and silver. I should like, if it were possible, that the affairs of the country could be carried on upon a basis absolutely of gold and silver at an established and fixed ratio; but I know that will not be done for many years to come, if ever. The world, with its activities, is demanding more money, and notwithstanding the increase of gold in the last few years there has been a demand in the world for paper money of more than two thousand five hundred million dollars to meet the demand made by commerce and trade upon the gold and silver, which are not found sufficient. We could not in this country do business upon the gold and silver we have or upon the gold and silver we could secure, and that is admitted by everybody.

The proposition of those who now favor the issue of bonds is that they will be used to increase the paper money in this country by giving the banks an opportunity to increase their circulation, and those who propose to retire the greenbacks—and there is a very strong party in this country insisting that greenbacks ought to be retired—propose to fill the place of every greenback retired with a national bank note. They know very well that no political party could stand an hour before the American people upon the policy of destroying the paper money of this country issued by the Government unless they supply its place with a money equally as good, or at least that professes to be equally as good.

Mr. President, I am not going to detain the Senate longer upon that proposition. I want to find a little fault with the pending bill, and I trust we will have an opportunity before we get through to vote for what I think is a sound system of finance. I do not mean any connection with the silver question. I ignore that question in this contest; leave it out of it entirely. If we had the free coinage of silver to-day, it would make no difference in my opposition to the increase of the national debt.

I am opposed to the increase because I do not believe it is neces-

sary. I am opposed to it because I believe it is dangerous. I am for increasing the revenues of the Government by every legitimate means possible; and I say the defect in the House bill was, and the defect in the Senate bill now is, that it does not raise revenue enough as a permanent revenue bill.

There ought to be at least \$200,000,000 more added to our income from internal-revenue taxes. As I said the other day, and as I said again yesterday, in my judgment the American people will pay those taxes and pay them cheerfully rather than to go in debt, if they are properly distributed and equitably laid.

Is it the policy of any party in this country to increase the interest-bearing public debt? We have increased it in the last five years two hundred and sixty-odd million dollars. We have added to the burdens of the people by demanding of them more interest, and we are to increase instead of decreasing the interest-bearing public debt. If this bill as it came from the House becomes a law, there will be an increase in the interest-bearing public debt of at least \$800,000,000.

Mr. President, we hear many complaints in the country on account of the great extravagance of the Government in its pensions. We are told by Republicans and Democrats and all classes of people that we have been giving to the soldiers of this country more than we could afford. Commencing in April, 1865, and continuing up to April, 1898, we have paid interest upon the public debt to the appalling sum of \$2,568,351,151, and we have paid to the soldiers of the country pensions during that time to the amount of \$2,256,846,625, or, in other words, we have paid interest to those who hold the public debt in this country \$312,000,000 more of money from 1865 to the present time than we have paid to the men who fought our battles and maintained the integrity of this country.

I commend that to those who want to run further in debt. You will not escape the pension of the last war nor of the present. We shall pay the pensions that we contracted to pay and we shall pay beyond the letter of the contract, whether it is on account of the last war or the war that now exists. You will increase your pension list. You now propose also to increase your interest list.

Mr. President, the question is fairly submitted to the American people now. Can you safely issue more paper money to carry on this war, or must you resort to loans to carry it on? If that question could be submitted to the people, in my judgment there would not be one out of a hundred who would not say that he believed we could safely issue \$150,000,000 of greenbacks or national notes, and that we could postpone the question whether we shall issue bonds until we knew that there was a demand for more money than could be safely created by the exercise of the power of the Government of the United States to make money out of paper.

I do not know how much this war is to cost. I know that those who are charged with its execution and whose duty it is to tell us what it will cost have not put it beyond \$300,000,000 if it lasts a year. Will it last a year? It is not likely to last a year. It ought not to last a year. It is not a war of conquest; it is a war of humanity, for liberty, for freedom. When we have accomplished what we declared we would in our resolution, the freedom of Cuba from the domination of Spain, our duty to the world will have been performed and the war will end. I do not mean to say that, having gone to the Philippine Islands and taken possession of them, we shall not hold them until a proper adjustment is made. I do not mean to be understood that we should not take every foot of land that Spain may have outside of her holding on the continent of Europe.

I believe that will be our duty as a part of our effort in behalf of civilization and liberty and freedom. I believe we should drive the flag of Spain off of the ocean, whether it be the Asiatic, or the Atlantic, or the Mediterranean of the West. But, Mr. President, there is no reason to suppose when we have done that that we shall exceed the estimates made by the Departments. However, if we do, there will be time enough to then determine what shall be the method of raising more money. I am not willing myself for the purpose of bringing freedom from oppression to the Cubans to indulge in a system of finance the inevitable consequence of which would be to bring slavery to the American people, for that is what increased debt means to this country; that is what a system of borrowing to maintain the Government either in time of war or in time of peace means.

It was the policy of the Republican party when the war closed to get rid of the public debt. We pursued that policy until 1885 with a great deal of zeal. We lagged at that time, and we have lagged ever since. The present Administration came into power with a declaration from every stump that there should be no more public debt. I know they said there should be no public debt in time of peace. Mr. President, this is a time of peace within the meaning of that declaration. It is a time of peace if we have the ability to meet these expenses as they are incurred. No interest-bearing debt, it was said, should be put upon the American people.

I am willing to submit this question to the American people. I am willing to support the Administration in every effort to bring

this war to a speedy termination. I shall vote all that the Administration asks in the way of supplies. I shall vote without whining and criticism to give all the money and all the men that the executive branch of the Government thinks necessary. For one, whether I am satisfied with the conduct of the war or not, I believe it to be my duty to stand with the Administration in its vigorous prosecution until it shall be terminated with a triumphant result.

But, Mr. President, the fact that I feel thus does not deny to me, as I said yesterday, the right to determine how the sinews of war shall be provided. I must exercise my own judgment upon that question. He who does not, he who surrenders his judgment on this floor to that of the Executive or anybody else, does not meet the full measure of the demands upon him as an American Senator. As I said yesterday, I shall not be deterred because somebody charges that we are in sympathy with Spain.

On that question I am willing to leave the record that I have made in the Senate during the last three years touching that matter. I want to see Cuba free. I want to see Spain cease her domination over the islands of the sea, whether on the Asiatic ocean or in our hemisphere. I want the Government to proceed in such a way as to bring the war to a speedy termination, but I shall not surrender my judgment as to the necessity of increasing the public debt or the ability of the American people to meet this temporary demand upon them by a proper system of internal taxation.

Mr. NELSON. Mr. President, I propose for a few moments to discuss the proposed issue of an additional \$150,000,000 of greenbacks—or United States Treasury notes. I regard that as one of the most important matters involved in the pending bill.

The first issue of United States Treasury notes was under the act of February, 1862. The highest amount outstanding was in 1864, when it amounted to \$447,300,208. Since 1878 the net amount outstanding has been \$346,681,016. There has been issued and reissued in all a total of \$2,876,020,129, or a quantity equal to nearly 8.3 times the amount outstanding at any time since 1878. These notes are receivable in payment of all taxes and public dues except customs. Prior to July 1, 1879, \$1,151,572,362 of these notes were redeemed by being received in payment of public dues and taxes. Since June 30, 1879, \$1,477,766,753 have been redeemed, but of this redemption \$516,030,273 have been redeemed on demand by direct payment of gold to the holder. Of this direct gold redemption, only \$43,310,896 was made between July 1, 1879, and July 1, 1892; and from July 1, 1897, to the present time only \$21,523,345 have been redeemed.

But for the period of five years extending from July 1, 1892, to July 1, 1897, \$451,196,132 was directly redeemed, on demand of the holders, in gold. An average of \$90,000,000 per year, or only \$10,000,000 less than the gold-redemption fund, thus necessitating its duplication once a year in that time. During this period of hard times, within the memory of all, the Treasury was treated as the reservoir, and the greenbacks as the instrument, for satisfying the excessive gold demand of our people. This excessive and unusual gold withdrawal occurred chiefly from two causes. In the first instance it arose from the fear that the excessive silver inflation under the act of 1890 might destroy the ability of the Government to maintain the parity of our silver currency with gold. This fear of coming to a silver basis led many of our people to seek gold for purposes of hoarding.

In the next place the gold demand came, to a large extent, for the purpose of satisfying an adverse balance of trade. And by this I mean an adverse balance upon all our transactions with foreign countries, whether arising from commerce or credits; for all international balances are settled and adjusted with gold. Since July 1, 1897, our shipment of breadstuffs and other products abroad at high prices and in great quantities has been so large that it has kept the balance of trade in our favor and brought us a constant inflow of gold, which would have been even greater but for the credit balance against us in Europe.

This large inflow of gold from this cause has reduced the gold redemption of our greenbacks to well-nigh a nominal basis. But the conditions of the past year have been so unusually favorable, especially in the matter of breadstuffs, that we can not well count on their permanent continuance nor make them the basis of our calculation for the maintenance of the gold-redemption fund. Caution and prudence should rather lead us to base our calculation on the recurrence of such times and conditions as we labored under from 1892 to 1897.

Our Treasury notes are not only money of a certain kind, but they are also due bills, evidences of demand loans. As mere loans they are not of very much help or benefit, unless redemption is temporarily stayed as during the late war. If the holder can demand payment at any time, the Government must of necessity always keep on hand an idle fund for redemption purposes. For it occupies, as a mere debtor, the relation to the Treasury notes that a bank does to its depositors or its bill holders. It can not

redeem by giving new notes of a similar kind; for that would simply be Micawber-like to give one due bill for another.

The Government must of necessity redeem in coin, and, technically, it can redeem in either coin—gold or silver. If both metals were intrinsically on a parity with each other, then the Government would be justified in availing itself of the technical right to pay in either metal. But, commercially and intrinsically, silver is far below a parity with gold, and hence arises the duty enjoined upon the Government, both by law and morals, of maintaining our silver money on a parity with gold.

The holder of a Treasury note is not only interested in having his note redeemed, but he is also interested in having it redeemed in, and kept up to, the value of our best money, that which is intrinsically highest—gold—for that is of necessity and in the very nature of the case the only true standard of parity. To maintain this parity the Government must always be ready and able to redeem its notes in that money—gold—which is intrinsically the most valuable, if demanded. If the Government refuses to redeem in its best money when demanded, it by that very act discredits its intrinsically cheaper money; and if it insists on redeeming in the cheaper money it in effect makes that the standard and level of value, and the monetary parity of the two metals is gone.

The issue of these demand Treasury notes, then, entails a double duty and a double burden upon the Government: First, the duty and burden of a banker to its depositors or bill holders of always maintaining an ample redemption fund on hand; second, the duty and burden, as the financial and fiscal agent of our nation, to maintain these notes as money on a parity with our best money—gold. In other words, the Government must maintain these Treasury notes both as duebills and as money, and to maintain them as such it must always have on hand an ample gold redemption fund.

But both of these burdens and duties are of a shifting, fluctuating, and uncertain character, dependent on a variety of conditions and circumstances entirely beyond the control or guidance of the Government. A banker can never to a certainty predict or foretell the amount of the demand the depositors or bill holders will make upon him at any given time. In good, prosperous times the demand will be moderate; in hard, bad times it will be excessive, and in times of panic it will amount to a raid and complete destruction. In good times the reserve can run low, but in bad times it must be large and ample, for the demand upon it will be much greater. Our sound banks never kept such large reserves as they did in the bad times of 1893, 1894, and 1895. Their reserves were so large that they derived no substantial profits from their deposits.

And so it is with the Government as a mere debtor to its bill holders. In prosperous times the call for redemption is slight and the circulation is ample. In hard times the call for redemption is excessive and the circulation is nominal. But there is one anomaly the Government labors under that the bank is free from. The Government is never done with redeeming no matter how much it redeems, for under the law as soon as it redeems a note it must at once reissue it. Redemption relieves the bank from the burden, but with respect to the Government as to its Treasury notes redemption does not redeem.

While the redemption demand upon the bank may be uncertain and fluctuating, it has nevertheless a limit. With the Government the redemption demand is not only uncertain, but it is utterly without limit; and it is this fact which embarrasses and handicaps the Government more than anything else. It places it completely at the mercy of the whims and necessities of the holders of the notes, who, as a rule, are governed by their own selfishness.

But the duty of responding to this illimitable redemption demand is further aggravated by the fact that the redemption fund must be kept in gold, owing to the disparity between the two metals and for the sake of maintaining the parity. The Government can not artificially regulate the inflow of gold except by purchase. Outside of this the inflow or outflow of gold is wholly dependent upon trade and business conditions. If the balance of trade, so called, is, as a whole, in our favor there will be an inflow of gold, more or less, in proportion to the balance in our favor. But if the balance of trade is against us, then there will be an outflow of gold measured by such balance. We are still a debtor nation, and for some years to come the balance on that score will be against us. We shall have to overcome that balance by the balance in our favor upon the sale of our products—raw and manufactured—and it is only the excess of such balance over the credit balance which gives us the substantial balance that brings the inflow of gold.

But it is evident, on reflection, that our trade balance rests upon at least two grounds, is dependent upon at least two contingencies—first, on our productive capacity in any given year; and second, on the demand for our surplus abroad. Barren and scant harvests at home, and ample and bounteous harvests abroad, will

infallibly be apt to turn the tide against us. And such unfavorable conditions we can neither predict, stay, nor guard against.

There is another factor that should also be noted and taken into account, and that is that the inflow of gold from commercial causes does not necessarily bring the gold into the Treasury, for there is no law requiring any gold payments to be made to the Government, not even for customs. There are, and frequently may be, times when our banks and other monetary institutions are in need of increasing their supply of gold to an unusual degree, and hence at these times and for such purpose these institutions may, for the time being, temporarily intercept, divert, and absorb the inflow of gold arising from our trade balance.

Thus it will be seen that our Government, as to its gold-redemption fund, may suffer from a double embargo—an adverse balance of trade or an abnormal domestic demand for gold. All these conditions and contingencies to which I have thus briefly alluded show how fickle, unreliable, and uncertain, and of what perplexing and doubtful character such Treasury notes are, either as loans or as currency.

As there are certain trees of the forest that have the quality of conducting thunderbolts from the storm clouds of heaven to the bosom of the earth, causing havoc and destruction, so with this currency—it can so easily and swiftly be the means of conducting doubt, misgiving, stagnation, and distress from the storm clouds of the business and financial world. It can be made the vehicle for depleting the gold reserve, for destroying the parity of our money, and for reducing us to a fluctuating, shifting, and depreciated silver basis.

The depressed, stagnant, and panicky times of 1893 and 1894 gave us ample proof of this fact. The lesson of those dark and dreary days, with their havoc and distress, wrought and threatened, ought not to be ignored nor easily forgotten. The memory of it ought to admonish us to greater care, prudence, and circumspection. The rule that a sound business man would apply to his own affairs ought to be a guide to us at this juncture.

Would a careful and prudent merchant, in active trade, short of operating capital and wanting to borrow, take the risk, for the sake of probably saving a little interest, of a large loan payable on demand in gold, or would he prefer a reasonable time loan with a low rate of interest? No one can doubt the course he would take under such circumstances. He would prefer the time loan with its interest rather than the doubt, uncertainty, and anxiety of the demand loan. The demand loan might be the means of hurling him headlong without warning into bankruptcy should the heartlessness or necessity of the creditor impel him to demand payment of the loan. The interest on the time loan is a well-invested premium of insurance against such misfortune. The risk of a demand loan is even greater for the Government than for an individual, for it involves the maintenance of an ample gold reserve, and of the parity of our money—duties not resting upon the individual.

The greenback issues of the war were noninterest-bearing forced loans, not payable on demand. The Government in effect said, We can not redeem these notes till the war is over and we have recuperated from its effects, but in the meantime we will accept them as payment for all Government dues except customs.

This loan arose from and was justified by the necessities of the war, but there is no doubt that the burden of it, prior to the resumption of specie payment, resulting from its depreciation in value, was far greater than the interest saved by its circulation. Of all our war loans, from first to last, it was no doubt the most expensive. Its justification was that for the time being it filled a gap that could not have been easily supplied by a time loan.

But this war issue furnishes us no precedent for the issue proposed by the majority of the committee. The war greenback was an indefinite time loan, and it did not at that time and juncture involve the maintenance of the parity of our money, for at that time we were on a pure paper basis. No reasonable man now wants such a greenback. We all want a greenback payable on demand in our standard money. Our past custom and experience show that an additional issue of \$150,000,000 of Treasury notes would involve and require an additional permanent gold redemption fund of \$43,000,000, so that the net amount of circulation derived from this issue of notes would not be over \$107,000,000 at any time.

This amount, however, is more apparent than real. In good times, with a favorable balance of trade like the fiscal year now drawing near its close, this amount would about measure the circulation, but in such times as from 1892 to 1897 the circulation would be much less, for there would be a constant redemption and reissue going on, with a constant shifting and fluctuation in circulation, and the expense of maintaining the gold reserve would be far greater than any possible gain of interest from such circulation. At all events, the slight gain of interest will be no compensation for the great risk and burden of maintaining the gold redemption fund and for the doubt and uncertainty it will tend to throw

around our paper currency among our own people and throughout the world.

The issue of these notes is not called for through any lack of currency or deficiency of money. On the 1st day of May last the per capita circulation in this country was \$24.83. A year ago it was \$23.01. Our per capita circulation is now higher than at any time since 1867, except in 1892, when it was \$24.44—only 11 cents more than at this time. There is an abundance of money that can be borrowed at lower rate of interest than ever before. Surely no candid man will contend that the issue of these notes is called for by reason of a dearth of currency.

Neither is the contention well grounded that an issue of these notes will obviate the issue of bonds. On the contrary, if such times should come upon us again as in 1893-94, these notes would be the instruments that would be used by heartless brokers and money changers to withdraw gold from the Treasury and force us to replenish the loss by an issue of bonds to obtain gold. And such an issue of bonds is only measured by the greed and power of the money syndicates. The misfortune is that we are never through redeeming such notes, for under the law they have to be reissued as soon as redeemed. More greenbacks simply furnishes Wall street with greater means to abstract gold and to force the issue of bonds—bonds, too, that, as a rule, will not go into the hands of the masses of the people. Surely no scheme can be better devised than the issue of these notes to put our Government in complete control of the so-called money power—the Morgans and other syndicates who may desire to raid our Treasury for the purpose of securing bonds.

Mr. President, I desire to say a few words as to the manner in which the question of the seigniorage strikes me. Under the law of 1890 there were purchased 168,674,682 ounces of silver bullion at a cost of \$155,931,002, or an average cost of 92.44 cents per ounce. For this amount of silver Treasury notes have been issued to the amount of \$155,931,002, of which \$102,594,280 are still outstanding, and these represent the actual cost of the silver at 92.44 cents per ounce; amounting in all to 109,355,514 ounces. Sixty-six million two hundred and eighty thousand ounces have been coined, and the notes have been taken up and replaced by silver dollars.

The only seigniorage that can be fairly considered a matter of legislation and open at this time for consideration is the seigniorage on the silver which has been coined and which has taken the place of those notes, and that does not exceed the amount of \$20,000,000.

Until the silver is coined, so long as these notes are outstanding, that silver at its cost price is in the nature of a trust fund as to all of these notes, because the notes were based not upon the quantity of silver that it takes to make a silver dollar, but they were based upon the cost of the silver bullion purchased; in other words, for every dollar's worth of silver purchased a dollar in notes was issued—no more and no less—and now, in advance of the retirement of these notes of 1890, it would be a matter of bad faith to abstract in any shape or manner the silver which is their basis. But in respect to the amount which has been coined, there is a seigniorage of near \$20,000,000 that is loose and is available and could be utilized. My idea, however, is that the safest way of utilizing this without producing any friction in our currency is to coin it into subsidiary silver, if it has not already been coined.

Mr. ALDRICH. Will it interrupt the Senator if I make a suggestion?

Mr. NELSON. Not at all.

Mr. ALDRICH. I wish to suggest that as to the \$20,000,000, of which the Senator speaks, that has been covered into the Treasury and has been coined into silver dollars, and certificates issued against it.

Mr. NELSON. If that is true, that covers it.

Mr. ALDRICH. It does, entirely.

Mr. NELSON. If the Senator's statement is true, that will cover it.

Mr. ALDRICH. There is no question about that.

Mr. COCKRELL. I did not understand the Senator from Rhode Island.

Mr. ALDRICH. I said that the seigniorage already accrued upon the purchase of silver under the act of 1890 has been coined into silver dollars, and that there are certificates now outstanding against the whole of it.

Mr. COCKRELL. We coined nineteen millions into silver dollars and covered the balance into the Treasury.

Mr. ALDRICH. That is exactly what I said.

Mr. NELSON. If that is true—and I do not question it—there is no seigniorage that in justice and equity is fairly available. The seigniorage on the uncoined silver will be utilized and coined as fast as the balance of the notes are retired, and that is conformable to the letter and the spirit of the act of 1890. Those notes are based on a given, fixed quantity of silver bullion, and that basis should not be tampered with in advance of their retirement.

Mr. ELKINS. I think the Senator from Rhode Island is mistaken in saying that the seigniorage already accrued upon the purchase of silver under the act of 1890 has been coined into silver dollars against which silver certificates have been issued. I think it is available for any purpose the Government may want to use it for.

As to the amount of silver in the Treasury coined and uncovered by certificates, it was some time ago about \$19,000,000; but it is less to-day, as there has been of late a demand for silver.

Mr. ALDRICH. The Senator from West Virginia is entirely mistaken in his supposition that there is any 19,000,000 or 14,000,000 silver dollars in the Treasury that are not covered by outstanding silver certificates. I think in all there are only about \$5,000,000 that are not covered. The seigniorage the Senator alludes to, as the Senator from Missouri [Mr. COCKRELL] states, has been covered into the Treasury.

Mr. COCKRELL. Mr. President, I for one shall most heartily support the Government of the United States, composed of the executive and legislative branches, in the prosecution of this war to a successful and speedy and triumphant issue, for Congress is responsible equally with the executive branch in the administration of the Government. I shall vote to give to the executive branch of the Government every possible facility which is necessary to enable it to prosecute the war rapidly to a successful issue, and the more rapidly it can safely be done the better. I must be the judge of what is absolutely necessary, and that must not be dictated.

I believe all admit that this bill, in either the form reported by the majority or in the form reported, or which will be advocated, by the minority, will furnish ample means for the victorious prosecution of the war. I believe that is not contradicted. I believe that it is admitted that the measures provided in the majority report for increased taxation—the coinage and issue of silver bullion, over \$42,000,000 of seigniorage, and the issuance of \$150,000,000 of Treasury notes—will prosecute the war successfully for a year. The distinguished Senator from Rhode Island [Mr. ALDRICH] shakes his head. Then, if \$150,000,000 of Treasury notes will not do it, \$300,000,000 will.

Mr. President, I shall not discuss the questions of taxation, because they have been very elaborately discussed; but I want to discuss the question of coinage and the utilization of the seigniorage, and that leads us to a discussion of the law of July 14, 1890. It is well, Mr. President, in discussing that law to ascertain the circumstances under which it was enacted. It is nearly eight years since that law was placed on the statute book.

On the 7th of June, 1890, House bill 5981, entitled "An act directing the purchase of silver bullion, and the issue of Treasury notes thereon, and for other purposes," was passed by the House of Representatives and sent to the Senate. That House bill directed the Secretary of the Treasury to purchase \$4,500,000 worth of silver bullion in each month at the market price, not exceeding \$1 for 371½ grains pure silver, and to issue in payment therefor Treasury notes redeemable on demand in coin, a full legal tender in payment of all debts, public and private, and receivable for all customs, taxes, and dues; and when so received to be reissued, and on demand of holder exchangeable for silver bullion at its market price equal in value to such note.

It required the Secretary of the Treasury to coin so much of the bullion as was necessary to redeem the Treasury notes, repealed the purchasing clause of the act of February 28, 1878, and authorized the owner of silver bullion to deposit the same at any coinage mint to be coined into standard silver dollars for his benefit, as provided in the act of January 18, 1837, whenever the market price of 371½ grains of pure silver was one dollar.

When that bill came before the Senate the late Senator P. B. Plumb, of Kansas, offered a substitute for the sections of the bill referred to, which substitute required the free, unlimited, and independent coinage of both silver and gold at the ratio of 16 to 1, and declared the unit of value to be the dollar, to be coined of 412½ grains standard silver or of 25.8 grains standard gold, and the said coins to be a full legal tender for all debts, public and private, and authorized the owners of bullion deposited for coinage to receive coin or its equivalent in certificates, and made such certificates, both silver and gold, already issued or to be issued, a legal tender in all payments, public and private, and amended the title so as to read:

An act to provide for the free coinage of both gold and silver bullion, and for other purposes.

The substitute of Senator Plumb was agreed to in the Senate by a vote of 43 yeas (28 Democrats, including Hon. John G. Carlisle, then a member of this body, and 15 Republicans) to 24 nays (3 Democrats and 21 Republicans). The bill so amended was returned to the House of Representatives and the Senate amendments disagreed to. The bill then went into conference. The majority of the conference committee reported a bill in the form in which it is now a law, and their report was agreed to, every Democrat in the Senate and in the other House voting "nay."

The act of July 14, 1890—and all of that act remains the law with the exception of the purchasing clause, which is the only part of it that was repealed—directs the Secretary of the Treasury to purchase silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price, not exceeding \$1 for 371½ grains pure silver, and to issue in payment Treasury notes of the United States, redeemable in coin, and a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and receivable for all dues, and when so received reissuable.

It then provides—

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin at his discretion, it being the established policy of the United States to maintain the two metals—

Mark the language—

on a parity with each other upon the present legal ratio, or such as may be provided by law.

Section 3 of that law reads as follows:

That the Secretary of the Treasury shall—

Mark the language—

That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

Mr. President, I opposed that conference report to the very last, and in a speech in this Chamber on July 8 and 9, 1890, I said:

But, Mr. President, that is not the only objection I have to this bill. The Treasury notes are practically greenbacks. They are United States legal-tender notes. They are endowed by law with all of the rights, privileges, and immunities of the legal-tender note, so called, or the greenback. They are the United States Treasury notes, and they are to be issued under this bill in an amount equal to the market value of the bullion purchased. Then they are to be redeemed by the Secretary of the Treasury, under such regulations as he may prescribe, in gold or silver coin, at his discretion.

What does that mean, Mr. President? I warn Senators that this language is fraught with mischief. It gives a power which has never yet been given to the Secretary in many, many long years. Under this proposed law what can the Secretary do? He has a discretion; he can redeem in the standard silver dollar or he can redeem in the gold dollar. Suppose he redeems in the gold dollar. Suppose the enemies of silver who have been fighting it for years and years with a pertinacity and determination unequalled in the history of the world, combine. They bring in these certificates and they demand gold in payment of them. What is it they present? It is a greenback, a legal-tender United States note. By law it is placed upon a perfect par with the greenbacks. It comes under the provisions of the resumption act of January 14, 1875. I say every Secretary of the Treasury we have ever had has done it, and the present Secretary, in my judgment, will redeem every one of them with gold. What are they holding? In the Treasury \$100,000,000, as they claim, for the redemption of the legal-tender greenback. Those notes are presented and the gold is taken out of the Treasury. Then the enemies of silver will say, "Here we are upon a single silver standard."

The Secretary of the Treasury will say that in honor the United States must pay its bonds in gold coin, and under the resumption act of January 14, 1875, to continue the redemption of the greenbacks in gold when presented in the payment of the bonds, he will issue and sell coin bonds at just the price he may think is the market price of them, and the silver dollars will remain hoarded up in the Treasury and never be issued. The gold will be taken from the Treasury and placed in the hands of the speculators, and then, when additional gold is demanded of the Secretary of the Treasury, he will have power under the law to issue bonds. To show that I am not mistaken in this, I will quote the resumption act of 1875, "An act to provide for the resumption of specie payments:"

"And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding."

On and after that date the Secretary shall redeem in coin the legal-tender United States notes outstanding. These notes will be outstanding, they will be legal-tender notes, they will be greenbacks, they will be upon a perfect par with the present \$346,000,000 of greenbacks, and part and parcel of them.

"And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than \$50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt,' with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid."

Mr. President, that is another reason why I am opposed to this measure. It enables the enemies of silver to gather together the certificates, to take them to the Treasury and demand gold and receive gold, as the Secretaries of the Treasury always have heretofore held that the greenbacks were to be redeemed in gold. And the Secretary of the Treasury purchased and paid for \$100,000,000 of gold coin, and it has been in the Treasury Department for the last twelve or fifteen years, upon which the people have been paying 4 per cent interest on the bonds issued in lieu of it, and it has been kept there, as claimed by every Secretary of the Treasury, for the special redemption of the United States legal-tender notes whenever presented for redemption. They never have offered to redeem a greenback in a silver dollar, and under this law, whenever the holders of these United States notes go there and demand gold coin, gold coin will be paid to them, and the Treasury will be drained and it will be replenished by the sale of 4 per cent bonds under that act for the purpose of purchasing additional gold coin.

Mr. TELLER. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. TELLER. Does the Senator from Missouri think that any Administration will have the hardihood to sell bonds of the United States for the purpose he indicates?

Mr. COCKRELL. Well, Mr. President, I think the enemies of silver will have the hardihood to do anything that will break down silver. That is my opinion, that the enemies of silver will do anything they can to break down silver and to strike down one-half of the money of the world.

Mr. President, every word, every sentence in the remarks I made in 1890 has been literally and absolutely carried out and fulfilled. The Executive Administration has done just as I pointed out.

Now, all the provisions of the law of July 14, 1890, are in full force, except only the provision authorizing the Secretary of the Treasury to purchase silver bullion and to issue Treasury notes in payment thereof, repealed by the act of November 1, 1893, which was forced through Congress by Executive power and influence, and by the disastrous effects of a financial panic made to order for that purpose.

What has been done under the law of July 14, 1890, by the executive branch of the Government? The Secretary of the Treasury purchased 168,674,682.53 ounces of silver, of the coinage value of \$218,002,246, at a cost in Treasury notes of \$155,931,002.25, the gain or seigniorage being \$62,071,243.75.

On May 1, 1893, there were in the Treasury 109,355,514 ounces, of the coinage value of \$141,363,080, costing in Treasury notes \$98,874,662; seigniorage or gain, \$42,488,427. This comparison shows that 59,319,168.53 ounces of silver, costing \$57,036,340.25, has been coined into 76,639,157 standard silver dollars, the seigniorage or gain on the coinage being \$19,645,376.

What has been done with this coinage of 76,000,000 and over of standard silver dollars? Fifty-three million five hundred and thirty-six thousand seven hundred and twenty-two dollars of Treasury notes issued in the purchase of the bullion have been redeemed and canceled and destroyed, wiped out of existence, up to May 13, 1893, and there was in the Treasury 5,427,059 standard silver dollars available for the redemption of an equal amount of Treasury notes, and there were outstanding May 13, 1893, \$102,394,280 of United States Treasury notes.

I have given the status and the execution of the law, the total purchases, and I have given what has been done. Now, let us examine what occurred between the passage of the law and the present date. From July 14, 1890, to October 1, 1891, there had been coined of the silver bullion purchased under the law 27,652,475 standard silver dollars, and not one solitary Treasury note was presented for redemption either in gold or silver. There is the record.

Let us look at the resumption act of January 14, 1875, requiring the resumption of specie payments on and after January 1, 1879. Up to October 1, 1891, twelve and three-quarter years, only \$35,561,418 of greenbacks or United States legal-tender notes had ever been presented for redemption, less than \$2,700,000 annually. Why was this? Prior to October 1, 1891, everybody in this country recognized silver dollars as payable for greenbacks and Treasury notes. Nobody ever dreamed of any other construction, so far as the discussion in the Senate discloses, except the remarks I gave. Nobody ever intimated that gold would be demanded for these Treasury notes. Up to that time what had been the declaration of the financial policy of the Government? I will read it. Secretary Sherman, in his financial report of 1878, in referring to the resumption act of January 14, 1875, requiring resumption to begin on January 1, 1879, said:

The Secretary of the Treasury deems it proper to state that in the meantime, in the execution of the law as it now stands, he will feel it to be his duty to redeem all United States notes presented on and after January 1, 1879, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than \$50, with either gold or silver coin, as desired by the holder, but reserving the legal option of the Government, and to pay out United States notes for all other demands on the Treasury except when coin is demanded on coin liabilities.

There was the declaration that he reserved the legal option to pay in silver or in gold as might be desired. Standard silver dollars stood from 1879 up to October 14, 1891, as the guardian of the gold in the Treasury, as the protector and defender of greenbacks and Treasury notes, and no raid was ever made or attempted upon the Treasury to exhaust the gold, bunco the Government, and get bonds.

Mr. GRAY. How does the policy of Secretary Sherman differ from the present policy?

Mr. COCKRELL. It is entirely different.

Mr. GRAY. How?

Mr. COCKRELL. They have absolutely surrendered the legal option of the Government, as I will show.

Mr. GRAY. How?

Mr. COCKRELL. I will come to that.

What change took place in October, 1891? We see what was done up to October, 1891. The answer is very simple. In October, 1891, a controversy grew up in the State of Massachusetts in regard to the Treasury notes, between the Republicans and the Democrats, and the Democrats were tantalizing the Republicans over it; and on October 8, 1891, Mr. Elihu B. Hayes, secretary of the Republican Club of Massachusetts, addressed a letter to Hon. Charles Foster, Secretary of the Treasury, and propounded five

distinct questions to him which naturally suggested the answers that were desired, and this is the fifth and last question:

Are not the present notes redeemable in either gold or silver coin at the United States Treasury? Does the Government so redeem them when presented?

The Secretary answered October 10, 1891, and in regard to the Treasury notes he said:

Fifth. Treasury notes are redeemed in gold when so presented for redemption at the Treasury or any assistant treasury of the United States.

That was October 10. This letter of the Republican Club and the reply of Secretary Foster as a matter of course were published promptly in Boston for political significance and power, and on the 18th day of October, 1891, Mr. Phineas Pierce, 32 Summer street, wrote Secretary Foster this letter:

BOSTON, MASS., October 18, 1891.

Noticing in your letter of October 10 to Republican Club, published here this morning, statement that Treasury notes are redeemed in gold at any assistant treasury, I sent a one-thousand-dollar note to subtreasury here this morning, requesting such redemption in gold. This was refused. If your letter correctly states policy of the Treasury, will you please send instructions to subtreasurer here to redeem notes in gold. An early answer earnestly requested.

PHINEAS PIERCE,
32 Summer street.

Hon. CHARLES FOSTER,
Secretary of the Treasury, Washington, D. C.

What was the answer?

OCTOBER 14, 1891.

Assistant Treasurer Kennard has been instructed to redeem Treasury notes in gold.

CHARLES FOSTER, Secretary.

PHINEAS PIERCE,
32 Summer street, Boston, Mass.

Here is another telegram from Secretary Foster under date October 14, 1891:

ASSISTANT TREASURER, Boston, Mass.:

Why didn't you apply to United States Treasurer for instructions when Treasury notes are presented for redemption in gold?

CHAS. FOSTER, Secretary.

The reply:

OFFICE OF ASSISTANT TREASURER UNITED STATES,
Boston, Mass., October 14, 1891.

SIR: I have respectfully to own to the receipt of telegram of Treasurer United States, "Redeem Treasury notes in gold, if presented and a demand made for such redemption;" also to your dispatch of even date. "Why didn't you apply to United States Treasurer for instructions when Treasury notes are presented for redemption in gold?" To which I wired the following reply: "As no general demand had been made for the exchange of Treasury notes in gold, the occasion had not arisen for asking for specific instructions."

Very respectfully,

M. P. KENNARD,
Assistant Treasurer United States.

Hon. CHARLES FOSTER,
Secretary of the Treasury, Washington, D. C.

In 1890 Mr. Kennard addressed a letter to Hon. C. S. Hamlin, then Assistant Secretary of the Treasury, which, by his permission and by permission of Mr. Kennard, I had authority to use and publish. I want to read a part of that letter:

Personal.] SUBTREASURY UNITED STATES,
Boston, Mass., October 31, 1891.

DEAR MR. HAMLIN: I have the pleasure of replying to your note of the 26th instant. The date of the incident referred to was October 13, 1891, not 1890, as your note has it. When I returned to this office in January, 1891, I found the Treasury notes then in current circulation, and without other instructions they were issued and accepted on all sides as the representative of silver rather than of gold till otherwise advised, and in the language of the law "redeemed at the discretion of the Secretary."

No specific instructions were ever received as to their redemption in gold, nor had the question ever been raised. The notes, it was tacitly understood, had inherited their silver character from the act of Congress which created them and which explicitly directed the Secretary of the Treasury to purchase the silver bullion "from time to time" and to issue these notes in payment for such purchases.

Up to October 13, 1891, there was not a bank officer in town that ever entertained the idea of receiving gold in exchange for those notes. My predecessor, Mr. Aldrich, confirms this. The current sentiment was that they would ultimately supersede the silver certificates (the Secretary controlling the alternative), and this office was alternately supplied with both without comment. Gold notes were then abundantly available for all requirements and always tendered for gold coin without friction.

The exigency for the test of the exact bearing of those notes had not arrived till mischievously forced by the Continental Bank, the president of which subsequently informed me that had he been present it would not have occurred.

Mr. ALDRICH. Who signed the letter?

Mr. COCKRELL. Mr. M. P. Kennard. There is no question about the genuineness of it.

Mr. President, since October 14, 1891, what has occurred? Four hundred and sixty-nine million five hundred and forty-seven thousand six hundred and seventy-nine dollars of United States legal-tender notes up to October 1, 1897, have been redeemed in gold and \$90,499,954 United States Treasury notes have been redeemed in gold, the endless-chain process—greenbacks presented, gold demanded and paid. They come into the Treasury, and the law compels them to be reissued to prevent contraction of the currency. They were reissued and presented again, until the amount I have named had been presented and redeemed in gold. Ninety million dollars of Treasury notes have been redeemed in

the same way by being reissued, whereas when they are redeemed in standard silver dollars they are dead, their functions have ceased, they no longer have vitality, and the silver dollar takes their place.

Mr. GRAY. They were not redeemed at all by the process the Senator first mentioned, if they were paid out.

Mr. COCKRELL. They were redeemed in gold.

Mr. GRAY. Not to interrupt my friend, I only meant that that is not redemption in any proper sense of the term.

Mr. COCKRELL. Not payment redemption.

Mr. GRAY. No. That is the only redemption.

Mr. COCKRELL. They were not paid, but redeemed. The Treasury Department always makes a distinction between redemption and payment.

Mr. GRAY. That was not redemption according to the common acceptance of the term. It may be the Treasury Department's interpretation.

Mr. COCKRELL. I am speaking of the language the Treasury Department uses in reference to bonds and Treasury notes. When they are redeemed in gold, they are by law required to be reissued.

Mr. GRAY. When I redeem a note I owe my friend, it will be destroyed.

Mr. COCKRELL. The Senator is not a sovereign, as is a nation.

Mr. GRAY. The meaning of the word is the same, whether applied to a sovereign or an individual.

Mr. COCKRELL. I am not speaking of the technical meaning of "redemption," for I understand that in the same way the Senator does, but in the language of the law and in the language of the Treasury the redemption of a greenback in gold does not destroy its existence. It has to be reissued under the law.

Mr. GRAY. It is exchanged merely.

Mr. COCKRELL. It is simply exchanged, but they call it redemption. When Treasury notes are redeemed in silver, that is the end of them. They are dead. They have to be retired, and over \$53,000,000 have been so redeemed and retired.

Mr. GRAY. That is true redemption.

Mr. COCKRELL. That is payment redemption—true redemption. We see what has been done. Just as long as the United States reserved its legal option to pay standard silver dollars, just so long no raid was ever made upon the gold in the Treasury by the presentation of the greenbacks or the Treasury notes. But when, without any authority of law or justification in morals or in fact, the Secretary of the Treasury meekly yielded and gave up the option and the right of the Government to the holder of bonds and Treasury notes and greenbacks to receive whatever he demanded, then the raids began. What has been the effect of that meek, submissive surrender of a legal right which the Secretary had no right in the exercise of a sound and honest discretion to give up?

To redeem those Treasury notes and greenbacks in gold, just as I predicted in 1890, \$100,000,000 of ten-year 5 per cent coin bonds and \$162,315,400 of thirty-year 4 per cent coin bonds have been issued and sold. To pay the bonds, principal and interest, at maturity will take from the taxpayers of the United States \$507,334,240, simply because the Secretary of the Treasury surrendered a legal right that the Government had to redeem greenbacks and Treasury notes with the standard silver dollars. Had the silver dollars been used, no further raid would have been made, and no bond issues would have been necessary to increase the gold supply.

We are in the midst of war. Patriotism is appealed to. I think myself it is time to show a little patriotism. Some sacrifices must be made. Mere technicalities and pride of opinion should not dominate over the best interests of the masses of this great country. The rights and the interests and the future of the great masses of this country ought not to be sacrificed in deference to a mere technical construction or imaginary honor that never existed on this earth except in the heads of those whose infernal greed and avariciousness can never be satisfied. Why will not the Executive Administration execute to-day the law of July 14, 1890? It is the law now. What does the Constitution say?

The executive power shall be vested in a President of the United States of America.

And again:

He shall take care that the laws be faithfully executed.

The third section of the law of July 14, 1890, now in full operation, says:

The Secretary of the Treasury shall coin, of the silver bullion purchased under this act, as much as may be necessary to provide for the redemption of the Treasury notes herein provided for.

"Shall coin," not discretionary, but absolutely mandatory. Who voted for that law? Hon. William McKinley, then an honored member of the House from the State of Ohio, voted for it. He is now the President. Why not coin the \$141,363,080 worth of silver bullion in this great emergency? Why not retire by redemption the \$102,394,280 of Treasury notes and take the pressure

off the gold reserve? There is the law to do it. No man can gainsay the right of the Executive to-day to proceed to coin every ounce of silver bullion purchased under the law of July 14, 1890, and with the silver dollars coined to retire and cancel every solitary Treasury note and have left 42,000,000 and over of standard silver dollars, the seigniorage on it.

Mr. President, it will not decrease the volume of money to redeem these Treasury notes. Why? Because the standard silver dollars will take their place dollar for dollar. There will be no decrease in the volume of money, and there will be no increase. It is simply a redeemable money supplanted by an irredeemable standard dollar. Why will not the Administration give up some little technical feeling on this question and coin the silver bullion? It has the right to do it. Where is the patriotism, where is the humanity in keeping the silver bullion hoarded up in the Treasury and refusing to coin it?

The Senator from Minnesota [Mr. NELSON] said it was a trust fund. Trust fund for what? How are you going to keep the seigniorage there with the balance of the bullion to redeem the Treasury notes? If it is a trust fund, the only way you can ever make it available is to sell it. Is that what the Senator from Minnesota means, that you shall sell this silver bullion in order to raise money to redeem the Treasury notes? No, Mr. President; there is no trust fund about it. It was purchased; it belongs to the Government. Under the law now existing the Secretary of the Treasury can coin every solitary ounce of it and with the silver dollars coined pay off, retire, cancel, and destroy every Treasury note and put the surplus, the gain, the seigniorage in the Treasury.

What do we propose to do in the amendment of the Finance Committee of the Senate? It simply proposes to authorize him to utilize the seigniorage in advance of the coinage. Under the law of July 14, 1890, there would be no seigniorage legitimately until the coinage had occurred. We supplant that law with the law we have here, which authorizes him to coin the seigniorage as a separate coinage, \$42,000,000, coinable in one year or less at the mints of the United States; and as this is an emergency, a war, we authorize him to issue silver certificates for an amount equivalent to \$42,000,000 of seigniorage in advance of its coinage.

What is that? That is simply authorizing to be done with the silver bullion what is done with the gold bullion in the Treasury. It simply authorizes a silver certificate to be issued for every 412½ grains of standard silver. That is all. There is no betrayal of trust or confidence or anything of the kind. We simply make available this sum. It simply divides the silver bullion in the Treasury into two parts, sets aside an amount equal to every dollar of the outstanding Treasury notes to be hereafter coined into standard silver dollars for redemption, and sets apart the seigniorage or gain, and then authorizes silver certificates to be immediately issued, equal in amount to the coinage value of the seigniorage and to become available as absolute money at this time, with no delay in the matter at all.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. COCKRELL. With pleasure.

Mr. ALDRICH. I should like to ask the Senator whether he thinks the \$42,000,000 which he proposes to have coined, the seigniorage, or the silver certificates to be issued, are as good as or better money than the \$150,000,000 of legal-tender notes which are proposed to be issued by another provision of the same bill?

Mr. COCKRELL. I think they are as good as gold—absolute irredeemable money—the only absolute irredeemable money, together with gold, that the Constitution authorizes.

Mr. ALDRICH. Would the same purpose be accomplished if we should issue \$192,000,000 of legal-tender United States notes instead of \$150,000,000 of United States notes and \$42,000,000 of silver certificates?

Mr. COCKRELL. No; I do not think it would be accomplished.

Mr. ALDRICH. Why not?

Mr. COCKRELL. It would be a direct reflection upon the utilization of silver.

Mr. ALDRICH. Why?

Mr. COCKRELL. It would be in the line of what the distinguished Secretary of the Treasury declared to be the policy of the Government—that is, of his part of the Government—to commit the Government more thoroughly to the gold standard.

Mr. ALDRICH. As I understand this proposition, it is not intended or expected that the silver bullion is to be coined at once. It is to be coined some time or other possibly, along from time to time. It is proposed to issue \$42,000,000 of silver certificates against something which may be coined hereafter, the bullion remaining in the Treasury.

Mr. COCKRELL. No; not against something hereafter to be coined, but against the silver bullion in the Treasury.

Mr. ALDRICH. Well, against the silver bullion in the Treasury.
Mr. COCKRELL. Just as is done in the case of gold—against the gold bullion in the Treasury.

Mr. ALDRICH. What I am trying to ascertain from the Senator is whether his purpose would not be as well answered if we issued \$192,000,000 of United States notes instead of issuing further silver certificates.

Mr. COCKRELL. Not at all; and I will tell the Senator the reason why. The silver certificates are only redeemable in standard silver dollars, and when redeemed in standard silver dollars those dollars are the equal of gold and are not redeemable. If you issue \$42,000,000 of greenbacks and not \$42,000,000 of silver certificates, those \$42,000,000 are redeemable money and create a pressure upon the gold reserve.

Mr. ALDRICH. The Senator says that the \$42,000,000 of silver certificates would be redeemable in silver dollars.

Mr. COCKRELL. Certainly.

Mr. ALDRICH. If we should issue \$42,000,000 of United States notes they would be redeemable either in silver dollars or gold dollars.

Mr. COCKRELL. We know what that means. We have tried that. We can not be caught on that fly any longer. We know it is gold, and gold only.

Mr. ALDRICH. Does not the Senator think it is desirable to maintain a parity of value between the two?

Mr. COCKRELL. It is already maintained, if the law would be executed by paying out one as well as the other, honoring one as well as the other, and letting silver stand by the law the equal of gold. It is not maintained by degrading and debasing silver and refusing to pay it out. You maintain no parity that way.

Mr. ALDRICH. As I understand the Senator's opinion, it is that a currency which is redeemable in silver dollars is a better currency than a currency which is redeemable either in gold or silver.

Mr. COCKRELL. No; I do not say anything of the kind. It is just as good, absolutely as good.

Mr. ALDRICH. I understood the Senator to say that the one was preferable to the other.

Mr. COCKRELL. No, I said nothing of the kind. It is just as good. The Senator was trying to get me to say that the silver certificates were no better than greenbacks. That was his object. If he believes that the silver dollar ought to be redeemed in gold, then his position is right. I do not believe it ought to be so redeemed. I believe it is absolute money, irredeemable money, its own redeemer, just as good as gold. Therefore a silver certificate is equal to a gold certificate. But a paper currency, a legal-tender money issued by the Government, all that we have issued, is redeemable. There is the difference between them.

Now, Mr. President, I want to call the attention of my distinguished friend from Rhode Island to the fact that the present President of the United States voted for every law which has authorized the existence of a standard silver dollar. Every silver dollar now outstanding is the creature of a law which President McKinley, when a member of the House, sanctioned, and for which he voted. No man can deny that President McKinley voted for the act of February 28, 1878, known as the Bland-Allison Act. He was then a member of the House. He voted for the law of July 14, 1890, under which the silver bullion in the Treasury has been purchased. He voted for the act of March 3, 1891, which authorized the coinage of the trade dollars into standard silver dollars, legal tender.

Under these three laws every silver dollar in existence to-day coined since 1878 has been issued, and every law authorizing the standard silver dollar was voted for by President McKinley when he was a member of the House.

Mr. MORGAN. The trade dollar under the law was given the right of free coinage.

Mr. COCKRELL. The trade dollar was given free coinage, but that was soon taken away. It lasted only a short time.

I believe I will read a little of what the present President of the United States said in 1890 in advocacy of the law of July 14, 1890. June 7, 1890, Mr. McKinley said in the House of Representatives:

Two things, Mr. Speaker, have been made clear by the discussion during the last two days. The first one is that it is desirable and necessary—

Mark the language—

desirable and necessary that the country should have an increase of its circulating medium, and the second, that in providing for this circulating medium the silver product of the United States should be used and employed.

Those were the two great truths established by the discussion of that law in the House of Representatives. After stating the various views of leading members of the House, Mr. McKinley said again:

But all agree that we must have a larger volume of money, and that the added volume shall be silver or its equivalent based on silver.

I now, in 1893, join in the language of President McKinley in 1890, that we must have a larger volume of money, and as much of that volume should be silver as can be conveniently made.

There can be no real objection on this earth to the coinage of the seigniorage and, prior to its coinage, to the issue of silver certificates in lieu thereof. It will give us \$42,000,000 immediately, more than enough to carry on the war for one month at the most extravagant rate. It can be done in twenty-four hours. There will be no delay; no negotiation. We all know what it is. There is \$42,000,000 and more silver bullion in the Treasury set apart as seigniorage, and \$42,000,000 of silver certificates could be issued upon it just as it would be issued upon \$42,000,000 of gold if it were placed there to-morrow. It will go immediately into circulation.

Mr. President, we have already redeemed \$53,586,723 of these Treasury notes and no harm has come. Nobody has been injured. The notes have been canceled and destroyed, and the pressure upon the gold reserve by that amount has been removed. We can redeem them all and cancel them. We can issue the silver certificate. We make a vacuum of \$102,000,000 for paper currency. We can increase the volume of silver, the basis of the paper currency, \$42,000,000, and \$102,000,000 in addition if the law of July 14, 1890, shall be carried out.

I can not understand why it is that our friends who favor bond issues can object to the coinage and utilization of the seigniorage in the way I have described. I hope, in view of the patriotism shown by the masses of the people, some regard will be shown to their interests, and some effort will be made to increase the basis of irredeemable absolute money in this country, the fabric upon which everything stands. That can be done by the executive administration administering and executing the law of July 14, 1890, to coin all the silver bullion, and to retire all the Treasury notes. That will take out of circulation \$102,000,000 of paper currency redeemable and put out \$102,000,000 of standard silver dollars irredeemable, and then we would put out \$42,000,000 of seigniorage in the same way. Here is an increase of \$144,000,000 of standard silver dollars, a basis for the redemption of the currency and the bonds of the United States.

Now, who can be harmed by that? Can any harm come to any creature on this earth? Not one particle, and no man can show it. No harm can come. Why shall the Government continue the meek and submissive surrender of the legal right to redeem in silver dollars as well as gold? When these sacred, patriotic bankers, the money power, come down like a gang of wolves upon the fold of the Treasury and present their notes and demand gold, shovel out silver dollars to them, and I will venture you that they will retreat; they will retreat quickly.

Are the people of this country to be brought to the knees of these gold speculators? Are their rights to be trampled upon and surrendered to gratify the avaricious horde that speculate upon the broken bones and shed blood of our soldiers, upon the tears and bereavements of the widows and orphans of this war? Are they the ones that this Government of the people and by the people and for the people panders and bows to?

In the name of humanity and everything that is patriotic and just, I beg the Administration to execute the law as it is. Coin these silver dollars; retire the Treasury notes and cancel them; widen the basis of the irredeemable money of the country; utilize the \$42,000,000, and when this hungry horde comes down upon the Treasury give them silver dollars, as the Treasury has a right to do. Is not this an emergency? We are appealed to here that it is war times, an emergency. We appeal back to the Administration. It is war times; it is an emergency. Here is your power; exercise it in the interest and for the sake of the people.

Now, Mr. President, I want to say something about silver dollars. I hold in my hand Treasury Circular No. 143, "Information respecting United States bonds, paper currency, coin, production of precious metals, etc., July 1, 1897," by order of L. J. Gage, Secretary. It is a very interesting and valuable document. Let us understand exactly what is the status of the silver dollar. On page 15 of this circular I read:

Neither silver certificates nor silver dollars are redeemed in gold.

I read from page 10:

Gold coin is a legal tender at its nominal or face value for all debts, public and private, when not below the standard weight and limit of tolerance prescribed by law.

Standard silver dollars are legal tender at their nominal or face value in payment of all debts, public and private, without regard to the amount, except when otherwise expressly stipulated in the contract.

Treasury notes of the act of July 14, 1890, are legal tender for all debts, public and private, except where otherwise expressly stipulated in the contract.

United States notes are legal tender for all debts, public and private, except duties on imports and interest on the public debt.

Gold certificates, silver certificates, and national bank notes are not legal tender, but both classes of certificates are receivable for all public dues, while national bank notes are receivable for all public dues, except duties on imports, and may be paid out by the Government for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency.

I read further, Mr. President, under the head of "Redemption." I call the attention of my friend from Delaware [Mr. GRAY] to the language under this head of "Redemption," on page 16:

Gold coins and standard silver dollars, being standard coins of the United States, are not "redeemable."

They are absolute irredeemable money.

Mr. GRAY. Exchangeable.

Mr. COCKRELL. They are money. They pay, they extinguish; they are the end of the law in the discharge of all obligations of all kinds.

United States notes are redeemable in "coin"—

"In coin"—

in sums not less than \$50, by the assistant treasurers in New York and San Francisco.

Treasury notes of 1890 are redeemable in "coin," in sums not less than \$50, by the Treasurer and all assistant treasurers of the United States.

National bank notes are redeemable in lawful money of the United States by the Treasurer, but not by the assistant treasurers.

Gold certificates, being receipts for gold coin, are redeemable in such coin by the Treasurer and all assistant treasurers of the United States.

Silver certificates are receipts for standard silver dollars deposited and are redeemable in such dollars only.

"Coin" obligations of the Government are redeemed in gold coin when gold is demanded and in silver when silver is demanded.

In other words, the option of the holder instead of the United States to determine whether gold or silver shall be paid has been meekly and submissively surrendered and yielded, and the Secretary declares that to be the policy. This was the policy inaugurated in 1891, and the present Secretary of the Treasury declares practically that it shall be continued.

Mr. GRAY. Does not the Senator think if I want silver I ought to have it if there is silver there to pay it?

Mr. COCKRELL. No. It is the duty of the United States, in the interests of the people of this country, not to gratify an avaricious desire of any one or two citizens to the injury of others. If our friends upon the opposite side, if the friends of the bond issue, reject seigniorage, why will you reject it? Because you prefer to burden the people of this country with an interest-bearing bond, nontaxable, for your and your children's children to pay. I prefer, to the amount of \$42,000,000, to issue the standard silver dollars instead of interest-bearing bonds, and I shall vote accordingly.

Now, Mr. President, I will pass from that branch of the question to the proposition of the Finance Committee to issue \$150,000,000 of greenbacks. As I understand the position of the majority of the Finance Committee, it is that in lieu of the provision of the House to issue \$500,000,000 of 3 per cent 10-20 bonds the Finance Committee proposes to issue \$150,000,000 of United States notes with full legal-tender power, the same as the \$346,000,000 we now have in existence.

Mr. President, I heartily indorse the proposition of the majority of the Finance Committee to issue greenbacks. Now, what is the great cardinal principle relative to public indebtedness? When we analyze all these questions of government, a government of the people, by the people, and for the people, we find that there are great cardinal principles which should be landmarks and monumental guides. Here is a Government of the people, by the people, and for the people, a republican Government, the people clothed only, and the only ones clothed, with absolute sovereign power in everything, because to-day they can change this Government into a regal government, a monarchy, or anything they choose in the method prescribed in the Constitution. They are absolute sovereigns beyond any question.

The people of the United States have the right, the moral right, the legal right, in times of indebtedness, in times of stress, of danger, of war, to keep amongst themselves in circulation as large an amount of the aggregate indebtedness, the national indebtedness, as they can keep at a parity, as they can maintain safely as money. Can any man deny that proposition? Can any man say that if he were engaged in business and owed \$100,000, and was in a place where there was a scarcity of currency, and had \$100,000 borrowed from a neighbor, and could issue in certificates payable on demand or redeemable at sight \$50,000, he would not do it? Is there a Senator here who, if he were in that condition and could stop the interest on \$50,000 by issuing his redeemable due-bills, and the people would take them and use them as money without any cost, without any burden of interest, would not do it? If he would not, there would very quickly be an inquisition of lunacy, and he would be placed beyond the control of his business.

Why shall not this great Government of 75,000,000 people, the greatest nation on earth, in this emergency issue and allow the people to use that full legal-tender money in payment of all debts between themselves and to the Government and by the Government to the amount of \$150,000,000, and save the interest every year upon that amount? What objection is there to it? Why is

it that we should not do this? It is the sovereign function of government to create money, to issue currency—mark the language—it is the sovereign function of government alone to create money and to issue a circulating currency.

Mr. GRAY. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Missouri yield to the Senator from Delaware?

Mr. COCKRELL. Certainly.

Mr. GRAY. Why, then, I would ask the Senator from Missouri, should you limit the amount of the issue to \$150,000,000, because we shall have use for more than \$150,000,000; and if we can so easily pay our debts, as the Senator says we can, in this legal-tender money, how does he arrive at \$150,000,000 as the proper sum?

Mr. COCKRELL. The Finance Committee heard the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, and they made an estimate of what would be necessary to prosecute the war for twelve months, and they decided upon \$150,000,000. I am simply following them. If I could have had my way, I should have made it \$300,000,000.

Mr. GRAY. Of legal tenders?

Mr. COCKRELL. Of legal tenders. That is exactly what I should have made it, and if \$150,000,000, as I said a while ago, will not be enough to carry on the war for a year, I would certainly increase the amount. There is, however, no question but that \$150,000,000 will carry on the war until after the 1st day of next January, and Congress will be in session on the first Monday in December next.

Mr. GRAY. May I ask the Senator another question?

Mr. COCKRELL. Certainly.

Mr. GRAY. If it shall prove true, as the Senator thinks it may, that \$150,000,000 will not be sufficient, and under the bill we should issue \$150,000,000, how would it be, if it should turn out that the war should last longer than we expected it to last, and we find ourselves at the end of two or three years with increasing expenditures, and the Finance Committee should decide that \$500,000,000 more was necessary to fill the gap between the taxes coming in and the expenditures that went out of the Treasury, would the Senator still be in favor of it?

Mr. COCKRELL. Certainly. There is no imaginable emergency of which I can conceive that would justify me, representing the people I do, honest, intelligent, patriotic people, to vote for a bond issue. I do not believe bonds are necessary at any time—certainly not long-time bonds.

Mr. President, when the war of 1812 began, fortunately for us the charter of the Bank of the United States had expired on the 3d of March, 1811, and we were not hampered by a national bank. Immediately we began the issue of Treasury notes—not a full legal tender, but Treasury notes, bearing interest, running one, two, and three years; and that policy was pursued during the entire war of 1812 to 1814. The last issue was made just before the Bank of the United States was rechartered, on April 10, 1816.

What was the result of that? We kept the national indebtedness within our control. It was payable at short time. The Treasury notes were reissued from time to time by new acts, and in 1836 the entire indebtedness of the United States was extinguished.

Mr. GRAY. That was a very different thing from the issue of full legal-tender fiat money without interest.

Mr. COCKRELL. I understand that those Treasury notes were not absolute legal tender. I said they were interest bearing. In 1836 the debt was practically extinguished, there being only a little over \$37,000 outstanding of all the obligations of the Government.

The charter of the Bank of the United States expired March 3, 1836. At once we began the issue of Treasury notes. We pursued that policy up to 1861. We issued no long-time bonds. We went through the Mexican war; and between 1835 and July 1, 1860, the largest aggregate indebtedness at any time was \$68,000,000 on the 1st of July, 1851. We kept the whole indebtedness within our own control in that way.

I do not believe that a public debt is a public blessing. I say it is a curse to any nation. It is a burden, a grievous burden, for any people to bear; and long-time bonds ought never to be issued by any nation which has a government of the people, for the people, and by the people.

A monarchy like England, upheld by their moneyed aristocracy, must defer to that money power and give them bonds never payable and annuities, lasting as long as the Government lasts, to wed them to the maintenance of the Government. But here the bonds will not go into the hands of the sovereigns of this country, the great masses of the people.

Mr. FAIRBANKS. Will the Senator allow me?

Mr. COCKRELL. In a moment.

The great masses of the people will never own the bonds of the

United States. The bonds will go into the hands of foreign bondholders and rich American bankers, and they will be a burden upon the mass of the people for ages and ages to come.

Mr. FAIRBANKS. If the Senator will allow me—

Mr. COCKRELL. With pleasure.

Mr. FAIRBANKS. I do not wish to deflect the Senator from the trend of his remarks, but I wish to ask a question simply for my own information and satisfaction. If his theory is true as to the power of the Government to issue \$150,000,000 of greenbacks, endowing them with all legal-tender power and all the virtues of money, why does not the Senator move to strike out the provisions of this revenue bill which look to raising \$150,000,000 by increasing the tax upon the people, and provide for the issuance of \$300,000,000, instead of \$150,000,000, of greenbacks?

Mr. GRAY. The Senator said he would do it.

Mr. COCKRELL. Mr. President, I have been here for some years, and I do not think I ever before had such a question propounded to me. Have I ever said in all my life that I was in favor of fiat paper money regardless as to amount? Have I ever indicated that? Am I advocating it now? Because I am advocating \$150,000,000 of full legal-tender paper money, a legal tender in the payment of all debts, that is a redeemable money—redeemable at the pleasure of the Government—does that indicate that I will dispense with taxation?

Mr. FAIRBANKS. I did not understand that the Senator advocated a redeemable money. Is he now advocating a redeemable money?

Mr. COCKRELL. As a matter of course, I am. I have said such a currency is always redeemable.

Mr. FAIRBANKS. Redeemable in what?

Mr. COCKRELL. Redeemable in standard silver dollars of 412½ grains weight, nine-tenths fine, and gold dollars of 25.8 grains weight, nine-tenths fine, at the option of the Treasury, silver to be used as well as gold. That is the kind of redemption I am in favor of.

Let me tell you, Mr. President, under the Constitution of the United States we can create only two kinds of money. One is coin money—gold and silver. That is irredeemable; it is absolute money. You can not demonetize silver, you can not demonetize gold; you can not demonetize either of them. Gold and silver are the money of the Constitution; they are full legal tender; they are irredeemable. The Government of the United States can—and the Supreme Court has so decided—either in time of peace or war issue a legal-tender paper currency. They decided that it could be done during war; and then it was contended that war was an extremity, and that an authority which existed then would not exist in time of peace.

That question was tested in the Supreme Court of the United States, and the highest judicial tribunal, the arbiter of mere legal technicalities, has decided that the Constitution of the United States granted to Congress the power to issue full legal-tender greenbacks and Treasury notes, redeemable at the pleasure of the United States and a legal tender in the payment of all debts, public and private. But remember, Mr. President, that this kind of currency is redeemable and that there is only one kind of money in which it can be redeemed and extinguished, and that is silver and gold.

Mr. President, on the contrary, instead of releasing taxes, my principle is that with every obligation issued by this Government an adequate taxation law ought to be enacted to provide for the payment of the principal and the interest. The people of the United States have a constitutional right, a moral right, a just right, to have as much of their indebtedness kept among themselves in legal-tender paper money as they can keep at par. That is the God-given right of a free and independent people, and it should not be denied to them. That is infinitely preferable to the interest-bearing bond, which is a nontaxable hiding place for the idle capital of the country, where it can suffer none of the losses or the waste of war.

Mr. President, sacrifices must be made in this war. Over 200,000 able-bodied men have been taken from the pursuits of industry and productiveness, from labor, and they are engaged to-day in waste and in destructive pursuits. War is waste, war produces losses, and all the people should bear the losses alike. Sacrifices must be made. We can never lighten the burdens or the losses of the taxpayers of the United States by issuing interest-bearing bonds—never, never. Bonds enable capitalists alone to invest their accumulations in nontaxable interest-bearing securities and to escape taxation, to escape their legitimate share of the sacrifices incident to war, and make the great masses of the people bear all the cost and all the losses of war.

You ask what there will be back of the greenbacks. There will be back of them the same security which is back of the bonds. There is every security for them on the face of God's green earth which there is for the bonds, and every security that is back of the bonds is back of the greenbacks—every one. The greenbacks are backed by the same securities and obligations and means for

their redemption as are the bonds. You can not draw any distinction between the solvency of a greenback and the bond, because all the property of all the people of the United States subject to taxation is liable for each of them, and it is liable for the greenback just as much as it is for the bond. Oh, no; that subterfuge will not do, Mr. President.

Mr. TURPIE. Will the honorable Senator allow me to suggest to him that if the greenback is fiat the bond is fiat?

Mr. COCKRELL. If the greenback is fiat, certainly the bond is fiat; and you are issuing fiat bonds, are you? You are if we are issuing fiat greenbacks.

Mr. FAIRBANKS. I will ask the Senator if the bonds are not redeemable at a fixed date according to their terms?

Mr. COCKRELL. That does not make any difference as to the security for them.

Mr. FAIRBANKS. I ask the Senator if he does not see a distinction between a bond and a United States note, which is not redeemable at any given time, and for the redemption of which no provision is made?

Mr. COCKRELL. Just the same provision is made for the greenback as for the bond. There is not a particle of difference. All the securities that are back of the bonds are back of the greenbacks.

Mr. FAULKNER. I should like to ask the Senator, with his permission, whether that is fiat which is taken between two parties by virtue of an agreement in which their minds concur, one to give and the other to accept? I do not understand that the word "fiat" can be applied to such a transaction as that.

Mr. COCKRELL. It can not be, and I am not applying it to greenbacks, but in the same way—

Mr. FAULKNER. I am not speaking of it being applied to bonds at all. A bond is a contract, and a legal-tender paper money is a matter which is enforced by governmental law upon the citizen.

Mr. COCKRELL. It is a contract.

Mr. FAULKNER. The bond is a contract.

Mr. COCKRELL. So is the legal-tender greenback. There is no difference between them in that respect.

Mr. FAULKNER. No; the greenback is not a contract at all. It is simply the sovereign power of the state which imposes it.

Mr. GRAY. The state says you must take it.

Mr. FAULKNER. It is an obligation imposed upon the citizen to accept and to receive it.

Mr. COCKRELL. It is a lawful legal-tender money, created by the Congress of the United States in pursuance of its constitutional power, which has been decided affirmatively twice by the Supreme Court of the United States, and the Congress is the only power that can issue that kind of currency or any other kind of currency. Congress can create money out of silver and gold at such rate as it may prescribe, for there is no money without law. Money is the creature of law. There is no legal tender without law; there is no satisfaction of debt without law.

We have the right to issue currency, redeemable money, a full legal-tender money, in paying debts between A, B, C, and D, individual citizens of the United States transacting business within our territorial limits, to pay debts by the Government to one of its citizens, and by the citizen to the Government, and receivable for all public dues and demands of the Government. That is no extraordinary constitutional power; it is only a legal enactment; and I say it is our duty whenever an emergency arises, or whenever there is a demand for it, that, instead of issuing interest-bearing bonds, we shall issue full legal-tender currency.

Mr. FAULKNER. If the Senator will permit me, I should like to know whether or not, in his judgment, the provision of the Constitution which prohibits the States making anything but gold and silver a legal tender was not maintained by all the great minds of the Democratic party up to the last few weeks, not only to be in fact a limitation upon the States, but the enunciation of a principle which has also controlled the National Government, and which did, in their judgment, control it up to the second decision of the Supreme Court, when it reversed itself on the question of the power of the Federal Government to make paper a legal tender?

Mr. COCKRELL. There are some Democrats who held to that view and some who do not. I suppose a man who holds to that view will think that all who agree with him are distinguished Democrats, and all who hold the opposite view will think they are the most distinguished Democrats.

Mr. FAULKNER. In order to test the question as to whether all of them are distinguished under that view, I will ask the Senator whether or not it is a fact that when the first legal-tender act was passed in February, 1862, by a vote of 93 to 59, every single Democrat in the House of Representatives voted against the legality or constitutionality of that act?

Mr. COCKRELL. I do not know whether they voted against either the legality or the constitutionality of the act. My recollection of it is that they voted against it; but I do not undertake to put into their mouths the reasons which they may have had.

It may have been a question of policy. It may have been that they preferred the policy which had been pursued by Democratic Administrations and by all Administrations of this Government from 1812 to 1890 in the issue of short-time Treasury notes redeemable in one, two, or three years, the notes which Mr. Jefferson said would be the salvation of this country in time of war, and suggested that the States should be asked to surrender their right to issue all paper currency to the General Government in order that the General Government might exercise it in just such an emergency as now exists. He referred to Treasury notes, and said if he had been President when there had been such an emergency he would have insisted that the Treasury notes should have been issued, and that the States should have surrendered that right exclusively to the General Government.

Mr. FAULKNER. I would ask the Senator, with his permission, whether Mr. Jefferson ever indorsed the right or the policy of the Government of the United States in making notes a legal tender? There is a great distinction between issuing notes and making them a legal tender.

Mr. COCKRELL. The Senator knows perfectly well, and everybody knows perfectly well, that the question of issuing legal-tender paper currency never came up in this country prior to 1862.

Mr. FAULKNER. Oh, Mr. President, it was one of the earliest questions which came up, not only in the government of the Confederation—

Mr. COCKRELL. I am not talking about the government of the Confederation.

Mr. FAULKNER. And it was the evils which flowed from such a system then that caused the framers of the Constitution to put the very provision in it to which I have alluded.

Mr. BACON. Will the Senator from Missouri allow me just a minute?

Mr. COCKRELL. Yes, sir.

Mr. BACON. I desire to call the attention of the distinguished Senator from West Virginia to the fact that at the time he mentions when the question was raised whether or not the legal-tender quality should be given to paper money, the fundamental principle was that both gold and silver were open to free and unlimited coinage, but that—speaking for myself, and I have no doubt for the Senator from Missouri and all others who agree with us on that point—if there was no limitation upon the right to coin the precious metals, if we had the right to the free and unlimited coinage of both gold and silver, none of us would, as a matter of policy, to say nothing of the matter of principle, be in favor of legal-tender paper money.

One other fact, if the Senator from Missouri will pardon me, and that is, while the vote may have been, and doubtless was, as the Senator from West Virginia says, upon the question of originally bestowing the legal-tender quality upon paper money, in 1878, when the question came up as to whether or not the legal-tender money then in existence should be destroyed, the Democrats did not so vote. On the contrary, the leading advocates of the stoppage of the retirement of the greenbacks were found among the Democrats, because it was realized then that the right to the unlimited coinage of silver having been taken away, in the absence of legal-tender paper money, we would necessarily be limited to a legal-tender gold money plus what legal-tender silver money was then authorized under that act. Therefore, the conditions were entirely different from those which existed at the time when the original question was before Congress whether or not legal-tender paper money should be authorized.

Mr. GRAY. Did the Senator ever hear that reason given at that time?

Mr. FAULKNER. I do not know whether or not the Senator from Missouri will permit me to answer.

Mr. COCKRELL. I prefer the Senator should not do so now.

Mr. President, the Democratic platform of 1868—I have it not before me to quote from it, but you will all remember it—declared for one currency for the bondholder, the voter, and the soldier, and demanded the payment of the 5-20 bonds in greenbacks, the money for which they were sold.

Mr. FAULKNER. That was not the year in which Mr. Greeley was the Democratic candidate for the Presidency?

Mr. COCKRELL. No; it was in 1868.

Mr. FAULKNER. That was the Seymour campaign.

Mr. COCKRELL. Certainly; it was the Seymour and Blair campaign. Mr. President, I will do all I can to support the Government in a vigorous, aggressive, prompt, and safe prosecution of the war to an early and victorious termination; but I will not vote for any bond issue, because I know it is not necessary, and because we here offer a safer and a better means of raising money. We offer \$42,000,000 of silver certificates, based on the irredeemable standard silver dollar; and you will have it at once. We offer you \$150,000,000 of full legal-tender Treasury notes, based upon the same security as are the bonds which you propose to issue, and you can have them in twenty days. Is not that a safer and a wiser plan? Is it not safer in the interests of the people?

Is it not safer in the interests of the taxpayers of the country? Certainly no one can doubt it.

Now, what are you going to do with bonds? What are you going to sell your bonds for? They are payable in coin. That means, then, gold bonds, as construed by the Secretaries of the Treasury.

Are you going to try to raise \$300,000,000 or \$500,000,000 of gold by selling them for gold? You say it is going to be a popular loan. How is it to be a popular loan, to issue bonds of the denomination of \$25 and send them out to the country?

Are you going to take greenbacks for them? Are you going to take silver for them? Yes; you are going to sell your bonds for greenbacks; you are going to sell them for silver certificates. Greenbacks and silver certificates are good enough to pay for the bonds, but they are not good enough to pay to the bondholder. Oh, no; something holier, something which costs more of labor and of property and of the capital of the taxpayers of the country than your greenbacks and your Treasury notes, must be paid to them. They must have gold.

I want to call particular attention to how these bonds are to be sold. What are they to be sold for? No one pretends that they are to be sold for gold only. You can not get gold, and that is the whole of it. The idea of sending these bonds out to the postmasters throughout the country as a popular loan, you know, is a fraud upon its face, because you know you are not going to get gold for them from the people. Oh, no. It is chaff, intended to make the birds believe it is wheat. It is wheat in the hands of the wealthy classes, who will buy the bonds and hold them. No, no; you are going to sell these bonds for the identical kind of money that we are offering to issue to you.

Where is the honesty, where is the patriotism, where is the sacrifice in that in the interest of the people? Who are to be the beneficiaries of this? You are to sell interest-bearing, burdensome, nontaxable bonds, when we offer to issue to you the same kind of money in silver certificates and greenbacks bearing no interest. You will not have them. You will take them from the people, but you will not issue them. You must have an interest-bearing, burdensome, nontaxable bond, which when the war closes will be worth more than the man gave for it. The bonds of 1925 that we sold here for 104 are now worth 122. Think of what we have got to-day! To-day we owe \$347,320,000 in bonds. I call the attention of the Senate specifically to this. Here we have to-day \$347,320,000 of bonds; 4 per cent bonds continued at 2 per cent, over \$25,000,000. We can pay them any day; we can pay them to-morrow; they are bearing only 2 per cent. Four per cent bonds of 1907, \$559,000,000 in round numbers; 5 percents of 1904, \$100,000,000; 4 percents of 1925, \$162,315,400. The last two issues were made under President Cleveland's Administration.

All these bonds—

I am reading from Secretary Gage, from page 9 of the Treasury circular, information for the people—

All these bonds were sold at not less than par for gold coin or its equivalent.

Mark it!

Gold coin or its equivalent.

You are going to sell these bonds for gold coin or its equivalent—greenbacks, Treasury notes, and silver certificates. But what is the equivalent of gold? When it comes to taking it into the Treasury in the purchase of the bonds, greenbacks, Treasury notes, silver certificates. When it comes to paying the bonds, what is it? Gold, and gold alone.

All these bonds were sold at not less than par for gold coin or its equivalent; they are all redeemable in coin of the standard value of July 14, 1870, which was the date of the first of the refunding acts. The standard weights and fineness for coins at that date were the same as at present, the gold unit being a dollar of the standard weight of 23.8 grains and the silver unit being the silver dollar of the standard weight of 412½ grains.

There is the present interest-bearing indebtedness, and how much have we paid? We have paid \$1,795,218,109.79 of the principal of the public debt of the United States and over two thousand five hundred and sixty-eight millions of interest. Think of the enormous sum we have paid as interest, over \$2,568,000,000, which is three hundred and twelve millions more than all payments for pensions from April 1, 1865, to April 1, 1898. We have paid \$118,145,486.60 as premium upon our bonds to get the long-time bonds. We had the money in the Treasury. We could not pay them. They were not due. We had to buy them.

We had to pay a premium over and above the face value and interest to that amount. Are we to issue the same kind of bonds again? Are we to create that kind of an indebtedness again? Are we to ignore the past? Will we turn our backs upon the history from 1812 to 1890, during the war of 1812 with Great Britain and during the Mexican war, when we utilized short-time Treasury obligations of the Government, kept the debt in our own reach, so that we could extinguish it as we did in 1836?

I must say that this demand for the bonds is unjust, is not right. It is an attempt to foist upon us a financial system which we do

not approve. We are not asking that our bimetallic system be enforced in the pending bill. Not at all. We have laid that aside for the present only. We have come to meet you and to give to the Executive Administration of this Government, and the Congress, too, all the money that is needed to carry on the war, every means that is necessary, but we insist that you shall not attempt to thrust upon us your single standard of gold. You know that this bond issue means perpetuation of that system.

It means that these bonds shall go into the hands of the bankers of the United States, that they shall then be authorized to issue national-bank currency upon them to supplant and drive out the greenbacks, and as soon as that is done your Treasury notes and greenbacks will be rushed into the Treasury and we will have a repetition of what was done in 1894 and 1895. The Treasury notes and greenbacks will be used to exhaust the gold and other bonds forced to be issued. That can be done at any time. Now, will the money power take these Treasury notes that we propose and do that? Will they try? Let us see where their patriotism is. We want to put them into the crucible to see whether they are patriotic and honorable or not. They are the ones who have claimed to possess all the honor in this great country. Let us see how honorable they will be, whether they will make any sacrifice or not.

Mr. Secretary Gage, before the Committee on Ways and Means of the House of Representatives, on the 16th and 17th of December, 1897, said:

Mr. Chairman and gentlemen of the committee, the objects I have in mind in the series of provisions offered by me are four in number:

1. To commit the country more thoroughly to the gold standard, remove, so far as possible, doubts and fears on that point, and thus strengthen the credit of the United States both at home and abroad.
2. To strengthen the Treasury in relation to its demand liabilities, in which are included greenbacks, Treasury notes, and the incidental obligation to maintain on a parity, through interchangeability with gold, so far as may be necessary, the present large volume of silver certificates and silver dollars.
3. To do this in such a way as not to contract the volume of circulation in the hands of the people.
4. To take an initial step toward a system of bank-note issues without the conditional deposit of public bonds as security therefor.

War was not anticipated then. It was not expected that they could get Government bonds then, and they wanted authority to issue bank notes upon other security than public bonds. But now the golden opportunity has come, and they rush in here for these bonds as the first step in the execution of this financial system defined by Secretary Gage—that is, to more thoroughly fasten upon this country the single gold standard, retire and cancel the greenbacks and Treasury notes, and substitute for them national-bank paper currency, and then make the silver dollars and silver certificates redeemable in gold. Then you will have the ideal gold standard—the gold standard of the plutocracy of the world. That is it, and nothing less will satisfy them; and they are taking advantage of distress in our affairs to take this first step in that direction.

Mr. President, it is not fair, it is not right, it is not honorable. Bond advocates say to us, "The Government needs money quickly and at once. To obtain that money bonds must be issued, and if you oppose their issue, then the Government will go without any money, without the means of prosecuting the war to a successful termination." In answer, I say, "Well, if the bond advocates can afford to refuse the Government means to carry on the war, because they can not get exactly the kind of means they want, interest-bearing, nontaxable bonds, and reject better means, safer means, less burdensome means, means that will result in good to all the people of the country and not to the favored few, then they take the responsibility." Our skirts will be clear. We tender you all you want and more, too.

Now, if you have set your heart on it that you will fasten and cram down upon the necks of the people in these times of patriotism and self-sacrifice the yoke of bonds, sell them for greenbacks and Treasury notes, and then pay them in appreciated gold, I say there is no justice, there is no equity, there is no fair dealing in any such process. We will give you legal-tender money. We will give you silver certificates. If \$150,000,000 is not enough, we will give you all you need. We want this war carried on and we want it carried on quickly. We believe it is a holy war, a just war, and we feel some responsibility for having forced the war upon the country. I do not know whether it would exist to-day if it had not been for many of those who are to-day opposing your bond issue.

We are not demanding that you shall substitute for bonds the true bimetallic system, in which over 6,000,000 voters in this country believe, in which thousands and thousands of the bravest soldiers you have, marching to the front believe, but we are asking that you shall issue greenbacks, the money in which you intend to pay the soldiers, the money in which you intend to pay their orphans and their widows. The soldier sacrifices his life upon the battlefield; he pours out the richest crimson treasure of his heart, and the only recompense is the consciousness of duty performed and the paltry sum of fourteen or fifteen dollars a month in green-

backs. Never a gold dollar will be offered to the soldier. It is the money in which you pay for all the supplies you get. You know it. Why is it not good enough to be issued now? Every soldier will take it. Every patriotic citizen will take it. Every solitary man who has anything to sell to the Government will take it and gladly rejoice in taking it. Why do you force bonds upon the people, then, when they are willing to take noninterest-bearing greenbacks? I can not understand why, when all the people of the country, with precious few exceptions, as few as angels' visits on earth, are willing to accept the greenbacks and the silver certificates—why will you insist on bonds being issued, interest-bearing, burdensome, nontaxable bonds, an inheritance of burden for our children and our children's children?

We are willing to compromise upon these just proposals. We will go with you steadfastly; we will give you all you want; we will stand in the front ranks, aiding to bring this war to a glorious and successful and speedy termination; but we ask you not to attempt to fasten upon the necks of the people, under the guise of patriotism, the infamous single gold standard, fraught with evil and only with evil. I shall vote against any bill that contains a provision for issuing interest-bearing bonds.

Mr. GORMAN. Mr. President, the pending bill as it comes to us from the House of Representatives contains many provisions that do not meet with my approval. Many of the amendments which have been suggested by the Committee on Finance of this body will also meet with my opposition. There are some provisions with which I cordially agree. The reason why this bill is before Congress has been well stated by all who have discussed the measure, and, as its title imports, it is a bill "to provide ways and means to meet war expenditures." On the general lines upon which it is framed and as passed by the House of Representatives, there is not a single provision in the bill which opens up questions that have heretofore divided the great parties in the country. The authors of it have studiously, in my judgment, avoided presenting any question which would necessarily bring on a political discussion or divide parties.

In the outset I desire to state that, in the main, I shall give my support to the general proposition, but will endeavor to amend it, modify it, and make it more uniform and just than I think it is, as it stands to-day. There is one expression which has been made by the author of the bill, and substantially repeated by the distinguished Senator from Iowa [Mr. ALLISON] who has charge of the measure in the Senate, to which I must object. It is, perhaps, a pardonable statement on the part of both the author of the bill and the distinguished Senator who now has it in charge.

In House Report No. 1183, submitted by Mr. DINGLEY of Maine, there appears the following:

There is no doubt that if peace conditions had continued the estimate of the Secretary of the Treasury that the revenue for the next fiscal year would reach three hundred and ninety millions, exclusive of postal receipts—sixty-three millions in excess of the revenue for the fiscal year 1896, and more than that sum in excess of what the revenues for the fiscal year 1897 would have been if it had not been for anticipatory importations in the last four months of the latter year, to avoid the increased duties of the new tariff—would have been more than realized, and these receipts would have fully met the expenditures for the next fiscal year if it had not been for the increase caused by the difficulties with Spain, inasmuch as the expenditures for the fiscal year 1896, exclusive of postal expenditures paid by postal revenue, were only three hundred and fifty-two millions, and for the fiscal year 1897 only three hundred and sixty-five millions.

And in his speech in the Senate on May 16, the Senator from Iowa [Mr. ALLISON] said:

In the first place this bill is here only because the Government of the United States is involved in a war with a foreign country. If there were no war, there would be no necessity for this bill.—*Record*, page 3337.

These statements, that the revenue laws as they exist would have furnished a sufficient amount to meet the demands of the Treasury but for the war, are pardonable on the part of these gentlemen, one of whom is the father and the other the sponsor of the measure known as the Dingley Act. The fact is that the measure known as the McKinley Act, the measure known as the Wilson Act, and the law known as the Dingley Act, were each and all of them failures in the matter of producing sufficient revenue to meet the expenditures of this Government in times of peace. It was not the intention of the authors of those measures that they should produce a deficiency; but the fact still remains that each of the three acts I have named failed to produce a sufficient amount of revenue. I will not discuss the "ifs" and the "ands" and the "buts" which have been offered as excuses for those failures. Whether it be the changed conditions in commercial affairs, whether it be the decisions—and, in my judgment, the outrageous decisions—of the court of final resort, or what not, we must recognize the fact that other sources than the public revenues have been resorted to to furnish a sufficient balance to pay the ordinary expenses of the Government.

During the time that the Wilson Act was in operation we sold bonds, and under the Dingley Act we expended the large sums received from the sale of the Government's interest in the Pacific Railroad.

Mr. President, in addition to those failures, there come now, as

the distinguished Senator from Missouri [Mr. COCKRELL] has just said, war expenditures, great and enormous. No man can measure the full expense that is to be incurred because of the war. The Senator from Missouri has well stated that he and others on this side of the Chamber, in connection with those on the other side, are responsible for the early and prompt action in declaring war. War is upon us. Great expenditures confront us and must be met.

I will not permit any party consideration to stay me from voting the last dollar and providing for all the men necessary for the successful prosecution of the war. Additional taxes must be collected. It is admitted by the authors of the bill that one hundred millions per annum, in addition to the amount which will be produced by the Dingley Act, are to be levied by this measure. The Committee on Finance of the Senate, as I understand, as stated by the distinguished Senator from Iowa, has agreed unanimously that the amount of levy shall be increased or ought to be increased to \$150,000,000 per annum, and some members of the committee think it wise to levy even a greater amount than that sum.

This is a great sum of money to be taken from our people at a time when we are just emerging from commercial conditions that have hung like a pall over our land since 1893. In framing the bill now made necessary, and the burden of which our people will bear cheerfully, it should be so constructed, in my judgment, as to distribute the burden as fairly as possible, so that all interests may pay their fair proportion of this enormous tax. I do not believe the bill as it came to us, nor with the amendments proposed, would be exactly fair and just, and it may be said here—and truly said—that no tax bill that has been framed, or will be framed, will bear equally and justly upon all interests. But as I understand this measure, you have levied upon a small number of articles—tobacco and beer and a few kindred articles—taxes disproportionate to the remainder of the bill, and in its framework there has not been levied upon the interests that are owned by individuals, associations, or corporations a fair and just tax.

Mr. President, I do not believe that this bill ought to become a law except when framed upon lines of simplicity and fairness. I do not believe that a measure which spreads out the network of the Internal Revenue Department as we had it from 1862 to 1870, which would require the employment of an army of officials to enter the threshold of every shop and look into every orphan's court and into every railroad office, and then follow every citizen who gives a note or receipt in order to require them all to contribute a small amount to swell the aggregate, which thus impedes business and obstructs enterprise, ought to be enacted into a law. Above all things, I wish to say to my friends on this side of the Chamber, who have not had, as I have had, personal experience with the management of a great machine of the Treasury Department, armed with agents to enter all avenues of trade, all places of business, and threaten persons as they perform their duties, that it is a monstrous power which you are creating. To do that I believe is against the best interests of the people, besides being unnecessary and unwise.

Senators talk of corporations and their power. I believe that corporations should be restrained. Their power in politics is great, and they use it now without restraint, mercilessly and selfishly. The Democracy heroically confronted that power from 1865 to 1894; but we had a greater power to meet and overthrow, and that was the power that came from the excessive number of officers employed under the provisions contained in the revenue acts. There never was a Democrat whose voice was heard or whose counsel was listened to from the day of the enactment of the measure of 1862, which was necessary to save the life of the nation, who did not insist that the revenues to support the Government must come from tariff taxation and upon a few articles such as whisky and tobacco, and that this system, which was a necessity of the war, should be eliminated and stricken down, so as to let the American people assert themselves without Government control when it came to elections.

Mr. President, I remember it well. I have seen something of the operation of revenue laws. I have participated in their administration. I know full well the power that the party in control will have under such an enactment. Hence it is, sir, that I shall insist, so far as my voice and vote enable me to so make my impress upon this bill, that it shall be practically limited to levying revenue from organizations, associations, corporations, and large interests that can make their returns to the collectors of internal revenue under oath each month, which would make it unnecessary for a great increase in the number of officials. I shall insist, so far as I can, that the corporations not now taxed and not embraced within the measure as it came to us shall pay their fair share of this burden, and that, in whatever exemptions there are, we shall exempt the masses of the people from the burdensome, annoying, and offensive stamp tax upon their ordinary transactions.

Sir, think of it! Within the pages of this bill as reported to us

from the Committee on Finance it is provided that a failure to place a stamp upon an instrument of writing, upon a receipt, or upon a bill of lading subjects the man who thus offends to a fine double and treble the amount of the value of the transaction in many cases, and this is to be done at the ipso dixit of any of the officers who are to be appointed, and, as many of them of necessity will be appointed because of their political activity, they will have the opportunity to use this power for party advantage. The unoffending and honest business man or farmer can be dragged to a United States court, where, if they make a case against him, he will be indicted, and such a case can easily be made if it is the will of the officer and the desire of his principal to control a community. Senators, think of it! This amendment, for the first time in our legislation, proposes that a Federal court shall have the right to imprison him or fine him.

Mr. LINDSAY. Or both.

Mr. GORMAN. Or both.

Mr. President, not only that, but if you pass this amendment, in order to make it palatable or as an excuse for proposing it, corporations are included in the penalty of fine and imprisonment. I am one of the very few members of this body who do not practice law. I am not a lawyer, and therefore I can at all times speak my mind freely about judges and courts. I should like to have some lawyer in the body tell me how under that provision you will indict and convict a corporation and send the corporation to prison.

If you provided for the officer who neglected to affix the stamp, you might reach him, but that is not the provision. The result of it would be, in my judgment, that nobody would be convicted and sent to jail except the poor fellow who had neither money nor friends and whose presence at home was not desired by the dominant political powers. That provision ought not to remain in the bill. I hope yet that the Senate—the only place where we can deliberate and discuss measures, and where we have on all occasions heretofore deliberated and discussed them—will agree unanimously that the whole provision for a stamp tax upon the ordinary business of the country shall be abandoned. Place it upon patent medicines and wares of like kind, but leave the masses of our people free from it. They pay enough now.

Under our Federal system of taxation the ordinary consumer, who does not own stock in a corporation or run a large business, pays now upon his consumption more than his full share. Therefore, collect a fair proportion of these \$150,000,000 from the corporations. I have no desire to place a tax that is excessive and unjust upon corporations, simply because they are corporations, or impose a tax that will annoy them in their business enterprises. I would, however, make them pay their full share of the amount that is necessary to sustain their Government. Aye, sir, where a corporation has special privileges or a monopoly because of its location, I would make the tax greater than the one I would lay upon the ordinary consumer and ordinary business man. There is nothing new in this rule. It has been applied before. It has met with the approval of everybody. It was never questioned, because a case never has been taken to the Supreme Court, for nobody in the Union who was connected with one of these corporations was brave enough to go, during that grave period from 1862 to 1870, before the courts and test the validity of such an act.

No corporation upon which a fair tax is levied now will have the hardihood to go to the Supreme Court and test the constitutionality of a fair tax upon its gross receipts. But if such a case should reach the Supreme Court, and if the practice and the theory and the power heretofore exercised by this Government to place such taxes upon corporations should be declared to be unconstitutional, as was decided in that extraordinary and I think outrageous decision in the case of the income tax, the sooner we know it the better. Now is the time to make the test, when we are engaged in a foreign war. Now is the time to let that court, if such may be its opinion, render such a decision. It would not destroy our financial structure, but it would destroy the power of the court to render such a decision again, for the American people would change their Constitution so as to enable us in a time of war to levy taxes fairly upon all interests that share in the government of the country.

Mr. President, amendment No. 177, reported to the bill by the Committee on Finance, attempts to levy a tax of one-fourth of 1 per cent upon the gross receipts of railroad companies and the various companies named in that amendment, and then in a general clause it levies the identical tax of one-fourth of 1 per cent on every business association, no matter of what kind, great or small. The provision would embrace in its operation small business corporations engaged in conducting the ordinary trade of a city, town, or county. That provision is, I think, unjust and unfair and entirely unnecessary. The extent of its operation was so completely described by the distinguished Senator from Iowa [Mr. ALLISON] that I do not believe there are many Senators in this body who will agree to vote for it.

I have prepared a substitute for the entire section. While my

amendment is not perfect in covering possibly all corporations that ought to be taxed, it names that class of corporations which are abundantly able to pay a fair proportion of the \$150,000,000 that we are to levy and collect. I ask the Secretary to read the amendment which I propose as a substitute for amendment No. 177, except as to the exception noted at the top of the amendment.

The PRESIDING OFFICER (Mr. MALLORY in the chair). The Secretary will read the proposed amendment.

The SECRETARY. Strike out all after the word "corporations," in line 4, page 59, down to and including line 9, page 61, and all from the word "and," in line 17, page 61, down to and including line 24, page 62, and insert:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing, or having the care or management of any railroad, street railroad, sleeping car, steamboat, ship, or other vessel, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, or carrying on or doing an express business, or having the care or management of any telegraphic or telephone line by which telegraphic or telephone dispatches or messages are received or transmitted, or carrying on or doing the business of furnishing gas, electric light, electric power, steam heat, or steam power, or refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed \$50,000, shall be subject to pay annually a special excise tax equivalent to one-half of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective businesses: *Provided*, That the assessment hereby made shall not include any amount for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port; but such tax shall be levied for the transportation of persons, freight, or mails from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freight, or mails.

And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or in case of corporations by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each and every false or fraudulent return.

Mr. GORMAN. I shall ask that that amendment be printed in the usual form of amendments, and that it lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. GORMAN. Now, Mr. President, it will be noted that my amendment provides that the corporations named shall bear a tax of one-half of 1 per cent per annum upon their gross receipts. I do this for the reason that I desire to see eliminated the provision in relation to stamp taxes on receipts and waybills and all other stamp taxes connected with these corporations, and to have them pay directly into the Treasury monthly one-half of 1 per cent upon their gross receipts.

The provision of the bill as it stands would require, for instance, a railroad company, when you ship a bill of goods to Florida, to give you a receipt and place a stamp upon the receipt, and then for each copy of the waybill and manifest to have a stamp. In an ordinary transaction it would amount to not less than three or four stamps on every single shipment of goods made, and would be not only an annoyance and a heavy tax, but an impediment to trade and to business. All of this can be eliminated if a tax of one-half of 1 per cent is placed upon the gross receipts.

Mr. President, this is not an unusual tax. It is a tax much lighter, and it ought to be lighter, than was imposed from 1862 to 1870. I will insert a statement in the RECORD with my remarks, showing the operation of the tax during that period.

The annual report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1870, states that the gross receipts from railroads for the fiscal years ending June 30, 1863, 1864, 1865, 1866, 1867, 1868, 1869, and 1870, were as follows:

Fiscal year.	Gross receipts.	Remarks.
1863.....	\$1,108,817.02	Act of 1862: On steam, 3 per cent on gross receipts from passengers; other power, 1½ per cent.
1864.....	2,127,249.69	
1865.....	5,917,293.51	Act June 30, 1864: 2½ per cent on gross receipts generally.
1866.....	7,614,448.13	
1867.....	4,128,255.24	Act July 13, 1866: 2½ per cent on gross receipts from passengers and mails.
1868.....	3,184,837.19	
1869.....	3,255,487.20	
1870.....	3,732,209.24	
Total.....	\$1,010,007.22	

In addition to the gross-receipts tax, there was levied a tax on dividends of corporations, which included payment of interest on bonds as well as dividends on stock: Under act of 1862, 3 per cent; under act of 1864, 5 per cent; under act of 1866, 5 per cent.

From the foregoing table it will appear that we taxed the gross receipts of steam railroads 3 per cent, and when operated by any other power than steam, 1½ per cent. Then in 1864 it was reduced to 2½ per cent, and in 1866 to 2½ per cent on the gross receipts from passengers and from mails only. During that period, from 1862 to 1870, these railroads paid into the Treasury of the United

States \$31,000,000 on account of these taxes. But the act of 1863 did not stop here, with the taxation of the gross receipts of railroads. It imposed a tax of 3 per cent in 1862 and 5 per cent in 1864 and 1865 upon every dividend in addition to the gross receipts. Every dividend made by any railroad company, whether it was the payment of the coupons on their bonds or a dividend paid to stockholders, was taxed 5 per cent, and yet no railroad complained and no question was made as to its legality.

Mr. President, it is impossible for me to say how much money this one-half of 1 per cent would produce on the corporations enumerated in the amendment. I believe there is no question that from railroads propelled by steam about five and a half million dollars per annum would be collected.

From the best information I can get about telegraph companies, their receipts in 1897 were \$30,280,641. A tax of one-half of 1 per cent on that amount would yield a revenue of about \$151,000.

The receipts of street railroads in 1896 were about \$116,000,000. A tax of one-half of 1 per cent on that amount would mean a revenue of about \$581,000.

Of the telephone companies, the receipts of the American Bell Telephone Company in 1896 were \$5,547,429, and it is safe to say that the receipts of the local companies added to this amount would swell the total gross receipts to \$25,000,000.

We would also have a tax on the gross receipts of gas companies, electric-power companies, companies engaged in refining petroleum, refining sugar, etc., so that it is perfectly safe to say that we would collect from the corporations, if my amendment should be adopted, from \$15,000,000 to \$20,000,000 without doing injustice to a single corporation.

I have left outside of this tax, under the exemption clause, all the small companies and associations of the kind described whose gross receipts are less than \$250,000 per annum. I have done that for several reasons. The Senator from Louisiana [Mr. McENERY] called sharp attention to the fact that this tax upon the corporations which are dealing in agricultural products alone would be embarrassing to a great interest in his State. He referred especially to the sugar refiners on the plantations. Then there are small street railways in cities and towns whose gross receipts are less than \$250,000 per annum, which would not be able to bear this tax; but upon the companies owning the great lines of travel, the great organizations which have special privileges or monopolies, in my judgment it would be a comparatively light tax.

The Senator from Connecticut [Mr. PLATT], who addressed the Senate upon this subject, extremely earnest and able as he always is in the discussion of any question, thought a tax on the gross receipts of corporations was unjust and unfair; that there were times and there were cases when under the provisions of the bill the losses of a corporation would be taxed, because there were no net profits, and therefore it would work a hardship. That is true. But that is also true of a hundred other provisions in this bill. It is unavoidable. You place a tax upon the man who manufactures tobacco and require him to pay a fixed amount for conducting his business and an extraordinary amount for the material he uses; and there are hundreds, if not thousands, of such persons and corporations who in the last three years have had no net revenue; and yet they are to pay the fixed amount without regard to their profits.

I should like to ask the Senator from Connecticut, and others who oppose any gross-receipts tax on corporations, why the same rule should not be applied to the corporation which is necessarily and unavoidably applied to the individual? There is no injustice in it. It may be unfortunate in the particular cases which are described, but there is no departure from the rule, which runs through all such legislation, whether it be taxation upon imports or taxation upon our domestic products.

Mr. President, I shall not detain the Senate further in regard to the details of this bill. As has been well said by the distinguished Senator from Virginia [Mr. DANIEL] and so forcibly stated by my friend from Indiana on my right [Mr. TURPIE], in this emergency we want to give to the Government all the money and all the men necessary to conduct this war to a speedy and victorious conclusion. As the Senator from Indiana well said, it is only the methods, the manner of framing the provisions for raising money, about which we differ. There is no substantial difference on party lines upon the questions which I have already discussed. The great question which very sharply divides this Chamber is how and to what extent we shall provide the money which must be had now, immediately, to relieve the condition of the Treasury. There is no contest; it is not questioned by anybody that money must be placed in the Treasury, and at once, to meet the urgent necessities which have arisen because of the expenditures of this war.

How shall we make provision to put the money into the Treasury? The first suggestion which comes from a majority of the Committee on Finance is to anticipate the coinage of the seigniorage in the Treasury and issue \$42,000,000 of notes based upon the calculation which would give you that amount in silver in the Treasury if the bullion now in the Treasury were coined.

As a separate proposition, when it was discussed upon its merits,

I voted for the coinage of the seigniorage. Congress tried that experiment during an Administration which was placed in power by the Democratic party, but the bill was vetoed. After that veto there came into power a party which is unalterably opposed to the theory of the Democratic party upon that question, a party which concurred with Mr. Cleveland that it was unsafe and unwise to swell our circulating medium of that character; and it is known not only to-day, but it was known when we voted for the resolution declaring war against Spain, that there was no power, even if it was wise to do so on the part of the Senate, to force upon a coordinate branch of the Government a provision of law which has been a subject of political contention for the last eight years.

While this bill, as I said a moment ago, as it was originally framed, does not trench upon any single political question or upon any idea purely political, in my judgment it would be unwise, it would be fruitless, to attempt to force such a political question to the front when we have the Spanish army and the Spanish navy yet to deal with. That is a question which we ought to settle in times of peace.

Mr. President, I think I am as close an adherent to and as loyal a follower of my political banner as any man within the sound of my voice. I believe in government by party. I believe in government by the Democratic party. I have fought for its doctrines, submitted to its declarations, and adhered to its candidates when many of them did not meet the full accord of my judgment; but when it comes to a crisis like this, I do not know my party; I know only what I believe to be the best interests of my country. Therefore, sir, knowing this provision to be one upon which there is a sharp political division, I can not vote for it, no matter how just and proper it may be in itself.

It is said we propose to issue bonds. Mr. President, of course it is proposed to issue bonds. Why not issue bonds? What declaration has ever been made by any political party against issuing bonds in time of war? What war was ever conducted without issuing bonds, and issuing them in the very beginning of the conflict? Before the first gun was fired at Sumter in the war of the rebellion we began to issue bonds, and we also issued \$450,000,000 of greenbacks as a war measure. What were the conditions? Gold and silver had disappeared; they could not be found or followed into their hiding places; there were no national banks, and the State banks had disappeared, or, at least, they were useless so far as the purposes of the Government were concerned.

An enlarged currency was necessary. The act of July 11, 1862, authorized the issue of \$450,000,000 of greenbacks or legal-tender notes, and this was the only issue authorized. They were receivable at the Treasury for all dues and were then reissued time and again; but the total amount outstanding at any one time was not over \$450,000,000. There were:

Old demand notes	\$60,000,000
One and two year notes, bearing 5 per cent interest	211,000,000
Compound-interest notes, bearing 6 per cent interest	266,000,000

The total amount of notes issued by the Treasury from 1861 to 1869 was as follows:

Demand notes	\$392,070
United States notes (greenbacks)	427,768,499
Fractional currency	26,057,469
Matured debt, interest ceased	1,373,920
Unpaid requisitions	660,900

Total 456,252,858

While from 1861 to 1869 the debt bearing interest was \$2,351,699,479.

Mr. President, it is said that the great cormorants of the moneyed institutions are now after these bonds; that they are the men who urge their issuance. Yes; but the man with money, whether he be a small or a large holder, can only get bonds by paying his money for them, loaning it to the Government on a security as good as gold or silver, and the bonds will be paid when they become due.

Why should Senators on this side of the Chamber, why should the distinguished Senator from Missouri [Mr. COCKRELL], denounce the issuance of bonds in time of war? Our party convention, which met at a time when every Democrat was incensed at the action of a man whom we had elected President, who had asked us to issue gold bonds so as to save \$16,000,000—a proposition which was rejected—passed a resolution, not against bonds as bonds, but only against the issuance of bonds in time of peace.

The Senator from Arkansas [Mr. JONES], who had probably more to do with the framing of that declaration than anybody else—at least we hold him responsible, whether he was actually so or not—is too astute a politician to have put any other declaration in that platform. He would not have gone before the people of the country in that campaign with the candidate who was our nominee and the platform upon which he ran, a campaign which was a campaign of appeal to the masses of the people, with a declaration that the Government should not have the right in time of war to issue bonds to save the life of the nation.

I will refer to what we did on this side in 1862, 1864, and 1865, and will insert in the RECORD the list of the bonds that were issued.

UNITED STATES BONDS.

According to the statement of the public debt published October 31, 1865, the interest-bearing debt of the United States on that date was as follows:

Debt bearing interest in coin.

Authorizing acts.	Character of issue.	Amount outstanding.
Authorized before the war	6 per cent bonds	\$37,754,591.80
Do	5 per cent bonds	27,022,000.00
July 17 and August 5, 1861	6 per cent bonds	199,331,400.00
February 25, 1862	do	514,780,500.00
June 30, 1864	do	100,000,000.00
March 3, 1865	do	44,479,100.00
March 3, 1864	5 per cent bonds	172,770,100.00
March 3, 1863	6 per cent bonds	75,000,000.00
Aggregate of debt bearing coin interest		1,161,137,691.80

Debt bearing interest in lawful money.

Authorizing acts.	Character of issue.	Amount outstanding.
July 11, 1862	4 per cent temporary loan	\$612,727.98
Do	5 per cent temporary loan	31,309,710.65
Do	6 per cent temporary loan	67,185,306.83
March 1, 1862	6 per cent certificates of indebtedness	55,905,000.00
March 3, 1863	5 per cent 1 and 2 year notes	32,536,901.00
March 3, 1863, and June 30, 1864	6 per cent 3-year compound interest notes	173,012,141.00
June 30, 1864	7.30 notes (3-year)	234,400,000.00
March 3, 1865	do	595,610,000.00
Aggregate of debt bearing lawful money interest		1,190,561,787.46
Total interest-bearing debt		2,361,699,479.26

But in 1861, as Senators know—and I refer to it with great kindness—there were no great corporations south of the Potomac; there were no combinations which were robbing the people. The trusts and monopolies and money changers were not there.

Mr. TILLMAN. And they are not there now.

Mr. GORMAN. And they are not there now, the Senator from South Carolina says. No. You were free from their control. You attempted to establish, and did establish, a government, and you conducted a great conflict such as the world has never seen conducted by a like number of people. But when you started your government the first financial act—the act of February 28, 1861—authorized bonds, coupon bonds bearing 8 per cent interest, running for five and twenty years, and you continued to issue bonds and stock, bearing interest, up to nearly \$800,000,000. Your unfunded debt amounted to more than double the bonds, or \$1,600,000,000 of treasury notes and other obligations which did not bear interest—not legal tenders, a friend in my rear tells me. No; they were not legal tenders, but they were convertible into bonds, and they were received for taxes and a great many other things, but not in payment of the export duty on cotton.

The idea I wish to present is that it is only by example and by history we can tell what is proper to be done. Here there were two great divisions of the American people; one representing exclusively agricultural interests, free from all of the great combinations which have been described here to-day, and the other, on this side of the Potomac, embracing within its confines practically all the great monopolies of which we hear so much; and yet those great men—for they were great men—supported both governments by issues of bonds. In so doing they followed only the teachings of history. When war begins no government is ever ready for it with ample supplies of money in its treasury, and, with the exception of Germany, which was prepared for war, there is no other instance in the last one hundred years where any government has been able to successfully prosecute a war without making a loan on bonds in the very beginning.

If that be true, why should we hesitate here? Why should we hesitate to vote for the issuance of bonds running ten and twenty years at 3 per cent interest? Every Senator is aware of the fact that, if we fail to make provision for that sort of a bond at low interest, and the crisis comes—as come, in my judgment, it will—when within thirty days, before you can get your tax bill in operation, the President of the United States and his Secretary of the Treasury, following the example of their predecessors, and as I believe they will be in duty bound—although there is doubt, and

great doubt, as to the right to issue bonds for ordinary purposes—will be compelled to issue bonds running a longer time and bearing a higher rate of interest than those proposed to be issued under the terms of this bill.

Why, then, are we opposed to bonds, Mr. President? In the Senate we have met that question quite recently. At the close of Mr. Harrison's Administration, after the Presidential election of 1892 and before the inauguration of Mr. Cleveland, the condition of the Treasury was so threatening that bonds were asked for, and in this Chamber we placed upon an appropriation bill a provision authorizing the Secretary of the Treasury to issue 3 per cent bonds on like terms with those described in this bill; and more Democrats voted for the proposition than against it. Our friends the Populists and several of our Silver Republican friends voted against it. It was thrown out by the other House. It was thrown out, it was said, by secret instructions from the powers that were to be.

Following within eighteen months after that influence and that action, came the transaction of the sale of the bonds authorized under the act of 1875, which every Democrat in the Senate, and which nearly all Democrats everywhere, denounced. What brought that condition about? A deficiency in the revenue, and nothing else. What will bring about the necessity for bonds now? A deficiency in the revenue. In my judgment—I only speak for myself—Senators will be estopped from protesting against bonds. The President may sell \$300,000,000 of bonds under the authorization of the act of 1875 if, in his judgment, it be necessary to maintain the honor, the dignity, and the glory of his country, and to secure the success of our arms.

I think the amendment of the minority of the committee is wise. The bonds are limited in amount and to a certain purpose, to be issued only after certain things have occurred. I think, with all due deference to the authors of that provision, even that is too restricted.

Mr. President, at this session of Congress the appropriations already made for all purposes of the Government, or which are pending and about to be made, including the war expenses and contracts authorized, including the sinking fund, amount to \$923,682,797; excluding the sinking fund, to \$872,682,797; and more is to be appropriated before the Senate adjourns. Senators who have spoken seem to be fearful of providing too much money. In my humble judgment you have not provided enough, even with the provision of the Finance Committee for bonds and certificates. I was not anxious that we should enter upon this contest. I had hoped we might adjust the matter without a conflict of arms in a manner honorable to the American people. But that has passed and gone.

We have entered upon a contest. When and where it will stop no man can tell. How much it is to cost no man can estimate. That it will cost during this year \$400,000,000, \$500,000,000 possibly, is, in my judgment, a moderate estimate. If it were to close and peace be declared within six months from this time, your expenditures would go on at a rate, compared with peace expenditures, that no man can measure to-day. The complications that may come from this war nobody knows. The cost of closing and adjusting all the questions that will arise can not be measured by tens of millions of dollars to-day, in my judgment. We have a fair Navy.

Who, after the occurrences of the last few months, expects this Government to suspend building war ships? They will be multiplied until the number reaches that point where we will be supplied, in the judgment of the people, with sufficient war ships to defend us from any act of aggression. Who can tell how far we are to go in looking to the development of the trade and commerce which is being strived for by all the nations of the earth? I do not expect to see any action which will prevent us from getting our full share of that trade and providing all the facilities for our war ships and ships engaged in commerce.

Mr. President, there is only one other feature of the bill to which I desire to allude, and that is the provision reported by the majority of the committee and so strongly advocated by the distinguished Senator from Missouri [Mr. COCKRELL]—the issuance of \$150,000,000 of greenbacks. I confess my amazement that that distinguished Senator and others should, in the year 1893, advocate and hold that the issuance of greenbacks, legal-tender notes of the Treasury, is now or ever was the Democratic doctrine or was ever maintained by either of the great parties, except for the great emergency of the war. I shall take the liberty of reading from one or two eminent Democrats who have spoken for the Democratic party in times past.

There was Judge Thurman. In 1874, on the floor of the Senate, when the question of issuing only a few millions more of greenbacks was under consideration, he made a speech. He had been charged with being in favor of inflation, the issuing of notes by the Government, because he had gone through the Ohio campaign of 1873 with his party, which there, under the control of Mr. Allen, advocated the greenback theory. Mr. Thurman's re-

ply to this charge will be found in the CONGRESSIONAL RECORD for the session of 1874, page 2394, when he said:

Never did any man hear me utter one word in favor of inflation. Not one word, sir. I have spoken against a contraction of the currency that would bring about too speedily a resumption of specie payments; but never have I spoken in favor of that inflation of the currency which I think I see full well means that there never shall be any resumption at all. That is the difference. It is one thing to contract the currency with a view to a resumption of specie payments; it is another thing neither to contract nor enlarge it. But let resumption come naturally and as soon as the business and production of the country will bring it about; but it is a very different thing to inflate the currency never in all time to redeem it at all, and that is precisely what this inflation means. It means demonetizing gold and silver in perpetuity and substituting a currency of irredeemable paper based wholly and entirely upon Government credit and depending upon the opinions and the interests of members of Congress and their hopes of popularity, whether the volume of it shall be large or whether it shall be small. That is what this inflation means. Sir, I have never said anything in favor of that. I am too old-fashioned a Democrat for that. I have heard and preached too many hard-money lessons to advocate such a theory as that, and although there are many friends who differ with me in opinion, and from whom it pains me to differ, I can not give up the convictions of a lifetime, whether they be popular or unpopular, whether they please or whether they displease.

Now, following that, which was in 1874, came the Presidential convention of 1876. In the greenback campaign which was made in Ohio the Democratic party had lost. The Democratic party had been for hard money, for gold and silver, the money of the Constitution, and it wanted to right itself and relieve itself from those in Ohio who were carrying it toward the Populist idea. The Democrats wanted to recover it and bring the party back to its old moorings and its old doctrines, and they cast about the country for some man to lead them, and they found in Samuel J. Tilden, of New York, a man who could carry them, as they thought, to victory. They made a platform to suit his views upon the financial question, ignoring entirely the greenback theory and the "Ohio idea," as it was called, and placed him upon a sound-money platform of gold and silver. They did it with the knowledge of the fact that Mr. Tilden in 1875, right after this discussion and after the veto by the President of the greenback bill, had delivered a message to the New York legislature in which he said:

There is no doubt that the issue of legal tenders during the civil war hastened and greatly increased that inflation of prices which naturally resulted from the increased consumption and the waste resulting from military operations, and from the diminished production occasioned by so large a withdrawal of workers from their ordinary industries. It is the nature of credit to be voluntary; it is founded on confidence. Credit on compulsion is a solecism. Therefore a forced loan of capital from all existing private creditors can not but be costly.

It was made in this instance on a security which bore no interest, and interest on which could only be represented in discount from its par value. It gave to the lender an agreement to pay which, being instantly due on demand, started in its career a broken and dishonored promise. Every successive holder was left to conjecture when it would be redeemed by the issuer, how far it might be absorbed in the Treasury receipts, whether it could still be paid out to some private creditor, and at what loss it could be passed away in new purchases on a market advancing rapidly and irregularly. Everybody was advised that the Federal Government, unwisely distrusting the intelligence and patriotism of the people, shrank from exercising its borrowing power, supplemented by its taxing power, and instead of resorting at once to the whole capital of the country capable of being loaned, which forms a vast fund, perhaps thirty or forty times as large as the then existing currency, it chose to begin by debasing that comparatively insignificant part of circulating credits, creating fictitious prices for the commodities and services for which it was next to exchange its bonds, in an expenditure ten times as large as the whole amount of the legal tenders it ventured to put afloat.

No man could know how often or how much of legal tenders might be issued under possible exigencies of the future. It could not be wholly forgotten that such issues, made by our ancestors to sustain the victorious war for national independence, were never redeemed, while the public loans made for the same purposes were all paid. It was remembered that history affords other warning examples to the same effect. These elements of distrust were needlessly invoked. But the system stopped short of the logical completeness of the expedients of the French convention in 1793. While it compelled the existing private creditor, or anybody who should grant a new credit, to accept payment in legal tenders, it did not assume to regulate the prices of commodities. The seller, therefore, gradually learned to represent the depreciation of the currency in the price of the article he exchanged for it. As compared with gold, the currency, during all the last year of the war, was depreciated to between 40 and 50 cents on the dollar, touching at its lowest point 35 cents on the dollar.

Governments in times of public danger can not be expected always to adhere to the maxims of economical science; the few who would firmly trust to the wisest policy will often be overborne by the advocates of popular expedients, dictated by the general alarm. If the Federal Government had paid out Treasury notes, not made a legal tender, in its own transactions whenever it was convenient, and redeemed them by the proceeds of loans and taxes on their presentation at a central point of commerce, and meanwhile had borrowed at the market rates for its bonds, secured by ample sinking funds founded on taxation, and had supplemented such loans by all necessary taxes, the sacrifice would not have been half that required by the false system adopted, perhaps the cost of the war would not have been half what it became.

There, Senators, is the testimony of a man who was the greatest leader of his party in my time. It was his wisdom, his statesmanship, his courage, his control of men, his influence with capital that enabled us to have a reunited party in either Hall of Congress. Will you now, when his grave is still green, go back and repeat the folly of 1873, when there is no necessity whatever for such an experiment?

Mr. President, I dislike to go outside of my party for authorities against the issuing of greenbacks, but there is one, an honored member of this Chamber, one who now, as I understand, makes

the majority of the committee who report in favor of the issuance of \$150,000,000 of greenbacks, whom I will quote. I mean the Senator from Nevada [Mr. JONES]. I think I am right in saying that he makes up the majority of the committee on that question. If I am mistaken, the Senator from Arkansas [Mr. JONES] will correct me. I have great admiration for the Senator from Nevada. I think upon the question of gold and silver and the use of those metals and upon financial questions there is no man within our time who has given greater study to these matters or who has rendered greater service to the country than he. He has a perfect right to change his opinion. We all do that, but he uttered truths upon this floor in 1874. No matter why he has changed his opinion since. No man has ever answered and no man, in my judgment, can answer the truths he then enunciated. I will let him speak for himself. In this debate, when it was proposed to increase the greenback circulation only \$18,000,000, the Senator from Nevada, speaking of the action of Congress in 1862 and 1863, when they authorized the issue of greenbacks, legal-tender notes, said:

Ignoring the history of other nations, taking no warning from the wrecks of financial systems strewn along their pathway, the first thing we did was to make irredeemable paper a legal tender, and thereby almost immediately advance the price of everything 100 per cent. Having thus made everything we were compelled to buy double its former price, we then entered upon the negotiation of loans and a rigorous system of taxation to raise money with which to buy. This we should have done in the start, and what we could have done. But we first thoroughly demoralized the whole country and all its industries, we plundered the creditors and allowed the debtors to discharge their obligations by paying from 30 to 50 per cent less than they owed, and then we started to raise money for putting down the rebellion in the only way we should have done in the commencement. We resorted at the outset to measures condemned by financiers everywhere. To that which I would only have been willing to do at the last extremity. * * * A great war can not be carried on by pieces of paper payable at convenience and bearing no interest.

I commend that sentiment to every Senator on this floor. It is a truth that will last for all time.

This paper currency, instead of adding strength to the imperiled country, was a source of weakness. Its issuance was an impeachment of the patriotism of the nation and an underrating of the resources of the country. It was a cheat upon the people in teaching them the pernicious idea that in carrying on a great civil war economy and industry were not necessary; that production and destruction were convertible terms, and that the activity of the printing press in the production of paper money would amply compensate for the activity of armies in the destruction of wealth.

Said he, in reply to Mr. Morton, whether he regarded the greenback as a curse:

I do, most undoubtedly, and I further believe that it is the duty of men to face that question.

Those declarations were true when he uttered them, and they are true to-day. In my judgment, the results of the legislation of 1862 to 1865 will follow this measure if you enact it. You may impair the credit of the Government by this act. No Senator desires to do that, I know, but I appeal to all to stand by the uniform action of governments heretofore and supply the money in the only way in which history shows it can be supplied without jeopardy.

As I said at the outset, I am aware of the fact that there are differences on the tax provisions of this bill. They are matters of individual opinion, of honest judgment. Senators who differ with the view I present are as sincere as I am. They state what they believe to be right and proper and just upon this occasion. I do not believe, Mr. President, that there is the slightest desire on the part of anybody to gain any political advantage from the measures which we are considering, except that which naturally comes to the party in power because of the great responsibility and great expenditures and the great power placed in its hands. If I wanted to treat it alone from a political standpoint and gain advantage for my party, I would support the measure as I have indicated that I will support it.

I believe that if any advantage politically could come, it would come because there had been on my part a perfect sustenance of the Government when it was facing a foreign foe. The benefit would come because I have adhered to the doctrines of the party to which I belong. It would come because I have considered nothing but gold and silver the money of the Constitution. It would come because I have followed every great leader from Jackson down to Buchanan in maintaining the integrity of the Government and of its currency. Let us maintain the integrity of our circulating medium so that it can be used to pay our soldiers at home and the sailors and soldiers who are now fighting and bleeding and dying for us in a foreign land.

HOUSE BILLS REFERRED.

The bill (H. R. 5463) granting an honorable discharge to Prentice Holmes was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8480) providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

PAY OF EMPLOYEES.

The joint resolution (H. Res. 273) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of May, 1898, on the 28th day of said month, was read the first time by its title.

Mr. FAULKNER. I ask unanimous consent that the joint resolution be put upon its passage. The House intends to adjourn from this evening until Tuesday next, and these young men will be deprived of their regular pay unless the joint resolution is passed to-day.

Mr. COCKRELL. Let the joint resolution be read at length.

Mr. FAULKNER. It is merely the ordinary joint resolution.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of May, 1898, on the 28th day of said month.

The PRESIDING OFFICER (Mr. MALLORY in the chair). The Senator from West Virginia requests unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAR REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. ALLISON. I ask that the business may proceed. The revenue bill is before the Senate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 177, reported from the Committee on Finance.

Mr. ALLISON. Is not the pending question on the amendment proposed by the Senator from Maryland [Mr. GORMAN] to the amendment of the committee?

The PRESIDING OFFICER. The Chair is under the impression that the Senator from Maryland did not formally propose his amendment as an amendment to the amendment of the committee.

Mr. GORMAN. I did offer it in the course of my remarks, so as to have it printed.

Mr. ALLISON. I understand that the Senator from Maryland proposes to strike out the amendment in great part and insert.

Mr. GORMAN. Yes, sir; that is my amendment.

Mr. ALLISON. It is an amendment to the committee amendment, and I suppose it is in order.

Mr. WOLCOTT. Has it been printed?

The PRESIDING OFFICER. It has not been printed.

Mr. WHITE. It has not been printed as yet. I presume there will be no desire to take a vote at this hour on that particular amendment. There ought to be some understanding as to when a vote is to be taken, and I suppose we shall take it to-morrow if Senators do not desire to discuss the matter any further.

Mr. ALLISON. I hope we can have an understanding that at an early hour to-morrow we shall vote on this series of amendments.

Mr. WHITE. The corporation tax series.

Mr. STEWART. I would prefer to vote on the bond question first, because my vote on this series of amendments may be very much changed by the result of the vote on that question.

Mr. ALLISON. What objection is there to voting on the bond amendment to-morrow?

Mr. JONES of Arkansas. I confess that I am a little doubtful now about making agreements as to a time to vote. Only yesterday or the day before I was almost willing to agree to have a day fixed for the final vote on the pending bill. Since that time some sweeping amendments have been brought in, having no connection in the world with the bill, proposing outside matter entirely foreign to the measure, and if an agreement had been reached we would have found ourselves with our hands tied with important amendments pending. For that reason I shall be a little slow about consenting to an agreement to vote at any particular time. There may be some one else who wants to discuss this amendment to-morrow morning or there may not be, and there may be amendments to be offered to-morrow. I think, as we have reached the hour of 5 o'clock, a motion to adjourn would probably be in order.

Mr. ALLISON. It is quite evident that we shall make very little more progress this evening with the bill. I merely wanted to test the sense of the Senate as to whether we were to go on with the bill or to adjourn or have an executive session at this time.

I move that when we adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

Mr. ALLISON. I should be glad to avoid, if possible, a call of

the Senate soon after the Senate meets to-morrow. I yield now to the Senator from South Dakota [Mr. PETTIGREW].

Mr. PETTIGREW. I offer an amendment to the pending revenue bill. I ask that it be read and printed and lie on the table. I will state that I offer the amendment because we seem to be going into subjects which appear to me to be outside the revenue bill.

The Secretary read the amendment as follows:

That the treaty concluded January 18, 1875, and proclaimed June 3, 1875, and the convention extending the duration of said treaty concluded December 6, 1884, between the United States and the King of the Hawaiian Islands, is hereby abrogated, repealed, and annulled, and duties collected on imports from said island the same as duties levied upon like products from other countries.

The VICE-PRESIDENT. The amendment will lie on the table and be printed.

Mr. PETTIGREW. I also offer the following amendment to the revenue bill; which I ask may be read, printed, and laid upon the table.

The Secretary read as follows:

Every contract, combination in the form of a trust, or association or corporation whose effect is to restrict the quantity of production or increase the price of any article, or any conspiracy in restraint of trade, shall be deemed a trust within the provisions of this act.

There shall be levied, collected, and paid a tax of 5 per cent upon the value of all articles manufactured by a trust, as above described.

The Secretary of the Treasury shall make all the necessary rules and regulations to carry out the provisions of this act, and the tax shall be collected by the Secretary of the Treasury, and any person connected with or in the employ of any trust, as herein described, who shall sell any article the property of said trust upon which the tax has not been paid shall be fined not less than \$1,000 nor more than \$5,000 and be imprisoned for not less than one nor more than five years.

And all goods sold without the payment of tax as herein provided shall be seized and sold, and the proceeds of such sale turned into the Treasury of the United States.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. ALLISON. I yield now to the Senator from Connecticut [Mr. HAWLEY].

Mr. HAWLEY. I am obliged to the Senator from Iowa.

The VICE-PRESIDENT. The Senator from Connecticut is recognized.

DONATION OF CONDEMNED CANNON.

Mr. HAWLEY. I ask unanimous consent for the consideration of the joint resolution (H. Res. 271) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

There being no objection, the joint resolution was considered as in Committee of the Whole. It authorizes the Secretary of War to deliver to the order of William B. Melish, executive director of the Thirty-second National Encampment of the Grand Army of the Republic, to be held at Cincinnati, Ohio, one dismounted condemned cannon, used in the late civil war, to be used for the purpose of furnishing memorial badges commemorative of the holding of such encampment at Cincinnati, Ohio. But no expense shall be caused to the United States through the delivery of the condemned cannon.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARBOR AT SHEBOYGAN, WIS.

Mr. SPOONER. I ask unanimous consent to call up the joint resolution (H. Res. 175) for the survey of the harbor at Sheboygan, Wis. It was passed by the House and reported favorably by the Committee on Commerce. It will lead to no debate.

There being no objection, the joint resolution was considered as in Committee of the Whole. It directs the Secretary of War to cause a survey to be made of the harbor at Sheboygan, Wis., to ascertain the best method and expense of preventing the injurious effects of the northeast seas, and to report as to the advisability of the project.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT SMITH AND WESTERN COAL RAILROAD.

Mr. JONES of Arkansas. I ask unanimous consent to call up the bill (S. 3177) to extend the time for the completion of the Fort Smith and Western Railroad.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. JONES of Arkansas. A bill in the same words and to the same effect has been passed by the House of Representatives. I desire to substitute the House bill for the Senate bill, so as to put the House bill upon its passage instead of the Senate bill. I ask the Secretary to read the House bill, in order that Senators may see that it is practically the same measure.

Mr. ALLISON. I take it the Senator from Arkansas desires to put the House bill on its passage.

Mr. JONES of Arkansas. Yes, sir.

Mr. ALLISON. Why not take it up?

Mr. JONES of Arkansas. I propose to have it taken up in lieu

of the Senate bill. The Senate bill has been favorably reported from the Committee on Indian Affairs.

Mr. ALLISON. And the Committee on Indian Affairs should be discharged from the consideration of House bill 9477?

Mr. JONES of Arkansas. I make that request.

The VICE-PRESIDENT. Shall the Committee on Indian Affairs be discharged from the consideration of House bill 9477? The Chair hears no objection, and the committee is discharged. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9477) to amend section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes. It proposes to amend the section so as to read:

SEC. 8. That said railway company shall build and complete its said railway on or before December 31, 1900, or this grant shall be forfeited; that said railway company shall construct and maintain, continually, all road and highway crossings and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Chair supposes that the Senator from Arkansas would like to have the Senate bill indefinitely postponed.

Mr. ALLISON. I move that Senate bill 3177 be postponed indefinitely.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 3088) to amend "An act to provide the time and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved November 3, 1893;

A bill (S. 4530) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes;

A bill (H. R. 104) granting an increase of pension to John P. Thomas;

A bill (H. R. 713) to correct the naval record of Charles F. Brown;

A bill (H. R. 864) granting a pension to Maria E. Hess;

A bill (H. R. 3063) granting a pension to George Barnes;

A bill (H. R. 3053) granting an increase of pension to Calvin P. Lynn;

A bill (H. R. 4456) granting a pension to Joseph R. Findley;

A bill (H. R. 5245) granting a pension to Florence N. Waldron;

A bill (H. R. 8340) granting additional powers to railroad companies operating lines in the Indian Territory;

A bill (H. R. 8036) granting an increase of pension to John X. Griffith;

A bill (H. R. 8834) granting a pension to John B. Hays;

A bill (H. R. 9210) granting an increase of pension to George H. Baldwin;

A bill (H. R. 9815) appointing commissioners to revise the statute relating to patents, trade and other marks, and trade and commercial names;

A bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes; and

A joint resolution (H. Res. 150) directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Port Tampa to its mouth, in the Gulf of Mexico.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 28, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 27, 1898.

SURVEYOR OF CUSTOMS.

James Jeffreys, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, to succeed J. N. Harris, whose term of office has expired by limitation.

This nomination is made to correct error in the name of Mr. Jeffreys, who was nominated on May 23, 1898, as James Jeffries. The former nomination is hereby withdrawn.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Ralph J. Whittle, of Missouri, to be supervising inspector of steam vessels for the Fourth district, to succeed James O'Neal, removed.

COINER OF THE MINT.

Daniel T. Cole, of California, to be coiner of the mint of the United States at San Francisco, Cal., to succeed Albert T. Spotts, the appointment to take effect August 1, 1898.

INDIAN AGENT.

Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency, in Wisconsin, vice Capt. George L. Scott, United States Army, relieved from duty as acting Indian agent.

APPOINTMENT IN THE VOLUNTEER ARMY—FIRST REGIMENT OF VOLUNTEER ENGINEERS.

To be first lieutenant.

Thomas R. Sullivan, of Colorado.

The nomination of Thomas J. Sullivan, of Colorado, to the above-named office, which was delivered to the Senate on May 18, 1898, is hereby withdrawn.

PROMOTIONS IN THE NAVY.

Lieut. Kossuth Niles, to be a lieutenant-commander in the Navy from the 1st day of May, 1898, vice Lieut. Commander Leavitt C. Logan, promoted.

Lieut. (Junior Grade) Frederick L. Chapin, to be a lieutenant in the Navy from the 27th day of April, 1898, vice Lieut. John H. Moore, promoted.

David Bell Kerr, a citizen of Virginia, and Charles Alexander Crawford, a citizen of Mississippi, to be assistant surgeons in the Navy, to fill vacancies.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-generals.

Col. Robert H. Hall, Fourth United States Infantry.
Col. Edwin V. Sumner, Seventh United States Cavalry.
Col. Peter C. Hains, Corps of Engineers, United States Army.
Col. George L. Gillespie, Corps of Engineers, United States Army.

Col. Marcus P. Miller, Third United States Artillery.
Col. Jacob Kline, Twenty-first United States Infantry.
Lieut. Col. Oswald H. Ernst, Corps of Engineers.
Lieut. Col. Loyd Wheaton, Twentieth United States Infantry.
Lieut. Col. Arthur MacArthur, assistant adjutant-general, United States Army.

Lieut. Col. Henry C. Hasbrouck, Fourth United States Artillery.

Lieut. Col. John C. Gilmore, assistant adjutant-general, United States Army.

Lieut. Col. Wallace F. Randolph, Third United States Artillery.
Maj. Joseph P. Sanger, Inspector-General United States Army.
Frederick D. Grant, of New York, Fourteenth New York Volunteer Infantry.

Harrison Gray Otis, of California.
Henry M. Duffield, of Michigan.
Charles King, of Wisconsin.
Lucius F. Hubbard, of Minnesota.
George A. Garretson, of Ohio.
William W. Gordon, of Georgia.
John A. Wiley, of Pennsylvania.
William A. Bancroft, of Massachusetts.
William J. McKee, of Indiana.
Francis V. Greene, of New York, Seventy-first New York Volunteer Infantry.

Charles Fitzsimons, of Illinois.
Joseph K. Hudson, of Kansas.
James Rush Lincoln, of Iowa.

Col. Michael V. Sheridan, assistant adjutant-general, United States Army.

FOR APPOINTMENT IN THE SIGNAL CORPS.

To be captains.

John B. Inman, of Illinois.
George W. Butler, of Maine.
Thomas F. Clark, of Massachusetts.
First Lieut. Gustave W. S. Stevens, Sixth United States Artillery.

Frank Lyman, jr., of Iowa.
George R. Gyger, of Ohio.
Frank L. Martin, of California.
Frederick T. Leigh, of New York.

To be first lieutenants.

Charles E. Pellet, of New York.
George H. Tilly, of Montana.
Howard D. Coe, of Ohio.
Charles H. Martin, of Illinois.
Patrick W. Crawford, of Arkansas.

Charles E. Walker, of Maine.
Alvar G. Thompson, of New York.
Edward W. Winfield, of Arkansas.

To be second lieutenants.

William E. Davies, of Montana.
Joseph D. Wood, of Ohio.
Elmo C. Lee, of Arkansas.
Don A. Palmer, of Minnesota.
Walter S. Volkmar, sergeant, Signal Corps, United States Army.
Charles E. Kilbourne, jr., of Oregon.
Albert J. Dillon, of Florida.
Frank P. Tate, of Tennessee.
William Mitchell, of Wisconsin.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutant-general with the rank of captain.

First Lieut. William R. Sample, Thirteenth United States Infantry.

To be assistant quartermasters with the rank of captain.

Cyril W. King, of Iowa.
Lewis V. Williams, of Ohio.
Edward E. Robbins, of Pennsylvania.

To be commissary of subsistence with the rank of captain.

John F. Whitworth, of Pennsylvania.

To be additional paymasters.

Benjamin F. Havens, of Indiana.
James B. Houston, of Connecticut.

POSTMASTER.

John Beaty, to be postmaster at Waxahachie, in the county of Ellis and State of Texas, in the place of W. G. Williams, removed.

RESOLUTION RETURNED.

Resolution returned to the Senate May 27, 1898.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 25th instant, I return herewith its resolution of the 24th instant advising and consenting to the appointment of Charles W. Lewis to be postmaster at Fernandina, Fla.

WM. MCKINLEY.

WITHDRAWALS.

Executive nominations withdrawn May 27, 1898.

John W. Lytle, of Pennsylvania, for the appointment of commissary of subsistence with the rank of captain, delivered to the Senate May 12, 1898.

Thomas W. Florer, to be postmaster at Waxahachie, in the State of Texas.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24, 1898.

POSTMASTERS.

Robert M. Rownd, to be postmaster at Columbus, in the county of Franklin and State of Ohio.
C. A. McKim, to be postmaster at Celina, in the county of Mercer and State of Ohio.

Executive nominations confirmed by the Senate May 27, 1898.

CONSUL-GENERAL.

Edward D. Winalow, of Illinois, to be consul-general of the United States at Stockholm, Sweden.

CONSUL.

Edmond Z. Brodowski, of Illinois, now consul at Fürth, to be consul of the United States at Solingen, Germany.

APPOINTMENTS IN THE NAVY.

Thomas Leidy Rhoads, a citizen of Pennsylvania, and Ralph Thompson Orvis, a citizen of California, to be assistant surgeons.

ASSAYERS.

John Boyle, jr., of Missouri, to be assayer in charge at the United States assay office at St. Louis, Mo.
Edward Elias, of California, to be assayer of the mint of the United States at San Francisco, Cal.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Charles Albert Woodruff, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel.

Maj. Henry Granville Sharpe, commissary of subsistence, to be assistant commissary-general of subsistence.

Corps of Engineers.

Maj. Charles Walker Raymond, to be lieutenant-colonel.
Capt. William Murray Black, to be major.

First Lieut. Mason Mathews Patrick, to be captain.
Second Lieut. George Pierce Howell, to be first lieutenant.

Artillery arm.

Capt. Selden Allen Day, First Artillery, to be major.
First Lieut. Erasmus Morgan Weaver, jr., to be captain.
Second Lieut. Thomas Briggs Lamoreux, Fourth Artillery, to be first lieutenant.

Cavalry arm.

Second Lieut. Edwin Barnch Winans, jr., Fifth Cavalry, to be first lieutenant.

APPOINTMENTS IN THE VOLUNTEER ARMY—SIGNAL CORPS.

To be colonel.

Lieut. Col. Henry H. C. Dunwoody, Signal Corps, United States Army.

To be lieutenant-colonel.

Capt. James Allen, Signal Corps, United States Army.

To be majors.

Capt. Richard P. Strong, Fourth United States Artillery.
Capt. George P. Scriven, Signal Corps, United States Army.
Capt. William A. Glassford, Signal Corps, United States Army.
First Lieut. Joseph E. Maxfield, Signal Corps, United States Army.
First Lieut. Frank Greene, Signal Corps, United States Army.
First Lieut. Samuel Reber, Signal Corps, United States Army.
Eugene O. Fenché, of Michigan.

To be captains.

First Lieut. George O. Squier, Third United States Artillery.
First Lieut. Eugene T. Wilson, Third United States Artillery.
Second Lieut. Jasper E. Brady, jr., Nineteenth United States Infantry.
Martin L. Hellings, of Florida.
Otto A. Nesmith, of California.
Daniel J. Carr, of Connecticut.
Howard A. Giddings, of Connecticut.
Carl F. Hartman, of New Jersey.
William H. Lamar, of Maryland.
Edward B. Ives, of New York.

To be first lieutenants.

Leonard B. Wildman, of Connecticut.
John J. Ryan, of Texas.
William F. M. Rogers, of Connecticut.
Julien P. Wooten, of Georgia.
George E. Lawrence, of California.

To be second lieutenants.

Walter L. Clarke, first-class sergeant, Signal Corps, United States Army.
James R. Steele, first-class sergeant, Signal Corps, United States Army.
Basil O. Lenoir, sergeant, Signal Corps, United States Army.
James B. McLaughlin, sergeant, Signal Corps, United States Army.
George C. Burnell, sergeant, Signal Corps, United States Army.
Victor Shepherd, sergeant, Signal Corps, United States Army.
William M. Talbott, sergeant, Signal Corps, United States Army.
Thomas R. J. Campbell, of the District of Columbia.
Charles H. Gordon, of California.
Charles Rogan, jr., of Tennessee.
Alson J. Rudd, of Minnesota.
William W. Colt, of Illinois.

To be chief commissary of subsistence with the rank of major.
Samuel W. Hay, of Pennsylvania.

INDIAN AGENT.

Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency in Wisconsin.

SURVEYOR OF CUSTOMS.

James Jeffreys, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

POSTMASTERS.

Frank E. Britton, to be postmaster at Jonesboro, in the county of Washington and State of Tennessee.
Luther M. Whitaker, to be postmaster at Westfield, in the county of Union and State of New Jersey.
George W. Coakley, to be postmaster at Independence, in the county of Jackson and State of Missouri.
Tully McKinney, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio.
D. W. Rhyne, to be postmaster at Lexington, in the county of Holmes and State of Mississippi.
Louis J. Piernas, to be postmaster at Bay St. Louis, in the county of Hancock and State of Mississippi.
Elijah O. Lefors, to be postmaster at Bentonville, in the county of Benton and State of Arkansas.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 27, 1898.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

TAX ON DISTILLED SPIRITS.

The SPEAKER. When the House adjourned yesterday it was dividing, and the yeas and nays had been ordered on the passage of a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 30253) to amend the internal-revenue laws relating to distilled spirits, and for other purposes.

Mr. BRUMM. Mr. Speaker, does that take precedence of the regular order?

The SPEAKER. It is the regular order.

Mr. BRUMM. The regular order is the Private Calendar.

The SPEAKER. Oh, no; the regular order, after the previous question has been ordered, is to put the question to a vote. As many as are in favor of the passage of the bill will, when their names are called, say "aye," and those opposed "no." The Clerk will call the roll.

The question was taken; and there were—yeas 181, nays 65, answered "present" 21, not voting 138, as follows:

YEAS—181.

Adams,	Davenport,	Lester,	Robinson, Ind.
Alexander,	Davison, Ky.	Lewis, Ga.	Royce,
Bailey,	Dingley,	Livingston,	Settle,
Baker, Ill.	Dolliver,	Londenslager,	Showalter,
Baker, Md.	Eddy,	McAleer,	Slayden,
Barham,	Ellis,	McClellan,	Smith, Ky.
Barrett,	Evans,	McDonald,	Snover,
Bartlett,	Faria,	McDowell,	Spalding,
Bennett,	Fenton,	McEwan,	Sperry,
Berry,	Fischer,	McMillin,	Steele,
Boutell, Ill.	Gibson,	March,	Stevens, Minn.
Brenner, Ohio	Gillet, N. Y.	Miers, Ind.	Stewart, Wla.
Brewster,	Graft,	Miller,	Stone, W. A.
Broderick,	Griffin,	Minor,	Sullivan,
Brownell,	Griffith,	Moon,	Sulzer,
Brown,	Grosvenor,	Morris,	Swanson,
Brumlow,	Grove,	Mudd,	Tawney,
Burleigh,	Hager,	Olmsted,	Taylor, Ohio
Burton,	Hamilton,	Osborne,	Tongue,
Butler,	Hay,	Otjen,	Underwood,
Clardy,	Heatwole,	Parker, N. J.	Van Voorhis,
Clark, Iowa	Henderson,	Payne,	Wadsworth,
Connell,	Henry, Conn.	Pearce, Mo.	Walker, Mass.
Cooper, Wis.	Henry, Ind.	Perkins,	Walker, Va.
Cousins,	Henry, Tex.	Pitney,	Wanger,
Crump,	Hilborn,	Powers,	Warner,
Crumpacker,	Hitt,	Ray,	Weymouth,
Cummings,	Hull,	Reeve,	Wheeler, Ky.
Curtis, Iowa	Jenkins,	Rhea,	Wise,
Curtis, Kans.	Kerr,	Richardson,	Yost,
Dalzell,	Kirkpatrick,	Rixey,	Young.
Danford,	Lacey,	Robertson, La.	

NAYS—65.

Adams,	Cooney,	Lamb,	Simpson,
Aldrich,	Cowherd,	Little,	Sims,
Allen,	De Armond,	Lloyd,	Skinner,
Ball,	De Graffenreid,	Love,	Stallings,
Barlow,	Dinsmore,	McCormick,	Stephens, Tex.
Beall,	Dockery,	McRae,	Stokes,
Bland,	Fleming,	Madrox,	Stowrd, N. C.
Blain,	Fox,	Marshall,	Sutherland,
Botkin,	Greene,	Maxwell,	Terry,
Brantley,	Griggs,	Meekison,	Vandiver,
Bruckner,	Gunn,	Norton, S. C.	Williams, Miss.
Brundidge,	Henry, Miss.	Peters,	Wilson,
Burke,	Howard, Ga.	Pierce, Tenn.	Zenor.
Catchings,	Hunter,	Ridgely,	
Clark, Mo.	Jones, Va.	Sayers,	
Cochran, Mo.	Kleberg,	Shafroth,	
Connolly,	Knowles,	Shuford,	

ANSWERED "PRESENT"—21.

Benton,	Ermentrout,	Lewis, Wash.	Stark,
Boose,	Gillett, Mass.	McCulloch,	Talbert,
Cannon,	Hinrichsen,	Mann,	Updegraff.
Clarke, N. H.	Jones, Wash.	Mitchell,	
Clayton,	King,	Otey,	
De Vries,	Lanham,	Shelden,	

NOT VOTING—138.

Acheson,	Bradley,	Davoy,	Handy,
Arnold,	Brewer,	Davidson, Wla.	Harner,
Babcock,	Brosius,	Davis,	Hartman,
Baird,	Broussard,	Dayton,	Hawley,
Bankhead,	Bull,	Dorr,	Hemenway,
Barber,	Campbell,	Dovener,	Hepburn,
Barney,	Capron,	Driggs,	Hicks,
Barrows,	Carmack,	Elliot,	Hill,
Bartholdt,	Castle,	Fitzgerald,	Hocker,
Beach,	Chickering,	Fitzpatrick,	Hopkins,
Belden,	Cochrane, N. Y.	Fletcher,	Howard, Ala.
Belford,	Coddington,	Foots,	Howe,
Belknap,	Colson,	Foss,	Howell,
Bonner, Pa.	Cooper, Tex.	Fowler, N. C.	Hurley,
Bingham,	Corliss,	Fowler, N. J.	Jett,
Bodine,	Cox,	Gardner,	Johnson, Ind.
Boutelle, Mo.	Cranford,	Grout,	Johnson, N. Dak.

Joy,
Kelley,
Ketcham,
Kitchin,
Knox,
Kulp,
Landis,
Latimer,
Lawrence,
Lenta,
Linney,
Littauer,
Lorimer,
Loud,
Loving,
Low,
Lybrand,
McCall.

McCleary,
Maguire,
Mahony,
Mahon,
Martin,
Mercer,
Mesick,
Meyer, La.
Mills,
Moody,
Newlands,
Northway,
Norton, Ohio
Odell,
Ogden,
Overstreet,
Packer, Pa.
Pearson,

Prince,
Fugh,
Quigg,
Robb,
Robbins,
Russell,
Sauerharing,
Shannon,
Shattuc,
Sherman,
Smith, Ill.
Smith, S. W.
Smith, Wm. Alden
Southard,
Southwick,
Sparkman,
Sprague,
Stewart, N. J.

Strait,
Strode, Nebr.
Sulloway,
Tate,
Taylor, Ala.
Thorp,
Todd,
Vehslage,
Vincent,
Ward,
Weaver,
Wheeler, Ala.
White, Ill.
White, N. C.
Wilber,
Williams, Pa.

So the bill was passed.
Mr. MITCHELL. Mr. Speaker, I desire to withdraw my vote and be marked "present." I am paired with the gentleman from California, Mr. MAGUIRE.

The following pairs were announced:
Until further notice:

Mr. HOOKER with Mr. CATCHINGS.
Mr. WARD with Mr. McCULLOCH.
Mr. DOVENER with Mr. SPARKMAN.
Mr. LOUD with Mr. DE VRIES.
Mr. BARNEY with Mr. CRAWFORD.
Mr. MESICK with Mr. TATE.
Mr. STEWART of New Jersey with Mr. NORTON of Ohio.
Mr. LYBRAND with Mr. LENTZ.
Mr. MERCER with Mr. DAVEY.
Mr. SOUTHARD with Mr. MEYER of Louisiana.
Mr. FLETCHER with Mr. JONES of Washington. (Mr. JONES reserves the right to vote on sundry civil and Indian appropriation bills.)
Mr. JOHNSON of North Dakota with Mr. SWANSON (except election cases).

Mr. SHELDER with Mr. TODD.
Mr. MAHON with Mr. OTEY.
Mr. CLARK of New Hampshire with Mr. CARMACK.
Mr. HOWELL with Mr. FITZPATRICK.
Mr. LINNEY with Mr. FOWLER of North Carolina.
Mr. THORP with Mr. TALBERT.
Mr. PRINCE with Mr. HINRICHSEN.
Mr. McEWAN with Mr. VEHSLEGE.
Mr. BROSIUS with Mr. ERMENSTROUT.
Mr. HICKS with Mr. BANKHEAD.
Mr. JOHNSON of Indiana with Mr. COOPER of Texas.
Mr. MILLS with Mr. McCORMICK.
Mr. MANE with Mr. JETT.
Mr. MITCHELL with Mr. MAGUIRE.
Mr. SOUTHWICK with Mr. STRAIT.
Mr. WILLIAM A. STONE with Mr. McCLELLAN.
Mr. RUSSELL with Mr. STARK.

For this day:

Mr. BELFORD with Mr. TAYLOR of Alabama.
Mr. SPRAGUE with Mr. BENNER of Pennsylvania.
Mr. MCCALL with Mr. LANHAM.
Mr. DAVIDSON of Wisconsin with Mr. BENTON.
Mr. CHICKERING with Mr. CLAYTON.
Mr. WHITE of Illinois with Mr. FITZGERALD.
Mr. HOWE with Mr. DRIGGS.
Mr. BULL with Mr. ROBB.
Mr. WM. ALDEN SMITH with Mr. KITCHIN.
Mr. STRODE of Nebraska with Mr. HANDY.
Mr. BROWNLOW with Mr. HENRY of Mississippi.
Mr. ACHESON with Mr. DAVIS.
Mr. BELKNAP with Mr. BRADLEY.
Mr. HURLEY with Mr. BREWER.
Mr. SHATTUC with Mr. MEYER of Louisiana.
Mr. LORIMER with Mr. LATIMER.
Mr. HOPKINS with Mr. ELLIOTT.

On this vote:

Mr. CANNON with Mr. COX.
Mr. TAWNEY with Mr. KING.

Mr. KELLEY. Mr. Speaker, I was not sufficiently advised to vote when my name was called, and consequently did not vote, as I had just come in. I wish to vote "nay."

The SPEAKER. The Chair thinks the gentleman can be recorded as "present," if he desires. The time for voting is when the gentleman's name is called, under our rules.

Mr. KELLEY. I would say, Mr. Speaker, that I called attention of the Chair to the matter before the pairs were announced, and the request was made to wait until the pairs were announced.

The SPEAKER. That does not make any difference. The rule requires a member to vote when his name is called. The only exception is where it seems his name may not have been called.

Mr. BENTON. I voted in the affirmative, Mr. Speaker, and

find I am paired with the gentleman from Wisconsin, Mr. DAVIDSON. I desire to withdraw my vote.

Mr. YOST. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. SULLIVAN. I responded "present." The gentleman from Mississippi is now here, and I desire to vote.

The SPEAKER. The gentleman should have voted when his name was called.

Mr. YOST. I responded "present" when my name was called. I desire to change from "present" to "yea."

The SPEAKER. The gentleman's name will be called.

The name of Mr. YOST was called, and he voted "yea."

Mr. TONGUE. Mr. Speaker, I was present when the roll was being called the second time, and did not hear my name called.

The SPEAKER. Was the gentleman present, listening, and failed to hear it?

Mr. TONGUE. Yes, sir.

The name of Mr. TONGUE was called, and he voted "yea."

Mr. LEWIS of Washington. Mr. Speaker, I have voted, and have since discovered that the gentleman with whom I am paired is not present. I do not know how he would vote, and I therefore withdraw my vote in view of that condition.

Mr. HAWLEY. Mr. Speaker, I was not present. I desire to vote "yea."

The SPEAKER. The Chair understands the gentleman to say that he was not present.

Mr. McCULLOCH. Mr. Speaker, I desire to withdraw my vote and answer "present." I am paired with the gentleman from New York, Mr. WARD.

The result of the vote was then announced as above recorded.

On motion of Mr. EVANS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DINGLEY. Mr. Speaker—

Mr. BRUMM. Regular order.

ADJOURNMENT OVER.

Mr. DINGLEY. Mr. Speaker, I desire to make a privileged motion. I move that when the House adjourn to-day it adjourn to meet on Tuesday next. I make this motion in consequence of the fact that Monday will be Memorial Day.

The motion was agreed to.

MARY E. TAYLOR.

The SPEAKER laid before the House the bill (H. R. 8904) to pension Mrs. Mary E. Taylor, with Senate amendments.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were agreed to.

BETTIE GRESHAM.

The SPEAKER laid before the House the bill (H. R. 3596) granting a pension to Mrs. Bettie Gresham, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were agreed to.

C. S. ALVORD.

The SPEAKER laid before the House the bill (H. R. 3221) granting a pension to C. S. Alvord, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were agreed to.

GEORGE W. D. WADE.

The SPEAKER laid before the House the bill (H. R. 7672) to increase the pension of George W. D. Wade, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were agreed to.

WILLIAM STEVENS SMITH.

The SPEAKER laid before the House the bill (H. R. 6209) to pension William Stevens Smith, with Senate amendments.

The Senate amendments were read.

Mr. RAY of New York. Mr. Speaker, I move that the House nonconcur and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. GIBSON, Mr. WARNER, and Mr. MIERS of Indiana.

LOWELL H. HOPKINS.

The SPEAKER laid before the House the bill (H. R. 378) granting a pension to Lowell H. Hopkins, with Senate amendment.

The Senate amendment was read.

Mr. RAY of New York. Mr. Speaker, I move that the House nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RAY of New York, Mr. WARNER, and Mr. DRIGGS.

WILLIAM H. OLIVER.

The SPEAKER laid before the House the bill (H. R. 1540) granting an increase of pension to William H. Oliver, with Senate amendments.

The Senate amendments were read.

Mr. RAY of New York. Mr. Speaker, I move that the House nonconcur. I do not ask for a conference, because I understand that the Senate desires to concur.

The motion to nonconcur was agreed to.

CATHERINE CLIFFORD.

The SPEAKER laid before the House the bill (H. R. 1801) granting an increase of pension to Catherine Clifford, with Senate amendments.

The Senate amendments were read.

Mr. RAY of New York. I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RAY of New York, Mr. WARNER, and Mr. DRIGGS.

JAMES C. KINKLE.

The SPEAKER laid before the House the bill (H. R. 6242) granting a pension to James C. Kinkle, with Senate amendments.

Mr. RAY of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

SIDNEY J. HARE.

The SPEAKER laid before the House the bill (H. R. 5776) granting an increase of pension to Sidney J. Hare, with Senate amendments.

The Senate amendments were read.

Mr. RAY of New York. Mr. Speaker, I move the House concur in the Senate amendments.

The motion was agreed to.

EDWARD STARR.

The SPEAKER laid before the House the bill (H. R. 5006) to increase the pension of Edward Starr, with Senate amendments.

The Senate amendments were read.

Mr. RAY of New York. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. RAY of New York, Mr. WARNER, and Mr. DRIGGS.

PENSION BILLS WITH AMENDMENTS CONCURRED IN.

House bills of the following titles were respectively taken from the Speaker's table, and, on motion of Mr. RAY of New York, the amendments of the Senate were concurred in:

A bill (H. R. 4691) to increase the pension of Charles Hoffman;

A bill (H. R. 4962) granting an increase of pension to William D. Foot;

A bill (H. R. 4449) granting an increase of pension to Charles Beckwith;

A bill (H. R. 4675) granting an increase of pension to George Van Vliet, of Brookville, Pa.;

A bill (H. R. 3524) increasing the pension of Gustavus A. Kindblade;

A bill (H. R. 6785) granting a pension to Julia L. Roberts;

A bill (H. R. 7802) granting a pension to Emily A. Hausner;

A bill (H. R. 2895) granting a pension to Olivia Betton;

A bill (H. R. 2315) granting an increase of pension to Eliza Miller;

A bill (H. R. 2318) for the relief of John T. Brewster;

A bill (H. R. 2159) granting an increase of pension to Col. Benjamin Beach;

A bill (H. R. 2123) increasing the pension of William P. Haskell;

A bill (H. R. 1825) to increase the pension of David Parker;

A bill (H. R. 908) granting a pension to Zolman Tyrrell; and

A bill (H. R. 587) granting a pension to Henry H. K. Elliott.

PETER CASTLE.

The bill (H. R. 4468) granting an increase of pension to Peter Castle was taken from the Speaker's table, and the amendments of the Senate were read.

Mr. RAY of New York. I move that the House nonconcur in the amendments of the Senate and ask a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. RAY of New York, Mr. WARNER, and Mr. DRIGGS as conferees on the part of the House.

JOHN A. FAIRFAX.

The SPEAKER. The unfinished business on the Private Calendar is the bill (H. R. 3093) for the relief of John A. Fairfax, of the District of Columbia. When this bill was last under consideration, the yeas and nays were ordered on a motion to lay it on the table, no quorum having developed.

Mr. RIXEY. I rise to a parliamentary inquiry. Would it be in order for me to submit a request for unanimous consent? I would like to have read the findings of fact by the Court of Claims in this case. This bill was considered by the House two weeks ago. These findings of fact were not then read. It will not take over two minutes to read them; and I think it would be an act of justice to the claimant to have them read. I ask unanimous consent for that purpose.

Mr. PAYNE. Since this case was up I have, at the request of the claimant, read the findings of fact and all the papers in the case. When the bill was last under consideration, it was presented on the report of the committee, which contained every material fact. I think it is not worth while to take up time now with reading those findings. If they were read I should be obliged to ask five minutes to explain the matter further, and I object.

Mr. RICHARDSON. I rise to a parliamentary inquiry. As I understand, this bill comes from the Committee on Claims. Now, the question I desire to submit, Mr. Speaker, is whether this day under the special rule is dedicated to bills reported by the Committee on Claims or to those reported by the Committee on War Claims? Last Friday, I believe, under the special rule, would have been the war-claims day, but by reason of the adjournment of the House from Thursday till the following Monday that committee was denied the opportunity of having its business considered.

Now, the point on which I wish the opinion of the Chair is whether when the day has been lost by reason of the adjournment of the House the committee which would have been entitled to that day is properly to be charged with the day as if it had been allowed to transact its business, or whether the spirit of that special rule is not that the two committees should have alternate days, so that if the House should not be in session on a particular Friday, the committee whose business would have come up on that day will not lose the day?

The SPEAKER. The Chair has had occasion to examine the language of this special rule, and thinks it is such that each committee has a distinct day; and if any particular day is lost by reason of the House not being in session, it is lost to the committee whose day it would have been.

Mr. RICHARDSON. I had no desire to raise this question further than to obtain a construction by the Chair. I was not sure as to the proper construction of the rule.

Now, Mr. Speaker, one other parliamentary question in respect to this rule. The Chair will observe that it provides that on a particular Friday, and on each alternate Friday thereafter, bills reported by the Committee on War Claims shall have precedence over those reported from the Committee on Claims, and vice versa. Now, the very first claim, if I am not mistaken, which the gentleman from Virginia calls up under this rule is a bill on the Private Calendar, reported from the Committee on Naval Affairs.

Now, if one Friday is taken with bills from the Committee on War Claims and the next Friday is taken up with bills from the Committee on Claims, when is the Naval Committee to have a hearing for the bills which it has reported, under this rule?

Mr. BRUMM. My friend is in error.

The SPEAKER. So far as the action in the Committee of the Whole House is concerned, that would have to be determined in the committee; but so far as the House itself is concerned, the Chair thinks he has already ruled that that only refers to bills reported for consideration in the Committee of the Whole House.

Mr. RICHARDSON. But the House made this rule dedicating this Friday, we will say, to the Committee on Claims and next Friday to the Committee on War Claims. Now, here on the Private Calendar are bills reported by other committees, the first one, I believe, being one reported by the Committee on Naval Affairs. Now, if to-day is absolutely devoted to claims and next Friday to bills reported by the Committee on War Claims, when will the bills reported by the other committees of the House be considered—on what Friday?

The SPEAKER. They will take their turn, and the only effect of this rule is that when bills reported from the Committee on Claims or from the Committee on War Claims are reached on the Calendar, then they are to have preference as to each other, but not necessarily a preference over everything else on the Calendar.

Mr. RICHARDSON. Do I understand the Chair to mean to rule that a bill reported from the Naval Committee would, if reached on the day for claims, have its hearing?

The SPEAKER. It would have its hearing if it was reached.

Mr. BRUMM. I think you are in error as to the bill.

Mr. RICHARDSON. I did not hear what the Chair said.

The SPEAKER. If it was reached, it would have its hearing.

Mr. RICHARDSON. But how can it be reached if the day is dedicated—

The SPEAKER. Well, it is not dedicated. Nothing is said about dedicating it.

Mr. BRUMM. The gentleman is mistaken about the bill being from the Naval Committee. There is no such bill.

Mr. DALZELL. How could there be a private claim from the Naval Committee?

The SPEAKER. All that the rule says is:

All bills reported from the Committee on War Claims shall have precedence over bills reported from the Committee on Claims.

And further deponent saith not. The Clerk will proceed to call the roll.

Mr. BRUMM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. The gentleman from Virginia [Mr. RIXEY] is desirous to have this roll call vacated. Can that be done by unanimous consent?

The SPEAKER. To suspend the call?

Mr. BRUMM. To suspend the call.

Mr. RIXEY. I will state that I am perfectly willing to vacate the order, but I do not care anything about it. It will only save time; that is all.

Mr. BRUMM. It is evident what the result will be.

The SPEAKER. What is it proposed to do? It would come up again after the next thing was disposed of.

Mr. BRUMM. If the order for the roll call could be vacated, the decision of the Chair would be as to the result of the former division.

The SPEAKER. Does the gentleman desire to ask unanimous consent that the bill do lie upon the table without taking the roll call?

Mr. BRUMM. Yes.

The SPEAKER. That would be in order.

Mr. BRUMM. Then I make that request.

The SPEAKER. The gentleman asks unanimous consent that the roll call be omitted and that the bill do lie upon the table. Is there objection?

Mr. RIXEY. I object to that.

The SPEAKER. Objection is made. The Clerk will call the roll.

Mr. RIXEY. I am willing that the bill should be recommit-

ted—

The SPEAKER. The Clerk will call the roll.

The question was taken on the motion to lay upon the table the bill (H. R. 3093) for the relief of John A. Fairfax, of the District of Columbia; and there were—yeas 104, nays 54, answered "present" 18, not voting 179; as follows:

YEAS—104.

Adams,	Crump,	Hitt,	Pierce, Tenn.
Aldrich,	Crumpacker,	Hunter,	Pitney,
Allen,	Curtis, Iowa	Jenkins,	Ray,
Baker, Ill.	Dalzell,	Kerr,	Reeves,
Barham,	Danford,	Kirkpatrick,	Robinson, Ind.
Barrett,	Davenport,	Kulp,	Royce,
Barrows,	Dolliver,	Lacey,	Shafroth,
Bennett,	Fischer,	Lester,	Showalter,
Bingham,	Fleming,	Loudenslager,	Smith, S. W.
Boose,	Footo,	Love,	Spalding,
Boutell, Ill.	Fowler, N. J.	McDowell,	Stallings,
Brenner, Ohio	Gibson,	Mahany,	Steele,
Brewster,	Gillet, N. Y.	Maxwell,	Stevens, Minn.
Broderick,	Gillet, Mass.	Meekison,	Stone, C. W.
Bromwell,	Greene,	Miers, Ind.	Sulzer,
Brown,	Griffin,	Miller,	Tongue,
Brownlow,	Grosvonor,	Minor,	Updegraff,
Brucker,	Grow,	Morris,	Van Voorhis,
Burton,	Hager,	Mudd,	Wadsworth,
Butler,	Hamilton,	Northway,	Walker, Mass.
Cannon,	Henry, Conn.	Norton, S. C.	Walker, Va.
Castle,	Henry, Ind.	Olmsted,	Wanger,
Clark, Iowa	Henry, Miss.	Otjen,	Weymouth,
Connell,	Hepburn,	Parker, N. J.	Wheeler, Ky.
Connolly,	Hilborn,	Payne,	Young,
Cousins,	Hill,	Perkins,	Zenor.

NAYS—54.

Adamson,	Clark, Mo.	Knowles,	Sayers,
Bailey,	Cochran, Mo.	Lamb,	Settle,
Ball,	Cowherd,	Lewis, Ga.	Skinner,
Bell,	De Armond,	Livingston,	Smith, Ky.
Berry,	De Graffenreid,	Lloyd,	Stephens, Tex.
Bodine,	Fitzgerald,	McRae,	Stokes,
Brantley,	For,	Marshall,	Sturtevant,
Brewer,	Griffith,	Moon,	Terry,
Broussard,	Griggs,	Ogden,	Underwood,
Brumm,	Henry, Tex.	Osborne,	Williams, Miss.
Brundidge,	Howard, Ala.	Pearce, Mo.	Wise,
Burke,	Howard, Ga.	Richardson,	Yost,
Carmack,	Jones, Va.	Ridgely,	
Clardy,	Kleberg,	Rixey,	

ANSWERED "PRESENT"—18.

Bartlett,	Hooker,	McCulloch,	Talbert,
De Vries,	Jones, Wash.	Mann,	Taylor, Ohio
Elliott,	Lanham,	Mitchell,	Vincent,
Hawley,	Lewis, Wash.	Otey,	
Hirrichsen,	McClellan,	Shelden,	

NOT VOTING—179.

Acheson,	Davison, Ky.	Landis,	Russell,
Alexander,	Dayton,	Latimer,	Sauerhering,
Arnold,	Dingley,	Lawrence,	Shannon,
Babcock,	Dinsmore,	Lenta,	Shattuc,
Baird,	Dockery,	Linney,	Sherman,
Baker, Md.	Dorr,	Littauer,	Shuford,
Bankhead,	Dovenar,	Little,	Simpson,
Barber,	Driggs,	Lorimer,	Sims,
Barlow,	Eddy,	Loud,	Slayden,
Barney,	Ellis,	Lovering,	Smith, Ill.
Bartholdt,	Ermentrout,	Low,	Smith, Wm. Alden
Beach,	Evans,	Lybrand,	Snover,
Belden,	Faris,	McAleer,	Southard,
Belford,	Fenton,	McCall,	Southwick,
Belknap,	Fitzpatrick,	McCleary,	Sparkman,
Bennet, Pa.	Fletcher,	McCormick,	Sperry,
Benton,	Foss,	McDonald,	Sprague,
Bishop,	Fowler, N. C.	McEwan,	Stark,
Bland,	Gaines,	McIntire,	Stewart, N. J.
Botkin,	Gardner,	McMillin,	Stewart, Wis.
Boutelle, Mo.	Graff,	Maddox,	Stone, W. A.
Bradley,	Grout,	Maguire,	Strait,
Brosius,	Gunn,	Mahon,	Strode, Neb.
Bull,	Handy,	Marsh,	Strowd, N. C.
Burleigh,	Harmer,	Martin,	Sullivan,
Campbell,	Hartman,	Mercer,	Suloway,
Capron,	Hay,	Mesick,	Sutherland,
Catchings,	Heatwole,	Meyer, La.	Swanson,
Chickering,	Hemenway,	Mills,	Tate,
Clarke, N. H.	Henderson,	Moody,	Tawney,
Clayton,	Hicks,	Newlands,	Taylor, Ala.
Cochrane, N. Y.	Hopkins,	Norton, Ohio	Thorp,
Coddling,	Howe,	Odell,	Todd,
Colson,	Howell,	Overstreet,	Vandiver,
Cooney,	Hull,	Packer, Pa.	Vehslage,
Cooper, Tex.	Hurley,	Pearson,	Ward,
Cooper, Wis.	Jett,	Peters,	Warner,
Corliss,	Johnson, Ind.	Powers,	Weaver,
Cox,	Johnson, N. Dak.	Prince,	Wheeler, Ala.
Cranford,	Joy,	Pugh,	White, Ill.
Cummings,	Kelley,	Quigg,	White, N. C.
Curtis, Kans.	Ketcham,	Rhea,	Wilber,
Davey,	King,	Robb,	Williams, Pa.
Davidson, Wis.	Kitchin,	Robbins,	Wilson,
David,	Knox,	Robertson, La.	

The Clerk announced the following additional pairs:

Until further notice:

Mr. TAYLER of Ohio with Mr. BARTLETT.

Mr. ADAMS with Mr. BERRY.

Mr. PUGH with Mr. RHEA of Kentucky.

Mr. HENDERSON with Mr. McMILLIN.

For this day:

Mr. CAPRON with Mr. CUMMINGS.

Mr. BURLEIGH with Mr. SIMS.

Mr. CORLISS with Mr. HAY.

Mr. ELLIS. Mr. Speaker, I wish to be recorded as present.

Mr. McCULLOCH (having previously voted in the negative). I desire to withdraw my vote and answer "present." I am paired with the gentleman from New York, Mr. WARD.

Mr. HOOKER (having previously voted in the affirmative). Mr. Speaker, I desire to withdraw my vote. I am paired with the gentleman from Mississippi, Mr. CATCHINGS.

Mr. SWANSON. Mr. Speaker, I am paired with the gentleman from North Dakota, Mr. JOHNSON. If he were present, I should vote "no."

The result of the vote was announced—yeas 104, nays 54, present 18; also the following noted as present by the Clerk: Mr. ELLIS, Mr. BLAND, Mr. OVERSTREET, Mr. CLARKE of New Hampshire, and Mr. SWANSON.

The SPEAKER. A quorum being present, the yeas have it, and the bill is ordered to lie upon the table.

Mr. BRUMM. Regular order.

The SPEAKER. The Clerk will report the next bill.

J. C. RUDD.

The next business reported from the Committee of the Whole was the bill (H. R. 637) for the benefit of J. C. Rudd.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LEGAL REPRESENTATIVES OF JOHN W. BRANHAM.

The next business reported from the Committee of the Whole was the bill (H. R. 2425) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LIVINGSTON, a motion to reconsider the last vote was laid on the table.

LEGAL REPRESENTATIVES OF JOHN ROACH, DECEASED.

The next business on the Calendar of Unfinished Business was the bill (S. 1115) for the relief of the legal representatives of John Roach, deceased.

Mr. TERRY. Mr. Speaker, it seems to me we passed a bill here the other day to relieve the legal representatives of Mr. Roach.

Mr. BRUMM. That was in Committee of the Whole.
 Mr. TERRY. This is the bill that you recommended?
 Mr. DOCKERY. Well, but there was a bill passed before this.
 Mr. BRUMM. That was some time ago.
 Mr. DOCKERY. It was for \$800,000.
 Mr. TERRY. This is the little bill?
 Mr. BRUMM. Yes.
 The SPEAKER. The question is on the third reading of the Senate bill.
 The question was taken; and the Speaker announced that the ayes seemed to have it.
 Mr. TERRY. Division!
 The House divided; and there were—ayes 37, noes 42.
 Mr. BRUMM. The yeas and nays.
 The yeas and nays were ordered.
 The question was taken; and there were—yeas 93, nays 69, answered "present" 16, not voting 177; as follows:

YEAS—93

Adams,	Dalzell,	Jenkins,	Royle,
Aldrich,	Danford,	Kerr,	Settle,
Baker, Md.	Davenport,	Kirkpatrick,	Showalter,
Barham,	Dolliver,	Lacey,	Smith, S. W.
Bartholdt,	Dorr,	Livingston,	Snover,
Bennett,	Eddy,	Loudenslager,	Spalding,
Bingham,	Fischer,	McDonald,	Sperry,
Bishop,	Fitzgerald,	Mahony,	Steele,
Booze,	Footo,	Marah,	Stevens, Minn.
Broderick,	Fowler, N. J.	Minor,	Sturtevant,
Brown,	Gibson,	Morris,	Sulzer,
Brownlow,	Gillett, Mass.	Newlands,	Tawney,
Brumm,	Graff,	Northway,	Updegraff,
Burton,	Griffin,	Olmsted,	Van Voorhis,
Butler,	Grosvenor,	Otjen,	Wadsworth,
Cannon,	Hager,	Overstreet,	Walker, Va.
Clark, Iowa,	Hamilton,	Parker, N. J.	Weymouth,
Clarke, N. H.	Hawley,	Payne,	Wise,
Connolly,	Heatwole,	Pearce, Mo.	Yost,
Cousins,	Hepburn,	Perkins,	Young.
Crump,	Hiborn,	Pitney,	
Crumpacker,	Hill,	Reeves,	
Curtis, Iowa,	Hitt,		
Curtis, Kans.			

NAYS—69

Allen,	De Armond,	Little,	Robinson, Ind.
Bailey,	De Graffenreid,	Lloyd,	Sayers,
Baker, Ill.	Fleming,	Love,	Shafroth,
Ball,	Fox,	McCormick,	Shuford,
Barlow,	Greene,	McDowell,	Smith, Ky.
Beil,	Griffith,	McRae,	Stephens, Tex.
Bland,	Griggs,	Marshall,	Stokes,
Bodine,	Henry, Miss.	Maxwell,	Stoward, N. C.
Brenner, Ohio,	Henry, Tex.	Meekison,	Sullivan,
Brewer,	Howard, Ala.	Miers, Ind.	Sutherland,
Brucker,	Howard, Ga.	Moon,	Terry,
Brundidge,	Hunter,	Norton, S. C.	Vincent,
Burke,	Jones, Va.	Ogden,	Wheeler, Ky.
Carmack,	Kieberg,	Osborne,	Williams, Miss.
Castle,	Knowles,	Otey,	Zenor.
Clark, Mo.	Lester,	Pierce, Tenn.	
Cochran, Mo.	Lewis, Ga.	Rixey,	
Cowherd,	Lewis, Wash.	Robertson, La.	

ANSWERED "PRESENT"—16

Bartlett,	Elliot,	Leaham,	Stark,
Boutell, Ill.	Ermentrout,	McCulloch,	Stone, W. A.
Clardy,	Hooker,	Mann,	Talbot,
De Vries,	Jones, Wash.	Mitchell,	Tongue.

NOT VOTING—177

Acheson,	Cooney,	Henry, Ind.	Maddox,
Adams,	Cooper, Tex.	Hicks,	Maguire,
Alexander,	Cooper, Wis.	Hinrichsen,	Martin,
Arnold,	Corliss,	Hopkins,	Mercer,
Babcock,	Cox,	Howe,	Mesick,
Baird,	Cranford,	Howell,	Meyer, La.
Bankhead,	Cummings,	Hull,	Miller,
Barber,	Davey,	Hurley,	Mills,
Barney,	Davidson, Wis.	Jett,	Moody,
Barrett,	Davis,	Johnson, Ind.	Mudd,
Barrows,	Davison, Ky.	Johnson, N. Dak.	Norton, Ohio
Beach,	Dayton,	Joy,	Odell,
Belden,	Dingley,	Kelley,	Packer, Pa.
Belford,	Dinsmore,	Ketcham,	Pearson,
Belknap,	Dockery,	King,	Peters,
Benner, Pa.	Dovener,	Kitchin,	Powers,
Benton,	Driggs,	Knox,	Prince,
Berry,	Ellis,	Kulp,	Pugh,
Botkin,	Evans,	Lamb,	Quigg,
Boutelle, Mo.	Faria,	Landis,	Rhea,
Bradley,	Fenton,	Latimer,	Richardson,
Brantley,	Fitzpatrick,	Lawrence,	Ridgely,
Brewster,	Fletcher,	Lentz,	Robb,
Bromwell,	Foss,	Linnay,	Robbins,
Brosius,	Fowler, N. C.	Littauer,	Russell,
Broussard,	Gaines,	Lorimer,	Sauerharing,
Bull,	Gardner,	Loud,	Shannon,
Burleigh,	Gillet, N. Y.	Loving,	Shelden,
Capron,	Groat,	Low,	Sherman,
Catchings,	Gunn,	Lybrand,	Simpson,
Chickering,	Handy,	McAleer,	Sims,
Clayton,	Harmor,	McCall,	Skinner,
Cochrane, N. Y.	Hartman,	McCleary,	Slayden,
Coddling,	Hay,	McClellan,	Smith, Ill.
Colson,	Hemenway,	McEwan,	Smith, Wm. Alden
Connell,	Henderson,	McIntire,	Southard,
	Henry, Conn.	McMillin,	

Southwick,	Sulloway,	Vandiver,	White, Ill.
Sparkman,	Swanson,	Vehslage,	White, N. C.
Sprague,	Tate,	Walker, Mass.	Wilber,
Stallings,	Taylor, Ohio	Wanger,	Williams, Pa.
Stewart, N. J.	Taylor, Ala.	Ward,	Wilson,
Stewart, Wis.	Thorp,	Warner,	
Strait,	Todd,	Weaver,	
Strode, Nebr.	Underwood,	Wheeler, Ala.	

The following additional pairs were announced:

For this day:

Mr. WANGER with Mr. ADAMSON.

Mr. BOUTELL of Illinois with Mr. CLARDY.

On this vote:

Mr. CODDING with Mr. BRANTLEY.

Mr. WILLIAM A. STONE. Mr. Speaker, has the gentleman from New York, Mr. McCLELLAN, voted?

The SPEAKER. The gentleman from New York has not voted. Mr. WILLIAM A. STONE. I desire to withdraw my vote and be marked "present." I am paired with the gentleman from New York.

The SPEAKER. On this question the yeas are 93, the nays 69, "present" 16, and the following gentlemen have been noted by the Clerk: Mr. BERRY, Mr. BARRETT, Mr. GAINES, Mr. SIMPSON, Mr. WANGER, Mr. CLARDY, and Mr. ADAMSON.

So the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BRUMM, a motion to reconsider the vote by which the bill was passed was laid on the table.

MAY SALARIES OF EMPLOYEES OF THE HOUSE AND SENATE.

Mr. OLMSTED. Mr. Speaker, I desire to present from the Committee on Accounts and ask unanimous consent to consider at this time the following resolution.

The Clerk read as follows:

Joint resolution (H. Res. 273) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of May, 1898, on the 28th day of said month.

Resolved, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of May, 1898, on the 28th day of said month.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. OLMSTED, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

JOHN C. COLEMAN.

Mr. LESTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga.

Mr. RAY of New York. Mr. Speaker, do I understand that this is unfinished business?

The SPEAKER. Not unfinished business; it requires unanimous consent.

Mr. RAY of New York. Then, Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is demanded, which is equivalent to an objection. The Clerk will report the next bill on the Unfinished Calendar.

ALONZO B. CHATFIELD.

The Clerk read the bill (S. 4003) to construe an act approved June 3, 1884, relating and excluding the disability of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry, as follows:

Be it enacted, etc., That the act approved June 3, 1884, "relating and including the disability of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry, with that class of pensioners who have lost an arm at or above the elbow," be construed to be continuous in its provision; and the Commissioner of Pensions is hereby instructed to reenter and continue the name of said pensioner on the roll with the class mentioned in said act, and at the rate of pension provided for said class, from and after the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

Mr. BENNETT. Mr. Speaker, I understand that the gentleman from New York [Mr. RAY] is willing that I should present House resolution No. 7.

Mr. RAY of New York. Mr. Speaker, I understand that Mr. LESTER of Georgia had been promised recognition, and I wish to withdraw my opposition to that.

JOHN C. COLEMAN.

The SPEAKER. The gentleman from Georgia presents the following bill for unanimous consent, which the Clerk will report.

The Clerk read the bill (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga., as follows:

Whereas John C. Coleman, one of the sureties of Chesley Faircloth, on his bond as mail contractor, paid to the United States the sum of \$34.58, on a judgment obtained against the said Faircloth and his sureties, which judgment should have been credited with the sum of \$116.39, and which said judgment was duly assigned by the United States to the said John C. Coleman,

and whereas the said Faircloth is dead, and his estate is insolvent: Therefore, Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay to the said John C. Coleman the said sum of \$116.39, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I think there should be some explanation.

Mr. LESTER. I ask that the report be read.

The Clerk read the report (by Mr. MINOR), as follows:

The Committee on Claims, to whom was referred the bill (H. R. 9674) for relief of John C. Coleman, having given the same careful consideration, beg leave to report it back with the recommendation that it do pass.

The facts are as follows:

Chesley Faircloth was a contractor for carrying the mail on route No. 15286, Georgia. His sureties on his bond were John C. Coleman and White R. Smith. Faircloth incurred some penalties for remissness, which were charged up against him, and suit was brought by the United States against Faircloth, principal, and John C. Coleman and White R. Smith, his sureties, in the United States court at Savannah, and judgment was rendered against the principal and his sureties in March, 1896. Faircloth was insolvent, and the execution was levied upon the property of John C. Coleman, one of his sureties, in September, 1896, and he was forced to pay the judgment, the principal of which was \$343.52, and the execution was transferred to Coleman by the United States, which he now holds.

Faircloth is dead. He left no estate, and there is no administration upon his estate.

When the judgment was paid by Coleman there was a credit of \$116.39 to Faircloth on his contract, which should have been credited on the judgment, so the amount which Coleman should have paid was only \$227.13. The Government has received from Coleman \$116.39 more than it should have received, and should in equity and justice return to him said sum of \$116.39.

OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., March 23, 1898.

SIR: Referring to our conversation of yesterday, relative to the balance of \$116.39 due Chesley Faircloth, late contractor (now deceased), I have the honor to state that I am in receipt, by reference from the Third Assistant Postmaster-General, of the letter surety John C. Coleman addressed to you, requesting the payment to him of said balance, for the reason that he, as surety, paid the judgment recovered by the United States in the United States district court for the southern district of Georgia.

The facts in the case are as follows:

The account of Chesley Faircloth, late contractor on route No. 15286, Georgia, was submitted to the Department of Justice in 1891 for suit against the principal and sureties, Messrs. Coleman and Smith, for the collection of a balance of \$343.52, with the statement that there was due Mr. Faircloth a credit of \$22.97, which was suspended on account of his indebtedness. This credit was subsequently increased to \$116.39.

Mr. Coleman now desires that the said \$116.39 be paid over to him for the reason above given.

In this connection I invite your attention to the opinion of the Comptroller of the Treasury, dated February 23, 1895 (1 Comp. Dec., 258-259, 261), in the matter of the "account of Pedro de Napoles, for refundment of tax illegally collected," to wit:

"When internal-revenue taxes, illegally or erroneously assessed against a distiller, are refunded, payment must be made to the principal against whom the assessment was levied, and not to a surety on his bond, although the latter may in fact have paid the assessment on behalf of his principal."

"Whether Mr. Shwarts (the surety) is equitably entitled to receive the amount refunded on the erroneous assessment made against Mr. De Napoles is a question for private settlement between them, and not one for the determination of and settlement by the Department."

"On an appeal by a surety on the bond of E. C. Benham, deceased, late postmaster at Hoquiam, Wash., from the Auditor of the Treasury for the Post-Office Department, to have refunded to him as such surety an amount paid by him on account of his principal, and which had been erroneously charged against the principal, the Comptroller, on April 24, 1894, held, following the established custom of the Auditor for the Post-Office Department, that the accounts of the Government were with the postmaster, and that payments made by sureties on his behalf must be treated as payments by the principal, and that the amount refunded would have to be paid by a draft in favor of the personal representatives of the deceased postmaster."

In view of the above I inclose herewith a copy of blank form No. 638, "Application by widow or heir for balance due deceased contractor," with the recommendation that Mr. Coleman cause the same to be filled out and acknowledged by the personal representatives of Chesley Faircloth, designating one of their number to receive payment, accompanied by an affidavit of two disinterested persons as therein set forth.

If said form, properly filled out, should be returned to this office a draft will be drawn payable to the person designated to receive payment and forwarded in the care of Mr. Coleman, who will then be in a position to collect the money, provided, of course, the payee will indorse the draft.

Respectfully, yours,

HENRY A. CASTLE, Auditor.

HON. R. E. LESTER,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. LESTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SWORD OF HONOR TO COMMODORE GEORGE DEWEY.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate resolution 163, authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Navy be, and he hereby is, authorized to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States under command of Commodore George Dewey on May 1, 1898, and that to enable the Secretary to carry out this resolution the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

The joint resolution was read the third time, and passed.

On motion of Mr. HILBORN, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

WALLABOUT CHANNEL, NEW YORK.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 7, directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to submit estimates for work on Wallabout Channel, New York, with a view to secure a depth of 20 feet and a width of 300 feet at mean low water from its entrance to the timber causeway, in accordance with the plans heretofore submitted.

Mr. PAYNE. I would like to ask the gentleman if this has been reported by a committee?

Mr. BENNETT. It is the unanimous report of the Committee on Rivers and Harbors. It does not carry an appropriation, it simply calls for submission of plans to the committee which have been already submitted to the Department.

Mr. DOCKERY. Neither does it carry the usual provision calling for the opinion of the Secretary of War as to the advisability of the improvement.

Mr. BENNETT. This comes from the Department, and the report reads:

Wallabout Channel, in the opinion of the engineer in charge who made the preliminary examination, is worthy of improvement by the Government, and is important not only for the increasing ferry accommodation between New York City and Brooklyn, but also for handling commerce at the wharves.

I am willing, however, to accept the amendment.

Mr. DOCKERY. I think it had better carry the usual provision.

Mr. BENNETT. I am willing to accept it.

Mr. CANNON. Where is Wallabout Channel?

Mr. BENNETT. It is a part of New York Harbor, and within the city of Brooklyn.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding the words "and that the Secretary of War be requested to submit his opinion as to the advisability of the proposed improvement."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time.

The SPEAKER. The question is on the passage.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 76, noes 1.

So the bill was passed.

On motion of Mr. BENNETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RAY of New York. Mr. Speaker, I am willing to yield to my colleague [Mr. JENKINS] on the Judiciary Committee, who has a matter of interest to every member of the House, and it will only take a moment.

Mr. HILBORN. Something about a salary? [Laughter.]

Mr. RAY of New York. No; nothing about a salary.

Mr. PAYNE. How does the gentleman from New York control the time?

The SPEAKER. The gentleman will have to yield unconditionally.

Mr. RAY of New York. Then, Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from New York calls for the regular order; and the Clerk will report the next bill on the unfinished Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4677. An act to provide for the employment of retired officers of the United States Army in time of war; and

S. 4678. An act providing for a Second Assistant Secretary of War.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 12,000 copies of the Statistical Abstract of the United States for the year 1897, prepared by the Bureau of Statistics, Treasury Department, 3,000 copies for the use of the members of the Senate, 6,000 copies for the use of the members of the House of Representatives, and 3,000 copies for the use of the Bureau of Statistics, Treasury Department.

SENATE BILLS PASSED.

Senate bills of the following titles on the Calendar of Unfinished Business were respectively taken up, ordered to a third reading, read the third time, and passed:

- A bill (S. 868) granting a pension to Jennie E. Burch;
- A bill (S. 863) granting a pension to Mary A. Benjamin;
- A bill (S. 8254) granting a pension to Adelaide H. Lamberton;
- A bill (S. 8026) granting a pension to Ida Emmott;
- A bill (S. 2357) granting an increase of pension to Merlin C. Harris;
- A bill (S. 408) to restore a pension to Harriet M. Knowlton; and
- A bill (S. 2378) granting a pension to Maria Somerlat, widow of Valentine Somerlat.

MRS. SARAH FRY.

As the next unfinished business, the bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry was taken up, ordered to be engrossed, and read a third time; and it was accordingly read the third time, and passed.

SENATE BILLS PASSED WITH AMENDMENTS.

Senate bills of the following titles on the Calendar of Unfinished Business were respectively taken up, the amendments reported from the Committee of the Whole House agreed to, and the bills as amended ordered to a third reading, read the third time, and passed:

- A bill (S. 1480) granting an increase of Lewis D. Baker;
- A bill (S. 2807) granting a pension to Benjamin L. Nolan;
- A bill (S. 1155) granting a pension to P. F. Castleman, of Oregon;
- A bill (S. 480) granting an increase of pension to William A. Beckford;
- A bill (S. 3442) granting an increase of pension to Andrew C. Mensch; and
- A bill (S. 158) granting a pension to Peter Daly.

CHARLES F. HOLLY.

The next unfinished business was the bill (S. 2320) granting an increase of pension to Charles F. Holly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Holly, late captain of Company H of the Second Colorado Cavalry, at the rate of \$60 per month, in lieu of the pension now received by him.

The amendments reported from the Committee of the Whole House were read, as follows:

In line 7, after the word "Cavalry," insert the words "and pay him a pension."
In the same line, strike out the word "fifty" and insert in lieu thereof the word "thirty."

The SPEAKER. The question is on agreeing to the amendments reported from the Committee of the Whole House.

Mr. BELL. Mr. Speaker, I desire to make a statement. The bill just read provided, as passed by the Senate, for a pension of \$50 a month. Mr. Holly is now about 80 years old. The report of the Senate committee shows that he is absolutely helpless, that he can not dress himself. The Senate report states also that he is now getting a pension of \$20 a month. That is a mistake. He is now receiving \$36 a month.

When the bill came over to this House, our committee, in pursuance of its rule, reported in favor of a pension of \$30 a month—\$6 less than the pension he is now receiving. Our committee was evidently misled by the statement in the Senate report that the pensioner is now receiving \$20 a month.

Now let me read a little from the report to show what this case is:

Claimant was captain of Company H, Second Regiment Colorado Volunteer Infantry, and while in the service suffered from sunstroke. He was pensioned for headache, vertigo, and general nervous prostration, the result of sunstroke, and is now drawing \$30 per month.

In fact, he is now receiving \$36 a month.

Application for increase has been rejected on the ground that his present condition is due to old age rather than to the results of sunstroke.

Claimant is over 75 years of age.

I have his letter in my hand showing that he is about 80 years old. The report continues:

There are scores of affidavits on file (medical and otherwise) showing that he is totally disabled and requires the constant attendance of another person. The last official medical examination of claimant was made by the board of medical examiners at Pueblo, Colo., February 7, 1894, the report being as follows:

"He is a very feeble old man; shoulders much stooped; walks tottering;

is very hard of hearing and has very little memory; body thin and poorly nourished; spines of cervical vertebrae very tender. He is unable to walk with eyes closed, and can not stand for an instant upon one foot with eyes closed. His skin is hyperaesthetic over the whole body. His shoulders, knees, and hips present crepitus on movement, and the movement of left hip is abridged to one-third normal. Right hip and knee present about one-half normal movement. Is unable to dress or undress himself without assistance, which he considers due to rheumatism, but which we believe to be due to the general neurasthenia resulting from sunstroke."

Now, the medical board find that this condition comes from a sunstroke. If the Department had found this, they would have allowed him \$72 a month, but the Department physicians said they were unable to say that this came from a sunstroke, and were of the opinion that it came from his old age, or largely from that, he being now about 80 years old. But for that fact, I say, he would get \$72 a month under the law. He is now getting \$36. The Senate said he should have \$50. We were satisfied with that.

But, as I say, when it came over here, the committee, seeing the report of the Senate showing that he was drawing only \$30 a month, raised it, as they supposed, to \$30, when, as a matter of fact, they lowered it \$6. I was surprised when I got his letter asking us for Heaven's sake, if we could not do anything for him, not to take the little he had away from him, because, as he says, he is drawing \$36 now, and the action of the House committee would give him \$6 less than he is now drawing.

I hope the amendment will be voted down.

Mr. TALBERT. Has he any property?

Mr. BELL. Oh, no.

Mr. TALBERT. He is absolutely dependent.

Mr. BELL. And has been for a long time.

Mr. LOVE. Has he a family?

Mr. BELL. Yes; he has a wife.

Mr. SHAFROTH. He was once the judge of the supreme court of Colorado Territory.

Mr. BELL. Ever since the war he has suffered from vertigo and is liable to fall anywhere, and he has dragged along and done nothing.

Mr. HUNTER. Had you not better dismiss your bill?

Mr. BELL. No; we expect to get the amendment voted down, and when the amendment is voted down we want to have the bill passed for \$50 a month. The Senate passed the bill at that figure, and we, under a misapprehension, passed it at \$30. By voting the amendment down and passing the bill as it passed the Senate we will give him \$50. He was captain of Company H, Second Regiment Colorado Volunteers.

Mr. STEELE. Where did he serve? Where was his service?

Mr. BELL. I do not know about that. I suppose this report shows, but I do not know where his service was. He tells here, too, in his letter, but I do not know just where to look for it. Now, I move that we vote the amendment down and pass the bill. Will the gentleman from New York grant a little time to my colleague [Mr. SHAFROTH]?

Mr. RAY of New York. When you get through I want to make a reply.

Mr. BELL. Well, I am through.

Mr. RAY of New York. Mr. Speaker, I desire to have the attention of both sides of the House that the facts in regard to this case may be fully stated.

It seems as though an attempt has been made here by this pensioner and his friends to impose upon the Senate and upon the House of Representatives, and I think that it is time that transactions of this kind are ended. The Senate has already written a report in a case of this kind in which they condemn very earnestly the practice of coming to successive Congresses for repeated increases of pension for the same man by special act. If the Senate had known the facts of this case, it would not have reported the bill at all. If the Committee on Invalid Pensions of this House had known the facts of this case, it would not have reported the bill at all, unless adversely. We did not know the facts and were misled by erroneous statements.

The Senate bill came to the House with a report in which the Senate state that this man is now drawing a pension of \$20 per month and that the Pension Bureau had denied him an increase upon certain grounds. The Fifty-third Congress, in view of the disabilities of this man, which then were as great as they are now, granted him by special act a pension of \$36 per month, which he is now drawing by virtue of that special act. The Senate Committee on Pensions have adopted the following rule, to which they have adhered:

Where original pension or increase of pension has been allowed by special act, no proposition for additional pension will be entertained by this committee.

Still this man, concealing from the Senate and the Senate committee the fact which I have stated, that he draws \$36 per month by special act, got from them a report increasing his pension to \$50. He concealed the fact that a preceding Congress had passed upon the evidence and had fixed his pension at \$36 per month. The bill came to the House. I sent for the papers and we investigated all of the affidavits filed, investigated all the evidence upon

the merits, and the committee, after thorough discussion, fixed the rate at \$30 per month, and said that it was all he was entitled to, giving him \$10 per month more than the Pension Bureau did on the same evidence.

The Senate were induced to act in violation of their own rule. Not a word was said that the claimant is getting \$36 per month. The matter came up here in the House at a Friday night session, and after discussion we approved the report of the committee, and the bill was reported from the Committee of the Whole to this House at \$30 per month. Then this man, drawing a pension of \$36 per month, wrote on that he is getting \$36 a month, and that he does not want to be cut down. I have investigated the facts of this case, and I want to read to you the record of this soldier who is drawing a pension of \$36 per month.

His disabilities were not incurred in the service. He is an old man, but the United States Congress has never undertaken to pension old age by special legislation. What it does is to pension for disabilities incurred in the service, and when a man gets old, if he is very poor, we have sometimes granted such an increase as would keep him out of the poorhouse, give him a comfortable living. Now, where did this man serve? He enlisted and was mustered into the service. Here is where he served and how and when:

He is reported on the muster rolls of the company as follows: July and August, 1863, "Absent in Missouri on detached service by order of Governor John Evans, of Colorado Territory;" September and October, 1863, "Absent on detached service, Denver, Colo. T." The Second and Third Colorado Volunteer Infantry were consolidated and formed the Second Colorado Cavalry in October, 1863, and Captain Holly was assigned to Company H, Second Colorado Cavalry, November 23, 1863.

I insert here the House report on this bill, leaving out the report on the John P. Thomas bill and also the Senate report in this case, and in which it is stated that he draws only \$20 per month:

The Committee on Invalid Pensions, to whom was referred the bill S. 2230 and the bill H. R. 1190, granting an increase of pension to Charles F. Holly, have carefully examined the same and all the evidence and respectfully report:

The Senate bill as amended by your committee proposes to increase from \$20 to \$30 per month the pension of Charles F. Holly, of Pueblo, Colo.

The military record of Charles F. Holly (annexed hereto) shows that he was appointed captain Company F, Third Colorado Infantry Volunteers, and commissioned as of July 16, 1863, and was honorably discharged on tender of resignation before the close of the war, September 16, 1864, making a total service of fourteen months.

During July and August, 1863, he was on recruiting service; during September and October, 1863, he was on detached service at Denver, Colo. T.; in November and December, 1863, he was absent on detached service; in January and February, 1864, he was absent on detached service at Kansas City, and also during March and April, same year, as member of a board of officers, but during April, 1864, was sick at Kansas City, Mo. During May and June was absent with leave, and during July and August, 1864, he was absent on detached service. He resigned in September. He did no duty in the field and was not with his command in any battle or campaign.

He has presented his case to the Bureau of Pensions and has been awarded a pension of \$20 per month, the total of his rank.

He is now 77 years of age—an old man—and is pensioned for all the disability he has of service origin, viz, results of sunstroke. He is, of course, feeble, stooped from old age, and losing his eyesight. Such disabilities usually follow old age. They are not shown to be due to service. The soldier did not do duty or endure any hardship likely to produce them. There is no evidence showing the soldier to be poor or in necessitous circumstances. He writes a fair hand and has a good mind. There is nothing in the case to warrant an increase of this pension to \$30 per month. An increase to \$30 is giving all the facts will in any way warrant. The soldier is not helpless. His shoulders are stooped and he walks totteringly. But few men of his age are not in a like condition.

In the case of John P. Thomas (H. R. 164, Report No. 304), who served three years in the field and is now in absolute want and paralyzed and helpless from disease contracted in the service and a Southern prison, and is very poor, absolutely poverty stricken, the Senate cut down the amount given by the House to \$30 per month.

That case is in every respect and in every aspect much more deserving than this. Special legislation in these cases must be consistent, and some degree of equality must be maintained. We must not be open to the charge of favoritism or partiality, but treat all alike who present substantially the same facts.

We annex hereto the reports on the two cases. In the Thomas case the soldier requires the constant aid and attendance of another person, while in the case of Holly, now being considered, not even frequent and periodical aid and attendance is required. In the Thomas case, long and hard service and exposure in the field and in a Southern prison have produced the disabilities, while in the case at bar old age is the chief producing cause.

The Senate bill is reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "cavalry," insert the words "and pay him a pension."

In the same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

Military record of Charles F. Holly, captain Company F, Third Colorado Infantry, and Company H, Second Colorado Cavalry.

Charles F. Holly was mustered into service as captain Company F, Third Colorado Infantry Volunteers, to date July 16, 1863, with remarks:

"Appointed captain of Company F, Third Infantry, Colorado Volunteers, by Governor John Evans. Commissioned July 16, 1863. Was absent by order of Governor John Evans on recruiting service for his regiment at the time of the muster in of his company. This muster in is made to take effect from July 16, 1863, the date of his commission and muster in of his company."

He is reported on the muster rolls of the company as follows: July and August, 1863, "Absent in Missouri on detached service by order of Governor John Evans, of Colorado Territory;" September and October, 1863, "Absent on detached service, Denver, Colo. T." The Second and Third Colorado Volunteer Infantry were consolidated and formed the Second Colorado Cav-

alry in October, 1863, and Captain Holly was assigned to Company H, Second Colorado Cavalry, November 23, 1863.

The rolls of Company H, Second Colorado Cavalry, report him as follows: November and December, 1863, "Absent on detached service;" January and February, 1864, "Absent on detached service at Kansas City;" March and April, 1864, "Absent on detached service at Kansas City. Member of board of officers per Special Orders, No. 43, Headquarters D. C. M., February 25, 1864;" May and June, 1864, "Absent with leave from April 1, 1864, to April 15, 1864. Sick at Kansas City, Mo.;" and July and August, 1864, "Absent on detached service."

The medical records show him admitted to post hospital, Kansas City, Mo., June 23, 1864, with diarrhea.

He was honorably discharged the service on tender of resignation September 16, 1864.

Official statement furnished to Hon. John C. Bell, M. C.

By authority of the Secretary of War:

F. C. AINSWORTH.

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,

War Department, January 17, 1896.

[House of Representatives Report No. 123, Fifty-fourth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1908) granting a pension to Charles F. Holly, having considered the same, adopt the accompanying Senate report (No. 60) and recommend the passage of the bill as it passed the Senate.

[Senate Report No. 60, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1908) granting a pension to Charles F. Holly, have examined the same and report:

The claimant was captain of Company H, Second Regiment Colorado Volunteer Infantry, and while in the service suffered from sunstroke. He was pensioned for headache, vertigo, and general nervous prostration, the result of sunstroke, and is now drawing \$30 per month. Application for increase has been rejected on the ground that his present condition is due to old age rather than to the results of sunstroke.

Claimant is over 75 years of age, and there are scores of affidavits on file (medical and otherwise) showing that he is totally disabled and requires the constant attendance of another person. The last official medical examination of claimant was made by the board of medical examiners at Pueblo, Colo., February 7, 1894, the report being as follows:

"He is a very feeble old man; shoulders much stooped; walks totteringly; is very hard of hearing and has very little memory; body thin and poorly nourished; spines of cervical vertebrae very tender. He is unable to walk with eyes closed, and can not stand for an instant upon one foot with eyes closed. His skin is hyperaesthetic over the whole body. His shoulders, knees, and hips present crepitus on movement, and the movement of left hip is abridged to one-third normal. Right hip and knee present about one-half normal movement. Is unable to dress or undress himself without assistance, which he considers due to rheumatism, but which we believe to be due to the general neurasthenia resulting from sunstroke."

In addition to this the board found the heart sounds nervous and irritable, and also that claimant was suffering from a large oblique inguinal hernia.

This case presents an interesting study of the difference of opinion between medical boards who personally examine claimants and that of the medical officers of the Pension Bureau. Had the opinion of the examining board in this case been accepted the soldier's pension would have been increased to \$72 per month, but as their opinion was overruled no increase was allowed.

Your committee call attention to the fact that the pension was granted for headache, vertigo, and general nervous prostration, resulting from sunstroke, and also to the further fact that the present condition of soldier is typical of an advanced case of neurasthenia (nervous prostration). There are several medical affidavits on file in the case showing this fact, in addition to the opinion of the three members of the medical board who last examined him. Under these circumstances it seems more than probable that the disability contracted in the service has had much to do with the existing condition. Recognizing, however, that at best it is a matter of opinion, your committee do not feel justified in recommending the full pension of \$72 per month, but recommend the passage of the bill, with an amendment as follows:

Amend by striking out the word "seventy-two," in line 7, and inserting in lieu thereof the word "fifty."

Up to November, 1863, he had not been within a hundred miles of a hostile force. He had not heard the sound of a hostile gun. He had a commission as captain, but was on detached service in the cities all the time, looking up recruits. The rolls of Company H, Second Colorado Cavalry, report him as follows—this is after the regiments had been consolidated:

November and December, 1863 "Absent on detached service;" January and February, 1864, "Absent on detached service at Kansas City;" March and April, 1864, "Absent on detached service at Kansas City. Member of board of officers per Special Orders, No. 43, Headquarters D. C. M., February 25, 1864;" May and June, 1864, "Absent with leave from April 1, 1864, to April 15, 1864. Sick at Kansas City, Mo.;" and July and August, 1864, "Absent on detached service."

From the time he entered the service until the day he left it, so far as the records show, he never saw a foe; he never heard the sound of a hostile gun. He claimed afterwards that in Kansas City, when serving on detached duty in connection with the commissary department, I think it was, he suffered sunstroke. There is no evidence of it; only his own statement. He was only sick for about thirty days all told. He had his pay as a captain, and if he had served as valiantly in the Army as he has served since in trying to get special pension bills through, giving him pensions to which he is not entitled under the laws of his country, he would have done a great deal toward putting down the rebellion.

But he did no service except at Kansas City and at Denver, on recruiting duty, and at other places and in connection with the commissary department or some detached duty where fighting was not required. I say that the special bill granted two years ago by the Senate and this House, after a full consideration of all this evidence, gives him all he was entitled to and more. Our committee examined the evidence, and we fixed the rate \$10 in excess

of what the Bureau of Pensions did, and we happened to fix it \$6 lower than the last Congress did. Now, if the consideration of this bill is insisted upon, I shall move that it lie on the table, for this man is getting more pension now than he is entitled to, and he is getting it under a special act of Congress that was only passed two years ago.

These are the facts of the case, and there is not a thing in or about the case that will warrant any such pension as was smuggled through the Senate in violation of its own rules, under the statement that he was drawing only \$20 per month when in fact he gets \$36 by special act.

Now, Mr. Speaker, upon this bill and the amendments I call for a vote, and ask for the previous question.

Mr. BELL. Mr. Speaker, I desire a minute.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from New York [Mr. RAY] calls for the previous question.

The previous question was ordered.

The question was taken on the amendment reducing the amount from \$50 to \$30; and on a division (demanded by Mr. RAY of New York) there were—ayes 44, noes 4.

Accordingly the amendment was agreed to.

The SPEAKER pro tempore. There is a second amendment, which the Clerk will report.

The Clerk read as follows:

In line 7, after the word "Cavalry," insert the words "and pay him a pension."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill as amended.

Mr. BELL. I move to lay the bill on the table.

The motion was agreed to.

LUCIA A. HYNES.

The next business on the Calendar of Unfinished Business was the bill (S. 507) restoring to the pension roll the name of Lucia A. Hynes.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The title was amended.

RICHARD T. SELTZER.

The next business on the Calendar of Unfinished Business was the bill (S. 1424) granting a pension to Richard T. Seltzer.

The amendment recommended by the Committee of the Whole was reported.

Mr. TONGUE. Mr. Speaker, I would like to submit some few remarks to the House on pension subjects, not strictly, however, upon this present bill. I would like to ask unanimous consent to proceed, not to exceed fifteen minutes.

Mr. RAY of New York. I trust the gentleman will wait until we get these bills disposed of.

Mr. BARTLETT. Mr. Chairman, what is the request?

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to address the House for fifteen minutes.

Mr. BARTLETT. On what?

The SPEAKER pro tempore. On a subject cognate to the bill.

Mr. TONGUE. On pension subjects.

Mr. BARTLETT. I object.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

Mr. TONGUE. Mr. Speaker, I desire to say a few words in opposition to this bill. I will try not to detain the House very long on this subject.

Mr. Speaker, the people of the United States can display, and on many great occasions have displayed, magnificent generosity. In providing for the soldiers of the civil war their munificence has not been circumscribed or controlled by the terms of any contract, express or implied. When the war closed, the pay rolls signed, and the bounties received, the Government had fulfilled the technical requirements of its contract with the soldiers.

But where the contract ended, gratitude and generosity began. These have been extended not only to those disabled in their country's defense, but to many who received no injuries, participated in no battles, and to widows and children born long after the war. Though a third of a century has elapsed since the last battle was fought, we are paying in pensions full pay for a million soldiers in the field. The pension roll for eight months would build the Nicaragua Canal. In addition to that we are furnishing homes for the homeless veterans, and paying the several States to do likewise. History contains no record of a nation's generosity to its defenders comparable to that of the American people to the veterans of the civil war. This is not all.

Mr. GREENE. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. GREENE. The gentleman is not speaking to the bill under consideration.

Mr. TONGUE. I am speaking to the bill. It is a bill to grant pension, and I am trying to show that we have already paid enough.

Mr. GREENE. The gentleman is not speaking to the bill before the House at all.

The SPEAKER pro tempore. The gentleman has hardly proceeded far enough to disclose whether he is talking on the bill or not.

Mr. TONGUE. Mr. Speaker, the other side of the House has generally succeeded in refusing unanimous consent to any request that I have made.

Mr. GREENE. Print it in the RECORD.

Mr. CANNON. Go on; you have an hour.

Mr. TONGUE. A short time ago, Mr. Speaker, we appropriated without dissent, almost without deliberation, \$50,000,000 to be employed in procuring the liberty of a people alien in race and language.

We have called a sudden halt in our own industrial developments, deferred the improvement of our rivers and harbors, the construction of our public buildings, the completion of public improvements, the construction of the Nicaragua Canal. We are about to increase our bonded indebtedness, impose more taxes upon our own people, increase our pension roll, and offer up the flower of American manhood, some to perish by the sword, more by pestilence and disease in a foreign land, in order that a million and a half of people may be free and may own and govern the small island upon which they live, and in order to maintain the supremacy of the Republic and the honor of our flag.

Just now, when the people of the United States are about to divert their attention from business questions and commercial enterprises to contemplate heroic deeds, unselfish and patriotic devotion to flag and country, the time seems opportune to call attention to deeds of valor, patriotic services, and unselfish sacrifices in the interest of country and humanity rendered by our own citizens half a century ago, but whose worth has too long been ignored and whose service has been too long unrewarded.

All this is magnificent. But among these outbursts of generous impulses ought not the American people, ought not this House, to employ a few moments in dealing out justice, too long delayed, to some of the bravest of our own people before the sod covers their graves? If we want patriotic and heroic devotion to flag and country in the future, is it well to ignore these qualities in the past?

Mr. Chairman, more than fifty years ago the United States possessed by good title a rich and magnificent territory in the Northwest, many times larger than Cuba, much richer in resources, capable of maintaining a much larger population, and far more needful for our protection and prosperity, but which this Government made no effort to occupy.

A large part of it was in dispute and claimed by Great Britain. While that nation, ever alert to acquire new territory, was making haste to unite actual occupancy with color of title, navigating our rivers with her ships and covering the land with her traders and trappers, this Government, derelict in duty, raised not a single hand, sent not one soldier or officer to defend its rights, assert its dominion, or represent its authority. That it was not forever lost to the United States is not due to the vigilance of the Federal Government. Where this Government failed in duty a band of pioneer men and women, as brave and patriotic and big-hearted as ever faced danger or suffered sacrifice, took up the work, and saved as an integral part of this Government the future home of 50,000,000 of people.

Over 3,000 miles of arid plains and unbroken, rock-ribbed mountains, chasing the mirage by day, defending themselves from savage beasts and more savage men by night, they wended their way westward. Along their pathway, in many a spot, a fresh-turned sod, wet with women's tears, covered the victim of savage vengeance. Weary and worn with travel, their ranks thinned from repeated conflicts, they planted the Stars and Stripes, defended by their valor and baptized by their blood, on the shores of the Pacific, there to receive the first kiss of the western breeze and to wave the last good night to the setting sun. After this brave people had added American occupation to American title, and had planted its banner on the battlements of the Pacific, the Government made no effort to defend flag or people.

Mr. RICHARDSON. Mr. Speaker, I make the point of order. I understand the gentleman is not speaking to the bill before the House. As that rule has been invoked against gentlemen on this side of the House and enforced, I make the point of order that he should confine his remarks to the bill before the House.

Mr. CANNON. The gentleman from Oregon is discussing a pension bill and the propriety of enacting it; and as I understand his remarks up to this time, he is addressing such arguments as

seem to him proper to the extent of the bounties or gratuities of this Government, as the case may be, toward others, which may affect the purpose and object of this bill. [Laughter.] The gentleman laughs.

Mr. RICHARDSON. I did not laugh.

Mr. CANNON. A man who has the floor for an hour must be allowed a little latitude in producing such argument for the consideration of the House as seems to him apt and proper. It may not be a proper one to the gentleman from Tennessee, and yet entirely proper to the gentleman entitled to the floor.

Mr. RICHARDSON. In reply to the gentleman from Illinois, I understand the gentleman from Oregon does not believe his remarks are in order, for he asked unanimous consent to make them out of order, conceding that they were out of order; and when unanimous consent was refused he insisted on reading to the House his remarks which he failed to get unanimous consent to deliver out of order.

Now, I call him to order, because that rule has been rigidly enforced by gentlemen occupying the chair during the last three, four, five, or six weeks of this Congress against gentlemen on this side. Ordinarily I do not object to speeches out of order; but inasmuch as that rule has been invoked and applied with rigid force against gentlemen on this side, I now invoke and make the point of order that the gentleman, on a private pension bill pending in the House of Representatives, not in the Committee of the Whole House, can not depart from the rule and discuss general politics. Now, I appeal to the Chair to enforce the rule which has been rigidly enforced against this side of the House.

Mr. CANNON. Just a word in reply. The gentleman from Oregon is not talking about free trade, free silver, or the Chicago platform.

Mr. RICHARDSON. That would be just as much in order as what he is speaking about.

Mr. CANNON (continuing). Nor anything of that kind. The gentleman, as I gather it, is talking about a bill which proposes to pension a soldier of the late war; and he has a right, in making his speech, to bring in anything that will furnish the House—

Mr. RICHARDSON. That is what we have always contended—

Mr. CANNON (continuing). With statements as to the proper extent and the propriety of enacting bills—

Mr. RICHARDSON (continuing). And it has been held the other way by the Chair.

Mr. CANNON (continuing). For others that are not on the pension roll.

I am not making his speech for him, but I have been listening to his speech, and it seems to me it is strictly in order.

Mr. RICHARDSON. Will the gentleman from Illinois allow me a question?

Mr. CANNON. Certainly.

Mr. RICHARDSON. Which side of the pending question is the gentleman from Oregon speaking upon?

Mr. CANNON. The gentleman from Oregon has a full hour to talk upon the subject of pensions and the policy of passing this bill, and it is not in the mouth of the gentleman from Tennessee to say what the nature of his arguments shall be, or as to whether they are sound or unsound.

Mr. RICHARDSON. Well, Mr. Speaker, I make the point of order in the most respectful way, and I appeal to the Chair to enforce the same rule which has been enforced heretofore—I make no complaint about it—that while a private pension bill is pending here the gentleman can not make a political speech. It is not upon the pending bill; it is a political harangue.

Mr. CANNON. The Chair can not make a speech for a member entitled to the floor. As long as that member talks to the subject before the House he must be the judge of what he will say and what argument he will address to the House to affect the merits of the bill and the policy touching the passage of the bill or anything else that seems to him proper.

Mr. RICHARDSON. I will ask my friend from Illinois again, why did the gentleman from Oregon concede that his remarks were out of order by asking unanimous consent to make his speech?

Mr. CANNON. The gentleman can not have a point of order decided upon an estoppel.

Mr. RICHARDSON. The gentleman from Oregon conceded that it was not a speech upon the pending question by asking unanimous consent, which was refused. That is better authority than the gentleman from Illinois.

Mr. CANNON. What the gentleman from Oregon thought was in order or was not in order does not affect the question. What the gentleman from Tennessee thinks about it does not make it in order or out of order.

Mr. RICHARDSON. The gentleman from Oregon confessed that he was not in order, and I think he was right about it.

Mr. CANNON. That confession I did not hear.

Mr. RICHARDSON. I heard it.

Mr. CANNON. I did not understand him to have conceded that

his speech was out of order; but whether he did or not, it is what the gentleman says that determines whether he is in order touching the matter before the House. If the gentleman from Tennessee must put words into the mouth of the gentleman from Oregon before the gentleman from Oregon shall be in order, then the gentleman from Tennessee furnishes the brains and the tongue and the words that the gentleman from Oregon must repeat before he will be in order.

Mr. RICHARDSON. I want to ask the gentleman from Oregon, inasmuch as he has a prepared speech and is reading it, if he prepared it as a discussion upon the pending bill? [Laughter on the Democratic side.]

Mr. CANNON. That does not determine the question.

Mr. RICHARDSON. I am not asking the gentleman from Illinois. I am asking the gentleman from Oregon.

Mr. CANNON. The gentleman from Oregon has been called to order. The gentleman from Oregon, except by consent of the House, can not speak.

Mr. RICHARDSON. Yes, he can; he can discuss the point of order.

Mr. CANNON. The gentleman from Tennessee is seeking to violate another rule of the House.

The SPEAKER pro tempore (Mr. DALZELL). The Chair is ready to rule.

Mr. TONGUE. I am ready to answer the question of the gentleman from Tennessee. I want to say that these remarks will not occupy over fifteen minutes. They have been prepared on the pension question. In answer to the question asked whether it was upon this pension bill, I want to say it is in opposition to the bill. I want to be able to say to this House that while it is voting every Friday, giving pensions to men who endured no hardship, who fought no battles, who received no wounds, for widows who married long after the war, I want to call attention to the fact that there are in Oregon men who fought for this country, who were in actual conflict fifty years ago, who have received no pension.

Mr. RICHARDSON. If the gentleman thought his remarks were in order, why did he ask unanimous consent to make them?

Mr. TONGUE. If the gentleman wants to know my thought, I expected that somebody on the other side would object to anything I might say that they thought might aid me. [Laughter on the Democratic side.]

Mr. DOCKERY. At the approaching election in Oregon.

Mr. RICHARDSON. Then the gentleman was seeking an advantage for himself, and not for the good of the country.

The SPEAKER pro tempore (Mr. DALZELL). The question before the House is the bill S. 1424, an act granting a pension to Richard P. Seltzer. There is no question before the House as to the expediency or in expediency of general pension legislation. The remarks of the gentleman from Oregon have related so far simply to pension legislation in general, and the Chair feels constrained, in construing the rule as it has been construed this session, to hold that the gentleman is out of order.

Mr. CANNON. Now, Mr. Speaker, for the purpose of taking the sense of the House on this question (cries of "Regular order!"), I desire to take an appeal from the decision of the Chair.

Mr. RICHARDSON. I move to lay the appeal on the table.

Mr. CANNON. Yes; but I happen to have the floor.

Mr. RICHARDSON. You have not, I guess.

Mr. CANNON. I guess I have.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. RICHARDSON] has the floor.

Mr. CANNON. Well, I think not.

Mr. RICHARDSON. I move to lay the appeal on the table.

The SPEAKER pro tempore. It has been decided many times, as the gentleman from Illinois [Mr. CANNON] will recollect, that when a member has taken an appeal his recognition ceases until he is recognized again. The gentleman from Tennessee has made a motion to lay the appeal on the table. That is the question now before the House, and is not subject to debate.

The question having been put,

The SPEAKER pro tempore. The ayes seem to have it.

Mr. CANNON. I ask for a division.

The question being again taken, there were—ayes 87, noes 11. Mr. CANNON. Now, Mr. Speaker, I ask you to count a quorum.

The SPEAKER pro tempore. Does the gentleman make the point that there is no quorum present?

Mr. CANNON. I do.

The SPEAKER pro tempore (having counted the House). There are 142 members present—not a quorum.

Mr. RICHARDSON. I ask for the yeas and nays.

The SPEAKER pro tempore. Under the rules of the House, no quorum having voted, the yeas and nays are considered as ordered and a call of the House is in progress. The doors will be closed, and the Clerk will call the roll.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary

inquiry. Is the question upon which we are to vote the question of sustaining the ruling of the Chair?

Mr. BARTLETT. As I understand, the pending motion is to lay the appeal on the table.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. BARTLETT] is correct.

Mr. RICHARDSON. And an affirmative vote sustains the Chair.

The SPEAKER pro tempore. The gentleman from Illinois appealed from the decision of the Chair; and the gentleman from Tennessee moved to lay the appeal on the table. The question is, Shall the appeal be laid on the table?

Mr. BERRY. Before the roll is called, I think we can compromise this matter. If the gentleman from Oregon [Mr. TONGUE] is permitted to print his remarks in the RECORD he will be satisfied; and then we can go on with business.

The SPEAKER pro tempore. But there is no quorum present. The Clerk will proceed to call the roll.

The question was taken; and there were—yeas 134, nays 9, answered "present" 87, not voting 175; as follows:

YEAS—134.

Adamson,	Cowherd,	Hunter,	Robinson, Ind.
Aldrich,	Crump,	Jenkins,	Reyes,
Allen,	Curtis, Iowa	Kirkpatrick,	Sayers,
Bailey,	Curtis, Kans.	Kleberg,	Settle,
Baker, Ill.	Dalzell,	Lester,	Shelden,
Barham,	Danford,	Little,	Showalter,
Bartlett,	Davenport,	Livingston,	Shuford,
Belden,	De Armond,	Lloyd,	Simpson,
Bell,	De Graffenreid,	Loudenslager,	Skinner,
Bennett,	Dinsmore,	McDowell,	Slayden,
Benton,	Dockery,	McRae,	Sperry,
Bingham,	Dolliver,	Maddox,	Stallings,
Botkin,	Evans,	Martin,	Steele,
Boutelle, Mo.	Fischer,	Maxwell,	Stephens, Tex.
Boutell, Ill.	Fleming,	Meekison,	Stewart, Wis.
Brantley,	Gaines,	Miers, Ind.	Stokes,
Brenner, Ohio	Gillet, N. Y.	Miller,	Stone, C. W.
Brewer,	Greene,	Minor,	Strowd, N. C.
Brown,	Griffin,	Moon,	Sturtevant,
Brownlow,	Griffith,	Morris,	Sulzer,
Brumm,	Griggs,	Norton, S. C.	Sutherland,
Brundidge,	Groat,	Ogden,	Tawney,
Burke,	Hamilton,	Olmsted,	Taylor, Ohio
Burton,	Hay,	Osborne,	Terry,
Butler,	Heatwole,	Parker, N. J.	Underwood,
Carmack,	Henry, Conn.	Payne,	Vincent,
Clardy,	Henry, Miss.	Perkins,	Wanger,
Clark, Iowa	Henry, Tex.	Peters,	Weymouth,
Clark, Mo.	Hepburn,	Pitney,	Williams, Miss.
Clarke, N. H.	Hicks,	Ray,	Wilson,
Cochran, Mo.	Hilborn,	Reeves,	Yost,
Coddling,	Hill,	Richardson,	Zenor.
Cooney,	Howard, Ga.	Rixey,	
Cooper, Wis.		Robertson, La.	

NAYS—9.

Brucker,	Crumpacker,	Gibson,	Updegraff,
Cannon,	Davison, Ky.	Graff,	Warner.
Connolly,			

ANSWERED "PRESENT"—87.

Ball,	Hager,	Mann,	Spalding,
Hankhead,	Hooker,	Marsh,	Stark,
Barlow,	Jones, Wash.	Meyer, La.	Talbert,
Barrett,	Lacey,	Mitchell,	Tongue,
Belknap,	Lewis, Ga.	Otey,	Vandiver,
Berry,	Lewis, Wash.	Otjen,	Wheeler, Ky.
Bland,	McClellan,	Ridgely,	Wise.
Broderick,	McCulloch,	Shafroth,	
De Vries,	McIntire,	Smith, Ky.	
Elliott,	McMillin,	Smith, S. W.	

NOT VOTING—175.

Acheson,	Colson,	Grosvenor,	Landis,
Adams,	Connell,	Gunn,	Lanham,
Alexander,	Cooper, Tex.	Handy,	Latimer,
Arnold,	Corliss,	Harmer,	Lawrence,
Babcock,	Cousins,	Hartman,	Lentz,
Baird,	Cox,	Hawley,	Linney,
Baker, Md.	Cranford,	Hemenway,	Littauer,
Barber,	Cummings,	Henderson,	Lorimer,
Barney,	Davey,	Henry, Ind.	Loud,
Barrows,	Davidson, Wis.	Hinrichsen,	Love,
Bartholdt,	Davis,	Hitt,	Lovering,
Beach,	Dayton,	Hopkins,	Low,
Belford,	Dingley,	Howard, Ala.	Lybrand,
Benner, Pa.	Dorr,	Howe,	McAleer,
Bishop,	Dovener,	Howell,	McCall,
Bodine,	Driggs,	Hull,	McCleary,
Boose,	Eddy,	Hurley,	McCormick,
Bradley,	Ellis,	Jett,	McDonald,
Brewster,	Ermentrout,	Johnson, Ind.	McEwan,
Bromwell,	Farris,	Johnson, N. Dak.	Maguire,
Brosius,	Fenton,	Jones, Va.	Mahany,
Broussard,	Fitzgerald,	Joy,	Mahon,
Bull,	Fitzpatrick,	Kelley,	Marshall,
Burleigh,	Fletcher,	Kerr,	Mercer,
Campbell,	Foote,	Ketcham,	Mesick,
Capron,	Foss,	King,	Mills,
Castle,	Fowler, N. C.	Kitchin,	Moody,
Catchings,	Fowler, N. J.	Knowles,	Mudd,
Chickering,	Fox,	Knox,	Newlands,
Clayton,	Gardner,	Kulp,	Northway,
Cochrane, N. Y.	Gillett, Mass.	Lamb,	Norton, Ohio

Odell,	Russell,	Stevens, Minn.	Vehslage,
Overstreet,	Sauerharing,	Stewart, N. J.	Wadsworth,
Packer, Pa.	Shannon,	Stone, W. A.	Walker, Mass.
Pearce, Mo.	Shattuc,	Strait,	Walker, Va.
Pearson,	Sherman,	Strode, Nebr.	Ward,
Pierce, Tenn.	Sims,	Sullivan,	Weaver,
Powers,	Smith, Ill.	Sulloway,	Wheeler, Ala.
Prince,	Smith, Wm. Alden	Swanson,	White, Ill.
Pugh,	Snover,	Tate,	White, N. C.
Quigg,	Southard,	Taylor, Ala.	Wilber,
Rhea,	Southwick,	Thorp,	Williams, Pa.
Robb,	Sparkman,	Todd,	Young,
Robbins,	Sprague,	Van Voorhis,	

The following additional pairs were announced:

For this day:

Mr. MAHON with Mr. OTEY.

Mr. MUDD with Mr. VANDIVER.

Mr. BROMWELL with Mr. COONEY.

Mr. YOUNG with Mr. LEWIS of Georgia.

Mr. HAWLEY with Mr. BULL.

Mr. HARMER with Mr. WHEELER of Kentucky.

Mr. McCLELLAN. I have a general pair with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. I do not know how he would vote if present. I therefore withdraw my vote, and wish to be recorded as "present."

Mr. WILLIAMS of Mississippi. My colleague from Mississippi, Mr. HENRY, has been called from the Chamber this evening on important business.

Mr. GAINES. My colleague, Mr. SIMS, was unexpectedly called from the Hall a few moments ago. I am sure that if present he would vote "aye."

The Clerk having completed the call of the roll, and a quorum not having then appeared, the following occurred:

Mr. RAY of New York. Mr. Speaker, I desire to submit a parliamentary inquiry. Would it be in order now to ask unanimous consent to take the usual recess until 8 o'clock this evening?

The SPEAKER. It would not, no quorum having yet appeared. The Clerk will call the names of members who present themselves.

Various members presented themselves, their names were called, and they voted.

Mr. RICHARDSON. I rise to make a parliamentary inquiry. The SPEAKER. The gentlemen will state it.

Mr. RICHARDSON. Formerly in the absence of a quorum a resolution had to be passed requiring the Sergeant-at-Arms to bring in absentees. I desire to know if, under the rule of the present House, the Sergeant-at-Arms is required to bring in absentees in a case like the one now pending?

The SPEAKER. He is.

Mr. RICHARDSON. Without a resolution?

The SPEAKER. The Chair thinks he is, under the rule.

Mr. RICHARDSON. I think that is the proper construction of the rule; but inasmuch as it is a new rule which has never been passed upon, I wanted a ruling of the Chair to settle the question. As I understand it, it is the duty of the Sergeant-at-Arms to bring in absent members.

The SPEAKER. The rule provides that the Sergeant-at-Arms shall forthwith proceed to bring in absent members. We have never had occasion to wait before—

Mr. RICHARDSON. That is the reason I ask. I wanted to know if the Sergeant-at-Arms was discharging his duty.

The SPEAKER. The Chair supposes he is.

Mr. WHEELER of Kentucky. Mr. Speaker, I voted in the affirmative. I desire to withdraw my vote and be marked as present.

Various other members having appeared and voted,

The SPEAKER announced the result—yeas 104, nays 9, present 36.

Accordingly, the appeal was laid on the table.

The question recurring on the passage of the bill, the bill was passed.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8834. An act granting a pension to John B. Hays;

H. Res. 150. Joint resolution directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Port Tampa to its mouth, in the Gulf of Mexico;

H. R. 8349. An act granting additional powers to railroad companies operating lines in the Indian Territory;

H. R. 3953. An act granting an increase of pension to Calvin P. Lynn;

H. R. 9210. An act granting an increase of pension to George H. Baldwin;

H. R. 164. An act granting an increase of pension to John P. Thomas;

H. R. 864. An act granting a pension to Maria E. Hess;

H. R. 9815. An act appointing commissioners to revise the statute relating to patents, trade and other marks, and trade and commercial names;

H. R. 4456. An act granting a pension to Joseph R. Findley;
H. R. 5245. An act granting a pension to Florence N. Waldron;
H. R. 8636. An act granting an increase of pension to John X. Griffith;
H. R. 3663. An act granting a pension to George Barnes;
H. R. 10378. An act making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes; and
H. R. 713. An act to correct the naval record of Charles F. Brown.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3088. An act to amend "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved November 3, 1893; and

S. 4556. An act to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. JENKINS, for the remainder of this day, on account of important business.

To Mr. FARIS, for ten days, on account of important business.

QUARTERMASTER'S DEPARTMENT OF THE ARMY.

Mr. GRIFFIN. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 9, 10, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "sixth" and insert in lieu thereof the word "third;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: At the end of said amendment, as a new paragraph, the following:

"And be it further enacted, That during the existing war the Bureau of Ordnance of the War Department is authorized to purchase, without advertisement, such ordnance and ordnance stores as are needed for immediate use, and when such ordnance and ordnance stores are to be manufactured then to make contracts, without advertisement, for such stores to be delivered as rapidly as manufactured."

JOHN A. T. HULL,
M. GRIFFIN,
JAS. HAY,

Managers on the part of the House.

JOS. R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,

Managers on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House of the committee of conference on the disagreeing votes of the two Houses on the bill H. R. 10121 submit the following written statement in explanation of the conference report herewith submitted:

Senate amendments numbered 2, 9, 10, and 11, from which the Senate recedes, are as follows:

No. 2: Proposed to strike out the words "in the discretion of the Secretary of War," as it appears in the print of the bill as it passed the House.

No. 9: Proposed to suspend section No. 3709 so far as the same relates to the bureaus of the War Department and all branches of the Army. This section requires that in all purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, proposals therefor shall be previously advertised a sufficient time. The object of the amendment is accomplished by a subsequent amendment to the bill.

No. 10 proposed to suspend all that portion of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1896, and for other purposes," which requires purchases of amounts less than \$300 made without advertising to be immediately reported to the Secretary of War.

No. 11 provides that so much of the act approved March 15, 1896, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," as provides that all employees for the Record and Pension Office of the War Department shall be exclusively engaged in the work of that office.

That the Senate also agrees to the House amendment to Senate amendment numbered 12.

Senate amendments numbered 1, 4, 5, 6, 7, and 8, from its disagreement to which the House recedes, are merely verbal corrections.

Senate amendment numbered 3, from its disagreement to which the House also recedes, strikes out the words "with Spain" where they occur in line 5, House print of the bill.

Senate amendment numbered 14, from its disagreement to which the House recedes, is merely an amendment to the title, making it apply to the War Department generally in lieu of confining it to the Quartermaster's Department as in the original bill.

Senate amendment numbered 13, from its disagreement to which the House recedes, with an amendment, reads as follows: "Sixth. So much of the act approved March 15, 1896, entitled, 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1899,' under the heading 'Ordnance Department' as provides that no more than \$65,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department." The amendment consists merely in changing the number of the paragraph from "sixth" to "third."

Senate amendment numbered 12, from its disagreement to which the House recedes and agrees to the same with an amendment, is as follows: "And be it further enacted, That during the existing war materials required by the War Department may, in the discretion of the Secretary of War, be purchased abroad and shall be admitted free of duty."

The amendment thereto to which the House has agreed consists in adding at the end thereof a new paragraph as follows:

"And be it further enacted, That during the existing war the Bureau of Ordnance of the War Department is authorized to purchase without advertisement such ordnance and ordnance stores as are needed for immediate use, and when such ordnance and ordnance stores are to be manufactured then to make contracts, without advertisement for such stores to be delivered as rapidly as manufactured."

J. A. T. HULL,
M. GRIFFIN,
JAMES HAY,

Managers on the part of the House.

The conference report was agreed to.

CERTAIN LANDS IN NEBRASKA.

Mr. GREENE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8739) to authorize the resurveying of certain lands in Cheyenne County, in the State of Nebraska, and for other purposes.

The bill was read, as follows:

Whereas it appears from the report of the United States Topographic Survey, and also from a survey made by the county surveyor of Cheyenne County, in the State of Nebraska, that errors exist in the Government survey in the northern part of said Cheyenne County, and that according to said surveys a number of townships in said northern part of said Cheyenne County, and particularly in townships 22, 23, and the north half of township 21 north, of range 47 west, of the sixth principal meridian, are only 5 miles wide from east to west; and

Whereas the maps and plats on file show said sections to be full, and that on account of such errors great confusion and much litigation exist and will ensue: Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made a survey of the lands in said northern half of Cheyenne County, in the State of Nebraska, or so much thereof as may be necessary, to correct the errors existing in said original survey; and all rules and regulations of the Interior Department requiring petitions from all settlers on said lands asking for a resurvey and agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied.

The following amendments recommended by the Committee on the Public Lands were read:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made a survey of the following lands in Cheyenne County, in the State of Nebraska: Townships 21, 22, and 23 north, range 47 west, principal meridian, and so much of the lands adjacent thereto as may be necessary to correct the errors existing in the original survey of said lands. And all rules and regulations of the Interior Department requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled: *And provided further*, That said resurvey shall in no manner affect the rights of bona fide occupants of any of said lands to the land so occupied to the amount which said occupants are entitled to receive from the Government."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GREENE, a motion to reconsider the last vote was laid on the table.

INDIAN RIVER, FLORIDA.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill to amend an act "Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896.

The SPEAKER. The Chair will submit it, but he thinks that when the hour of 5 o'clock arrives—

Mr. HOOKER. Then it would go over as unfinished business, would it not?

The SPEAKER. It would not.

The Clerk began the reading of the bill.

The SPEAKER (during the reading). The hour of 5 o'clock having arrived, the House is, by its rules, in recess until 8 o'clock this evening, when the gentleman from Illinois, Mr. CONNOLLY, will please act as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session, with Mr. CONNOLLY in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The House is in session under the special rule, which will be read by the Clerk.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. TALBERT. Mr. Speaker, before we go into Committee of the Whole, I ask unanimous consent that to-night all bills for the removal of charges of desertion be passed over, except in cases where the member introducing the bill is present to explain its merits and advocate it.

Mr. CLARDY. Mr. Speaker, I desire to say that we have got a whole lot of unfinished business, which is the first thing in order to-night before we go into that.

Mr. TALBERT. I suggest to the gentleman that that will not interfere with this request.

Mr. RAY of New York. No; that is what we will do.

Mr. LOUDENSLAGER. Let us settle this first.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. TALBERT] asks that all bills for the removal of political disabilities and charges of desertion be passed over, except in cases where the member offering the bill is present to explain its merits. Is there objection to the request?

There was no objection.

Mr. BARTLETT. Mr. Speaker, I desire to know whether the rule adopted at the two preceding meetings of the House on Friday night, with reference to the manner in which bills shall be called up, is still in existence? I do not remember whether it was permanently adopted or only just for the session.

The SPEAKER pro tempore. That rule was for that special session.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the same rule in reference to the way in which bills are to be called up be continued to-night. Let them be called up, and if the member introducing the bill is present, let it be considered, and if not, let it be passed over.

Mr. RAY of New York. I hope the gentleman will not make that request.

Mr. BARTLETT. It has been done on a number of other occasions here without objection.

Mr. RAY of New York. I understand it has been done heretofore in order to get along, to avoid the point of no quorum; but it is not fair to the members of this House under existing conditions. There are a great many who have been called away to-day. We have adjourned over until after Memorial Day. They are called home on business, or to see their families; and I told several members I did not think this method of procedure would be insisted on this evening. It simply operates to bring the Senate bills to the front. It deprives members of their rights. Many are gone to observe Memorial Day, to make addresses; both Democrats and Republicans are gone for this patriotic purpose.

Mr. BARTLETT. I am willing to except the Senate bills, unless the members are here and present them.

Mr. RAY of New York. That is not the point. It simply operates to put the Senate bills ahead of those of members of the House; and those members are not here; they can not be here, and it throws their bills to the rear. They do not expect to be here; they do not understand it, and they can not be here, many of them.

Mr. BARTLETT. Mr. Speaker, I have no desire to embarrass anybody, but I think those members of the House who have business here and who come Friday night after Friday night to look after it, and wait and wait and wait for it and assist to carry on the business of the House, deserve some consideration, more consideration than those who do not even come here to make a quorum or do anything toward transacting the business of the House. I make the request. Of course the gentleman from New York can object to it if he desires to do so.

I think those of us who are here to attend to the consideration of private business are more entitled to consideration than those who do not come here for the purpose of transacting the business of the House. If any member is absent by reason of sickness or the sickness of any member of his family, and it is stated, or if any member is absent on public duty, such as the gentleman from Pennsylvania was the other day, I think his bill ought to be considered. I do not think those of us who come here to transact business ought to be called upon to attend to business of that kind in their absence, and I think those who have bills here and are looking after them ought to have them considered.

Mr. RAY of New York. Now, Mr. Speaker, I do hope, the whole afternoon having been wasted, that we may go on and at-

tend to these bills. We have a great deal of unfinished business, and I hope it will be taken up and completed, and then we will go to the other Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. BARTLETT. I wish to say, about the whole evening being wasted, I do not think myself or gentlemen on this side were the cause of its being wasted.

Mr. RAY of New York. I am not saying that.

Mr. BARTLETT. The afternoon was wasted because the gentleman from Illinois [Mr. CANNON] made the point of no quorum, and an effort was made to waste the time of the House in discussing matters not before the House, and to consume time that had been allotted under the rule for the Friday session to the transaction of public business, when there were upon the Private Calendar some forty or fifty pension bills, and the evening was wasted because one gentleman upon that side, the gentleman from Illinois [Mr. CANNON], made the point of no quorum. That is how it was wasted, and we are not responsible for it being wasted. I again repeat the request, that the same rule adopted here for the consideration of business ought again to be adopted.

Mr. CLARDY. I ask for the regular order.

The SPEAKER pro tempore. Objection is made to the request of the gentleman from Georgia.

Mr. BARTLETT. Objection is made?

The SPEAKER pro tempore. The gentleman from Kentucky objects.

Mr. BARTLETT. All right, sir.

Mr. CLARK of Iowa. Mr. Speaker, I would like, before we go into Committee of the Whole, for the House to turn to file 676.

The SPEAKER pro tempore. The regular order has been called for.

Mr. CLARDY. I ask for the regular order, which is the unfinished business.

The SPEAKER pro tempore. The gentleman from Kentucky has demanded the regular order, which is the unfinished business.

DANIEL G. GEORGE.

The first business on the Calendar of Unfinished Business was the bill (S. 506) granting an increase of pension to Daniel G. George.

The amendment reported from the Committee of the Whole was agreed to.

The question was taken on ordering the bill as amended to be read a third time; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. SIMS. Division. I have no object in the world except to see how many members come here to attend to business. It will not take more than a moment to count this crowd.

Mr. RAY of New York. Those present on both sides are good men and capable of doing business.

Mr. SIMS. Let the country see how many are here.

The question was taken; and there were—ayes 29, noes 0.

Mr. SIMS. I am not going to make the point of no quorum; but 29 members of this House here to vote money out of the Treasury is a remarkable spectacle for this country to have to witness.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH PORTER.

The next bill on the Calendar of Unfinished Business was the bill (S. 1477) granting an increase of pension to Joseph Porter.

The bill was read.

Mr. TONGUE. Mr. Speaker, I would like to ask unanimous consent of the House to extend the remarks I had intended to make this afternoon. I want to say they would not have occupied more than five minutes, and not one word in reference to political questions or disputed questions was contained in the remarks. They pertain purely to the question of giving pensions to the survivors of Indian wars located in the different States, some of them in the South, but principally in the West. There is no politics in it at all.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BARTLETT. I object.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

SENATE BILLS PASSED.

In the following Senate bills, reported from the Committee of the Whole, the amendments recommended by the Committee of the Whole were severally agreed to, the bills as amended ordered to a third reading, read the third time, and passed:

A bill (S. 1473) granting a pension to Oscar A. Palmer;

A bill (S. 853) granting an increase of pension to George L. Durbin;

A bill (S. 2751) granting an increase of pension to Charles H. Johnson;

A bill (S. 1075) granting an increase of pension to Edward Stanley;

A bill (S. 769) to increase the pension of Clark W. Harrington; and

A bill (S. 486) granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers.

CASSIUS M. CLAY, SR.

The next bill on the Calendar of Unfinished Business was the bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Cassius M. Clay, sr., a major-general in the volunteer service of the United States in the war of the rebellion, and pay him a pension of \$50 per month, in lieu of any pension he may now receive on account of such service.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "An act granting a pension to Cassius M. Clay, sr."

Mr. TALBERT. Mr. Speaker, I desire to offer an amendment to strike out the word "fifty" and insert "twenty-five." My reason for that is this: General Clay has a splendid estate in Kentucky, sufficient to support him; an estate valued, as I understand, or assessed at \$18,000 or \$20,000. He has no one to support but himself, and, as was very justly said by the distinguished chairman of the Committee on Invalid Pensions this afternoon, that committee did not propose to pension anyone on account of age alone, but on account of disabilities and dependent circumstances.

I understand, from the reading of the report last Friday night, that General Clay incurred no disability in the service, was never wounded, and never rendered much service anyway. I submit that \$25 ought to be enough, notwithstanding his extreme age, and I hope the House will sustain this motion to amend the bill so that it will carry \$25 a month instead of \$50 a month.

Mr. RAY of New York. Mr. Speaker, I do not want any misapprehension on the part of the gentleman from South Carolina. General Clay served first through the Mexican war. He then entered the war of the rebellion and served in a lower capacity; but after that was appointed a major-general of volunteers, and served until some time in April, 1863, I think it was, when he was appointed minister to Russia.

Now, I think the gentleman from South Carolina has been a little extravagant in his description of General Clay's property in Kentucky. The gentleman from Kentucky [Mr. CLARKE] tells me that he knows General Clay and knows about his property, and while he has quite a large tract of land, he has no property beside that, and is old and has no one to work it. And notwithstanding he has this estate, it produces no income to him. That is all I know about it. The land is not very valuable or productive.

Mr. TALBERT. I do not want, Mr. Speaker, to do anybody an injustice. As to the value of the property, I will read a telegram received by the gentleman from Mississippi [Mr. LOVE], who wired the sheriff of the county and asked him what the property of General Clay was assessed at, and here is his reply:

Gen. C. M. Clay's property assessed at \$20,000. No incumbrance; only a life interest.

H. H. COLYER.

That is the information upon which I base my statement, and that ought to be sufficient property to carry him along with the \$25 a month. I did not say that he did not render distinguished services, but I said the report of the committee did not show that he had incurred any disability of service origin, that his services in the war had not afflicted him in any way, and that he is perfectly sound as far as his physical health is concerned. He is old; but, as the distinguished chairman said, we do not care to pension him on account of his age. I do not intend to do an injustice to anybody.

Mr. GREENE. Mr. Speaker, I have never objected to paying the largest pension recommended by the committee on a single occasion in this Congress. I am in favor of liberal pensions to needy soldiers. I am not in favor, however, of paying large pensions to men who served but little in the Army, and who are amply able to live without it, and who contracted no disease and received no wound in line of duty. Now, from the report made here, Cassius M. Clay served in the Union Army exactly six months.

Mr. RAY of New York. Oh, you are mistaken.

Mr. GREENE. Look at your report. He was in charge of some organization called the Cassius M. Clay Guards, but, according to the report, there is no evidence that they were ever mustered into the service of the United States at all. He enlisted

in the Union Army and was made a major-general, and served, if I recollect, exactly six months to a day in actual service, and resigned his command to be made minister to a foreign country. Now, if I am mistaken I would like to be corrected, but I think you will find that I am not mistaken. In your report you say he was assigned to duty September 11, 1862, and his resignation was accepted March 11, 1863. Just six months in the service of his country in the war of the rebellion, according to these figures, and that was as a major-general.

There is no evidence that he received any wounds; there is no evidence that he ever saw a man in rebel uniform; there is no evidence that he incurred any disease. He is a man 80 years of age at the present time; but, for anything that appears, is in reasonably good health for a man of that age. In the last few years he has married a young wife, as we all know. I apprehend he is in fairly good condition physically for a man of his age. He has nobody dependent upon him at all, as I am informed by gentlemen who claim to know.

He has a life estate in a large body of the very best land, and, I am informed, in the State of Kentucky, the blue grass region—an estate which is assessed for taxation at \$20,000; and I think all gentlemen in this House know that property is never overestimated for taxation purposes. So it is fair to assume that the property under the control of this gentleman is at least of the value of \$20,000.

Now, I do not believe it is right or just, while there are so many thousands of old soldiers almost destitute, whose claims are now before this Congress, who have been knocking at the doors of Congress for years for relief and have failed to get it, to pass by those old, sick, and helpless soldiers to pension a man who is, according to the best information we have, in elegant circumstances.

The report says that he has not means to meet his current expenses. Now, I do not know what his current expenses are. I apprehend, however, that if we are to support Cassius M. Clay according to his idea of living, \$50 a month and the proceeds of a large blue-grass farm in Kentucky would scarcely be sufficient. But I do not believe that this man, who served only six months, as I remember, in the Union Army, who contracted no disease, and who has \$20,000 of unencumbered property for taxation, ought to be pensioned at the sum of \$50 a month, while so many thousands of old soldiers and their widows, who are almost destitute, are put off with a pittance of \$3, \$10, or \$12 a month, and some of them with practically nothing. This is all I care to say.

Mr. SETTLE obtained the floor.

Mr. RAY of New York. Before the gentleman from Kentucky [Mr. SETTLE] proceeds, let me correct one error of the gentleman from Nebraska [Mr. GREENE], lest it be forgotten. The gentleman has stated that the report shows that this man served only six months in the Union Army. The report shows that as a major-general on active duty in the field in command of the Department of the Gulf he served about a year. That is one thing. Besides, he served in the Mexican war—all through it. And then he, at another time, served here in the defenses of Washington.

Mr. GIBSON. Without cost to the Government.

Mr. RAY of New York. Yes; without cost to the Government.

Now, we should have the facts as they are, and no misrepresentations. I know the gentleman from Nebraska does not intend to misrepresent. He is simply mistaken; that is all.

Mr. SETTLE. Mr. Speaker, I have only a few words to offer in support of this bill and against the amendment.

Mr. GREENE. Will the gentleman allow me to say a word before he proceeds with his remarks? Let me call the attention of the House to what this report does state.

Mr. SETTLE. The gentleman can follow me.

Mr. GREENE. I shall not occupy more than a moment. I read from the report:

The records also show that Cassius M. Clay was captain and major of a military organization designated "The Cassius M. Clay Battalion" or "Washington Clay Guards," the members of which tendered their services to the Government in April, 1861, for the defense of the city of Washington until the arrival of the troops called for by the President's proclamation of April 15, 1861.

There is no evidence that the organization was mustered into the military service of the United States, and there are no records of the force on file, excepting two manuscript rosters containing the names of the officers and enlisted men composing the organization, dated, respectively, April 18 and 23, 1861, and a manuscript roster of the officers of the battalion, dated April 23, 1861. These rosters do not show the period of service of the organization nor how long Cassius M. Clay commanded it.

It is further shown by the records that Cassius M. Clay was commissioned major-general of volunteers April 15, 1862, to rank from April 11, 1862; that he accepted the appointment June 17, 1862; that on September 11, 1862, he was assigned to duty in the Department of the Gulf, and that his resignation as major-general of volunteers was accepted March 11, 1863.

Now let gentlemen figure it out, from September 11, 1862, to March 11, 1863, and see whether General Clay served over six months in actual service.

Mr. RAY of New York. The gentleman must not misrepresent the facts. Because Cassius M. Clay was not assigned to duty in the Department of the Gulf until September, 1862, it does not follow that he did not serve in the fore part of that year. He did.

The committee could not give every item and every day of his service as a soldier. They merely state the fact that he was given that important command at that time.

Mr. GREENE. Well, he was assigned to duty September 11, 1862.

Mr. RAY of New York. At that point.

Mr. GREENE. And on March 11, just six months afterwards, he resigned—six months to a day; and there is, I repeat, no evidence that he ever was in actual service at any other time.

Mr. SETTLE. I understand that the gentleman from Nebraska and other gentlemen who are opposing this bill are for the amendment; therefore they consider this a pensionable case.

Mr. GREENE. No; I do not.

A MEMBER. The only difference seems to be as to the amount of the pension.

Mr. SETTLE. Certainly the gentleman from South Carolina is committed by his amendment.

Mr. TALBERT. In view of the fact that this man served in the Mexican war, and in view of his age, I am in favor of granting him a pension of reasonable amount.

Mr. SETTLE. Well, it is in view of his age and of the other circumstances in the case that the committee propose to make the pension \$50.

Now, as to the financial condition of General Clay, I am not so well advised as I should like to be. But my information is, and has been for the last few years—before ever the thought of a pension for General Clay was suggested—that although he is in control of a large landed estate in Madison County, it is that character of estate that is utterly unproductive. He has a fine house on it, but the income amounts to nothing. He has a wife; he has sons. And if there is any man in this Union to whom the Republican party owes a special debt of gratitude, it is this man.

I remember, sir, that in 1860 or 1861, when I was but a small lad in the city of Frankfort, Gen. Cassius M. Clay was an abolitionist. They were few then. He came to Frankfort to make a speech. They refused to let him have the court-house. Of course I, in common with all the other lads and almost everybody else in Frankfort, thought that was a wise and proper thing for the people to do.

We had no use for abolitionists. But he was not dismayed. He spoke in the rotunda of the State capitol. He had an immense crowd to hear him, and before he began his speech he pulled out two revolvers and he said, "Now, Mr. Reporter, put that down in the beginning of my speech," and he spoke to that assembled crowd. He was a man of his convictions, true to duty at a time when to be true and loyal meant disaster and perhaps personal violence and death.

And then I remember another instance, when he did not agree with you Republicans, in the campaign of 1876, when the wave of Tilden and reform spread over this country. I was at Cincinnati, and he was advertised to speak there on Walnut Hills, and the crowd attempted to play the same game upon him in 1876 that the Frankfort crowd had attempted to play away back in the sixties, but the General, though he was an older man, had lost none of his courage. He declared that he would speak and speak as he pleased, and speak he did.

That is the kind of a man he is. He is a Republican to-day. He is a man who knows not the first principle of fear, and he has battled for the Republican party since its infancy. He is to-day respected all over the State of Kentucky for his fearless and intrepid character. I ask this House to stand by the bill, and in view of his age, and in view of his services in the Mexican war, and in view of his services in the late war, to give him this \$50. He will not draw it long. [Applause.]

Mr. CLARDY. I simply want to confirm what my colleague has said in reference to Gen. Cassius M. Clay. I know him personally. He is a distinguished citizen of Kentucky. He is not of my politics, but I have a high esteem for him individually. He is now over 80 years old. It is true that he has several hundred acres of fairly good land, or at least a part of it is, with a fine house on it; but fine houses and lands do not support people unless they can be worked and made profitable.

I understand from those who are better informed than myself that it is with considerable difficulty that he is able now to make a living and to keep up the place in respectably good style. He has no property of his own. He has a life estate in this property, which I presume is correctly taxed at \$20,000. But you remember that this tax has to be paid, and it is paid with great difficulty, because this farm is unproductive.

Now, I believe, in consideration of the service which he has rendered to the State and to the nation, that he ought to have this pension. I do not desire to say anything further, but the idea that he is a rich man now, with a large income, I think is not true. His pension can not last him many years. As I said, he is over 80 years old. He has a young wife to provide for. Although they may not live together all the time, she is still his wife, as I understand, and of course he desires to care for her and leave her in

comfortable circumstances. I think the bill ought to be allowed to stand as it came from the Senate.

Mr. GREENE. Mr. Speaker, I want to say here that nobody in this House has any higher respect for Cassius M. Clay, of Kentucky, personally than I have, not being personally acquainted with him. But I have never understood it to be the policy of this Government to pension men because they were distinguished citizens, and because they carried pistols and bowie knives and laid them out on a rostrum and said they intended to make speeches, as the gentleman from Kentucky says Mr. Clay did.

Mr. GIBSON. Unless they are from Kentucky!

Mr. GREENE. I have never understood it to be the policy of this Government to pension a man because he is a distinguished citizen of Kentucky or because he is a distinguished citizen of any other State in the Union. I understand it to be the policy of this Government to pension men who are deserving of pensions because of the fact of disabilities incurred in the service of their country in the first instance. I understand that the Government has wisely extended that policy so that when a soldier becomes old and infirm and poor the Government will beneficently extend to him a pension covering disabilities not actually received in the line of service. At least, we have adopted that policy in this House, and I approve of it.

Mr. MARSH. There is nothing in the law that requires a soldier to be poor in order to get a pension.

Mr. GREENE. I understand there is nothing requiring him to be poor. I have said it is the policy of this Government to pension soldiers for disabilities received in the line of duty. That is the policy of this Government, but that has been extended by this committee and by this House, liberally extended, and rightly extended, I take it—

Mr. MARSH. It is extended by the law of 1890.

Mr. GREENE. To meet cases where persons are in actual need, to provide for their needs when they are old and poor; and I would vote to pension any old soldier if he were in actual need and diseased, whether he contracted his disease in line of duty or not.

Mr. MARSH. Yes; but the law of 1890 does not require that the soldier shall say that he is a poor man.

Mr. GREENE. I so understand it, but we have a case before us in which there is not a scintilla of evidence that this man was injured or received any wound or disability in the line of duty.

Mr. NORTHWAY. Now, will the gentleman permit a question?

Mr. GREENE. Yes.

Mr. NORTHWAY. Do you favor the amendment of the gentleman from South Carolina?

Mr. GREENE. Oh, I am opposed to the whole bill, but will submit to the bill as amended.

Mr. NORTHWAY. You will vote against the whole thing?

Mr. GREENE. I do not believe it is the policy of this Government to pension a man, I say, simply because he is a distinguished citizen. I do not believe it is the policy of this Government to pension a gentleman who served only six months in line of duty, and from the day that Mr. Cassius M. Clay was assigned to duty it was exactly six months to a day until he tendered his resignation to accept the position of foreign minister.

Mr. NORTHWAY. Is the fact that he is a distinguished citizen any objection to his receiving a pension?

Mr. GREENE. None whatever, and no reason why he should. I am weary of hearing it urged that men are distinguished citizens as a reason why rights should be given them to which they are not entitled.

Mr. NORTHWAY. But of course it is no reason why he should not.

Mr. GREENE. It cuts no figure in the case whether he is a distinguished or an undistinguished citizen. That has nothing to do with the matter. But there is no evidence here, I repeat, that he received a wound or incurred any disability in the line of duty. The evidence before this House is conclusive that he has property largely in excess of that possessed by thousands and multiplied thousands of the soldiers and their widows in this country who are drawing \$8 and \$12 a month, and many none at all.

I say it is not right, simply because a man is distinguished, to throw \$50 a month into his purse, when he can live without it, and at the same time pay men who are poor and diseased and who carried their muskets for three or four years from \$6 to \$13 per month. I want to see justice done the men who fought our battles, and if any should receive large pensions it should be the men who are poor and not those who are rich. The gentleman from Kentucky suggests that this large pension is necessary to enable the pensioner to live in the "style" he requires. We are not paying pensions to enable the soldiers to live in "style," but in comfort. Many of them live in poverty. These latter should first have the attention of Congress. Let us first provide for their wants, and then if we have money to waste it would look better to talk about living in style.

Mr. TALBERT. Mr. Speaker, there seems to be a difference of opinion. Numbers of gentlemen here think that this distinguished citizen of Kentucky ought not to receive anything. Others think that he ought to receive a pension. Now, in view of this fact, I think it will be a very happy compromise to adopt the amendment that I have offered, that we strike out "fifty" and insert "twenty-five." I hope there will be no objection to the amendment, and I ask that the committee now vote upon that amendment. This gentleman is not drawing any pension now.

The question being taken on the adoption of the amendment of Mr. TALBERT, on a division (demanded by Mr. SETTLE) there were—ayes 30, noes 27.

Mr. SETTLE. Mr. Speaker, I ask for the yeas and nays.

Mr. TALBERT. Mr. Speaker, it is too late.

Mr. SETTLE. I will not insist upon that, in view of the fact that it might disclose the want of a quorum.

The SPEAKER pro tempore. The amendment of the gentleman from South Carolina [Mr. TALBERT] is agreed to. The question now is upon the amendment of the committee.

Mr. TALBERT. Mr. Speaker, I rise to a point of order. It seems to me that the amendment that I offered is in lieu of the committee amendments.

The SPEAKER pro tempore. There are other committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TALBERT, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the title of the bill was amended as recommended by the committee.

J. O. HOTTENSTEIN.

The next bill on the Calendar of Unfinished Business was the bill (H. R. 9295) for the relief of J. O. Hottenstein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. O. Hottenstein, of Humboldt, Kans., late of Company G, Twentieth Illinois Infantry, said pension to be at the rate of \$24 per month.

The amendments recommended by the Committee of the Whole were read, as follows:

In line 6 strike out the capital "J" and insert "Justin" in lieu thereof.

In same line strike out the words "of Humboldt, Kans."

In line 7 strike out all after the word "Infantry" and insert in lieu thereof "and pay him a pension at the rate of \$24 per month."

Amend the title so as to read: "A bill granting an increase of pension to Justin O. Hottenstein."

In line 8 strike out "twenty-four" and insert "thirty."

Mr. BOUTELL of Illinois. Mr. Speaker, I would like to offer an amendment to the amendment recommended by the Committee of the Whole, in line 8, by striking out "thirty," as offered by the committee, and inserting "fifty."

The facts in this case, Mr. Speaker, illustrate one of the grossest injustices done by our Pension Department, an injustice which it is the prerogative of this House to correct. The facts in the case show that Lieutenant Hottenstein, a loyal German-American, enlisted from the State of Illinois in 1861.

He was mustered in April 24 of that year. He was discharged, as shown by the committee report, June 25, 1864, having become totally disabled from further military duty by reason of gunshot wound through his left breast and lung, received in battle, and chronic diarrhea contracted in the service and in line of duty. He has never recovered, and now suffers from an abscess, the result of the wound in the lung. He has heart trouble and disease of the digestive organs. On June 25, 1864, he was pensioned at \$12.75 per month for gunshot wound through left breast and lung. This was increased to \$18 from February 21, 1876, and to \$24 from February 3, 1883. This was reduced to \$17 from March 4, 1886, and many applications for increase have been rejected.

On the second page of the report the committee state the reduction of this man's pension from \$24 to \$17 a month was without excuse or justification. The increase of this pension to \$30 a month would require three years and more to make up for the injustice done him by the Pension Bureau. I urge that this loyal soldier's pension be placed at such an amount as will do him justice according to the committee's report. I make a plea for simple justice to a plain, common soldier.

In this connection, Mr. Speaker, I would like to call attention to the debt of gratitude which this nation owes, and which it seems to me at this time we might appropriately recognize, to our foreign-born citizens. Although the statistics show that only 15 per cent of our population is foreign born, the Secretary of War reports that to-day over 25 per cent of our Army are of foreign birth, and the Secretary of the Navy reports that in our Navy of the petty officers over 52 per cent are of foreign birth, and of the

enlisted seamen over 42 per cent are of foreign birth. Of those who were destroyed in the *Maine*—258—104 were of foreign birth.

The statistics also show that among our citizens the smallest percentage of illiteracy is among the children of parents of foreign birth; and so at this time, when we are entering upon a foreign war, these facts are brought distinctly before us, that our foreign-born citizens avail themselves most largely of the privileges of our educational institutions and in the largest proportion enter the service of the Army and Navy in defense of our national honor.

I simply call the attention of the House to these facts, and ask that in the case of this humble man—this Lieutenant Hottenstein, of Illinois, who enlisted as a private and rose through the ranks from private to first lieutenant, who was totally disabled after three years' service by a gunshot wound through the lungs—his pension be increased to such an amount as to mete out to him simple justice for his loyalty, bravery, and self-sacrifice. [Applause.]

Mr. RAY of New York. Mr. Speaker, the committee, after a careful examination of the facts of this case, reported the bill to the House at \$24. When we found that long ago the Pension Office had restored his pension to where it ought to be, at the meeting of the House on a Friday night I made a motion that we give him an increase above that, to \$30 per month, which would more than compensate him for all that he lost by being cut down.

This man is not totally disabled. It is true that he was shot through the shoulder and through the lung—a very bad wound—and that he received a wound in the shoulder blade. There is an abscess through which at times there are discharges, but when we give this man \$30 a month, who now lives somewhere in Kansas, we are giving him more than has been received or is being received by the great mass of soldiers who occupy the same position and who suffer from disabilities much greater than his, at least equally as great.

When we take into consideration the fact that we are adding every day to the pension roll, that we are paying \$150,000,000 a year, and the fact that by the time this war with Spain is over we will undoubtedly be paying annually more than \$200,000,000 to pensioners, we should be cautious, go slow, be reasonable and conservative in our action, and, above all, be consistent. Let us do substantial justice to all, but treat all similarly circumstanced in the same way. There is not a fact in the case that will justify giving more than \$30 in this case. I now call for the previous question upon the bill and the amendments.

Mr. PETERS. Just one moment, Mr. Speaker.

Mr. RAY of New York. I call for the previous question on the bill and amendments.

Mr. PETERS. Just a word. I desire to make a statement before the gentleman does that.

The SPEAKER pro tempore. The gentleman from New York calls for the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from Illinois to the committee amendment.

Mr. BRUCKER. Mr. Speaker, in view of the fact that this bill was introduced by the gentleman from Kansas [Mr. PETERS], I ask unanimous consent that he be given an opportunity to address the House.

Mr. HAMILTON. I object.

Mr. RAY of New York. I call for the regular order. The bill has been fully discussed at a Friday night session, and prolonged discussion here delays meritorious bills.

The question was taken; and the amendment offered by Mr. BOUTELL of Illinois was rejected.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended as recommended by the committee.

HOUSE BILLS PASSED.

In the case of the following House bills, some with amendments and some without amendments, reported from the Committee of the Whole, the amendments recommended by the Committee of the Whole were severally agreed to, and the bills, with those reported without amendments, were ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 6799) granting an increase of pension to Warren W. Morgan;

A bill (H. R. 8551) to increase the pension of Armenias H. Evans;

A bill (H. R. 377) granting a pension to Susan I. Barrows;

A bill (H. R. 2376) for the relief of Almon Stuart;

A bill (H. R. 7360) granting a pension to James E. Jones;

A bill (H. R. 8243) to pension John Connolly, father of Thomas Connolly;

A bill (H. R. 3001) granting a pension to Mary McLaughlin;

A bill (H. R. 6093) granting a pension to Ellen E. Nash, an Army nurse during the war of the rebellion;

A bill (H. R. 2073) granting an increase of pension to Mrs. Diana Clark (title amended);

A bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw;

A bill (H. R. 4977) granting a pension to Mary Hannah Clark;

A bill (H. R. 9195) granting a pension to Foster C. Carl;

A bill (H. R. 9140) granting an increase of pension to Felix Tait;

A bill (H. R. 9729) to increase the pension of William S. Smithson, late of Company D, Fifth Tennessee Volunteers, Mexican war;

A bill (H. R. 1858) for the relief of William Manley;

A bill (H. R. 1371) granting a pension to Clara A. Short; and

A bill (H. R. 5647) granting a pension to N. Miller.

Mr. RAY of New York. Mr. Speaker, as to each and every one of the bills passed this afternoon and this evening on the Calendar of Unfinished Business, I move to reconsider the several votes whereby they were passed, and to lay that motion on the table.

The motion was agreed to.

BELLE PETER.

The bill (H. R. 8090) for the relief of the widow of the late Henry W. Peter, late contract surgeon of the United States Army, was read, the committee amendments agreed to, and the bill ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. The title was amended.

On motion of Mr. EVANS, the motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RAY of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar under the rule which has been read.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole [Mr. LACEY in the chair] for the consideration of bills on the Private Calendar.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent that only bills be taken up where the member who introduced them is present, Senate bills excepted.

Mr. RAY of New York. Mr. Chairman, Mr. SHERMAN, of New York, was called home on account of sickness in his family.

Mr. ROBINSON of Indiana. If it will save time, I will except that case.

Mr. RAY of New York. I told him to go and see some of the members—

Mr. ROBINSON of Indiana. Omitting that case, I ask unanimous consent.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that in the call of bills on the Calendar those only be called where the member who introduced them is present, excepting Senate bills and excepting also the bill referred to by the gentleman from New York [Mr. RAY].

Mr. MIERS of Indiana. Mr. Chairman, I ask to have House bill 6535, introduced by the gentleman from New York, Mr. SULZER, excepted. He has been here every night, and asked me to except that bill, as he has been called away.

Mr. LOUDENSLAGER. Mr. Chairman, my colleague, Mr. PITNEY, of New Jersey, has a bill, H. R. 7989, on the Calendar. He has been uniformly present at the Friday night sessions, and I would like to have that excepted.

A MEMBER. The regular order!

The CHAIRMAN. The regular order is called for. The Clerk will report the first bill.

WILLIAM HAZELBECK.

The first business on the Private Calendar was the bill (H. R. 8854) to correct the military record of William Hazelbeck, of Portsmouth, Ohio.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the military record of William Hazelbeck, of Portsmouth, Ohio, any charge of desertion that may exist against him, and to grant him an honorable discharge.

Mr. TALBERT. I should like to have the report read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8854) to correct the military record of William Hazelbeck, of Portsmouth, Ohio, having examined the same, recommend that it pass as amended.

In line 3, after the word "Ohio," insert the words "late bugler of Company H, Eleventh Regiment Ohio Volunteer Cavalry;" and after the word "discharge," in line 7, add the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by reason of the passage of this act."

According to the report received from the War Department, which is appended hereto, it appears that this soldier "was present with his command at its muster out," and that "there is nothing to show that he was in a status of dishonor at that time;" also, that it had been determined by the Department "that he was honorably mustered out with his company July 14, 1863."

It is therefore the opinion of your committee that the charge of desertion should be removed.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, June 23, 1897.

SIR: Referring to your letter of the 14th, received on the 15th instant, in which you requested that the military record of Mr. William Hazelbeck, of Portsmouth, Ohio, late bugler, Company H, Eleventh Regiment Ohio Cavalry Volunteers, be furnished you, and referring also to the letter addressed to you by this Department on June 15, 1897, in which you were informed that it had been found necessary in the investigation of the case to call upon another Department of the Government for certain essential information, I am directed by the Secretary of War to inform you that the records show that one William Hazelbeck (also borne as Hazelbeck) was enrolled August 1, 1863, and mustered into the service March 7, 1864, as a private in Company H, Eleventh Ohio Cavalry Volunteers, to serve three years.

He appears to have served faithfully until October 12, 1865, when he deserted, remaining absent from his command without authority until on or about July 1, 1866, when it appears that he returned thereto. No record has been found showing whether any action was taken relative to the charge of desertion standing against him.

Inasmuch as he was present with his command at its muster out, and as there is nothing to show that he was in a status of dishonor at that time, it has been determined by this Department that he was honorably mustered out with his company July 14, 1866.

It will be noticed that this soldier was absent in desertion from October 12, 1865, until on or about July 1, 1866, when he returned to his command; but inasmuch as he did not return to his command within a reasonable time, the charge of desertion can not be removed under the provisions of the act of Congress approved March 2, 1860, which is the only law now in force governing the subject of the removal of charges of desertion.

Very respectfully,

F. C. AINSWORTH.

Colonel, United States Army, Chief Record and Pension Office.

Hon. L. J. FENTON,
House of Representatives.

Mr. TALBERT. I would like to hear a statement from the gentleman.

Mr. FENTON. Mr. Chairman, the report has been read, and it was a unanimous report by the Committee on Military Affairs. The charge of desertion was only a technical one. The soldier was present with his command when it was mustered out, and the report says there was nothing to show that he was in any status of dishonor at that time.

Mr. TALBERT. Did the gentleman from Ohio introduce the bill?

Mr. FENTON. I did.

The committee amendments were agreed to.

The bill as amended was laid aside to be reported with a favorable recommendation.

Mr. ROBINSON of Indiana. Mr. Chairman, I move that in the proceedings of this evening we consider only those bills which have been introduced by members who are now present. I make this proposition as a motion.

Mr. RAY of New York. Unanimous consent, I believe, has already been given to that proposition.

Mr. LOUDENSLAGER. No; it has not.

Mr. RAY of New York. I thought it had.

Mr. LOUDENSLAGER. No, sir. The regular order was called upon the proposition.

Mr. ROBINSON of Indiana. I suggest, in view of the statement of the gentleman from New York, that this is a very wise and salutary rule. It favors the diligent; it induces members to be here looking after their bills and taking care of them. I had hoped there would be no objection to the request for unanimous consent. I make this now as a motion, unless the objection is withdrawn.

The CHAIRMAN. Debate is not in order. It is moved by the gentleman from Indiana [Mr. ROBINSON] that in the further progress of business this evening in Committee of the Whole only such House bills be considered as have been introduced by members who are present at this evening's session.

The motion was agreed to.

JOHN H. SMITH.

The next business on the Private Calendar was the bill (H. R. 8190) granting an honorable discharge to John H. Smith (introduced by Mr. KERR).

The bill was read, as follows:

Be it enacted, etc., That the military record of John H. Smith, late private in Company F, Twelfth Regiment Ohio Cavalry, and late private in Company B, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, be corrected, and that the Secretary of War be, and he is hereby, authorized and directed to grant him an honorable discharge from the said Company B, One hundred and twenty-fourth Ohio Volunteer Infantry.

The amendment reported by the committee was read, as follows:

After the last word in line 9, add:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. I wish to ask whether the gentleman who introduced this bill is present?

Mr. KERR. Yes, sir; it was introduced by myself.

The CHAIRMAN. The question is upon agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. H. NEVITT.

The next business on the Private Calendar was the bill (H. R. 1539) granting an increase of pension to William H. H. Nevitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William H. H. Nevitt, late a private in Company F, One hundred and fifty-ninth Regiment of Ohio Infantry Volunteers, and pay him a pension of \$30 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

In line 7, after the word "pension," insert the words "at the rate."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALDEN B. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 3164) granting a pension to Alden B. Thompson, of Farmvale, Hamilton County, Nebr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alden B. Thompson, of Farmvale, Hamilton County, Nebr., late a landsman on the ships *Columbus* and *Ohio*, in the United States Navy, from April 25, 1840, to April 17, 1843, at the rate of \$30 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. BARTLETT. Mr. Chairman, I understood the rule to be that before a bill is read it shall be announced who introduced it, and whether he is present or not.

The CHAIRMAN. The Clerk is noticing whether the member is present or not before he reads the bill.

WILLIAM HENRY SMITH.

The next business on the Private Calendar was the bill (H. R. 795) granting a pension to William Henry Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Henry Smith, late a private in Company C, of the Fifteenth Regiment New York Engineer Volunteers, and pay him a pension at the rate of \$30 a month from and after the passage of this act.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 9 strike out the words "from and after the passage of this act," and insert in lieu thereof the words "in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William Henry Smith."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HERBERT W. LEACH.

The next business on the Private Calendar was the bill (H. R. 6482) granting a pension to Herbert W. Leach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$25 per month, the name of Herbert W. Leach, of Brockton, Mass., late a seaman on the U. S. S. *Jeannette*, under Commander George W. De Long.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 5 strike out the words "twenty-five" and insert in lieu thereof the word "twelve."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNIE J. BASSETT.

The next business on the Private Calendar was the bill (H. R. 7989) granting an increase of pension to Annie J. Bassett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mrs. A. J. Bassett, widow of Lieut. Commander Wesley W. Bassett, United States Navy, on the pension roll, and that she be paid a pension of \$30 a month in lieu of the pension she is now receiving.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 4 strike out the words "Mrs. A." and insert "Annie;" and in line 30 strike out the word "thirty" and insert the word "fifteen."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES S. CHAPMAN.

The next business on the Private Calendar was the bill (H. R. 4274) granting an increase of pension to James S. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized, and he is hereby directed, to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of James S. Chapman, late private, Company B, Fifth Battalion Ohio Volunteer Cavalry, at the rate of \$30 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

In line 7, after the word "cavalry," insert the words "and pay him a pension."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MIRIAM V. KENNY.

The next business on the Private Calendar was the bill (H. R. 4484) for the relief of Miriam V. Kenny, widow of Samuel W. Kenny, a Union spy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Miriam V. Kenny, widow of Samuel W. Kenny, late a spy in the service of the Army of the Cumberland, at the rate of \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read, and agreed to:

After the word "Cumberland," in line 6, insert the words "and pay her a pension."

Amend the title so as to read: "A bill granting a pension to Miriam V. Kenny."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY ANN SULLIVAN.

The next business on the Private Calendar was the bill (H. R. 6525) granting a pension to Mary Ann Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Sullivan, mother of the late James J. Sullivan, late of Company B, Sixty-ninth Regiment New York State Volunteers, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

RACHEL J. COMER.

The next business on the Private Calendar was the bill (H. R. 5054) granting a pension to Rachel J. Comer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rachel J. Comer, widow of Thomas Comer, late of Company A, Seventy-second Regiment of Indiana Volunteer Infantry, at the rate of \$12 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 7, after the word "Infantry," insert the words "and pay her a pension;" and, after the word "of," strike out the word "twelve" and insert the word "eight."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ADDIE L. BALLOU.

The next business on the Private Calendar was the bill (H. R. 8724) granting a pension to Addie L. Ballou.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Addie L. Ballou, who rendered remarkable and unusual services as a hospital nurse during the late war of the rebellion, and to pay her a pension of \$12 per month.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 7, after the word "pension," insert the words "at the rate."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SUSAN E. FIELDER.

The next business on the Private Calendar was the bill (H. R. 7506) granting a pension to Susan E. Fielder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Susan E. Fielder, widow of Alvin E. Fielder, late soldier in company commanded by Capt. W. H. Houser, Alabama Volunteers, Creek Indian war of 1830, and that he pay her a pension of \$30 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 8 strike out the word "Houser" and insert in lieu thereof the word "Houser;" and in line 10 strike out the word "thirty" and insert in lieu thereof the word "eight."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALPHONZO O. DRAKE.

The next business on the Private Calendar was the bill (H. R. 8286) granting an increase of pension to Alphonzo O. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension of \$30 per month in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

In line 8, after the word "pension," insert the words "at the rate."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. MIERS of Indiana. I should like to inquire if the rule adopted is being adhered to?

The CHAIRMAN. The Chair understands that the Clerk is noting the presence of members before reading the bills.

Mr. RAY of New York. Mr. Chairman, Senate bill 4003, Calendar No., 688, was passed over and not read by the Clerk. That is simply a private pension bill, and it is in order now.

The CHAIRMAN. The Chair is informed that that bill has been acted upon. It passed the House to-day by unanimous consent.

Mr. RAY of New York. Then why is it on the Calendar?

The CHAIRMAN. It was on the Calendar when this Calendar was printed, but it is off the Calendar now. It has passed the House.

SAMUEL H. BECKWITH.

The next business on the Private Calendar was the bill (H. R. 7806) granting an increase of pension to S. H. Beckwith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of S. H. Beckwith, late a private and sergeant in Company F, Eleventh Illinois Infantry Volunteers and Military Telegraph Corps, and to pay him a pension of \$50 per month in lieu of the pension which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the capital letter "S" and insert in lieu thereof the word "Samuel."

In line 7, after the word "pension," insert the words "at the rate." Amend the title so it will read: "A bill granting an increase of pension to Samuel H. Beckwith."

The amendments were agreed to.

Mr. RAY of New York. Mr. Speaker, I desire to appeal to the gentleman from Indiana in behalf of one of his own colleagues, Mr. HEMENWAY. He has been here a great many times, and the committee have turned down three or four bills of his. Here is a most worthy and deserving case, and I ask that unanimous consent be given that Mr. HEMENWAY's bill be considered.

Mr. BERRY. I object, and ask for an enforcement of the rule.

The CHAIRMAN. Objection is made.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM MELLICOTT, ALIAS WILLIAM REED.

The next business on the Private Calendar was the bill (H. R. 5707) for the removal of the charge of desertion against William Mellicott, alias William Reed, late of Company G, Eighth Regiment Tennessee Cavalry Volunteers, and legalizing his service in Company E, Eleventh Regiment Tennessee Cavalry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion standing against William Mellicott, who enlisted and served as William Reed in Company G, Eighth Regiment Tennessee Cavalry Volunteers, is hereby removed, and that he be held and deemed to be properly transferred to Company E, Eleventh Regiment Tennessee Cavalry Volunteers, and his service therein hereby made legal and valid.

Mr. LOVE. I would like to have the report read in that case.

Mr. GIBSON. Mr. Chairman, I would state to the gentleman from Mississippi that this man enlisted in the Eighth Regiment of Tennessee Cavalry. Afterwards the Eleventh Tennessee was formed of his neighbors and acquaintances, and, not being satisfied with his membership in the Eighth, he was received into the Eleventh on a promise of his colonel to exchange for him one of his own men with the Eighth Regiment. And he served with the Eleventh Regiment until he was captured and afterwards died.

There was no law authorizing the transfer to be made, and his name still appearing on the rolls of the Eighth, and no record of any discharge, he was marked a deserter. This removes that charge, and is done for the benefit of the widow that she may get a pension. That is the report of the committee.

The bill was ordered to be laid aside with a favorable recommendation.

SUSAN D. YATES.

The next business on the Private Calendar was the bill (H. R. 1623) to increase the pension of Susan D. Yates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Susan D. Yates, widow of Capt. Arthur Reid Yates, late of the United States Navy, at the rate of \$50 per month in lieu of the amount now being received.

Mr. RAY of New York. Mr. Chairman, the Senate has passed a bill of the same purport and effect, granting an increase of pension to Susan D. Yates. The bill is now on the Speaker's table, and I move to substitute the Senate bill for the House bill.

The CHAIRMAN. The gentleman from New York moves to substitute the Senate bill for the House bill.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the Senate bill. The Clerk read as follows:

A bill (S. 4491) granting an increase of pension to Susan D. Yates.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan D. Yates, widow of Capt. Arthur Reid Yates, late of the United States Navy, and pay her a pension at the rate of \$50 per month, in lieu of that she is now receiving.

Mr. LOVE. Is the Senate bill for the same amount as the House bill?

Mr. RAY of New York. The Senate bill gives \$10 more than the House bill, and I wish to move an amendment; but the gentleman from Maine [Mr. BOUTELLE] desires to be heard before that is done.

Mr. BOUTELLE of Maine. I simply wish to state to the committee, Mr. Chairman, that this is a bill for the relief of the widow of a comrade and brother officer of mine in the Navy during the late war, who is now left in very seriously reduced circumstances and greatly in need of this aid. The bill was introduced in the last Congress and favorably reported to the House, but by reason of delays it failed to receive consideration. The House committee this year reported the bill and reduced the amount by \$10 a month. The Senate has since passed the bill at the original figure.

In view of all the circumstances in this case, my connection with it being purely a labor of love, the officer whose widow this bill is to benefit having served with me, and knowing personally of his gallantry and the long and arduous service that he rendered during the war and after he was really disabled by sickness, and knowing the tireless devotion of his widow to him during all his illness, and the fact that she is now obliged to support her daughters and her helpless, invalid father out of her scanty means, I ask the House to grant her the aid she so sorely needs by passing the Senate bill.

Mr. SIMS. What pension is she now getting?

Mr. BOUTELLE of Maine. Thirty dollars a month.

Mr. GAINES. For how long?

Mr. BOUTELLE of Maine. I will get the date of his death.

Mr. SIMS. What is the House report?

Mr. RAY of New York. Forty dollars.

Mr. BOUTELLE of Maine. The House committee reports in favor of giving her \$40 a month, but rather than send the bill to conference I ask the adoption of the Senate bill, which will simply give this widow that which has been given to a large number of the associates of her husband. As to his service, and I know gentlemen will accept my statement, I will say that I personally know that he was a noble, brave officer, who rendered exceedingly distinguished and valuable services.

He was Farragut's flag lieutenant in the great battle of Mobile Bay; was repeatedly commended for gallantry during the famous operations of the great Admiral's fleet, and, subsequent to the war, was largely instrumental in establishing and perfecting our system of naval apprentices. No more worthy case than this has ever come to my knowledge.

Mr. RAY of New York. I will read the facts given in the report, and then the House can determine for itself:

Arthur Reid Yates was appointed acting midshipman in the United States Navy September 24, 1863, and graduated June 10, 1867, served through the civil war with honor and distinction, rose to the rank of captain in the Navy, and died in the service from diseases and disabilities incurred therein and in line of duty November 4, 1891.

He was a most brave, fearless, and efficient officer, and remained on duty when suffering from severe disabilities. This claimant was his faithful wife during nearly thirty years of his service, and while he was in a very serious condition physically was his devoted nurse and attendant.

Now, those are the facts appearing to the committee.

Mr. SIMS. You make it \$40 and the Senate make it \$50.

Mr. LOVE. How long has she been receiving \$30?

Mr. RAY of New York. Only since 1891.

Mr. SIMS. I move to make it \$40 instead of \$50.

Mr. BOUTELLE of Maine. I hope the gentleman will waive that. I very seldom make an appeal of this kind to the House.

Mr. SIMS. We have been acting in our committee all the time upon the principle of giving \$30 to widows. I mean the committee of which I am a member. I therefore ask that the Senate bill be amended so that it will read \$40 instead of \$50.

Mr. BOUTELLE of Maine. I hope the House will give my statement of the great services of this widow's husband the benefit of the \$10, and pass the Senate bill.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee to amend the Senate bill so as to read "\$40" instead of "\$50."

The question was taken; and the Chairman announced that he was in doubt.

Thereupon the committee divided; and the Chair announced there were—ayes 14, noes 27.

So the motion to amend was rejected.

The Senate bill was laid aside to be reported to the House with a favorable recommendation.

ROBERT M'FARLAND.

The next business on the Private Calendar was the bill (H. R. 360) for the relief of Robert McFarland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to remove the charge of dishonorable discharge against Robert McFarland, late corporal in Company B, Fifth Regiment Illinois Cavalry, and to issue to him an honorable discharge from the service of the United States, with pay and bounty, and to date October 30, 1866.

The committee amendments were read, as follows:

Strike out the words "with pay and bounty," in line 7.
Also strike out the word "and" before the word "to," in line 8.
Insert, after the word "sixty-six," in line 8, the following:
"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendments recommended by the committee were agreed to.
The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARGARET THOMAS.

The next business on the Private Calendar was the bill (H. R. 4251) granting a pension to Margaret Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Margaret Thomas, as widow of John S. Thomas, late a private in Company I, Thirty-sixth Ohio Infantry, and Company D, Fifth United States Veteran Volunteer Infantry, and to pay her a pension at the rate of \$12 per month, with the usual allowance for minor children.

The committee amendments were read, as follows:

In line 8 strike out "twelve" and insert "eight" in lieu thereof.
In line 9 strike out "with the usual allowance for minor children" and insert in lieu thereof the words "and also \$2 per month in addition, on account of each of her minor children during their minority."

The committee amendments were agreed to.
The bill was laid aside to be reported to the House with a favorable recommendation.

VIRGINIA C. FLEANOR.

The next business on the Private Calendar was the bill (H. R. 4916) granting a pension to Virginia C. Fleanor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll of the United States the name of Virginia C. Fleanor, of Nora Springs, Floyd County, Iowa, remarried widow of Col. Henry Daugherty, deceased, a veteran of the Mexican war, and colonel of the Twenty-second Illinois Infantry, at the rate of \$12 per month.

The committee amendments were read, as follows:

In lines 5 and 6 strike out the words "of Nora Springs, Floyd County Iowa, remarried."
In line 8, after the word "Infantry," insert the words "and pay her a pension."
In line 9 strike out the word "twelve" and insert in lieu thereof the word "thirty."
In lines 4 and 5 strike out the words "of the United States."

Mr. LOVE. Mr. Chairman, I would like to have some explanation of this bill.

Mr. UPDEGRAFF. This is the widow of a colonel, and the amendment gives her what she would have had if she had been pensioned at the Pension Office. It is the regular army rate.

Mr. LOVE. Why was it put at \$12 a month?

Mr. UPDEGRAFF. Because there was a mistake in drafting the bill.

Mr. RAY of New York. There was a mistake in drafting the bill. She is clearly entitled to what we give her. She is not only a widow of a soldier, but she was a faithful nurse in the Army.

Mr. LOVE. I could not understand why she was pensioned at \$12.

Mr. UPDEGRAFF. It was a mistake of the clerk in drafting the bill.

Mr. BERRY. Why can not she get it at the Pension Office?

Mr. RAY of New York. It is a case of remarriage.

Mr. BERRY. Well, she knew it when she was remarried.

Mr. RAY of New York. Yes, but she is a widow again. She is a widow of good character, very poor, and she was the wife of a soldier during the war and a nurse also.

Mr. GIBSON. Her husband served in the Mexican war.

Mr. TALBERT. She really saved the Government money while she was married.

Mr. RAY of New York. Yes; but we do not put it on that ground.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SAMUEL RACEY.

The next business on the Private Calendar was the bill (H. R. 6718) for the relief of Samuel Racey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion appearing on the records of the

Adjutant-General United States Army against Samuel Racey, late private, Company K, Thirtieth Ohio Infantry, and that a certificate of honorable discharge be issued to said soldier as of date September 29, 1864.

The committee amendment was read, as follows:

Add after the word "sixty-four," in line 9, the following:
"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to.
The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GEORGE S. WALTON.

The next business on the Private Calendar was the bill (H. R. 7841) granting an increase of pension to George S. Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to George S. Walton, late of Company N, Second Missouri Cavalry, Mexican war, a pension of \$40 per month in lieu of the pension he is now receiving.

The committee amendments were read, as follows:

In line 5 strike out "Cavalry" and substitute therefor "Mounted Volunteers."
In line 6 strike out "forty" and insert in lieu thereof the word "twenty-four."

The committee amendments were agreed to.
The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARY E. CHAMBERLIN.

The next business on the Private Calendar was the bill (S. 1119) granting an increase of pension to Mary E. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Chamberlin, widow of Lowell A. Chamberlin, late a captain in the First United States Artillery, and pay her a pension of \$40 a month, in lieu of the pension she is now receiving.

The committee amendments were read, as follows:

Line 8 after the words "a pension," insert the words "at the rate."
Same line, strike out the word "forty" and insert in lieu thereof "thirty."
The amendments recommended by the committee were agreed to.
The bill as amended was laid aside to be reported to the House with a favorable recommendation.

PRYOR PERKINS.

The next business on the Private Calendar was the bill (H. R. 8670) granting a pension to Pryor Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Pryor Perkins, of Campbell County, Tenn., a scout and guide in the United States Army during the war of the rebellion, and pay him a pension of \$50 a month.

The committee amendments were read, as follows:

In line 5 strike out the words "of Campbell County, Tenn."
In line 7, after the word "pension," insert the words "at the rate."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

The committee amendments were agreed to.
The bill was laid aside to be reported to the House with a favorable recommendation.

ADONIA HUARD.

The next business on the Private Calendar was the bill (S. 1131) granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adonia Huard, of New Orleans, La., widow of Hypolite Huard, private Captain Maubert's Battalion Louisiana Volunteer Light Artillery, Mexican war service, and pay to her the same rate per month as is paid to soldiers who served sixty days in the war with Mexico, or en route thereto.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "her," in line 9, and substitute therefor the words "a pension at the rate of \$8 per month."

The amendment recommended by the committee was agreed to.
The bill was laid aside to be reported to the House with a favorable recommendation.

THERESA BONNAVEAU.

The next business on the Private Calendar was the bill (H. R. 2565) to grant a pension to Theresa Bonnavau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Theresa Bonnavau, the widow of John B. Bonnavau, who served in the Mexican war in the Louisiana Volunteers, and pay her a pension of \$12 per month.

The committee amendment was read, as follows:

Strike out the word "twelve," in line 7, and substitute therefor the word "eight," so as to fix the rating at \$8 per month.

The amendment recommended by the committee was agreed to.
The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM CHRISTENBERRY.

The next business on the Private Calendar was the bill (H. R. 7696) for the relief of William Christenberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name William Christenberry, late a member of Company, at the rate of \$25 per month, in lieu of the pension he is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

Change the title so as to read: "A bill granting an increase of pension to William Christenberry."

Before the word "Company," in line 6, insert the words "Captain Miller's;" and after the word "Company," in same line, insert "Tennessee Volunteers, Indian war."

In line 7 strike out "twenty-five" and substitute "twenty."

The bill as amended was laid aside to be reported favorably to the House.

LUCRETIA C. WARING.

The next business on the Private Calendar was the bill (S. 104) to increase the pension of Lucretia C. Waring.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the general pension laws, the name of Lucretia C. Waring, widow of the late Lieut. Howard S. Waring, of the United States Navy, and pay her a pension at the rate of \$50 a month, in lieu of any other pension.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out "fifty" and insert "thirty;" so as to make the amount of the pension \$30 a month.

The bill as amended was laid aside to be reported favorably to the House.

CHARLES MILLER.

The next business on the Private Calendar was the bill (H. R. 4607) granting an honorable discharge to Charles Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to grant an honorable discharge to Charles Miller, late a private in Company I, Tenth Regiment Ohio Cavalry Volunteers, to date April 20, 1863.

The amendment reported by the committee was read, and agreed to, as follows:

At the end of the bill add the following:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill as amended was laid aside to be reported favorably to the House.

BETTIE HORD BROWN.

The next business on the Private Calendar was the bill (S. 1473) granting an increase of pension to Bettie Hord Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bettie Hord Brown, widow of Orlando Brown, late lieutenant-colonel of the Fourteenth Kentucky Infantry Volunteers, United States Army, and allow her a pension at the rate of \$30 a month in lieu of that which she is now receiving.

The amendment reported by the committee was read, and agreed to, as follows:

In line 7 strike out the word "allow" and insert in lieu thereof the word "pay."

The bill as amended was laid aside to be reported favorably to the House.

NANCY G. ALLABACH.

The next business on the Private Calendar was the bill (S. 1702) granting an increase of pension to Nancy G. Allabach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy G. Allabach, widow of Peter H. Allabach, late colonel One hundred and thirty-first Pennsylvania Volunteers, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was laid aside to be reported favorably to the House.

THOMAS D. PORTER.

The next business on the Private Calendar was the bill (H. R. 3612) to increase the pension of Thomas D. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll the name of Thomas D. Porter, late of Company C, Twenty-fifth Illinois Volunteer Infantry, and Company A, Seventh Illinois Volunteer Cavalry, at the rate of \$30 a month, subject to the limitations of the general pension laws, and in lieu of the pension that he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 7, after the word "Cavalry," insert the words "and pay him a pension."

In line 8, before the word "limitations," insert the words "provisions and."

The bill as amended was laid aside to be reported favorably to the House.

AMOS WEBSTER.

The next business on the Private Calendar was the bill (H. R. 3553) granting a pension to Bvt. Lieut. Col. Amos Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bvt. Lieut. Col. Amos Webster, late of the First Massachusetts Infantry Volunteers, and of the staff of Lieut. Gen. U. S. Grant, United States Army, at the rate of \$30 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 8, after the word "Army," insert the words "and pay him a pension."

Amend the title so as to read: "An act granting a pension to Amos Webster."

The bill as amended was laid aside to be reported favorably to the House.

MARY BROGGAN.

The next business on the Private Calendar was the bill (H. R. 7844) to increase the pension of Mary Broggan.

The bill was read, as follows:

Be it enacted, etc., That the pension of Mary Broggan is hereby increased from \$5 per month to \$15 per month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the enacting clause and substitute the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of \$14 per month the pension of Mary Broggan, widow of Francis Broggan, late a corporal, Ordnance Corps, United States Army."

Amend the title so as to read: "A bill to increase the pension of Mary Broggan."

The bill as amended was laid aside to be reported favorably to the House.

MATILDA WADEL.

The next business on the Private Calendar was the bill (H. R. 9755) for relief of Matilda Wadel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Matilda Wadel, widow of Ferdinand Wadel, late private of Company H, Thirty-fifth Wisconsin Volunteer Infantry, and pay her a pension of \$8 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 7, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "A bill granting a pension to Matilda Wadel."

The bill as amended was laid aside to be reported favorably to the House.

HALBERT E. PAINE.

The next business on the Private Calendar was the bill (S. 1481) granting an increase of pension to Gen. Halbert E. Paine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gen. Halbert E. Paine, colonel of the Fourth Wisconsin Regiment Volunteers, and pay him a pension of \$50 per month, in lieu of the pension he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6, after the word "of" and before the word "Halbert," strike out the word "General."

In line 7, after the word "pension," insert the words "at the rate."

Amend the title so it will read: "An act granting an increase of pension to Halbert E. Paine."

The bill as amended was laid aside to be reported favorably to the House.

THOMAS EDSALL.

The next business on the Private Calendar was the bill (S. 3660) granting a pension to Thomas Edsall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Edsall, late of Company B, Ninth Regiment Illinois Volunteers, and that he be paid a pension at the rate of \$12 per month.

The amendment reported by the committee was read, and agreed to, as follows:

In line 7, after the word "and," strike out the words "that he be paid" and insert in lieu thereof the words "pay him."

The bill as amended was laid aside to be reported favorably to the House.

SIMEON STEVENS.

The next business on the Private Calendar was the bill (S. 4160) granting an increase of pension to Simeon Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Simeon Stevens, late of Company A, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$20 per month, in lieu of that he is now receiving.

The bill was laid aside to be reported favorably to the House.

OLIVE H. SOUTH.

The next business on the Private Calendar was the bill (H. R. 727) granting a pension to Olive H. South, of Jackson, Ohio.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Olive H. South, of Jackson, Ohio, formerly the wife of William W. Glenn, late of Company H, Second Regiment West Virginia Cavalry, at the rate of \$12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 5 strike out the words "of Jackson, Ohio."

In line 7, after the word "Cavalry," insert the words "and pay her a pension."

Amend the title so as to read: "A bill granting a pension to Olive H. South."

The bill as amended was laid aside to be reported favorably to the House.

JANE E. ZINK.

The next business on the Private Calendar was the bill (H. R. 4811) granting a pension to Mrs. Jane E. Zink.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name Mrs. Jane E. Zink, widow of James M. Sharr, late colonel of the Ninety-eighth Ohio Volunteer Infantry, and to pay her a pension at the rate of \$30 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 5 strike out the word "Mrs."

Amend the title so as to read: "A bill granting a pension to Jane E. Zink."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MICHAEL J. FOGERTY.

The next business on the Private Calendar was the bill (H. R. 3081) granting an increase of pension to Michael J. Fogerty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Michael J. Fogerty, late a member of Company F, Twelfth United States Infantry, and pay him a pension at the rate of \$30 per month, in lieu of any pension he may now be drawing.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN N. WILEY.

The next business on the Private Calendar was the bill (H. R. 9765) to increase the pension of John N. Wiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John N. Wiley, late a member of Company G, Sixty-third Regiment Indiana Infantry, to \$30 a month.

Mr. BERRY. Who introduced that bill?

The CHAIRMAN. The gentleman from Iowa [Mr. DOLLIVER].

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 4 strike out the words "increase the pension" and insert in lieu thereof "place the name."

In line 6, after the word "Infantry," strike out the word "to" and insert the words "on the pension roll and pay him a pension at the rate of."

In line 7, after the word "month," insert the words "in lieu of the pension he now receives."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY A. WATTS.

The next business on the Private Calendar was the bill (H. R. 6054) to pension Mrs. Mary A. Watts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place the name of Mrs. Mary A. Watts, widow of Little B. Watts, late of Company G, First Regiment of Alabama Vidette Cavalry, on the pension roll, and that she be paid a pension according to the rules and regulations of the Pension Office.

The CHAIRMAN. This bill was introduced by the gentleman from Alabama [Mr. WHEELER].

Mr. RAY of New York. I ask unanimous consent that the bill of General WHEELER, who is now serving his country, be passed. [Applause.]

The CHAIRMAN. Is there objection to the consideration of the bill in the absence of the gentleman from Alabama, General WHEELER? [Cries of "No!" "No!"]

There was no objection.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 4 strike out "Mrs.," also strike out all after the word "roll," in line 6, and insert in lieu thereof the following: "subject to the limitations and provisions of the pension laws, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Mary A. Watts."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY C. GARDHEFFNER.

The next business on the Private Calendar was the bill (H. R. 9322) granting a pension to Mary C. Gardheffner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place upon the pension roll the name of Mary C. Gardheffner, widow of William B. Gardheffner, alias James W. White, late a private in Company A of the Fourteenth Regiment of Pennsylvania Volunteer Cavalry, and pay her a pension of \$12 per month, in lieu of the pension now being drawn by her.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 7, after the word "pension," insert the words "at the rate of."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JACOB N. ATHERTON.

The next business on the Private Calendar was the bill (H. R. 5069) to pension Jacob N. Atherton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized and directed to place on the pension roll the name of Jacob N. Atherton, late of Signal Corps, United States Army, and pay him a pension of \$30 a month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

After the word "roll," in line 4, insert the words "subject to the provisions and limitations of the pension laws."

After the word "pension," in line 6, insert the words "at the rate."

In line 6 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOEL H. HALLOWELL.

The next business on the Private Calendar was the bill (H. R. 1713) for the benefit of Joel H. Hallowell, of Covington, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Joel H. Hallowell, a private in Company D, Sixth Pennsylvania Cavalry Volunteers, in the war of the rebellion, now residing at Covington, Ky., at the rate of \$25 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Hallowell," insert the word "late."

From lines 6 and 7 strike out the words "in the war of the rebellion, now residing at Covington, Ky.," and insert in lieu thereof the words "and pay him a pension."

Amend the title so as to read: "A bill granting an increase of pension to Joel H. Hallowell."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES C. HERVEY.

The next business on the Private Calendar was the bill (H. R. 6841) granting a pension to Capt. James C. Hervey, late Company I, Sixty-third Indiana Volunteer Infantry, and Company A, Ninth Indiana Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll of the United States the name of Capt. James C. Hervey, late Company I, Sixty-third Indiana Volunteer Infantry, and Company A, Ninth Indiana Volunteer Cavalry, at the rate of \$72 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In lines 4 and 5 strike out the words "of the United States."

In line 5, after the word "of," strike out the word "Captain;" and in the same line, after the word "late," insert the word "captain."

In line 7, after the word "Cavalry," insert the words "and pay him a pension."

In same line strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

At the end of line 8 add the following: "in lieu of the pension he now receives."

Amend the title so as to read: "A bill granting an increase of pension to James C. Hervey."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LUCY D. HEADY.

The next business on the Private Calendar was the bill (H. R. 909) granting a pension to Lucy D. Heady, widow of Henry Heady, late Company F, Eighty-ninth New York Volunteers.

The bill was read, as follows:

Whereas Henry Heady, late Company F, Eighty-ninth New York Volunteers, in his lifetime became totally blind and disabled, so as to require constant attendance, and his pension was not increased on that account, and he

has recently died, leaving a widow and two minor children who were dependent upon him for support: Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lucy D. Heady, widow of Henry Heady, late Company F, Eighty-ninth New York Volunteers, on the pension roll and pay her a pension at the rate of \$50 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

Strike out the preamble.

In line 7 strike out the word "fifty" and insert in lieu thereof the word "eighteen."

Amend the title so as to read: "A bill granting an increase of pension to Lucy D. Heady."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALEXANDER M'KEE,

Mr. MIERS of Indiana. Mr. Chairman, I find I can not possibly be here at the next meeting. I ask unanimous consent to consider Calendar No., 783. It is a bill to remove a charge of desertion. I know the facts, and I know the case to be so meritorious that I ask unanimous consent that it be considered and passed.

Mr. RAY of New York. Is it your bill?

Mr. MIERS of Indiana. It is my bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to take up and consider the bill, Calendar No., 783. Is there objection?

There was no objection.

The bill (H. R. 6317) to remove charge of desertion against Alexander McKee was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove the charge of desertion existing against Alexander McKee, late a private in Company B, Fifty-ninth Indiana Volunteers, on the records of the War Department, and to grant him an honorable discharge.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

Insert at the end of the bill the words "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. ADAMSON. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. Under the rule, the hour of 10.30 having arrived, the committee will have to rise.

The committee accordingly rose; and Mr. CONNOLLY having resumed the chair as Speaker pro tempore, Mr. LACEY, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry bills, and had directed him to report the same back to the House, some with and some without amendments, and with the recommendation that the same do pass.

And then, the hour of 10.30 o'clock having arrived, the Speaker pro tempore declared the House adjourned until Tuesday, May 31, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Vinson against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting with a favorable recommendation a draft of a bill "to protect explosive mines in the waters of the United States, and for other purposes"—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for repairs of the United States penitentiary at McNeil Island—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting copies of communications and reports relating to the drowning of two employees of the Engineer Department while placing mines in New York Harbor—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BRODERICK, from the Committee on the Judiciary, to which were referred House bill 5836 and House bill 5876, reported in lieu thereof a bill (H. R. 10510) relating to appeals in civil and criminal cases from the district court of the United States for the

District of Columbia, accompanied by a report (No. 1459); which said bill and report were referred to the House Calendar.

Mr. ADAMS, from the Committee on Foreign Affairs, to which were referred House bill 43 and House bill 4354, reported in lieu thereof a bill (H. R. 10524) to increase the efficiency of the foreign service of the United States and to provide for the reorganization of the consular service, accompanied by a report (No. 1460); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898, reported the same without amendment, accompanied by a report (No. 1461); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FITZGERALD, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10500) for the relief of legal representatives of Samuel Tewksbury, deceased, reported the same without amendment, accompanied by a report (No. 1462); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUMMINGS: A bill (H. R. 10507) providing for the employment of 100 nurses for employment in hospitals or on ships—to the Committee on Naval Affairs.

By Mr. OTEY: A bill (H. R. 10508) to establish a dental corps, United States Army—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 10509) to authorize the Missouri and Kansas Telephone Company to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouri Reservations, in the Territory of Oklahoma—to the Committee on Indian Affairs.

By Mr. BRODERICK (from the Committee on the Judiciary): A bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska—to the House Calendar.

By Mr. ADAMS (from the Committee on Foreign Affairs): A bill (H. R. 10524) to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service—to the Union Calendar.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DINSMORE: A bill (H. R. 10511) for a pension for Catherine Robards Stirman, of Fayetteville, Ark.—to the Committee on Pensions.

By Mr. ERMENROUT: A bill (H. R. 10512) for the relief of Redan Trump, Company F, One hundred and ninety-second Pennsylvania Infantry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 10513) granting a pension to Hannah Dunlap, of Allentown, Pa.—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 10514) to increase the pension of George W. Roberts—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 10515) granting a pension of \$30 per month to Joseph McBrown, of Company E, Seventy-third Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10516) for the relief of Hiram W. Bays—to the Committee on War Claims.

By Mr. MARSHALL: A bill (H. R. 10517) for the relief of John Ballinger—to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 10518) to remove the charge of desertion from the military record of Edward McCabe—to the Committee on Military Affairs.

By Mr. SULLIVAN: A bill (H. R. 10519) for the relief of Maria A. White, of Panola County, Miss.—to the Committee on War Claims.

By Mr. WILBER: A bill (H. R. 10520) to remove the charge of desertion from the military record of Solomon Snell—to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 10521) granting a pension to A. E. Griffiths, late lieutenant-colonel Eighth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10522) to increase the pension of John B. Wright, late lieutenant, Company K, Thirty-fourth New Jersey Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. STROWD of North Carolina: A bill (H. R. 10523) granting a pension to Mrs. Adeline Worth Bagley—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of Washington Camp, No. 15, Patriotic Order Sons of America, of North Denver, Colo., favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE of Maine: Petition of George B. Morse and 15 other citizens of Bangor, Me., and vicinity, in opposition to the anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of the Cincinnati Paint Club, concerning the registration of trade-marks—to the Committee on Patents.

By Mr. FITZGERALD: Resolution of the Boston Merchants' Association, against the provision in House bill No. 10100 increasing the tonnage tax—to the Committee on Ways and Means.

By Mr. GROUT: Petitions of Rev. H. L. Hartwell, Congregational and Methodist Episcopal churches, and the Woman's Christian Temperance Union, of Cabot, Vt., praying for the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union and the Methodist Episcopal and Congregational churches of Cabot, Vt., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petitions of the Congregational and Methodist Episcopal churches, Woman's Christian Temperance Union, and Winooski Lodge, Independent Order of Good Templars, No. 88, of Cabot, Vt., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENDERSON: Resolution of the Hahnemann Medical Association, of Iowa, in favor of Senate bill No. 164, to prevent discrimination against homeopathic physicians and surgeons in the military and naval service of the United States—to the Committee on Naval Affairs.

By Mr. HENRY of Mississippi: Petition of J. L. Power and others, citizens of Jackson, Miss., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Governor S. J. McLaurin and other prominent citizens in the State of Mississippi, in relation to the war-revenue tax on snuff and tobacco—to the Committee on Ways and Means.

By Mr. JONES of Washington: Resolution of the Aberdeen Branch of the Sailors' Union of the Pacific, Aberdeen, Wash., favoring the passage of Senate bill No. 95 and House bill No. 1698, for the relief of American seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. LACEY: Resolution of the Sioux City Homeopathic Medical Association, in support of Senate bill No. 164, for non-discrimination in the appointment of surgeons to the Army and Navy of the United States—to the Committee on Military Affairs.

SENATE.

SATURDAY, May 28, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. BURROWS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

ARANZAS PASS HARBOR.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and report such plans to Congress, and also whether in his judgment such improvement should be made.

Mr. MILLS. I ask for the present consideration of the resolution. It is simply a resolution calling for information.

Mr. BERRY. I did not understand fully from the reading the purpose of the resolution.

Mr. MILLS. It calls for information from the Secretary of War about Aransas Pass, to be submitted to Congress at the next session.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. BERRY. I ask if that is the point where outside parties have made a contract to improve the harbor?

Mr. MILLS. That relates simply to Aransas Pass, but the resolution calls on the Secretary of War to submit at the next session of Congress his estimates for the improvement of the harbor, etc.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

LANDS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 27, 1898, a letter from the Chief of Engineers, together with a list of lots in the city of Washington the title to which the records of his office show to be in the United States, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

SENATOR FROM OHIO.

The VICE-PRESIDENT. The Chair lays before the Senate for reference a communication from the general assembly of Ohio, which will be read.

The Secretary read as follows:

GENERAL ASSEMBLY OF OHIO,
OFFICE CLERK OF THE SENATE,
Columbus, May 26, 1898.

MY DEAR SIR: I have this day forwarded to you by the United States Express Company a certified copy of the report of the committee appointed by the senate of Ohio, pursuant to Senate resolution No. 21, to investigate the charges of bribery in the election of Hon. MARCUS A. HANNA to the Senate of the United States, together with the testimony taken therein, which was ordered to be sent to you by the Ohio senate.

Kindly acknowledge receipt of the same.

I have the honor to be, very truly, yours,

D. O. CASTLE,
Chief Clerk Ohio Senate.

HON. GARRET A. HOBART,
United States Senate, Washington, D. C.

The VICE-PRESIDENT. The Chair has the report before him. Without objection, he assumes that it, together with the accompanying papers, will be referred to the Committee on Privileges and Elections.

Mr. TELLER. I make that motion.

The VICE-PRESIDENT. The Senator from Colorado moves that the communication which has been read, together with the accompanying papers, be referred to the Committee on Privileges and Elections. The question is on that motion.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1540) granting an increase of pension to William H. Oliver.

The message further announced that the House had disagreed to the amendments of the Senate to the following bills, asks conferences with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. WARNER, and Mr. DRIGGS managers at the respective conferences on the part of the House:

A bill (H. R. 378) granting a pension to Lowell H. Hopkinson;
A bill (H. R. 1801) granting an increase of pension to Catherine Clifford;

A bill (H. R. 4488) granting an increase of pension to Peter Castle; and

A bill (H. R. 5006) to increase the pension of Edward Starr.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6209) to pension William Stephenson Smith, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. WARNER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 158) granting a pension to Peter Daly;

A bill (S. 496) granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers;

A bill (S. 489) granting an increase of pension to William A. Beckford;

A bill (S. 506) granting an increase of pension to Daniel G. George;

A bill (S. 507) restoring to the pension roll the name of Lucia A. Hynes;

A bill (S. 769) to increase the pension of Clark W. Harrington;

A bill (S. 853) granting an increase of pension to George L. Durbin;

A bill (S. 1075) granting an increase of pension to Edward Stanley;

A bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion;

A bill (S. 1155) granting a pension to P. F. Castleman, of Oregon;

A bill (S. 1424) granting a pension to Richard T. Seltzer;

A bill (S. 1473) granting a pension to Oscar A. Palmer;

A bill (S. 1477) granting an increase of pension to Joseph Porter;

A bill (S. 1480) granting an increase of pension to Lewis D. Baker;

A bill (S. 2378) granting a pension to Maria Somerlat, widow of Valentine Somerlat;

A bill (S. 2751) granting an increase of pension to Charles H. Johnson;

A bill (S. 2807) granting a pension to Benjamin L. Nolan; and

A bill (S. 3442) granting an increase of pension to Andrew C. Mensch.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 377) granting a pension to Susan I. Barrows;

A bill (H. R. 637) for the benefit of J. C. Rudd;

A bill (H. R. 1271) granting a pension to Clara A. Short;

A bill (H. R. 1858) granting an increase of pension to William Manley;

A bill (H. R. 2276) granting an increase of pension to Almon Stuart;

A bill (H. R. 2425) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

A bill (H. R. 2673) granting an increase of pension to Diana Clark;

A bill (H. R. 3001) granting a pension to Mary McLaughlin;

A bill (H. R. 4977) granting a pension to Mary Hannah Clark;

A bill (H. R. 5647) granting a pension to Nels Miller;

A bill (H. R. 6093) granting a pension to Ellen E. Nash;

A bill (H. R. 6799) granting an increase of pension to Warren W. Morgan;

A bill (H. R. 7260) granting a pension to James E. Jones;

A bill (H. R. 8090) granting a pension to Belle Peter;

A bill (H. R. 8243) granting a pension to John Connolly;

A bill (H. R. 8551) to increase the pension of Armenias H. Evans;

A bill (H. R. 8679) granting an increase of pension to Eugene A. Shaw;

A bill (H. R. 8730) to authorize a resurvey of certain lands in Cheyenne County, in the State of Nebraska, and for other purposes;

A bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry;

A bill (H. R. 9195) granting a pension to Foster C. Carl;

A bill (H. R. 9140) granting an increase of pension to Felix Tait;

A bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein;

A bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war;

A bill (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga.;

A bill (H. R. 10253) to amend the internal-revenue laws relating to distilled spirits, and for other purposes; and

A joint resolution (H. Res. 7) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the memorials of J. C. Mueller, H. H. Burdick, S. B. Calkins, William McKie & Co., J. H. H. Babcock, U. B. Darrow, F. A. Sigler, A. B. Smith, D. Hammell, and George Gundrum, all druggists in the State of Michigan, remonstrating against the adoption of Schedule B in the war-revenue bill, placing a tax on proprietary medicines; which were ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., praying for the enactment of legislation to prohibit the interstate and mail circulation of newspaper descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government

buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., praying for the enactment of legislation to prohibit the interstate transmission of lottery messages and other gambling matter by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes; which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., praying for the enactment of legislation to prohibit the reproduction of prize fights by the kinoscope or other kindred devices; which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., praying for the enactment of legislation to raise the age of protection for girls to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Baptist Church of Ithaca, Mich., and a petition of the Woman's Christian Temperance Union of Dollarville, Mich., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 1,100 property owners of the city of Washington, owning property to the assessed valuation of over \$11,000,000, praying for the enactment of legislation providing for the construction of a bridge across the Eastern Branch of the Potomac River from First street SW.; which was referred to the Committee on the District of Columbia.

Mr. FAIRBANKS presented the petitions of Frank T. Zimmerman and 16 other citizens, of George A. Altizer and 34 other citizens, of John G. Reidel and 18 other citizens, and of James L. Sheets and 19 other citizens, all in the State of Indiana, praying for the enactment of legislation to prevent the sale of adulterated food products as pure food; which were referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented the petition of Louis S. Amonson, of Philadelphia, Pa., praying for the annexation of the Island of Cuba; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10394) relative to the control of wharf property and certain public spaces in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia, to report it without amendment, and to submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. McMILLAN. I move that the bill (S. 919) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia, being Order of Business 404 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3577) to open a street through block 205, from Fourteenth street to Fifteenth street NW., concurrent with the streets in the adjacent blocks called Wallach place and Caroline street, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1331) to open a street through block 205, from Fourteenth street to Fifteenth street NW., concurrent with the streets in the adjacent blocks called "Wallach place" and "Caroline street," and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HANNA, from the Committee on Pensions, to whom was referred the bill (S. 2107) granting an increase of pension to Theodore S. Cross, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 601) granting a pension to S. W. Taylor, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9083) to authorize Commissioners of District of Columbia to extinguish alley in square

405, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 4684) to regulate the sale of intoxicating liquors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 4685) granting a pension to Francis Fox; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4686) authorizing the President to appoint and retire James P. W. Neill, late captain, of Seventh United States Infantry, and brevet major, United States Army, with the rank and grade of captain; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO WAR REVENUE BILL.

Mr. PENROSE submitted two amendments intended to be proposed by him to the bill (H. R. 10100) to provide ways and means to meet war expenditures; which were ordered to lie on the table and be printed.

COMPENSATION OF POSTMASTERS.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 372, offered by the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

Mr. ALLISON. I ask that the resolution may lie over, the Senator from Nebraska being absent.

The VICE-PRESIDENT. The resolution will lie over.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLATT of Connecticut. What is the pending question?

The VICE-PRESIDENT. Amendment No. 177, reported from the Committee on Finance. The Chair will correct his statement to the Senator from Connecticut and say that the Senator from Maryland [Mr. GORMAN] proposed an amendment to the amendment.

Mr. PLATT of Connecticut. That was the question in my mind, whether the amendment was proposed by the Senator from Maryland or whether he merely gave notice that he would propose it.

Mr. ALLISON. I think the Senator from Maryland only gave notice that he would offer the amendment.

Mr. FAULKNER. I understood that he presented it and simply asked to have it printed, but that he desires to offer it as a substitute for the pending section.

Mr. ALLISON. It has not in effect been offered.

Mr. CULLOM. As the bill is before the Senate, and it is evident that we are not prepared to vote on the pending question just now, I ask for a call of the Senate.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Illinois. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Faulkner,	Mitchell,	Rawlins,
Berry,	Frye,	Morrill,	Roach,
Burrows,	Gallinger,	Murphy,	Shoup,
Clay,	Hale,	Nelson,	Stewart,
Cullom,	Jones, Ark.	Pasco,	Turley,
Davis,	McMillan,	Perkins,	Turpie,
Deboe,	Mallory,	Pettus,	White,
Fairbanks,	Mills,	Platt, Conn.	Wolcott.

The VICE-PRESIDENT. Thirty-two Senators have answered to their names. A quorum is not present.

Mr. ALLISON. I move that the Sergeant-at-Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms is instructed to request the attendance of absent Senators. He will execute the order of the Senate.

Mr. MASON, Mr. CANNON, Mr. HARRIS, Mr. CARTER, Mr. TELLER, Mr. GEAR, Mr. PROCTOR, Mr. DANIEL, Mr. BATE, Mr. BACON, Mr. McENERY, Mr. HEITFELD, and Mr. LINDSAY entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 11 o'clock and 23 minutes a. m.). Forty-five Senators have answered to their names. A quorum is present.

Mr. ALLISON. I move that further proceedings under the call be dispensed with.

The VICE-PRESIDENT. Without objection, further proceedings will be dispensed with. It is so ordered.

Mr. ALLISON. I hope we shall now have a vote on the amendment.

Mr. CULLOM. Let the amendment be read.

The VICE-PRESIDENT. The amendment before the Senate is

amendment No. 177, for which a substitute is intended to be proposed by the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. I now offer the amendment to the amendment.

Mr. CULLOM. Let it be read.

The VICE-PRESIDENT. The Senator from Maryland proposes an amendment to the amendment of the committee, which will be read.

The SECRETARY. Strike out all after the word "Corporations," in line 4, page 59, to and including line 9, page 61, and all from the word "and," in line 17, page 61, to and including line 24, page 62, and insert the following:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, street railroad, sleeping car, steamboat, ship, or other vessel, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, or carrying on or doing an express business, or having the care or management of any telegraphic or telephone line by which telegraphic or telephone dispatches or messages are received or transmitted, or carrying on or doing the business of furnishing gas or electric light, electric power, steam heat, or steam power, or refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed \$50,000, shall be subject to pay annually a special excise tax equivalent to one-half of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective businesses: *Provided*, That the assessment hereby made shall not include any amount for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port; but such tax shall be rated for the transportation of persons, freight, or mails from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freight, or mails.

And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or, in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each and every false or fraudulent return.

Mr. FAULKNER. I ask the Senator from Maryland to accept an amendment in line 5, page 2, striking out "one-half" and making the rate one-fourth of 1 per cent. The committee, after most earnest consideration of this question, seems to have fixed one-fourth of 1 per cent as a proper amount which should be levied on the gross receipts, and I suggest to the Senator from Maryland that he accept that amendment.

Mr. TURPIE. Mr. President, I hope the amendment suggested by the Senator from West Virginia will not be made. I think it would decrease the amount of revenue which ought to be levied from corporations and perhaps interfere with the tax that we may be able to collect under the law. I think one-half of 1 per cent on gross receipts is small enough, and especially when the minimum of \$250,000 is fixed, which will relieve most of the corporations from this tax altogether.

I think so further in view of the estimate, which I think is not well founded, submitted by the honorable Senator from Maryland. He takes the aggregate of the receipts of telegraph companies, the receipts of railroad companies, the receipts of street-car companies, and the receipts of the other corporations mentioned in this section, but in taking that aggregate, which is essentially an aggregate or compilation of all the receipts of such companies and corporations in the United States, it necessarily embraces many small companies that as corporations will not be subject to the tax at all. It embraces all receipts and all corporations and makes the aggregate, but as to the majority of the corporations the receipts will not reach \$250,000, and consequently the aggregate will be largely reduced. That is one of the reasons why I shall be opposed to a reduction of the tax from one-half of 1 per cent to one-fourth of 1 per cent.

There is another amendment which I think ought to be made. I did not understand whether the honorable Senator from West Virginia offered his amendment simply as a suggestion.

Mr. FAULKNER. I offered the amendment and asked the Senator from Maryland to accept it.

Mr. TURPIE. Another amendment which I think ought to be made I will suggest. I have given the reasons why I think the amendment of the Senator from West Virginia should not succeed. It is in lines 1, 2, 3, 4, and 5 of the amendment, page 3, and refers to the penalty. It is useless, sir, to make a levy of taxes for any purposes without a penalty, and without a penalty or sanction sufficient to enforce collection.

Now, in the first section, in relation to the returns, the false or fraudulent return is made under the penalty of perjury. That is sufficiently secure. I do not think there will be any false or fraudulent return. Notwithstanding the unscrupulousness of certain persons in the management of the corporations, none of them will be willing to undertake the pains and penalties of perjury or to run the risk of prosecution for that offense. The truth is, however, that although there may be no false or fraudulent return, there will be in many cases no return at all under this law, because the mere fine of not less than \$1,000 and not exceeding

"\$10,000" is an entirely insufficient penalty. The corporation subject to a fine of \$1,000 will make a calculation and ascertain whether it is cheaper to pay the fine or to make a return, and in all cases where the tax of one-half of 1 per cent is greater upon gross receipts than the amount of the fine there will be simply a return of the fine, and it will be charged up to the expenses of the litigation.

I think the only way of putting a safe penalty upon this amendment is to make imprisonment a part of the penalty for failing to make a return. I would therefore suggest that the provision in relation to the fine stand as it does, "not less than \$1,000 and not exceeding \$10,000 for each and every false or fraudulent return," and that for every conviction of the same offense there shall also be imprisonment for not less than six months and not exceeding two years. That, I think, would be a safe sanction in such a case.

I do not care how severe the levy of taxes may be made or what may be the machinery which may be employed in relation to its collection, unless there may be a penalty of sufficient severity it is entirely useless. The provision of the honorable Senator from Maryland is very much as if a man tied with great care the mouth of a sack filled with potatoes and then should take a knife and rip the bottom of the sack open. There will be no and can be no practical safety in adopting such a penalty. There will be always an evasion of the collection of the tax.

I heard the Senator from Maryland speak on the general subject of reducing the penalty the other day. I heard him with great pleasure, as I always do. But I think that the reduction can be carried to too great extent. The Senator instanced a case where men were brought up really because they professed certain political opinions and had made themselves offensive to the party in power, who were dragged from home a great distance, were arraigned before corrupt judges, were brought before packed juries, and sentenced for political purposes. I have heard of that from the honorable Senator from Maryland and I entirely agree in the condemnation of those practices.

I have even a more intense hatred of that method of judicial proceedings than the honorable Senator from Maryland can entertain, or either of us can express, because I have been a member of the bar and I have been placed in defense of persons so indicted and prosecuted. I have been nearer than he has been to the loathsome ermine which clothes the miscreants who are willing to sell justice and barter judgment. I have, sir, a deeper abiding hatred for that method of judicial proceeding and that method of judicial prosecution. But I do not believe the Senator has offered the proper remedy. Even in this case, as where a person is unjustly convicted and is simply the martyr or victim of political prosecution, the fine would be paid by the offender who was rich; the imprisonment would be suffered by the offender who was poor, for part of the sentence, even in the fine, is that he shall be fined and imprisoned until the fine be paid or replevined.

I think, therefore, that imprisonment should be made a part of the punishment in the special instance mentioned in the amendment and in all such instances for a willful violation of the revenue laws, such as are provided for in every section of this act. The act is very liberal in general. It provides for the case of ignorance, inattention, distance from the place where stamps are sold. All these contingencies were mentioned and provided for, so that this offense must be deliberate, it must be willful; and I think that when one is adjudged guilty, it is no more than proper punishment that imprisonment should be a portion of the penalty.

Mr. FAULKNER. Mr. President, I offered the amendment because I myself believe that we ought to tax corporations under the necessities which are confronting the Government at this time, and yet that one-half of 1 per cent on gross receipts is a very heavy tax to impose upon them. Many of the corporations involved in the amendment of the Senator from Maryland will not really be earning any dividends at all, and it is proposed that the gross receipts of corporations over \$250,000, no matter what may be the deficit or the liability owing to difference between receipts and disbursements, shall pay a tax of one-half of 1 per cent.

A few companies can, of course, pay this tax without feeling it. At the same time I do not think it is fair and just that 100 per cent should be added to that rate which was thought by the committee to be a fair and just tax upon these corporations. The majority of the committee, after the most considerate deliberation of the subject, have recommended to the Senate that, in their judgment, one-fourth of 1 per cent is a fair tax. In addition to that, we all know that one-fourth of 1 per cent is a far greater tax upon these corporations than a 2 per cent tax upon their net receipts, as was provided in the bill of 1894. When a corporation pays taxes only upon the net receipts, it is a tax upon profit, you may really say. But now it is to make no difference whether there is a deficit between expenditures and receipts, the gross receipts of all corporations over \$250,000 shall have to pay one-half of 1 per cent. I think that is too severe a burden upon the corporations, and I agree with the committee that we ought to impose a tax of one-fourth of 1 per cent.

Mr. RAWLINS. Will the Senator from West Virginia allow me to make a suggestion?

Mr. FAULKNER. Certainly.

Mr. RAWLINS. I understood the Senator from Maryland—he will correct me if I misunderstood him—that his proposition was to impose this tax of one-half of 1 per cent and to release the corporations from certain other taxes which are provided in the way of taxing their business.

Mr. FAULKNER. The Senator from Maryland said that he was in favor of striking out, in fact, most of the stamp taxes; but whether that will be carried in the Senate is another question. Whether a majority of the Senate will concur with the Senator from Maryland upon that subject has not been tested, nor have we any evidence of the sentiment of this body on the question.

Mr. RAWLINS. Does not the Senator think that that must affect the question?

Mr. FAULKNER. No; I do not think it affects the question under consideration, because the taxes imposed by stamps will be paid by the parties who are transacting the business of the corporations and not by the corporations themselves. There is no question about that. If the corporation has to put four stamps on a package of freight, one on the receipt and one on each of the waybills, they will all be added in the freight. The citizen will have to pay that tax at last. It will not be paid by the corporation.

But this is a direct tax upon the corporations, and the only question to be determined by the Senate is whether it is a fair and just tax. If it is a fair and just tax, the corporations ought to be required to pay it. I assume that the committee in their examination of this question did not look simply at the aggregate amount of taxes to be raised from all sources by the bill in fixing and determining what was a just and fair tax, but they determined what would be a fair and just tax from all of the considerations bearing upon the tax to be laid upon each particular subject. I simply desire to make the amendment of the Senator from Maryland accord with the views of the committee, who recommend a tax of one-fourth of 1 per cent upon gross receipts.

Mr. JONES of Arkansas. Mr. President, I regret that the amendment offered by the Senator from Maryland was not limited to striking out all on pages 59 and 60 and, except the bank provisions on page 61, down to line 4 on page 62. There were two separate propositions as they came from the Committee on Finance. One was to levy a tax on certain corporations, which were named. The second was to levy a tax on all corporations. The provisions were distinct and embraced two different things.

I should be perfectly willing to accept the amendment of the Senator from Maryland as a substitute for the first provision. I should be glad to do that; but I do think the proposition of the committee to levy a tax on corporations as such, as proposed in the second section that is not numbered, ought to be retained in the bill.

While I sympathize with the proposition of the Senator from Maryland to limit the application of these taxes to corporations of larger character, to release from them the corporations having but a limited gross income, I think the amendment goes too far in proposing to release all corporations except those named. I do not know very well how the purpose that I would like to carry out could be brought about.

The Senator from Maryland insists on offering his amendment as a substitute for both the provisions, striking both the provisions out. If we agree to do that, it seems to me that the rate of one-half of 1 per cent proposed by him is very reasonable and that nobody ought to object to the rate. The taxes imposed during the war upon exactly that class of cases was 3 per cent, six times as much as is now proposed by the Senator from Maryland. Later it was 2½ per cent, five times as much as is proposed by him and ten times as much as was proposed by the committee. I was willing to have the tax brought down to one-quarter of 1 per cent in the committee, making it one-tenth only of the tax levied during the war, if we were to include all corporations engaged in business.

Mr. GORMAN. The Senator from Arkansas will recognize the fact that we never taxed the gross receipts of all corporations, even during the war of the rebellion.

Mr. JONES of Arkansas. That is true, but I see no reason why it should not be done. I am one of those who believe that the burdens of taxation ought to rest evenly on all classes of people alike, as far as it is possible to do it. I believe that a just and equitable way of levying taxes would be to levy these taxes upon everything and upon everybody. But we all understand the limitations that the Supreme Court has put on the power of Congress to levy these taxes. We know perfectly well that if we undertake to levy taxes as we believe they ought to be levied, the Supreme Court will probably hold that we have no authority to do it, and we shall get no taxes at all. So it is absolutely necessary for us to keep within the limit as far as we can, and when we have the authority undisputed by all to levy taxes upon these corporations

by name, I believe it is right and proper and just that the taxes should be levied upon other corporations as well.

I should be glad to include in this bill everybody engaged in doing business in the same way, if we could do it, and let this burden bear equally on everybody. But that we can not do, as we know. Then we must do the best we can. I should very much prefer to levy these taxes upon, first, the corporations named by the Senator from Maryland at the rate of one-quarter of 1 per cent, and then levy the same tax upon all other corporations doing business amounting to less than a specified sum. But if we can not do that, if we have not the power to do that, and if we limit it to the limited number of corporations mentioned by the Senator from Maryland, certainly one-half of 1 per cent is not an unreasonable tax, and it will not bring a very large amount of revenue.

Mr. GORMAN. Mr. President, the amendment was framed by me on the line of the revenue laws passed in 1862 and 1866, when a very much larger amount of money was to be raised for the Treasury than is required on this occasion. There was found no difficulty whatever by the framers of these laws in that great emergency to make a specific levy on gross receipts. I read section 103 of the act of 1864:

SEC. 103. And be it further enacted, That every person, firm, company, or corporation owning or possessing, or having the care or management of any railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or any stage coach or other vehicle engaged or employed in the business of transporting passengers or property for hire, or in transporting the mails of the United States, or any canal, the water of which is used for mining purposes, shall be subject to and pay a duty of 24 per cent upon the gross receipts of such railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or such stage coach or other vehicle.

In addition to that provision, railroad companies, canal companies, and corporations which by their charters—and that is the distinction—practically have a monopoly of trade, and where persons living within the lines of their operations are compelled to use them, were to pay the gross-receipts tax, and, in addition to the gross-receipts tax, they were compelled to pay 5 per cent upon every dividend they made either to the stockholder or the bondholder, and that amount was deducted when they paid the coupon, whether or not the owner of the bond was a resident of this country.

That rule was a wise one, in my judgment. It applied to corporations which had great privileges conferred upon them by legislation either of the States or of Congress. It was not an onerous tax upon them at that time, and not so considered. No question was raised as to the legality of it, and no question whatever was raised as to the exemption. While the amount exempted under the provisions of the amendment which I have proposed is greater than it was in the former acts, yet the principle is identically the same.

Mr. LINDSAY. I will ask the Senator whether this is an exemption of an amount or an exemption of certain classes of corporations? I understand, if the Senator will pardon me, what this means is, that if the gross receipts of a corporation are equal to \$250,000, then all the receipts of that corporation are to be taxed. If the gross receipts are under \$250,000, then the law is that none of the receipts of that corporation are to be taxed.

Mr. GORMAN. That is unquestionably so. It is not intended that any corporation under the provisions of this law shall be taxed unless the gross receipts reach the amount of \$250,000.

Mr. LINDSAY. Then, what receipts are to be taxed?

Mr. GORMAN. If the receipts exceed \$250,000, then the entire receipts would be taxed.

Mr. CAFFERY. That is upon the class of corporations mentioned in your amendment?

Mr. GORMAN. All the corporations enumerated in the amendment, and none others.

I placed the exemption at that rate for a reason which to me is entirely satisfactory. Since 1870, when the revenue law was repealed, the whole business affairs of the country have changed in their operation, corporations have been encouraged by State and by national legislation, so that an immense amount of business which was formerly conducted by individuals, by cooperation, and by partnerships is now done in the form of corporations.

Take the case presented by the distinguished Senator from Louisiana [Mr. McENERY], to which I alluded yesterday. Under the provisions of this bill all sugar refineries whose receipts exceed \$250,000 per annum shall pay the gross-receipts tax. It would be manifestly unjust to tax the gross receipts of a farmer or a combination of two or three planters or farmers in Louisiana whose receipts would reach that amount. So with other businesses all over this country. You will possibly destroy, or, if not destroy, you would at least embarrass the small corporations who have no special privileges conferred upon them by law.

It would have another tendency, which I want to avoid, which has been growing at a pace that is alarming. If the whole system of taxation were made absolutely uniform, when you place a tax upon each dollar accumulated or made, it would have a tendency to drive the small concerns into consolidation. That is what is threatening the country now, and it is growing largely out of our revenue laws. It would force small capital into large combina-

tions. Take the small railroads. Nearly all the small railroads of the country are being consolidated and absorbed by the great lines; the old neighborhood railroads, which were feeders to the great lines, are no longer independent. I want the exemption large enough to exempt all of that class, so as to permit them to pursue their vocation.

Mr. LINDSAY. If the Senator will pardon me, I ask him whether he thinks that we can exempt altogether from taxation a corporation earning less than \$250,000, and make no exemption at all in favor of a corporation earning over \$250,000? In other words, is not that making a distinction between two corporations engaged in identically the same business? Would it not be better to exempt \$250,000 from all corporations out of their gross earnings, and thereby save the small corporations without making any onerous distinction?

Mr. GORMAN. I would not have any serious objection to that if there is any force, and there may be—for I have great consideration for the opinion of the distinguished Senator from Kentucky, who is a lawyer—if there be anything in that question which would embarrass the matter if it ever came to a test, I should be perfectly willing to do it; but the amount would be insignificant, and it would make the tax in that respect uniform. I beg, however, to call the attention of the Senator, and also of the Senators in charge of this bill, to the fact that there is no such thing as uniformity in any taxation to be levied under this bill. There is no such thing as uniformity in any tax law to be found upon the statute book. In the case of manufacturers of tobacco, no matter what their receipts may be, no matter what their business may be, you compel them to pay a license tax to pursue that business.

Mr. CULLOM. The Senator's amendment, as I understand it, changes the rate of taxation from one-fourth of 1 per cent to one-half of 1 per cent?

Mr. GORMAN. Yes.

Mr. CULLOM. And it leaves off certain other taxes, as I believe. I should like to have the Senator, aside from the question of the rate of taxation, explain the exact difference, as briefly as he may, between the amendment reported by the committee and that offered by himself as a substitute for certain portions of the Senate amendment now in the bill.

Mr. GORMAN. I will do so with great pleasure. The Senator will find amendment No. 177, on page 59 of the bill, which was proposed by the majority of the Committee on Finance, reads:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing, or having the care or management of, any railroad, street railroad, sleeping car, canal, steamboat, ship, barge, canal boat, or other vessel, or any stage coach or other vehicle, except hacks or carriages not running on continuous routes, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, shall be subject to and pay a special annual excise tax equivalent to one-fourth of 1 per cent of the gross receipts, etc.

Then he will find on page 60 this provision:

That any person, firm, company, or corporation carrying on or doing an express business shall be subject to and pay a special annual excise tax equivalent to one-fourth of 1 per cent on the gross amount of all the receipts from such express business.

That is included in my amendment.

Following that he will see a provision covering "any person, firm, company, or corporation owning or possessing, or having the care or management of, any telegraphic or telephone line." That is also included in my amendment, the committee, however, making the rate of taxation one-fourth of 1 per cent. Then on page 62 will be found the section referred to by the Senator from Arkansas [Mr. JONES].

Mr. CULLOM. The Senator's amendment, as I understand it, goes on to the end of line 9, on page 61, and then drops out the lines between 10 and 16?

Mr. GORMAN. It does. The clause from line 10 to line 16, on page 61, is in reference to the tax on banks, which I prefer the Senate should deal with separately.

Mr. CULLOM. Then the Senator proposes to strike out to the end of line 24, on page 62?

Mr. GORMAN. Yes; which provision, commencing in line 5, on page 62, places a tax upon every corporation in the United States, no matter of what character. The object of my amendment is principally to strike out that provision, not to attempt to tax the small corporations engaged in ordinary trade.

Mr. CULLOM. Such as merchants?

Mr. GORMAN. Take an illustration in this city, or in any city, where there may be a partnership on one side of a street, doing exactly the same business, selling calicoes, or goods, or what not, alongside of a small corporation engaged in the same trade, which is in competition with its neighbor. It would be unfair to tax one and to exempt the other. But that class of corporations get no special benefits from their charter or from the legislation either of the State or of the General Government. They are engaged in trade, and the competition is sharp enough to prevent them from making any very extraordinary amount of money. Therefore by this amendment I confine the tax to such great corporations as have received special privileges, and have, in fact, a monopoly of the trade in their own vicinity.

As to the matter of returns alluded to by the distinguished Senator from Indiana [Mr. TURPIE], I only want to say that under the provisions of this law every corporation subject to it will be compelled to make returns every month to the collector of internal revenue; and if they make a false or fraudulent return, they will be subject to a penalty of from one to ten thousand dollars, as may be decreed by the collector or by the court.

Mr. TURPIE. Mr. President, I understood the honorable Senator from Maryland to state that if a party made a false or fraudulent return he would be subjected to a fine of \$1,000 and not exceeding \$10,000?

Mr. GORMAN. Yes.

Mr. TURPIE. But I call the honorable Senator's attention to the fact that if a party makes a false or fraudulent return he is liable to the pains and penalties of perjury. I am perfectly satisfied that that is a good sanction. But if he fails to make any return at all, then the fine comes in. I do not think that is a good sanction. I think the effect of that will be that in certain cases there will be no returns, and they will pay the fine.

Mr. GORMAN. I adopted that provision from the old law, and while we all have very great respect for the Senator's judgment, I have greater respect for the actual operations of a great measure of this kind, one which has passed the test of six or seven years, under which we never had any difficulty, and where the matter of imprisonment was unknown in cases of this sort; where nobody, so far as I know, has ever claimed that the imposition of a fine was not sufficient in any one of these cases. If you take the acts of 1862 and 1870 you will find that there are but three cases prescribed in which you could convict a person and send him to the penitentiary for refusing or failing to make a fair return, and a fine was the remedy.

I call the attention of the Senator to this part of the section:

Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each and every false or fraudulent return.

I ask the Senator if, under the provisions of this law, there is a single case of any corporation in the United States where the tax of even one-half of 1 per cent would exceed \$10,000 a month? I know of none such. But you would recover not only the fine, but the amount which should have been returned. If they fail or refuse, or if they make a false or fraudulent return, then a penalty of from \$1,000 to \$10,000 may be imposed. I think Senators will find that that is a greater fine than was imposed under any section of the old internal-revenue law. I do not want to see in this year 1898 any such penalty as is proposed to be inflicted for the mere failure to perform a duty in the payment of a tax which would go into the Treasury of the United States. It is unnecessary. I do not believe in imposing unusual and severe penalties in these cases.

As to rates, I have no desire, as I said yesterday, to impose a greater rate upon these corporations than is fair, just, and right. I know the great pressure that has been brought to bear on all of us; it comes to me, as the Senator from California has said it did to him, with great force from all the people connected with these corporations, some of whom are valued personal friends of mine; but we should do nothing to unreasonably embarrass these corporations. I do not want to embarrass them or to impose a tax upon them that is too great and out of proportion.

I should like to see a fair tax imposed; but I say the corporations in the United States and all their friends are making a great mistake against the interests of the corporations themselves in trying to secure exemption entirely from this war tax, refusing to pay their proportion, or trying to have the law so framed that they shall not bear a fair proportion of the great burden which will be imposed by the war upon the American people. Those corporations are protected by this Government with all its majesty. They are protected by its Army, and its officers are used to give them facilities entirely different from those which are used, and to a greater extent than that which is required to be employed in protecting the manufacturers of tobacco, or the manufacturers of whisky, or cigars, or any other of the business interests which are affected by this bill.

If one-half of 1 per cent is too great a tax, I am perfectly content that it shall be made one-fourth of 1 per cent. As I said yesterday, the amount which will be raised from this source, I believe, is somewhat of a guess. I believe one-half of 1 per cent on receipts would produce nearly \$20,000,000. In the matter of steam railroads we can arrive at the amount almost accurately. The gross receipts of the steam railroads, according to the returns made in 1897, amounted to \$1,116,000,000; and the amount will probably be greater during the next two or three years, for all of them have within the last few days increased their rates, and they have increased them, in my judgment, in anticipation not only of the increased business, of which the Government will have to pay for a large share, but also in view of this very legislation which is contemplated of putting a fair tax on them.

They have the power to reconp the amount of the tax from the

people, whilst the business man has no such power. So the corporations ought to submit to a fair rate of taxation. In the matter of steam railroads, under the receipts of last year, one-half of 1 per cent would produce to the Government \$5,500,000. That is a large tax in itself, it may be said. Two million five hundred thousand dollars would be produced under the suggested amendment of the Senator from West Virginia [Mr. FAULKNER]. Telegraph companies, taking their receipts for the last year, would pay about five or six hundred thousand dollars—\$300,000 possibly under the amendment proposed. So with street railroads.

Anxious as I am, Mr. President, that we shall have a provision which will levy a fair tax on these great interests, and only a fair tax, I do not object, if that be the opinion of the Senate, to making it one-fourth of 1 per cent, although my personal judgment is that under the exemptions provided one-half of 1 per cent would be a fair tax.

Mr. FAULKNER. Mr. President, I offered my amendment in time, and I supposed that possibly it might be accepted by the Senator from Maryland. I realize that I can not offer the amendment, as it is an amendment in the third degree, and no such amendment can be offered under the rules of the Senate.

Mr. SPOONER. We can not hear on this side of the Chamber what the Senator from West Virginia is saying.

Mr. FAULKNER. I stated that I had offered the amendment with the hope that the Senator from Maryland would accept it.

Mr. SPOONER. What is the amendment?

Mr. FAULKNER. To reduce the amount of the tax on gross receipts from one-half to one-fourth of 1 per cent; but, under the rules of the Senate, it being an amendment in the third degree, of course it can not be offered to the amendment of the Senator from Maryland. My attention was called to that fact by the Vice-President presiding, and I realized the correctness of the ruling. Therefore I shall necessarily have to withdraw the amendment.

But there is an amendment which I will also call to the attention of the Senator from Maryland, and which I hope perhaps he will accept; that is, on page 2, line 6, of his amendment, to strike out the word "receipts" and insert the word "earnings."

The object of that is to make corporations pay taxes only on their own earnings and not on the earnings of other corporations which they collect. For example, here is a connecting line of railroad or a connecting line of railroad and steamers. The charge is collected from the party at the point of shipment on right through to the point of destination. Monthly they settle one with the other; but at the same time the entire amount enters into the gross receipts of that road; and yet it certainly would not be proper to tax those receipts, because in six months they will be turned over to the other company, who would have in turn to turn them in as gross receipts of that company.

Mr. FRYE. That is true of express companies all over the country.

Mr. FAULKNER. Yes; that is true of all transportation companies.

Mr. GORMAN. I want to call the attention of the Senator to the fact that this term "gross receipts" has already been judicially determined and determined by the Department. It is the same term; it is the precise provision which is in previous acts on this subject, and in the construction of those acts it has been held that "gross receipts" only meant the amount of the earnings of the road itself, and did not include any amount which it received when acting as a mere collector for a connecting line.

Mr. FAULKNER. Then that shows the importance of using proper phraseology in framing a bill. Why should this be left to construction? I should think that what the Senator has stated would be the true construction of this act by the Department. But why leave it in that way? If that is the construction, why not use plain English language to express that construction? The gross earnings of a company include every dollar that belongs to that company and earned during that month when the returns are made.

Mr. WHITE. I suggest to the Senator from West Virginia [Mr. FAULKNER] that as the other expression, "gross receipts," has received a construction in harmony with the proprieties of the case, I think it unwise to suggest another phrase which, when subjected to examination and interpretation, may perhaps be given a very different turn from that which is now given by the Senator from West Virginia. I very much fear that the expression now suggested is susceptible of another interpretation.

Mr. FAULKNER. To what other interpretation does the Senator suppose it would be subject?

Mr. WHITE. If the Senator will allow me a moment, I think there can be no difficulty at all as to the settlements which the various corporations must make with each other. The proper balances will be struck and the proper amounts will be given to the Government, and each corporation will necessarily have before it the amounts paid to those with whom it deals. I do not think that there will ever be a dollar lost to the Government or a dollar of burden put upon any one particular corporation. I am afraid there may be an unexpected construction placed upon this word

"earnings," which may extend it to profits. This may be doubtful, but I do not desire to take chances and prefer words definitely construed.

While that might be a liberal interpretation, yet as long as the word "receipts" has been given a meaning by the Department I believe we ought to adhere to the expression contained in the old law, and that it will certainly be taken as the basis for the construction of the gross-receipts tax.

Mr. FAULKNER. I do not see how, with the word "gross" qualifying the word "earnings," there can be any misconstruction of the meaning or any misinterpretation of that language.

Mr. SPOONER. If the Senator will allow me to call his attention to the fact, his proposition is made almost irrefragable as to the distinction between gross earnings and net earnings.

Mr. FAULKNER. Of course.

Mr. SPOONER. Nobody has ever held that "gross receipts" were profits. There are receipts which are not earnings at all.

Mr. FAULKNER. I can not offer the amendment now, but I have simply suggested it to the Senator from Maryland, knowing that it is not in order.

Mr. WHITE. I should like to call the attention of the Senator from Wisconsin to the fact that the phraseology is "receipts of such persons." If I say that a certain amount of money is a receipt of the Senator from Wisconsin, the ordinary meaning attached to it is that given by the Department that it is his.

Mr. SPOONER. That is my impression. That expression "gross receipts," for instance, of a corporation which is earning money in the exercise of its franchise will probably be construed to include only the moneys which were earned by that company in the exercise of its franchise; but the phrase is largely, I think, a matter of construction. Certainly, as a matter of the plainest sort of justice, moneys which have been earned by some other carrier, if you please, which went in the ordinary transaction of business into another carrier as an ordinary trust fund, would not be included in the phrase "gross receipts," and such is the construction.

Mr. DANIEL. Mr. President, it is not my purpose or desire to delay the passage of this bill for one moment. I have been misunderstood if it has been so inferred. It is true I said a few days ago, in reply to the Senator from Iowa [Mr. ALLISON] asking that we fix a time for a vote, that I did not believe we could vote to-day and do justice to the grave questions which are involved in this bill. I stated also that there was no emergency upon us, but, on the contrary, a hopeful prospect, which might perhaps obviate the necessity of some portions of the bill.

The favor which I give to the gross-receipts tax on corporations is not actuated by any prejudice against corporations. I only desire that they contribute their just and fair portion to the public purse, and I believe in the long run it will be to their interests, as well as to the general public interest, that they do so. By a gross-receipts tax, which is easily collected from those who have money in hand, there will be obviated, in degrees more or less onerous to nearly all the persons, firms, and corporations named in this bill, small and pestiferous taxes on varying features of their business. The stamp tax would be made more tolerable at least.

I have listened to the objections made to the gross-receipts tax on corporations. I regret that they have been placed on legal grounds affecting their constitutionality. Whatever may be the policy of the law in this respect is an open question upon which gentlemen may naturally differ. I do not conceive that there can be any weighty doubt as to the constitutionality of these provisions, and I wish to answer some of the objections which were made on those grounds by the citations of authority and the enunciation of principles which I think will set them reasonably at rest.

I have great sympathy with much that has been said by the Senator from Maryland [Mr. GORMAN], and yet I have hesitation in supporting the amendment he has offered, which increases the rate of the tax and lessens the field of its application. The theory upon which the gross-receipts tax has been embodied in this bill is to make a small, diffusive tax, one that, as far as may be, will not operate as an oppression upon any industry; and the very fact that my honorable friend from Maryland, in moving to exempt corporations to the extent of \$250,000 of gross receipts, moves at the same time to increase the principal of the tax upon the rest, shows that the author of the amendment feels the necessity of cumulating upon those taxed the amount subtracted from those exempted.

Now, there may be a public policy and a wise one to be subserved in exempting the weak and the struggling corporations of the country, those especially which have a small amount of gross receipts. In my own opinion that may be done without affecting the constitutionality of the tax as a whole. There are many authorities which support this view, and yet we can not be oblivious to the fact that there have been intimations in judicial opinions which throw some shadow of doubt upon that question, and the object of the measure as at present was to steer as clear as possible of judicial objections which might possibly be made.

In the income-tax laws which have heretofore been enacted by Congress all of them have contained exemptions, and it has been said by that great commentator upon our Constitution, Judge Cooley, that the power to tax is the power to exempt, exemptions from taxation, especially with relation to customs duties and excises, being regulated by large considerations of public policy. Congress gets its power to lay these taxes from section 8 of the first article of the Constitution, which says:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Now, then, our customs or impost duties, commonly called the tariff, have many exemptions, exemptions of classes and exemptions and diversifications of the methods and amounts of levying taxes in almost every conceivable direction, and yet all tariff laws are just as much under the direction of the Constitution which requires that they shall be uniform as an internal-revenue excise law.

We can not offer amendments to the proposition of the Senator from Maryland. It seems that it is in the last degree in which an amendment is admissible to the bill. I wish that it might be temporarily passed by that perhaps we might fashion it in such shape as to be acceptable to the Senate. In its present shape it seems to me it would scarcely be advisable to adopt it.

Mr. President, in reference to the authorities which have been quoted to us and the views presented by the honorable Senator from Kentucky [Mr. LINDSAY] and the honorable Senator from Connecticut [Mr. PLATT], I wish to call attention to some decisions of the Supreme Court. It must be remembered, as Chief Justice Marshall reminded us in construing the Constitution, that it is a constitution which is to be construed. It is also to be remembered that it is the Constitution of a nation having direction of the vast Federal affairs of a cluster of forty-five States.

It must, therefore, in the very nature of things, have broader, deeper, and more comprehensive principles to subserve than the constitution of any specific State, which is but a part of a mighty whole. The Supreme Court has frequently called attention to the almost all-embracing power of the Federal Congress with respect to taxation, and we are reminded by it in the case of the Pacific Insurance Company vs. Soule, reported in 7 Wallace, 448 that—

The taxing power is given in the most comprehensive terms. The only limitations enforced are that direct taxes, including the capitation tax, shall be apportioned, that duties, imposts, and excises shall be uniform, and that no duties shall be imposed upon articles exported from the States. With these exceptions, the power to tax is in all respects unfettered.

This was said as to the express provisions of the Constitution. There is one other limitation necessarily implied by the very nature of our Federal system of Government embracing States out of which is molded a whole, and that is that no State can tax the instrumentalities of the Federal Government and, e converso, that the Federal Government can not tax the instrumentalities of a State.

There has been suggested to us by the honorable Senator from Connecticut another limitation which he draws from the fourteenth amendment to the Constitution, which says:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I think, without disrespect to the argument of the honorable Senator from Connecticut, I may remind the Senate that this is a limitation solely upon the powers of the State, that it is inapplicable to any Federal tax bill, that it has no part in our Federal jurisprudence as applied by Congress to tax bills. It calls our attention also to the fact which it does not seem to me the honorable Senator from Kentucky sufficiently regarded, that there are powers in the Federal Government which do not belong to the States.

This tax bill does not in any respect interfere with the instrumentalities of any State. The taxes laid in this bill are upon business corporations. They do not touch anywhere the prerogative of any Commonwealth. So it can not be said that this is a direct tax. It has been decided over and over and over again by the Supreme Court of the United States that it has nothing in its nature of a direct tax, and while gentlemen summon up the income-tax decision occasionally as an objection to this tax on business measured by gross receipts, I must remind those gentlemen that there is nothing in this excise tax that partakes of the nature of an income tax.

The income tax was not levied upon the income of business. It was levied upon any income, however derived. An old man, blind and paralyzed, having no business whatsoever, had his income as a concrete thing taxed, and the Supreme Court, overruling many authorities, held that to be a direct tax. But there is no direct line anywhere in this bill between the taxing power and an income. It is simply a tax upon business. It is simply a tax upon business done for profit, and that the tax is measured by the income, or by the dividends, or by the net receipts, or by the gross receipts is a

mere artificial standard adopted, which does not put the tax on that income, dividend, or receipt, but puts the tax on the person who receives it, and collects the tax from him indifferently from any portion of his property.

Mr. President, there are at least three cases decided by the Supreme Court of the United States in which that tribunal has held valid taxes levied upon State corporations, cases in which the question was presented in the sharpest form. That tribunal has set at rest the doctrine for which I contend upholding Federal excise taxes upon State railroads, banks, insurance companies, canals, and turnpikes, not, indeed, upon their rights to be such corporations, but upon the business done by them for profit, and assessed according to their dividends and profits in the case of railroads, canals, and turnpikes, according to their circulation in the case of banks, and according to the gross amount of their premiums, their dividends, and their income in the case of insurance companies.

Let me quote the language of Chief Justice Chase in the case of *Veazie Bank vs. Fenno*, 8 Wallace, 547:

A railroad company in the exercise of its corporate franchises issues freight receipts, bills of lading, and passenger tickets; and it can not be doubted that the organization of railroads is quite as important to the State as the organization of banks. But it will hardly be questioned that these contracts of the company are objects of taxation within the power of Congress and not exempted by any relation to the State which granted the charter of the railroad. And it seems difficult to distinguish the taxation of notes issued for circulation from the taxation of these railroad contracts.

Both descriptions of contracts are means of profit to the corporation which issues them, and both, as we think, may properly be made contributory to the public revenue.

Here, then, was a case in which the *Veazie Bank*, a corporation chartered by the State of Maine, was taxed upon the exercise of its franchise to issue notes, a thing done for profit, an ordinary and not a prerogative tax, as the Supreme Court held; and why may we not tax a bank or a railroad chartered by a State upon any one of its ordinary franchises? And if we tax the ordinary franchise of any State corporation which is thus settled with respect to railroads and banks, it is for Congress alone to decide what the amount of the tax may be and to measure the amount in any way it may determine; for be it remembered that the power to tax is solely with Congress, and hence the measure and amount of the tax must rest with it also. As Chief Justice Chase said in that case:

The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts but to the people by whom its members are elected. So if a particular tax bears heavily upon a corporation or a class of corporations, it can not for that reason only be pronounced contrary to the Constitution.

The object of the framers of this amendment has been to make the tax bear not oppressively but lightly upon all.

In the case of *Pacific Insurance Company vs. Soule* (7 Wall., 434) the court held that an income tax or duties laid by the act of June 30, 1864, upon the amounts insured, renewed, or continued by insurance companies upon the gross amounts of premiums secured and assessments made by them, and also upon dividends, undistributed sums, and incomes as not a direct tax, but a duty or excise, the court saying:

If a tax upon carriages kept for his own use by the owner is not a direct tax, we can see no ground upon which a tax on the business of an insurance company can belong to that class of revenue charges.

Here I desire to call attention to the distinction between this case and the more recent income-tax decisions of the United States Supreme Court rendered in 1894. There is no contradiction of the one by the other. They are perfectly consistent with each other. A tax upon the business of an insurance company measured by its income is valid. A tax directly upon the income was recently held by the Supreme Court of the United States to be invalid. There is one other case which runs right along upon the same line, and this was a case which did not tax individuals like corporations.

Gentlemen here have contended that if you tax a corporation you must tax an individual doing the same business in exactly the same way, and they have urged that not to do so is to conflict with the Constitution of the United States. The Constitution of the United States requires that "all duties, imposts, and excises shall be uniform throughout the United States." These gentlemen generally stop with the word "uniform." They do not use the rest of the expression, which shows the kind of uniformity which the Constitution has reference to. The taxes laid in this bill are perfectly uniform throughout the United States, just as the taxes laid by the tariff act are uniform throughout the United States. Uniformity between the parties was not in view of the Constitution, because we tax one class of persons by one standard and another class by another standard throughout the tariff law and throughout all internal-revenue law. In the *Head-Money* cases (112 U. S., 594), Justice Matthews, giving the opinion of the Supreme Court, quoted the Constitution and said:

The uniformity here prescribed has reference to the various localities in which the tax is intended to operate. "It shall be uniform throughout the United States." Is the tax on tobacco void because in many of the States no tobacco is raised or manufactured? Is the tax on distilled spirits void because a few States pay three-fourths of the revenue arising from it?

The tax is uniform when it operates with the same force and effect in every place where the subject of it is found.

Great considerations of public policy are the only ones that can be taken into view in pointing out the objects of taxation.

In the case of *Railroad vs. Collector* (100 U. S., 598) we had the case of a provision of law which laid taxes on any railroad, canal, turnpike, canal navigation, or slack-water company indebted for any money for which bonds or other evidence of debt had been issued. Here was a specific class of corporations taxed. Here were specific kinds of business taxed when conducted by corporations which were not taxed when conducted by individuals in the same way. The Supreme Court held this entirely valid, and one of the most eminent judges who has ever sat upon the Supreme Court bench, Judge Miller, in giving the decision uttered an opinion which, I think, may be read with profit by all who object to this excise tax on corporations.

In that case the clause of the act or statute under consideration reads as follows:

Any railroad, canal, turnpike, canal navigation, or slack-water company indebted for any money for which bonds or other evidence of indebtedness have been issued, payable in one or more years after date, upon which interest is stipulated to be paid, or coupons representing the interest, or any such company that may have declared any dividend in scrip or money due or payable to its stockholders, including nonresidents, whether citizens or aliens, as part of the earnings, profits, income, or gains of such company, and all profits of such company carried to the account of any fund or used for construction, shall be subject to and pay a tax of 5 per cent on the amount of all such interest or coupons, dividends, or profits, whenever and wherever the same shall be payable and to whatsoever party or person the same may be payable, including nonresidents, whether citizens or aliens; and said companies are hereby authorized to deduct and withhold from all payments on account of any interest or coupons and dividends, due and payable as aforesaid, the tax of 5 per cent; and the payment of the amount of said tax so deducted from the interest or coupons or dividends and certified by the president or treasurer of said company shall discharge said company from that amount of the dividend or interest or coupon on the bonds or other evidences of their indebtedness so held by any person or party whatever, except where said companies have contracted otherwise. (14 Stat., 123.)

The Supreme Court said:

The tax, in our opinion, is essentially an excise on the business of the class of corporations mentioned in the statute. The section is a part of the system of taxing incomes, earnings, and profits adopted during the late war and abandoned as soon after that war was ended as it could be done safely. The corporations mentioned in this section are those engaged in furnishing roads, canals, and waterways for the transportation of persons and property, and the manifest purpose of the law was to levy the tax on the net earnings of such companies. How were these "earnings, profits, income, or gains" to be most certainly ascertained? In every well-conducted corporation of this character these profits were disposed of in one of four methods, namely: Distributed to its stockholders as dividends, used in the construction of its roads or canals, paid out for interest on its funded debts, or carried to a reserve or other fund remaining in its hands. Looking to these modes of distribution as the surest evidence of the earnings which Congress intended to tax and as less liable to evasion than any other, the tax is imposed upon all of them. The books and records of the company are thus made evidence of the profits they have made, and the corporation itself is made responsible for the payment of the tax.

Manifestly such a mode of ascertaining the net earnings of the company would not be complete unless the sums paid as interest on their bonded debts were taken into account.

Of course it was competent for Congress to tax only the earnings after deducting this interest paid on their debt, or to treat the sum so paid as part of the net earnings and paid out of them as dividends were. It adopted the latter policy.

It is said sometimes, Mr. President, that this is a franchise tax, and that we can not tax any franchise which is given by the legislature of a State. There are two kinds of franchises granted by the legislatures of States. They are prerogative franchises and ordinary franchises.

A prerogative franchise is one in which the State confers a portion of its sovereign power as a State upon the corporation, and delegates it as agent to execute that sovereign power. Other franchises or ordinary franchises are those to conduct certain lines of business for its own profit. Now, in so far as a corporation may be an instrumentality of a State, performing a function which only a State as a government can perform, we can not put a specific tax on its right to exercise that function. But the great majority of corporations in the modern age are simply limited partnerships in the guise of corporations. The great majority of them are not the recipients of the delegated sovereignty of the State. So far as they are concerned there is no difficulty as to this question.

We are sometimes misled and even judges are often misled by shorthand expressions. The tax in this bill is sometimes spoken of as a tax on gross receipts. That is an inaccurate method of stating it. It is a tax on the business done by a corporation measured by gross receipts. So in speaking of it as a tax on franchises the courts and Senators and members of the House of Representatives, by calling it a franchise tax, or a tax on the franchise, may sometimes mislead, for while it goes to the business which is conducted under the franchise, we should follow the tax with a discriminating eye and observe that it is not in fact levied upon the franchise or charter. When we speak of it as a tax on the franchise, instead of speaking according to the accuracy with which we should measure our words in the discernment of delicate powers, we are rather using a shorthand expression which does not convey the precise idea upon which these taxes are levied.

That I am correct in this will be seen by a critical view of some

of the decisions of the Supreme Court of the United States, as well as by a clear analysis of the various provisions.

What is a franchise, Mr. President? Let us answer that question first. Kent, in his Commentaries, uses the word "franchise" as synonymous with the word "corporation." Sometimes the term is used as the synonym of the charter of the corporation.

If we use the word in the sense that Kent used it, and if the views of the honorable Senator from Kentucky are correct, we might find ourselves in such a situation that we could not tax any corporation chartered by a State, and the whole country could remove its property and its business from the power of the Federal Government to reach it by getting a legislature to give it a franchise such as the honorable Senator from Kentucky speaks of. "Franchise" or "franchises" is often used in other senses as applied to the power or powers conferred upon the corporation. A single corporation may have many franchises, just as an individual may have many attributes and relations.

A State judge can not be taxed on his salary. That is essential to the integrity and autonomy of the State, but if the State judge is also a grocer, if he is also a practitioner of law, if he is a farmer, or if he is a hundred other things which men of affairs are in business, he may be taxed, although he is a State judge, on every species of his property and on the exercise of every function except that of being a judge. So when a corporation is chartered by a State and when it is chartered by the Federal Government, it does not relieve the State corporation from its obligation to pay taxes to the Federal Government, and neither does it relieve a corporation chartered by the Federal Government from its obligations to pay taxes to a State. It simply relieves the corporation chartered by the State from having a tax put upon its right to perform the duty assigned to it by the State, and in turn it simply relieves the corporation which is chartered by the Federal Government to execute a portion of its sovereignty from having a tax put upon the exercise of that franchise.

All the property of the corporation, all functions of the corporation, all business of the corporation outside of the exercise of this specific State function with respect to Federal taxation and outside of each specific Federal function with respect to State taxation, remain taxable by the Federal Government and by the State.

The special excise tax in this bill upon corporations measured by gross receipts may be described as a tax on peculiar aggregations of men, bearing an aggregate name, invested with peculiar aggregate and artificial personality, doing business for profit, and with certain limited liabilities created by law for their own benefit, and this tax is measured by the gross receipts of the aggregation.

It is said that corporations are persons. So they are, Mr. President, persons, entities, things, but they are not human beings of any race or of any color. When it is said that they are persons it is not meant to assert a fact. It is simply meant to introduce an analogy, and to create them persons only in certain limited respects. They are persons in the sense that they may have a legal local habitation; they are persons in the sense that they may bear a name; they are persons in the sense that they may sue and be sued; they are persons in the sense that they may have perpetual succession, and yet perpetual succession has been given to no human person by his Creator, and can not be imparted to any human person by law.

Neither are they persons with respect to the duties and obligations which they owe to the Government, except in a limited way. They can not, therefore, be persons in the sense of the duties and obligations that government owes to them, except in a limited way, for otherwise there would be no reciprocity in the relation. They can not bear arms and fight for the country. They can not expose themselves to the danger of Spanish bullets or the swamp or malarial or yellow fever; and even if they could, Mr. President, they could not sing a song about the girl they left behind them, for it does not belong to corporations to have the instincts or the relations which belong to human beings. They can not marry and be given in marriage; they have no cradles to rock at home; they have no wife and children to provide for.

Would any of these honorable Senators who contend upon this floor that corporations are to be regarded as human beings and treated as such throughout our law of taxation think it unconstitutional to exempt the householder and head of a family from the levy upon his cabin, or a poor man from having his cow and horse, his cradle and kitchen furniture, and his hoe and hammer levied upon, and declare that the act was not constitutional because we had not exempted the houses or horses or cradles or hoes or hammers or furniture of corporations from levy likewise?

"Thou shalt have none other gods but Me" is the great text of the divine law. Neither can we have upon this earth other human beings than those which He hath created. So in our laws, Mr. President, we are obliged from the nature of things to recognize a difference between God-made things and mere human fabrications. We may tax artificial flowers one way in a tariff bill, or the sale of them in one way by an internal-revenue bill. It does not follow that we are obliged to follow and tax in the same way

the flowers with which nature has clothed the garden. They are different things. In our internal-revenue laws we tax artificial butter one way, but we stop when we get to the milk churn of the farmer's wife, or to the table where there is genuine natural butter, and so we do not tax that. All through tariff bills, and all through internal-revenue bills, the law as made does to-day make, and wise laws must forever make, the discriminations which the God of nature has Himself made.

It has never been contended in Congress before this debate, so far as my limited reading of the legislative records discloses, that the Federal Government can not tax corporations chartered by a State. It is quite evident to my mind that when the States create them artificial persons and authorize them to conduct business in a particular way, it makes them subject to taxation, State and national, upon the particular way in which that business is conducted. The fact that we may tax corporations of States is conceded by the authors of this bill. They are well aware of it, for throughout the bill they tax State corporations in all its provisions just as they tax persons, which they could not do if they were part of the autonomy of a State or instruments employed by it in the execution of its powers.

The United States Supreme Court held, in the case of Santa Clara County against The Southern Pacific Railroad, in 118 United States Reports, 394, that an assessment by the State collector upon the Southern Pacific Railroad franchise was invalid, but that a tax on its property was valid. In *California vs. Pacific Railroad Company* (127 U. S., 26) it was held to the like effect.

In the case of the Railroad Company vs. Peniston (in 18 Wallace, page 6) it appears that the Union Pacific Railroad Company had been chartered by Congress to construct a railroad and telegraph line from the Mississippi River to the Pacific Ocean, and to secure the Government the use of the same for postal, military, and other purposes; and the county of Lincoln, in the State of Nebraska, levied a tax upon the property of the company, valuing it at \$16,000 per mile for 170 miles. The tax of the county as thus assessed derived \$41,328 from the railroad company and only \$6,350.45 from other people's property. The Hon. William M. Everts, for the company as its attorney, opposed the tax in arguments of which the observations of Senators in this debate sound like echoes, but they made no impression upon the Supreme Court of the United States.

Judge Strong gave its opinion and sustained the tax. He pointed out what the Senator from Connecticut [Mr. PLATT] and, it seems to me, the Senator from Kentucky [Mr. LINDSAY] have either denied or have suggested the contrary, that a railroad is a "private corporation"—that is to say, a railroad company chartered by the Government of the United States to execute certain governmental functions is a "private corporation," not a public corporation, "though existing for the performance of public duties."

That is what I have contended, Mr. President, all along. The Supreme Court said that this Federal railroad "was a public agent; so were steamboats, horses, stagecoaches, foundries, shipyards, and multitudes of manufacturing establishments." Judge Strong declared that if the railroad chartered by the Federal Government were "exempt from liability to contribute to the revenue of the States, it is manifest that the State governments would be paralyzed."

Now, what is the contention of my honorable friend from Kentucky, who advocates State rights Democracy and intimates that some upon this floor are not hewing to the line of State independence. What does he advocate? Why, that the Federal Government can not tax a State charter, and correspondingly, that a State can not tax a Federal charter. Here is the answer of the Supreme Court, which says that if it were to hold that the States can not tax railroad companies because chartered by the Federal Government and require them to contribute to Government, it is manifest that the State governments would be paralyzed. I do not want to see the State governments paralyzed. I assert the power of the State sovereign to tax within its jurisdiction and up to the point where it comes to interference with the exercise of a Federal power. There its right falls.

So, upon the other hand, Mr. President, I do not want to see the arm of this great National Union Government paralyzed. When it goes down into the State, as it has a right to do, we can only cry "halt" to it when it lays its taxing hand upon that faculty of the State corporation which has been invested with the sovereign power of the State to execute some specific act of its sovereign will.

The tax—

Continued Judge Strong—

is not imposed upon the franchisees or the right of the company to exist and perform the functions for which it was brought into being. Nor is it laid upon any act which the company has been authorized to do.

That is the Federal railroad; and, giving a true principle for our guidance, he held that—

Exemption of Federal agencies from State taxation is dependent not upon the nature of the agents, or upon the mode of their constitution, or upon the

fact that they are agents, but upon the effect of the tax; that is, upon the question, Does it in truth deprive them of power to serve the Government as it was intended to serve it, or does it hinder the efficient exercise of their power?

Now, then, if we prescribe for Congress the limitations upon its powers to tax State corporations, the principles laid down by the Supreme Court as limitations upon the power of the States to tax Federal corporations, if we give equal dignity in their respective spheres to both State and National governments, as my honored friend the Senator from Kentucky contended, and as I readily concur, what is there to comfort or to strengthen his position against taxation of State corporations in their business matters conducted for their own profit?

I may well say of this Federal tax on business corporations chartered by a State, concurring with the views of the Supreme Court with respect to State taxation upon Federal corporations, that the tax on this business, generally for profit, is not laid upon any act which the companies have been authorized to do for the State, and may well apply to it the judicial touchstone, that the effect of the tax is not to deprive these corporations of the power to serve the State government as they may have been intended to serve it, nor does it hinder the efficient exercise of their power.

I might well reply to Senators who are minimizing the power of the Federal Government to tax corporations for its support as Judge Strong did to those who minimized the power of the State to tax railroads chartered by Congress, that if these corporations are exempt from liability to contribute to the revenue of the General Government it is manifest that it would be paralyzed; for I have no sympathy, Mr. President, with those who are by all sorts of "nice, sharp quillots of the law" belittling the power of Congress to tax, and are at the same time trying to plunge it into an enormous public debt, in turn, no doubt, according to their projections, to be paid by taxes on what the people eat and wear and use, and from whom in the future, as in this bill, like exemptions will be urged as are urged now.

I must do my honorable friend the Senator from Kentucky the justice to say and call attention to the fact that he said he was not speaking of business corporations. His argument, as he himself declared, "does not apply to strictly business corporations." If that be so, Mr. President, let me rejoin that all of the corporation taxes in the section of the bill which confines itself to corporations are of that character; that is to say, strictly business corporations. This appears alike from their designation and also from the designation of those excepted from the operation of the tax. The bill, in short, is strictly business. The excise is laid upon corporations doing business in the United States. The exceptions include "religious, educational, benevolent, eleemosynary, or cemetery corporations."

So far, then, as there is any public corporation in this country invested by a State with a portion of its sovereign power to be executed and operated solely for public purposes the Federal Government bows in honor to the integrity and to the autonomy of States, and says, "Not a dime, not a penny, not a mill will I ask from you that interferes with that."

So, Mr. President, the most scrutinizing inspection of this bill will not give warrant to any suggestion from any source that those who believe in the integrity of States and in the integrity of the nation have not shown the utmost respect and reverence to the line of demarcation, for they have left each sovereignty and every sovereignty in its own sphere, on its own throne, with full respect, and in full and unimpeded healthful operation.

Thus, Mr. President, the instrumentalities of State governments are excepted. There is no invasion of State rights, however high the Senator from Kentucky may attempt to build the wall around it and however closely he may try to chink its stone.

My honorable friend says he has been a little surprised to find in this discussion that it is on this side of the Chamber that the powers of the Federal Government have been magnified and the rights and powers of the State government systematically minimized. I disclaim that there is a line in the bill, I disclaim that I have uttered a thought or made a suggestion that does not recognize in all their primal and perennial integrity the perfect autonomy and function of both State and nation.

I am not jealous of the exercise of the powers of this Federal Government in any case in which they ought to be exercised. I believe they ought to be magnified when there is occasion for their use; and in the dread and solemn emergency of war, while we should be cautious and prudent and painstaking not to overstep the bounds of constitutional limit, it is not the time for subtle ingenuity to suggest difficulties in revenue measures, to peruse the briefs of lost causes in the Supreme Court, and thrash over the old straw that has been trodden out by judicial decision to suggest lawsuits and difficulties to people who may not be anxious to pay the tax but anxious to avoid it.

I can invent a nest of lawsuits all through this bill with respect to matters in which my own people are concerned, and others. I have preferred to submit to taxes put upon them without a suggestion of the character which has been made; but of course, sir, if I discerned that any principle was being violated or that my

own people were in danger of being unduly oppressed, I would make it known, and appeal to the fair and discriminating judgment of the Senate to correct it.

Neither do I think that my friend's language attributed to my honorable friend and colleague, who is an eminent lawyer from Tennessee [Mr. TURLEY], was justified by anything in the speech of that honorable gentleman. He was simply quoting a decision of Chief Justice Marshall in the case of *The Bank vs. McCulloch*, in which the great Chief Justice showed that there were powers in the Federal Government which relate to States that do not exist in the States with relation to the Federal Government.

I am not afraid to have my Democracy impugned, if that were a question (though it seems to me it is too insignificant a one to be worthy of public mention), by following the luminous decisions of Chief Justice Marshall of the Supreme Court of the United States. Whatever I am and to whatever party any member of the Senate may belong, we are all bound by those decisions. This Government was not created to fit the peculiar notions of any particular individual. It had no political platform before it after which it must be modeled; and those of us who expect to execute its provisions must take the laws and the Constitution as we find them and not as we might prefer them, and we must respect the decisions as rendered and not as we think they should have been made.

There is a wider scope to the powers of this Government, and there are many powers that this Government does possess with respect to the States that the States do not possess with respect to it. It can not charter mere business corporations and provide the manner in which corporations and partnerships can be formed, for those are matters of individual relationship which belong to the State.

But, Mr. President, it has great concerns to conduct with which the States have nothing to do except to execute its will as transmitted to them. It is Congress alone that can declare war, not the legislature of any State. It is Congress alone that can coin money, not the legislature of any State. It is Congress alone that can regulate interstate commerce. No State can even touch it. And it is Congress alone, Mr. President, that can levy taxes, duties, imposts, and excises throughout this Union. No State can, except within its own narrow boundaries and limits.

So, as Congress is intrusted with these great specific powers, the war-making power, the money-making power, the interstate-commerce-regulating power, which no State has even in the most infinitesimal degree, and as Congress must levy its imposts, duties, excises, and taxes according to a broad continental view and not according to the narrow local view of any particular set of men, so Congress must have the power and must exercise the power to carry out that great scheme of continental liberty with fairness to all interests, and with no one suggesting that we are infringing upon the State authority when we tax a State corporation organized to sell boots and shoes or to churn butter, to make cheese or run a street-car line, or to do any one of the many acts which are done every day by grocers upon the street and by the milkmaids in the country.

So, Mr. President, there is a distinct difference between the railroads chartered by the States and the railroads chartered by the Federal Government, arising out of the great comprehensive powers which are granted to Congress. But in this case, holding the balance in an equal and untrembling hand, we simply contend and affirm that, as held by the Supreme Court of the United States in one set of cases, the State government may tax Federal railroads upon their business. So it is equally true, as held in others, that the Federal Government may tax State railroads upon their business and all corporations whatsoever chartered by States except those public corporations which execute solely public functions and which are not organized for individual profit.

Mr. President, concluding on that line, let me observe, in answer to the contention that in taxing corporations we must tax the individual doing the same business, that the Supreme Court has otherwise decided in one of the decisions which I have read. I have felt it due to the dignity of this great pivotal question that I should say something in answer to the learned and intelligent gentlemen who have assailed these provisions upon the ground of their constitutionality. I have much dislike to detain the Senate for a moment.

I believe that the scheme of the Senator from Maryland may be carried out so as at least to lessen the hardships of the lesser corporations, but I greatly question whether or not it would be wise and just, in view of the intimations in the opinions of some of the judges, to make so great an exemption from taxation as \$250,000 of corporate wealth; and, in the long run, the fewer people we exempt the more we will diffuse taxes. While there may be cases of individual hardship, it is true in political economy, as it is true in the courts of law, that hard cases frequently make bad laws.

I wish that each class of corporations in this bill might have a separate clause applied to it. I wish the railroads might be put in one clause with the whole theory of tax collection attached to it, street railroads in another, and express companies in another, because there are reasons of public policy and minutiae of detail

which can not be made conveniently applicable in a wholesale style with all of them grouped together. This can be done in a legal shape conforming to judicial opinion. I should be glad to vote for certain exemptions or for a graduated scale of taxation.

In all schemes of taxation, whether levied directly upon incomes or net earnings, or upon the business from which they are derived, I presume there is not an enlightened commonwealth or modern nation which has not in some one act or another graduated taxes and made some exemptions. I pointed out the other day that this was the idea of Say, the great French political economist, and that Mr. Sumner, in a debate in this body, had emphatically shown his approbation of that system and advocated it in remarks which were worthy of consideration. This is the system which they have in England to-day, and I have in Whittaker's Almanac, page 184, a scheme of the income tax which is levied in Great Britain, which is as follows:

Income tax rates from 1853 to the present time.

From and to April 5—	Free under—	Rate in the £—		Chancellor of the exchequer.	Premier.
		On £100 to £150.	On £150 and upward.		
1853-1854.	£100	5d.	7d.	William E. Gladstone.	Earl of Aberdeen.
1854-1855.	100	10d.	1s. 2d.	do.	do.
1855-1857.	100	11d.	1s. 4d.	Sir G. Cornewall Lewis.	Viscount Palmerston.
1857-1858.	100	5d.	7d.	do.	do.
1858-1859.	100	5d.	5d.	do.	do.
1859-1860.	100	6d.	6d.	Benjamin Disraeli.	Earl of Derby.
1860-1861.	100	7d.	10d.	William E. Gladstone.	Viscount Palmerston.
1861-1863.	100	6d.	8d.	do.	do.
1863-1864.	100	7d.	10d.	do.	do.
1864-1865.	100	4d.	4d.	do.	do.
1865-1866.	100	4d.	4d.	do.	do.
1866-1867.	100	4d.	4d.	do.	Earl Russell.
1867-1868.	100	5d.	5d.	Benjamin Disraeli.	Earl of Derby.
1868-1869.	100	6d.	6d.	George Ward Hunt.	Benjamin Disraeli.
1869-1870.	100	5d.	5d.	Robert Lowe.	William E. Gladstone.
1870-1871.	100	4d.	4d.	do.	do.
1871-1872.	100	4d.	4d.	do.	do.
1872-1873.	100	4d.	4d.	do.	do.
1873-1874.	100	3d.	3d.	do.	do.
1874-1875.	100	2d.	2d.	Sir Stafford Northcote.	Benjamin Disraeli.
1875-1876.	100	3d.	3d.	do.	Earl of Beaconsfield.
1876-1877.	100	3d.	3d.	do.	do.
1877-1878.	100	5d.	5d.	do.	do.
1878-1879.	100	5d.	5d.	William E. Gladstone.	William E. Gladstone.
1879-1880.	100	5d.	5d.	do.	do.
1880-1881.	100	5d.	5d.	do.	do.
1881-1882.	100	5d.	5d.	do.	do.
1882-1883.	100	5d.	5d.	do.	do.
1883-1884.	100	5d.	5d.	Hugh C. E. Childers.	do.
1884-1885.	100	5d.	5d.	do.	do.
1885-1886.	100	8d.	8d.	Sir Michael Hicks-Beach.	Marquis of Salisbury.
1886-1887.	100	8d.	8d.	Sir William Harcourt.	William E. Gladstone.
1887-1888.	100	7d.	7d.	George J. Goschen.	Marquis of Salisbury.
1888-1889.	100	6d.	6d.	do.	do.
1889-1890.	100	6d.	6d.	Sir William Harcourt.	William E. Gladstone.
1890-1891.	100	7d.	7d.	do.	do.
1891-1892.	100	8d.	8d.	do.	Lord Rosebery.
1892-1893.	100	8d.	8d.	do.	do.
1893-1894.	100	8d.	8d.	do.	do.
1894-1895.	100	8d.	8d.	do.	do.
1895-1897.	100	8d.	8d.	Sir Michael Hicks-Beach.	Marquis of Salisbury.

* Differential rate upon scale of incomes abolished. Incomes under £100 exempt; and incomes of £100 and under £200 per annum received an abatement of 200 from the assessment: Thus £100 paid on £40; £180 upon £100; £190 upon £130, but £200 paid on £200.

† £50 allowed if under £200.

‡ Under £150 exempt; if under £400 the tax is not chargeable upon the first £150.

§ Under £160 exempt; not exceeding £400 the tax is not chargeable on first £100; not exceeding £500 the tax is not chargeable on first £100.

Here is the graded scale and also exemptions; and when we have the power to tax, it is not to be presumed that we may not employ the systems with the accustomed details that pertain to them as they are customarily employed by civilized states and nations.

I am sorry that with respect to the income tax our mother country has become more democratic than we are. The income tax in that country has existed for more than a hundred years. It has sometimes been dropped, but it has always been revived. It has always been popular in the House of Commons, the representatives of the people, and it has been frequently said in that country that it was a club used by the commons against the lords. Let us say for our great mother country that her rich men are willing out of their accumulated wealth to pay for the blessings which that nation has achieved for them. The income tax is as well settled a portion of the English budget as a property tax is in the budget of any State in the United States.

Sooner or later this country will return to an income tax. At present six gentlemen, holding the august office of Supreme Court judges, have said, against the opinion of nearly all other judges who ever before sat upon the bench, that we must not have an income tax. For the present we yield. It should, however, not be esteemed, Mr. President, nor fancied, that the great wealth of this country desires to throw the great weight of the burdens of taxation upon the poor, or the comparatively poor, or upon any particular class of society, merely because their incomes can not be taxed.

It is just as well and much better settled than is the income-tax

decision that business may be taxed. It is in some measure taxed in this bill by the stamp tax; it is taxed in this bill by license taxes recommended by the gentlemen upon the committee and supported here by those who are opposing these particular taxes of which I am one of the advocates.

Mr. President, as incomes have been released from taxation, is it not just, is it not fair, is it not expedient and politic that we should tax business in this method, and thus leave the wealthy and the powerful not stripped of all power to make due participation in a great national fight? There is but one alternative, if we refuse to do it. The great weight and burden of war, if it be not done, must fall upon consumption—upon the consumption of the little tobacco that is the comfort of the toiling man, upon the glass of beer which cheers his evening meal, upon the medicine and upon the delicate foods which are prepared for the sick, ranging out into those matters which are the necessities or the humble luxuries of life. These are already taxed. They are taxed by the tariff bill. They are taxed by that whole system of taxation which looks toward foreign countries; and those upon whom the taxes which a majority of your committee have recommended will fall are the particular beneficiaries of the taxes upon consumption which have been prescribed by the tariff act.

Bread is going up in price already, Mr. President, and has been going up by reason of famine in other countries. Now that causation has been enlarged by war. It is well known as a fact in political economy that the poor people pay much more for the necessities of life in proportion to their means than the rich, for the reason that they must buy them at retail prices. A pound of sugar or a pound of meat or a loaf of bread to a poor man costs in proportion much more than a hundred pounds of sugar or a hundred pounds of meat or a hundred loaves of bread to the rich man; and this arises from the nature of things, because one can buy at wholesale price and the other must buy at retail. So, Mr. President, the poorer classes and the middle classes of society pay much larger proportions of whatever they derive from their wages or incomes for the purchase of whatever they need than do the rich.

The man who gets a dollar a day must spend all of his income to live. To the man who gets \$100 a day it makes little difference whether he spends one or two or three or four or five or six or eight or ten dollars, for his margin of safety and comfort is forecast and provided for. These truths being known, is it not the part of wisdom not to increase taxes upon the consumption of the necessities and humble luxuries of life, but to open the door so that those may share in the burdens of taxation who have the larger amounts at disposal, the larger margins for living in comfort, and who are better possessed of ability to bear the obligation which is put upon them?

The distinguished Senator from Maine [Mr. FRYE] the other day said we ought not to impose this tax because the cotton factories of Maine were not in a flourishing condition. If so, it is not because the Congress of the United States has not done whatever they have asked to make them flourishing. It has built up a tariff largely for their benefit. I regret if they are not flourishing. I should love to see every industry in this country flourishing; but, Mr. President, this is only a transient thing. There is no day in the history of any nation in which all industries are flourishing.

One flourishes to-day and another flourishes to-morrow, and because one is a little or much depressed at any particular period of history by reason of causes which may be transient, or by reason of causes which may be permanent, is no reason why we should alter any great or general scheme of taxation applying to all the industries any more than the fact that a man is rich or poor should break up our scheme of taxation, which must apply to all men equally. In the long run it will be found the wisest and best not only for the public at large, but as well, in my judgment, for the corporations which shrink from this tax thus to diffuse taxation by small amounts levied upon a large range of subjects and covering the whole country, rather than upon articles which are only produced here and there in the country and yet are more broadly consumed.

Liberty must pay its price; the Constitution must pay its price; the blessings of this great and powerful nation must pay their price; war must pay its price; and it is a price, Mr. President, which I hope those whom I represent here will bear with fortitude, with ready patriotism, and without shrinking from any burdens which it may impose upon them. All that I ask in their name, and all that I could ask and fairly represent them, is that others may show that alacrity to bear their portion which is becoming to citizens of a common country, which would oppress none, but would ever keep foremost the equitable principle, "special privileges to none, equal rights to all."

Mr. WOLCOTT. Mr. President, it is a source of much gratification that in the consideration of this bill during the past fortnight there has been little, if any, political friction or party zeal injected into it. Neither side has sought by the amendments so far introduced to this bill to give it a political complexion or a

partisan character, but there has been an earnest attempt upon the part of Senators on both sides of the Chamber to make the bill that which every patriotic citizen desires it should be—a bill to bring adequate revenue to this country during the war upon which circumstances have compelled us to enter.

Nor has any amendment to the bill been introduced that could in the slightest degree be charged to be an amendment which sought delay or postponement of prompt and vigorous action by this Congress, and until the amendment, which was introduced on yesterday, concerning the Hawaiian Islands, there has been no suggestion respecting the measure which has not been directly germane and appropriate to it and to the subjects with which it deals.

Mr. President, for one I rejoice that some Western Senator, who might, because of his views on economic questions, be charged with a desire to delay or to postpone or to obstruct, was not the Senator who introduced the amendment concerning the annexation of the Hawaiian Islands as a part of this revenue bill. Whatever may be our view as to the wisdom or unwisdom of the annexation of the Hawaiian Islands, I think that most of us will agree that it is a measure which should stand by itself and should not be tacked onto a revenue bill, with the essential, necessary result that final action upon the bill would be postponed for an almost interminable discussion.

In the consideration of this bill the Committee on Finance had to deal, first, with the question as to how much revenue this country should gather and garner for the purpose of carrying on the war. The estimates were many and various. The Senator from Texas [Mr. CHILTON], a member of the committee, has very ingeniously collated from the history of the last war the interesting fact that the average cost of a soldier during that struggle was about \$1,000 a year. It will be more now, rather than less. So we had at the start, then, under both calls, to face the fact that the volunteer service alone of this country will cost \$200,000,000 a year. No intelligent estimate can, in my judgment, be made as to the total expenses to be incurred by this war which does not find the amount at least \$400,000,000 a year, and much of the tax to be raised must remain as a permanent addition to our annual revenue.

It is true, Mr. President, I believe, that the present tariff act works admirably. Its one defect is that it does not bring in as much revenue as the increasing needs of this country demand. There is no question, viewing the statistics of the last twelve months, that this country must raise somewhere from \$20,000,000 to \$30,000,000 additional revenue from other sources in order to make our receipts equal our expenses, even upon a peace footing.

Mr. President, it is also true—and no Senator who has studied the question has any other opinion upon it—that because of the information we have received growing out of the preparations for the present war, it will be necessary for years to spend many millions of dollars more upon our Navy, even when peace shall come again, than we have spent upon it in the last ten or twenty years. We have got to figure an increase of the annual appropriations for our Navy of not less than \$15,000,000.

It is also true that the developments of the last few months have shown us that, even after the war shall have ended, we must spend as a measure of precaution large sums upon our coast defenses, and no estimate can be made that shall exclude an addition of at least eight or ten million dollars, to be annually expended by this country for the next decade, if not for the next twenty years, upon the coast defenses of the United States.

So, Mr. President, in addition to the absolute war requirements, it was essential that this committee should provide for a permanent addition to the revenues of this country of not less than \$50,000,000.

It has been often stated upon the floor of the Senate that we are now engaged in a war with a fourth or fifth rate power; that the war is not serious so far as the United States are concerned. Has it ever occurred to you, Mr. President, that with the exception of a conflict with Great Britain, and I am glad to realize that the possibilities of serious difficulties with that country have grown dim and remote, there is not a country in the world where so great an army expenditure is required as in this war with Spain. No other country has colonies, within thousands of miles of us, which it would be necessary for us to occupy. For the first time in the history of our land our troops have to take transports to reach the seat of war, to seek battle with the enemy. It never happened before, and it can never happen again.

No country in Europe, no matter how strong and powerful she may be, would require this country, if war existed, to furnish so great an army as Spain. Two hundred thousand volunteers are now called, and the chances are that half as many or as many more will be called before the war is over.

Mr. President, this war may not be one of speedy end. No man can mark the finality of the contest. An old and decaying power, with her vitality largely gone, is yet able to hold on in sullen resistance day after day, and week after week, and month after month, in the hope that the other nations of the world may inter-

vene to help her, and no man can say this war shall be of short duration.

Nor in any estimate of revenues to be raised, and of the means to raise them, can we exclude from our vision the possibilities of great international complications which may grow out of this war. We hear the ominous rumors on every side that this may be the last struggle of the Latin races. We know of the tension that exists between all the countries of Europe, where it needs but a match to kindle a spark and that a flame which may spread the world over. No man can say, remote as we are from European countries and European complications, that, through the international friction now existing the world over, this nation may not be called upon to bear its share in some world-wide war which will embrace all the nations of the earth.

For my part I am unwilling to believe that any of the countries of Europe would interfere in this struggle between the United States and Spain, based as it is, not upon lust for power or aggrandizement, but solely upon principles of humanity. Least of all am I willing to believe the statements which we have been reading from time to time that the attitude of the Republic of France is one of hostility. The press of a country, I am glad to say, frequently misstates its public sentiment, and the press of France, in my opinion, does not reliably announce to the world the position of that Republic upon the existing contest.

It is within my own personal knowledge, Mr. President, that the present premier of France, M. Meïine, recently reelected by an overwhelming majority, is personally a friend, an intelligent friend, and wellwisher of this country, familiar with its institutions, sharing in its aspirations for republican perpetuity, and in every way hopeful for continued and pleasant relations between the two Governments. He has allied himself with the agricultural interests of France. He is a protectionist. His policy is largely the policy which now dominates this country, and for one I am unwilling to believe that complications may arise in that quarter. But from whatever source they may come, this country must be prepared and ready to endure with tranquility and equanimity and dignity whatever responsibility the actions of other countries may impose upon us.

Mr. President, the attitude of Great Britain toward this country has already been of incalculable help to us, and the inevitable tendency of events does more than any treaty signed and sealed between powers could do to bring about between these two great countries that friendly understanding which ought to exist. It is a matter of congratulation to the people of this country that the present premier of Great Britain and Mr. Balfour, who for a time occupied his place, while never underestimating the great and tremendous necessity for the commercial prosperity of Great Britain, have counted as far higher and nobler and better whatever tells for civilization, the prosperity of the world, and the uplifting of mankind. But if these troubles come, we have but one duty, and that is to show the world that we are ready to meet them face to face, recognizing our responsibilities and willing to assume them.

Many of us estimated in committee that the annual war expenditures would be about \$400,000,000. Upon the presentation of that fact, the committee—and I am violating no confidence of the committee—by a majority vote determined that this generation should pay \$150,000,000 of that amount, or whatever amount it might be necessary to raise. Since this Republic has been created we have had five wars, and in every one of them there has been a bond issue, and in every one of them the descendants of those who fought their wars have gladly and cheerfully and loyally and patriotically assumed the burden of that obligation and have been glad to pay it. We furnish the lives of our best and our bravest; we are willing to tax ourselves and to spend and to be spent for our country's prosperity and our country's honor, and posterity will never object that we call upon them to bear their fair share of the war's burdens and obligations.

We determined, as I say, that \$150,000,000 at least should be raised by the provisions of this bill. It is due to the acting chairman of the committee and to every member of it to say that when that determination, was reached, there was a loyal and fair and honest effort so to amend and change the bill as that its minimum should be \$150,000,000. That, in my opinion, is the minimum estimate here provided. I have heard it complained of on the floor of the Senate that this was not an estimate, but a guess. It is unfair to the reports of the committee and the statements made by its members to designate them as guesses. There has been no statistician in any of the Departments who has not been called upon again and again to furnish, so far as the statistics of the country would afford, the figures that would give us some adequate idea of what could be obtained by taxation under the various sections of the bill.

There has been no report in past years of the Internal Revenue Commissioners which has not been scanned and figured and considered in determining the revenue to be derived from the bill, and the conclusion which we have reached, including the estimate of the Senator from Texas [Mr. CHILTON], most carefully

and intelligently and conscientiously made, while in my opinion it is far too low, is nevertheless not a guess, but an estimate. The estimate of the acting chairman of the committee, most carefully and ably made—made, I may say, by the one man in the United States who has in his own breast the greatest knowledge of the possible revenues of the country, of its methods of taxation, and the channels and avenues through which revenue by taxation may be derived and collected—is not a guess, but an estimate. He tells the Senate that \$150,000,000 will be raised. In my opinion it will be far more, and my statement is an estimate and not a guess.

Mr. President, how are you going to make an accurate estimate? Our country jumped in population from 38,000,000 in 1870 to 50,000,000 in 1880, and then to 63,000,000 in 1890, and it is now 70,000,000. You can not base your estimate of increased receipts upon increase of population alone. It is but one factor. For instance, railroad tonnage has increased four times. The vessel tonnage on the Great Lakes, passing St. Marys in vessels, has increased twenty-five times. The increase of national banks is only about 50 per cent. Deposits in savings banks have increased fourfold. There have been since the repeal of our revenue laws in 1870 new discoveries in science, in electricity, new commercial ideas, new ventures, new industries springing on every hand, and vast areas opened to cultivation and to commerce. Who is to tell, measured by the revenues of the period from 1863 to 1870, what this generation can pay? No man can estimate it in figures and say or believe that he is absolutely correct.

But an intelligent man who tries to study the great development and growth of this country in its hundreds of different branches, as it reaches out in improvement and development, may be able to form some fair conclusion of what the provisions of the bill, when enforced and when the taxes are fairly collected, will bring to the support of the Government in this critical time.

We must remember that the first half year the machinery hardly gets oiled; that for months the revenues produced by the bill will be far less than you will afterwards gather, and in reaching a conclusion as to how much we can get we have to remember that six months will not determine it. We have also to determine how conditions will be changed by war itself. All the wheels of industry may be moving to-day, and yet some international complication or some of the vicissitudes of war or some of the results of this conflict may close half of them to-morrow, and the industries of the country be deadened and revenues proportionately decreased.

But out of it all, Mr. President, and out of what seemed a chaos of figures, the Committee on Finance has made a careful and an intelligent estimate, and it can go before the country with the assurance that the bill, even without the majority amendments, will bring a revenue to this Government of not less than \$150,000,000, and it is my sincere conviction that it will bring a revenue of nearer \$200,000,000.

There is no difference in principle between the amendments reported by this side of the Chamber and the amendments reported by the majority of the committee, so far as the taxation provided for in the bill is concerned. There is nothing Populistic or unfair in the amendments of the other side. It is another method of collection. It is a different method from the one we have adopted. I voted against it in committee and I expect to vote against it later; but I resent the suggestion that there is in those amendments anything which is intended or which can work, as the amendments now stand, unfairness or injustice generally to the industries of our country, and though, in my opinion, not the best method, it is as legitimate a method to increase the revenues of the country by levying upon gross receipts as it is to provide for them by other specific taxation.

But with us, with the minority of the committee, it was determined that this tax should be so levied, if possible, as to be self-collecting as far as possible and evidence its own payment. The committee determined that the great advantage of a tax was in its universality. People say that taxes by stamps or other methods are vexatious. Of course they are vexatious. But that the attention of almost every citizen in this country is called daily and in the ordinary vocations of life and in the work of every day to the fact that he is taxed to support this country in a war which it is waging is a fine and splendid and reasonable and seasonable reminder to every citizen of this country that the responsibility rests upon him as well as upon his fellow-citizen to provide the revenues for the carrying on of the war. It is also a stimulus to patriotism.

It is easy to say there are great aggregations of wealth in this country and they ought to pay all war expenses, and that the average man should not know there is a war going on. There never was anything in this country or in any country in any time worth having that did not come through a sacrifice. Whether it be the ordinary relations with your fellow-citizens or your relations to your country, you are not contributing anything that has value unless you contribute it through sacrifice, and there is no such stimulus to patriotism as for every citizen, poor as well

as rich, to feel that he is bearing his share in the burden and heat of the day, and that his contribution, a mite though it be, is yet something toward the support of his Government in its day of trial and for the maintenance of the honor of the flag.

So we determined that these taxes should be made as universal as possible. Having this in view, we endeavored to impose the burden of taxation as equitably as possible. I shall have nothing to say upon the ordinary sources of taxation.

The beer tax of \$2 a barrel and the tax upon tobacco were both agreed upon in committee with practical unanimity.

The tax on proprietary articles is one of which those of us who are not skilled in the technique and details of tariff bills know but little, but we are assured that the revenue from that source will reach a most adequate and important sum.

Then we went into stamp taxation generally. Every other country in the world has a stamp tax. No country is free from it. They have had it for generations in most countries, and you find a stamp required on the simplest paper in the world—almost every paper. Every country, rich and poor, finds a large portion of its revenue from the imposition of a stamp tax, and so it seemed to us that we should impose it and make it as general as possible, making the actual sum to be taxed light; and out of that who can tell how great a sum will be derived?

In my own State, for instance, where we have suffered since 1893 from the decline in one of the principal industries of our State, silver mining, important discoveries have led to enormous transactions, far greater than twenty-five years ago, and the stamps to be put upon conveyances of mining property will in our State alone reach an enormous sum. We went through with the bill as it came from the House, reducing, in almost every instance, the amount of the tax, and yet making it far more generally applicable to all the relations of life and to all the small businesses between men and men.

One or two important amendments with which I had some connection I think perhaps I may be pardoned if I dwell upon for a moment. We put on an amendment, which was not upon the bill as it came from the House, providing that every receipt of money, not of property, of whatever amount, should bear a 1-cent stamp. That of itself is universal. But we went further, and in our desire to reach fairly and adequately and properly the transportation companies of the country, we put an amendment upon the bill which will reach their revenues by a stamp tax; not by espionage, not by investigation of their books, but by a stamp tax which will be itself an evidence of its payment and which will practically collect itself.

In the imposition of this tax, as in the imposition of a tax upon every other trade and business which we reached, it was the desire of the committee, as it must be the desire of the Senate, to raise money and not crush out industries. Whatever we may desire to do in the way of legislation to crush out people who are doing a large business, or aggregations of capital which get together for the transaction of the affairs of life, it is at least proper to say that in this particular revenue measure, the object of which is to raise money, we do not intend by its provisions to strike at any industry to the extent of driving it out of business or hampering it in the transaction of its affairs, or in any way to prevent it from paying as large a revenue as possible to the Government.

We therefore inserted a provision in the bill requiring every carrier, every transporter of goods, of freight or merchandise, and this includes express companies, railroads, steamship companies, steamboat companies, and all other methods of inland transportation, to issue to the consignor of goods a bill of lading or a receipt or a memorandum, and upon that and upon any duplicate of it to affix a 1-cent stamp. It seems small enough, but I have been at some pains to collect rather accurate data as to what the measure would bring. I applied to two or three of the leading railroad companies in the United States and learned from them the number of receipts or bills of lading which they are in the habit of issuing. We then measured it by the freight tonnage upon the railroads, and we found it worked practically the same on all the railroads on which it was tested.

It seems to be true that the average shipment upon each line of railroad for which a separate bill of lading or receipt is given is about 4 tons in weight, and if you take any railroad and get its gross tonnage, by dividing it by 4 you will ascertain the number of receipts or waybills which it issues.

There are about 800,000,000 tons of freight carried upon the railroads of the United States. Dividing that number by 4, it gives you 200,000,000 bills of lading which would be issued.

These estimates, however, were not made from some of the larger roads, having close business connections with the large settled towns of the East, with small intervals of distance between, and they would add much to this estimate. I am now speaking of railroads alone. Assuming the number of bills of lading to be 200,000,000, this tax would bring from the railroads \$2,000,000 upon this item alone. I am informed that in considerably more than three-quarters of the instances, duplicates of bills of lading

are issued. One goes with the goods and one is delivered to the shipper. This would add one and one-half million dollars to the amount to be derived, yielding from bills of lading and the duplicates, from railroads alone, \$3,500,000.

We are informed also by railroad officers that freight is very rarely prepaid. Not in 5 per cent of the cases is the freight prepaid for shipment upon railroads. Allowing that one-quarter of the freight is prepaid, you will then get from the receipts from money derived from payments for freight at the end of the route \$1,750,000 additional, and the most conservative estimate that can be made respecting this item of the bill brings from railroads alone an income of upward of \$5,000,000 more, considerably more than would be reached by the assessment of a quarter of 1 per cent upon the gross revenues of railroads, and the tax, in my opinion, is much more easily and more fairly collected.

There should be, in my opinion, an amendment to the amendment which has been offered by the committee to release from further receipt at the end of shipment such goods as have been prepaid. In other words, it is not fair to make the railroads pay the cent upon the bill of lading at its inception and to pay also the cent upon the receipt at the end, and such an amendment I have prepared and at the proper time shall offer.

As no laws general in their application work without specific injury to certain industries and to certain interests, I have to say that I think the committee has made one serious mistake in the imposition of the heavy tax upon express companies as included in this general section of the bill, for, curiously enough, an accurate statement of the packages carried by express companies shows that the packages carried by the four leading express companies of the United States are over 160,000,000, and taking the railroads which carry their own express matter, and there are several such railroads, the express packages carried upon the express lines of this country aggregate about 180,000,000, or almost as many as the number of packages or shipments carried by all the railroads of the country put together.

A tax, therefore, upon the express companies to the extent of 1 cent upon each package would collect from those express companies \$1,800,000, or from the four principal express companies of the country \$1,600,000. They are already taxed and taxed heavily often upon gross earnings in the different States of the Union. Their total capitalization is but \$55,000,000, and the tax which by this single section is imposed upon express companies is a tax amounting to 2½ per cent upon their capitalization, a tax which, it is needless to say, the express companies can not pay and continue their business without raising their prices.

You would say they might collect this from the customer, but they can not, because the express packages are received by wagons and not at the offices. Ninety per cent of all the express packages of the country are received in wagons, which in all towns above 2,000 go about collecting shipments. In the large cities they are often rushed down chutes from upper stories. They are handed to the driver by messenger boys. It is impossible to collect the 1 cent from the customer. One might say they could add the penny to the cost of the package. They can not, because the contracts of most express companies with railroads call for 50 per cent of the gross receipts, and if the express companies should add 1 cent for the purpose of covering the stamp, they would have to pay one-half of it to the railroads with which they transact business. This is by way of digression and solely to give to the Senate notice that I shall at the proper time offer and ask the Senate to accept an amendment to cover this oversight.

The committee also imposed, by a practically unanimous vote, a personal legacy succession tax, a tax which has been already somewhat discussed in this Chamber. It is a tax which has existed since the time of the Romans. It was enacted first in the time of Augustus, and it has been in force in many countries from that day to this. We do not seek to touch the real estate of anybody. That is visible and tangible and open, and the States can reach it. But unfortunately this country has not, and perhaps no country has, as yet developed a very scrupulous desire on the part of its citizens to pay their fair share of taxes.

It is difficult to tell why, but the man who is otherwise a man of average morality will in nine cases out of ten avoid the payment of taxes if possible. We have not yet reached the stage of public patriotism and public morality which makes the average man desire to pay to his country his share of the taxes which are imposed. And one man satisfies his conscience when he avoids the payment of them by saying to himself that his neighbor has done the same, and there is no reason why he should pay what his neighbor does not. When a man comes to die and his estate comes to be administered upon, then there is always a disclosure as to how much personal property he owned.

It is fair that that should be taxed by his Government upon a scale proportioned to his success, and in recognition of the fact that the amassing of his fortune was made possible by the protection which his country and its laws had afforded him in the acquisition of his wealth. The tax, as the committee has laid it, is a very slight. It interferes with no State tax. There are some

thirteen States already collecting this tax from the estates of people who die. It interferes with none of them, and is a just tax equally distributed, and small in amount.

Mr. President, there is a peculiar propriety in levying such a tax by the National Government. You all remember that a similar tax was enacted by the legislature in the State of New York, and one of the reasons given for its repeal by the governor of the State was that if such a tax were imposed, the people of the State of New York who had money would move over into the State of New Jersey, or somewhere else where such a tax was not imposed, and would there live and die in peace, and nobody would get any money out of their estates.

It is a tax that disturbs nobody. The man who is dead does not care; he is ended; and the men who come into the estate are receiving the bounty of an inheritance, and the small toll they pay their Government upon its reception is light in burden and easy to pay.

Then, in addition to that tax we impose those taxes on businesses only which were either of the peculiar character attending the business of banking, which should legitimately pay a fair tax, or else a tax upon the brokers, who are essentially middlemen, whose profits are good, often large, and who are not exactly the producers of this world. We have licensed them, the bankers, the brokers, the pawnbrokers, the commercial brokers, the custom-house brokers, the insurance agents, and different forms of amusements as well—theaters, circuses, etc. Upon them we can form something of an estimate of the tax to be derived, and the figures given in the revenue reports prior to 1870 give but a slight indication of the large amount which will be received from these taxes under the proposed law.

Now, Mr. President, I have very briefly and very hastily and very roughly stated most of the salient provisions of the bill which the Republican members of the committee joined in recommending, so far as the revenue was concerned. The majority of the committee, however, added to the bill certain provisions taxing the gross receipts of all corporations. As near as I can understand from the general course of the debate on the other side, there is a general inclination to strike out from those taxes on gross receipts all those corporations except the transportation companies, the common carriers, and the larger corporations.

If that be true, the tax is much fairer in its character than it was before, because it is not a fair division of a tax, it seems to me, to say that those who are already incorporated in one business shall pay the same tax as an individual who may be doing the same business next door in his own name.

But, Mr. President, it is my opinion, while the proposed tax is not large, that it is not as fair a method of levying it as that which has been reported by the Republican members of the committee. I take it, as a matter of course, that no member of the committee would desire that both methods of taxation should remain in the bill. That would be an oppression for which I think no member of the Senate would care to vote.

Mr. President, on the general question of railroads there are one or two things that ought to be considered. It is not quite a favorable time to impose such a tax upon them as that the burden of it shall seriously interfere with or affect their business. The railroads of the United States pay to-day in the different States, taking their total mileage, their capital, and the total tax levied in the different States, 3.49 per cent upon their gross receipts. That is not a slight tax, Mr. President, but that is the tax at present imposed upon railroads in the United States. This is the percentage of tax upon their gross receipts. They pay 16.6 per cent upon their net receipts.

I do not think that anybody would believe that a corporation or an individual which already pays to the States 16 per cent upon its net receipts should be called upon to pay a much heavier burden based upon gross receipts. If you deduct the fixed charges, that is, the money they must pay upon interest, upon bonds, which is a fixed charge, and comes before the dividends, the present taxation of railroads in the United States is 44½ per cent upon net earnings, deducting fixed charges, figures, Mr. President, which are of some magnitude and of some importance when we come to consider how far we ought to go in taxing railroads.

There were, in 1894, 28½ per cent of all the railroads of the United States in mileage in the hands of receivers, and there are to-day 16½ per cent of all the railroads of the United States in the hands of receivers and still being run by Federal courts, unable to meet their obligations, unable to do business as incorporated companies.

These most significant figures are an indication to me that if what this bill seeks is revenue we should so meet the demands which the war causes as to levy these taxes where they would be most fairly imposed. And, Mr. President, a large tax does not necessarily become a fair tax because you levy it on a company with a large capital. That is a mistake, it seems to me, which people are apt to make. "Why," we say, "this company has a capital of \$50,000,000; give it to them!" It may have \$50,000,000 capital, much of which has been unprofitably invested and which brings no return upon its investment.

The only fair method of taxation to obtain revenue is to tax those industries and those individuals and those callings which can with the least detriment pay their share toward maintaining the expenses of the Government.

There were other objections, it seemed to me, of a somewhat minor character, which I do not care to dwell upon, in some of the amendments suggested by the majority of the committee. The tax upon deposits in banks did not appeal to me as a fair tax. One suggestion will show, for instance, its unequal character. Under the proposed law we tax all bank deposits. National banks are required to keep a certain portion of their deposits with certain designated bank depositaries. That is true. I think we will all agree to that.

Take, for instance, a bank in Denver which has deposits upon which, under this bill, it would have to pay a tax. It has a portion of its deposits at Omaha in a designated depositary. The bank at Omaha pays also the tax upon that deposit, which by law the Denver bank is required to make. The bank at Omaha has a deposit in a national bank at Chicago, a designated depositary. The tax reaches the same money, the same deposit. That bank has to pay upon its Chicago deposit. The bank in Chicago has its great deposit in the city of New York at a designated depositary. Thus you reach in cases a quintuple taxation, which certainly the framers of this bill did not intend.

But I do not think it wise, I know it is not wise, for me at this time to go further into the amendments offered by the majority of the committee concerning the taxation of corporations. It is my opinion that a much fairer and wiser and more conservative method is that which is reached by the provisions of the bill as reported by the Republican members of the committee.

Now, Mr. President, having passed briefly over the provisions of the bill as to the taxation of property and the raising of revenue, we come to the question as to how the deficit between the expenses and the amount raised by the revenue ought to be reached, and in one respect there was in the committee a wide divergence.

Mr. TILLMAN. Will the Senator from Colorado allow me to ask him a question?

Mr. WOLCOTT. Certainly.

Mr. TILLMAN. I understood the Senator to say that it was the desire of the committee that every person in the country should have an opportunity to pay a fair, proportionate share of the burdens of the war.

Mr. WOLCOTT. Yes; everybody who could afford to pay it, who had something upon which to pay it. I should not say "every person."

Mr. TILLMAN. Will the Senator from Colorado or some other member of the committee tell me why it is that a tax on tea and coffee was not put into the bill?

Mr. WOLCOTT. I would very much rather somebody besides myself should tell the Senator from South Carolina, because personally I am extremely favorable to the imposition of such a tax. A tax of 15 cents a pound on tea would bring nearly \$2,000,000 to this country. It would not raise the price of tea a penny. It would bring us a great deal better tea than we ever had before, and would work no hardship on anybody.

Mr. TILLMAN. If the Senator from Colorado does not want to answer me, I hope some of the other Senators when discussing the question after a while will do so.

Mr. WOLCOTT. I should be very glad to do it. I answered the Senator in the utmost good faith. I am very much in favor of the tax.

Mr. LINDSAY. I ask the Senator if the tea dealers are not universally in favor of the tax being laid?

Mr. WOLCOTT. Every one, I think. They are represented here by some very intelligent gentlemen.

Mr. WHITE. If the Senator from Colorado will excuse me, I will state that I am acquainted with but very few Senators on this floor who are opposed to a tax on tea in their individual view.

Mr. TILLMAN. Then why did not the tax come in?

Mr. WOLCOTT. One objection, I think I should say to the Senator from South Carolina, has been recalled to my mind. It was stated in the committee that there are no tariff duties in the bill, and it was believed by many members of the committee that the question of tariff should, as far as possible, be excluded from the bill.

Mr. TILLMAN. It seems that we are hunting money, and as a practical man I do not see any reason why we could not put into this bill or into an independent measure a provision looking to the raising of money in a universal way, and one that will bear more lightly, or at least with as much lightness, as any other tax that can be imposed.

Mr. WOLCOTT. I will say to the Senator from South Carolina that if he will introduce such an amendment, putting a tax of 15 cents a pound on tea, I will, upon the risk of the criticism of my associates on the committee, vote for it with the greatest pleasure, and I think a good many other Senators would be very glad to do so.

Mr. TILLMAN. I think I will give somebody an opportunity to vote on it.

Mr. WOLCOTT. Mr. President, leaving now the provisions as to revenue, I come to the provision as to how so much of this money shall be raised as has to be raised by other means. As I said, a wide divergence of opinion was developed upon one single ground to which I shall come, and that is, the issuing of greenbacks. But the amendment of the majority of the committee was twofold. It suggested instead of bonds the raising of the money, first, by the coinage of the surplus bullion in the Treasury, which by a certain misnomer in the law of 1890 is called gain or seigniorage. First, it was to be raised by the coinage of the surplus bullion in the Treasury into dollars, which would bring to the Treasury \$42,000,000; and second, by the issue of \$150,000,000 of additional greenbacks.

As to the first provision, I am heartily in favor of the amendment offered by the majority of the committee, and, so far as I may, I desire to urge upon the members of the Senate of both political parties that they take from out the Treasury the bullion which lies there now useless and serves no purpose, and which could be brought into the currency of the country without disturbing its credit, without disturbing its balance. I say let us take from the Treasury the useless silver in bullion and make it alive and active for the purposes for which it was intended.

Mr. President, it is only its name that discredits it. We have got so lately, apparently, that anything with the name of silver in the Senate is to be discredited. But if Senators would only consider it as it is, a live, vital asset, which when once clothed with coinage and with form would be launched into this country the equal of any dollar coined within it, they would accept it.

Neither this nor any other provision of the bill has any relation to the general question of bimetalism whatever. These are hard and bitter days for the bimetalists of the world. We see an attempt in India to force the standard of gold upon a great country by the most cruel experiment that was ever tried, of destroying its present coinage by reducing a large share of it to bullion and selling it as merchandise, and making what is left more valuable by its scarcity alone. We see the attempt all over the world to drive out from recognition silver as a standard of value equally with gold.

For myself, Mr. President, I still cherish, and I shall cherish as long as I live, the conviction that prosperity can never come to this country until it comes by a restoration of both silver and gold as a standard, upon a parity to be internationally agreed upon, if you like, but in some method to be restored to the coinage of the world.

But this measure in none of its bearings has anything to do directly with the question of bimetalism. The seigniorage is there. The dollars already coined serve as the sole security for the certificates that are issued upon them. The bullion that is left is no additional security, and the law does not make it any additional security for the dollars upon which certificates have been already issued.

This money could be coined without the slightest injury to the credit or the welfare of our country. I have prepared an amendment, which I shall take the liberty of reading and then offer, which is very brief, and to which I hope I may have the approval of the members of the Senate upon both sides of the Chamber. The amendment as reported by the majority of the committee provides for an immediate issue of the certificates to the full amount of the seigniorage now in the Treasury.

The amendment as I have prepared it (I will perhaps state its terms instead of reading it, and then send it to the desk and ask to have it read at the conclusion of my remarks) requires that all the bullion now in the Treasury shall be coined at a minimum of \$4,000,000 per month; that upon the first \$42,000,000 as coined certificates shall be issued as the same are coined, and they go into the Treasury of the United States available as a war fund, and that the whole amount shall be coined in due course.

Then, inasmuch as the law of 1890 required that this bullion should be coined from time to time for the purpose of the redemption of the Treasury notes issued upon the bullion, and inasmuch as this amendment would consume the time and facilities of the mints for some months to come, I have added a proviso that these dollars as coined shall stand as well for the redemption of Treasury notes outstanding as for certificates to be issued under the act.

If the amendment can be adopted it seems to me that the country can safely enter upon the disposition of its coinage. Men who are bimetalists, and men who are not bimetalists, are alike desirous of having it out of the Treasury. From a purely bimetallic standpoint there are two sides to the question of coining the seigniorage. One of the reasons which we give for the need for additional silver and the opening of our mints to silver has been the necessity for more currency, and we want fresh silver, silver offered in open mints; and this of course would take its place to the extent of the amount to which it is coined. But it stands

there as a menace, it stands there useless, it stands there idle, and it ought to be coined and be out doing its duty in the money of the country.

Mr. LINDSAY. I will ask the Senator from Colorado whether our mints are equal to the coinage of \$4,000,000 a month?

Mr. WOLCOTT. I am informed by a somewhat careful estimate, I will say to the Senator from Kentucky, that our mints are equal to a coinage of nearly \$5,000,000, and that if we put upon the deficiency appropriation bill or elsewhere a provision making the proper appropriation, \$4,000,000 a month at least can be easily and readily coined.

Mr. WHITE. If the Senator from Colorado will excuse me, I think one of the difficulties in the matter of coining a great deal of silver has been that in some mode, I do not know just how, the principal part of the bullion is deemed more available at the Philadelphia Mint, and that the difficulty has been in utilizing the force as to its disposition at other places where there are mints.

Mr. WOLCOTT. That is true.

The other suggestion by the majority of the committee is one to which, I regret to say, I see only the most serious objection. The majority of the committee propose by a forced loan to add to the currency of the country \$150,000,000 in paper money, the effect of the issuance of which must dilute the currency and lessen proportionately the coin basis, gold and silver, which stands back of the issuance of this money. The issue of \$150,000,000 in additional paper money, as proposed by this amendment, can never be backed with either gold or silver to make it better without the issue of bonds for the purpose of buying the coin to put it in the Treasury.

When we once issue this paper money and put it into our currency we can never put gold back of it or we can never put silver back of it unless we issue bonds for that purpose. It is a plain, open dilution of the currency of the United States, the effect of which can only be in this crisis upon which we are entering to degrade our money, to impair our credit, to sow the seeds of distrust, and destroy our ability to stand back of our paper money, as every good citizen in this country desires we should do.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. WOLCOTT. Let me ask the Senator from Nevada—he talks very often and I talk very rarely—will he not wait until I am through, and then will the Senator kindly follow me, and not interject his remarks into mine? I shall appreciate it very much if the Senator from Nevada will permit me to proceed as I am proceeding.

The PRESIDENT pro tempore. The Senator from Colorado declines to yield.

Mr. WOLCOTT. As I was proceeding to say, as to this \$150,000,000, for myself, I am a hard-money man, and I think almost every bimetalist in the United States is a hard-money man. We have based the foundation of our belief and of our arguments for years upon the assertion that the substantial foundation and rock of the nation's financial policy should be hard money—gold and silver, the money of the Constitution, money which is its own redeemer, money of ultimate redemption. That, Mr. President, has been our argument for all these years, in season and out of season, though with less success than I wish could have attended our efforts.

Now, I am shocked and surprised at the attitude of Senators upon the other side, men whom I know to be bimetalists, men whom I know do not belong to the Populistic wing of that party, which only wants silver as a means to more money, and would just as soon have tin or paper or anything, so you increase circulation; rock-ribbed members of the Democratic party, always a hard-money party, as shown by vote after vote for years on the other side of the Chamber; Senators who have contended that the Democratic party was a hard-money party, and that all it wanted was the money of the Constitution—gold and silver. And now, in the face of this war, which they as well as we, and equally with us and all equally with each other, are responsible for precipitating upon this world because we believe it is right—it seems to me it is a pretty poor time to come with a suggestion that our first step in the face of Europe, with the possibility of confronting an armed world—our first step shall be to disgrace and dishonor our paper money by putting out \$150,000,000 of it, with no gold and no silver back of it to maintain and support it. As a bimetalist, I do not propose to be caught in that kind of a trap.

Then, as against this were the propositions of the Republican members of the committee—to which I still hope they will add the coinage of the seigniorage—the proposal that we should raise such additional revenues as may be needed by the issue of certificates to the extent of \$100,000,000 and by the issue of a limited amount of bonds.

Mr. President, the amount of bonds to be issued, as the bill originally came from the House of Representatives, was \$500,000,000, a sum largely in excess of any possible needs, certainly while Congress is sitting frequently; but it was very reluctantly

that I voted to lessen the amount. We had stood up before the world and said, "We are going to fight because we will not have oppression on this hemisphere, and the resources of our country shall be spent like water if necessary to vindicate our position." The other House, in which the bill necessarily originated, pledged the faith and credit of the Government to the extent of \$500,000,000 for that purpose—more than was needed, but a notice to all the world that this young Republic counted its treasure as nothing when it was battling for the right, and I confess my hesitancy in cutting the figure down to \$300,000,000.

But we did more than that. We provided that these certificates, as well as these bonds, should be presented to the public and offered as a popular loan. As the measure first came to us it contemplated bids for the bonds.

What would men in a remote town know about bidding, say, 101.64 for a certain amount of bonds? They can not form syndicates and coalesce with bankers; and if there was to be a profit in this loan the people should have it, and not the bankers. So the committee has passed what, in my opinion, is a most wise provision, that these bonds and these certificates shall be offered at par, and at par only; that they shall be offered through every channel the country commands, every little post-office, every express station, every bank the whole country over, to the people at par.

We have also inserted a provision that those bids that are the least in amount and are from individuals shall be first accepted. I do not know what the opinions of others may be, but I have no question that the people of these United States, of small savings but great patriotism, are the men who are going to buy and to own and to hold these bonds, and to glory in the fact that their little possessions are helping to carry on the war.

It is true that there has been one discordant note in this almost universal expression of opinion that the people would take these bonds. It is unfortunately the fact that our Secretary of the Treasury in his statement before the Committee on Finance deliberately said that he did not believe that the people would take these bonds. I am glad to say, Mr. President, that I think he is the only man in this country who cherishes that belief, which is very possibly father to his hope; but it is not for me to criticize him. He stands, I understand, in the Cabinet as the representative, as the sole representative, I am glad to say, of that respectable and limited and affluent body of men known as Gold Democrats, and he, if nobody else, must be true to the spirit of the Indianapolis platform, which sought to turn the finances of the country over to the bankers of the United States.

But, Mr. President, the people want these bonds if they can get them fairly and upon right terms and legitimately offered; and whatever may be the personal desires or predilections of the Secretary of the Treasury, if this bill shall become a law, then these bonds will go into many thousands of households throughout the land, and each man who holds them will be proud of the fact that he owns the security of his country and is helping to carry on the war—not a gold bond, not a silver bond, but a coin bond, as every other bond of the United States which has been issued has been, and as, I trust, every other bond of the United States which will be issued for many a day to come will be. So these bonds will go out; the industries of the country will not suffer; money will be coming into the Treasury, not from syndicates or bankers, who will gather them at a profit and market them at a greater, but they will go at first hand by direct dealing between the Government and the people, and as they rise in value, as they surely will, the people will receive the profit.

Mr. President, this debt will be large and formidable, and we shall leave it for the future to pay. Each generation since the foundation of this Republic has inherited obligations of a similar character; but if we are true to those principles of humanity which have so far animated our action, and which have made this war inevitable, we shall transmit to those who are to come after us that which will make this financial load seem trifling and light of burden, for they will cherish while this nation endures the proud consciousness that this people, in this year of grace, were intolerant of oppression upon this hemisphere and counted no sacrifice of life or commercial prosperity too great that brought freedom to the downtrodden, even while their own liberties were unassailed. And, Mr. President, unless all omens fail, we shall leave as well upon the pages of history the glorious truth, to serve for all time as a warning and an illustration, that in the world's struggle for freedom and for right the English-speaking people stand shoulder to shoulder, alike devoted to the principles of eternal justice and indissolubly linked in one common and immortal destiny.

Mr. STEWART. Mr. President—

Mr. WOLCOTT. If the Senator will allow me, I will offer at this time the amendment which I have prepared.

Mr. WHITE. If the Senator from Colorado will permit, I suggest if he will offer the several amendments to which he has referred, perhaps it will facilitate matters.

Mr. WOLCOTT. I will try to get them all in at once.

The PRESIDENT pro tempore. The Senator from Colorado

presents amendments to the pending bill and asks that they be printed, as the Chair understands.

Mr. WOLCOTT. Yes, sir.

The PRESIDENT pro tempore. That order will be made.

Mr. STEWART. Mr. President, I wish to call attention to the question which I proposed to put to the Senator from Colorado [Mr. WOLCOTT]. I understood him to argue that if we issued greenbacks now, the only method we should have for obtaining coin with which to redeem them would be by the sale of bonds. At the present time we have a considerable part of our revenue coming in in gold, but we all know that gold is a great traitor and is liable to go away whenever somebody else wants it, and that it becomes naturalized under foreign laws. So gold can not be relied upon to come in as revenue with which to pay anything. We do not know whether it will be here when we want it; but there is one thing that we do know, and that is that more than half of our current revenue to-day is paid in silver—it is true it is in silver certificates, but all you have got to do is to go to the next counter and get them exchanged for silver. So that there will be no difficulty whatever in redeeming these greenbacks in silver according to the contract.

To this it may be suggested that we shall have an Administration which will not respect contracts, that the law will be violated, and bonds issued to buy gold. We have no means of answering a suggestion of that character; but I say if you put out five or six hundred millions of gold bonds you will be in a worse condition than you are now; you will have to borrow gold, and if gold runs off you must use silver. Under the policy which has been adopted you will be compelled to borrow gold to pay interest, and finally you will have to borrow gold to pay the principal. What I desire is that we shall commence to pay current expenses.

It is not true that each generation in this country has been mortgaging the succeeding generation. The United States was not in the habit previous to the late war of issuing long-time bonds, and we were not very much in the habit of it during that war, for we had very few long-time bonds. Most of the bonds were issued by the Government on short time. Since the war, however, this scheme of mortgaging the future of the country has been adopted. It is only since the war that bonds have been used for speculative purposes; it is only since the war that an attempt has been made to enslave the people through a large bonded debt.

If you put out \$150,000,000, or if you put out \$300,000,000 of greenbacks, you would add to the circulation that much and increase your business that much, and at the same time increase your revenue during the current year from \$150,000,000 to \$200,000,000. I have no doubt, judging by the past. So that the issuing of this \$150,000,000 of greenbacks will not only increase your revenue by enlarging business—because it is upon business that this revenue bill is based, as I argued the other day—and when you have plenty of money you can get plenty of revenue from business. When we were putting out silver during fourteen years we paid off \$17,000,000 of the bonded debt, and we had a surplus of revenue of from \$75,000,000 to \$80,000,000 a year; whilst during the last five years, when the Government has put out no new money, we have had a deficiency in the revenue, although the taxation has been more grievous.

You can not collect revenue from business that is strangled for the want of money. Experience has shown that. If you get this \$150,000,000, it will add more to your revenue, in addition to the \$150,000,000 itself, than would \$200,000,000 of bonds.

I undertake to say that, take the next two years, the proposition to coin the seigniorage and put out \$150,000,000 will bring more money into the Treasury than the sale of \$600,000,000 of bonds, and at the end of that time we shall have no debt. The desire of some parties to load this country with a bonded debt is born of a desire to turn the country over to the banks, to organize a government of plutocracy. Every man who gets one of these bonds will immediately be fighting with the plutocrats to increase the value of money, while even the laboring man who is out of employment will take the gold dollar because he thinks it will buy more than the silver dollar, although that is a mistake. He wants what he thinks is the very best money with which to do his marketing.

Every man who gets a bond will join the army of bondholders, the army of gold mongers, the army of the creditor class, which is arrayed against the industries of the country and which has prostrated the industries of the country. If you enforce such a policy, you will destroy half of the productive industries of the country, you will aid the enemies of the country, the enemies of mankind. The more bonds you put out the larger the army of oppressors will be.

Senators talk about having nothing with which to redeem the greenbacks but borrowed money. When gold is coming in and silver is coming in, does anybody doubt that there will ever be a day or an hour when there will not be an abundance of coin in the Treasury to meet the paper which may be presented for redemption? There will be no trouble if we can get an honest Secretary

of the Treasury, who will hold to the option which belongs to the Government and not give it to the gold gamblers and not join the gang which is raiding the Treasury. The Treasury could not have been raided in 1893 if the Administration had not cooperated with the raiders. I hope the time will come when we shall have a man at the head of the Treasury who will represent the interests of a majority of the people, and not the interests of the gold gamblers. If we have a man there who will act in the interests of the people and will execute the law, everybody knows there will be an abundance of coin to redeem this paper money for all time.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Maryland [Mr. GORMAN] to the amendment of the committee.

Mr. MASON. I shall be very willing to have that vote taken before I address myself to the amendment I have offered.

The PRESIDENT pro tempore. Is the Senate ready for the question?

Mr. DANIEL. I should like to have the amendment read.

The PRESIDENT pro tempore. The Secretary will read the amendment as modified by the Senator from Maryland [Mr. GORMAN] who offered it.

Mr. GORMAN. Before the Secretary begins to read the amendment, I desire to modify it, at the suggestion of my friend from Kentucky [Mr. LINDSAY], in line 7, on page 2, by inserting, after the word "business," the words "in excess of said sum of \$250,000."

The PRESIDENT pro tempore. The modification referred to by the Senator appears in the amendment which the Secretary is about to read.

The SECRETARY. It is proposed to strike out all after the word "Corporations," in line 4, on page 59, to and including line 9, on page 61, and all from the word "and," in line 17, on page 61, to and including line 24, on page 63, and to insert the following:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, street railroad, sleeping car, steamboat, ship, or other vessel engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, or carrying on or doing an express business, or having the care or management of any telegraphic or telephone line by which telegraphic or telephone dispatches or messages are received or transmitted, or carrying on or doing the business of furnishing gas or electric light, electric power, steam heat, or steam power, or refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed \$250,000, shall be subject to pay annually a special excise tax equivalent to one-half of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of \$250,000: *Provided*, That the assessment hereby made shall not include any amount for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port; but such tax shall be rated for the transportation of persons, freight, or mails from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freight, or mails.

And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or, in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each and every false or fraudulent return.

Mr. PETTIGREW. I wish to offer an amendment to the amendment offered by the Senator from Maryland.

The PRESIDENT pro tempore. That will not be in order, the Chair will inform the Senator from South Dakota, as it would be an amendment in the third degree.

Mr. PETTIGREW. Is there an amendment pending to the amendment?

The PRESIDENT pro tempore. The Senator from Maryland has offered an amendment to the amendment of the committee.

Mr. PETTIGREW. I give notice that when that is disposed of I shall offer my amendment.

Mr. SPOONER. I understood the Chair to state that the Senator from Maryland had accepted some amendment to his amendment.

The PRESIDENT pro tempore. The Senator from Maryland has modified his own amendment.

Mr. SPOONER. How?

The PRESIDENT pro tempore. The Secretary will state the modification which has been made.

The SECRETARY. On page 2, line 7, after the word "business," the amendment is modified by inserting "in excess of said sum of \$250,000."

Mr. GORMAN. So as to have the exemption of \$250,000 uniform.

Mr. JONES of Arkansas. I ask that there shall be a division of the question. The proposition is to strike out and insert. I ask for a vote first on the motion to strike out.

The PRESIDENT pro tempore. Under the rules the Senator is entitled to have the question divided.

Mr. DANIEL. Mr. President, I do not rise to discuss the matter, but simply to call attention to the nature of this question as it is now presented. As I understand this amendment of the Senator from Maryland, it is to strike out from line 4, on page 59, to and including line 9, on page 61, and the substitute which he offers is apropos of that portion of the bill. The Senator also moves to strike out an independent clause which relates to other corporations than those mentioned in the matter for which he proposes the substitute. In other words, the motion to strike out reaches over matter not comprehended in the substitute, and removes other portions of the bill.

I would ask the Senator from Maryland if he would not be willing to eliminate from his motion to strike out that matter relating to the second clause about corporations? It not only presents the question of exemption as to amount, but comprehends a great deal of matter in the bill not included in the part for which he offered his substitute. In this form I could not vote for the amendment, though I might approve or be willing to accept the exempting phrase. Why not let the Senator from Maryland, if he will accept the suggestion, simply move to strike out the matter which the substitute he proposes relates to, and make an independent motion to strike out all the other portion?

It seems to me, sir, that we are confusing this subject and rather preventing the differentiation of our opinions than assisting it by being confined to the motion of the Senator from Maryland, which, as I understand the Chair to rule, we can not move to amend.

The PRESIDENT pro tempore. The Chair ruled that a further amendment would be an amendment in the third degree.

Mr. DANIEL. We can not move to amend the substitute proposed by the Senator from Maryland. If he were simply proposing to amend portions of the matter which the substitute comprehends, we might vote without being involved in contradiction of ourselves, but, as the matter is thus somewhat confusingly presented, we might wish to make an exemption and yet could not vote for the substitute.

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Arkansas [Mr. JONES] to the parliamentary inquiry the Senator made, as he may have misunderstood the Chair. The Chair simply holds that the two principal questions are open to amendment; but when the final question is put, it must be without division. That portion of the text which is to be stricken out may be amended by itself, and the portion to be inserted may be amended by itself; but when the final vote comes, it must be on both striking out and inserting.

Mr. JONES of Arkansas. The rule of the Senate is that a motion to strike out and insert is not divisible; I so understand on looking at the rule. The point I wish to make is this: If the Senate desires to strike out the words which the Senator from Maryland moves to strike out, and the Senate does strike them out, then I am in favor of inserting what the Senator from Maryland proposes, and I should like to have two votes on it and not one. There may be Senators who would not be willing to strike out and insert as a matter of preferring the proposition of the Senator from Maryland to the proposition in the bill, but if the majority of the Senate sees fit to strike out what is in the bill, then I for one should be very earnestly in favor of adopting the proposition submitted by the Senator from Maryland, and I prefer that the Senator from Maryland should have the vote taken that way.

As we have no right to divide the question, I should be glad if he would make the motion first to strike out the part of the amendment which he proposes to strike out, giving notice of his intention to insert what he proposes in his amendment. By that means we can all vote intelligently and to the point which we wish to reach—at least I can.

Mr. ALLISON. May I suggest to the Senator from Arkansas how he can reach what he desires? The amendment of the Senator from Maryland, I understand, is a complete amendment in and of itself, and as the Senator from Arkansas seems to desire to test the Senate first as to amendment 177, I suggest that we take a vote now upon that amendment as it stands. If that shall be voted out, then, of course, any other amendment would be in order.

Mr. JONES of Arkansas. I would prefer, and I think the Senator from Maryland would, not to take that vote now, because that involves the question from lines 19 to 17, on page 61, as to banks.

Mr. GORMAN. We are proceeding under a unanimous-consent agreement to consider the amendments of the committee first, and at this stage, unless there is consent of the Senate to offer my substitute, it would not be in order at any time until the bill reaches the Senate.

Mr. ALLISON. I do not understand that. Suppose amendment No. 177 is voted out?

Mr. GORMAN. Suppose it is voted in; then my substitute can not be offered until the bill reaches the Senate.

Mr. ALLISON. That is true.

Mr. GORMAN. We all want a fair vote; and I suggest, if the

Senator from Iowa in charge of the bill will permit it, that by unanimous consent we vote directly upon the committee amendment No. 177, with the understanding or consent that if that shall be adopted I shall have the right, without objection, to offer my substitute for it.

Mr. CHILTON. That is fair.

Mr. GORMAN. That will test it.

Mr. ALLISON. I shall make no objection to that course.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Maryland to make that request?

Mr. GORMAN. I make the suggestion. I do not want to take the management of the bill from the Senator from Iowa.

Mr. ALLISON. The Senator can temporarily withdraw the amendment, and that will settle the question.

Mr. GORMAN. I will temporarily withdraw it, with that understanding. We will then have a direct vote on amendment No. 177.

Mr. WHITE. In order that there may be no misunderstanding, there is no objection and there can be none to dividing the several propositions contained in amendment 177. Amendment 177 covers numerous topics, and I should like to vote upon them separately.

Mr. ALDRICH. I do not think it is necessary to have any understanding about that. My purpose, when I get an opportunity, is to test the Senate by moving to lay the entire amendment on the table for the purpose—

Mr. ALLISON. This is a good time to test it, if the Senator desires to do that.

Mr. ALDRICH. That is my purpose at the proper time. I do not like to make that motion until discussion is exhausted.

Mr. BERRY. Which amendment?

Mr. ALDRICH. Amendment No. 177—the committee amendment.

Mr. STEWART (to Mr. ALDRICH). Make it now.

Mr. ALDRICH. I am willing to make it now.

Mr. HALE. That will settle it.

Mr. ALLISON. That will reach the question.

Mr. GORMAN. I can not hear a word, and I should like to hear the suggestion of the Senator from Rhode Island.

Mr. ALLISON. The Senator from Rhode Island proposes to move to lay the committee amendment on the table. That accomplishes the same purpose.

Mr. GORMAN. All right.

Mr. ALDRICH. I make that motion now.

The PRESIDENT pro tempore. Does the Senator from Maryland withdraw his amendment?

Mr. GORMAN. Yes, temporarily.

Mr. DANIEL. Mr. President—

Mr. ALDRICH. I do not desire to cut off debate.

The PRESIDENT pro tempore. The Senator from Rhode Island moves to lay on the table amendment No. 177.

Mr. ALDRICH. I understand the Senator from Virginia wants to make some remarks. I have no disposition to cut off debate.

Mr. DANIEL. There are one or two little things that ought to be perfected.

Mr. FAULKNER. If we do not lay the amendment on the table, it can be amended afterwards.

Mr. DANIEL. I think the amendments should be made.

Mr. ALDRICH. I make the motion to lay on the table.

Mr. NELSON. It seems to me that the Senator from Maryland is taking an improper course in this matter. The proper course is to move to strike out and insert, in order to give us a fair show and a fair test on this question. The part of the bill proposed to be stricken out is of a twofold character. The first part of it covers in substance what the Senator from Maryland aims to cover with his amendment, that is, a tax upon certain classes of corporations like railroad transportation companies, telegraph companies, and other special companies, but there is another sweeping paragraph in the amendment, and that is that part of it which proposes to tax every corporation in the land.

Now, those two propositions are entirely distinct, and the fair question to put to the Senate is whether we shall substitute for the entire amendment the proposition of the Senator from Maryland. I am free to say that if that proposition is amended and reduced to a quarter of a cent and made a substitute for the whole amendment No. 177 I should vote for it. But as the Senator proposes to have the question put, it leaves us all very much embarrassed. I trust he will adhere to his original proposition and move it as a substitute for the entire amendment after we have had a chance to perfect his amendment.

The PRESIDENT pro tempore. The Senator from Rhode Island moves to lay on the table amendment No. 177.

Mr. BACON. Will the Senator from Rhode Island withhold his motion for a moment, as I desire to say a word?

The PRESIDENT pro tempore. Does the Senator from Rhode Island withdraw the motion?

Mr. ALDRICH. I do, temporarily.
The PRESIDENT pro tempore. The Senator from Rhode Island withdraws his motion.
Mr. BACON. It is only for a moment or two. I do not want to discuss the question at length.

I was very much in hope that this matter could be put in shape where we could give the most intelligent expression to our wishes. It does seem to me that to call upon us to vote on the original committee amendment or upon a motion to lay it on the table is not to give us that opportunity. For myself I do not know that I shall vote for the committee amendment in its present shape. At the same time I am in favor of a tax of this character, very much modified. I therefore deprecate the proposition which is now made to put us in a position where we are called upon to vote upon a measure before it is perfected.

A fundamental rule in all parliamentary proceedings is that before members of a legislative body shall be called upon to vote the proposition shall be put in the shape its friends desire to have it. Then let the contest come. A motion to lay on the table necessarily brings up a square question as to support or opposition to the amendment in the shape it comes from the committee. For instance, to vote to lay it on the table is a negative vote against the proposition in its entirety. To vote against laying on the table is to give support to it, which in its present shape parties may not desire, myself included in the number.

Mr. STEWART. It does not prevent any Senator from offering another one, if he so desires.

Mr. BACON. I understand that.

Mr. STEWART. That may be done ad libitum.

Mr. BACON. I agree with the Senator from Minnesota [Mr. NELSON]. Of course it is in the power of the Senator from Rhode Island to insist upon his motion to lay on the table.

Mr. ALDRICH. I renew the motion to lay the amendment on the table.

Mr. GORMAN. Will the Senator from Rhode Island allow me for a second?

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield?

Mr. ALDRICH. I have yielded to everybody else. So I will yield to the Senator from Maryland.

Mr. GORMAN. It is only for a second. I desire to answer the Senator from Minnesota. There are quite a number of Senators who desire to vote directly upon the committee amendment. I am perfectly content that they shall have that opportunity. In voting on that proposition, I shall vote to lay it upon the table, because I intend to offer immediately afterwards the amendment which I have proposed; and when I offer it in that form, then it will be open for amendment, and the question can come properly between a half and a fourth. Therefore by this method the Senator from Minnesota will have perfect opportunity to dispose of the matter as he desires, as will every other Senator.

Mr. NELSON. Under those circumstances, I withdraw my objection.

Mr. ALDRICH. I renew the motion to lay the amendment on the table.

The PRESIDENT pro tempore. The Senator from Rhode Island moves to lay on the table the amendment of the committee numbered 177.

Mr. JONES of Arkansas. On that I ask for the yeas and nays.
The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. I am not advised how he would vote on this question.

Mr. McMILLAN. I will state that my colleague [Mr. BURROWS] would vote "yea."

Mr. CAFFERY. Am I assured that he would vote "yea?"

Mr. GEAR. His colleague says so.

Mr. CAFFERY. Then I will vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I have an impression that he told me he is against the pending amendment to the bill. If any Senator knows differently—

Mr. ALDRICH. The senior Senator from Delaware [Mr. GRAY] told me that he was paired upon this bill with the Senator from Missouri [Mr. VEST].

Mr. CULLOM. Then I will vote. I vote "yea."

Mr. BERRY. Do I understand the Senator from Rhode Island to state that the Senator from Delaware [Mr. GRAY] is paired on all questions as to this bill with the Senator from Missouri [Mr. VEST]?

Mr. ALDRICH. The Senator from Delaware told me to that effect—that he was opposed to the amendment and was paired with the Senator from Missouri [Mr. VEST].

Mr. GORMAN. On all phases of the bill?

Mr. ALDRICH. Yes.

Mr. CULLOM. I want to be sure that I am at liberty to vote.

Mr. GORMAN. The Senator from Illinois has a perfect right to vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "nay."

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY]. As I observe that he is absent, I withhold my vote.

Mr. CLAY. I suggest to the Senator from Pennsylvania [Mr. PENROSE] that I am paired with the junior Senator from Massachusetts [Mr. LODGE] and that we transfer our pairs and both vote.

Mr. PENROSE. Very well. I will make the transfer as suggested. I vote "yea."

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TELLER (when his name was called). On this question I am paired with the junior Senator from New York [Mr. PLATT]. If he were present, he would vote "yea" and I should vote "nay."

Mr. ALLEN (when Mr. TURNER's name was called). The junior Senator from Washington [Mr. TURNER] is paired on this question with the senior Senator from Wyoming [Mr. WARREN].

Mr. VEST (when his name was called). I am paired for the day with the senior Senator from Delaware [Mr. GRAY]. If he were present, he would vote "yea" and I should vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from Washington [Mr. TURNER]. It has been suggested to me to transfer my pair, so that the junior Senator from Washington may stand paired with the senior Senator from Connecticut [Mr. HAWLEY]. If that is agreeable, I will vote. I vote "yea."

The roll call was concluded.

Mr. CLAY. My pair with the junior Senator from Massachusetts [Mr. LODGE] having been transferred to the junior Senator from Delaware [Mr. KENNEY], I vote "nay."

Mr. GALLINGER (after having voted in the affirmative). I have a standing pair with the senior Senator from Texas [Mr. MILLS]. When I voted I did not observe that he was absent from the Chamber. I will take the liberty of transferring my pair to the Senator from Michigan [Mr. BURROWS] and will allow my vote to stand.

Mr. SEWELL. I was requested by the junior Senator from New Jersey [Mr. SMITH] to announce that he is absent from the Chamber on account of sickness.

Mr. MANTLE. I have a general pair with the Senator from Virginia [Mr. MARTIN]. I do not observe him in the Chamber, and so I withhold my vote.

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. I supposed he was in the Chamber when I voted. I will therefore withdraw my vote.

Mr. PASCO. I suggest to the Senator from California that he and I transfer our pairs.

Mr. PERKINS. That will be very satisfactory to me, and I will permit my vote to stand.

Mr. PASCO. Then the Senator from Washington [Mr. WILSON] will stand paired with the Senator from North Dakota [Mr. ROACH], and I will vote. I vote "nay."

Mr. TILLMAN (after having voted in the negative). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. Has he voted?

The PRESIDENT pro tempore. He has not voted.

Mr. TILLMAN. Then I withdraw my vote.

Mr. DANIEL. I will say to the Senator from Montana [Mr. MANTLE] that if the junior Senator from Virginia [Mr. MARTIN] were here, he would vote "nay."

Mr. MANTLE. I understand the senior Senator from Virginia to say that his colleague, if present, would vote "nay." I will therefore vote. I vote "nay."

Mr. TILLMAN. I understand that the Senator from Virginia [Mr. MARTIN] is paired with the Senator from Montana [Mr. MANTLE]. The Senator from Virginia, if present, would vote "nay." I transfer my pair with the Senator from Nebraska [Mr. THURSTON] to the Senator from Virginia [Mr. MARTIN] and will vote. I vote "nay."

The result was announced—yeas 41, nays 27; as follows:

YEAS—41.

Aldrich,	Frye,	McMillan,	Quay,
Allison,	Gallinger,	Mason,	Sewell,
Bacon,	Gear,	Mitchell,	Shoup,
Caffery,	Gorman,	Morrill,	Spooner,
Carter,	Hale,	Murphy,	Warren,
Cullom,	Hanna,	Nelson,	Wellington,
Davis,	Hanabrough,	Penrose,	Wetmore,
Deboe,	Kyle,	Perkins,	Wolcott,
Elkins,	Lindsay,	Platt, Conn.	
Fairbanks,	McBride,	Pritchard,	
Foraker,	McEnery,	Proctor,	

NAYS—27.

Allen,
Bate,
Berry,
Butler,
Cannon,
Chilton,
Clay,

Cockrell,
Daniel,
Faulkner,
Harris,
Helfield,
Jones, Ark.,
Jones, Nev.

McLaurin,
Mallory,
Mantle,
Money,
Morgan,
Pasco,
Pettigrew,

Rawlins,
Stewart,
Tillman,
Turley,
Turpie,
White.

NOT VOTING—20.

Baker,
Burrows,
Chandler,
Clark,
Gray,

Hawley,
Hoar,
Kenney,
Lodge,
Martin.

Mills,
Pettus,
Platt, N. Y.,
Roach,
Smith,

Teller,
Thurston,
Turner,
Vest,
Wilson.

So amendment No. 177 was laid on the table.

Mr. GORMAN. Now, according to the understanding, I move to insert the amendment which is at the desk. It is not necessary to have it read. I ask for the yeas and nays on agreeing to the amendment.

Mr. LINDSAY. The amendment now is an original amendment and open to amendment?

The PRESIDENT pro tempore. It is.

Mr. LINDSAY. I move to amend it by inserting, in line 9, page 2, the words "for the receipts for the transportation of persons or freight from one point to another in the same State or," which will exclude from the operation of gross receipts the tax upon commerce strictly intrastate.

Mr. GORMAN. I trust, in view of the adjustment which has been made, that my amendment can be voted on without amendment. It leaves the bill open then for any Senator to offer an amendment of any sort or description. By the consent agreement I think we are entitled to vote upon this amendment direct. That is the way I understood the arrangement. If this is voted down, the proposition, as suggested by some Senators, to make the rate one-quarter of 1 per cent can be voted on, and we can come to a direct vote on that proposition.

Mr. ALLEN. Mr. President, there is one serious objection to the amendment which I see. I should like to vote for the amendment of the Senator from Maryland in view of the fact that the committee amendment has been laid on the table, but I do not understand the policy of imposing a tax on gross receipts of these corporations over \$250,000. That is as I understand the amendment. If the gross receipts of a corporation are over \$250,000, you may then tax all the receipts.

Mr. BERRY. I will say to the Senator from Nebraska that the Senator from Maryland has modified the amendment in that respect.

Mr. ALLEN. I am glad to know it. The modification does not appear upon the face of the amendment.

Mr. BERRY. It was modified, however.

Mr. ALLEN. I felt very strongly that there would be some question about the constitutionality of a law of that kind. I think it would be a discrimination which the courts would not permit to stand.

While I am on my feet, I desire to drop another observation. I have not been known in this Chamber as very friendly to the domination of corporations. I do believe in justice to corporations as well as individuals, and I do not know why this amendment is not broad enough to make every interest and every individual in the United States pay a just and equitable portion of the public burden. The associations that are engaged in the same line of business as corporations should be taxed. There is no reason why they should not be taxed, nor is there any reason why the corporations doing a business of less than \$250,000 should not be required to pay a proportion of the public taxation to support this war.

I think the bill ought to reach every taxable interest, whether individual, association, or corporation. It ought to rest with equal force and justice upon all the property in the country, whether it be in the form of corporations or in some other form. I have not heard the Senator from Maryland state just why he has fixed the limit of \$250,000. It is said that we have corporations organized for pecuniary profit in the United States amounting to about 800,000 at this time. The great majority of those corporations, of course, are properly reckoned small in comparison with some of the great transcontinental railways or steamship companies or other like organizations. Why should not those corporations be included in the bill, and why should they not be required to pay an equitable part of the money to be raised by taxation with which to conduct the war?

If a corporation is making \$150,000 on its gross receipts, or \$100,000, or even \$5,000, or \$20,000, or whatever sum it may be, there is no reason why that corporation or that individual should not pay, according to what it or he holds, a reasonable sum, a fair proportion in comparison with all other money to be raised by taxation. I do not believe in discrimination. As I believe the benefits of government should come to the humblest citizen in the land as freely and fully as they may be extended to the highest, so I believe also that the duty of paying money in the form of

public taxation should be borne equitably and justly by the most humble as well as by the most exalted.

The difficulty with our taxation heretofore has been—and it is manifest in every tariff act we have, in every scheme and form of Congressional taxation—that we tax to the utmost those who are least able to bear the burdens of taxation, and we permit the other interests to escape their just proportion of taxation.

Mr. PLATT of Connecticut. Mr. President, when the income tax was decided, the decision made a very great difficulty in levying taxes by the United States in a way which should avoid that decision. The committee, in framing this taxation, realizing the difficulties which existed, chose a system of taxation which is not liable, as they think, to question—that is, until they come to this controverted tax. That system was a tax by stamps. It raises no constitutional question. It is self-executing. It does away with all espionage. It does not require an army of taxgatherers to investigate the books of the business corporations, firms, and persons of the country.

The difficulty with this proposition is the same as was the difficulty with the proposition of the committee which was laid on the table. It is open to doubt; it is open to question. I take it that it is a choice between these two systems of raising taxation. If this prevails, what has been reported by the committee previous to this, I suppose, is to be abandoned. The committee propose to levy a tax by stamping the receipts of the corporations and the individuals which are referred to in the pending amendment. Both can not stand. Now, which is the best? We believe that the amendment agreed to by the committee, in the first place, to raise the money by stamp duties is the best for the reasons that I have named. It avoids legal questions, it is easily collected, and really reaches all the people of the country.

Now, Mr. President, what is this proposition? Will the Senator from Maryland tell us what kind of a tax it is? Is it a tax upon corporations? Is it a tax upon individuals? Is it a tax upon firms? It can not be a tax upon business, because it is said that it is a special annual excise tax upon corporations, persons, and firms. It is a tax unheard of before in the United States. It is talked about here as if it were a tax upon business, as if it were a tax upon gross receipts, but it is not.

Mr. DANIEL. It is in the exact language of the old law of 1864, and which has been published from time to time in the last thirty years. It was taken from the old law.

Mr. PLATT of Connecticut. I think the Senator from Virginia is mistaken.

Mr. DANIEL. I have the law here.

Mr. PLATT of Connecticut. The Senator may use the phrases which were used in the old law. But however that may be, since the income-tax decision it is certainly open to question.

It is open to another question, which has not been helped by the amendment moved by the Senator from Kentucky and accepted by the Senator from Maryland. It raises the question whether it is uniform. If it is a tax upon business, then it is not a tax upon all business of the same sort. If it is a tax upon individuals engaged in business, it is not a tax upon all individuals and corporations engaged in the same business. Whether put in the form in which the amendment was introduced or in the form in which it is now presented to the Senate by the modification, it is an exemption.

It is an exemption if it be laid upon certain corporations and individuals pursuing the same business; that is to say, if a person is carrying on any of the occupations mentioned herein and has not gross receipts to the amount of \$250,000, he is not to be taxed. It is an exemption of that person engaged in the same business with other persons who are taxed. It is no answer to it to say that you do not tax any persons engaged in the same business with receipts amounting to less than \$250,000. If it be a tax upon business, every business of that character and that class should be taxed; otherwise it is an exemption.

The question of uniformity was not decided in the income-tax cases. The judges divided equally upon it and it was not decided for that reason. That law provided, as I remember, that persons with an income less than \$4,000 should not be taxed, and that only persons should be taxed on their income over \$4,000, precisely the same as is proposed in this amendment. There were various other exemptions there, and it was a question much argued in that case whether those exemptions did not lay the tax open to the charge that it was not uniform and therefore unconstitutional. As I said, upon that question the judges divided in the first opinion equally; and when the second case was brought it was decided on another ground. So that question is still open in the Supreme Court, the judges who heard the first income-tax case having divided equally upon it.

Mr. President, is it worth while to raise all these questions in this law? The committee thought it was not. They thought it was better to raise the money we needed from unquestioned sources, where there would be no difficulty in getting money, where there can be no suits and no controversy about the legality

of the tax. I do not see why the method first proposed by the committee should be cast to one side and this new method, which is open to all these questions and objections, adopted in its place.

I want to say one other thing. This amendment includes two classes of business which are not specifically mentioned in the amendment which preceded it. Those are the persons engaged in the refining of oil, whether it be the Standard Oil or other independent refiners, and those who are engaged in the business of refining sugar, whether it be the American Sugar Refining Company or independent refiners. Those classes of business, I suppose, were introduced because the Standard Oil Company is a great corporation and the American Sugar Refining Company is a great corporation, and because both of them are supposed to make a great deal of money.

But, Mr. President, if this tax is imposed, it will not be paid finally and ultimately either by the Standard Oil Company and other oil refiners or by the American Sugar Refining Company and other sugar-refining companies. They can put the burden upon the consumer. If they are monopolies, then, as Judge Cooley says in his work on Taxation, they put the burden on the consumer. We put this half of 1 per cent of the gross receipts of the Standard Oil Company upon the company to pay, and they simply need to raise their rates for oil. So with the American Sugar Refining Company; they simply need to charge a little more for their sugar. If it is the intention by this amendment to hit those two great corporations, it utterly fails. In the one instance it will be a tax upon the poor man's light, and in the other a tax upon the poor man's sugar.

Mr. President, it seems to me there is no reason why the system of the committee should be abandoned for the plan which is here proposed.

Mr. WHITE. Mr. President—

The PRESIDENT pro tempore. The Secretary has not yet reported the amendment offered by the Senator from Kentucky [Mr. LINDSAY] to the amendment of the Senator from Maryland [Mr. GORMAN]. The Secretary will report the amendment to the amendment.

The SECRETARY. After the word "amount," in line 9, page 2, insert the words "for the receipts for the transportation of persons or freight from one point to another in the same State or;" so that if amended the proviso would read:

Provided, That the assessment hereby made shall not include any amount for the receipts for the transportation of persons or freight from one point to another in the same State or for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port, etc.

Mr. WHITE. Mr. President, I will detain the Senate but a moment. The provision upon which the amendment proposed by the Senator from Maryland [Mr. GORMAN] is based is section 103 of the old revenue law, which I ask may be inserted as part of my remarks.

The section referred to is as follows:

RAILROADS, STEAMBOATS, FERRYBOATS, AND BRIDGES.

SEC. 103. *And be it further enacted*, That every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or any stagecoach or other vehicle engaged or employed in the business of transporting passengers or property for hire, or in transporting the mails of the United States, or any canal the water of which is used for mining purposes, shall be subject to and pay a duty of 2½ per cent upon the gross receipts of such railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or such stagecoach or other vehicle: *Provided*, That the duty hereby imposed shall not be charged upon receipts for the transportation of persons or property, or mails, between the United States and any foreign port; and any person or persons, firms, companies, or corporations owning, possessing, or having the care or management of any toll road, ferry, or bridge authorized by law to receive toll for the transit of passengers, beasts, carriages, teams, and freight of any description over such toll road, ferry, or bridge shall be subject to pay a duty of 3 per cent on the gross amount of all their receipts of every description. But when the gross receipts of any such bridge or toll road shall not exceed the amount necessarily expended to keep such bridge or road in repair, no tax shall be imposed on such receipts: *Provided*, That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding. (Act approved June 30, 1864.)

Mr. WHITE. This citation shows that there is no novelty in this proposition as far as principle is concerned; there is nothing remarkable about it; it is no creation of a mind anxious to inflict injury upon corporations or upon any other interest; it is just, equitable, honest.

Nor is the amendment directed—as one would suppose from certain remarks made here—against corporations. It is general. It is uniform, consistent. But in order to meet the criticisms which have been made, and which have had much weight with certain Senators and will perhaps influence votes, a provision was inserted in the amendment exempting \$250,000 gross receipts.

It was said that the law required absolute and technical fairness as to corporations, associations, partnerships, companies, and individuals, and that all or none should benefit from the \$250,000 gross receipt exemption. Responding to that intimation, and to eliminate all possible legal controversy and to make litigation

harmless, the Senator from Maryland has suggested a \$250,000 exemption.

We are told that we can not exempt at all. First it is said it is cruel to tax great financial institutions because small affairs must be included within the tax. Such tears are shed by corporation friends in the garb of poverty. Therefore we are urged to vote to exempt all, great and small. The danger of interference with moderate means must, it is said, absolve millionaires. Then, as it is unconstitutional (as we are informed) to exempt those who ought not to be taxed, we can not afford to extend the burden.

Thus it follows that the consumers, who have often been referred to in this debate, must pay all war taxes, because it is the law (so we are told) that the Congress of the United States is impotent to shield them from this unfair burden. Our corporation friends say that, while they are anxious that all the people of this country should contribute to the expense of this war, we can not constitutionally, though we ought to conscientiously, tax anyone really able to pay. What a system! How has such a plan been so long tolerated? How long can it last?

Mr. President, the Senator from Connecticut [Mr. PLATT], for whom we all have the highest respect, whose views as a lawyer are entitled to great regard, informs us that there is danger that the courts may upset the provision because of the exemption therein provided for. *Pollock vs. Farmers' Loan and Trust Company* (157 U. S., 429, 586) in its concluding sentences declares that the justices who heard the argument were equally divided as to "whether any part of the tax, if not considered as a direct tax, is invalid for want of uniformity on either of the grounds suggested." It is by no means clear that any of the justices held views in opposition to the exemptions contained in the present bill.

The income-tax decision not only antagonized the judicial history of a century, but it outraged public sentiment and brought grief to those who believe in the law. However, no one contends that any court has ever declared against exemptions. The fear is that such a conclusion may be reached. I decline to act upon the theory that Congress has no power to make exemptions which for more than a generation have been found in numerous State and national statutes, and which in the latter aspect have passed unchallenged through one of the greatest wars of history. Before I am ready to concede the illegality of our action I demand a decision of the Supreme Court. In the face of a divided tribunal, real or alleged, on any issue, I will not yield. In the presence of a decision in no way affecting this particular subject I refuse to give up my opinion.

For my part, I do not fear a determination upon such an exemption. I am willing to chance it. As the senior Senator from Maryland [Mr. GORMAN] well said the other day, it is time for us to ascertain whether Congress has any power on this subject. If it be true that we can not make any exemption whatever and must, in order to make our action legal, tax interests which the majority think ought to be omitted, we are indeed powerless and are forced to emancipate great interests because we desire to remit less important elements. Let us learn the powers of Congress, and if our authority has not been accurately demarked in past legislation or in the judicial history of this country, I hope we will continue the inquiry until we know its extent. The Supreme Court has discovered that its predecessors were wrong in their definition of direct taxes. How far that tribunal may go is a matter of speculation; but let us know its views, and the people can, if they are so minded, act clearly and conclusively.

Mr. President, I assert that prior to the decision in the income-tax case there was no expression with reference to the provision of the Constitution regarding uniformity of taxation in the slightest degree warranting the comments of my able friend from Connecticut [Mr. PLATT].

In the *Head Money Cases* (112 U. S., 590) the Supreme Court of the United States said:

The uniformity here prescribed has reference to the various localities in which the tax is intended to operate. "It shall be uniform throughout the United States." Is the tax on tobacco void because in many of the States no tobacco is raised or manufactured? Is the tax on distilled spirits void because a few States pay three-fourths of the revenue arising from it?

The tax is uniform when it operates with the same force and effect in every place where the subject of it is found. The tax in this case, which, as far as it can be called a tax, is an excise duty on the business of bringing passengers from foreign countries into this by ocean navigation, is uniform and operates precisely alike in every port of the United States where such passengers can be landed, etc.

Mr. President, without projecting anything into this debate in the nature of an elaborate legal argument, I am willing to rest upon the proposition that, the courts not having decided otherwise, we are authorized to insist that Congress has the power which I am now willing and attempting to exercise and which is relied upon in the amendment proposed by the senior Senator from Maryland [Mr. GORMAN]. But if there be a doubt upon this subject, the matter is of paramount and continuing importance, of a character adequate to involve—and which well may involve—the well-being of this country. Were I to aid in making a statute which I knew might be subjected to judicial scrutiny and decision,

this would not compel me to refuse a vote in line with my views, although my opinions might be overthrown by a second income-tax decision. I yield unhesitatingly to courts of competent jurisdiction, but this I do after judgment.

Mr. President, it is not a fact that the proposals of certain Senators with reference to a stamp tax will cover this whole subject. The stamp tax does not reach oil or sugar refiners or the myriad horde of unnamed monopolies.

Senators, you will be compelled to vote, if the amendment of the Senator from Maryland is defeated, upon another amendment which I have in my desk, which will baldly and squarely present the question whether the great interests referred to by the Senator from Connecticut, the oil-refining and sugar-refining industries, are to be guaranteed immunity from taxation. The only argument made against taxation in these cases is that the consumer will finally pay the burden. This suggestion emanates from those who have always denied that the consumer ever pays the tax.

Mr. President, perhaps the consumer may pay some part of the tax. Possibly, and I think most likely, the excise to be imposed will be so small that it will be impossible to veneer it over the immense sum total. But I will not waste time considering this. Shall we here say that none of the great financial institutions of this country must pay a penny of war taxes because such taxes will by legend remain be thrown upon the shoulders of those with whom they are to deal?

Shall we say to those of moderate means, "We do not tax those who are above you in wealth, because the same people who are thus above you can collect taxes assessed against them from you"? Are we finally to concede that all taxes, revenue, and every other burden must come from the consumer—the less competent to pay of this Republic—and are we to say, finally, that the bill as proposed by the House was correct in that it taxed those less able to pay and should therefore become a law?

Mr. President, at least let us force great and able interests to pay their share—not more than their share—upon some basis that is fair and honest, and let us take the chances in the courts and meet the unavoidable. Let us learn the law, and while obeying it, let us, if our courts interpret it against justice, modify and change it by organic amendment, so as to comply with the demands of patriotism and right.

Mr. President, no one wishes to be unjust to corporations. Those who claim that we attempt to assess such wealth alone do not tell the truth. Equality and uniformity is, I trust, our controlling platform. The difficulty is that vast properties seek to shirk the payment of any taxes. If these interests, great or small, are ready to pay anything, let them say so. Do we ask too much? Inform us of our error and we will meet you. There is no intention to oppress. There is a determination to spread the burdens of war equitably. I am in sympathy with that view.

The vast moneyed interests of this country can not avoid the situation. They hold the purse. They ought not on that account seek to avoid taxes. We are reasonable. We are not endeavoring to make even monopolies pay the expenses of that war upon the success of which values largely depend. We ask only that the sugar refiners, the Standard Oil Company, the great corporations whose gross receipts exceed \$250,000, should do something—just a little—to maintain this Government. If this bill shall deny this tax, for one I am not responsible. Shall not the mighty power of aggregate capital help us to sustain our armies and navies and maintain a nation under whose laws vast financial concerns have originated, developed, and prospered beyond example?

Mr. NELSON. Mr. President, as to one objection which has been raised to the amendment of the Senator from Maryland in reference to the exemption of a certain class of corporations whose receipts are less than \$250,000, while I do not think there is anything serious in the objection, it occurs to me that it can be easily obviated by making this change, which I suggest to the Senator from Maryland: Strike out in line 3, on page 2, the words "whose gross annual receipts exceed \$250,000" and insert in line 6 the words "on all receipts in excess of \$250,000;" so that the amendment will read that every corporation must pay this tax on its gross receipts in excess of \$250,000. That would give every corporation in the land the same exemption, and those corporations who had less than \$250,000 would not have to pay any tax, and the constitutional objection which has been made against it, though I think it is not good, would be entirely obviated.

Mr. SPOONER. The Senator from Maryland has already modified the amendment in that way.

Mr. GORMAN. I have modified the amendment to that extent, so that the amendment stands with the exemption precisely as the Senator has suggested.

Mr. NELSON. I shall move at the proper time, after the amendment of the Senator from Kentucky [Mr. LINDSAY] has been disposed of, to reduce the tax from one-half to one-fourth of 1 per cent. I think that large enough.

It may seem ungracious, Mr. President, to criticize the action of my colleagues on this side of the Chamber in reference to this bill, but there is one feature of the bill which I think does more violence to the principle of equality than any other provision in it. It is that portion of the bill which provides for the stamp tax of 1 cent on a bill of lading. There is no more unequal tax in the whole bill. A bill of lading may cover an entire train load. A firm of lumbermen, manufacturers of salt, or coal dealers may ship an entire train load of their supplies in one bill of lading, and the tax will be just 1 cent.

A poor country merchant, whose little stock of groceries is short, and who needs a box of crackers, or who needs a box of soap, or perhaps a barrel of sugar to replenish his stock, is required to pay a cent on the bill of lading for those articles; and the tax is just as much on a box of soap or a box of crackers or a box of candy as on a whole carload. Can there be anything more unequal and unfair in the whole realm of taxation than that? It strikes me that the fair and just and equitable way would be to eliminate that stamp tax, and in place of it have this tax of one-fourth of 1 per cent.

I am surprised at the criticism made by the Senator from Connecticut [Mr. PLATT] on the gross-earnings tax. That kind of a tax is not a novelty in this country. We have had it for years in the State of Minnesota, they have it in the State of Wisconsin, and they have it in many other States; and, as a matter of fact, the railroads prefer it. In my State they pay a tax of 3 per cent on gross earnings in lieu of all other taxes. There is no assessment about it. The assessor does not have to go around and assess the rolling stock, the station grounds, and the terminals, but the company pays a gross sum on their earnings; it goes into the treasury for the benefit of all, and it has worked well.

I am surprised also at the amendment offered by the Senator from Kentucky [Mr. LINDSAY]. The railroads have always contended that that tax within the State should be limited to business within the State; that is, that the States have no right to levy a tax on gross receipts except on traffic wholly within the State. That has been the contention of the railroads all along. If there is any part of the transportation business that is peculiarly within the jurisdiction of the Federal Government it is traffic and commerce between the several States. If you eliminate that out of this amendment, you emasculate all the force and all the vigor there is in it.

Mr. SPOONER. The State traffic is exempt from Federal taxation.

Mr. NELSON. Perhaps I am mistaken about that.

Mr. SPOONER. That objection is obviated in the amendment. Mr. NELSON. Then, Mr. President, I misunderstood the amendment as it was read.

Mr. SPOONER. The amendment leaves subject to State taxation earnings within the State.

Mr. NELSON. Assuming that that is so, the amendment, taking it even in that view of the case, would involve an endless amount of bookkeeping; it would involve complications wholly unnecessary; it would involve the necessity of the companies keeping a separate and distinct account of the transportation business within the several States and the transportation business between the States; whereas if you put the tax on the entire business it would be fair and just.

I was opposed to the amendment of the bill which included all kinds of corporations, manufacturing corporations, and all those little matters in which farmers are interested, in country elevators, creameries, cheese factories, country stores, and all that. To tax those corporations would be an invidious distinction, because there are many farmers and individuals engaged in the like business.

But in reference to the particular class of business covered by this amendment, transportation by railroad, the telegraph business, the telephone business, the great oil companies, and the sugar-refining companies are branches of business which are carried on by corporations; and their business does not enter into competition, as is the case with private business. Hence it is a just and fair tax, and it operates fairly on a class of business that can well stand it.

Senators have said that the tax comes out of the consumer. Mr. President, I can not conceive of a tax in this whole bill which does not ultimately come out of the consumer. I pay a tax every time I take a glass of beer; I pay a tax every time I smoke a cigar; I pay a tax if I should chew a little tobacco. Every time a poor man has to give a note to pay a debt he has to pay a tax; every time he gives a mortgage he has to pay a tax. There is not a single instance in this whole bill in which the tax does not ultimately come out of the poor fellow, if you please, the consumer, or the person who can least stand it.

The criticism which has been made against this bill that the tax ultimately comes out of the consumer is a criticism that applies to every line and portion of the bill. So long as we have got to resort to taxation, if we reduce it to a moderate figure, I can conceive of no system of taxation which is more fair and just. It is true, in

the first instance, the railroads will have to pay the tax, but ultimately it will come out of the American people; and the American people have no objection to paying this tax indirectly through the railroads and transportation companies.

After the amendment of the Senator from Kentucky shall have been disposed of, I shall propose to move to reduce this tax to one-fourth of 1 per cent; and then I shall vote for the amendment if that carries. Then I hope that portion of the bill which places a tax of 1 cent on every bill of lading may be stricken out, because I regard that tax as the most unequal and disproportionate to be found in any feature of the bill.

Mr. ALLEN. I did not understand that the amendment of the Senator from Kentucky [Mr. LINDSAY] had been disposed of.

Mr. PLATT of Connecticut. It has not been.

Mr. ALLEN. I thought the Senator from Minnesota [Mr. NELSON] stated that it had been disposed of.

I can not understand the force of the purpose of the amendment of the Senator from Kentucky. It certainly was not offered because Congress lacks the power to impose a tax upon the gross earnings of a corporation in a State. I know of no reason why those gross earnings should not bear their portion of the tax to be collected from the people by virtue of the provisions of this bill.

The Senator from Connecticut [Mr. PLATT] a few moments ago spoke of the last decision of the Supreme Court of the United States on the income tax as modifying to some considerable extent the power of Congress to tax. That suggested to me, Mr. President—what I have never heard discussed in the Senate, but which I have heard discussed elsewhere quite fully—this thought: That we are given altogether too much in framing our legislation to avoiding some prospective decision of the Supreme Court.

I think it is our duty to follow out the Constitution as we understand it, and to impose a just and equitable tax upon every interest that is properly taxable, and let the Supreme Court or any other organization having to deal with the question determine the question for themselves. We should not play a game of hide and seek with the Supreme Court and try by artful phrases to avoid some contemplated or possible decision of theirs.

I have no doubt that if the Constitution of the United States were absolutely silent on the question of taxation, if there were not a letter or a syllable or a sentence in the Constitution respecting taxation, we would have unlimited power to tax. It is inconceivable that you can have a Government such as we have, with all the ramifications of governmental agencies, where money is indispensable to conduct that Government without it having either the express or incontrovertible implied authority to raise the necessary money by proper methods of taxation, for the inability to raise money would be destructive of the Government itself, and, therefore, destructive of the great scheme marked out in the Constitution for our National Government.

The authority to tax is an authority that can not be denied; and in the nature of things it must be a power that knows no limit excepting the limit of necessity. If this Government has a right to exist, and must exist by raising revenue, then it must have the power to lay its hands upon the property and money of the citizen to that end; it must have the power to lay its hands upon the property and the money within its jurisdiction to the full extent necessary and proper to conduct its affairs, even though that necessity carries it to the extent of absolute confiscation, in some instances, when it becomes necessary.

Mr. President, to extend taxation to what might be conceived an almost unlimited extent to support and conduct the affairs of the Government the Government must have unquestioned power to reach out its arms to that extent and seize the property and money within its territorial jurisdiction. You might as well say, sir, that a human being can live without breathing as to say that a government can exist and conduct its affairs without the unlimited power of taxation.

I admit, Mr. President, that we can by constitutional provision and by statutory provisions restrict ourselves if we will. But such a restriction recognizes the existence of the power in the first instance; but where there has been no restriction, where the Government does not restrict itself, we can not say what is contained in the Constitution in language alone is necessarily a limitation upon the power to tax.

I do not know that this discussion is very germane to the pending amendment, but I think it is important. Year by year we are restricting the taxing power of this Government; and if we go on a few more years as we have gone on for the past few years, we shall possibly reach a time when we shall be unable constitutionally to raise the necessary money by taxation to conduct the affairs of the Government.

It ought to be understood in Congress and among all classes of our people that the public weal rises high above all individual interests; and the Government, having a right to take the lives of its citizens by enlisting and forcing them to serve in the Army and in the Navy, has a right to take every dollar of their property, in the proper methods, if necessary to conduct its affairs. I

can not myself conceive of any permanent limitation upon that power.

Mr. LINDSAY. This amendment differs from the amendment offered by the majority of the Committee on Finance in this, that amendment proposed to tax the franchises of certain corporations, and it was discussed in that view. This amendment avoids that difficulty, and proposes to tax transportation, to tax "any firm, company, or corporation owning or possessing or having the care or management of any railroad, street railroad, sleeping car, steamboat, ship, or other vessel, engaged or employed in commerce." It is a tax upon commerce, as transportation is commerce.

Under the constitutional grant to the Federal Government of the power to regulate commerce with foreign nations and among the several States, it has always been held that a State could enact no law which would operate to tax commerce between the States. The books are full of cases in which such enactments have been declared void, because in the opinion of the courts of the Federal Government they operated to tax commerce between the States.

Mr. ALLEN. I ask the Senator if the Supreme Court of the United States and the subordinate Federal courts have not held, in substance, that you can not, under the form of taxation, levy a tax or levy a burden upon interstate commerce which will have the effect of hampering or restricting it; but have they ever held that you can not impose a reasonable and just tax upon interstate commerce?

Mr. LINDSAY. The Federal courts have held that the power to regulate interstate commerce is exclusively in the Federal Government, and that any tax which operates as a tax upon interstate commerce is contrary to the grant of power to the Federal Government. Therefore the question does not arise as to whether or not the tax hampers commerce between the States. It is the want of power in the States and not the effect of State taxation upon commerce.

The State of Wisconsin has been used as an illustration. The State of Wisconsin levies a tax upon the gross incomes of transportation companies operating in the State of Wisconsin; but the State is confined to the gross income arising from business originating in and terminating, so far as the transportation is concerned, in the State of Wisconsin, and that limitation is put upon the estimates of the gross income or gross profits or gross receipts in order to avoid the constitutional disability of taxing the gross receipts arising out of interstate commerce.

There never has been any grant to the Federal Government to regulate commerce purely domestic to a State. The original power to regulate commerce purely domestic resides in the State, because that power has never been delegated to the General Government, but has been reserved to the States.

When we came to frame our Interstate Commerce Commission act and to delegate to that commission such power over transportation as it was proper for it to have, we carefully limited its right to interfere with commerce interstate in its character, and excluded from it the right to interfere at all with commerce purely domestic to the several States.

A tax upon gross incomes or gross receipts is a tax upon transportation. But I do not believe that Congress has the power—and I am not willing for Congress to do it—to tax every citizen of my State who ships his produce to market in my State, never at all going outside of the State. Why should the tobacco raiser in Owen County be taxed when he ships his tobacco from Owen County to the city of Louisville to be sold in the market, never for a moment carrying it outside of the territorial limits of the State at all?

I protest against the attempt by Congress to exercise the power to tax transportation purely within the State; and it was for the purpose of cutting off this attempt to tax purely intrastate commerce that I offered the amendment.

Mr. GORMAN. Will the Senator permit me to ask him one question?

Mr. LINDSAY. Yes, sir.

Mr. GORMAN. I am not a lawyer, and I should like to have the benefit of the Senator's opinion. Where does he find the power to impose a tax of 12 cents a pound on tobacco which is raised in Kentucky, manufactured in Kentucky, sold in Kentucky, and consumed in Kentucky, as is done by this bill?

Mr. LINDSAY. The tax upon the manufacturer is purely an excise tax levied upon the business, and it is not a tax upon commerce at all; it is not a tax upon transportation.

Mr. DANIEL. On what is the tax—the sale?

Mr. LINDSAY. The tax on the sale is a tax on the party who engages in the sale of it.

Mr. DANIEL. Is that a tax on commerce?

Mr. LINDSAY. It is on trade as contradistinguished from transportation. Trade and commerce are different.

These are my reasons for insisting on the amendment; but as the Senator from Maryland desires to have his amendment voted upon unembarrassed by this amendment, and as I will have the

right to offer it in the Senate in case his amendment be adopted, with that understanding I withdraw my amendment for the present.

Mr. GORMAN. I am obliged to the Senator. Now I ask for the yeas and nays on the adoption of my amendment.

Mr. HALE. Let me call the Senator's attention to the close of his amendment on page 3, and ask him whether he has cared for the penalty in the proper way? His amendment reads:

Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each and every false or fraudulent return.

Should he not have used the words "failure or refusal to make return as aforesaid?" As the language now stands, the penalty only applies to the making of a false or fraudulent return. It strikes me that such a modification should be made.

Mr. WHITE. The Senator from Indiana [Mr. TURPIE] has proposed an amendment in reference to that identical subject. I do not know whether it covers the phraseology used by the Senator from Maine, but an attempt is made to cover it by the amendment offered by the Senator from Indiana.

Mr. SPOONER. The point made by the Senator from Maine [Mr. HALE] was evidently well made. The Senator's motion has not embraced that. Failing or refusing to make a return and making a false return are two separate offenses.

Mr. GORMAN. They are.

Mr. HALE. He does not make the penalty apply to anything but the false or fraudulent return. If he will add the words "failure or refusal to make return as aforesaid," then he will cover both.

Mr. ALLISON. That is right.

Mr. NELSON. I understand the Senator from Kentucky has withdrawn his amendment to the amendment.

The PRESIDENT pro tempore. He has.

Mr. NELSON. Then I offer an amendment to the amendment of the Senator from Maryland.

Mr. HALE. Will the Senator wait a moment until the amendment is perfected?

Mr. NELSON. Very well.

Mr. GORMAN. In line 5, page 3, after the word "for," I move to insert "any such failure or refusal to make return as aforesaid, or for."

Mr. HALE. Yes; that would seem to make it complete.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "for," in line 5, page 3 of the amendment, it is proposed to insert "any such failure or refusal to make return as aforesaid, or for."

The PRESIDENT pro tempore. The amendment will be thus modified.

Mr. NELSON. I move to strike out, in line 5, page 2 of the amendment of the Senator from Maryland the words "one-half" and insert "one-fourth;" so as to reduce the tax to one-quarter of 1 per cent.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 5, it is proposed to strike out the words "one-half" and insert "one-fourth;" so as to read "one-fourth of 1 per centum."

Mr. PETTIGREW. Mr. President, this amendment with slight amendments would be quite acceptable to me. I wish to congratulate the Senator from Maryland upon selecting those corporations for the tax the best able to bear it of all the corporations in this country. Nearly every one of them is a monopoly. Nearly every one of them is so situated that it can better bear the tax than any other organization we have, or any other people we have, for that matter. In the first place, this tax of one-half of 1 per cent is levied upon railroads. It is well known that nearly every one of them is in a combination to maintain rates. It is well known that their rates are to-day where they were in 1890, although it is equally well known that the price of every other service has very much declined since that time. In addition to that, we tax the telegraph companies, telephone companies, electric-light companies, etc., most of whom are so situated that they are absolute monopolies and free from competition.

Mr. WILSON. Is there any tax on the manufacture of steel rails—a trust?

Mr. PETTIGREW. The Senator from Washington asks if there is any tax on the manufacture of steel rails. I believe not. It seems that one monopoly has escaped.

Mr. WILSON. Where is that monopoly located?

Mr. PETTIGREW. Those which have been selected have been carefully selected so as to cover the principal monopolies in this country.

The next item of taxation is upon corporations engaged in refining petroleum or refining sugar or owning or controlling pipe lines, absolute monopolies, trusts, combinations to maintain prices. So there is little question but that the statement made by the Senator from Connecticut is true, that in the end it must be paid

by the consumer. It would be too bad to have any provision in the bill which lays a burden upon anybody else but the consumer, upon the individual. Nine per cent of our population own 71 per cent of the property of this country. Ninety-one per cent of our population own 99 per cent of the property of this country, and therefore the bill ought to have no provision that does not carefully lay every burden possible to lay upon the people who have no property and allow those to escape entirely who have most of the property. However, with an amendment which shall provide for striking out line 3 and two words in line 4, I think I should vote for the amendment.

Mr. ELKINS. I ask the Senator to yield to me that I may make a motion to proceed to the consideration of executive business. It seems to me that the matter can not be disposed of to-night, from the way the Senator from South Dakota is starting out, and I should like to have an executive session. I make that motion, with the consent of the Senator from South Dakota.

Mr. PETTIGREW. If the Senate desires to go into executive session, I shall not object. Otherwise I shall go on.

Mr. ALDRICH. I suggest that the Senator from South Dakota put in his amendment.

Mr. GORMAN. I hope the Senator from West Virginia will not make that motion now. We ought to vote upon the amendment. We have finished one branch of it, and it will accommodate Senators who want a direct vote on the amendment. I thought it was understood that after the last vote we should proceed to a direct vote upon this proposition, and I trust it will be done.

Mr. ELKINS. If the Senator from Maryland will allow me, I do not think, from the way the Senator from South Dakota is starting out, that we shall get any vote on the amendment this afternoon, and I should like to have an executive session. Besides, we can all think about the nature of the amendment. It is very important. I want to think of it over night myself.

Mr. PETTIGREW. I will yield to a motion for an executive session.

Mr. ALDRICH. I hope the Senator from South Dakota will offer his amendment.

Mr. MASON. I desire, if it is proper, to make a motion that when we adjourn to-day it be to meet on Tuesday next.

Mr. ALLISON. I hope the Senator will withhold that motion for the present.

Mr. MASON. I do not want to make the motion if I am not privileged to make it, but I wish to give notice that I intend to ask for action upon that question.

Mr. CHANDLER. The best thought in the Senate is not ready to have the motion made at the present moment.

Mr. PETTIGREW. I move, then, to strike out line 3, page 2 of the amendment, and the words "thousand dollars," in line 4; so that all corporations shall be taxed upon their entire receipts.

Mr. BERRY. One amendment is already pending, and the amendment of the Senator from South Dakota is not in order.

The PRESIDENT pro tempore. The Senator from South Dakota was requested to offer his amendments so that they could be printed.

Mr. PETTIGREW. That will necessitate another amendment, as to the provision that all receipts less than \$250,000 shall be exempt. The reason why I offer the amendment is this: Here is a corporation receiving \$1,000,000 a year, and it immediately creates four corporations which will pay no tax. There is no trouble to do it at all and thus save \$5,000. Here is the sugar trust, owning mills all over the country. It will immediately resolve itself into innumerable corporations—it is simply a mere matter of book-keeping—and escape every dollar of the tax.

The PRESIDENT pro tempore. The Senator's amendment will be printed. The amendment pending is the one offered by the Senator from Minnesota [Mr. NELSON]. Is the Senate ready for the question?

Mr. ELKINS. I have made a motion that the Senate proceed to the consideration of executive business.

Mr. PETTIGREW. I yielded only for a motion to go into executive session.

Mr. ELKINS. The Senator from South Dakota yielded for that purpose.

Mr. PROCTOR. Will the Senator from South Dakota yield to me to present a conference report?

Mr. PETTIGREW. I yield for that purpose.

QUARTERMASTER'S SUPPLIES.

Mr. PROCTOR. I submit a conference report which has once been read, but which was recalled to correct a clerical error.

The report was read, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 9, 10, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "sixth" and insert in lieu thereof the word "third;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Add at the end of said amendment, as a new paragraph, the following:

"And be it further enacted, That during the existing war the Bureau of Ordnance of the War Department is authorized to purchase, without advertisement, such ordnance and ordnance stores as are needed for immediate use, and when such ordnance and ordnance stores are to be manufactured then to make contracts, without advertisement, for such stores to be delivered as rapidly as manufactured."

JOS. R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.
JOHN A. T. HULL,
M. GRIFFIN,
JAS. HAY,
Managers on the part of the House.

WILLIAM H. OLIVER.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 1540) granting an increase of pension to William H. Oliver.

Mr. GALLINGER. I move that the Senate recede from its amendments to the bill.

The motion was agreed to.

CLARK W. HARRINGTON.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 769) to increase the pension of Clark W. Harrington.

Mr. GALLINGER. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. KENNEY were appointed.

CASSIUS M. CLAY, SR.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion.

Mr. GALLINGER. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP and Mr. KYLE were appointed.

WILLIAM STEPHENSON SMITH.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6209) to pension William Stephenson Smith, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PRITCHARD, and Mr. MITCHELL were appointed.

EDWARD STARR.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5006) to increase the pension of Edward Starr, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. TURNER, and Mr. KYLE were appointed.

PETER CASTLE.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4488) granting an increase of pension to Peter Castle, and requesting a conference with the Senate on the disagreeing votes on the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. KENNEY were appointed.

CATHERINE CLIFFORD.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 1801) granting an increase of pension to Catherine Clifford, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. ROACH were appointed.

LOWELL H. HOPKINSON.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 378) granting a pension to Lowell H. Hopkinson, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate further insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BAKER, and Mr. CANNON were appointed.

ADJOURNMENT TO TUESDAY.

Mr. MASON. I move that when the Senate adjourn to-day it be to meet on Tuesday next.

Mr. JONES of Arkansas. I should like to make a suggestion to the Senator from Illinois. I hope there may be an agreement to have a vote on the pending amendment to the revenue bill. There are reasons, which will be apparent to every Senator, why the Senate should express itself on this amendment. If it should be adopted, of course it becomes a part of the text of the bill, and amendments to it can be offered hereafter. There will be no difficulty about that. The whole question will be open. It will make it a much easier matter, it seems to me, for the Finance Committee to determine just what course shall be pursued with regard to other things, to understand what the Senate will do in regard to this particular amendment. I hope Senators will withdraw conflicting motions and allow a vote on the amendment.

Mr. MASON. My motion is not to adjourn or go into executive session. It will take only a minute to dispose of it. It is simply that when we adjourn we will adjourn until Tuesday. There are reasons why the country should know that we are not at work on Decoration Day.

Mr. JONES of Arkansas. The Senator can renew the motion after a vote on the amendment, and I hope he will do so.

Mr. MASON. If I thought we would vote on the amendment this evening, I would yield. The Senator from South Dakota [Mr. PETTIGREW] did not yield the floor for that purpose. He yielded the floor, first, for an executive session, and then for a conference report.

Mr. JONES of Arkansas. I understand. I was asking unanimous consent that this be done, as we have reached a point where we can have a vote on the amendment.

Mr. MASON. I do not think there will be a call of the yeas and nays on the motion I make.

Mr. JONES of Arkansas. It will take but a little time to settle that matter after the other question is disposed of.

Mr. MASON. I desire to be accommodating. The Senator knows I have been waiting in my seat all day to be heard for a few minutes on an amendment which I propose to offer to the bill, and while I have the floor I desire to give notice that on Tuesday, after the morning hour, I desire to be heard briefly on the amendment which I have been endeavoring to present to the Senate for several weeks.

Mr. QUAY. Do I understand the Senator from Arkansas to say that a vote can be had immediately upon the pending amendment?

Mr. JONES of Arkansas. That is what I was proposing. I think it can be had. I hope it can. The gentlemen who want to change the amendment can, if it should be adopted by the Senate and become a part of the bill, hereafter propose such changes as they wish to make. It does not cut off anybody. It seems to me it would be well to understand what the action of the Senate will be upon the pending amendment.

Mr. MASON. I have no objection, the Senator will understand, to taking a vote now.

Mr. JONES of Arkansas. Then I ask unanimous consent that we shall have a vote at once on the amendment.

Mr. PETTIGREW. I wish to make an inquiry. I desire to know whether, after the amendment is voted on, if it is adopted, we can move to amend it as in Committee of the Whole?

Mr. ALDRICH. Certainly not.

The PRESIDENT pro tempore. No; but it can be done in the Senate.

Mr. ALDRICH. I should object to any such understanding as that.

Mr. PETTIGREW. That is what I supposed.

Mr. ALDRICH. It can be done in the Senate.

Mr. PETTIGREW. After the bill is completed as in Committee of the Whole?

Mr. JONES of Arkansas. In the Senate.

Mr. PETTIGREW. But not as in Committee of the Whole?

Mr. JONES of Arkansas. No; technically it could not, I presume.

Mr. PETTIGREW. The amendment, so far as I am concerned, is decidedly unsatisfactory in its present form. It leaves the door open for every sort of fraud and every chance in the world to evade the tax, and these corporations, whether they earn \$100,000 or \$1,000,000, are a class of corporations which ought to be taxed if we tax anybody at all.

Mr. MASON. I should like to have my motion put. It will take but a moment.

The PRESIDENT pro tempore. The Senator from Illinois moves that when the Senate adjourn to-day it be to meet on Tuesday next.

Mr. ALLISON. I hope that motion will not be agreed to. We have certainly—

Mr. MASON. Mr. President, a parliamentary inquiry. Is a motion to adjourn to a day certain debatable?

The PRESIDENT pro tempore. The Chair thinks it is.

Mr. ALLISON. I desire to occupy only a moment's time. We have made very little progress with the bill during the week, and I think the necessities of the situation require that the bill shall be disposed of at an early day. There are several reasons why this should be done. Every day's delay in the passage of the bill remits that amount of taxes to those who are now manufacturing and producing, as stocks on hand are exempted. I should be willing, if we could have some arrangement as to when the bill shall be disposed of, to consider more favorably the suggestion of the Senator from Illinois, but I am perfectly certain, in my own mind, that if we now adjourn over until Tuesday, we shall find ourselves adjourning from next Saturday until Monday with the bill still undisposed of. I ask for the yeas and nays on the motion of the Senator from Illinois.

Mr. MASON. Mr. President—

The PRESIDENT pro tempore. The motion is not debatable, but the Chair will hear the Senator from Illinois.

Mr. COCKRELL. How, then, was the Senator from Iowa heard?

The PRESIDENT pro tempore. Because the Chair decided that it was debatable. [Laughter.]

Mr. COCKRELL. Does the Chair reverse itself?

Mr. ALLISON. I ask unanimous consent to say what I have said. [Laughter.]

Mr. MASON. I desire to say one word out of order.

The PRESIDENT pro tempore. Without objection, the Senator from Illinois will proceed.

Mr. MASON. I so understood the rule and do now, but I did not want to be particular. It is true that there will be some remission of taxes, but it will be to American people and American manufacturers. There is no great hurry about the passage of the pending revenue bill. The revenues are sufficient for the day and for the week; and if there ever was a time in the history of this country when this body, which is an alleged dignified body, ought to pay some respect and consideration to the soldiers of the country, it is next Monday.

I hope that the Senator will not ask for a roll call, because we are anxious to pass the revenue bill and the time that he wastes in the roll call could be used in passing or voting upon some amendment to that bill. There is no objection to working to-night.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois [Mr. MASON] that when the Senate adjourn to-day it be to meet on Tuesday next.

Mr. COCKRELL. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SEWELL. Mr. President, I merely desire to state that a number of gentlemen in this Chamber have engagements for next Monday in connection with Decoration Day exercises which they will consider it their imperative duty to keep. I do not think the country would lose anything by one day.

Mr. HALE. Mr. President, let us have the regular order.

The PRESIDENT pro tempore. The Senator from Maine objects to further debate, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I am paired generally with the Senator from Michigan [Mr. BURROWS].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. If he were present, I should vote "yea."

Mr. McLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. MANTLE (when his name was called). I am paired with the Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TELLER (when his name was called). I am paired with the junior Senator from New York [Mr. PLATT]. Not knowing how he would vote if present, I shall refrain from voting.

Mr. TILLMAN (when his name was called). I am paired generally with the Senator from Nebraska [Mr. THURSTON], but I shall break the pair on this occasion, and vote "yea."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], who is absent from the Chamber; but I am informed that if present he would vote "nay." I will therefore vote. I vote "nay."

Mr. WARREN (when his name was called). As by the previous arrangement, I announce the pair of the Senator from Washington [Mr. TURNER] with the Senator from Connecticut [Mr. HAWLEY], and I vote "yea."

The roll call was concluded.

Mr. CLAY (after having voted in the negative). I desire to ask if the junior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CLAY. I will withdraw my vote. If he were present, I should vote "nay."

Mr. GALLINGER. I suggest to the Senator from Georgia that we exchange our pairs. I am paired with the Senator from Texas [Mr. MILLS]. We seem to be on opposite sides upon this question.

Mr. CLAY. I am perfectly willing to do so.

Mr. GALLINGER. I vote "yea."

Mr. CLAY. I will let my vote stand.

Mr. McLAURIN. As this is merely a question relative to adjournment, I will break my pair and vote. I vote "yea."

The result was announced—yeas 33, nays 31; as follows:

YEAS—33.

Bacon,	Davis,	McLaurin,	Roach,
Bate,	Deboe,	Mason,	Sewell,
Berry,	Faulkner,	Money,	Stewart,
Butler,	Foraker,	Morgan,	Tillman,
Cannon,	Gallinger,	Nelson,	Warren,
Carter,	Hansbrough,	Pasco,	Wellington,
Chandler,	Helfield,	Pettigrew,	
Cockrell,	Jones, Nev.	Quay,	
Daniel,	McEnery,	Rawlins,	

NAYS—31.

Aldrich,	Gear,	McBride,	Spooner,
Allen,	Gorman,	McMillan,	Turley,
Allison,	Hale,	Mallory,	Turpie,
Chilton,	Hanna,	Mitchell,	Wetmore,
Clay,	Harris,	Murphy,	White,
Cullom,	Jones, Ark.	Perkins,	Wilson,
Fairbanks,	Kyle,	Platt, Conn.	Wolcott,
Frye,	Lindsay,	Proctor,	

NOT VOTING—24.

Baker,	Hawley,	Mills,	Shoup,
Burrows,	Hoar,	Morrill,	Smith,
Caffery,	Kenney,	Penrose,	Teller,
Clark,	Lodge,	Pettus,	Thurston,
Elkins,	Mantle,	Platt, N. Y.	Turner,
Gray,	Martin,	Pritchard,	Vest,

So the motion was agreed to.

AMENDMENT TO WAR REVENUE BILL.

Mr. TILLMAN. I submit an amendment intended to be proposed by me to House bill 10100. I ask that it be printed.

The PRESIDENT pro tempore. The proposed amendment will be received and printed.

EXECUTIVE SESSION.

Mr. PROCTOR. I move that the Senate proceed to the consideration of executive business. There is a little War Department business to be transacted which is very important, but which will take only a short time.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent

In executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until Tuesday, May 31, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 23, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be major-general.

Matthew C. Butler, of South Carolina.

To be brigadier-generals.

James R. Waties, of Texas.

Nelson Cole, of Missouri.

William C. Oates, of Alabama.

To be assistant adjutant-general with the rank of major.

M. Fred Bell, of Missouri.

To be chief commissaries of subsistence with the rank of major.

First Lieut. Sydney A. Cloman, Fifteenth United States Infantry.

Philip Mothersill, of New Mexico.

Edmund W. Bach, of Montana.

To be commissaries of subsistence with the rank of captain.

Warner Harrison, of Ohio.

Charles Ellet Cabell, of Virginia.

Joseph N. Du Barry, jr., of Pennsylvania.

Winslow S. Lincoln, of Massachusetts.

To be chief surgeon with the rank of major.

Frank S. Bourns, of Georgia.

To be assistant adjutants-general with the rank of captain.

Theodosius Botkin, of Kansas.

Frederic J. Kountze, of Ohio.

First Lieut. William S. Scott, First United States Cavalry.

To be assistant quartermasters with the rank of captain.

First Lieut. Charles D. Palmer, Sixth United States Artillery.

First Lieut. George McK. Williamson, Eighth United States Cavalry.

Thomas Swobe, of Nebraska.

Robert L. Brown, of West Virginia.

Frank Squire Polk, of New York.

Amos W. Kimball, of New York.

Moses Walton, jr., of Ohio.

Charles J. Goff, of West Virginia.

John M. Patten, of Iowa.

Richard J. Fanning, of Ohio.

To be additional paymasters.

Fred T. Jones, of Ohio.

George E. Pickett, of Virginia.

Newton C. Foote, of Louisiana.

Brewster C. Kenyon, of California.

George H. Fay, of North Dakota.

Edward S. Fowler, of New York.

James S. Harvey, of Florida.

William H. Thrift, of Iowa.

George D. Sherman, of Illinois.

John H. Townsend, of Missouri.

Charles Albert Smylie, of Virginia.

Daniel M. White, of New Hampshire.

John M. Sears, of Tennessee.

Winfield M. Clark, of Pennsylvania.

James W. Dawes, of Nebraska.

James Canby, of Colorado.

Otto Becker, of Georgia.

Louis Knapp, of New York.

Samuel D. C. Hays, of Colorado.

John W. Fogler, of Kansas.

Beverly Waugh Coiner, of Washington.

REGISTERS OF LAND OFFICE.

Hobart A. Babcock, of Watertown, S. Dak., to be register of the land office at Watertown, S. Dak., vice Lee Stover, resigned.

Joseph T. Bridges, of Drain, Oreg., to be register of the land office at Roseburg, Oreg., vice Robert M. Veatch, resigned.

RECEIVERS OF PUBLIC MONEYS.

James H. Booth, of Grants Pass, Oreg., to be receiver of public moneys at Roseburg, Oreg., vice Richard S. Sheridan, term expired.

John Jones, of Ishpeming, Mich., to be receiver of public moneys at Marquette, Mich., vice Elmer E. Halsey, removed.

Edward A. Slack, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo., vice Caleb P. Organ, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Matthew C. Butler, of South Carolina, to be a major-general.

To be brigadier-generals.

Col. Michael V. Sheridan, assistant adjutant-general, United States Army.

Col. Robert H. Hall, Fourth United States Infantry.

Col. Edwin V. Sumner, Seventh United States Cavalry.

Col. Peter C. Hains, Corps of Engineers, United States Army.

Col. George L. Gillespie, Corps of Engineers, United States Army.

Col. Marcus P. Miller, Third United States Artillery.

Col. Jacob Kline, Twenty-first United States Infantry.

Lieut. Col. Oswald H. Ernst, Corps of Engineers.

Lieut. Col. Loyd Wheaton, Twentieth United States Infantry.

Lieut. Col. Arthur MacArthur, assistant adjutant-general, United States Army.

Lieut. Col. Henry C. Hasbrouck, Fourth United States Artillery.

Lieut. Col. John C. Gilmore, assistant adjutant-general, United States Army.

Lieut. Col. Wallace F. Randolph, Third United States Artillery.

Maj. Joseph P. Sanger, Inspector-General, United States Army.

Charles King, of Wisconsin.

FIRST REGIMENT OF VOLUNTEER ENGINEERS.

To be first lieutenant.

Thomas R. Sullivan, of Colorado.

TERRITORIAL ASSOCIATE JUSTICE.

Charles A. Leland, of Ohio, to be associate justice of the supreme court of the Territory of New Mexico.

APPRAISER OF MERCHANDISE.

George H. Kolker, of Ohio, to be appraiser of merchandise for the port of Cincinnati, in the State of Ohio.

POSTMASTERS.

S. E. Dubbel, to be postmaster at Waynesboro, in the county of Franklin and State of Pennsylvania.

Benjamin A. Nichols, to be postmaster at West Liberty, in the county of Muscatine and State of Iowa.

F. G. Atherton, to be postmaster at Osage, in the county of Mitchell and State of Iowa.

R. S. Lovelace, to be postmaster at Ronceverte, in the county of Greenbrier and State of West Virginia.

George W. Burchard, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin.

G. L. Van de Steeg, to be postmaster at Orange City, in the county of Sioux and State of Iowa.

F. E. Cushing, to be postmaster at Red Bluff, in the county of Tehama and State of California.

Andrew J. Locke, to be postmaster at Eufaula, in the county of Barbour and State of Alabama.

Charles C. Salter, jr., to be postmaster at West Duluth, in the county of St. Louis and State of Minnesota.

John G. Wallenmeier, jr., to be postmaster at Tonawanda, in the county of Erie and State of New York.

John W. Wilson, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado.

William George, to be postmaster at Grass Valley, in the county of Nevada and State of California.

William J. Richards, to be postmaster at Union City, in the county of Branch and State of Michigan.

James Buckley, to be postmaster at Petoskey, in the county of Emmet and State of Michigan.

William Stackpole, to be postmaster at Saco, in the county of York and State of Maine.

Leonard Schroeder, to be postmaster at Hoboken, in the county of Hudson and State of New Jersey.

Elias H. Bird, to be postmaster at Plainfield, in the county of Union and State of New Jersey.

Pierre Black, to be postmaster at Belleville, in the county of Essex and State of New Jersey.

Hugh Eldridge, to be postmaster at New Whatcom, in the county of Whatcom and State of Washington.

Ellsworth F. Pike, to be postmaster at Franklin Falls, in the county of Merrimack and State of New Hampshire.

Peter F. Wanser, to be postmaster at Jersey City, in the county of Hudson and State of New Jersey.

John Grein, to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania.

Everton W. Kennerly, to be postmaster at Giddings, in the county of Lee and State of Texas.

G. L. Burk, to be postmaster at Van Alstyne, in the county of Grayson and State of Texas.

SENATE.

TUESDAY, May 31, 1898.

The Senate met at 12 o'clock m.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Forasmuch as it hath pleased Thee, Almighty God, to take out of this world the soul of England's great commoner, we, with his brethren and countrymen, join in the solemn service of committing his body to the ground, in sure faith and blessed hope, through our Lord and Saviour Jesus Christ, of resurrection and eternal life. A son of Adam, and therefore with limitations and shortcomings, he nevertheless walked among us the noblest person of our time, great in his gifts, greater in the use he made of them, greatest of all in his close following in the steps of our Divine Master, who, when He was reviled, reviled not again, when He suffered He threatened not, but committed Himself unto Him that judgeth righteously.

We bless Thee, O Almighty God, for this great and sacred life, example, and influence; and pray that its inspiration may enter into the whole region not only of his native land and its dependencies, but throughout our own vast nation, moving us to nobler, holier life and aspirations. Let Thy blessing be upon the wife who for well-nigh threescore years was the companion and helpmeet for such a man, and upon his children, heirs to such a glorious name and fame.

We pray, O Lord, that we may order our walk and conversation in such wise that we, too, in approaching the last solemn hour of earth, may be calm, steadfast, strong, victorious over pain and grief, and so enter into the everlasting life which Thou hast prepared for them who love Thee. Through our Lord and Saviour Jesus Christ. Amen.

Mr. CARTER. Mr. President, I ask unanimous consent that the prayer of the Chaplain this morning be inserted in the RECORD.

The VICE-PRESIDENT. Is there any objection? The Chair hears none. The order is made. The Journal of the proceedings of Saturday last will be read.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 877) granting a pension to Susan I. Barrows;
- A bill (H. R. 1271) granting a pension to Clara A. Short;
- A bill (H. R. 1858) granting an increase of pension to William Manley;
- A bill (H. R. 2276) granting an increase of pension to Almon Stuart;
- A bill (H. R. 2678) granting an increase of pension to Diana Clark;
- A bill (H. R. 3001) granting a pension to Mary McLaughlin;
- A bill (H. R. 4977) granting a pension to Mary Hannah Clark;
- A bill (H. R. 5647) granting a pension to Nels Miller;
- A bill (H. R. 6093) granting a pension to Ellen E. Nash;
- A bill (H. R. 6799) granting an increase of pension to Warren W. Morgan;
- A bill (H. R. 7260) granting a pension to James E. Jones;
- A bill (H. R. 8090) granting a pension to Belle Peter;
- A bill (H. R. 8243) granting a pension to John Connolly;
- A bill (H. R. 8351) to increase the pension of Armenias H. Evans;
- A bill (H. R. 8670) granting an increase of pension to Eugene A. Shaw;
- A bill (H. R. 8950) increasing the pension of Mrs. Sarah Fry;
- A bill (H. R. 9140) granting an increase of pension to Felix Tait;
- A bill (H. R. 9195) granting a pension to Foster C. Carl;
- A bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein; and
- A bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

- A bill (H. R. 637) for the benefit of J. C. Rudd;
- A bill (H. R. 2425) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service; and
- A bill (H. R. 9874) for the relief of John C. Coleman, of Emanuel County, Ga.

The bill (H. R. 8739) to authorize a resurvey of certain lands in Cheyenne County, in the State of Nebraska, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 10253) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. Res. 7) directing the Secretary of War

to submit estimates for work upon Wallabout Channel, New York, was read twice by its title, and referred to the Committee on Commerce.

SENATOR FROM MISSISSIPPI.

Mr. MONEY presented the credentials of William V. Sullivan, appointed by the governor of Mississippi a Senator from that State to fill, until the next meeting of the legislature, the vacancy occasioned by the death of Edward C. Walthall in the term ending March 3, 1901; which were read, and ordered to be filed.

Mr. MONEY. Hon. William V. Sullivan is present, and I ask that the oath be administered to him.

The VICE-PRESIDENT. If there be no objection, the Senator appointed will take his place at the desk and be sworn.

Mr. Sullivan was escorted to the Vice-President's desk by Mr. MONEY; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

OFFICERS OF ORDNANCE CORPS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, together with draft of a bill providing for an increase in the number of officers of the Ordnance Corps; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. BECKFORD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 490) granting an increase of pension to William A. Beckford, which was, in line 7, after the word "Infantry," to insert "and pay him a pension."

Mr. GALLINGER. I move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

PETER DALY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 158) granting a pension to Peter Daly.

The amendments were, in line 5, after the word "laws," to insert "the name of;" in line 7, after the word "month," to insert "in lieu of the pension he is now receiving;" and to amend the title so as to read: "An act granting an increase of pension to Peter Daly."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MARY M. MACAULEY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 486) granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers.

The amendments were, in line 8, after the word "pension," to insert "at the rate;" and to amend the title so as to read: "An act granting a pension to Mary M. Macauley."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

DANIEL G. GEORGE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 506) granting an increase of pension to Daniel G. George, which was, in line 8, after the word "pension," to insert "at the rate."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

LUCIA A. HYNES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 507) restoring to the pension roll the name of Lucia A. Hynes.

The amendments were, in line 4, to strike out the words "restore to" and insert the words "place on;" and to amend the title so as to read: "An act granting a pension to Lucia A. Hynes."

Mr. GALLINGER. I move concurrence in the amendments of the House of Representatives.

The motion was agreed to.

GEORGE L. DURBIN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 853) granting an increase of pension to George L. Durbin, which was, in line 9, after the word "him," to insert "a pension."

Mr. GALLINGER. I move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

PHILIP F. CASTLEMAN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1155) granting a pension to P. F. Castleman, of Oregon.

The amendments were, in line 5, to strike out "P." and insert "Philip;" in line 6, to strike out "acting assistant quartermaster" and insert "quartermaster's agent;" and to amend the title so as to read: "An act granting a pension to Philip F. Castleman, of Oregon."

Mr. GALLINGER. I move that the Senate concur in the amendments.

The motion was agreed to.

RICHARD T. SELTZER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1424) granting a pension to Richard T. Seltzer, which was, in line 8, to strike out all of the bill after the word "month."

Mr. GALLINGER. I move concurrence in the amendment.

The motion was agreed to.

OSCAR A. PALMER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1473) granting a pension to Oscar A. Palmer, which was, in line 7, after the word "Infantry," to insert "and pay him a pension."

Mr. GALLINGER. I move that the amendment be concurred in.

The motion was agreed to.

JOSEPH PORTER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1477) granting an increase of pension to Joseph Porter, which was, in line 7, after the word "Artillery," to insert "and pay him a pension."

Mr. GALLINGER. I move that the amendment be concurred in.

The amendment was agreed to.

LEWIS D. BAKER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1480) granting an increase of pension to Lewis D. Baker, which was, in line 7, after the word "Artillery," to insert "and pay him a pension."

Mr. GALLINGER. I move concurrence in the amendment of the House.

The motion was agreed to.

MARIA SOMERLAT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2378) granting a pension to Maria Somerlat, widow of Valentine Somerlat, which was to amend the title so as to read: "An act granting a pension to Maria Somerlat."

Mr. GALLINGER. I move that the amendment be concurred in.

The motion was agreed to.

CHARLES H. JOHNSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2751) granting an increase of pension to Charles H. Johnson, which was, in line 8, to strike out the words "for total blindness."

Mr. GALLINGER. I move concurrence in the amendment.

The motion was agreed to.

BENJAMIN L. NOLAN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2807) granting a pension to Benjamin L. Nolan, which was, in line 8, after the word "pension," to insert "at the rate."

Mr. GALLINGER. I move that the amendment be concurred in.

The motion was agreed to.

ANDREW C. MENSCH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3442) granting an increase of pension to Andrew C. Mensch, which was, in line 10, after the word "pension," to insert "at the rate."

Mr. GALLINGER. I move that the amendment of the House of Representatives be concurred in.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed

the joint resolution (S. R. 148) providing for the printing of House Document No. 396, relating to the beet-sugar industry in the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

- A bill (S. 408) to restore a pension to Harriet M. Knowlton;
- A bill (S. 802) granting a pension to Mary A. Benjamin;
- A bill (S. 1115) for the relief of the legal representatives of John Roach, deceased;
- A bill (S. 2357) granting an increase of pension to Merlin C. Harris;
- A bill (S. 3026) granting a pension to Ida Emmott;
- A bill (S. 3254) granting a pension to Adelaide H. Lambertson;
- A bill (S. 4003) to construe an act approved June 3, 1884, relating and including the disability of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry;
- A bill (H. R. 587) granting a pension to Henry K. Elliott;
- A bill (H. R. 908) granting a pension to Zolman Tyrell;
- A bill (H. R. 1825) to increase the pension of David Parker;
- A bill (H. R. 2123) increasing the pension of William P. Haskell;
- A bill (H. R. 2159) granting an increase of pension to Benjamin Beach;
- A bill (H. R. 2331) granting a pension to C. S. Alvord;
- A bill (H. R. 2318) granting an increase of pension to John T. Brewster;
- A bill (H. R. 2695) granting an increase of pension to Olivia Betton;
- A bill (H. R. 2815) granting an increase of pension to Eliza Miller;
- A bill (H. R. 3524) increasing the pension of Gustavus A. Kindblade;
- A bill (H. R. 3596) granting a pension to Bettie Gresham;
- A bill (H. R. 4449) granting an increase of pension to Charles Beckwith;
- A bill (H. R. 4675) granting an increase of pension to George Van Vliet;
- A bill (H. R. 4691) to increase the pension of Charles Hoffman;
- A bill (H. R. 4962) granting an increase of pension to William D. Foote;
- A bill (H. R. 5776) granting an increase of pension to Sidney J. Hare;
- A bill (H. R. 6242) granting a pension to James C. Kinkle;
- A bill (H. R. 6785) granting a pension to Julia L. Roberts;
- A bill (H. R. 7672) to increase the pension of George W. D. Wade;
- A bill (H. R. 7802) granting a pension to Emily A. Hausner;
- and
- A bill (H. R. 8004) granting a pension to Mary E. Taylor.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of District Assembly No. 49, Knights of Labor, of New York City, praying for the enactment of legislation making it impossible for any one man or number of men to corner or gamble in food products; which was referred to the Committee on the Judiciary.

Mr. MILLS presented a petition of the Woman's Christian Temperance Union of Cisco, Tex., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented sundry memorials of druggists of Sidney, Milligan, Dawson, Aurora, St. Edward, Murdock, Stamford, and Bassett, all in the State of Nebraska, and the memorial of George H. Welsh, of Boone, Iowa, remonstrating against the adoption of Schedule B of the war revenue bill, placing a tax on all proprietary medicines; which were ordered to lie on the table.

Mr. FAIRBANKS presented a memorial of the Wholesale Grocers' Association of Indianapolis, Ind., remonstrating against the adoption of Schedule B in the war revenue bill, providing for the taxation of articles of food and drink in common use; which was ordered to lie on the table.

He also presented the petition of John Watson and 17 other citizens of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Dodge Manufacturing Company, of Mishawaka, Ind., remonstrating against the passage of House bill No. 9815, appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street between Seventh and Fourteenth streets, reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 1807) to correct the naval record of G. K. Knowlton, late of the United States Navy, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal., reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 4571) to extend Rhode Island avenue, reported it without amendment.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10106) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 2552) to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PETTIGREW introduced a bill (S. 4687) to temporarily increase the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4688) granting a pension to Catherine M. Hall; and

A bill (S. 4689) granting a pension to Catherine E. Whitcomb.

Mr. PASCO introduced a bill (S. 4690) for the relief of certain homestead settlers in Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4691) for the relief of Samuel C. Thompson, of Jacksonville, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 4692) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. GEAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

COMPENSATION OF POSTMASTERS.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 872, offered by the Senator from Nebraska [Mr. ALLEN], and coming over from a previous day.

Mr. ALLEN. I do not know whether the Senator from Iowa [Mr. ALLISON] desires the resolution to be passed over or not.

Mr. ALLISON. I should be obliged to the Senator from Nebraska if he would allow it to be passed over.

Mr. ALLEN. It is a mere resolution calling for information, and I should like to have it acted upon as soon as possible, though I do not want to occupy the time this morning if it is to lead to any discussion.

Mr. ALLISON. I hope the Senator will allow the resolution to be passed over for a couple of days.

Mr. ALLEN. Very well.

The VICE-PRESIDENT. The resolution goes over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 995) for the relief of George M. Anderson, of the State of Nebraska; and

An act (S. 4645) to provide an American register for the steamship *Zealandia*.

The message also announced that the President of the United States had on the 29th instant approved and signed the following acts:

An act (S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896; and

An act (S. 4621) to amend sections 10 and 13 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 23, 1898.

WAR REVENUE BILL.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. ALLISON. I move that the Senate proceed to the consideration of the revenue bill.

The VICE-PRESIDENT. The Senator from Iowa asks the Senate to proceed to the consideration of House bill 10100, to provide ways and means to meet war expenditures. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. MASON. Mr. President, I have waited a long time to present a matter of an amendment which I propose to the pending bill. During the time of waiting I have endeavored to brief the case, so that I may state it as quickly and as distinctly as possible. I am as anxious as any other member of the Senate to finish the consideration of the bill; and if I may have the attention of my colleagues, I will state the case involved in the amendment in a very short time. Without reading the amendment, which would take some little time, I will state the object and the necessity for it.

There is no civilized country in the world where the Government gives so little protection to the consumers of food and drink as in this country. I have no doubt that many will be surprised to learn, if they have time to hear me, that what is known as flour—common wheat flour—is subject to the most outrageous adulteration, and that from 75 to 80 per cent of the flour sold in the markets is adulterated flour. Some of it, to be sure, is adulterated by what is known as corn flour—the by-product of the glucose factory—and is not necessarily unhealthy or deleterious to the public health. It is, however, a fraud practiced upon the people who purchase and consume that flour as wheat flour. It is manufactured and sold in large quantities. I shall present to the Senate as briefly as possible the circulars and the evidence showing to what extent the flour is adulterated by this product. I do not claim that that adulteration is necessarily unhealthy.

There are, however, used as adulterants, which I shall show to the Senate, in the flour that 70,000,000 people eat many ingredients that are most unhealthful, and they are not only frauds upon the people, but the introduction and use of which puts a man, or ought to put him, under the shadow of the penitentiary.

I shall present to the Senate at the right time the circulars and advertisements of those distinguished Christian gentlemen who are selling hundreds of thousands of pounds of ground rock and ground white clay as adulterant for flour. I have samples, which I shall show at the proper time, of an article known as mineraline, which is sold in great quantities, and which is used not only to lighten the color of flour, but to add to its weight.

Mr. GALLINGER. Mineral what?

Mr. MASON. Mineraline. It is made of white clay.

Mr. HALE. What was the word the Senator used?

Mr. MASON. Mineraline.

Mr. WOLCOTT. "Ine."

Mr. MASON. "Ine," as though it were "mineral" and "ine." It is clay, manufactured largely, I think, in North Carolina, and is ground so that it resembles flour. I have some samples of it. I am here to make a frank statement. Without any desire to injure their business, I will say that I have used this blended flour made of wheat flour and corn, and I do not consider it unhealthful. I think it is fair to them to say that it is not absolutely unhealthful.

I believe it is not necessarily unhealthful. It is claimed by some of the evidence that has been taken before the Committee on Ways and Means that inasmuch as all of the life-giving power known as gluten is extracted from it, and the sugar is extracted, that it has no life-giving power, and that therefore it is deleterious to health. I do not make that claim, for I do not wish to do them an injustice. It is the natural product in a factory that consumes many thousands of bushels of corn daily in the State of Illinois. But as I am reminded by one of my colleagues, it contains sulphuric acid, and it is upon that basis that it is claimed it is deleterious to health.

The law of the question is perfectly plain. I have drawn my amendment placing this adulterated flour within the scope of the law exactly as oleomargarine was placed within the scope of the law. The bill itself, I should say to the members of the Senate, was drawn by the National Board of Trade; and it was brought in for the purpose, not of injuring any man's legitimate business, but for the purpose of giving notice to the people who consume flour of what they are buying when they buy it. I have taken the bill, and by direction of the Committee on Manufactures, of

which I have the honor to be chairman, and under the direction of that committee, I have offered it as an amendment to this bill. It is strictly and legally a revenue bill.

Of course the main object, to be perfectly frank, can not be for revenue, any more than the oleomargarine was solely and wholly for revenue purposes. The object of the bill was, as discussed, for the purpose of obtaining at least enough revenue to more than pay the additional expense; but the main object of the bill was, first, to protect the legitimate manufacturer of wheat flour, who does not sell corn with it, or clay, or rock; second, to increase the export of American flour, which we can do, for the export trade has very materially fallen off since it has become known that we are adulterating the flour that has heretofore been exported.

The third reason, and the principal reason, why I press the bill is that the ordinary consumer of flour (and it is the staff of life; it is one of the things that every man, woman, and child partakes of) ought to have a reasonable, fair Government protection. After it is developed that such an extraordinary and unnatural adulteration is taking place in the manufacture, they should have a fair chance to know what they are buying.

The bill as originally drawn was very strict and onerous. Instead of a moderate license, as in the oleomargarine law, it provided for a license fee of \$500. I have no disposition, nor had the committee from which I reported the bill as an amendment to the pending bill any disposition, to prevent the sale of blended flour, corn with wheat, but simply the disposition that when it is blended the purchaser who buys it shall have fair notice, as he does to-day when he goes to buy butter—he knows that he is not sold oleomargarine.

The question of law I hope I shall not have to discuss, although some of the distinguished Senators upon the other side have a certain fixed principle that the Government ought not to tax for the purpose of regulating. The question of ethics, of politics, may enter and be discussed, but the question of law has been settled by the Supreme Court of the United States, and I will refer Senators to the case, if any of you doubt the correctness of the proposition.

The Government has a perfect right to raise revenue; and having that right in the oleomargarine decisions, they had a right to raise revenue upon mixed butter or artificial butter. I think there is no complaint among the 70,000,000 people of the United States to-day that when they want oleomargarine they buy it. The tax does not add materially to its cost. I have reduced it from what seems like heavy taxation to a situation where it will produce not over possibly \$500,000 more than the extra cost. I have reduced the license fee in the bill which I have offered from \$500 to \$10. The House bill, I believe, reduced it to \$12.

The principal thing that I want to call the attention of the Senate to is this: I, or rather the committee that introduced the bill, define mixed flour to mean that food product made from wheat and mixed, blended, or compounded with ground corn or other foreign substance or with the manufactured product of any other grain than wheat.

Mr. President, if I might be allowed, I think perhaps it will take five or six minutes, I wish the Senate might hear the statement made by the men who represent the millers of the United States. Before the Committee on Manufactures we have had some millers who told us frankly that they used blended flour, but they were compelled to do it in order to compete with others in the same business. The proprietor of one mill at Kaskaskia, Ill., stated to me before the committee that he had absolutely abandoned his mill. He had a mill for the manufacture of wheat flour, but those who adulterated the flour with the use of corn flour, so called, were able by reason of the adulteration to so undersell him that he was obliged to close his mill.

This is the evidence taken on this case before the Committee on Ways and Means in the House. The hearings we have had before the Committee on Manufactures to get at the facts of the case we have had reduced to writing, and if I can be allowed about ten minutes I should like to have the millers' position stated, and I ask the Secretary to read this statement. It will not take to exceed that time.

I should state that this man, Mr. Augustine Gallagher, represents the millers' executive committee, also the Northwestern Winter Wheat Millers' Association, and he lives in St. Louis, Mo. There is a statement also by Mr. Cole, who represents the Southern Illinois Millers' Association. Both these statements were indorsed by Mr. Frank Barry, secretary of the Millers' National Association. I do not adopt, necessarily, all that is stated here, but so far as I now remember they have stated their case from the millers' standpoint, and I would be very thankful if Senators upon whom I depend to vote for this amendment will give it the attention which the position of those gentlemen seem to indicate they ought to have. The first is the statement of Mr. Gallagher, representing the National Millers' Association.

The Secretary read as follows:

MR. CHAIRMAN AND GENTLEMEN: I desire to speak in support of Senate bill No. 3027 and to offer some suggestions. It should be made plain at the outset that the industry I represent—wheat flour manufacturing—is not at all desirous of injuring any calling that appears to be, in the eyes of this committee and the bread eaters of this country, a legitimate business. In our advocacy of honest branding, exact weights, and a license for adulterators of wheat flour we aim no blow at any trade which is carried on legitimately. To emphasize this I wish to go on record as saying that American corn-mill products constitute the best breadstuffs in the world for their cost, which is less than one-third of the cost of wheat-mill products. Sold on their merits, corn-mill products, cornstarch always excepted, will command greater value than when used in the fraudulent manner now practiced, and there is no room to doubt that the demand for pure corn goods would, if honestly supplied, increase greatly.

Since corn milling has been brought to its present state of advancement, making the production of corn flour at a reasonable cost possible, but little effort has been made to dispose of it to consumers at its real value. On the contrary, as soon as it was demonstrated that it could be hidden from the unschooled in wheat flour, it was and has ever since been imposed upon flour consumers at about the value of wheat flour, constituting a fraud that has practically suspended pure wheat-flour milling in many sections and has cost the bread-eating public millions of dollars in overcharges.

This measure has been indorsed by the Winter Wheat Millers' League, the Southwestern Winter Wheat Millers' Association, the Millers' National Association, the Millers' State associations of Minnesota, Kansas, Missouri, Nebraska, Iowa, Illinois, Kentucky, Michigan, and Pennsylvania, by jobbers of flour throughout the country, and by a majority of the corn millers in the United States. In fact, it has been approved by everyone connected with the breadstuff trade except those profiting by the practice of adulteration.

The plea commonly made by those who practice the fraud and profit greatly by it, that adulterated flour gives satisfaction and that consumers know what they are getting, should go unheeded, for it is misrepresentation of the first order. It does not give that kind of satisfaction that pure wheat flour does and consumers do not know what they are buying when they get adulterated goods which are either not branded at all or are branded with a lie. Personal investigation in Southern markets, the chief field of operation of the adulterators, has proved to me that to brand flour "corn and wheat flour mixed" renders it practically unsalable, and I know numerous millers who endeavor to meet unscrupulous competition by employing adulterants, declaring the facts in words and by the branding of their goods, and failed to sell them.

Ask any man who appears before this committee in defense of the fraud if he brands his products so that consumers may know what they are buying, and remember his answer. Ask him also if he believes it is right to charge consumers at the rate of \$4.50 and \$5 per barrel for corn flour worth \$1.50 to \$2 per barrel, or for cornstarch which is worth less. That is exactly what they do when adulterators sell the mixtures complained of. I am informed that the corn-flour combinations and cornstarch trusts intend to oppose pure-flour legislation; that they will do the pious act and claim to be making the poor man's breadstuff, while at the same time passing as the friend of the corn producer. Their appearance here should be made a noteworthy event, as their explanation of a self-evident fraud will doubtless be unique.

I have told you that the poor man's breadstuff they make costs the unfortunate consumer about three times as much as it is worth; and I desire to add and to emphasize the fact that not an adulterator in the country will admit openly and freely to the consumer of his products that he is an adulterator. The reason is not far to seek. He is ashamed and afraid to confess his guilt, for it is a disgrace in the eyes of honest men. Moreover, you can not go into a board of trade, merchants' exchange, or chamber of commerce in the country and find the adulterants complained of on sale. There is no call for them where honorable commercial transactions are conducted, and even frauds would not be seen buying them if they were to be had in the open markets. If cornstarch is a breadstuff and if flourine is a breadstuff, why are they not quoted in the breadstuff markets of the country? I tell you they are worse than worthless when employed as breadstuff, because they injure the health of consumers. You will not find these adulterants quoted in any of the newspapers, trade journals, or price currents of the land, for the reasons I have given. People who deal in them do so under cover. They constitute the dark-lantern brigade of the breadstuff trade, and should be subject to the operations of a law that will protect the breadstuff of the land, and at the same time permit American millers to maintain the high standing which they have attained in the markets of the world.

It may be well to remind you that what I have said and may yet say has no reference to corn meal. Corn meal is a wholesome breadstuff. It is sold in the open markets of the country and is an honest mill product. It can not be successfully mixed with wheat flour because it can not be hidden. A mixture of wheat flour and corn meal would not injure the consumer thereof; but no one engages in the business of mixing these products for the reason that honest men sell each one on its merit, and frauds find in the operation no opportunity to victimize their customers, and there is therefore no incentive. It is a plain case. Only those who would play the part of swindlers undertake to defend the adulteration practice.

Ask the makers of the adulterants mentioned whether or not they are shipped from the factories or mills where produced under their rightful names to purchasers. Ask them, should they have the hardihood to come before you, if they do not continually falsify bills of lading in order to carry out organized and far-reaching deception which aims at the health and the purse of the people, demoralizing honest trade at home and scandalizing honest American millers abroad.

It is asserted by those in favor of unrestricted fraud in the breadstuff business that a law compelling honest branding of flour will work a hardship on corn growers. Gentlemen and honest men would be ashamed to make such an assertion. It is an insult to the toiling millions of honest corn producers in this country to assert that their welfare depends on fraud, and the slander against King Corn is shameful. Corn producers who have given this question consideration know that the adulteration practice has in no sense benefited them. While the combinations and trusts controlling the output of adulterants have arbitrarily advanced their prices, the price of corn has declined. This is a fact, also, that if half the flour produced in the United States should be adulterated the demand for corn would not be greatly increased, while the demand for wheat would be remarkably lessened. This is evident from the fact that this country produces more than four times as much corn as wheat. But even if a cent or two per bushel were added to the limited amount of corn demanded by adulterators—in comparison to the corn product of the country—the loss sustained by the displacement of wheat, which is of much greater value, would be in the nature of a calamity to wheat and corn producers, for it rarely happens in the corn belt that a wheat grower is not a corn grower also.

On an average this country produces more than 800,000,000 bushels of wheat, of which about three-quarters is made into flour. Of late years our export flour trade averages about 15,000,000 barrels annually, having been in a recent year more than 16,000,000 barrels.

In 1890 there were more than 16,000 mills in the United States, having a value of \$308,000,000. The flour mills of the country are distributed over thirty States and Territories, and besides, in their aggregate, constituting the most important manufacturing industry in the United States they form the most important commercial enterprises in the thousands of communities where located. Moreover, the export flour trade of the United States is one of the most important items of American commerce.

Depending for prosperity upon the welfare of the flour-milling industry are mill-building, mill-furnishing, coopers, and bag factories; in all, numbering several scores and having more than \$50,000,000 capital employed, besides giving employment to many thousands of workmen.

In comparison with the above figures, corn milling, which is relatively an important industry, amounts in value of products and capital invested to only a small fraction of the vast industry of wheat-flour milling and its allied industries. Of the whole corn-milling industry, only a small percentage of plants are devoted to the production of wheat-flour adulterants. But if it were true, as they say, and we deny, that honest branding would injure them, what great injury, from a commercial standpoint, would be done by the enactment of the proposed law? It seeks to protect a mighty and an honored industry that is a tremendous force in our national commercial life. It is opposed only by swindlers, not one of whom will, we believe, undertake to plead his cause before your honorable committee.

To prevent this fraud on the pure wheat flour—the staff of life—ask the law-makers of the land to enact a bill which shall compel the honest branding of flour. They want no favors, but ask in fairness and justice for the protection against lawlessness that all good citizens should enjoy. They believe that the consumer should by law be guaranteed the right to know what he is buying for bread, and we ask you to deal with the question accordingly. If there were no question of fraud in the issue before us, I feel that the request of the honest members of the most extensive manufacturing industry of the United States should not be considered unreasonable or demanding too much, but is doubly justified when the evils they hope to abate are considered.

Give us a law that will compel mixers of wheat flour and flours made from other grain than wheat to brand such mixtures truthfully, declaring not only the ingredients, but the percentage of each; charge them sufficiently for licenses and tax mixtures enough to defray the expenses of the law's enforcement, and make the penalty for violations one that will be remembered. Compel them also to inclose within every package of adulterated flour, for the enlightenment and benefit of consumers, a card repeating the information given by the brand on the outside, and to declare, both in the wording of the brand and the card inside the package, the true weight of the contents thereof, and forbid the use of cornstarch in breadstuffs.

It is rather disheartening to pause and consider that it is necessary to come before your honorable body and seek relief from such evils as those described at the hands of fellow-citizens, yet more astonishing is the assurance that they will endeavor, by misrepresentation, sophistry, and other arts known only to dishonest tradesmen, to defeat any and all such legislation as is proposed for honest branding and honest weights of breadstuffs. They are employing a propaganda for the purpose of preying upon uninformed corn growers, reciting claims they would not dare to make before a body of men trained to the discernment of facts. For this reason we want them to come out into the open, as it were, and defend their trade, if they can. Our case will be presented to you by men engaged in conducting and promoting the pure-flour trade, for which the United States has earned a fair name. It would please us to have the makers and users of adulterants themselves come before your honorable committee and state their case, and in order that you may invite them to do so, we will furnish your committee the names and addresses of the leaders. We assure you that our case will thus be greatly benefited by the enemy.

Since the practice of adulteration has been in vogue our competitors in all foreign markets have made the most of our misfortune and are industriously circulating our tale of woe, always with the object of discrediting American flour. That the American flour trade abroad will suffer great loss is certain unless governmental aid in regulating the business is speedily forthcoming. The great loss being sustained at home by reason of idle mills renders prompt attention and action necessary.

An estimate of the amount of flour adulterated during the past year in the United States is difficult to make—that is, it is hard to get at the maximum amount—but information procured by the Millers' Executive Committee, based on the known operations of millers, flour dealers, and wholesale grocers engaged in adulterating, shows that not less than 4,000,000 barrels were fraudulently sold to consumers in Southern, Central, and Western States in 1897.

By far the greater part of this was disposed of in the Southeast; that is, south of the Ohio and east of the Mississippi rivers. Thus adulterated, the flour was put into the retail trade at from 95 to 97½ per cent of the actual value of pure wheat flour. To produce the adulterated product costs from 75 to 85 per cent of the value of pure wheat flour. The gain made by adulteration was mainly the profit of the adulterators; yet, as shown, retail dealers were furnished the adulterated article for a shade less than they would have had to pay for pure wheat flour, but consumers were allowed to share very lightly, if at all, as to price, in the benefits of the fraud. As to quality they were victimized, while millers of and dealers in pure wheat flour, unable to sell their goods for less than cost, had to abandon all markets entered by the adulterators. The condition of trade in the sections mentioned is even worse now than during the period described.

It is this kind of swindling we wish to have abolished. It can not be done by State legislation. That has been tried, and is a failure because nearly all of the breadstuff business of the country is in the nature of interstate traffic. We do not ask that a tax be placed on corn flour or any other cereal product fit for bread if sold on its merits, but cornstarch should be taxed out of the breadstuff field if possible, and "mixers'" licenses and tax should be made to yield sufficient revenue for the enforcement of the proposed law.

Having made what may be considered in the nature of an explanation of the aims and wishes of pure-flour millers, I now desire to call your attention to some scientific facts relative to breadstuffs. The value of a breadstuff is chiefly determined by the amount of gluten it contains. The more of that nutriment and the less of starch a flour contains, the better it is for human food.

In this conclusion all investigators agree. It will be apparent, therefore, how inferior corn flour is to wheat flour when I assure you that the highest percentage of gluten analysis it has even shown was 6.90, varying from that down to 3 per cent, while wheat flour, such as produced east of the Rocky Mountains, in the United States, contains from 34 to 45 per cent of gluten. The ingredient that predominates in corn flour is starch, so that it will be seen that when wheat flour is adulterated with a large percentage of starch, the percentage of gluten is correspondingly reduced, and the unhealthfulness of the flour is procured.

Eminent authorities agree that wheat flour pure contains a little too much starch to constitute a perfect food; wherefore, the addition of a large percentage of starch renders it a very imperfect food. Such breadstuff is unnatural, and, if eaten continually, is conducive to corpulency and the ill

resultant. The adulteration of wheat flour with cornstarch makes a very dangerous mixture, the ill effects of which are far-reaching. This does not apply to corn meal, which is a healthy food, but to the starch product of the corn grain. With very few exceptions, all of the fruits and vegetables eaten by man contain starch, and many of them, potatoes for instance, large quantities. It seems plain, therefore, that an unnatural starch diet, violent in extent, is dangerous to the public health.

Gluten lightens bread and renders it not only more nutritious but more digestible, and wheat is the only grain that contains gluten in any considerable quantity. Adding starch means the taking away of gluten, and this is being done in some quarters at an alarming rate. But recently a St. Louis firm received an order for flour "like a sample" forwarded from a city in Georgia. After examining the sample the order was declined and a letter, stating that the sample was at least half corn flour, sent with the declination. Soon the order was returned, renewed, together with the statement that the sender did not doubt that there was 50 per cent of corn flour in the sample, adding: "We can sell it and want more like it."

At that rate of adulteration, 100 pounds of pure wheat flour and 100 pounds corn flour mixed would contain only about 25 per cent of gluten, or a little more than half the average of American hard-wheat flour; yet such mixtures command about 95 per cent of the value of pure wheat flours. "Pure wheat flour is the only breadstuff that will make a properly aerated loaf," says Professor Goodfellow, the eminent English scientist, and other competent authorities agree with him.

However, what we want, and what all this talk is about, is a law that will guarantee the consumer in what he buys. If starch, let it be so branded. If corn flour, say so. If a mixture, tell the truth about it. What we ask implies an injury to no honest man, and we have faith that our appeal will not be in vain.

Respectfully,

AUGUSTINE GALLAGHER,

Representing the Millers' Executive Committee,
also the Southwestern Winter-Wheat Millers' Association, St. Louis, Mo.

Mr. MASON. I also ask to have read a communication from C. B. Cole, representing the Southern Illinois Millers' Association, which is also indorsed by Frank Barry, of the Millers' National Association.

The Secretary read as follows:

Mr. CHAIRMAN AND GENTLEMEN: While the adulteration of wheat flour with corn products has been practiced in a small and quiet way for years, it is only within the past two years or so that it has become general, induced by the very wide difference in price between wheat and corn. Now, however, it has become so general that all mills, especially those doing business in the South, are compelled to do it or go out of the business. The legitimate manufacture of flour from wheat is paralyzed, and even those who are mixing are compelled to add more and more of the adulterant to meet the reduced price and competition, and are to-day among the most pronounced in denouncing the practice.

Whether the bogus flour is exported or not, the very fact that it is used so largely in this country must cast a suspicion on our flour that must result in great damage to the industry. With the loss of this trade, amounting to about 16 per cent of our production, a very large proportion of the mills must go out of business. Congress has it in its power to remedy this by passing such a law as will advertise to the world that at least one article of food we make and offer to foreign countries is pure, and that article is the "staff of life."

To refuse to do this will put a stop to all efforts to secure reciprocity treaties on flour whereby we hope to increase the sale of flour 4,000,000 to 5,000,000 barrels per year, thereby increasing our exports to the amount of \$15,000,000 to \$20,000,000 per year.

It is claimed by the corn and starch manufacturers that this will tax them. This is not true, as it is only the mixtures that would be taxed, and they should be taxed out of existence or the compound sold for what it is.

The adulteration of so important an article as wheat flour with an article that requires a chemical analysis to detect it should certainly be stopped, especially when so large a proportion of the consumers are so poor and so ignorant as to be helpless in protecting themselves unaided by the Government.

But, aside from any other consideration, there is a moral question involved. It is safe to say that almost every miller practicing this fraud has been driven to it, not from choice, but for self-preservation, and those who have held out so far will be compelled to do it in the future or get out of business.

Refuse to pass this law, and it serves notice to the world that our flour is a fraud and that Congress refuses to make it what it has always been heretofore—the best in the world; and when foreign countries refuse to buy it, or prohibit its importation—as they have repeatedly done with other articles of ours for much less cause—we will have only ourselves to blame and can not claim it is retaliation.

Respectfully,

C. B. COLE,

Representing the Southern Illinois Millers' Association.

Mr. MASON. Mr. President, complaint has been made from certain directions that I, representing a corn State, the State of Illinois, should in any way favor legislation which would seem to abridge or cut off the sale of the product of corn. Illinois is a corn State, and any legitimate thing that could be done to increase the sale of that most healthful food product the farmers of Illinois would be in favor of, but those of the farmers of Illinois with whom I am acquainted believe in fair play, and while they would like to sell their lard and tallow, they have not been in favor of selling it for butter. It was at the request of the dairy farmers of the country and with the absolute assistance of all the farmers and the agricultural districts that we were enabled to write upon the statute books a law marking oleomargarine or artificial butter for what it actually is.

The farmers of Illinois, as I believe, do not ask to sell their corn for wheat. I represent them here, as I understand, when I say that the products of the farm should be treated as the products of the factory, and sold for what they are.

I believe if this amendment be adopted, and it can be demonstrated that corn flour, so called, is not deleterious to health, as it is claimed in the case of some oleomargarine, that a large market can be had. The export trade, it is shown by these letters, has been almost cut in two; that 50 per cent of our export trade has

been lost since it has been known to the people of the Old World that we are selling for wheat flour an adulterated article.

I have had my attention called to a certain affidavit, and request that it go into the RECORD, which was produced before the Committee on Ways and Means of the House of Representatives. It is very short, and I should like to have it go in now. The affidavit shows just how this corn flour is made and how sulphuric acid seems to be a part of its make-up.

The VICE-PRESIDENT. Without objection, the paper referred to will be printed in the RECORD.

Mr. MASON. I think, Mr. President, in order that those who are interested in the matter may understand it, I should like to have it read. It is very short, and I should like to show to Senators just how this sulphuric acid gets into this article which is used as an adulterant for wheat flour.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

CHEMICAL ANALYSES.

I, Frank W. Powers, was for two and one-half years head miller in a glucose mill, much of the product of which was dry starch made of corn. The daily capacity of that mill was 200 barrels, made of the lowest grades of corn to be obtained. It was quite common to use heated and otherwise unsound corn. I have often seen corn come into the mill in such bad condition that it had to be dug out of cars with picks, shoveling being out of the question.

The drawing shown on the attached sheet will serve as a rough illustration of the system of preparation the corn grain undergoes before milling. "A" is a pump, which forces pure air through a pipe marked "D" into "B," which is a sulphur kiln (lined with fire brick, used for burning sulphur), where the air is impregnated with sulphur fumes and then driven through the pipe marked "E" into "C," which is a tank known as the "steep," which is filled with corn grain immersed in hot water. The application of water serves to moisten the grain, so as to permit the sulphur fumes to thoroughly penetrate it.

The object of this is to loosen the bran and germ and separate the starch cells; also to bleach the starch, this latter being rendered necessary by the use of yellow, red, mixed, and generally impure corn. After the fumes leave the kiln B, coming in contact with hot water in tank C, sulphuric acid is produced, rendering the use of brass pipes necessary, the destructiveness of the acid making the use of any other metal impracticable, as the acid would eat through them in a few days. The acid is so powerful and dangerous that wherever it touches the skin violent eruptions follow, and when it comes into contact with clothing the same is burned as though with coals of fire.

Leaving the tank C, the charged grain passes to a millstone, where it is crushed to a pulp. It then goes, without purification, to separating sieves, which scalp off the bran, leaving the starch in semiliquid form. After settling, the starch is dried and pulverized and is put into the markets, thus charged with the sulphuric acid mentioned.

My own experience and observations are that the health of workmen engaged in the manufacture of starch by the process described can not fail to be seriously impaired. This evil effect extends to the packers, who have no hand in the production of the starch. The injury to health in their case is from inhalation of starch dust poisoned as described, clearly indicating that the handlers as well as consumers of this product endanger their health by contact with the same or its use. I sincerely believe that the use of corn-starch thus produced as human food is a serious menace to the public health.

FRANK W. POWERS.

Subscribed and sworn to before me this 25th day of February, 1898.

[SEAL.]

A. L. ABBOTT, Notary Public.

Mr. MASON. Mr. President, as before stated, there may be a complete answer to this on behalf of those who manufacture starch. It is spoken of, and I have spoken of it, as corn flour. That is the term by which it is called and sold, but, as a matter of fact, it is not corn flour. The life-giving process of corn is extracted. The affidavit just read indicates the presence of sulphuric acid in this thing which is sold by the barrel to hundreds of thousands and millions of people in this country.

A test was made by a member of the House of Representatives, using simply litmus paper, and a small amount of this so-called cornstarch flour on that paper turned to the color of red, indicating, so I am informed—although I am not a chemist—beyond any question, in the minds of chemists the presence of sulphuric acid in the flour itself.

If that is true, and if there is no complete answer to it, then, possibly, the article ought to be prohibited altogether, the same as I would propose to prohibit the use of white clay or ground stone in flour. But whatever the truth or falsity may be as to that, people may judge for themselves if they are given timely notice of what they are buying. Under the present law you go to buy a pound of butter and you have a moral certainty that you are buying butter, and not lard or tallow; because under the law of the United States there have been almost no violations of the law at all, or at least but very few cases. It has been found to be more profitable to obey the law. Many thousands of people believe that it is perfectly healthy to use oleomargarine, and they buy it on account of its being cheaper than butter. But the consumers, the ordinary people, who go and buy and consume it, they and their families are given notice of what they are buying; and I ask the Senate of the United States to give these 70,000,000 people the same notice when they buy the staff of life, which all men, women, and children eat, that we give to those who consume butter.

To show the widespread demand for this legislation, I have here petitions which have been referred to the Committee on Manufactures, of which I have the honor to be chairman, from almost every State in the Union. I have a large number of petitions in my

hand. [Exhibiting.] I do not know the number of signers, but in all there are probably 40 or 50 petitions from the State of Massachusetts alone, presented by the senior Senator from that State [Mr. HOAR].

Mr. GALLINGER. Will the Senator permit me?

Mr. MASON. Yes.

Mr. GALLINGER. Has the Committee on Manufactures reported a bill covering this matter, and is it on the Calendar?

Mr. MASON. It is not on the Calendar, and it has not been formally reported as a bill for this reason: Those who wish to defeat this legislation saw at a glance, as I saw, that this was a revenue measure, and as it is nominally a revenue measure it could not originate, under the Constitution, in this body. Therefore there was no way for this body to act unless the Committee on Finance adopted this bill as an amendment to the pending revenue measure.

I will say to the Senator from New Hampshire now that unless we give the people this relief or protection in this bill we shall have no further chance to give it unless some other revenue bill shall come from the House of Representatives again, to which we can offer it as an amendment, and by that means give the people protection.

Mr. GALLINGER. If the Senator will permit me, I am very greatly interested in this matter, and will very cordially support this proposition to have pure flour. I think it is a great outrage upon the people of this country that they should be imposed upon by adulterated flour. I will ask the Senator whether this matter has been or is now before the House of Representatives by bill?

Mr. MASON. It is before the Committee on Ways and Means of the House of Representatives, and has been discussed there.

Mr. GALLINGER. But has not been reported?

Mr. MASON. But no effort, as I am informed, has been made there to introduce it as a part of this war revenue bill. I saw, I thought, an opportunity in this revenue bill, without taking a great deal of time, to produce a little revenue and at the same time have legislation which may originate in the Senate by being a legitimate amendment, which is germane to the subject, and to be made a part of this war revenue bill. Therefore the Committee on Manufactures, instead of instructing me to report it to the Senate as a separate bill, which would be subject to a point of order and have been of no avail, instructed me to report it not as a revenue bill originating in the Senate, but as an amendment to the war revenue bill; and I did so.

I have presented the amendment to the Committee on Finance. The committee has been unable, however, on account of the very great pressure of other matters, to give me more than two or three minutes, during which I could not present it fairly to the committee. I do not know whether the committee intend to recommend it as a committee amendment or not. I have not been informed by the chairman. I do not know whether they will take a vote on the question or not. I intend to have it voted upon in the Senate when it shall be in order; and I am informed by the chairman of the committee—and I am glad to know it—that when the vote is taken upon the other amendments, I may have an opportunity of securing a vote upon this amendment.

I was showing to the Senate, Mr. President, a large number of petitions directly calling attention to this particular bill against adulterated flour. I have a number here from the State of Missouri; here are more from the State of Minnesota; here are some from the State of Connecticut, introduced by the senior Senator from Connecticut [Mr. HAWLEY]—no less than perhaps a dozen different petitions from that State—asking that this Congress take some action to prevent the continued adulteration of flour; and, as stated, clearly there is no other way the Government can reach it except by the policy adopted in the oleomargarine law.

Here are petitions from the State of Missouri, which I shall later insert in the RECORD. Then I have petitions from the State of Indiana. Here [exhibiting] is a petition and a letter directly in regard to the adulteration of wheat flour, which was referred to the committee by the junior Senator from Indiana [Mr. FAIRBANKS]. Here are petitions from Nebraska, introduced and referred to the committee by the senior Senator from Nebraska [Mr. ALLEN], praying for the passage of this bill when it was a bill, and not as an amendment to the present revenue bill. I have also petitions here from New York, from Tennessee, from Kentucky, more from Massachusetts, introduced by the junior Senator [Mr. LODGE], another petition of citizens of Jasper County, favoring the passage of a bill in regard to branding flour and other products. That was introduced by the senior Senator from Missouri. Here are others from Minnesota.

I will just take one moment to put into the RECORD a petition from the State of Illinois, presented by the senior Senator, my colleague [Mr. CULLOM]. No less than twenty-five or thirty were referred to the committee, but most of them, in fact practically all, are from the Order of Patrons of Husbandry of the State of Illinois, petitioning the Congress of the United States to enact

such legislation at the earliest practicable moment as will secure the people of the country protection against the use of adulterated food products. These petitions from Illinois which were presented by my colleague do not directly call attention to the bill directed against the adulteration of flour, but certainly flour is a staple food product, and certainly the use not of corn meal, not corn flour, not fairly cornstarch, but the by-products of corn after there has been extracted from it everything but the starch, falls within that against which the petitioners ask protection.

I have here in the committee report an analysis showing what it contains, and practically everything is extracted except the starch. There are some petitions from Tennessee and from Missouri. The petition which I hold in my hand from Missouri calls attention to the proposed legislation to prohibit the adulteration of flour. It contains many letters from prominent business men and millers.

It will be said, and truthfully said, that the millers of the country are those seeking protection. I know no reason why they should not have fair protection. If a miller is making and is willing to make honest wheat flour, he ought not to be driven out of business, as they have been and are being driven out of business, by those who are wholly unmindful of everything except themselves, and who adulterate flour and thereby undersell. As a matter of fact, you can buy a hundred pounds of flour very nearly as cheaply as you can buy a hundred pounds of wheat to-day, for the simple reason that the flour is adulterated in the way I have described.

I have not tabulated these petitions, but I think that certainly more than one-half of the States have petitioned Congress to pass the bill. There is no item in the revenue bill to-day that interests so many people as this proposition to regulate adulterated flour, so that the consumer may know what he is purchasing; and if my friends on the other side, with one or two of whom I have talked, insist that it is not a part of the province of the Government of the United States to regulate the manufacture, my complete answer is that the Government of the United States adopted that policy in the oleomargarine act and that the constitutional question was raised by those who manufactured artificial butter and it was decided in the courts all the way to the Supreme Court, and the Supreme Court held that, being a revenue measure, it was constitutional.

I can not state from memory the full text of the decision. If any gentleman questions it, I will produce the opinion by the Supreme Court, which settled for all time the right of the Government, and there is no other way in which you can do it. The hard-tack which is being sold to the Government of the United States for its soldiers is made out of wheat and adulterated flour and sold to the Government as flour, and I am informed, and I believe I can prove to the Senate, that not only is it adulterated by sulphuric acid artificial flour, but by clay—mineraline, so called—and the Government contracts are being filled in that way. Why should they not be? Why should they not sell to the Government since they are selling to the people of the Government the earth called mineraline?

There may be those who think that clay eating is healthful, but whether it is healthful or not, I, as a consumer, ought to have a right to know whether I am buying wheat flour or clay, and the Senate of the United States has it absolutely in its power, by the passage of this amendment, for the benefit of the women and children and those poor people who have not the money to hire an expert to analyze the contents of the flour barrel, to say to the men who are selling to the consumers of flour ground rock and ground clay that they must go out of that business.

Now, whom can it injure? Will those who believe in adulterated flour tell me who will be injured by the passage of this amendment? We have given great care to it. We have simply applied the law of oleomargarine to it, compelling stamping. We have reduced it so that it can not increase the price. The committee recommended that I put only 1 cent on 50 pounds and every fraction, so that a barrel of flour will take but a 4-cent stamp; and yet upon any estimate made that will pay five or six hundred thousand dollars more than the additional cost of levying and collecting it. Whom does it injure? Possibly the glucose manufacturer; but let the glucose manufacturer sell his goods for what they are. It makes little difference to me whether the glucose manufacturers live in Chicago or New York. There may be one glucose factory in Chicago, but there are 2,000,000 people there and they have a right to know, when they go to the shop to buy wheat flour and pay for it, that the mixer or manufacturer is not lying to them and playing a common confidence game and selling them something less valuable, simply because it looks like wheat.

Whom can it injure? It injures the mill that grinds rock that is being sold to adulterate flour. I propose to put into the RECORD, before I close, although I have not the papers and samples with me, so that Senators can see for themselves, the advertisements and circular letters of the men who say, "We send you this

product. It is called mineraline; it is made of clay. We show you how to mix it with flour. For a high grade of flour you can put in about 18 per cent of clay and you can not detect it with the naked eye, and it takes a chemist, and a good chemist, to analyze and say how much clay there is in it. But for the poorer grades of flour you can put in from 25 to 80 per cent of the clay." It injures these distinguished Christian gentlemen, if you pass this amendment—the men who are selling as wheat these products.

If there is a gentleman from the South who can support that plan, I want to call his attention to the fact that it is in the South where this stuff is principally sold, according to their own circular letters. They notify their customers that they can work it on the South, because down South you judge flour by its color, and the more sulphuric acid you put into it the whiter it becomes; and so the South is the great market for it.

Here is one of the circular letters sent out by those who manufacture corn flour, so called:

For all Southern trade flourine is used very extensively, as all flours are judged by their colors, enabling the miller to produce whiter flour and meet competition by using our product.

Mr. President, I think I have covered the ground. Again, I call attention that I ask the right to make a synopsis of the petitions from the different States, if I think best, to add to my remarks, and if necessary the names of the Senators who have presented the petitions, which were referred to the Committee on Manufactures, asking for this legislation against adulterated flour.

Now, all I have to say in conclusion, and I think it will cover the subject, unless there should be a discussion upon the legal phase, is that we have boiled the amendment down. We have followed the law as to oleomargarine. Upon the question of affixing stamps we have applied the law in regard to tobacco and snuff. We have made it so that the total expense to the man who mixes flour is only \$10 for the license and only 4 cents on the barrel, 1 cent on 50 pounds or any fraction. We have simply followed the law which has been passed upon by the Supreme Court of the United States.

Seventy million people like to know what they are buying and like to be assisted in keeping the dealer from cheating them when they buy food products for their families. Seventy million people ought to favor this amendment, and if there is any Senator who intends to vote against it on any ground except upon some political ground, some rock-rooted principle that the Government ought not to interfere in matters of this kind, I refer him to the decision of the Supreme Court and the fixed policy of the Government to assist the States in protecting the consumers of food products from those who simply adulterate and sell nothing for something, who assist in the common business of cheating, and who in some cases, as I have shown, do much worse than that by putting upon the public an adulterated article which is not only a fraud upon the consumer, but absolutely deleterious and dangerous to public health.

Mr. President, I confidently expect to have the amendment adopted by this body, and I shall reserve any further remarks I have to make until I hear from some gentleman who believes that by reason of some political fiction, by reason of some strained construction of the Constitution, in violation of the opinion of the Supreme Court, the few ought to be assisted in cheating the many. Until I hear a reason given by some one who favors a system of adulteration and fraud, I shall content myself to wait for the vote upon the question.

Mr. LODGE. Mr. President, as I have no desire to speak behind closed doors this morning, I shall not call up the amendment which I offered on Friday last. I had intended to use the subject of that amendment merely as an illustration of an argument which I desire to make. I shall dispense with the illustration, if it is to condemn me to a secret legislative session, and make the argument, which contains nothing, so far as I am aware, that would require closed doors even under the narrowest construction of our rules.

My service in Congress, Mr. President, has not been very long, but I have served now some eleven years in both branches of Congress, and in that time I have been able to observe and understand, I think, the rule and power of a minority.

In the Fifty-first Congress I had the honor to be a very obscure member of the party which, under bold and admirable leadership, reformed the House rules. The House of Representatives had then fallen into a condition where it was unable practically to do business, and that reform of the rules, one of the greatest reforms in our system of parliamentary government that has been seen, was carried through very largely, if not wholly, on the great principle that in this country the majority ought to rule, and that an American House of Representatives which was unable to do business, except at the will of a minority, was a travesty on American Government; that is, the proposition was that a majority ought to have a right to act upon any question they desired, whether favorable or unfavorable. That reform, as I have said, was carried out. It made a great stir and excitement at the time.

After the storm had passed, the wisdom of it was fully seen. It was approved by the courts and by the people.

But it seems, Mr. President, that systems are stronger than reforms and than man. The new system contains the old principle. The minority has been changed, but it is still the minority that rules. It is now a minority selected by a majority at the start, instead of a fortuitous group, but the principle of minority rule is unchanged. In this body, where there has never been any change in the rules, it is also well known that unless under exceptional circumstances, unless there is a great popular demand or a very overwhelming majority, a determined minority can prevent action on a given matter of legislation.

Mr. President, if we assume for a moment that there is a measure which has been twice urged by the President in a message, that the Administration is known to desire it, and a majority in both Houses desire it also, and if under those circumstances we are unable to have a vote upon that measure in either House, nothing remains to the members of a helpless majority but to utter their protest. Even that privilege has been taken away elsewhere. But here in the Senate it is still possible for a member of the helpless majority to say at least what he thinks ought to be done, and to call the attention of the country, so far as one feeble voice may be able to do so, to the situation that exists. If such a situation as I have described exists, then it is desirable that the country at this period of war should know it. It is for this reason that I have taken the floor.

Some Senators were prompt to criticize me for the amendment I introduced, apparently with the idea that I intended to block and to obstruct the war revenue bill now before the Senate. Mr. President, I have never, to my knowledge, attempted to obstruct legislation in this body. I have no intention of trying to obstruct this great bill now, either by amendment or by speech, but I do think that the situation is such as to deserve a few moments of discussion. I believe that we ought to pass not only the war revenue bill as a war measure, but every other war measure that the Administration desires, every other measure which it regards as a military necessity. I for one am not ready to vote to adjourn until all the measures necessary for the prosecution of the war or thought necessary by the Administration have been acted upon by Congress.

The President of the United States is charged with the great responsibility of war. In his hands are the war powers of the Constitution. If a helpless majority in the two Houses of Congress are unable to give him in certain directions the legislation he needs, he can employ the war powers. If he does employ them, he will be justified and applauded by the entire country. But, Mr. President, such action will elevate the executive power still higher in the public mind. It will lower the legislative power in the public mind. This has been a deplorable tendency of late years. It is one that I certainly do not desire to see accentuated, and yet if Congress does not perform its whole duty, that is the position in which it is likely to find itself, and it is to its own prestige and its own standing that it will administer the blow.

The President is charged with the conduct of the war. The glory falls to him of successful war and triumphant peace, and on him rests also the heavy responsibility. If disaster comes, whether he be innocent or not of the disaster, whether it is owing to his plans being mistaken or not, it is on him it will fall, and therefore he has the right to ask of Congress the prompt support of every measure which in his judgment and that of his advisers is necessary to the conduct of the war, and until he receives from Congress every aid he can fairly demand, Congress should not adjourn. Until the Administration is ready to say, and does say, that the President does not desire the further presence of Congress in session, it seems to me it is our plain duty to stay here, in order to pass the measures he may desire and give him all the assistance he needs. When he has received all the measures he thinks the military necessity of the times may demand, when he feels that there is no longer need of the presence of Congress, he can signify it to us.

Mr. President, far more important to my mind than the amendment which I have not been able to use as an illustration is the question of adjournment. I for one, anxious as I personally am to leave Washington and return to my home, will never give a vote for adjournment, and I am against the policy that seeks to hasten an adjournment, until the President has received every measure he asks and until in his judgment it is fitting and proper that Congress should retire.

Mr. President, the existing conditions which have led me to make this statement, which would have led me, could I have had the freedom to do so, to discuss the amendment I offered Friday, I desire very briefly to describe. At the end of April the President ordered the Asiatic Squadron to attack the Spanish fleet, to capture and destroy it.

Mr. TURPIE. I ask the honorable Senator from Massachusetts whether he means to discuss the subject-matter of his amendment?

Mr. LODGE. I have already stated that I did not, and I have not alluded to it. I do not think Admiral Dewey's victory, about which I am about to speak, is a subject for executive session.

Mr. TURPIE. No; but—

Mr. LODGE. I have not mentioned the Hawaiian Islands, and I do not propose to do so, if that is what the Senator means.

Mr. TURPIE. That is what I mean. Under that construction of the—

Mr. LODGE. I stated at the beginning that I did not intend to allude to the subject-matter of my amendment. I do not intend to discuss it, but I propose to discuss the general aspect of the war, and that I think I have a right to do.

Mr. WHITE. I desire to refer the distinguished Senator from Massachusetts to the proposition that some time ago, when the general subject-matter of the war was to be discussed, we were remanded to the executive-session provision of the rules; and what is fair for one is fair for another. There may be an omission of a name, and yet the whole subject may be discussed. I am perfectly willing to discuss the Hawaiian question in the open, and have tried to do so very often. Having been denied that right, those of us who have certain views upon the topic will insist that anything relating to that subject shall be discussed in secret session, unless we are allowed throughout to debate the matter in the open, a debate from which we have never in any way shrunk and which has been forced into privacy by the vote of the Senate.

Mr. LODGE. I thought I explained when I began that I had desired to use the subject-matter of my amendment as an illustration of the argument I was about to make. I understood that if I did we would be put into secret legislative session. The argument that I desired to make seemed to me important. The Hawaiian matter I wanted to use simply as an illustration. I do not propose to discuss the matter of Hawaiian annexation. I do not propose to make any argument upon it. I propose simply to discuss the existing military situation, not future events, but past events, and where those past events have left us. I have not yet said one word that has gone in the least into any diplomatic or international question. I do not intend to do so if I can possibly avoid it.

The name of Hawaii would not have crossed my lips if Senators on the other side had not asked the questions. I did not intend to allude to the islands. The subject of Admiral Dewey's victory and the necessity of supporting him are open questions. That is the past. He is in Manila. That is a fair subject for public discussion, and that is all I had started to speak of. I do not know why Senators start in alarm when I mention the Asiatic Squadron. That is far remote from Hawaii.

Mr. WHITE. I wish to correct the Senator from Massachusetts if he thinks that I started in alarm at anything he said to-day or may say at any future time.

Mr. LODGE. I am glad the Senator is so full of courage.

Mr. WHITE. It would not require very much courage to make that remark.

Mr. LODGE. No; I think not. The Senator, I am sorry to see, seems annoyed, but I did not intend to be annoying.

I was beginning to speak of the Asiatic Squadron. At the end of April that squadron was sent with orders to capture and destroy the Spanish fleet. How that order was obeyed the world knows. Admiral Dewey descended on Manila and swept the Spanish fleet out of existence. As brilliant in conception as Aboukir and even more complete in its execution and results, that victory is one of the great naval actions of the century. We have to go back as far as Trafalgar to find one equally perfect in execution, more vast in its results. There he was sent by the orders of the President to make this attack; a wise attack, Mr. President, for it is not alone necessary in war to defend; it is also necessary, if we would have peace, to attack. The attack on Spain's most valuable possession was the quickest road to a victorious peace. There, then, was the American admiral, with his victorious fleet, and Manila helpless under his guns. It is all important to support him.

If, Mr. President, anything should befall Admiral Dewey, if any adverse fortune should come to him and to his fleet after their great victory, the American people would never forgive the Administration or the Congress under whom it happened. They would feel as the English people felt after the death of Gordon because no relief came to him at Khartoum. The President of the United States has sent a war ship, the *Charleston*, to Manila. He has sent 2,500 men. Seven thousand more are even now getting ready. They will go in a few days. They will be followed by the great armored ship, the *Monterey*. One of the best of American generals has been appointed to command. All these things are wise, prudent, and pave the way to peace, triumphant peace, for the United States.

However, Mr. President, I may stand alone in my conception, but I believe, and I have believed from the beginning, that Admiral Dewey and his fleet were in a real and especial danger

despite the distance from Spain, and that the President was wholly justified in his strong and admirable policy of supporting him.

Mr. TURPIE. Mr. President, I have listened to these remarks for some time, if the honorable Senator will allow me, and I do not think they are such remarks as ought to be made public. I move that the Senate proceed to the consideration of this subject in secret legislative session.

The VICE-PRESIDENT. Is the motion seconded?

Mr. COCKRELL. I second the motion.

The VICE-PRESIDENT. According to Rule XXXV, the Chair is obliged to direct that the galleries be cleared and the doors closed.

The Senate thereupon proceeded to deliberate with closed doors; and after two hours and fifty-three minutes spent in secret session, the doors were reopened.

Mr. ALDRICH. I ask that the pending question be stated.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The pending question will be stated by the Secretary.

The SECRETARY. The pending question is the amendment of the Senator from Minnesota [Mr. NELSON] to the amendment offered by the Senator from Maryland [Mr. GORMAN], in line 5, page 2, of the amendment, to strike out "one-half" and insert "one-fourth."

Mr. PETTIGREW. I wish to offer an amendment to the bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. That order will be made. Is the Senate ready for the question on the amendment of the Senator from Minnesota to the amendment of the Senator from Maryland?

Mr. ELKINS. Mr. President, I wish to call the attention of the committee to the stamp-tax feature of the pending bill. I believe it provides that every receipt shall be stamped. On the pay rolls of large concerns, where there are two or three thousand names, there would be required opposite every name signing the pay roll a 1-cent stamp. This would be awkward and burdensome apart from the expense. I wish the committee would consent, or consider, at least, whether it would not be better to strike out this provision of the stamp tax.

Where large sums are paid to employees by checks the tax would be 2 cents. I do not oppose the 2-cent stamp on the bank checks, but I do oppose the 1-cent stamp tax on receipts in large business corporations where there are a great many employees who simply sign the pay rolls. Another thing I think objectionable is the tax on the deposits of banks. It is a tax imposed on the debts of banks, and perhaps multiplied, as shown by the Senator from Colorado [Mr. WOLCOTT] on Saturday last, two or three times. According to the bank statement of the associated banks of New York, there were last Saturday about \$700,000,000 of deposits. The reserve held against this sum was about \$230,000,000, leaving \$70,000,000 more money in the way of deposits than the reserve called for; that is, than the law requires.

Now, on this \$70,000,000 of unused deposits there is a tax of one-fourth of 1 per cent, which adds to the banks an expense estimated at about three-tenths of 1 per cent. On this \$70,000,000 over and above the required reserve under the law the banks would be required by the bill to pay taxes. The result would be that the banks would discourage deposits by reason of this additional expense without any return, because they can not use in any way this seventy millions of unused reserve.

As the Senator from Wisconsin [Mr. SPOONER] suggests, it is taxing a corporation on its debts. It is taxing the liabilities of the bank because the deposits of a bank are debts. The deposits of a bank are subject to checks payable any moment when presented. I do not think it is a good principle to impose a tax on debts. I do not believe anything in the present situation warrants taxing an individual's debts or a bank on its debts. The principle in itself is unjust. But it is more onerous especially where the tax is imposed on the same deposit in three different banks at the same time. It is onerous in the case I have cited, where the \$70,000,000 of reserve now in New York banks above the legal reserve would be taxed and the banks get no return whatever.

The deposits of a bank are liabilities, its debts, and all these deposits are either time deposits or deposits payable on demand, and are all debts. If a bank has \$500,000 in deposits, it owes it to its depositors and may be called upon to pay it any moment, if there is a run on the bank; and yet under the bill, seemingly acquiesced in by a majority not only of the committee but of the Senate, it is the purpose to impose a tax on bank deposits.

TAX ON GROSS RECEIPTS OF CORPORATIONS.

Mr. President, I voted at Saturday's session of the Senate to lay on the table amendment No. 177, proposed by the majority of the Finance Committee to the House bill 10100, to raise revenue to pay war expenses, and was gratified that there was so decided a majority of the Senate against the amendment.

This amendment proposed a tax on the gross receipts of corporations. In voting against the amendment I did not vote against taxing corporations, nor against corporations bearing their just

proportion of the burdens of war expenses. I voted against the amendment because I believed it was unjust; that it discriminated against one portion of American citizens, shareholders in corporations, in favor of another portion doing business as individuals. The amendment favored individuals doing business or when composing firms by putting no tax on them, while it imposed a tax on individuals composing corporations doing the same class of business.

If gross receipts from business are to be taxed, then all the gross receipts on all business, whether carried on by corporations or by individuals, should be taxed. Otherwise individuals doing millions of dollars' worth of business escape taxation on their gross receipts, which amounts to almost a profit in itself, while individuals composing corporations are obliged to pay a tax. What becomes of the individual silver, gold, and copper mine owners, whose gross receipts often amount to many millions of dollars in a year? They are among the prosperous people. They make more money than anyone on their investment; and yet it is not proposed to tax this class of capitalists. I have not been able to understand why it is or how it is that there is no prejudice in the country against gold, silver, and copper mine owners.

Mr. TILLMAN. And coal miners.

Mr. ELKINS. There is a reasonable amount of opposition to coal miners, but if you want to be a genuine aristocrat in the eyes of many, one should have a gold, silver, or a copper mine. What answer has the committee made or can it make to not imposing taxes upon miners of gold silver and copper while others not so favored are taxed?

Mr. TILLMAN. Is the Senator in favor of an amendment to that effect?

Mr. ELKINS. What becomes of the merchant prince who does business amounting to millions annually? I do not like to mention names here, but take John Wanamaker, a man whose receipts are perhaps \$10,000,000 per annum. I venture to say that his gross receipts amount to that sum, and the Committee on Finance do not propose to tax him at all. Take Altman, McCreery, Park, and Tilford, of New York; Field, of Chicago. Take all other merchant princes like these named, whose gross receipts amount to many millions per annum.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. Certainly.

Mr. TILLMAN. Would the Senator favor an amendment including in this tax the gross receipts of coal miners and gold miners and all those?

Mr. ELKINS. It is already placed on coal miners.

Mr. TILLMAN. And not gold miners?

Mr. ELKINS. The trouble with you is, you have no gold miners in your State. You would change your doctrinaire notions about taxes if your State was full of corporations, as I hope and believe it will be some day.

Mr. TILLMAN. I am willing to tax anything down there in sight. We have little left. You have taxed us to death, but what we have left—

Mr. ELKINS. You are only taxed on the property you have; not on your debts, and not on property you do not have.

Mr. TILLMAN. We pay whatever you levy, and you levy on everything in sight.

Mr. ELKINS. Mr. President, as I said, what surrounds this particular class of individuals—I mean gold, silver, and copper miners and merchants—that prevents them from sharing in the patriotic burdens imposed by the war? Why should they be exempted and favored above people composing corporations?

There is no answer to this. Everybody agrees that it is an injustice, and it has not been defended on the floor of the Senate.

It must not be forgotten that corporations are mere instrumentalities brought into existence by authority of law to do business, and are owned and controlled by human beings—citizens, men, women, and children—good, loyal, and true, the same as other citizens doing business singly or as copartnership firms.

I resent, Mr. President, the charge made by the Senator from California [Mr. WHITE] that in opposing the scheme of taxation on the gross receipts of corporations I or any other Senator who voted against the same oppose a proper plan of taxation on corporations. I opposed this amendment because a tax on the gross receipts of a corporation is a discrimination against citizens composing such corporations and in favor of individuals doing the same kind of business. I oppose it for the further reason that it is a direct tax and not apportioned amongst the States and therefore unconstitutional. I oppose it because it would lead to litigation and long contests in court before it could become effective. I oppose it because it places in the power of the Federal Government the right to destroy State corporations by taxing them out of existence, because it strikes down State sovereignty. The tax on gross receipts is unjust and oppressive because it often taxes what a corporation

does not own—it taxes debts; it taxes the tax imposed by States and already paid out to the States.

I do not oppose a just tax on corporations; not by any means, but the only proper form of taxation upon a corporation would be on the net earnings, on the profits, on something it owns and not on something it does not own. In supporting this war and providing revenue to pay our expenses, I desire to state here and now that I favor a just and uniform system of taxation upon property, imposed according to law and resting justly and equally upon all; and when this is done, I favor making the taxes as high as may be necessary.

Under such circumstances I would not resist a high tax, but I will always resist a tax that is unjust, discriminating, and illegal. I would greatly prefer an income tax to a tax on gross receipts, as proposed in the amendment of the committee. I would rather vote for it to-morrow, odious as some people think it is. There is some justice about an income tax. It taxes what a man has. It is a tax on something tangible. But when you put a tax on gross receipts, you are taxing something the man does not own, something he does not have, for the year's operation may bring him in debt, instead of making a profit.

I had hoped, Mr. President, that the decided vote of the Senate against the amendment would have put to sleep now and for the remainder of this session all attempts to tax gross receipts in any form, whether on the business of individuals or of corporations, but the distinguished Senator from Maryland [Mr. GORMAN] has proposed an amendment, now before the Senate, which asserts the same principle contained in amendment 177, but in a more aggravated form. The Senator's amendment exempts certain corporations included in the Finance Committee's amendment and doubles the tax on the gross receipts of those that are not exempt.

What justice is there in that? You let some escape and you double the tax on those that are left. Amendment 177 was better, but the Senate even voted it down.

The amendment of the Senator from Maryland is intensified discrimination and injustice. Why single out some corporations and allow others to escape? This is not fair. Why should railroad companies be made to suffer more than other corporations? During the last few years, surely, railroads have had a hard enough time.

It takes some courage to say this, for railroads seem unpopular in the Senate of the United States. The most prosperous roads make but little profit, and most of them, owing to low rates, are now in a depressed condition. For the last twenty-five years the average rate of freight on railroads has declined more than 8 cents per ton per mile, until the average rate is now about three-quarters of a cent per ton per mile. That is a lower freight rate than obtains in any country in the world, and yet, for some reason or other, there is strong opposition to railroads and a disposition to tax them as against other corporations. Considering the improvement in travel, safety and speed, passenger rates have declined still more. According to the report of the Interstate Commerce Commission for the year 1897-98, over 70 per cent of the stock of railroad companies in the United States paid no dividends. Under the amendment of the Senator from Maryland, all these roads and those in the hands of receivers, being now 25 per cent of all the roads in the country, will be required to pay a tax on their gross receipts the same as dividend-earning roads. This is not just.

How can this be reconciled? Is it just to make one corporation in bankruptcy, in the hands of a receiver, pay the same taxes that are paid by one that is paying dividends? It seems to me we ought to make a law equitable and just, and let it rest alike upon all people.

Mr. GALLINGER. Will the Senator permit me?

Mr. ELKINS. Certainly.

Mr. GALLINGER. My calculation may not be absolutely accurate, but I think it is. It is that the Baltimore and Ohio Railroad, which is in the hands of a receiver, will, under the amendment offered by the Senator from Maryland, pay twice as much tax as the New York, New Haven and Hartford road, which is an immensely profitable road; and that the Reading Railroad, which is in the hands of a receiver, will pay twice as much tax as the Boston and Albany, which pays a 10 per cent dividend. I think this calculation is correct.

Mr. ELKINS. That is very pertinent, and I thank the Senator from New Hampshire very much for bringing the fact to my attention. The New York, New Haven and Hartford is a 7 per cent dividend paying road.

Mr. BACON. Will the Senator from West Virginia permit me?

Mr. ELKINS. Yes, sir.

Mr. BACON. I think the suggestion with reference to roads in the hands of receivers is not a good one, for this reason: Every one who has had any familiarity whatever with receivership proceedings knows it to be a fact that the persons who are interested in the property and in the revenues of the property, in everything which relates to the value of the property, are the persons who

are the main owners of the property and who at the same time are the creditors of the property. In other words, the proceeding to put a railroad in the hands of a receiver is generally at the instance of those who are in reality the owners of the property and at the same time are those who hold bonds. All that is made out of that property while it is in the hands of the receiver inures to the benefit of that class of creditors and not to the general class of creditors.

So if the principle of taxation is correct as applied to railroads, I do not see that there is any great hardship in the application of that principle to the roads in the hands of receivers as well as to the roads not in the hands of receivers. There is more money made by those interested in railroads through receivership proceedings than in the legitimate operation of railroads.

Mr. ELKINS. That is, more money is made for the receiver, for the lawyers, and for the bankers who reorganize the company; but the poor stockholders and the poor bondholders suffer. It is not true—the Senator from Georgia can not argue—that a railroad company or corporation in the hands of a receiver, which means that it is entirely bankrupt and unable to pay any interest on its bonds, is in a healthier condition than a dividend-paying corporation. There is nothing in that argument at all, allow me to say to the Senator from Georgia. It is a refinement that is not consistent.

Mr. BACON. I know the Senator is as well acquainted with the fact as anybody that in the majority of instances where railroads, especially the large concerns, go into the hands of receivers it has been due to overcapitalization and overbonding. The parties to whom the indebtedness of the railroad is due are the parties who are at last the controllers and the owners of the road and who have brought it to that state by overcapitalization and overbonding, and it all comes to them at last.

Mr. ELKINS. That would be true if it were not for the innocent bondholders and innocent stockholders, who buy bonds and stock as an investment and who had no part in organizing the roads and made no money by overstocking and overbonding. It is not necessary in this tax bill to go into the question whether railroads are overcapitalized and overbonded or not. Sometimes they are, but that does not touch the principle of the bill and is not pertinent to this discussion. This fact furnishes no just reason why they should be taxed on their gross receipts.

Mr. GORMAN. If the Senator from West Virginia will allow me, I should like to ask him one question.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. ELKINS. Yes.

Mr. GORMAN. Does the Senator contend that simply because a railroad happens to be in the hands of a receiver it ought to be exempted from taxation?

Mr. ELKINS. No, sir; I do not. They are taxed on their property by the States, and nobody knows that better than the Senator from Maryland.

Mr. GORMAN. But I mean under a general tax to support the Government and supply the necessary revenues to carry on the war.

Mr. ELKINS. They should be taxed on the net earnings, if they have any. It is not fair to tax a railroad company that is bankrupt, one that brings a loss to the stockholders and bondholders, the same as another railroad company that pays 7 per cent and another one 10 per cent dividends on their stock, as has been cited here in the cases from New England.

Mr. GORMAN. Does the Senator support the proposition that there shall be a stamp tax on the receipts given by railroads?

Mr. ELKINS. The stamp tax is insignificant when compared with this. It is burdensome, however, and it ought to be modified in several particulars. I wish the committee had given us a bill taxing tangible property, putting the taxes high, and even tax incomes, if desired. That would be better than taxing bankrupt corporations on their gross receipts or their debts.

Mr. GORMAN. Put the taxes on everything but railroads?

Mr. ELKINS. No; not everything. The Senator misunderstands me when he uses that expression. But I do make a plea in behalf of broken-down railroads—railroads in the hands of receivers; and you can not make any answer to the proposition that you prefer not to tax one corporation and impose a tax on another, though it may be bankrupt and in the hands of a receiver.

Mr. GORMAN. I want to include all.

Mr. ELKINS. But you make a preference by taxing the one that can not pay dividends the same as one that can. It is a preference; it is a discrimination. Then, under your amendment, you leave out some corporations. Why not include all corporations, and why not include all people having gross receipts? Gross receipts are the controlling principle of the tax, and there should be no exceptions as to individuals or corporations.

According to a statement of the Senator from Colorado [Mr. WOLCOTT], in his able speech made on Saturday on this subject, railroads pay to the States, in the way of taxation, 3 per cent of

their net and 16 per cent of their gross earnings. This is the average rate of taxation, as I understand it. It is proposed under the amendment of the Senator from Maryland to tax the 16 per cent of the gross earnings that railroads pay to the States, which is multiplying taxes, or taxation upon taxation. This is a great burden, and railroads should not be made to bear it. In raising revenue to pay the expenses of the war why should railroads and a few other corporations be singled out for taxation and others exempted? No human being can answer that question satisfactorily; not even the author of this amendment.

Railroads are necessary, even indispensable. They have developed the country, added to its wealth and its glory as no other agency has. The people would not and could not do without them. The communities which do not have railroads are struggling to get them, because for want of them they are isolated and can not prosper.

Mr. President, in saying what I have I admit railroads often commit abuses, unjust discriminations, and sometimes outrages against individuals. These, however, I am glad to say, are growing less year by year. Under the interstate-commerce regulations and the watchful interest exercised over railroads by the various State commissions all the abuses should be and can be corrected without injury to the railroads and without overtaxing them. That they do exist or can exist is the fault of the lawmakers and those who execute the laws. I believe in the severest legislation against corporate abuse.

Railroads are the creatures of the State—the servants of the public. They can be controlled, and by proper law all abuses can and should be corrected. But because of abuses by railroads it does not follow that they should be overtaxed by the States and the General Government. Air, water, and fire are all useful agencies. Without them man could not exist. When not under control they are dangerous and often do great harm. This only argues that they should be kept under control, as should also the railroads.

Railroad and other corporations are easy to control, because the power which creates them can control them. We ought to strike at the abuses and correct them instead of striking down the railroads by putting burdens of taxation on them. A great government can afford to be and should be fair in all of its laws, and should not lead itself in peace or in war to injustice, discrimination, and oppression.

The gross receipts of a corporation are, in a sense, trust funds to pay its debts, to pay for labor, supplies, State taxes, interest on bonds, which in the aggregate often amount to more than the entire gross receipts. In such cases the tax sought to be imposed by the Senator from Maryland becomes a tax on what the company pays out in expenses on what it does not own. If there is anything left after paying all expenses and charges, then that is gain. It is net, it is a profit, it becomes property, and belongs to the company. It is something tangible on which a tax may be imposed.

I know the answer to this is that the net earnings of corporations can not be easily determined; that a corporation can, if it desires, keep its books so as not to show any net earnings; but under proper legislation no company could avoid showing just what its net revenue is. Let the lawmaking power declare it to be a crime punishable by fine and imprisonment to cover up or conceal or, for the purpose of evasion, decrease the net earnings of a corporation, and there will be no trouble on that score. It is a confession of weakness in the state to say that this can not be done.

The injustice of taxing gross earnings will be apparent when it is considered what disposition is made of them. Out of gross earnings the following charges must be paid: Labor, or monthly pay rolls, supplies and materials purchased, interest on bonds and floating debt, State, county, city, and other taxes, and always something for incidentals. If there is anything left it is net, and belongs to the stockholders. To make this plainer, take a corporation whose gross receipts are \$1,000,000 per annum; the result would be about as follows:

The pay roll for the year amounts to \$400,000. The Senator proposes to tax that. What benefit does the company get out of it? The company gives labor to the employee, and now you propose to tax this pay roll. It will not affect the argument whether this tax will be taken from the employees or not. The result would be as follows:

Pay rolls for the year	\$400,000
Supplies and material	340,000
Interest on bonds and floating debt	200,000
State and municipal taxes	36,000
Incidentals	15,000
Total	991,000

Leaving a net profit of only \$9,000. There is one item that is accurate.

Mr. CULLOM. What is that?

Mr. ELKINS. State taxes.

Mr. CULLOM. On what?

Mr. ELKINS. On the assessed value of the railroad itself—roadbed, stations, rolling stock, and other property. In the State of Minnesota a tax of 3 per cent on the net earnings is imposed in lieu of all other taxes. Then the depreciation would amount to \$15,000.

These, taken together, amount to \$991,000, as above shown. The Senator from Maryland is not willing to tax this \$9,000, which is the net profits for a year, but he takes the \$991,000, which the railroad company has paid out, and taxes that as well as the net profit.

Mr. PETTIGREW. On what road?

Mr. ELKINS. On any road. I cite these figures as an example. Of course they are by way of illustration, and not meant to be accurate. There is often greater net, and often the expenses are greater than the receipts.

Can there be any justice in imposing a tax on money paid for labor, for supplies, for interest, and for taxes, and particularly in paying a tax on a tax paid to the State? Such an injustice is worse than war. Away with it! and let us boldly tax property owned and controlled—something the citizen owns and enjoys and from which profit is derived—for war purposes. Man was not made for the government; the government was made for man. It is an instrumentality brought into existence for the benefit and protection of man, and this instrumentality should never be used to oppress him.

Mr. PERKINS. If it does not interrupt my friend—

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. ELKINS. Certainly.

Mr. PERKINS. Under the system of taxation which now prevails upon street railroads in many of our municipalities, they are taxed upon the gross receipts a certain percentage—it may be 2, 3, or 5 per cent—because experience has demonstrated that that is the only correct plan to arrive at a proper valuation of the franchise or the privileges which they enjoy. Otherwise their profits are absorbed by their extra expenses, paying large salaries, and in fixed charges which could be easily placed upon the company. Therefore is it more unjust in this proposed amendment of the Senator from Maryland to impose this tax upon gross receipts to pay the Government for the protection and privileges which corporations enjoy than it is for the municipalities to impose such a tax upon street railroads?

Mr. ELKINS. Because the State charters a railroad and confers on it certain powers is no reason why it should be devoured by both the State and the Federal Governments in taxing it on its debts and what it does not own, and all the arguments I have made apply with equal force to taxing the gross receipts of street railways. I know, in answer to the Senator's question, that it is difficult to determine what is net; but if we make proper laws, we can determine the net and then tax it. To say the net profits of a corporation can not be determined is largely to find an excuse to tax its gross receipts—to tax its debts.

COINAGE OF SEIGNIORAGE IN THE TREASURY.

As to coining the seigniorage in the Treasury, so forcibly presented by the Senator from Colorado in his speech, and to bring about which he has offered an amendment to the pending bill, one objection to this is that it would increase the currency and thus would require an increased gold reserve.

The amount of silver bullion in the Treasury as a result of seigniorage is 42,000,000 ounces. As I understand, seigniorage is the profit that comes from coining silver or gold. From one standpoint there is no profit resulting to the Government from the coining of silver purchased under the Sherman Act. On the contrary, there has been a loss. But putting that aside, can the United States afford to inflate the currency \$42,000,000 by coining silver bullion and issue certificates against it, which certificates would have to be maintained equal to gold?

We now have outstanding paper and silver amounting to \$908,000,000. Increasing this \$42,000,000 would bring this amount up to \$950,000,000, which we must be prepared to maintain equal to gold at all times. If the amount of silver sought to be coined could take the place of and retire \$42,000,000 of greenbacks, so that no increased necessity would rest upon the Government to increase the amount of the gold reserve, then this might be done, and I should be entirely willing to vote for it.

Indeed, it would have been much better at any time within the last twenty-five years to have replaced \$346,000,000 of our greenbacks with silver and issued certificates against the same than to have continued the greenbacks. As it stands, the \$346,000,000 of greenbacks or legal tenders have no value except as money, whereas the \$346,000,000 of silver would have, apart from its money value, a market value of half that sum. This would be giving us a more substantial money in itself than legal-tender paper money and would not have required so large a gold reserve.

INCREASING LEGAL-TENDER NOTES.

As the Senator from Maryland [Mr. GORMAN] well remarked in his able speech, as a nation we are about entering upon an unknown sea; a new destiny is before us; what the end will be no

one can tell; much depends upon the beginning we make, what we do now. We should not begin this new chapter in our national life by forced loans, debasing the currency, putting gold at a premium immediately, and impairing the national credit. We should not begin with doubtful revenue legislation that must be interpreted by the courts before it can be effective for the purposes for which it is passed. We should not begin by legislating in favor of one set of our citizens and against another. We should not begin by adopting and renewing worn-out heresies, and errors which grew up during the civil war and from which we have been trying to escape for thirty years. This is no time for untried experiments, doctrinaire theories of government, and Populistic fancies about finance. We can not afford to listen to frantic appeals to passion and prejudice against sound money and preserving the national credit. All these ugly things should be hidden away, and brought forth for discussion, if ever, when other less dangerous and less serious problems confront us.

Mr. PETTIGREW. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. ELKINS. I do.

Mr. PETTIGREW. I should like to have the Senator tell us what he considers sound money.

Mr. ELKINS. I have not the time to explain to the Senator. I think the Senator knows what sound money is. I know that he would prefer gold to anything on this earth right now. If he could have a million dollars of it, he would not air his Populistic views as he does at this moment. If he had a million dollars in gold, notwithstanding all of his notions about free coinage of silver and fiat money, he would be a sound-money man.

Mr. BACON. By sound money the Senator means gold?

Mr. ELKINS. I mean any money that is as good as gold the world over, and that is the kind of money we have now under wise Republican legislation.

Mr. President, I hold we should keep the splendid record we have made in strengthening and maintaining the public credit and continue to give the people sound money, good the world over. If the United States had not redeemed all of its paper money in gold and paid its bonds, principal and interest, as they matured in the best money, we would now be without a sound currency and without credit, both necessary to carry on war. As it is, and owing to what we have done in keeping faith, our credit is the highest in the world. We began this war with the best credit in the world. We should foster and maintain this credit. We can borrow as a result of our good credit all the money we want; but I favor taxing liberally before we resort to borrowing.

Business principles and business methods are the same, whether applied to individuals or to the Government. The same principles and the same methods that govern business in the commercial world or between man and man should govern all business transactions between the Government and its citizens. There can not be one rule of business for the Government and another for individuals. The Government should pay its obligations and borrow money just as do individuals.

But the Government can not engage in business by which it can make money. It puts its strong hand on the people, through taxation, and raises the necessary money to pay its expenses. An individual, firm, or corporation engages in business and makes money out of business. If an individual can not pay current expenses and all of his obligations, he does not make forced loans from his neighbors. The law does not allow him so to do. He makes use of his credit, and borrows by giving security and paying interest.

If the Government finds it has not sufficient money on hand to pay all its debts and obligations, it should borrow and pay interest on its notes the same as does an individual. Why should a great government, composed of all the members of society, be exempt from or enjoy the privilege of not paying interest when an individual is required to do so? If the Government requires money, it should raise it by taxation or borrow it; it should not attempt to issue its notes without interest, payable on demand, and oblige its citizens to take them. This would be a forced loan, taking private property without just compensation, because it is appropriating the interest belonging to the individual citizen to its own use.

The making of the evidences of the indebtedness of the Government legal-tender money in the payment of private debts is a solecism in finance. The issuing of greenbacks or legal-tender notes has been the most costly experiment ever adopted by the Government in the management of its finances, and more demoralization has followed it than any other feature incident to the administration of our finances. The greenbacks have been an incubus upon the Government and business; they have done the nation's credit and business of the country great harm. They should have been redeemed as soon after the war as possible. It would have been better for the Government to have borrowed the money it needed during the war by selling bonds than issuing legal-tender notes to carry on the war.

If legal-tender notes did not furnish the means of depleting the gold reserve in the Treasury, causing periodic disturbances in business and financial affairs, they would not work harm nor be objectionable so long as the credit of the Government is so strong that it can borrow on its notes without interest, and the people are willing to take and pay them out as money. It is strange that just as we are trying to get rid of legal-tender notes, the legacy of the war, substituting gold for them and getting on a sound financial basis, it is proposed now to issue more legal-tender notes, which will require more gold in the Treasury to redeem them. It is as dangerous for a nation as for an individual to increase its demand obligations when it has not sufficient reserve with which to meet these obligations.

With the world's production of gold constantly increasing until it will reach, according to best estimates, next year \$250,000,000, why increase our paper money, why go back to inflation, why debase our currency, why not stand for the best money in the world for our soldiers and sailors now fighting our battles as well as for all of our people? It would be unpatriotic and a burning injustice to our soldiers and sailors to pay them in a depreciated currency. They deserve and they will receive their pay in money equal to the best in the world.

Mr. PETTIGREW. If the Senator will allow me, I am informed that the Government has shipped Mexican dollars to pay our troops in Manila when they arrive there. Was that sending them the best money?

Mr. GEAR. I beg the Senator's pardon. The Government shipped those Mexican dollars because the Mexican dollars would buy more there than would the American dollar, while they could buy the Mexican dollars here at 46 cents each.

Mr. ELKINS. They do not know any better there than to take Mexican silver, but they will know better after we acquire the islands. We will teach the natives sound finance. They will rapidly learn. I am astonished at the Senator from South Dakota making an argument like that.

Mr. GEAR. I repeat that if they were paid in Mexican silver dollars it was because such dollars would buy more at Manila than would our silver dollar, and, as I have said, the Mexican dollar can be bought here for 46 cents.

Mr. ELKINS. The amendment pending before the Senate provides for the issuing of \$150,000,000 additional United States notes, of like denomination, the same legal-tender quality, payable, redeemable, and reissuable in the same manner as the \$346,000,000 of such notes now outstanding. This is a proposition full of danger and full of mischief to our credit and finances. The moment it is passed prudence would require that the gold reserve in the Treasury be at once increased, for which the Senate amendment makes no provision and confers no authority. The only way the gold reserve in the Treasury can be increased in order to redeem this additional amount of legal-tender notes would be by selling bonds and increasing the public debt, the very thing the framers of this amendment vigorously oppose. If bonds are to be issued to increase the gold reserve, why not do so in the first instance in order to raise money? Under the present condition of the Treasury, which is most favorable, it is all the Government can do to maintain the parity between gold and silver and redeem its paper money in gold as required by law.

To increase the volume of silver and paper as proposed by the Finance Committee would be extremely hazardous. In case we should increase the legal-tender notes \$150,000,000 and our revenue should decrease, as it did two years ago, gold would go immediately to a premium, which, creating doubt and distrust, would produce a revolution in financial affairs and lead to universal depression in business, the shrinkage of values, and a panic.

Mr. BUTLER. As to the matter of gold, it is not likely that we shall need any for ten years. We have got so much gold in the Treasury now that they are paying the Government clerks at the end of each month in gold, and they will not pay in greenbacks. They force gold on them. I too have been paid some gold, but I will give it back to the Government now if they will give me greenbacks. The Government seems to have more gold now than it knows what to do with.

Mr. ELKINS. I suppose they thought the Senator needed that gold as an object lesson to teach him something about gold, and so gave him that money. I will tell the Senator why he got that gold. It is because the Government has reached that point where it has got to pay in gold, for it has no other money with which to pay, and that is why the committee desires to promptly pass this bill. The money which comes into the Treasury is taken out just as fast as it is received, and if we deplete the gold reserve more, we shall find that it will be necessary to sell more bonds; and that is what I understand the Populists do not want done, but it must be done whenever the maintenance of the parity of gold and silver is in danger.

Mr. BUTLER. We are for an issue of greenbacks.

Mr. ELKINS. I know you are. You are also in favor of inflation and a depreciated currency.

Mr. BUTLER. No soldier who is facing the enemy to-day, and

no other patriot, will refuse to take greenbacks in the payment of a debt. Everybody will take them but the money changers.

Mr. SPOONER. They will be taken because they are as good as gold.

Mr. ELKINS. Yes; it is because they are as good as gold that the greenbacks are taken; and the people will hold us to a strict account if we pass this measure authorizing the issue of \$150,000,000 of legal-tender notes and to this extent debasing the currency. You will find, if you do, the greenback will depreciate; that it will go down to 90 cents on the dollar, and perhaps to 80 cents after a while. Will you ask our soldiers and sailors to take money of that kind?

Mr. BUTLER. The Senator says all this money is as good as gold. Every dollar that the Government issues is as good as gold; and gold is only as good as the other because the law makes it so.

Mr. SPOONER. It is as good as gold because the credit of the Government is behind it.

Mr. ELKINS. The argument of the Senator from North Carolina is too absurd to be answered.

Mr. SPOONER. If the Senator from North Carolina had his way, our paper money would not long be as good as gold.

Mr. ELKINS. You can not create values by law. You can make legal-tender money by law and oblige people to take it, but you can not fix its commercial value.

Mr. BUTLER. There is no money except money created by law.

Mr. STEWART. Money is created in no other way.

Mr. BUTLER. Your gold is fiat money, and it is created by law.

The PRESIDING OFFICER. The Chair will state that it is impossible to hear the conversation going on between the Senator from West Virginia, the Senator from North Carolina, and other Senators.

Mr. ELKINS. Let me say to the Senator that gold is as good without the Government stamp as with the stamp everywhere in the world; and nobody knows that better than does the Senator from North Carolina. The Senator can talk to the people of North Carolina in that way, but he must not attempt to impress the Senate of the United States with any such financial arguments as those.

Mr. BUTLER. You can make a paper dollar five times as much by law.

Mr. ELKINS. Not by law.

Mr. BUTLER. You can.

Mr. ELKINS. If you could make money and fix its value by law and create something out of nothing, the Populists would soon get possession of this Government. If that were true the people would rush to them. That never has been done in the world and never can be. A government may make money, but the people determine its commercial value.

Mr. BUTLER. It was done by the Republican party when the Republican party was opposing slavery.

Mr. ELKINS. The Republican party redeemed in gold every greenback dollar put forth. That was the reason why it was done. The idea of the Senator standing here in his place at this time and talking about a government making fiat money! If that were true, we could all get rich by simply passing laws—labor would cease and the Populist millennium would be at hand.

Mr. STEWART. Will the Senator from West Virginia allow me?

Mr. ELKINS. No; I prefer not to yield.

The PRESIDING OFFICER. The Senator from West Virginia declines to yield.

Mr. STEWART. It would be a hard question. I want to know—

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. STEWART. If money is not made by law, how is it made?

The PRESIDING OFFICER. The Senator from Nevada will remember that the rules of the Senate require that before a Senator is interrupted he shall address the Chair, and the Chair shall ask the Senator who is entitled to the floor whether he yields. The Chair did so, and the Senator from West Virginia declined to yield.

Mr. ELKINS. I yield.

Mr. STEWART. He yielded and sat down.

The PRESIDING OFFICER. The Senator from West Virginia stated to the Chair that he declined to yield. Does the Senator from West Virginia now yield to the Senator from Nevada?

Mr. ELKINS. I do.

Mr. STEWART. I should like to have the Senator state how money is created. He says it is not created by law. As a matter of information it will be new to me if he is aware of some other mode of creating it.

Mr. ELKINS. It would take a long time to go into that refinement. Money, to a certain extent, is created by law, but it is the duty of the Government, if it can get hold of some metal or some-

thing which has value apart from the money value conferred upon it by law, and use it as money. It is wiser and safer. But you can not create money out of something that is worth nothing—mere paper—and fix its commercial value, without there is behind it the power to redeem or the credit of a nation to make it good. These greenbacks, which the Senator talks about and in which he says the soldiers were paid during the war, sold for 40 cents on the dollar in gold. We imposed upon our soldiers to that extent, but we afterwards redeemed every dollar of the greenbacks in gold. If I understand him, I do not think the Senator wants to begin to treat our sailors and soldiers in this war in that way.

Mr. BUTLER. Mr. President—

Mr. ELKINS. I hope the Senator will pardon me. I am detaining the Senate.

Mr. BUTLER. I do not wish to treat the soldier differently from the bondholder. I simply want them paid in the same kind of money. Our soldiers were paid in greenbacks during the war. Our bonds were payable in greenbacks until a measure was lobbied through Congress to change the contract.

But let me call the Senator's attention to the fact that the law creating the greenback put an exception clause in it and deprived it of some of its functions. It is functions that give value to money. You have simply deprived the greenback of some of the functions which the gold dollar has by law—the most powerful agency and the only agency for money. That made the discrimination in value, and nothing else.

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. ELKINS. For a question?

Mr. MONEY. It is not for a question, but simply to answer a statement.

Mr. ELKINS. I would prefer that the Senator should answer it after I get through.

Mr. MONEY. I do not care to answer it at all except I do so at this moment. If the Senator will allow me, he stated that there was not an instance in the world of a government making money out of things that had no value. Was not that the statement in substance?

Mr. ELKINS. Yes, unless—

Mr. MONEY. Unless what?

Mr. ELKINS. Unless behind it was the power to redeem and make the money good—

Mr. MONEY. That is exactly as I understood it.

Mr. ELKINS. In something that has value.

Mr. MONEY. There is an instance on record that everybody ought to know about. It is the instance of the Empire of Brazil, which had neither gold nor silver, but had a paper money that was absolutely irredeemable; there never was any promise to redeem it, and it always was at par.

Mr. ELKINS. Gold there at that time was 240 per cent premium, and often much higher.

Mr. GEAR. I beg to state to the Senator that if he will read the report of Minister Conger, he will ascertain that as compared with that money gold was at a premium of 440 per cent.

Mr. MONEY. That was a long time afterwards. I am speaking of the time when the Empire existed and the issue was limited. It was always at par. I do not mean to indorse or sustain any proposition to issue paper money. The danger and the only danger in that case is that there will be an overissue. As long as you can keep it down to a reasonable volume it will always be at par if it is legal tender for everything.

Mr. ELKINS. Suppose the Government of Brazil had gone out of existence. What would have become of that money? It would have become as valueless as the money of the Confederacy did.

Mr. MONEY. That would have been the end of it, like the Confederate notes.

Mr. ELKINS. Precisely. Suppose Brazil had gone out of existence. Would the paper dollars have been worth anything? But if Brazil had gone out of existence and her currency had been gold, its value would have remained.

Mr. MONEY. The same thing would have happened to the greenbacks if the United States had gone out of existence.

Mr. BUTLER. What will become of the bonds we are about to issue if this Government goes out of existence?

Mr. ELKINS. I beg Senators to excuse me.

Mr. GRAY. We do not propose to make them money.

Mr. ELKINS. They will go out of existence if the Government does. We are to pay interest on these bonds in gold, and propose to—

Mr. BUTLER. That is exactly the point. Pay interest to somebody and it makes them better. If there is a tax on the people, it makes them better.

Mr. ELKINS. The gentleman does not propose to pay any interest on the greenbacks. It is a forced loan. What makes them good is the faith of the Government and the law declaring that they shall be redeemable in gold. That is all.

Mr. TILLMAN. Mr. President—

Mr. ELKINS. I must ask to be excused.

Mr. TILLMAN. I wish to call the attention of the Senator to the fact that the United States Supreme Court declared those very greenbacks good of themselves, under the constitutional power to issue money.

Mr. ELKINS. And such a howl from the Democratic party and the South was never heard in all civilization as when the Supreme Court did it. Why not be consistent? When greenbacks were a necessity and possibly did some good the Democrats were against them. When they are wrong and harmful Democrats favor them.

Mr. TILLMAN. That was twenty years ago, after the war was all over. It was by a unanimous court.

Mr. ELKINS. I am advised that there are some executive matters to be attended to, and I must decline to yield further.

The PRESIDING OFFICER. The Senator from West Virginia declines to yield further.

Mr. ELKINS. We have outstanding silver and paper money amounting to \$908,000,000. Three hundred and forty-six million dollars of this amount is in legal-tender notes and the balance in silver certificates, Treasury notes, and silver coin.

It is proposed by the amendment to the House bill to add to this vast sum \$150,000,000 in paper and \$42,000,000 in silver certificates, increasing the amount \$192,000,000. This would make a total of \$1,100,000,000 of silver and paper money, part of which is to be redeemed in gold and all to be maintained equal to gold, with only \$170,000,000 of gold on hand and the authority to sell bonds to provide more gold as a reserve challenged by the authors of this amendment. They want to issue this \$150,000,000 of legal-tender notes and then take from the Government the power to sell bonds to make this vast volume of money equal to gold. What an inconsistency!

These figures show the condition in which our finances are in at present. Before this proposed addition of \$192,000,000 to the amount outstanding we thought we had reached the danger line, and we surely did two years ago. The Government should raise all the money it can by proper taxation to pay war expenses. When the limit of raising money by taxation is reached, the Government should use its credit by borrowing money on its bonds and pay interest.

That is what an honest government will do and honest people will do. It should not attempt by a forced loan to debase and inflate the currency, thereby destroying the national credit and bringing on the country financial demoralization and widespread business depression. Irredeemable currency, fiat money, laws to get something for nothing, are always favored during war.

Mr. SPOONER. And sometimes in times of peace.

Mr. ELKINS. And sometimes in time of peace, as the Senator from Wisconsin well remarks.

Mr. President, there is always in society an element of unrest, that wants change and is never satisfied. This element welcomes war and social disturbances because it believes they afford opportunities to try the untried, to fasten upon society impracticable vagaries and impossible theories in finance. All substantial revolutions in the interest of the people begin with the people and not with those who, under pretense of being their friends, deceive and prey upon them.

Revolutions are entitled to respect and consideration because they have their origin with the people, and for the most part are aimed at correcting wrongs and abuses. Great revolutions and great changes in society looking to bettering the condition of the people never begin with visionary theorists in office, or those who want to get into power by trying to arouse discontent by appealing to passion and to prejudice.

I believe a majority of the American people are satisfied with the present order of things and with this Government, and cherish for it a sincere affection, loyalty, and respect which increases as the years go by. For my part, I am not only satisfied but feel blessed that I am a citizen of the great Republic. I love our Government in peace and war. I love its flag, its people, its institutions, and its liberties; I love its martial music, its banners, the tread of its soldiers, its mighty battle ships, and the thunders of its great guns on sea and land.

My pride is stirred at the advancing glory of our country and the respect that it is commanding from the nations of the world. I know of no radical change for the better that can be made now. There need be no fear of foreign foes nor of war. Soldiers and sailors will rise up at our bidding and defend flag and country. What we need is resolute men, patriots, lovers of our institutions, in Congress, in the legislatures, and in power everywhere to protect and stand by the Government, permitting no invasion of the Constitution and the rights and liberties of the people, standing always ready to keep national faith and maintain the public credit.

Our present war, only a month old, has wrought wonderful changes in the public mind. We are surrounded with new condi-

tions; new and difficult problems confront us. We have gone farther in some directions in a short month than we have traveled in a hundred years before. These new conditions lay upon us grave duties and responsibilities which we can not avoid. We must look now more and more to extending our commerce and finding markets for our products, and to this end we must hold all the territory that may come to us by the fortunes of war to help sustain these markets.

We must have a merchant marine, ships on every sea; we must control the shipping and commerce of the great oceans that wash our shores; and beyond all this, we must have a navy greater and more powerful than any that now floats. This is manifest destiny. Necessity drives us, our own interests oblige us, and we can not avoid keeping pace with the great powers of the world in finding markets for our people and acquiring at least coaling and cable stations all around the globe.

The mighty movement now going on toward combination and consolidation and acquiring territory by the nations of the world by treaty, or by war if necessary, is natural and logical. It has come about by reason of the demands of a better civilization, wider markets, and an increasing trade and commerce. We can not if we would remain longer remote, silent, and isolated. We can not resist this great movement, and we should not try to do so if we are to take the place in the affairs of the world that naturally belongs to us.

Because of our traditional policy of isolation and opposition to acquiring territory in the past, we must not put aside what comes to us by war. The Nicaragua Canal and Hawaiian Islands rise above the horizon and come in sight more plainly than ever; and whatever opposition there may have been to building one and acquiring the other heretofore must disappear in the face of the flag going up over Morro Castle, what has transpired so gloriously and is now going on in the Philippines, and the great trip of the battle ship *Oregon* from California to Florida.

Long ago, in 1809, Thomas Jefferson dreamed of and favored the annexation of Cuba to the United States. It now comes to us through a war we could not avoid. The combination and consolidation that has come about under the demands for wider markets and trade relations is reaching to consolidation of States and acquisition of territory in the interest of a larger commerce. The world is to-day but a vast neighborhood, fast being divided up into groups of vast families. It is drawn more closely together than were counties and States fifty years ago; it has become more commercial than ever; one member of this family can not resist in its own interest doing what the other members do. Merging of smaller States into larger ones and consolidation of empires is irresistible. Necessity lies at the bottom of this great movement.

Mr. CHANDLER. Mr. President, I desire to submit some remarks upon the pending bill, and I have waited here because the Senator from West Virginia told me he would take about twenty minutes. Now I am ready to go on if the Senate desires to remain in session any longer this afternoon.

Mr. ALLISON. Will the Senator from New Hampshire yield to me for a moment?

Mr. CHANDLER. Certainly, retaining the floor.

HOOR OF MEETING.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business. The Senator from New Hampshire can go on to-morrow morning.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, June 1, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 31, 1898.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Oscar S. Straus, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Turkey, vice James B. Angell, resigned.

CONSUL.

James W. Davidson, of Minnesota, to be consul of the United States at Tamsui, Formosa, to fill an original vacancy.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant quartermaster with the rank of captain.

Frank L. Pope, of New York.

The nomination of Frank Squire Pope, of New York, for the above-named office, which was delivered to the Senate May 28, 1898, is hereby withdrawn.

To be additional paymaster.

Newton J. Foote, of Louisiana.
The nomination of Newton C. Foote, of Louisiana, for the above-named office, which was delivered to the Senate May 28, 1898, is hereby withdrawn.

FIRST REGIMENT OF UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Capt. George W. Goethals, Corps of Engineers, United States Army.

To be majors.

First Lieut. John S. Sewell, Corps of Engineers, United States Army.

Louis Duncan, of Maryland.

James DuBoise Ferguson, of the District of Columbia.

SECOND REGIMENT OF UNITED STATES VOLUNTEER ENGINEERS.

To be colonel.

Willard Young, of Utah, late captain, Corps of Engineers, United States Army.

To be majors.

Richard H. Savage, of New York.

Edward L. Pinckard, of Alabama.

To be division engineer officers with the rank of major.

Capt. Joseph E. Kuhn, Corps of Engineers, United States Army.

First Lieut. Eugene W. Van C. Lucas, Corps of Engineers, United States Army.

To be commissaries of subsistence with the rank of major.

Robert Lee Longstreet, of Georgia.

Evylyn S. Garnett, of Arkansas.

FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

George Cole, of Connecticut.

To be surgeon with the rank of major.

Joseph M. Henry, of Pennsylvania.

To be assistant surgeons with the rank of first lieutenant.

Patrick J. McGrath, of the District of Columbia.

Clyde S. Ford, of West Virginia.

To be first lieutenants.

John Van Ness Philip, of the District of Columbia.

Benjamin Stark, jr., of Connecticut.

To be captain.

Osman Latrobe, of Maryland.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Sprague Winchester, of Mississippi.

To be first lieutenants.

Christian Briand, quartermaster-sergeant, Second United States Cavalry.

John W. Wright, of Tennessee.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

First Lieut. Andrew S. Rowan, Nineteenth United States Infantry.

To be first lieutenants.

Horace Vandeventer, of Tennessee.

Cary F. Spence, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

George T. Vaughan, of the Marine-Hospital Service.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be colonel.

Capt. Charles J. Crane, Twenty-fourth United States Infantry.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be colonel.

Capt. Jesse M. Lee, Ninth United States Infantry.

WITHDRAWAL.

Executive nomination withdrawn May 31, 1898.

Daniel M. White, of New Hampshire, for the office of additional paymaster of volunteers, which was delivered to the Senate May 28, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 31, 1898.

CONSULS.

P. Merrill Griffith, of Ohio, to be consul of the United States at Matamoras, Mexico.

Charles E. Macrum, of Ohio, to be consul of the United States at Pretoria, South African Republic.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-generals.

Frederick D. Grant, of New York, Fourteenth New York Volunteer Infantry.

Henry M. Duffield, of Michigan.

Lucius F. Hubbard, of Minnesota.

George A. Garretson, of Ohio.

William W. Gordon, of Georgia.

John A. Wiley, of Pennsylvania.

William A. Bancroft, of Massachusetts.

William J. McKee, of Indiana.

Francis V. Greene, of New York, Seventy-first New York Volunteer Infantry.

Charles Fitzsimons, of Illinois.

Joseph K. Hudson, of Kansas.

James Rush Lincoln, of Iowa.

To be captains.

John B. Inman, of Illinois.

George W. Butler, of Maine.

Thomas F. Clark, of Massachusetts.

First Lieut. Gustave W. S. Stevens, Sixth United States Artillery.

Frank Lyman, jr., of Iowa.

George R. Gyger, of Ohio.

Frederick T. Leigh, of New York.

John W. McConnell, of Illinois.

To be first lieutenants.

Charles E. Pellew, of New York.

George H. Tilly, of Montana.

Howard D. Coe, of Ohio.

Charles H. Martin, of Illinois.

Patrick W. Crawford, of Arkansas.

Charles E. Walker, of Maine.

Alvar G. Thompson, of New York.

Edward W. Winfield, of Arkansas.

Richard O. Rickards, of Illinois.

To be second lieutenants.

William E. Davies, of Montana.

Joseph D. Wood, of Ohio.

Don A. Palmer, of Minnesota.

Walter S. Volkmar, sergeant, Signal Corps, United States Army.

Charles E. Kilbourne, jr., of Oregon.

Albert J. Dillon, of Florida.

Frank P. Tate, of Tennessee.

William Mitchell, of Wisconsin.

Henry W. Sprague, of Massachusetts.

To be assistant quartermasters with the rank of captain.

Cyril W. King, of Iowa.

Lewis V. Williams, of Ohio.

Edward E. Robbins, of Pennsylvania.

To be commissary of subsistence with the rank of captain.

John F. Whitworth, of Pennsylvania.

To be additional paymasters.

Benjamin F. Havens, of Indiana.

James B. Houston, of Connecticut.

To be assistant adjutant-general with the rank of captain.

First Lieut. William R. Sample, Thirteenth United States Infantry.

To be colonels.

Capt. Edward A. Godwin, Eighth United States Cavalry, to be colonel of the Seventh Regiment United States Volunteer Infantry.

Maj. Eli L. Huggins, Sixth United States Cavalry, to be colonel of the Eighth Regiment United States Volunteer Infantry.

To be lieutenant-colonel.

Algernon Sidney Reaves, of Tennessee, to be lieutenant-colonel of the Third Regiment United States Volunteer Infantry.

POSTMASTERS.

M. C. McMurray, to be postmaster at Saybrook, in the county of McLean and State of Illinois.

J. Porter Patton, to be postmaster at Monroe City, in the county of Monroe and State of Missouri.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 31, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

BRIDGE ACROSS ST. FRANCIS LAKE, ARKANSAS.

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCULLOCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN M. TURNER.

Mr. SHOWALTER. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 6397.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6397) appropriating \$100 to John M. Turner, of Butler, Pa., late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry.

Be it enacted, etc., That the sum of \$100 is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, to John M. Turner, of Butler, Pa., late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, on account of act of Congress July 28, 1860, granting a bounty of \$100 to certain Union soldiers.

Mr. SHOWALTER. Mr. Speaker, the records of the War Department—

Mr. McMILLIN. Let us have the report read. Is this a request for unanimous consent?

The SPEAKER. It is a request for unanimous consent, and the report will be read.

Mr. SHOWALTER. If the gentleman from Tennessee will permit me, I will make a short statement that I think will be perfectly satisfactory. The war records show that this soldier served over three years and was honorably discharged. They also show that by the act of July 28, 1860, he was entitled to a hundred dollars bounty. He became enamored of the beauties of the land and scenery of Tennessee just after the war, and moved down there early in 1866, and was ignorant of the passage of this law. He is probably the only soldier entitled to the bounty that never received it, and the time elapsed before he could draw the money; hence this bill. I trust the gentleman will not object. It is a perfectly legitimate bill, and is unanimously reported by the committee.

Mr. TAWNEY. Does he live in Tennessee now?

Mr. SHOWALTER. No; he is living in Pennsylvania.

Mr. McMILLIN. Why was not the money paid to him under the law?

Mr. SHOWALTER. He was ignorant of the law. He failed to apply, and the time has elapsed. He is probably the only soldier entitled to the hundred dollars who has not received it.

The SPEAKER. Is there objection to the present consideration of the bill. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHOWALTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MARTHA E. FLESCHERT.

Mr. BAKER of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3697) for the relief of Martha E. Fleschert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Martha Elizabeth Fleschert, née Stevenson, of St. Louis, Mo., out of any money in the Treasury not otherwise appropriated, the sum of \$212.50, for services rendered by her as hospital matron in and for One hundred and thirtieth and One hundred and seventeenth regiments of Illinois Volunteers for seventeen months, from October, 1862, to March, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I think the report ought to be read.

The SPEAKER. The gentleman from New York asks for the reading of the report.

The report (by Mr. COOPER of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3697) for the relief of Martha E. Fleschert, submit the following report:

A bill similar to the one now under consideration was favorably reported by the Committee on War Claims of the House of Representatives at the second session of the Fiftieth Congress. Your committee concur in this report and make it a part hereof.

The report is as follows:

[House Report No. 3740, Fiftieth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 11600) for the relief of Martha E. Fleschert, report as follows:

The claim is for services rendered by Martha E. Fleschert as hospital matron for the One hundred and seventeenth Regiment of Illinois Volunteers from October 18, 1862, to March, 1864. Claim stated at \$212.50.

The proof filed in support of the bill shows that the claimant served continuously as hospital matron to the above-mentioned regiment for seventeen months, and that she has not been paid for said services.

Your committee are of opinion that the claimant should be paid for her services, and report back the bill and recommend its passage.

The SPEAKER. Is there unanimous consent to the consideration of the bill? [After a pause.] The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BAKER of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABANDONED MILITARY RESERVATIONS FOR SCHOOL PURPOSES.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 1639.

The bill was read, as follows:

A bill (H. R. 1639) donating the abandoned military reservation in Wheeler County, Tex., to the State of Texas for school purposes.

Be it enacted, etc., That the abandoned military reservation within the boundaries of Wheeler County, State of Texas, known and designated as Fort Elliott, be, and the same is hereby, granted to the State of Texas for the purpose of establishing thereon a State normal school.

Sec. 2. That the Secretary of the Interior shall, as soon as possible after the passage of this act, cause to be issued to the State of Texas a patent for all the land included in said abandoned military reservation hereby granted, and said patent shall recite that the lands so granted are held in trust by the State of Texas for the use and purpose of establishing thereon a State normal school.

The amendment recommended by the committee was read, as follows:

Amend section 1 by inserting, after the word "Elliott," in line 3, the following:

"Embracing surveys 47, 53, 55, and 57, patents 164, 165, 94, and 96, containing 2,500 acres, issued to the Houston and Great Northern Railroad Company."

Mr. DOCKERY. Mr. Speaker, I would like to hear the report.

Mr. BAILEY. Before reading the report, I would like to ask the gentleman from Texas about what is this land worth?

Mr. HAWLEY. Its value to-day is nominal, I should think. It is an abandoned reservation which the Government formerly used for a fort or garrison for United States troops. Some buildings were constructed there while the troops were garrisoned at that point. The Government has abandoned the reservation and the buildings which are there now—

Mr. BAILEY. I am not sure, but I think in the reading of the bill there was some reference to Greer County.

Mr. HAWLEY. There has been no reference whatever to Greer County.

Mr. STEPHENS of Texas. There is nothing about Greer County in there. The price of similar lands in Texas has been reduced by the legislature from \$3 to \$1 an acre. That is the price put upon it, as grazing land, in the Panhandle and plain prairie. The legislature has put that land upon the market at \$1 an acre, at 5 per cent interest and forty years' time.

Mr. STEELE. How many acres will this convey?

Mr. STEPHENS of Texas. About 2,500 acres.

Mr. DOCKERY. Well, Mr. Speaker—

The SPEAKER. The Clerk will read the report.

The report (by Mr. GRIFFITH) was read, as follows:

The Committee on the Public Lands, to whom was referred House bill No. 1639, have had said bill under consideration, and report:

Amend section 1 of said bill, beginning after the word "Elliott," in line 5 thereof, inserting the following words, to wit: "embracing surveys 47, 53, 55, and 57; patents 164, 165, 94, and 96, containing 2,500 acres, issued to the Houston and Great Northern Railroad Company."

And when so amended your committee recommend that the bill do pass.

Mr. DOCKERY. I desire to ask the gentleman in charge of the bill how that land certificate came to be issued to the railroad company in the first place? Was this grant of land by the United States to the railroad?

Mr. HAWLEY. I think this particular land was given to the railroad company by the State of Texas.

Mr. BAILEY. There has never been any public land of the United States in Texas.

Mr. DOCKERY. How did the United States come into the ownership of this land?

Mr. HAWLEY. I suppose by the land being transferred to the United States by right of purchase from the railroad company.

Mr. STEPHENS of Texas. In further explanation, I will state to the gentleman that a portion of the public domain was given to railroads in that part of the State, to those railroad companies

that would build roads, and this certificate was issued by the State to that railroad, it having completed so many miles of railroad. The railroad came in possession of a certain body of land and transferred its right to the United States.

Mr. DOCKERY. Can the gentleman state the price paid by the United States for this land?

Mr. LACEY. Two and a half dollars an acre.

Mr. DOCKERY. Two and a half dollars an acre?

Mr. STEPHENS of Texas. Two and a half dollars an acre, making about \$7,500.

Mr. DOCKERY. What committee reported this bill?

Mr. HAWLEY. The Committee on Public Lands.

Mr. STEELE. Has this bill the approval of the Secretary of War or the Secretary of the Interior?

Mr. LACEY. There are a number of precedents for this action. The ground on which such a grant is placed is this: The Government has built a large number of buildings for barracks in a place where they are of no further use for national purposes.

Mr. STEELE. How does the gentleman know that they are not needed; does the Secretary of War say so?

Mr. LACEY. They have been abandoned for a long time. They were headquarters for troops. The buildings are there and going to decay. They are now in charge of an officer appointed by the Government for the purpose of looking out for them, but they will soon pass into entire decay if nothing further is done. If the State can take charge of them and put them into repair, they can be utilized for the purposes for which they are requested. There are a number of instances where old barracks have been utilized for public purposes.

Mr. PAYNE. I would like to ask the gentleman from Iowa whether, after the present war is over, these buildings would not make a good place for a soldiers' home?

Mr. LACEY. As I understand, this is in the arid part of Texas, and it is not a very suitable place for a soldiers' home.

Mr. PAYNE. If it is not suitable for a soldiers' home, how can it be suitable for a normal school?

Mr. LACEY. The soldiers do not have to go to Texas, but the normal school must be within the limits of the State. We have already large provision made for soldiers' homes. Soldiers are dying off every year, and there will be ample room for the soldiers of the present war in the Homes already in existence. This place is not very suitably located for a soldiers' home. In fact, I doubt whether it is a good scheme for the State of Texas to use it for the purposes for which they have applied.

Mr. PAYNE. You think it is a bad thing for the State of Texas?

Mr. LACEY. No; but it does not strike me as being a good thing for Texas; but that is a matter in which they must exercise their own discretion. The buildings are no longer useful for the United States.

Mr. PAYNE. I understood the gentleman from Texas to say that there were no public lands in the State of Texas.

Mr. BAILEY. I said no United States public lands.

Mr. LACEY. Let me finish the answer to my friend from Indiana. These lands became public lands because they were no longer needed by the United States Government for army purposes and were turned over to the Interior Department for disposition, and thus came under the jurisdiction of the committee.

Mr. PAYNE. The United States had no public lands in the State of Texas, but the State of Texas had an immense amount of public lands.

Mr. LACEY. That is true.

Mr. PAYNE. The State even built its public buildings and paid for them in that way, and I suppose they have State lands left.

Mr. LACEY. Yes; they do not need these lands. It is only a question of the buildings upon them. It is a question of the buildings rather than the land.

Mr. PAYNE. Are the buildings valuable?

Mr. LACEY. They are practically worthless for any purposes except for some such public use as this proposed use.

Mr. PAYNE. They cost a large amount of money?

Mr. LACEY. Oh yes.

Mr. PAYNE. They would be valuable to the State for school purposes?

Mr. LACEY. The State can utilize them.

Mr. PAYNE. I would like to ask why we should charge a place like Los Angeles \$1.25 an acre for land for the purposes of water supply and give a rich State like Texas 2,000 or 3,000 acres of land which we have already bought, with a large number of buildings upon it that cost a great deal of money, for school purposes? Why should they not be required to pay as well as a city like Los Angeles?

Mr. HAWLEY. The county of Greer, which has been a source of contention between the State of Texas and the United States since the annexation of Texas, has lately been allotted to the United States. Before that discussion was decided the county of Greer, in common with all other counties in the State of Texas,

had her allotment of school lands, and as some counties did in the State, received about 18,000 acres of school lands, and that 18,000 acres they sold, and the proceeds were put in the exchequer of the county of Greer, and through that fund has established a splendid school system all over that county, which is to-day a part of the territorial domain of the United States. Under a recent decision of the Supreme Court the United States has received the full benefit of that 18,000 acres of land, and it seems to me that if there was nothing else, that is sufficient reason for the State to ask for these buildings and this land.

In view of the enormous benefit the Government has received in the county of Greer, to the extent of seven or eight times the value of that which the State asks to-day, I think the Government could afford, not in a spirit of generosity, but in a spirit of fairness and justice to the State of Texas, to grant it this 2,500 acres of land.

Mr. PAYNE. How much of the debt of Texas was paid by the United States upon the admission of that State into the Union?

Mr. HAWLEY. Whatever the price, it was the best investment the United States ever made.

Mr. BAILEY. If this were a question of public lands, I would have no difficulty about it. I am perfectly willing to grant every acre of public lands to the States and Territories in which they are situated. I believe that is the best solution of our land question. But this does not happen to be a case of that kind. This happens to be a case in which the Government of the United States bought the land and paid for it. But still there is great force in what my colleague says about the condition of Greer County, and I desire to say to the gentleman from New York that the difference between a water right and a school purpose is very great, and the Government has always recognized it. The Government has never granted public lands for the purpose of providing a water supply for either counties or cities, and has frequently granted public lands for the purposes of education. In view of the statement which the gentleman makes, that this is merely an effort to recoup the State of Texas for its loss in having given up Greer County to the United States, I will not object. But I doubt the policy of—

Mr. STEELE. I suggest to the gentlemen—both of them—that, as long as Oklahoma has had to take Greer County, she, rather than the State of Texas, ought to have this reservation for whatever there may be in it. It is enough for Oklahoma to have taken Greer County, and then to get nothing with it that ought to belong to her is still worse.

Mr. BAILEY. Oh, no; Oklahoma, which now includes Greer County, has the benefit of the school lands which Texas assigned to that county.

Mr. STEELE. If Greer County has brought any benefit to Oklahoma, it is something which I have yet to learn.

Mr. BAILEY. The residents of Oklahoma would not agree with the gentleman. We would be very glad to take Greer County back if the United States will cede it to us. We contested the question in the courts, and held the county as long as we could; but the decision of the Supreme Court of the United States took it away from us against our will.

Mr. LACEY. Mr. Speaker, the theory upon which this grant has been recommended by the committee is not as a public-land grant in the ordinary sense of the term. We have recommended this measure for this reason: The buildings are expensive; they have cost a good deal of money. They can now be repaired and utilized and made of great value to the State of Texas. The proposition is to give to the State that which is practically worthless to the Government, but which will save to the State the expense of providing buildings, either here or elsewhere, for school purposes.

These buildings, I understand, are in such a condition to-day that with proper repairs they could thus be utilized by the State. Practically the Government of the United States is giving away that which it has no further use for and which it is not likely to have any further use for. These are buildings which were erected as a fort and barracks out upon the plains so that the Government might have troops conveniently at hand to suppress the disorders of the Indians. There is no longer need of such suppression; the Indians have had their lands largely allotted to them, and are now settling down as peaceful citizens. This property, therefore, is no longer needed by the Government for military purposes, and the proposition is that it be utilized by the State of Texas for the peaceful purpose of accommodating a normal school.

Mr. STEELE. Why not confine this grant to the 40 or 60 acres upon which these buildings are located, leaving the remainder of the 2,500 acres in the possession of the Government? The Government paid for this land at the rate of \$2.50 an acre. Why should we not give the State simply 50 or 60 acres and the old buildings, which I think ought to be donated for the purpose contemplated? But I do not believe we ought to give away the whole of those 2,500 acres.

Mr. DOCKERY. Mr. Speaker, allow me to make a further

suggestion. If it is to be the policy of the Government to donate to the States the abandoned military reservations which may be found within their limits, it is obvious that it is very material how those reservations may be located at the outset. If the title is to revert to the State in which the reservation is located, the State may be enormously benefited by the location selected. This reservation was bought with money taken from the general Treasury of the people of the United States, and on it we have erected buildings more or less costly. Now, I submit in all fairness to both the gentlemen from Texas whom I see before me whether this is a fair and equitable proposition to the balance of the people of the United States?

Mr. HAWLEY. Mr. Speaker, with respect to this proposed transfer, I wish to say that when this bill is regularly before the House I shall, in compliance with the suggestion of the gentleman from Indiana, move an amendment, accepting the section of land on which these buildings are located. In their present condition they are entirely useless. If, under this bill, they are granted to the State of Texas, we propose to guarantee not only the establishment, but, so long as the title to the property may vest in the State, this normal school shall be maintained thereon.

The SPEAKER. The gentleman will suspend until the House is in order. This is a matter of some importance. There are a number of these bills pending before the House.

Mr. PAYNE. Mr. Speaker, I do not think the proposition of the gentleman from Texas helps the matter any. It does not change the principle. Here are a number of buildings that have been constructed by the United States at great expense, which happen to be located in the State of Texas. The State of Texas comes here and asks us to give it that property. Now, the State of Texas is able to pay for it. The State of Texas has no equity against the Government of the United States.

Mr. HAWLEY. I have just stated one.

Mr. PAYNE. And I have stated a pretty good offset. The State of Texas has an abundance of public land for school purposes, so much that it could not use them all, and used them to build its State buildings. There is no claim for benevolence on account of a poor State. As the Chair has already remarked, there are a number of these abandoned reservations, the property of the United States, which it does not use, and every other State has the same right and the same equity. A great many of them have more equities to come in and ask the United States to donate these lands. I suppose we might come in from the State of New York and ask the United States to donate to us the custom-house in the city of New York or some other public building. It is a bad principle to start out on and we do not know where it will end. I shall object to the bill, either in the form proposed or in the present form.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 769) to increase the pension of Clark W. Harrington, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. KENNEY as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LINDSAY, Mr. SHOUR, and Mr. KYLE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill and joint resolutions of the following titles:

H. R. 9477. An act to amend section 8 of the act of Congress approved March 2, 1890, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes;

H. Res. 175. Joint resolution for a survey of the harbor at Sheboygan, Wis.;

H. Res. 273. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of May, 1898, on the 28th day of said month; and

H. Res. 271. Joint resolution donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 4488) granting an increase of pension to Peter Castle disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SHOUR, and Mr. KENNEY as the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 1801) granting an increase of pension to Catherine Clifford disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. ROACH as the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 378) granting a pension to Lowell H. Hopkinson disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. BAKER, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That the Secretary of War be, and he is hereby, authorized and directed to prepare and submit plans, specifications, and estimates for the improvement of Aransas Pass Harbor, State of Texas, and especially to make plans and estimates for the removal of the sand bar at Aransas Pass and the deepening of the channel across said bar to a depth of at least 20 feet and a width of at least 150 feet at the bottom, so as to furnish an inlet for the passage of vessels from the Gulf of Mexico into Aransas Harbor; and report such plans to Congress, and also whether, in his judgment, such improvement should be made.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes.

The message also announced that the Senate receded from its amendment to the bill (H. R. 1540) granting an increase of pension to William H. Oliver.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6209) to pension William Stephenson Smith, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5006) to increase the pension of Edward Starr, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. TURNER, and Mr. KYLE as the conferees on the part of the Senate.

PRINTING OF BULLETIN RELATING TO BEET SUGAR.

Mr. PERKINS. Mr. Speaker, I desire to present from the Committee on Printing Senate joint resolution 143, providing for the printing of House Document No. 896, relating to the beet-sugar industry in the United States, and ask unanimous consent for its present consideration.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That there be printed 60,000 copies of House Document No. 896, Fifty-fifth Congress, being a special report on the beet-sugar industry in the United States, 27,000 copies for the use of the House of Representatives, 13,000 copies for the use of the Senate, and 20,000 copies for the use of the Department of Agriculture.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. McMILLIN. Let us have some statement showing the necessity for it.

Mr. PERKINS. What was the observation of the gentleman from Tennessee?

Mr. McMILLIN. Let us have the report read. That will do as well. I suggested that we have some statement.

Mr. PERKINS. I have a letter in my hand from the Secretary of Agriculture. I suppose nearly every member on the floor is somewhat familiar with the efforts being made to introduce the beet-sugar industry into the various States of the Union. This bulletin covers all the information that the Department of Agriculture has been able to collect upon the subject. There is very great demand for it from all parts of the country, and to disseminate this information this bulletin has been prepared. It is a Senate resolution, as the gentleman has probably noticed, and we think that the document should be printed in the number asked for.

Mr. McMILLIN. What is the size of it? Is it a book or pamphlet?

Mr. PERKINS. It is a pamphlet, a bulletin, something after the form of these other agricultural bulletins.

Mr. McMILLIN. Is it proposed to be printed with paper covers or in cloth?

Mr. PERKINS. Oh, with paper covers.

Mr. SMITH of Kentucky. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Kentucky demands the regular order.

Mr. PERKINS. I hope the gentleman will permit this resolution to pass. It will take but a moment.

Mr. SMITH of Kentucky. I withdraw the demand.

Mr. TERRY. I should like to inquire of the gentleman if the Secretary of Agriculture has any of the sugar-beet seeds to distribute after he sends out the bulletins?

Mr. PERKINS. Well, I am not prepared to answer that.

Mr. TERRY. The publication will not do us much good unless we can get the product.

Mr. PERKINS. I know the Department has distributed sugar-beet seeds. Whether it has any on hand now or not I do not know.

Mr. TERRY. If we are going to send out these bulletins, the Secretary of Agriculture had better get some seed, because there will be a great demand for them, I expect.

Mr. PERKINS. I think there is no objection to the passage of this resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

SAN JOAQUIN RIVER, ETC., CALIFORNIA.

Mr. DE VRIES. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 221, for improvement of San Joaquin River and Stockton and Mormon channels, California.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to expend for improvements and surveys of the waterways hereinafter named and their tributaries any sums of money now to the credit of and heretofore appropriated for the improvement of San Joaquin River and Stockton and Mormon channels, California, as and where, in his discretion, will best improve the commercial capacity of said waterways.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. CANNON. What is this for—a survey?

Mr. DE VRIES. The principal object of this resolution is to enable the Government to use the sum of \$48,000 now to the credit of the San Joaquin River and Mormon and Stockton channels, California. The condition of these waterways is peculiar in this, that they depend largely upon the water which comes down from the mountains by the melting of the snow that accumulates in the winter to maintain the navigability of the streams during the summer season. This year California has experienced an extraordinary drought. We have had only 5 or 6 inches of rain where we have ordinarily had 19 or 18, and very little snow. Consequently the bars which have accumulated in these waterways during the winter must be cleaned out or else navigation will be seriously if not entirely impeded during the coming summer.

Mr. CANNON. This is to make available—

Mr. DE VRIES. Money already on hand.

Mr. CANNON. Forty-eight thousand dollars appropriated for another purpose and to utilize that money for the purpose mentioned.

Mr. DE VRIES. Yes; this \$48,000 is already appropriated for uses upon these same waterways.

Mr. CANNON. I shall have to object, Mr. Speaker.

The SPEAKER. Objection is made.

CODE OF CIVIL PROCEDURE FOR THE DISTRICT OF ALASKA.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution 28.

The Senate concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the commission heretofore appointed pursuant to the act of June 4, 1897, to revise and codify the criminal and penal laws of the United States, be, and is hereby, directed to prepare and, through the Attorney-General, submit to Congress at the earliest practicable date a code of civil procedure for the District of Alaska.

The following amendment, recommended by the Committee on Revision of the Laws, was read:

Strike out all after the resolving clause and insert the following:

"That the commission heretofore appointed pursuant to the act of June 4, 1897, to revise and codify the criminal and penal laws of the United States, be, and is hereby, directed to prepare and, through the Attorney-General, submit to Congress at the earliest practicable date a codification of the laws other than criminal, and a code of procedure thereunder, for the District of Alaska."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. TERRY. We should like to have some explanation of the matter.

The SPEAKER. The gentleman from Arkansas [Mr. TERRY] asks an explanation.

Mr. WARNER. The act of 1894 made the laws of Oregon, so far as practicable, applicable to the District of Alaska, except where they conflict with the general statutes of the United States. The laws of Oregon have not been revised since 1874. All laws since that are session laws. They have to be furnished to the officers of the Government in Alaska, the judicial officers, such as justices of the peace, and so forth, and it is almost impossible to get all of these session laws. There is a doubt as to what law is in force and effect in some particular instances, as, for instance, with relation to the selection of jurors, and so forth.

In order to have them simplified and codified and easily within the reach of everyone, not only the law officers of the Territory, but of the lawyers who desire to practice there, this resolution contemplates and provides that this commission, appointed by the President under the act of 1897, shall codify the laws governing the District of Alaska.

Mr. TERRY. Have you got enough population out there yet to justify this additional expense?

Mr. WARNER. If we only had three men there, we should have some law to govern them, but at least 200,000 will go in there during this summer, it is estimated. There must be laws and laws enforced in this District, and this will make it much cheaper for the Government and for everyone else concerned.

Mr. TERRY. Has the Attorney-General recommended this?

Mr. WARNER. The Attorney-General recommends it. The resolution has passed the Senate. The commission agreed to do the work, and it should be expedited as rapidly as possible. They are to make a report to the Attorney-General. That is what this resolution provides.

Mr. TERRY. What committee does this matter come from?

Mr. WARNER. The commission appointed by the President under the act of June, 1897, to revise the laws. Judge Culbertson is one of them.

Mr. TERRY. But what committee reports this resolution here in the House?

Mr. WARNER. The House Committee on Revision of the Laws. The resolution has passed the Senate; and when it came over here, it was referred to the Committee on Revision of the Laws, and that committee have reported it back with the proposed amendment.

Mr. TERRY. It is a unanimous report?

Mr. WARNER. It is a unanimous report of the committee.

Mr. McMILLIN. Will the gentleman allow me to ask him a question?

Mr. WARNER. With pleasure.

Mr. McMILLIN. How long will it take this joint commission to do the work?

Mr. WARNER. I think they will be able to do this work complete before the next session of Congress.

Mr. McMILLIN. Do they for the while they are engaged in this work suspend the work for which they were originally appointed?

Mr. WARNER. I think not.

Mr. McMILLIN. Do not they to that extent delay that important work?

Mr. WARNER. There is nothing pressing except the civil law. They have already codified the criminal laws of the District, and a bill is ready reporting on that work.

Mr. McMILLIN. Will the gentleman allow me to ask him another question?

Mr. WARNER. Certainly.

Mr. McMILLIN. Will not the codification of the laws that apply to the Territories be sufficient? What is the necessity for making an exception to those Territories?

Mr. WARNER. Simply on account of the condition of the laws. The laws of Oregon now govern, and they are scattered all through these session laws. They govern except where they conflict with the United States laws, and it is impossible almost for the officers up there to get hold of these session laws. This concurrent resolution is recommended by the judicial officers of Alaska, by the governor, and by everyone interested in the enforcement of the laws. It makes no expense to the Government whatever, but saves a great deal of money. The commission have already commenced on the work.

Mr. LEWIS of Washington. I would state to the gentleman that the people in that Territory are exceedingly solicitous that this shall go through.

Mr. McMILLIN. Mr. Speaker, we are unable to hear the gentleman's statement on account of the confusion.

Mr. LEWIS of Washington. I merely desire to inform the gentleman from Tennessee that the people in Alaska, so adjacent to my constituency, are very anxious for this matter, and have informed me that as there is practically no law in Alaska it is very essential in order to secure the enforcement of law for the protection of the various interests of that community.

Mr. McMILLIN. This does not change the law, but simply codifies it.

Mr. LEWIS of Washington. I will state that my friend is correct, but there is at present great confusion as to really what law does prevail there—a portion of the law of Oregon and the general statutes of the United States, which breeds much confusion.

Mr. McMILLIN. We have already by statute designated what laws do apply.

Mr. LEWIS of Washington. Yes, sir; in civil cases; purely and only that.

Mr. DOCKERY. I want to call the attention of the gentleman to the fact that the Statutes at Large of the United States have not been revised since the act of 1873, which, as amended, carried the revision up to 1878, I think.

Mr. WARNER. That is an additional argument why this resolution should go through.

Mr. DOCKERY. I am glad to see the spirit of codification abroad, even if it does not apply to all our statutes.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. McMILLIN. Mr. Speaker, I am not going to object to the consideration of the resolution, but I wish to state that I should be very sorry if this should take six months of the time of the commission already engaged upon an important work, and thereby delay that work, to do which it was appointed.

Mr. WARNER. I did not say it would take six months. I say it may take six months, but I think it will be done in a very much shorter time.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to; and the concurrent resolution as amended was adopted.

On motion of Mr. WARNER, a motion to reconsider the vote by which the concurrent resolution was adopted was laid on the table.

MISS M. O. CHAPMAN.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.

Be it enacted, etc., That the sum of \$12 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Miss M. O. Chapman, of Paulding, in Jasper County, Miss., being the amount contained in a certain registered package rifled from the mails by one Rubo Burrows in a train robbery committed near the town of Bucatunna, in Wayne County, Miss., on September 23, 1890, the said registered package having been sent from Paulding by Miss Chapman, the postmistress thereof, one day later than required by the Post-Office regulations, and the Post-Office Department having for that reason held her to the payment thereof and she having paid the same.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WILLIAMS of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF TIME FOR MANNING LIFE-SAVING STATIONS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10525.

The bill was read, as follows:

A bill (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to keep such of the life-saving stations upon the Atlantic and Gulf coasts opened and manned for active service during the months of June and July, 1898, as he may deem advisable, the number of surfmen to be employed at each station during this period to be such as the General Superintendent of the Life-Saving Service shall determine, not to exceed the number now employed, and the compensation of each surfman shall be at the rate of \$60 per month.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the consideration of the bill in the House as in Committee of the Whole.

Mr. TERRY. Mr. Speaker, this is a very important matter, it occurs to me. I would like to have some explanation of it.

Mr. MANN. Mr. Speaker, the life-saving stations on the Atlantic and Gulf coasts are closed during the months of June and July—

Mr. TERRY. Now, right there. Why do you not want that done this year?

Mr. MANN. They have recently been utilized by the Signal Corps of the Navy, running from the coast of Maine clear down through the Gulf past the coast of Texas, so as to make a complete Signal Corps service all along the United States Atlantic and

Gulf coasts. The Navy Department considers that it is absolutely necessary that they have this Signal Corps in operation. Now, the life-saving stations, together with the light-houses, are connected by telephone and telegraph with the Signal Corps station in each district, which is connected with the Signal Corps in the Navy building.

Mr. TERRY. Have not we got a Signal Corps under the charge of the Navy Department independent of the life-saving station?

Mr. MANN. In certain stations only, and they are very few. The present Signal Corps of the Navy, so far as watching and patrolling the coast is concerned, is made up by cooperation with the life-saving stations, the Light-House Board, and the Weather Bureau stations. So that unless these life-saving stations are kept in operation during the months of June and July the Signal Corps will be absolutely without the patrol system. Now, it is not necessary to keep all of these stations open, nor is it necessary to keep the entire complement of men at each station. The usual number of men for a life-saving station is a keeper and six surfmen. The keeper remains during the entire year, anyway. The surfmen are laid off during the months of June and July. There are 177 stations on the Atlantic and Gulf coasts, including 8 houses of refuge—

Mr. TERRY. Mr. Speaker, this will involve an expense of \$200,000.

Mr. MANN (continuing). Of these they desire to keep open 138, with four men at each place, and while the bill provides for an appropriation of \$125,000, I wish to offer an amendment reducing that to \$70,000.

Mr. TERRY. Mr. Speaker, I think we had better go into Committee of the Whole on the matter, and I object.

Mr. MANN. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider this bill.

The SPEAKER. The gentleman from Illinois asks consent for consideration of the bill in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union (Mr. PAYNE in the chair) for the consideration of the bill (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898.

The CHAIRMAN. The Clerk will report the bill.

The bill was again read.

Mr. MANN. I ask for the reading of the report.

The Clerk read the report (by Mr. MANN), as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred House Document No. 496, have considered the same and report the accompanying bill (H. R. 10525) with the recommendation that it do pass. The purpose of the bill is explained by the annexed letters from the Secretary of the Treasury and the Secretary of the Navy.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.

Washington, D. C., May 24, 1898.

SIR: I have the honor to transmit herewith a copy of a letter signed by the Acting Secretary of the Treasury, dated the 19th instant, and addressed to the Speaker of the House of Representatives, inclosing a copy of a letter of the Secretary of the Navy, dated May 18, addressed to the Secretary of the Treasury, both relating to the importance of keeping open and manned the life-saving stations upon the Atlantic and Gulf coasts during the war, as important adjuncts to the coast signal service, and recommending legislation granting authority of law for the employment of life-saving crews at these stations during the months of June and July, 1898.

It appears from the records of this Department that the original letter of the Acting Secretary above referred to, with its inclosure, was duly mailed, but, it is learned, has failed to reach its destination.

Respectfully, yours,

L. J. GAGE, Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.

Washington, D. C., May 19, 1898.

SIR: I have the honor to inclose herewith copy of a letter from the honorable Secretary of the Navy, dated the 18th instant, strongly urging that the crews of the life-saving stations along the Atlantic and Gulf coasts be kept on duty during the war as important adjuncts to the coast signal service established along those coasts.

I heartily concur in the recommendations contained in the letter, but there is no authority of law for the employment of these crews during the months of June and July. I would therefore recommend that Congress enact the necessary legislation for the employment of the crews during the two months named.

A draft of a bill for this purpose is herewith respectfully submitted.

Respectfully, yours,

O. L. SPAULDING, Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

NAVY DEPARTMENT, Washington, May 19, 1898.

SIR: Capt. John R. Bartlett, United States Navy, superintendent of the coast signal service, reports to me that a complete system of observation is established along the entire Atlantic and Gulf coasts of the United States, and that the coast signal service is thus fully in operation.

This is effected through the cooperation of the keepers of all light-houses, crews of the life-saving stations, observers of the Weather Bureau, and connection by telephone and telegraph wires of the several services and the Western Union Telegraph to headquarters, Navy Department.

A very important adjunct of this service is the patrol by the crews of the life-saving stations along the coast, filling in gaps between light-houses and coast signal stations. Captain Bartlett has called my attention to the fact that under existing law the crews of the life-saving stations will be laid off during the months of June and July. The coast signal service would be greatly crippled thereby.

The coast signal service is of such importance that in order to maintain its efficiency I earnestly request that immediate steps be taken to obtain the necessary authority of law to have the crews of the life-saving stations—or half crews—kept on duty during the war. With regard to the question whether provision should be made for full or half complement, it is suggested that the Superintendent of the Life-Saving Service be consulted.

As a special act of Congress with an extra appropriation making provision for pay of crews would appear to be necessary, the urgent need of prompt action will be apparent.

Very respectfully,

JOHN D. LONG, *Secretary*.

The SECRETARY OF THE TREASURY.

Mr. MANN. Mr. Chairman, this is the unanimous report of the Committee on Interstate and Foreign Commerce. There is to-day a system of patrol along the entire coast, utilized for various purposes, one of which is watching for any ships of the enemy and the other is to communicate directly with any ships of our own country. All of these signal stations are provided with the international code of signals, so they can signal any vessel of our own which is seen upon the ocean at any place along the coast.

Mr. KLEBERG. How far does this extend?

Mr. MANN. From the northern shores of Maine to the other end of Texas.

Mr. KLEBERG. To the mouth of the Rio Grande?

Mr. MANN. Yes. The amount of appropriation requested was \$125,000, because the estimate was made on the basis of keeping open all the stations with a full complement of men; but upon consultation with Captain Bartlett, of the Signal Corps, and Mr. Kimball, Superintendent of the Life-Saving Service, it was figured out that by keeping four men at 138 stations, instead of 177 stations, we would be able to keep the Signal Corps in good operation along the entire coast. Now, if there is any question, I would be glad to answer it.

Mr. DOCKERY. Will the gentleman state the compensation now paid?

Mr. MANN. Precisely the same, \$60 a month. There is no change of compensation.

Mr. DOCKERY. I understand the gentleman to say that during the months of June and July, under the law as it now stands, these surfmen are discharged.

Mr. MANN. They are furloughed during the months of June and July.

Mr. DOCKERY. Without pay?

Mr. MANN. Without pay.

Mr. DOCKERY. I do not question the accuracy of the statement of the gentleman, but it is the first time it ever came to my knowledge that the law authorized the furloughing of surfmen during any time of the year.

Mr. MANN. I used the word "furloughed" because that was the word which was used in a statement to me by the Department. They are laid off during the months of June and July without pay, and the same men go on again in August.

Mr. DOCKERY. Who has charge of the life-saving stations during those months?

Mr. MANN. The keeper is kept there the year round.

Mr. DOCKERY. This revised estimate of \$70,000 is based upon the proposed employment of four surfmen at 138 stations for two months?

Mr. MANN. Yes.

Mr. DOCKERY. I desire to ask the gentleman if he will not accept an amendment in line 4, so as to read "the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to keep such of the life-saving stations," etc.?

Mr. MANN. I have no objection to that, but the bill says in line 7 "as he may deem advisable."

Mr. DOCKERY. The gentleman is correct, and the proposed amendment would be unnecessary.

Mr. SIMPSON. Does the gentleman think that four men will be a sufficient number to patrol the coast?

Mr. MANN. The system as proposed is this: That from each life-saving station, where there are now six men, two men shall go off at night on different shifts and the men from different stations meet and exchange checks, each bringing back the check given by the other. It is not designed to man the boats, because four men would not be enough for that. The only design is to patrol the coast at night.

Mr. SIMPSON. Are four men the average number used for patrolling the coast? Do they not ordinarily use more?

Mr. MANN. I do not know how many they use now. They have six men at each station. The Department says that four would now be sufficient, because one is supposed to patrol up to 12 o'clock, and another from 12 o'clock on, the patrolling being at night.

Mr. DOCKERY. I do not know that I caught the reading of the report aright; but if I did, the Secretary of the Treasury and the Secretary of the Navy concur in recommending this legislation.

Mr. MANN. They do.

Mr. DOCKERY. And the gentleman proposes to offer an amendment reducing the amount of the appropriation to \$70,000?

Mr. MANN. Yes, sir.

Now, unless somebody else wishes to occupy some time, I ask for the reading of the bill.

Mr. BERRY. Mr. Chairman, I can not see any necessity for the expenditure of \$125,000, or even \$70,000, to extend this Life-Saving Service at this time. In all probability there will not be upon the seaboard this summer very many people whose lives are to be preserved. So far as communication is concerned along the seaboard, either upon the Atlantic or the Gulf coast, it is done mostly by vessels; and these life-saving stations are close to the shore. Inasmuch as Cervera's fleet is now hemmed in or "bottled up" at Santiago, and as we are sending a great many Americans down there to look after that fleet, and as we know pretty well where the ships of the Spaniards are, it seems to me it would be best for us to utilize our Navy immediately and make an attack down there. Our seacoast is in pretty good shape, without any extension of the Life-Saving Service, unless we want to save some of the bathers who may be down there this summer.

It seems to me totally unnecessary for the Government to expend \$60 a month per man for about 600 men who are to be put on duty at 170 different stations for two months. I suppose possibly the object is to make some patronage for the party in authority. But I really see no necessity for any such thing. These 600 men had far better join the Army and go down into the waters of Cuba for the purpose of taking care of the interests of the Government down there. It seems to me this proposition is an unreasonable one. The probability of this Life-Saving Service being needed to protect anybody's life on the coast during the coming few months of summer is, I think, very remote. I repeat, it seems to me that is a totally unnecessary appropriation of money—\$120,000, I believe, was first proposed, but cut down now to \$70,000—to employ 600 or 800 men to lie around the seacoast, smoking a cigar now and then, and probably having nothing to do during the whole summer.

Mr. BENNETT. Mr. Chairman, I am rather surprised at the statement of the gentleman from Kentucky [Mr. BERRY] and at his ideas in regard to the Life-Saving Service. It is evident that he has not resided on the seacoast. This bill proposes simply to authorize the Secretary of the Treasury to use so many of the life-saving crews as he may deem necessary during the period named; and we have no reason to believe that the entire body will be put into service in this way.

Mr. SMITH of Kentucky. How many persons are employed in this service now?

Mr. BENNETT. The gentleman from Illinois [Mr. MANN] will answer that question.

Mr. MANN. There are 171 stations, with 7 men at each station.

Mr. BERRY. Is not the gentleman aware of the fact that the United States Government has already a large number of cruisers, like the San Francisco, plying up and down the coast?

Mr. BENNETT. In reply to that remark of the gentleman from Kentucky, I will say that we have not deemed it necessary to place our opinions against the opinion of the Secretary of the Treasury and the Secretary of the Navy, who ask for this detail.

Mr. BERRY. I do not always accept the opinion of the head of a Department as absolute law for me. I look into the merit of each measure presented, if I have the time.

Mr. BENNETT. In reply to that suggestion, I will say that our committee—the Committee on Interstate and Foreign Commerce—investigated this subject, and reported this bill unanimously. There were fifteen members present when the measure was under consideration, and they all voted in favor of it.

Mr. SMITH of Kentucky. I would like to ask one further question. I see the Acting Secretary says that there is no authority for the employment of these crews during the months of June and July. I would like the gentleman to explain why that provision of law was made. Why are these crews furloughed during those two months?

Mr. BENNETT. Because during those two months there is less wreckage, on account of the infrequency of storms at that season as compared with the rest of the year.

Mr. STEELE. If the custom of other Departments were followed these men would be laid off with pay.

Mr. DOCKERY. The gentleman from Kentucky [Mr. BERRY], who has an inquiring mind, wants to know the whereabouts of the cruisers that have been patrolling the Atlantic coast for some weeks to dull the edge of apprehension, which seems to have been very keen in certain sections because of the fear that the Spanish fleet might cast anchor up there. In a similar spirit of inquiry, I desire to ask what becomes of the \$3,000,000 tugboat navy for which we provided some time ago? What service is it to render? That bill went at railroad speed through both Houses recently, and I hardly ventured an interrogation for fear I might delay or retard the passage of the bill, it being considered so essential to the defense of the country. Now I should like to know what use has

been made of the \$3,000,000 authorized to be expended for our tugboat navy?

Mr. RIDGELY. Four million dollars, I think.

Mr. DOCKERY. The Senate reduced the amount by \$1,000,000. Now, then, that \$3,000,000 ought to be accounted for somewhere. We have our cruisers coasting or cruising along the line of the coast, and then we have a tugboat navy cruising along the coast, and now I believe it is proposed to utilize the Life-Saving Service. I really think this last proposition is more practical than the tugboat instrument. As a matter of fact, I think the \$3,000,000 appropriated for the purchase of tugboats and other vessels might as well have been dumped into the Potomac River as far as any beneficial results to the country are concerned.

Mr. BENNETT. I will say to the gentleman from Missouri that if he wishes any detailed information about the Navy, it will be just as well to apply to the Naval Committee, of which the gentleman from Maine [Mr. BOUTELLE] is chairman.

Mr. DOCKERY. That committee came in with the bill, which was "to provide an inner line of defense." I believe that was the title. It seems that this bill provides still another inner line of defense.

Mr. SIMPSON. The most inner line.

Mr. SMITH of Kentucky. The innermost line.

Mr. BENNETT. I think the executive officers of the Government are in a better position to tell what is necessary than are the members of Congress, and that we can do no better than to accept the recommendations of the heads of Departments.

Mr. DOCKERY. That is true; but I was taking an account of stock of the various lines of defense. First, the Spaniards would have to pass the cruiser line, and then we would fall back on the tugboat line of defense, and then, again, it may be, on the life-saving inner line of defense.

Mr. MANN. May I make a suggestion?

Mr. SIMPSON. Can the gentleman assure us that this is the last line that will be necessary?

Mr. MANN. I wish to state that the principal object of the patrol system is to enable the Government, through the Navy Department, to communicate with these vessels. Every one of these stations has the international signal code. When the battle ship *Oregon* recently arrived on our shores, where did the Navy Department get the first information concerning the fact? It was through one of these signal stations, through the Signal Corps at Jupiter Inlet, that the *Oregon* first reported after leaving South America; and it might have been well worth a good deal more than \$70,000 to communicate with her at that time.

The *Oregon* reported at Jupiter Inlet, and was instantly in communication with the Secretary of the Navy to receive orders. The same conditions may exist anywhere.

Mr. DOCKERY. I want to say to the gentleman that I think that it will be demonstrated, if there is opportunity for demonstration, that this \$70,000 is of more value for defensive purposes than the \$3,000,000 carried in the tugboat bill—

Mr. MANN. Well, I think very likely that is true.

Mr. DOCKERY. Which was passed for the benefit of gentlemen who had tugboats to sell—

Mr. LOVE. The amount was \$4,000,000.

Mr. DOCKERY. I do not mean to intimate that the gentlemen who secured the passage of the bill had any such purpose in mind. I am sure, also, that the Secretary of the Navy, who recommended the bill, was sincere, but I only intend to say that the practical effect of the bill will be beneficial to the owners of tugboats. I think, however, this bill is a practical measure.

Mr. SIMPSON. Do you not think that, having afforded an opportunity for these people to unload a lot of old, worthless tugs on the Government, we ought to do something practical now?

Mr. DOCKERY. I do; and I am in favor of this bill. I think the bill is meritorious and should be passed.

Mr. SIMPSON. It came in a little late, but I think it is a good bill, that ought to pass.

Mr. MANN. I am not here for the purpose of answering any questions in reference to the tugboat business. I supposed the distinguished gentleman from Missouri [Mr. DOCKERY], who is a member of the Committee on Appropriations, would see that that money was properly expended.

Mr. BERRY. I should like to ask if the present condition of the war between Spain and the United States does not make it less necessary to have these life-saving stations filled now than it would have been six weeks ago or two weeks ago?

Mr. MANN. Well, I sincerely hope that the war with Spain is that much nearer over.

Mr. BERRY. Does not the gentleman think the fact that there is no Spanish fleet threatening our coast makes the service less necessary than it would have been?

Mr. MANN. Oh, the gentleman must understand that these signal stations have been in use during the last six weeks.

Mr. BERRY. I understand the signal stations are independent of the life-saving stations.

Mr. MANN. No; the signal stations are the life-saving stations. They are not independent. They have been in use for some time past. Unless this bill is passed the men will be laid off at 12 o'clock to-night. They probably will be laid off, because the bill will not be passed that soon; but the men have been requested to remain where they can go on duty again.

Mr. STEELE. Let us pass the bill, then.

Mr. MANN. I ask for the reading of the bill. When the second section is reached, I will offer an amendment to it.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That for the purpose of carrying into effect the provisions of the preceding section the sum of \$125,000, or such portion thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I offer the following amendment to section 2.

The Clerk read as follows:

Amend by striking out, in line 2 of section 2, the words "one hundred and twenty-five" and inserting in lieu thereof the word "seventy."

Mr. RIDGELY. I should like to ask the gentleman if the Secretary of the Navy thinks that \$70,000 is sufficient?

Mr. MANN. I had a consultation with the Chief of the Signal Corps and Superintendent Kimball, of the Life-Saving Service, and they agreed to this amendment.

The amendment was agreed to.

On motion of Mr. MANN, the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898, and had directed him to report the same back to the House with an amendment, and with the recommendation that as amended the bill do pass.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1825. An act to increase the pension of David Parker;
H. R. 908. An act granting a pension to Zolman Tyrell;
H. R. 2231. An act granting a pension to C. S. Alvord;
H. R. 2123. An act increasing the pension of William P. Haskell;
H. R. 6785. An act granting a pension to Julia L. Roberts;
H. R. 4962. An act granting an increase of pension to William D. Foote;

H. R. 2159. An act granting an increase of pension to Benjamin Beach;

H. R. 3596. An act granting a pension to Bettie Gresham;

H. R. 2695. An act granting an increase of pension to Olivia Betton;

H. R. 4675. An act granting an increase of pension to George Van Vleet;

H. R. 2318. An act granting an increase of pension to John T. Brewster;

H. R. 3524. An act increasing the pension of Gustavus A. Kindblade;

H. R. 4691. An act to increase the pension of Charles Hoffman;

H. R. 7672. An act to increase the pension of George W. D. Wade;

H. R. 4449. An act granting an increase of pension to Charles Beckwith;

H. R. 5776. An act granting an increase of pension to Sidney J. Hare;

H. R. 8904. An act granting a pension to Mary E. Taylor;

H. R. 6242. An act granting a pension to James C. Kinkle;

H. R. 2815. An act granting an increase of pension to Eliza Miller;

H. R. 7892. An act granting a pension to Emily A. Hausner; and

H. R. 587. An act granting a pension to Henry K. Elliott.

The Speaker announced his signature to enrolled bills of the following titles:

S. 2357. An act granting an increase of pension to Merlin C. Harris;

S. 408. An act to restore a pension to Harriet M. Knowlton;

S. 3254. An act granting a pension to Adelaide H. Lambartson;

S. 1115. An act for the relief of the legal representatives of John Roach, deceased;

S. 863. An act granting a pension to Mary A. Benjamin;

S. 4003. An act to construe an act approved June 3, 1884, relating and including the disability of Alonzo B. Chatfield, late

of Company B, Thirty-third Regiment of Illinois Volunteer Infantry; and

S. 3026. An act granting a pension to Ida Emmott. And then, on motion of Mr. CANNON (at 1 o'clock and 39 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for torpedoes for harbor defense—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting supplemental estimates for the use of the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for "Contingencies of the Army"—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting estimates of appropriations for batteries and torpedoes—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Chief of Ordnance, together with a draft of a bill providing for an increase in the number of officers in the Ordnance Corps—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William S. Nance, administrator of Hugh Nance, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of appropriation for the preservation of the records of the Eleventh and prior censuses—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Commissioner of Internal Revenue submitting estimates for an additional clerical force to carry on the business incidental to the collection of war revenue—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DALZELL, from the Committee on Ways and Means, to which was referred House bill 7647, reported in lieu thereof a bill (H. R. 10528) to amend the thirtieth section of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, accompanied by a report (No. 1403); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4037) to correct the military record of James Denny, reported the same without amendment, accompanied by a report (No. 1464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7949) to remove the charge of desertion against David Hurlburt, late of Company C, Sixth Regiment Infantry, Maine Volunteers, and authorize his honorable discharge, reported the same with amendment, accompanied by a report (No. 1465); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3441) to authorize the Secretary of War to remove the charge of desertion and issue to Lewis C. L. Smith, Company D, First Delaware Infantry Volunteers, an honorable discharge, reported the same with amendment, accompanied by a report (No. 1466); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALKER of Massachusetts (by request): A bill (H. R. 10526) to authorize the enlistment of an army of colored men for the occupation and defense of the islands taken or controlled by the United States in the war with Spain—to the Committee on Military Affairs.

By Mr. STURTEVANT: A bill (H. R. 10527) to receive arrearages of taxes due the District of Columbia to July 1, 1896, at 6 per cent interest per annum in lieu of penalties and costs—to the Committee on the District of Columbia.

By Mr. DALZELL, from the Committee on Ways and Means, a substitute bill (H. R. 10529) to amend the thirtieth section of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897 (in lieu of H. R. 7647)—to the Committee of the Whole House on the state of the Union.

By Mr. McRAE: A bill (H. R. 10529) to authorize the appointment of a clerk of the district court and a clerk of the circuit court, and for other purposes—to the Committee on the Judiciary.

By Mr. HAY: A resolution (House Res. No. 308) asking for information from the Secretary of War—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARRETT: A bill (H. R. 10530) removing charge of desertion from the military record of James Donovan, of Boston, Mass.—to the Committee on Military Affairs.

By Mr. BELFORD: A bill (H. R. 10531) granting an honorable discharge to Abram C. Sully—to the Committee on Military Affairs.

By Mr. BRUCKER: A bill (H. R. 10532) for the relief of S. G. Davidson, Company D, Third New York Light Artillery—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 10533) for the relief of W. S. Hutchinson—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 10534) for the relief of Tennessee N. Buckles—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 10535) granting a pension to Calvin Moore—to the Committee on Invalid Pensions.

By Mr. HINRICHSSEN: A bill (H. R. 10536) to place the name of Virgil S. Downing on the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10537) for the relief of John F. Harbaugh—to the Committee on Military Affairs.

Also, a bill (H. R. 10538) to increase the pension of Henry S. La Turrette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10539) to place the name of John H. Dyer on the pension roll—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10540) to grant a pension to Margaret J. Stark—to the Committee on Pensions.

Also, a bill (H. R. 10541) to grant a pension to William H. Lemonds, sr.—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 10542) for the relief of Chester P. Knapp, of Escambia County, Fla.—to the Committee on War Claims.

Also, a bill (H. R. 10543) to increase the pension of F. H. Rigin—to the Committee on Invalid Pensions.

By Mr. STURTEVANT: A bill (H. R. 10544) granting a pension to Ida V. Rhoad, permanently helpless child of Peter Rhoad, late of Company D, Eighty-third Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10545) granting a pension to Elizabeth R. Halt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10546) to remove the charge of desertion from the military record of Lewis W. Cutler and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. UNDERWOOD: A bill (H. R. 10547) granting pension to Thomas J. Shindelbower—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Resolutions of the Macon Wholesale Grocers' Association, of Macon, Ga., against the retroactive clause of the war-revenue bill—to the Committee on Ways and Means.

By Mr. DE ARMOND (by request): Affidavit to accompany

House bill for the relief of W. S. Hutchinson—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Petition of Philadelphia Lodges, International Association of Machinists, in favor of the postal savings bank bill, and a protest against Government employment of the Brown Hoisting Machine Company—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Coahoma Lumber Company of Philadelphia, Pa., against the excise tax on corporations—to the Committee on Ways and Means.

Also (by request), paper of Lazell, Dalley & Co., manufacturing perfumers, suggesting amendment to House bill No. 10100 as substitute for Schedule B—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Paper to accompany House bill granting a pension to Margaret Stark, widow of Hiram Stark—to the Committee on Pensions.

Also, paper to accompany House bill to grant a pension to William H. Lemonds, of Avoca, Ind.—to the Committee on Invalid Pensions.

By Mr. MOODY (by request): Petition to accompany House bill No. 7684, for the relief of Louisa F. Emery—to the Committee on Invalid Pensions.

By Mr. PUGH: Papers to accompany House bill No. 10413, for the relief of Joseph M. Wilburn—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10414, for the relief of D. F. Danner—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petitions of R. C. Woodruff, of Hecla, Ind., and H. H. Haines, of Fort Wayne, Ind., protesting against a tax on proprietary medicines; also, petition of G. E. Buralay & Co., A. H. Perfect & Co., and Moellering Bros. & Millard, of Fort Wayne, Ind., against the war-revenue tax on snuff and tobacco—to the Committee on Ways and Means.

By Mr. SNOVER: Petitions of R. W. Butterfield and Harvey J. Hollister, of Grand Rapids, Mich., in favor of the enactment of the currency bill of the monetary commission—to the Committee on Banking and Currency.

Also, protests of O. E. Kewley, of Badaxe; N. D. Bristol & Son, of Lapeer, and Frederick Stearns & Co., of Detroit, all in the State of Michigan, against the adoption of the clause in the war-revenue bill which provides for a stamp tax on proprietary medicines in stock—to the Committee on Ways and Means.

By Mr. STARK: Petition of the Blue Valley Association of Congregational Churches and Ministers of the State of Nebraska, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska: Protest of H. V. McDonald, druggist, of Murdock, Nebr., against Schedule B in the war-revenue bill—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, June 1, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLISON, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the concurrent resolution of the Senate directing the commission appointed to revise and codify the criminal and penal laws of the United States to prepare and, through the Attorney-General, submit to Congress at the earliest practicable date a code of civil procedure for the District of Alaska; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3697) for the relief of Martha E. Fleschert;

A bill (H. R. 6327) appropriating \$100 to John M. Turner, of Butler, Pa., late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry;

A bill (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas;

A bill (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898; and

A bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of the Young People's Union of the Broadway Church, of Taunton, Mass., and a petition of the Universalist Young People's Christian Union, of Taunton, Mass.,

praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. LODGE presented a memorial of the S. S. Pierce Company and 42 citizens of Massachusetts, remonstrating against the imposition of a tax on life-insurance companies; which was ordered to lie on the table.

Mr. GEAR presented a memorial of sundry mercantile corporations of Burlington, Iowa, remonstrating against the imposition of a tax on corporations; which was ordered to lie on the table.

REPORTS OF A COMMITTEE.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4628) to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6954) to regulate plumbing and gas fitting in the District of Columbia, reported it without amendment, and submitted a report thereon.

HOMESTEAD SETTLERS.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4676) for the protection of homestead settlers who entered the military or naval service of the United States in time of war, to report it favorably without amendment. I ask unanimous consent for the present consideration of the bill.

Mr. ALLISON. If the bill does not lead to debate, I shall not object.

Mr. HANSBROUGH. I do not think it will lead to any debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases hereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HOAR (by request) introduced a bill (S. 4693) to enforce act of July 14, 1892; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CANNON introduced a bill (S. 4694) to permit the State of Utah to select certain granted lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAFFERY introduced a bill (S. 4695) for the relief of estate of Phillip Poete, deceased, late of Natchitoches Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 4696) to locate the office of deputy collector of the port of East Pascagoula, Miss., at Scranton, Miss.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 4697) to authorize the improvement of the water power in the Mississippi River at Sauk Rapids, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KYLE (by request) introduced a bill (S. 4698) to establish a bureau of domestic science; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 3697) for the relief of Martha E. Fleschert; and

A bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas; and

A bill (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898.

The bill (H. R. 6327) appropriating \$100 to John M. Turner, of

Butler, Pa., late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, was read twice by its title, and referred to the Committee on Military Affairs.

CODE OF PROCEDURE FOR ALASKA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for the preparation of a code of civil procedure for the District of Alaska.

The amendment was, in line 8, to strike out all after the word "date," in the following words: "a code of civil procedure for the District of Alaska," and to insert "a codification of the laws other than criminal, and a code of procedure thereunder, for the District of Alaska."

Mr. COCKRELL. Let the resolution be read as proposed to be amended.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring). That the commission heretofore appointed pursuant to the act of June 4, 1897, to revise and codify the criminal and penal laws of the United States be, and is hereby, directed to prepare and, through the Attorney-General, submit to Congress at the earliest practicable date a codification of the laws other than criminal, and a code of procedure thereunder, for the District of Alaska.

Mr. CARTER. I move that the Senate concur in the House amendment.

The motion was agreed to.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the revenue bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

The VICE-PRESIDENT. The Senator from Maryland [Mr. GORMAN] has offered an amendment to the bill. To that amendment an amendment has been offered by the Senator from Minnesota [Mr. NELSON] to strike out the words "one-half" and insert "one-fourth."

Mr. BERRY. The Senator from Maryland [Mr. GORMAN] seems not to be in his seat at this time. I heard him state this morning that he desires to say something with regard to the amendment before the vote is taken. I do not like the idea of proceeding to take a vote on it in his absence.

Mr. BURROWS. For the purpose of settling the matter, I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Michigan. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Frye,	McMillan,	Pritchard,
Allison,	Gallinger,	Mallory,	Rawlins,
Baker,	Gear,	Mantle,	Shoup,
Bate,	Gorman,	Mitchell,	Spooner,
Berry,	Hale,	Morgan,	Stewart,
Burrows,	Hansbrough,	Morrill,	Sullivan,
Butler,	Harris,	Pasco,	Tillman,
Carter,	Heitfeld,	Perkins,	Turley,
Chandler,	Hoar,	Pettigrew,	Wilson,
Cullom,	Jones, Ark.	Pettus,	
Elkins,	Kyle,	Platt, Conn.	
Faulkner,	Lindsay,	Platt, N. Y.	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. CHANDLER. Mr. President, assuming that there will be moved by the majority of the committee the proposition for the coinage of the silver bullion now in the Treasury, and that the minority of the committee will move a provision for the borrowing money at 3 per cent on bonds and certificates of indebtedness, I shall ask to have accompany those provisions the amendment offered by me on the 23d day of May, and which was printed by order of the Senate with a memorandum accompanying the same. I ask that the proposed amendment, including the memorandum, may be read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

At the end of the last paragraph insert the following:
"And it is hereby declared to be the policy of the United States not to commit the country more thoroughly to the gold standard, but that the efforts of the Government in all its branches should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both under a system of bimetallicism which will insure the parity in value of the coins of the two metals, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange."

MEMORANDUM.

Act of Congress of November 1, 1893 (28 Stats., 4)—the repeal of the act of July 14, 1890, for the purchase of silver bullion, with this addition:

"And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallicism as will maintain at all

times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts."

TELEGRAM

sent to the lord mayor of London and read at the international bimetallic conference at the Mansion House, in London, May 2, 1894, as follows:

"We desire to express our cordial sympathy with the movement to promote the restoration of silver by international agreement, in aid of which we understand a meeting is to be held to-morrow under your lordship's presidency. We believe that the free coinage of both gold and silver by international agreement at a fixed ratio would secure to mankind the blessings of a sufficient volume of metallic money, and, what is hardly less important, would secure to the world of trade immunity from violent exchange fluctuations."

JOHN SHERMAN.
WILLIAM B. ALLISON.
D. W. VOORHEES.
H. C. LODGE.
G. F. HOAR.
N. W. ALDRICH.
D. B. HILL.
E. MURPHY.

C. S. BRICE.
O. H. PLATT.
A. P. GORMAN.
W. P. FRYE.
C. K. DAVIS.
S. M. CULLOM.
J. M. CAREY.

(Report of the proceedings of the conference, page 13.)

NO SINGLE GOLD STANDARD—BIMETALLISM MUST BE PURSUED—"I WANT THE DOUBLE STANDARD."—WILLIAM M'KINLEY.

Mr. CHANDLER. Mr. President, this war revenue bill should be passed with as near an approach as possible to unanimity concerning all its parts. Where great differences exist, the controverted portions should be modified or omitted, provided always that enough is left to enable the President to carry on the war with Spain to a successful termination.

It further seems to me that the bill contains too much present direct taxation. There is no need of paying all the expenses of this war by taxes collected this year or next year. The benefits of the war will reach forward into the future, and so should some of the burdens of its cost.

The opponents of the war should not be allowed to make it unpopular by oppressive immediate tax levies upon the property or industries or current income of any classes of the people. In view of the absolute uncertainty of the sums required, we can most wisely wait until we know whether it is to be a war of three months longer, six months, one year, or two years, and can later than now provide for a just apportionment of the expenses which it may make necessary.

With these opinions, I shall incline to vote to reduce or eliminate some of the taxes contained in the bill, preferring to authorize the borrowing of money at 3 per cent interest on securities redeemable in one year or more, up to ten years, sufficient to maintain the Army and Navy until Congress shall again assemble.

For the purpose suggested of avoiding divisions upon contested questions, it will also doubtless be wise not to direct the issue of legal-tender notes in addition to the \$346,000,000 now outstanding. In a pressing emergency such a provision would unquestionably be justifiable. The Republican party, with great zeal and earnestness through years of persistent effort, secured from a reorganized Supreme Court a decision that this Government can constitutionally issue, either in war or peace, unlimited quantities of paper notes and make them a legal tender for all debts, public and private. Of this pregnant fact I shall later speak quite freely.

But the present war has, up to this date, created no such exigency as to require such a new issue of legal-tender paper as may send gold above par as compared with the paper money of the Government. The war can be fought to a triumphant ending without destroying or endangering the existing parity of the various kinds of our present money; and therefore I prefer that the proposition to issue more legal tenders which, if pressed, will arouse bitter controversy, should not now be urged to a vote in the Senate.

The question, however, of the coinage of the silver bullion now in the Treasury stands upon different grounds. The restoration of silver to the coinage has been recently decided by the Senate not to be a breach of the public faith nor an act in derogation of the rights of the public creditor. The amount to be coined will be limited to what is now on hand, \$100,000,000; and there is no probability that any more will be purchased. No friend of silver will ever again advocate the purchase of any more bullion to remain uncoined in the Treasury. Silver hereafter is to be either money or merchandise. If the former, it will be freely coined; if the latter, it will not be dealt in by the Government. There are some manifest advantages in converting the present bullion into money, and there is no danger whatever that so converting it will break the parity between the two kinds of coined money. Therefore it would be wise, convenient, and helpful to provide for that limited amount of coinage.

There is one important addition—the declaration which I have proposed—which ought by general consent to be incorporated in the pending bill. It would, indeed, in my judgment, be wise and timely to accompany all bills for borrowing money with a declaration against permanent acquiescence in the single gold standard of money and with a renewed affirmation of the intention of the United States to pursue and secure the restoration of bimetallicism; that is, the use of both gold and silver at a fixed ratio as the standard money of the world with the free mintage of both metals at such ratio.

My idea, therefore, of what the pending measure should contain when it passes the Senate—with due deference to the sagacious, able, and patriotic committee which has had and now has it in charge—is as follows:

I. Very moderate internal-revenue taxes, omitting such as are seriously opposed by any considerable number of Senators.

II. Authority to the President to borrow money sufficient to carry on the war by a popular loan effectively brought within reach of all the people, bearing 3 per cent interest and redeemable within a period not longer than ten years.

III. A bimetallic declaration, as follows:

"And it is hereby declared to be the policy of the United States not to commit the country more thoroughly to the gold standard, but that the efforts of the Government in all its branches should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both under a system of bimetallicism which will insure the parity in value of the coins of the two metals, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange."

VIOLENT LANGUAGE IN MONEY DISCUSSIONS.

Mr. President, it seems to me that this declaration against the single gold standard and in favor of bimetallicism ought to receive the unanimous vote of the Senate. It states principles which have been repeatedly asserted in platforms of all political parties in this country and in laws which have passed Congress and received Presidential approval. In inviting to its consideration the Senators who will give me their attention I shall endeavor to use moderate language, although, I regret to say, moderation has not in recent years governed the discussion of what is called the money question.

During my active participation in politics for the last forty-two years, covering the whole life of the Republican party, I have witnessed much bitterness in political debates, especially those concerning slavery, secession, and the war for the Union, and also the reconstruction measures of Congress which restored national power in the seceding States, but I am compelled to declare that it seems to me that all such bitterness of expression has been more than exceeded in recent years since the money question has become one of the principal issues in national politics. The question, apparently, is not sentimental, but purely economic, yet the anathemas which have characterized the utterances in its discussion by newspaper editors and orators have hardly a parallel in previous public debate.

Thoughtful writers have been puzzled to account for the animosities which the debates upon monetary science have produced. Gen. Francis A. Walker, in his work on Political Economy (page 128), says:

The discussion of the laws of money has engendered so much passion and prejudice as to make it hard to secure a respectful attention or even a rational attitude of mind toward any statement of monetary doctrine which differs in the minutest particular from that of the hearer. Men who are candid and even liberal in politics and religion become furiously or stupidly fanatical as soon as their views on money are controverted.

General Walker adds that—

When Sir Walter Scott made a surly critic say to the author of certain Letters on the Currency, "In your ill-advised tract you have shown yourself as irritable as Balaam and as obstinate as his ass," he evidently intended to characterize the whole race of writers on this theme.

This class of writers abundantly abounds in American politics to-day. The Chicago Tribune is supposed to be edited by writers who are governed by purely intellectual reasons in the formation and expression of their opinions; yet the Tribune on February 4, 1898, spoke of a member of Congress who differed from that paper on the money question as follows:

A conceited ignoramus is about the most despicable creature who can worm himself into Congress, for he not only lowers himself in the estimation of the more intelligent members whenever he opens his mouth, but disgraces the district which sent an ass to Congress to represent it.

All this bitterly denounced Congressman had said was that a creditor who would demand gold when he agreed to take silver would be a shylock.

With such an expression from the Chicago press as his justification, excuse must be made for the gracious Senator from Iowa [Mr. ALLISON] when he denounced in the Senate as a "monstrous proposition" a declaration which he and the present courteous President of the United States affirmed as an important principle by their votes in Congress not many years ago. Nor is he without another illustrious example justifying vituperation, in the late Secretary of State and former Senator, Mr. Sherman, who on March 20, 1868, wrote to Mr. A. Mann, jr., of Brooklyn, N. Y., as follows:

If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.

Endeavoring to avoid the bad example thus set me by the gold monometallists of the Republican party, I desire to depict in proper language the importance to that party of avoiding a com-

mittal to the permanent maintenance in this country of the single gold standard and of renewing its pledges to pursue bimetallicism.

REPUBLICAN PLEDGES TO BIMETALLISM.

Those pledges are fresh in the minds of all who listen to me. The first pointed utterance is that of the Republican national convention of 1888, as follows:

The Republican party is in favor of the use of both gold and silver as money and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

In the national convention of 1892 the declaration was as follows:

The American people from tradition and interest favor bimetallicism. The Republican party demands the use of both gold and silver as standard money.

In 1896 the pledge was less prominent, but in six important words, which saved the election to Mr. McKinley, the platform declared itself in favor of the free coinage of silver by international agreement, "which we pledge ourselves to promote."

MR. MCKINLEY'S PLEDGES TO BIMETALLISM.

It was naturally to be expected that President McKinley would willingly carry into effect these six saving words in the platform upon which he was elected. On November 5, 1877, while a member of the House of Representatives, he voted in favor of a motion to suspend the rules and pass a bill for the free and unlimited coinage of silver at the ratio of 16 to 1. The vote was—yeas 163, nays 34 (RECORD, volume 6, page 241); and the bill passed the House. The Senate amended it by striking out the free-coinage clause and providing for the purchase monthly of not less than two nor more than four million dollars' worth of silver bullion and for coining it into dollars. Mr. McKinley voted to concur in the Senate amendment. President Hayes vetoed the bill, but on February 28, 1878, Mr. McKinley voted to pass it over the veto of the President—yeas 196, nays 73 (RECORD, volume 7, part 2, page 1420); and it passed the Senate also—yeas 46, nays 19 (page 1411), and became a law.

On January 28, 1878, Mr. McKinley voted for the passage of the Stanley Matthews resolution, to which allusion will hereafter be made. In 1890 he advocated the bullion-purchase bill, and his speeches were all in favor of the remonetization of silver. On June 24, 1890 (CONGRESSIONAL RECORD, volume 21, part 7, page 6447), he said:

I am for the largest use of silver in the currency of the country. I would not dishonor it. I would give it equal credit and honor with gold. I would make no discrimination. I would utilize both metals as money and discredit neither. I want the double standard.

The result of this controversy was the passage of the act of July 14, 1890, for the purchase of four and one-half millions of ounces of silver bullion monthly.

Mr. McKinley also in his speech to the Ohio Republican League at Toledo on February 12, 1891, denounced President Cleveland because he was hostile to silver, and used this most remarkable language:

During all of his years at the head of the Government he was dishonoring one of our precious metals, one of our own great products, discrediting silver and enhancing the price of gold. He endeavored even before his inauguration to office to stop the coinage of silver dollars, and afterwards, and to the end of his Administration, persistently used his power to that end. He was determined to contract the circulating medium and demonetize one of the coins of commerce, limit the volume of money among the people, make money scarce and therefore dear. He would have increased the value of money and diminished the value of everything else—money the master, everything else its servant. He was not thinking of "the poor" then. He had left "their side." He was not "standing forth in their defense." Cheap coats, cheap labor, and dear money; the sponsor and promoter of these professing to stand guard over the welfare of the poor and lowly! Was there ever more glaring inconsistency or reckless assumption?

THE PENDING INTERNATIONAL CONFERENCE.

The latest pledge of the Republican party to bimetallicism is contained in the act of March 3, 1897, which authorized President McKinley to seek to secure "by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between those metals with free mintage at such ratio," and appropriated \$100,000 for the expenses of the movement.

This act was adopted by the Senate on January 29, 1897—46 for it to 4 against it (Senators ALLEN, PETTIGREW, ROACH, and VILAS); and in the House of Representatives February 26, 1897—281 for it to 4 against it (Representatives HENRY of Connecticut, JOHNSON of Indiana, KNOX, and QUIGG), and was signed by President Cleveland.

In pursuance of this law, our colleague, Senator WOLCOTT, Gen. Charles J. Paine, and the late Vice-President, Adlai E. Stevenson, were appointed special envoys to visit and negotiate with European countries. An account of the progress of their mission up to the present time is to be found in the speech of the Senator from Colorado delivered in the Senate on the 17th day of January of the present year.

Briefly that history is as follows: France through her ministers gave ready expression to the national desire that the monetary condition of the world should be restored to that which existed in

1873 and prior thereto, and it was agreed that the French ambassador at London and the American envoys should ascertain what England would do toward accomplishing the end which the envoys had been directed to secure.

While the British ministry held the subject under consideration the opinion of the council for India was taken. The Bank of England was also asked whether that institution would contribute toward bimetalism an agreement to hold, according to the bank-charter act of 1844, one-fourth of the bank's reserve in silver. On July 29, 1897, the bank replied affirmatively. On September 16 the council for India replied adversely, on the following grounds:

We have given very careful consideration to the question whether France and the United States are likely, with the help of India, to be able to maintain the relative value of gold and silver permanently at the ratio they intend to adopt, and have come to the conclusion that while we admit a possibility of the arrangements proposed resulting in the permanent maintenance of the value of gold and silver at the ratio of 15½ to 1, the probability is that they will fail to secure that result and that it is quite impossible to hold that there is anything approaching a practical certainty of their doing so. One reason for this conclusion is that the arrangement would rest on too narrow a basis.

A union consisting of two countries, with a third lending assistance, is a very different thing from the general international union of all or of most of the important countries of the world, which was advocated by the Government of India in the dispatches of March and June, 1892, and of February and September, 1893.

The council for India, however, suggested further consideration of the subject by saying:

If, however, assurances of really substantial cooperation should be secured from other countries, we shall be glad to learn the exact nature of the assurances, and we shall then consider whether the promised cooperation changes the conditions of the problem or adds materially to the chances of success.

The British Government, on the 19th day of October, concurring in the opinion of the council for India, through Lord Salisbury, communicated the conclusion to our ambassador, Mr. Hay, stating the reason, as follows:

If, owing to the relative smallness of the area over which the bimetallic system is to be established, to the great divergence between the proposed ratio and the present gold price of silver, or to any other cause, the legal ratio were not maintained, the position of silver might be much worse than before, and the financial embarrassments of the Government of India greater than any with which they have as yet had to contend.

But Lord Salisbury also invited further conferences by saying:

Her Majesty's Government are, therefore, desirous to ascertain how far the views of the American and French Governments are modified by the decision now arrived at, and whether they desire to proceed further with the negotiations at the present moment. It is possible that the time which has elapsed since the proposals were put forward in July last may have enabled the representatives of the two Governments concerned to form a more accurate estimate than was then practicable of the amount of assistance which they may expect from other powers and of the success which their scheme is likely to attain. Her Majesty's Government might then be placed in a position to consider the subject with a fuller knowledge than they now possess of many circumstances materially affecting the proposals before them.

The American envoys, however, concluded not then to argue further, but to return to Paris, where, after a consultation with the French ministry, it was decided to suspend further conferences for a time, and our envoys came home.

Referring to the conferences which had thus been initiated and suspended, President McKinley, in his annual message to Congress on the 6th day of December, 1897, declared that further negotiations were in contemplation; he recognized the gratifying action of our great sister Republic of France in joining this country in the attempt to secure a fixed and relative value between gold and silver, and he expressed the earnest hope that the labors of the special envoys might result in an "international agreement which will bring about recognition of both gold and silver as money."

SECRETARY GAGE'S BLOWS AT THE CONFERENCE.

But this concise narrative by no means gives a complete idea of what has taken place. The Senator from Colorado seems to admit that the adverse report of the council for India would alone have led to the temporary refusal of the British ministry to give satisfactory assurances to the French ambassador and American envoys, and the Senator does not assert that the embarrassments which the envoys experienced from the representations made by New York bankers in England that American public sentiment in favor of bimetalism had declined and that the governmental mission was insincere had any marked effect in producing the unfavorable answer of England.

Mr. President, I am not so charitably disposed. While I will not positively assert that the English reply would have been different if it had not been for the adverse influences going from the United States at the crucial moment of the negotiations, yet I do maintain that if it had not been for such influences there is great probability that a different answer might have been made, and I declare my conviction that the experiment of procuring assistance for international bimetalism from the English Government was not fairly tried.

The Bank of England's announcement of its willingness, if the Government so desired, to hold one-fifth of its reserves in silver,

although dated July 29, 1897, was not publicly known until the fact was asserted by a correspondent of the London Times on September 11. Prior to this time there had been in the United States little fear of success for the mission among its enemies, the single gold standard advocates. The money men of New York and Chicago had felt sure that the envoys could not possibly accomplish anything. They had been content to let them go forward without hostile demonstrations openly made, but as soon as this answer of the Bank of England showed that international bimetalism was indeed progressing steps were taken from this side of the ocean to arrest such progress.

Immediately representations were made in London that the mission of our envoys was mere form and that the Administration did not really desire that it should succeed. Simultaneously with these representations, and for fear that quiet efforts would not avail to prevent a favorable reply by the British ministry, the Secretary of the Treasury, Mr. Gage, took the field openly in person. From an interview with him of September 18, 1897, contained in the Chicago Tribune, I make the following extracts:

The proposal which comes from a director of the Bank of England to increase the use of silver, without interfering with the English gold standard, does not strike me as being important one way or the other. . . . There is also a stipulation that France must again open its mints to the free coinage of silver. That will never come to pass so long as silver prices are so low as to make the French authorities fear a further depreciation in the value of the enormous stocks of silver in that country.

The Director of the Mint, Mr. Preston, had been earlier in the field, and on the 6th of August, 1897, in the Boston Herald, had made these declarations: "If we had only the one standard, the gold standard, money would be cheaper and more plentiful." "I see no future for silver whatever." "Outside of the United States all nations want to go to the gold standard."

These public and widespread declarations of Messrs. Preston and Gage seemed to me to be so clearly intended to defeat the mission of the envoys that I hastened to ask the President to take steps to counteract these treacherous blows of his Treasury subordinates, and I wrote to him a letter dated September 21, 1897, which is as follows:

WATERLOO, N. H., September 21, 1897.

MY DEAR MR. PRESIDENT: The first result of the mission of our special envoys to Europe in behalf of bimetalism was the ready declaration of the French ministry that France, equally with the United States, desired a return to the monetary system existing prior to 1873, and it was agreed that it should be ascertained what aid toward that result would be given by England and other European governments. The second result is the recent decision of the Bank of England to render such aid by keeping a portion of the bank's reserve in silver, as authorized by existing law, and undoubtedly the English ministry is now considering, among various other plans, whether to offer to reopen the India mints to the free coinage of rupees.

This decision of the bank being made public and the other questions being under consideration, there has been telegraphed to Europe from an interview in the Chicago Tribune of September 18, 1897, a greeting from Secretary Gage, as follows:

"The proposal which comes from a director of the Bank of England to increase the use of silver without interfering with the English gold standard does not strike me as being important one way or the other. Mr. Hugh Smith, the bank governor and author of the communication to Sir Michael Hicks-Beach, makes the all-important reservation that the prices at which silver is procurable and salable must be satisfactory."

"The bank's directors are men of the widest financial experience. They would be good judges of what is satisfactory price for carrying silver. And with such proper precautions there would be no danger that the bank would ever take in or pay out money which, according to an American equivalent, would not be worth 100 cents on the dollar."

"There is also a stipulation that France must again open its mints to the free coinage of silver. That will never come to pass so long as silver prices are so low as to make the French authorities fear a further depreciation in the value of the enormous stocks of silver in that country. I believe that France is anxious for a coinage agreement, but I think that country would not care to go into the silver business until England and Germany do."

"Our bimetallic commissioners are now abroad, and of course it would not be fair for me to express an opinion in advance on what they may succeed in accomplishing."

It is impossible to conceive of any more damaging blow at the mission of your envoys than the foregoing. In all sincerity I can say that to carry out the exact spirit of the interview I believe the words "and of course it would not be fair for me to express an opinion in advance," etc., should be superseded by the words "and in order to defeat the object of their mission I desire to express an opinion in advance," etc. It is impossible for me to believe that Secretary Gage could have deliberately uttered the words attributed to him (and I should send this letter to you through him if he were now with you), but the report of this utterance and others of his going uncontradicted is likely to be as fatal to the object of your envoys as if he had signed the announcements.

Director of the Mint Preston is constantly quoted in the newspapers as opposed to your policy on this subject. Be kind enough to read the following extracts from Director Preston's interview, dated August 6, 1897, in the Boston Herald:

"If we had only the one standard—the gold standard—money would be cheaper and more plentiful." "I see no future for silver whatever." "Outside of the United States all nations want to go to the gold standard."

Mr. President, it has given me delight at all times to say that you have always sincerely acted in full accordance with the expressions of your letter of December 23, 1896, addressed to Senators HOAR, GEAR, CARTER, and myself, and with other similar declarations that you were not only determined to seek but desirous to secure international bimetalism; and I am sure our envoys are governed only by your written and oral instructions, while any conclusions reached by them are necessarily to be submitted as recommendations to you and to Congress.

Nevertheless it is due to truth to say that if utterances like those of Secretary Gage and Director Preston go unrepudiated by you it will be impossible to secure success for the mission of the envoys; mainly, if not entirely, because of the doubts created as to whether the United States movement is in

earnest—is not, in fact, a mere pretense designed for political effect at home and not to accomplish results abroad. The greatest difficulties our envoys are meeting are the concerted outcries that public men with professions of a wish to restore bimetalism on their lips are at heart far from wishing success to the cause they appear to acquiesce in or advocate.

Mr. President, this is a crisis in our movement, because England has announced her willingness to help it, and the gold monometallists are making a fatal blow against us which is being given in the name of your Administration: or if you can not do this because you have changed your convictions and desires on this great subject, will you not withdraw the envoys, frankly assume the responsibility of formally abandoning the bimetallic plank of the St. Louis platform, and let us take the consequences? Better this sad result than that the movement should be secretly or openly stabbed to death by Republicans under your control.

Very respectfully,

WM. E. CHANDLER.

To the President, North Adams, Mass.

To this letter I received no reply; the President made no public utterance in favor of the work of his envoys, but allowed the damage to be done which resulted from the Gage and Preston outcries.

THE INDIANAPOLIS GOLD-STANDARD PROJECT.

It is further to be remembered that a voluntary meeting of business men, so called, had met at Indianapolis, and on January 13, 1897, had recommended to Congress the appointment of a monetary commission, and had also declared in favor of the gold standard, as follows:

This conference declares that it has become absolutely necessary that a consistent, straightforward, and deliberately planned monetary system shall be inaugurated, the fundamental basis of which should be: "First. That the present gold standard should be maintained."

The report of this commission the President, on the 24th day of July, 1897, had commended "to the consideration of Congress" by a special message with no dissent, express or implied, from the declarations in favor of the gold standard. He further recommended the appointment of a special commission to carry on the work of this voluntary assemblage; and on the day of receiving the message the House of Representatives, by a vote of 126 to 90, passed a joint resolution providing for the appointment of a monetary commission of eleven members and appropriating \$100,000 for its expenses; which resolution, however, was not acted upon in the Senate, and Congress adjourned on the same day.

The House had made haste to strike the desired blow at the mission of the envoys; the Senate declined to join in the crusade. Without the permission of the Senator from Colorado, I will venture to say that on the 14th day of October—two days before the adverse decision of the India office—he was called upon to explain the President's indorsement of the Indianapolis gold declaration, and he loyally defended his chief. But it was too late. The poison had done its worst. Thenceforth the remainder of the deadly work was committed to Secretary Gage, who performed it with perfect impunity and great boldness. The Washington correspondent of the London Chronicle was his accurate mouthpiece—by design or accident—when he telegraphed to the Chronicle on September 20, 1897—mark well the date—as follows:

No one here has ever believed that an international agreement relating to silver could be brought about or that bimetalism could be accomplished. President McKinley sent the commissioners abroad to satisfy the moderate silver men of his own party and to be able to tell them that bimetalism is impossible because England refuses to join in the scheme.

A gentleman closely connected with the work of the envoys sent me the above extract and wrote me as follows:

Secretary Gage's utterances and those of Eckels and Preston did serious mischief in England, more even than the conservative statements in Senator WELCH's speech suggest. They lent a certain likelihood to the uniformly hostile dispatches which came from the American correspondents of London papers and so not only influenced middle-class opinion but even penetrated into high places.

Mr. President, the result of all these movements to discredit and defeat the mission of the envoys at the first moment when signs of success began to appear was discouragement to the friends of bimetalism the world over. Everywhere the gold monometallists proclaimed that international bimetalism had been a myth and now had come to its final death.

The Senator from Colorado, who is loyal to the President whose commission he held and whose sincerity he will not question, but defends, used cautious expressions in describing the effect of Secretary Gage's public declarations. But it was unmistakable. The Senator and everyone connected with him in the movement for international bimetalism appeared to be placed in the position of having engaged in a mere perfunctory effort to carry out the pledges of the St. Louis platform, which were to be abandoned on the slightest pretext and at the earliest possible moment and to be no more heard of in the councils of the Republican party.

SECRETARY GAGE'S LAST BLOW AT BIMETALLISM.

But the whole story is not yet told. After the Secretary of the Treasury had done his best to defeat the object which the President's envoys had been directed to secure, and they had returned to the United States, he further determined to "make secure," and to strike a final and deadly blow at the American movement for bimetalism. He prepared a currency bill to be submitted to the committees of Congress which did not need as its basis any

declaration against international bimetalism or in favor of gold monometallism, but was, as he himself afterwards claimed, entirely consistent with the system of bimetalism, and with this plan of what he called currency reform in his hand he appeared before the House Committee on Banking and Currency on the 16th day of December, 1897, and declared that the first object of his bill was to commit the country more thoroughly to the gold standard. This is his opening utterance and exact language:

Mr. Chairman and gentlemen of the committee, the objects I have in mind in the series of provisions offered by me are four in number:

1. To commit the country more thoroughly to the gold standard, remove, so far as possible, doubts and fears on that point, and thus strengthen the credit of the United States both at home and abroad.

Mr. President, since this last hostile blow of Secretary Gage at the St. Louis platform and at the movement of the President to secure bimetalism, it has been up-hill work to try to convince anyone that even the President himself has intended sincerely and earnestly to pursue negotiations for an international agreement to secure a fixed ratio between gold and silver with the free coinage of both metals at that ratio.

THE REPUBLICAN VOTES AGAINST REAFFIRMING THE STANLEY MATTHEWS RESOLUTION.

But further and worse blows at bimetalism were yet to come. Secretary Gage had many allies in the Republican party.

On the 28th day of January, 1898, all but seven Republicans in the Senate, and on January 31 all but one Republican in the House of Representatives voted against reaffirming what is known as the Stanley Matthews resolution of 1878, and the resolution of reaffirmation, which passed the Senate by 47 yeas to 32 nays, a majority of 15, was defeated in the House by a Republican majority of 49—138 yeas to 183 nays.

This defeated resolution simply declared two things:

1. That the United States Government bonds are payable at the option of the Government in standard silver dollars.

2. That to restore silver to coinage as legal tender in payment of the bonds is not in violation of the public faith nor in derogation of the rights of the public creditor.

The first statement is a uniformly admitted truth. The second is also conceded by those who voted against it to be a just and honest principle, provided there is no intention on the part of those who vote for it to so restore silver to coinage as to make a silver dollar worth less than a gold dollar; in other words, so as to destroy the parity between the two kinds of coin. It is a sound principle, its opponents say, if its friends have one intention as to the future; it is dishonest if they have a different intention. To this subtlety there is a simple, comprehensive, and conclusive reply: That no one of its friends admits that he contemplates a return of silver to coinage which will break the parity between the two kinds of dollars. Every one denies any such intention, and declares his purpose to maintain the public honor in the establishment of our national monetary system as scrupulously as do those who voted for the resolution in 1878 and vote now against it.

MR. MCKINLEY'S VOTE FOR THE STANLEY MATTHEWS RESOLUTION.

At the front of the 180 Representatives who so voted for the resolution in 1878 was William McKinley, now President of the United States. At the head of the Senators who so voted was WILLIAM B. ALLESTON, followed by the Republican Senators, Newton Booth, of California; J. D. Cameron, of Pennsylvania; Angus Cameron, of Wisconsin; David Davis, of Illinois; Thomas W. Ferry, of Michigan; Timothy O. Howe, of Wisconsin; Samuel J. Kirkwood, of Iowa; S. J. McMillan, of Minnesota; Stanley Matthews, of Ohio, and Richard J. Oglesby, of Illinois. The resolution passed both Houses of Congress—the Senate on January 25, 1878 (CONGRESSIONAL RECORD, volume 7, part 1, page 561), yeas 43, nays 22; the House January 28 (ibid., page 626), yeas 180, nays 79.

Mr. President, I demand to know what there is to make the passage of this resolution, which was honest and honorable in January, 1878, dishonest and dishonorable in January, 1898. It declares, as has been already shown, nothing that is not true. On the contrary, it asserts the simple truth. Mr. Blaine said January 25, 1878 (CONGRESSIONAL RECORD, volume 7, part 1, page 559):

That the bonds are payable in either coin seems to me to be just as plain as the alphabet. . . . I believe it is not strengthening the public credit nor the interest of the public creditor to deny that on the letter of the statute these bonds are payable in either coin.

The New York Sun, through Mr. Matthew Marshall, writing on January 31, 1898, as to the resolution of this year, says:

A review of the whole debate shows beyond doubt the impregnable technical position of the silverites. . . . On this indisputably correct literal interpretation of the contract between the Government and its bondholders the silverite Senators planted themselves and could not be induced to abandon it.

THE TRUTH AND HONESTY OF THE RESOLUTION.

It is very difficult to understand upon what logical ground the opponents of the resolution can demonstrate that what was true and honest twenty years ago is, although still true, yet now dishonest. In the Senate before making arguments against it they

endeavored to extract from its advocates admissions that they looked eventually to the free coinage of silver by the United States alone, and then denounced the resolution because of the assumption that it meant the free coinage of silver by the United States alone.

Yet the resolution says nothing of that sort. It may mean coinage only after an international agreement. Furthermore, no one of the most zealous advocates of the coinage of silver by the United States alone—*independent bimetallism*, as they call it—admits that it will break the parity between the two metals; but all maintain the contrary and assert that the parity should be and will be maintained.

The opponents of the resolution also said that what might have been an honest declaration in 1878 was dishonest in 1898, because circumstances had changed. Is this a just contention? When the Senator from Iowa [Mr. ALLISON] and Mr. McKinley voted for the resolution in 1878, the market value of silver in a dollar was 92 cents. It is now said to be only 44 cents. Does this difference between an 8 per cent reduction in the value of a dollar and a 53 per cent reduction make the difference between the honest vote and the dishonest vote? Does the Senator from Iowa maintain that an 8 per cent child of dishonor is on the whole an honorable offspring, while the 56 per cent child of dishonor is without doubt a "monstrous" creation?

The whole argument against the resolution seems to me to have been absurd, so far as reasoning is concerned, and to have been based wholly upon unreasoning denunciation. When a true and reasonable declaration is being made, to ascribe a sinister purpose to the persons voting for it and to attempt thereupon to affix the stigma of dishonor upon the advocates of the declaration comes very near to being itself a dishonest and dishonorable act.

The simple truth is, Mr. President, that the resolution in 1878 and the same resolution in 1898 was merely a judicious reservation of an unquestionable right which the nation was not then and is not now called upon to surrender; that is to say, the right of the Government to create its own monetary system and to coin its money and regulate the value thereof, as commanded to do by the Constitution. The whole outcry against the resolution was unjust and unreasonable and will in the end react upon its authors.

SILVER COINS AS HONEST AS LEGAL TENDERS.

Mr. President, I can not better show the absurdity of assailing those Republicans who voted that to restore silver to coinage would not be a violation of the public faith nor in derogation of the rights of the public creditor than by calling attention to the action of the Republican party in maintaining the right of the nation to issue paper money and make the same legal tender for all private debts. Contrast the two principles: One is the right to coin silver and make it a legal tender when the right is expressly reserved in the contract with the public creditor, the expectation being that the silver bullion in the silver dollar will always be worth the quantity of gold in the gold dollar. The other is the right to start the printing presses and convert absolutely valueless paper into money without limiting the quantity of its issue and to make such paper unlimited legal tender. If the purpose to maintain the right to coin silver is dishonest, what shall be said of the purpose to maintain the right to pay all debts in worthless paper?

THE SUPREME COURT AND THE LEGAL TENDERS.

Yet the maintenance of this latter right was admitted to be so important that the Republican party did not hesitate to reorganize the Supreme Court of the United States in order to assert and preserve the principle that the country could issue irredeemable paper money without limit. The senior Senator from Massachusetts [Mr. HOAR] does not like to hear it said that the Republicans packed the Supreme Court in order to reverse its first decision, which pronounced legal tenders to be unconstitutional.

The Senator from Massachusetts may substitute any other verb and I will use it, but the facts remain the same and are unmistakable in their character. The constitutionality of the legal-tender laws came before the Supreme Court for the first time in the case of *Hepburn vs. Griswold*, in 8 Wallace Reports, 603. The legal tenders were held to be unconstitutional by five judges; four were original Democrats—Justices Nelson, Grier, Clifford, and Field—and the opinion was delivered by Chief Justice Chase, who had become a Democrat. The dissenting justices were Swayne, Miller, and Davis, who were Republicans. The case was decided in conference on November 27, 1869; the opinion was announced February 8, 1870.

On April 10, 1869, the Republican Congress had increased the number of judges from eight to nine, and on February 18, 1870, Mr. Justice Strong was appointed in the place of Mr. Justice Grier, who had resigned on February 1, 1870, and on March 21, 1870, Mr. Justice Bradley was appointed as the ninth judge. Thereupon the question was for a second time brought before the court with the result announced under the title of the "*Legal-tender Cases*," 12 Wallace, 457 (*Knox vs. Lee*, *Parker vs. Davis*). The decision was made May 1, 1871, although the opinion was not

delivered until January 15, 1872. It reverses the decision in *Hepburn vs. Griswold*, as follows: Mr. Justice Strong, who delivered the opinion, with Swayne, Miller, Davis, and Bradley, made the majority, while Chief Justice Chase with Nelson, Clifford, and Field were the minority.

It is as clear as light that the Republican party pursued its determination to establish the right of the Government to issue legal tenders without limit as an act of political policy. Does anyone doubt that it was perfectly well understood that Judges Strong and Bradley would join their Republican associates upon the bench and reverse the decision that the legal-tender laws were unconstitutional?

But this is not all. The first decision had been adverse—5 to 3; the second decision had been favorable—5 to 4. In the progress of ten years the Republican party obtained all the judges upon the Supreme Court bench with the exception of one. Then the question was brought for a third time into court in the case of *Juliliard vs. Greenman* (110 U. S. Reports, 421), and on the 2d day of March, 1884, it was again decided that legal-tender notes were constitutional in war times or in peace times; Mr. Justice Gray delivering the opinion, sustained by Chief Justice Waite and Justices Harlan, Woods, Matthews, Blatchford, Bradley, and Miller—eight justices, with only one, Mr. Justice Field, in the minority.

Mr. President, this is all a plain book. The Republican party through Republican judges pursued its political purposes until it secured beyond the reach of reasonable controversy and opposition the declaration of the right of the country to print greenbacks without limit and without redemption, and make them a legal tender for all the debts due among the citizens of the Union; and so important to the national sovereignty, security, and prosperity was this right deemed that no rest was given to the assertion of the principle until it was declared by the highest court to be applicable not merely to notes issued in a great national exigency of war but also to notes issued in time of profound peace.

Mr. President, it seems to me that in view of this record those Senators who would not be willing to surrender the principle of the uncontrolled right of the Government to issue legal-tender notes in peace as well as in war should refrain from attributing a discreditable purpose to those Senators who think it equally important to maintain without impairment the uncontrolled right of the Government to create the coined money of the country, and, in accordance with the Constitution, to make it a legal tender for all debts, public and private, except where it is otherwise nominated in the bond. The national honor is not in danger in either case. The Congress that can be trusted with power to issue legal-tender notes without intrinsic value can be trusted to make the coinage laws of the country.

BIMETALLISTS MUST BE IN EARNEST.

At all events, Mr. President, the votes in favor of the resolution were votes in behalf of international bimetallism. It is of very little use to go to England asking for an international agreement to restore silver to the coinage, if we tender in advance to the English Government emphatic assurances that if she refuses our requests we shall nevertheless maintain and adhere permanently to the single gold standard. It is undoubtedly for the interest of the British Empire as a whole, including the vast possessions in India, that silver should be restored to free coinage.

It is almost a necessity for the welfare of the people of India; but they do not possess the suffrage, and can not, therefore, give full and effective expression to their sentiments. It is also for the interest of the agriculturists and the manufacturers and other producers in the English islands. But it is probably not for the interest of the bankers, money lenders, and many persons belonging to the governing classes in England. They prefer and will be benefited by the single gold standard.

Therefore, I repeat that to go to the English rulers asking for bimetallism, with a promise that if they do not grant the request all efforts for silver shall cease and that the United States will become a gold monometallist nation, is a most foolish errand. We have made declarations enough in favor of the gold standard and that we will maintain the parity of the coins of the two metals. What is needed is an earnest and sincere declaration in favor of the double standard, in favor of bimetallism as it existed throughout the world in 1873 and prior thereto.

THE ST. LOUIS PLATFORM.

In this respect the St. Louis platform was very far from being what was desirable. There is contained in it the unique declaration just spoken of, most unwise in the face of an international conference, that we will maintain the existing gold standard if we can not get international bimetallism. There is the further strange declaration—I wonder who was the author—that the gold standard is the standard of the most enlightened nations of the world. So we sent envoys to Europe to propose that this standard of the enlightened nations should be changed for a standard necessarily assumed to be that of the unenlightened or the barbarous nations of the world!

The platform was, therefore, not satisfactory to Republican bimetalists. Yet, as it contained the six saving words referring to bimetalism—"which we pledge ourselves to promote"—it was accepted by hundreds of thousands of Republicans as one which should hold them to their own party as against the heterogeneous opposition. Without the Republicans thus held Mr. McKinley would not have been elected. With a more emphatic declaration in favor of bimetalism the United States Senate would have been saved to the Republicans.

The pledge to promote bimetalism was taken up by President McKinley with the results which have already been alluded to, and he to-day professes his intention to pursue the quest for international bimetalism. The search will be without avail if Secretary Gage is to be allowed to stab the movement at every turn, and the world at large is to be thereby and by the votes of the Republicans of Congress convinced that the whole American movement for international bimetalism is a mere political subterfuge, to be discredited on the slightest pretext and to be discontinued at the earliest possible moment. I voted in favor of the resolution which passed the Senate on January 28, 1898, declaring that the United States has not promised its creditors that it will not restore silver to coinage, because I believe the reservation and assertion of all the ancient rights of the Government connected with its monetary system are important to any further effort to secure international bimetalism, while every vote against the resolution was an additional hindrance in the way of international bimetalism.

BLUNDERS MUST BE REMEDIED—BIMETALLISM MUST BE RESOUGHT.

Mr. President, the calamitous situation is simply this: By reason of the recent blundering action of the Republican party on the subject of bimetalism, to which attention has been so fully called, namely, the almost unanimous vote of its members in the two Houses of Congress against a declaration of the right of the Government according to its discretion and judgment to restore silver to coinage—which vote appears strange and inconsistent when it is recalled that the Republican party only recently pursued the Supreme Court of the United States with unrelenting determination until that court was forced to a judicial declaration of the right of the Government according to its discretion and judgment to issue paper legal tenders in unlimited quantities to be the money of the people in time of peace as well as in time of war—a widespread belief has been created in this country and throughout the world that the Republican party wholly abandons the pursuit of bimetalism and proposes to give up the use of silver coins as standard money, leaving the silver dollars only metallic promises to pay gold dollars, and to submit without further resistance to a permanent adoption of gold as the only standard money of the United States.

To remove this fatal belief, if it is a mistaken belief, and if the Republican party is not to make its future political contests as a single gold standard party, it is of the highest importance that the leaders of the party should very soon in clear, distinct, and unmistakable utterances proclaim their renewed opposition to gold monometallism and their determination to continue the pursuit of bimetalism. This may be most appropriately done by the declaration in the pending war-revenue bill which I have ventured to suggest. I repeat my hope that by the substantially unanimous vote of all parties the declaration may be adopted without delay.

BIMETALLISM CAN BE ESTABLISHED.

I am aware that of the Republican supporters of the proposed declaration the question may be fairly asked whether there are reasonable expectations that bimetalism can be established as the world's system of money. "You admit," it will be said, "that unlimited free silver coinage by the United States alone at this time would break the parity between the two kinds of metallic money, would send gold to a premium, and would be for a time at least the establishment of silver monometallism and not of bimetalism." What prospect remains that a sufficient number of the nations of the world will join in the movement for bimetalism to secure its successful adoption? My answer is that the cause of bimetalism is a hopeful one.

ENGLAND MAY YET ASSIST.

England may yet conclude to assist in the remonetization of silver. There should be borne in mind the exact circumstances under which in October last international negotiations were suspended as they appear in the extracts from the correspondence which I have read. The adverse argument of the India council and of Lord Salisbury was based upon two assumptions:

I. That France and the United States alone, if England would use silver as one-fourth of her bank reserve and open the India mints, intended to admit silver to free coinage in their mints without awaiting negotiations with other nations.

This assumption was a mistake. The French and American negotiators had made it a part of their fundamental plan that after an agreement by England covering the two points the joint efforts of France and the United States should be directed to negotiations with Germany and the other European countries, and that no final conclusions should be reached until after such negotiations.

II. The other assumption was that France and the United States envoys had unitedly determined that the ratio should be 15½ to 1. That was true, tentatively. The understanding was that it should be ascertained what England, Germany, and other nations would contribute toward remonetization with the 15½ ratio, and necessarily it would have been unwise and not good faith on the part of our envoys to open the subject of a change of ratio in the condition of the question then existing.

But the extracts from the history of the negotiations already given show that the India council and the home Government desired and expected that negotiations would be continued on the theory that additional governments might give strength to the movement and that a change of ratio might possibly be suggested; notwithstanding which the joint French and American conclusion was to temporarily suspend conferences and await the result of certain future probabilities.

INDIA MAY NOT BE BROUGHT TO A GOLD STANDARD.

It is not for me to predict the final outcome of the determination of the English Government to allow the council for India to attempt to establish the gold standard in that part of the Empire. But it is worth while to consider for a moment the cruel process which the council have lately presented to the British ministers as necessary to be applied to the people of India in order to force the single gold standard upon that dependency. The council propose to take from time to time silver rupees from the circulation and melt them and sell the bullion for gold until 24 crores of rupees, or about \$110,000,000 worth, are destroyed. The gold realized will be about \$50,000,000, and there will be a contraction of the currency of India of about one-fifth. The scarcity of money thus produced is expected to make the rupees remaining outstanding worth par in gold, the present bullion value of a 45-cent rupee being about 19 cents, and the value as maintained by the Government, or the gold value, being about 32 cents.

The \$50,000,000 realized by the India government is to be kept in the treasury as a gold reserve with which to maintain the gold standard after contraction of the money has made the rupee worth 45 cents in gold; and as the government is unable to raise from the impoverished people the sums necessary to purchase the rupees which are to be melted and sold for gold, the home government is asked to borrow in London and send to India from time to time the £20,000,000 sterling in gold estimated as necessary to make the movement a safe one.

There is a great outcry in England against this plan of the India council, not so much because overburdened India is to be subjected to the injuries resulting from a contraction of the currency and a continued fall in prices as well as the ultimate burdens of the loan of £20,000,000, but because the home Government is expected to assume and carry the loan in the first instance.

Sir Robert Giffen, the greatest advocate in England of the gold standard for that country, the author of the book, *The Case Against Bimetalism*, is opposed to the gold standard for India. In a letter to the London Times of May 10, 1898, which I will ask to have printed as an appendix to my remarks and also as a Senate document, he states several propositions which will be interesting to our United States single gold standard advocates. He says:

I. That a gold standard is impossible for India.

II. That a poor and heavily indebted country, having large payments to make annually to foreign creditor countries with a gold standard, can not wisely have the same money as the creditor country. If it is gold, that gold will rapidly go away, and the steady drain will contract and disturb the money market until the situation becomes intolerable.

III. In the case of such a country, however, when the money is different the competition for exchange on the creditor country lowers the value of the money compared with the creditor's money and thereby lowers also the value of all goods in the debtor country compared with the creditor's money. The result is the export of goods suitable for the creditor country, so that the foreign debts are paid with those goods and the money of the debtor country is not acted upon at all, but remains at home in full volume.

IV. He cites countries which resemble India, but perhaps are not so poor, which have attempted a gold standard and have failed: (1) Italy fifteen years ago obtained a gold loan of £10,000,000 in order to introduce the gold standard, but failed of success; (2) the Argentine Republic twice failed; also (3) Brazil, (4) Chile, (5) Spain, (6) Austria, and (7) Russia have failed for similar reasons.

V. In truth he asserts "that the Indian government does not face the problem of adopting the gold standard. It tries to do the business on the cheap by creating at an enormous cost to the mercantile community of India an artificial scarcity of currency, so as to force the community to accept gold; but that is a still more costly method in reality, as the process may ruin the country."

VI. Instead of allowing, as the India council says, that the £20,000,000 in gold England is asked to loan to India will be sufficient to establish the gold standard for India, he says "a

sum of £50,000,000 should at least be accumulated beforehand," but that naming that sum shows "the practical impossibility of the operation at the present time."

In a letter from Mr. William Fowler, appended to Sir Robert Giffen's letter in the Times, the writer describes the scheme proposed by the Indian government as one of "money murder," showing "the strange indifference shown by the government to the interests of the multitude of holders of silver in India and to the agonies of the money markets there;" and he also speaks of the first export from England of £5,000,000 in gold, to begin the work, as likely to have "very serious consequences;" and he mentions Mr. H. D. McLeod's estimate that £100,000,000 is necessary and Mr. David Yule's estimate of £77,000,000. He concludes that, as the action of the government of India in 1893 in closing the mints caused something like a panic there, the greatest care at this time is necessary in order to avoid "alarm and panic" in England.

I ask that Sir Robert Giffen's letter may be printed as an appendix to my remarks and also as a Senate document.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the order is made.

Mr. CHANDLER. By considering what would be the effect in this country of a reduction of its money by one-fifth, we can understand something of the effect likely to be produced in India by the proposed scheme for compelling her helpless people to submit to the gold standard. Should the plan fail, and the monetary distress and misery of the people there existing continue and find a voice, England will gladly reopen the question of the remonetization of silver by international action. Moreover, other events not now to be foreshadowed at length may soon incline that Government to give up its present policy of bringing all the nations of the world to adopt the gold standard and to discard silver as standard money.

FRANCE WILL NEVER YIELD TO THE GOLD STANDARD.

One thing is certain, France will never yield to the gold standard, but will persistently pursue bimetalism. The recent French elections have given to the present ministry a new and long lease of power; and Mr. Meline, the premier, one of the most enlightened and fearless statesmen of the present day, is a bimetalist from full study and with unflinching conviction. France is likely at any moment to suggest to the United States a renewal of the suspended negotiations. Whether time and reflection have convinced the bimetalists of France that it will be wise and expedient to assent to a change of ratio from 15½ to 20, or 22, or 24 to 1 I have no knowledge. My individual opinion is that even without England's direct cooperation there can be a safe remonetization of silver by France and the United States, not acting alone, but in conjunction with some of the European nations, with all the nations of the Western Hemisphere, and with China and other Asiatic forces.

A GOOD CAUSE ALWAYS HOPEFUL.

Mr. President, there is always reason for the friends of what they believe to be a good cause to hope in spite of apparent adverse circumstances that triumph may eventually come. It is my abiding belief that the whole world can not be brought to the single gold standard and held fixedly to such a system of money. The full and final disuse of silver as standard money would bring injuries, evils, and miseries to the human race greater, more penetrating, and more enduring than any one of the military wars and devastations which history records.

If silver coins are not to be real money, but only token money or subsidiary money, which must, like paper money, be at all times when demand is made redeemed in gold money, it will soon cease to exist as money of any quality. There is no possible need of using silver in order to stamp upon it promises to pay gold dollars. For such promises merely paper is better than silver and will in the end, under the gold standard, be the only money used except gold. "Metallic greenbacks" are no better, are not so good as paper greenbacks, and they will finally disappear from existence as money.

THE VAST LOSS FROM DEMONETIZING SILVER.

It is not unworthy of consideration—the question of the direct injury to be done by the destruction by demonetization of the values now contained in the silver coins and silver bullion of the world. There exist about four thousand millions of dollars of such coins and probably six thousand millions of silver bullion, making \$10,000,000,000 in all of the world's stock of silver. The loss by the depreciation of this amount already since 1873 through demonetization has been six thousand millions of dollars; and if the process is still to go on until silver ceases to be any longer in any place used as standard money, its price will go down to its value for use only in the arts, possibly to 25 cents an ounce, and there will have been a loss to the owners of the silver of the world of \$3,000,000,000.

Even the property rights of these silver owners whose past and prospective shrinkage of values reaches this enormous sum have some claim to the forbearance of the nations. It is true that

much of the loss upon the coined silver may fall upon the governments which may redeem the coins in gold, but much the largest loss will fall upon individuals. It is unnecessary to repeat the well-known story of the woe which has been and is being inflicted upon the suffering millions of India whose savings have been invested in one thousand millions of ounces of silver bullion, and many of whom have been and are starving to death, not because there is not food enough to be bought, but because the value of their silver has been destroyed by the government and they have no money to buy food with.

THE ARGUMENT FOR BIMETALLISM.

But the direct loss—grievous as it is in certain aspects—from the demonetization of silver is of slight importance compared with the blighting effects upon the world's prosperity produced by the destruction as a measure of values of half of the world's metallic money.

It is no part of my purpose in these remarks, already too long, to restate at any length the arguments against the gold standard and in favor of bimetalism. In my speech in the Senate of February 16, 1897, I gave the reasons for the faith that was in me, and I have changed no one of the conclusions there avowed. The case for bimetalism, as I understand it, is this:

In 1873, after gold and silver had both been the standard money of the world for many centuries, various commercial nations began steps for discarding silver money and for continuing as the only metallic money of final redemption the other metal—gold.

This proceeding, while running its course, likely to require for completion from thirty to fifty years from its beginning, is having the effect of gradually and continuously reducing the prices of the property of the world, thereby discouraging trade, and of increasing the difficulties in paying debts, thereby causing an increase in the number of insolvencies in commercial circles and in the number of transfers of property from hopeless debtors to absorbing creditors.

When the full adjustment of commercial exchanges everywhere to the new monetary system is finally reached, so that the scarcer metallic money and the lower prices of property will apparently affect all classes equally, and so that all new debts will be contracted with reference to the new conditions, nevertheless, the quantity of metallic money of final redemption, being one-half of what it would be under the old system, yet continuing to be the principal factor in determining the average prices of property and in fixing the amount to be used of other forms of money and credits, will be too small for the safe and prudent transaction thereon of the commerce of the world, and money panics will increase in frequency, violence, and destructiveness, to the hindrance of trade and of the consequent growth of industries and of wealth. It is also to be apprehended that it will be found impossible to force all the nations to the single gold standard, and that the par of exchange will be permanently broken and the world divided into gold-standard nations and silver-standard nations.

The bimetalists further say, as the use of the two metals as final money has existed for more than two thousand years and the old monetary system for more than two hundred years, that the burden of proof is upon the gold monometalists to prove the inferiority of the old system and the superiority of the new one, which they say is not proved, and that the people of the free nations can, if they choose, by justifiable methods and successive and appropriate steps return to the old monetary system existing prior to 1873; acting no more with dishonesty than have acted the authors of the prolonged attempt ever since that date to establish a new monetary system of gold monometallism.

THE HIGH PRICE OF WHEAT NOT CONCLUSIVE.

This case for bimetalism is not seriously impaired by the high prices of wheat now prevailing. They result from short crops the world over. The general tendency of the average of all prices is steadily downward, notwithstanding the operation of temporary and special causes working the other way.

In my remarks of February 16, 1897, is contained the table of index numbers prepared for the Royal Statistical Society by Mr. Sauerbeck, covering the period from 1875 to 1895. In the London Statist for May 7, 1898 (page 767), there is to be found a summary of the results down to April, 1898, under the heading:

COMMODITY PRICE BAROMETER.

[By A. Sauerbeck.]

Index numbers of the prices of forty-five commodities, the average of the eleven years 1887-1897 being 100:

	Average.		Average.
1878-1887	70	July, 1896	100.3
1888-1897	67	December, 1896	62
1889	72	September, 1897	61.4
1890	68	December, 1897	61.4
1891	63	January, 1898	61.8
1892	62	February, 1898	63.4
1893	61	March, 1898	63
1894	63	April, 1898	65.5

The index number shows a substantial improvement, which is principally due to the advance in prices of wheat, flour, maize, and rice, equal to about 20 per cent in the course of the last month, and to the rise of Manila hemp from \$19 to \$20. Lead, copper, cotton, jute, and linseed oil are also somewhat dearer.

Taking articles of food and materials separately, the index numbers compare thus:

	1896.		1897.		1898.	
	July.	Decem-ber.	Septem-ber.	Decem-ber.	March.	April.
Food.....	60	63.9	67.5	66.5	67.5	70.7
Materials.....	58.6	60.6	60.4	59.4	59.8	61.7

Articles of food are now in the aggregate 18 per cent higher than at the lowest time in 1896, while for materials the rise is only 5 per cent.

THE SLOW PROGRESS OF ECONOMIC CHANGES.

It was a principal part of my effort on February 10, under the text "The lowest fall in prices not yet reached"—as it is always the effort of bimetalists—to show that the progress of economic changes is slow. In reaching conclusions any conditions existing during short periods and any exceptional circumstances prove but little. It is the "long run" of the money system which must be scrutinized. Professor Cairnes, quoted by General Walker (Bimetallism, 243, 244, 245), speaks of the progressive effect upon prices of great changes in the money of the world as likely to "extend over some thirty or forty years." He says: "Certain classes of commodities and services will be affected much more powerfully than others."

There is, therefore, nothing in the great present rise in the price of food supplies to weaken the contention that a steady fall in average prices the world over is taking place. While the table above shows a rise in the general index number from the average of 62 in 1897 (to which it had fallen from 100 since the decade of 1867-1877) to 65 in April, 1898, yet when food and materials are taken separately all the temporary and exceptional facts become apparent. Food articles in July, 1896, had the index number 60; in April, 1898, the number 70; but the other commodities which had in July, 1896, the number 58 had risen in April, 1898, only to 61. I will only add on this point the remark that if progress toward the single gold standard is to continue and the prices of commodities as a whole expressed in terms of gold do not continue to fall as long periods elapse, bimetalists will be much mistaken and may be confronted with arguments difficult to answer.

The necessarily slow effect of the demonetization of silver by the nations in 1872 must be apparent to careful observers. The first action was only to close the mints to the new silver. Most of the four thousand millions of old silver coin remained as money, and all the new gold continued to be added to the world's stock of real money, so the total amount of metallic money, compared with the wants of the commercial world, diminished slowly. But now we are reaching a period when the four thousand millions of existing silver coin will begin to disappear as money. When it ceases to be real money—money which, like gold, needs not to be redeemed in any other kind of money—and is held to be only a promise to pay gold, it will be an utter waste to use it as money at all. It will cease to have any greater effect in determining prices than paper money or other credits have, and the world's measure of values will cease to be eight thousand millions of gold and silver combined and will be only four thousand millions of gold and the annual gold increments, quite insufficient to prevent an injurious fall in the prices of property.

In watching the test which is coming in the future, of the predictions of the bimetalists, the people of the United States, which is a debtor nation toward other countries, need not comfort themselves with the belief that they can endure the effect of the continuous and unrelenting movement toward the single gold standard as safely as can the Empire of England, which is a creditor nation toward other countries.

THE HELPFULNESS OF THE BALANCE OF TRADE.

It is true that the rise in the price of wheat has made the Western farmer temporarily prosperous. Our enormous exports of food products have been of immense advantage to the whole country, and the balances of trade in our favor during most of the time since the demonetization of silver began have warded off from us a large part of the progressing evils of the single gold standard.

Our excess of exports of merchandise since 1890 have been as follows (9 years and 10 months):

	Imports.	Exports.
1890, excess of imports.....	\$2,730,277	
1890, excess of exports.....		\$83,518,275
1891, excess of exports.....		89,564,614
1892, excess of exports.....		202,875,886
1893, excess of imports.....	18,738,728	
1894, excess of exports.....		287,145,690

	Imports.	Exports.
1895, excess of exports.....		\$75,568,800
1896, excess of exports.....		102,882,284
1897, excess of exports.....		236,263,144
1898, excess of exports (10 months).....		514,245,495
Total.....	\$21,468,005	1,537,063,628
Deduct excess of imports from excess of exports.....		21,468,005
Balance in our favor of merchandise trade.....		1,505,595,623
Between 1889 and 1897 (8 years) we had—		
Excess of exports over imports of gold.....		323,628,544
Excess of exports over imports of silver.....		182,828,930
There should also be added for—		
1897, excess of exports over imports of silver.....		31,413,411
1898, excess of exports over imports of silver (10 months).....		36,729,532
Making a total of.....		2,000,193,060
In 1897 we began to receive gold again, imports over exports.....	44,653,200	
1898 (10 months), imports over exports.....	86,479,498	
Making a total for deduction of excess for 1 year and 10 months of gold imports over exports of.....		129,132,698
Total balance in our favor, merchandise and gold and silver, since 1889 (9 years and 10 months).....		1,901,060,362

These are suggestive figures. How have we been benefited by the net balance in our favor of nearly two thousand millions in ten years, if it has brought to us only one hundred and twenty-nine millions of gold? If American travelers in Europe have spent there one hundred millions a year, one thousand millions are accounted for. If we have paid to other countries fifty millions a year for bringing our imports, which does not appear in the statistical tables, five hundred millions more are accounted for, and the other five hundred millions we may have been paid by sending home to us our bonds owned abroad. We have indeed been a fortunate country. But we can not always count upon such enormous balances of trade in our favor. By reason of them we have been able to stand the pressure of the gold standard; if it had not been for them, the business of the country would have been placed in a dire extremity and the people would have burst the bonds of the gold standard as quickly as Samson broke the green withes that bound him.

Consider what would have been our situation if our exports for the last two years had been less than our imports. It would have been impossible to prevent a financial panic or to keep gold from going to a premium, with the progress of silver demonetization still going forward. We ought, therefore, to avail ourselves of the present fortunate moment and guard against future evils by enlarging the metallic basis of our own and the world's money and placing our monetary system upon safe and sure foundations; those of bimetalism, with its eight thousand millions of coined real money and twelve thousand millions of gold and silver bullion, instead of the narrow basis consisting of only the insufficient gold of the world.

EUROPEAN WARS COULD NOT BE CONDUCTED ON THE GOLD STANDARD.

Nor should the nations of Europe believe that their financial systems can safely rest longer upon the basis of the single gold standard. If the peace of Europe continues, that standard may exist some years longer, but with the first outbreak of a European war gold will go to a premium, and there will then be two methods for the nations which are in arms—one, the issue of paper money, which will go below par in gold; the other, the remonetization of silver. With such remonetization seasonably resorted to by the continental powers and by the United States, the parity between the two metals could be sustained all over the world even in case of extensive wars, and utter financial demoralization could be averted. Remonetization before a war in Europe, instead of unlimited issues of paper money by nations in arms, would be the wisest action.

BIMETALLISM IS THE PEOPLE'S CAUSE.

Coming again nearer home: Gold monometallism being a device of the rich to make themselves richer to the oppression of the other classes in society, should be resisted with zeal and energy by the Republican party, which professes to desire the prosperity and welfare of the whole people. The tendency of the times to yield to the demands of aggregated wealth in its various forms should be opposed by the great Republican leaders whom I see before me. What is driving away votes from the party? Nothing except the conviction growing in many minds that its powers and its organization are passing into the control of the money power, so called; and that we rely for success not upon the advocacy of popular measures and the free and deliberate preferences of the voters, but upon the influences and agencies of combined and consolidated riches and upon the corrupt use of money to carry nominations and elections.

DUTY OF REPUBLICAN PARTY TO BIMETALLISM.

This may not be a just belief. It will be the part of wisdom to eradicate its growth and destroy its effect by proclaiming purposes beneficial and popular and by renewed appeals to the best sentiments and deepest convictions of the voters who have so generously sustained the party during its honorable existence for forty-two years. The most appropriate and gratifying specific thing we can do is to plant ourselves firmly upon the declaration of President McKinley on February 12, 1891, when he said he was against all efforts to "demonetize one of the coins of commerce, limit the value of money among the people, make money scarce and therefore dear," "increase the value of money and diminish the value of everything else—money the master, everything else its servant"—and to assert the unyielding opposition of the United States to the permanent adoption of the single gold standard of money and the determination to persist in the efforts to secure the restoration of silver to the coinage in this country, and, if possible, throughout the world. We ought to do this, not only in the interest of a great and noble political party, but also in a much larger than party interest—for the protection and benefit of the great masses of mankind.

APPENDIX.
THE INDIAN CURRENCY.

The Editor of the Times.

SIR: It is a hard saying to some that a gold standard is impossible for India. The subject has been discussed as if the choice of a money standard were within the unlimited discretion of a Government, and as if the only question were the method of acquiring the standard selected. This is not a scientific view. Governments would certainly act wisely at all times in having regard to the economic conditions of their subjects, and their tastes and habits in the matter of currency. To force something unnatural, and especially to attempt a change when a community has already got a money which admirably serves the purposes for which money is required, is always injudicious and injurious. But such a change may be impossible as well, and this is a point not to be overlooked in the matter of a gold standard for India. Is a gold standard for India really possible or not? In a discussion from this point of view, I am in full agreement, I believe, with the best city opinion, which encourages me to take up the subject.

We may throw aside at the beginning all idea of establishing a gold standard without a gold money, or without a currency immediately and readily convertible into gold, which implies the existence of gold reserves. All such fancy schemes are essentially bad. They are to be rejected, among other grounds, on the score of the injury they inflict by causing discredit. This has been exemplified in the case of India during the last few years. Capital, we are told on all sides, has been brought home from India at the high exchange ruling, and new capital will not go out because no one knows what the money of India will be. This is the penalty the government and the people of India pay for an artificial and managed system of money. The same discredit must continue until there is again an automatic standard money with which the Government does not meddle.

Assuming, then, that a gold standard with a gold money is the object to be aimed at in India, if it is to have a gold standard at all, what are the difficulties in the way?

The general difficulty is that India is both a poor and heavily indebted country, having large remittances to make annually in payment of interest and dividends to foreign creditor countries, and chiefly to England, with a gold standard. Such a country, if it has the same money as the creditor country, can only retain it with difficulty. By the necessity of the case the exchange is chronically against it. People in India and the government itself with money to remit seek bills on England, on which accordingly there is a premium. What the nature of this premium is is very well explained in Mr. Bagehot's papers on the silver question. The result of such a premium in a debtor country having a gold money the same as its creditor country is that the gold tends to go away. It is the most ready asset to send, far preferable to goods. In other words, then, there is likely to be a steady drain of currency from a debtor country like India if its currency is the same as the creditor country, England, and this steady drain will contract and disturb the money market till the situation becomes intolerable.

This is the general rationale of the statement so often made in the city that some countries are too poor to have a gold standard. It is not poverty merely that makes the difficulty, but poverty combined with heavy indebtedness. The gold money in such a case steadily tends to go away. The remaining currency, whether of paper or other coin, is then with difficulty convertible into gold, and so the standard is lost.

In this view, it is a great convenience to a debtor country like India, and, in fact, almost a necessity, to have a money different from that of its creditor countries. When the money is different, the depression of exchange in the debtor country, which is the result of the competition for bills on the creditor country, lowers the valuation of the money compared with the creditor's money, and thereby the value of all goods in the debtor country compared with the creditor's money. Hence, there is a stimulus to the export of those goods which are suitable for the creditor country, and the money of the debtor country is not acted upon at all, although it is one of the first things to be acted on, as we have seen, when the debtor country has the same money as its creditor. Hence, the debtor country, with a different money from that of the creditor country is able to retain that money in spite of its poverty and the adverse exchange, and the mischief of a contracted money market due to normal exchange operations is spared it.

There are many cases in point of countries in an economic position resembling that of India, but perhaps not so poor, which have attempted a gold standard, but have failed. A conspicuous case in my own recollection is that of Italy, which issued a gold loan about fifteen years ago and obtained £10,000,000 in order to introduce a gold standard, but failed of success. The gold standard was never really effective, or was so for so short a period as hardly to be noticeable, and the standard is long since gone. The Argentine Republic, again, has twice failed; Brazil and Chile have failed; Spain has failed; Austria and Russia failed to keep a metallic standard of silver for similar reasons. Some of the countries named are once more renewing the attempt at a gold standard, and Japan is a new beginner in the same line; but, unless one or more of them prove to be unexpectedly rich—and Japan, for instance, is rich for the moment—the attempt is no more than an experiment, and we are justified in saying it is far from certain to succeed. As I write, Japan is said to be proposing a new loan of £15,000,000 to relieve the depression! There is nothing, then, to weaken the force of the lesson which all these failures teach us. A gold standard is not an easy thing for a poor and indebted country with its creditors also possessing that standard. The chances are that even very costly attempts will not succeed.

It must surely be a matter of obvious precaution when the Indian govern-

ment attempts a gold standard to look well beforehand, to make sure that what it proposes is a thing that can really be done.

I have been dealing with the question up to this point on general principles. The conclusion is strengthened when the cost of any real attempt is fully weighed and considered. The Indian government can not bear the expense.

There is much discussion in the papers in detail as to the amount of gold required to give India a gold money; but having regard to the three main requirements—the active circulation, the reserve against government notes, and an extraordinary reserve against contingencies—we may say that very large sums will be needed "to make sure." A sum of £50,000,000 should at least be accumulated beforehand. But to name a sum of £50,000,000, or anything like that sum, as the reserve of gold to be accumulated beforehand in India is to show the practical impossibility of the operation at the present time. India is not rich enough at present, though it might become rich enough in happier circumstances. Time would also be required for the operation, and time is altogether wanting as things now stand.

The truth is that the Indian government does not face the problem of adopting a gold standard. It tries to do the business on the cheap by creating, at an enormous cost to the mercantile community of India, an artificial scarcity of currency so as to force the community to accept gold; but that is a still more costly method in reality, as the process may ruin the country.

I submit, then, that what is really in question is not, as the Indian government supposes, a question of the best method of establishing a gold standard in India, but whether the establishment of such a standard is practicable at all, or practicable at any cost which India can afford. If this is impossible, then the only alternative clearly is to return to silver money. No greater evil than an artificial and managed currency can be inflicted on a country. It is not unreasonable, therefore, to say that sooner or later the error committed in 1893 may have to be acknowledged and reversed.

The highest political issues are also involved. One of the most dangerous things for a government to do is to tamper with the people's money. Is it quite certain that the Indian government can go on long with its present ideas regarding money and monetary standards without producing the gravest complications in the government of India itself?

I am, etc.,

ROBERT GIFFEN.

MAY.

The Editor of the Times.

SIR: I ask permission to add a few words to what has been well said by Sir R. Giffen.

I leave for the moment the Indian aspect of the scheme proposed by the Indian government and the "money murder" involved in it, and the strange indifference shown by Government to the interests of the multitude of holders of silver in India and to the agonies of the money markets there.

I desire to call attention to the importance of the scheme to all English investors. The proposal involves handing over the control of about two-thirds of our gold reserve at the bank to a body of officials in Calcutta, and to this I object most strongly. At first they ask for £5,000,000, but they ask for power to draw £15,000,000 more when required, to say nothing of even further demands.

The export of £5,000,000 at this moment might have very serious consequences. It seems to be forgotten that the purchase of the wheat which we require this year may cost us from £20,000,000 to £30,000,000 more than the same import would have cost two years ago. Thus, whether we will or not, we are face to face with an enormous additional claim on our resources, and one which will give increased power over our gold to our cousins across the Atlantic, whose needs may be greatly enhanced by the war on which they have entered. Moreover, the tendency to higher prices is not confined to corn, and business at home makes greater demands on our resources. On every side there are political complications and uncertainties, and our relations with nations all over the world are so intimate that special demands may arise at almost any moment. As I write Japan holds a very large deposit at the bank, which helps to swell the figures of the last return, and any day she may require money and may take it in gold. I mention this merely as an illustration, which shows how necessary it is to retain our hold on our gold and not to give power over it to others.

Already 4 per cent has depressed the values of the best securities, and this fall must continue if we are to have a permanent advance in the bank rate and in the charge made for loans on the stock exchange. It seems to me, therefore, that every holder of securities is interested in avoiding any engagement which must seriously affect our gold reserve not in the regular course of business, but as a certain consequence of a mere experiment, the results of which are extremely uncertain, and are, in the opinion of many experts, more likely to injure than to help the people of India.

Taking the whole situation into view, I am confident that the greatest care is required in order to avoid alarm and panic in our own country. The action of the Government of India in 1893 has caused something like a panic there, and it behooves us to take care that we are not led away by official theories into the adoption of any scheme which may result in repeating in the center of the Empire a disturbance which has caused so serious trouble in Calcutta and Bombay.

I remain yours, faithfully,

WILLIAM FOWLER.

43 GROSVENOR SQUARE, May 14.

P. S.—I wish to note that I have considered only the demands involved in the scheme proposed by the government of India, and have avoided any reference to the opinions expressed by some authorities as to the gold reserve required to be in the hands of the Indian government in order to create an effective gold standard in India. For example, Mr. H. D. McLeod talks of £100,000,000, and Mr. David Yule of £77,000,000, not to mention very large estimates made by Mr. Gibbs and others.

The Editor of the Times.

SIR: May I beg a small space to tender to Sir R. Giffen, on behalf of Ceylon and the great tea industry, on which her prosperity has been rebuilt, our warm thanks for his outspoken letter on the Indian currency, published by you to-day?

In the feeble efforts that we have been able to make in defense of our interests we have been roughly hustled out of court as lunatics and talkers of absurd nonsense. Our request for a chosen representative on the committee of inquiry into matters vital to our future welfare has been rejected.

It would be difficult to find words adequate to express the sense of relief with which Sir R. Giffen's letter will be read by all Ceylon men, both here and in the colony.

Yours, faithfully,

WM. MARTIN LEAKE,

Secretary.

THE CEYLON ASSOCIATION IN LONDON,

61-63 Gracechurch street, May 15.

MR. HOAR. Mr. President, I had no purpose of addressing the Senate upon the pending bill unless it should happen when the time for voting approached late in the week some amendments might require a brief discussion, perhaps under the five or ten minute rule.

I am in general accord, as I suppose is well known, with the Senator from New Hampshire [Mr. CHANDLER] in his desire for the establishment of international bimetalism, in his disappointment that the mission authorized by Congress last year failed of immediate and successful accomplishment, and in his regret for some of the utterances of the very worthy gentleman who holds the important office of Secretary of the Treasury.

I have been inclined, in the light of his subsequent explanations, to suppose that those utterances were rather the result of a want of familiarity with public affairs, though if it was want of familiarity with such affairs, he was a man of large business experience and capacity, and that the Secretary of the Treasury did not intend to discourage or to hinder the honest and zealous attempt of the President for an establishment of international bimetalism and the reinstatement of silver in this country, but rather was speaking of an opinion that the gold standard should be maintained for the present and under existing circumstances until that was done, a desire which I suppose he shares with the Senator from New Hampshire himself.

But in regard to that I have no special duty and with it I have no special concern. Whether the Secretary of the Treasury be in accord with the President, whether he be in accord with the Republican party, whether he be in accord with my own judgment of what is right, does not much affect our duty with reference to providing the sinews for this war.

But the Senator from New Hampshire, I have no doubt misled, and honestly misled, without any malignant or unkind purpose, has seen fit to revive in my presence what is an infamous and vile slander, or was when it originated, not only upon President Grant and the Republican party, but upon an eminent citizen of Massachusetts now gone to his grave, whose reputation I should be bound to defend if I had no personal connection with it, but whose reputation in fact is as dear to me as my own, and is dearer to me than the little that remains to me of my life.

Now, Mr. President, saying again that I suppose that honorable Senator has been misled, I declare under my responsibility as a Senator and as a gentleman that the charge that the Supreme Court of the United States was packed for the purpose of reversing the legal-tender decision, or that an effect upon the legal-tender decision came into the consideration either of President Grant or his advisers, is as vile a slander as ever thrust up its dirty head from the stump.

Mr. President, what are the facts, and what is the evidence upon which is based this charge, dishonorable alike to a great soldier and a great President and a great branch of this Government? Prior to the year 1869 there had been a statute enacted that the number of the judges of the Supreme Court should be reduced to seven; that is, that there should be no new judges appointed in case of vacancies until the number should be reduced from nine or ten to seven. That was found to work badly in practice. We had several aged men upon the court—Taney, Grier, and Nelson—far past the time of the Psalmist's three score and ten. In 1869, in the beginning of General Grant's Administration, at the request of members of the court, without distinction of party, it was enacted that in the following December there should be another judge appointed, making the number nine again, which had then been reduced to eight.

At that time I suppose there was no more thought or dream in the mind of any human being of the legal-tender decision than there was of the present war with Spain. In the course of the summer one of the judges, Mr. Justice Grier, sent in his resignation to take effect the following February, I think. When Congress assembled in December, President Grant tendered the appointments, one to Mr. Secretary Stanton and the other to Mr. Hoar, the Attorney-General. Mr. Stanton took the oath of office, and died before taking his seat upon the bench. Mr. Hoar was rejected by the Senate, with whom he had got into a very bitter controversy in regard to the appointment of the judges of the new circuit courts, whom he determined should be appointed on their merits and should not be treated as a matter of public and political patronage.

In regard to that matter I have nothing to say; but it occurred to no human being, I suppose, that either of those two gentlemen was selected with any reference to the legal-tender decision. Mr. Strong had been invited to take the place of the Attorney-General of the United States as the successor of Mr. Hoar, and he came to Washington at the invitation of the President to see about it. Stanton dying and Judge Hoar being rejected, the President selected Mr. Strong and Mr. Bradley, and on the 7th day of February, a few minutes after 12 o'clock, the names of those two gentlemen were upon the table of the Senate, two hours before the decision in the legal-tender case of Hepburn vs. Griswold was announced.

Mr. President, does anybody in this country, looking back on the illustrious career of those two great jurists, doubt for a moment that their selection was warranted upon the merits? President Grant had tried to get a Republican judge from the South-

ern States who would be acceptable to the profession, and had failed on inquiry, as he had himself declared. The court was then composed, one from New England, one from New York, one from California, two, I think, from Ohio, and one other from the West.

Mr. DAVIS. One from Iowa.

Mr. HOAR. One from Iowa and one from the far West; and the great space, New Jersey and Pennsylvania, and the great central States, known as the Middle States, were without a representative. What was more natural than that the leader of the bar of the State of New Jersey and the leader of the bar of the State of Pennsylvania, both being Republicans, should be selected to that important place? In addition to the other reasons for the appointment of Mr. Justice Bradley there was an earnest and zealous letter commending him to the President for his succession by Mr. Justice Grier, the great Democratic judge who concurred in the legal-tender decision.

Now, Mr. President, one other suggestion. Where was President Grant to find a judge in the Republican party who was not of that way of thinking? There were then known to the country and, so far as I can ascertain from a pretty careful inquiry into the subject, there are now known to the country but two persons of any eminence in the Republican party who questioned the constitutionality of the legal-tender law. It had been sustained by every State court in the North that had had the question before it, and by every court that had had the question before it except the court of the State of Kentucky, and there the very able chancellor dissented from the opinion of the court.

Mr. Cox, of Ohio, a member of the Cabinet, thought the majority decision, as he says in a letter, was the better law, and Mr. Cox undoubtedly is a man who would have graced and adorned that court, but there were two judges, the Chief Justice and Mr. Justice Swayne, from Ohio then upon the bench. The other exception is my dear and honored and beloved friend and instructor, Judge Thomas, but he was only half a Republican. He had joined the party during the war. He had been opposed to nearly all of its policies, and I do not suppose he voted a Republican ticket from 1868, a time preceding the legal-tender decision, until the day of his death.

Why do you assign this infamous, vile, contemptible, and discreditable motive—a motive impossible under the circumstances—for a very simple and natural action? Can anybody for a moment claim that if the legal-tender decision of Hepburn and Griswold never had been heard of President Grant would not have appointed two Republican judges to those vacancies, the additional vacancy, as I said, having been provided for by a law passed early in the year 1869, and that he would not have gone to the leaders of the bar of these two great States unrepresented there for his judges and would not have selected these two gentlemen, who were among the brightest and most shining lights in our whole judicial history?

Mr. President, I said that these nominations were upon the table of the Senate before the decision of Hepburn and Griswold. I am aware that in conference in November, 1869, two or three months before, the court, as is usual in such cases, had come to a decision by a bare majority in favor of the doctrine as announced by Chief Justice Chase from the bench. But admitting that to be true, you have got to make out this charge to establish two propositions: First, that President Grant had ever heard of it, and next, that if he had heard of it he would not have appointed just the same men whom he did appoint and no others; and both those propositions are impossible of being sustained.

The court always, some time before the final decision is prepared, has its consultation, but there has been but one single instance in our history where the decision of the Supreme Court in chambers has leaked out before it was announced from the bench, and that was a case which created a good deal of public indignation and comment at the time.

Now, Mr. President, there is not the slightest pretense or scintilla of evidence that President Grant, or that anybody who was his adviser, had ever heard of the decision of Hepburn and Griswold, not announced publicly until after these gentlemen were selected. Not only is there no evidence, but President Grant, Hamilton Fish, and Attorney-General Hoar, all three have declared in public letters that they never heard of the decision, and that the selection of the justices had nothing whatever to do with the decision.

Mr. CHANDLER. Will the Senator from Massachusetts allow me to interrupt him for a moment?

Mr. HOAR. Certainly.

Mr. CHANDLER. I understood the Senator to say that the nomination of those judges was here before the decision was announced.

Mr. HOAR. I say so.

Mr. CHANDLER. The Senator may be right.

Mr. HOAR. I am right.

Mr. CHANDLER. I take no issue with the Senator on anything. The Senator is not taking any issue with me that I know of. I find this statement in the footnote in the Legal-Tender Cases, 12 Wallace, page 528:

The judgment in *Hepburn vs. Griswold* was announced from the bench and entered February 7, 1870.

Mr. HOAR. Certainly.

Mr. CHANDLER. The note proceeds:

Mr. Justice Strong was appointed February 18, 1870, and Mr. Justice Bradley March 21, 1870.

Mr. HOAR. Certainly.

Mr. CHANDLER. I understood the Senator to say that those names were before the Senate?

Mr. HOAR. Certainly. Appointment does not come until after confirmation by the Senate.

Mr. CHANDLER. But does the Senator mean to say that the names of those judges had been here all that time?

Mr. HOAR. Certainly; they had been here all that time. I have had the whole record searched.

Mr. CHANDLER. The Senator may be right about it. At first blush the Senator would seem to be mistaken.

Mr. HOAR. I do not think there is any occasion for anybody to blush. There is not for me. There is not any first blush about it. Let me repeat. Mr. President, the nominations of Judge Strong and Judge Bradley—I have a copy of the record of the Senate before me—were both upon the table of the Senate on the 7th of February, 1870. The Senate on that day met; some petitions were presented, a few, and the Senate immediately proceeded to consider the funeral resolutions in honor of a deceased Senator and adjourned. The moment the Journal was read the President's secretary came in and announced a certain message.

It was the only time he came in that day, and it was within five minutes or ten minutes after 12 o'clock, as soon as the Journal had been read. The Senate did not go into executive session that day, but the next day when it did go in the executive messages were read to the Senate announcing Mr. Justice Strong's and Mr. Justice Bradley's nominations. Those nominations are in the *Evening Star* of that afternoon, and in several of the New York and several of the Western papers of that afternoon, February 7.

Now, the opinion read the same day was given by the Chief Justice after the court had met. The court heard motions and the judges gave in succession their opinions, and the Chief Justice gave his opinion, probably not reaching it until two hours after the court met, also at 12 o'clock. So that for two hours or thereabouts these nominations had been on the table of the Senate before the decision was announced.

But that is not all. We are not led to the discussion of a few minutes in a day. The President had submitted those nominations to his Cabinet the week before. Judge Strong's nomination had been announced as one agreed upon more than a week before, and Judge Bradley had been spoken of in the press as a probable appointee. It is true, as the Senator says, that the appointments did not take place for two or three weeks afterwards; but what of that? The point is whether those two judges were selected by Ulysses S. Grant and his Attorney-General with a view of packing the Supreme Court of the United States to overrule a judgment of the court. Ulysses S. Grant had determined on those names for days before the decision was announced. He had submitted them to his Cabinet at the last preceding Cabinet meeting, which, I think, was on Thursday of the week before he had sent them to the Senate, and they had been on the table here for two hours.

The point which has misled my honorable friend—I see how he was misled by not reflecting that it was necessary that the appointments should not be made until after the Senate had consented and the President had been notified—the point is of the motive in the mind of Ulysses S. Grant and in the minds of the persons who were responsible for advising him in choosing these two illustrious and famous jurists.

I say, therefore, that in order to have this thing possible—I do not speak now about the proof; I do not speak now about the weight of evidence—in order to have this thing possible, we have got to suppose that the councils of the court as to its decision in the previous November or December had leaked out. In regard to that I have had the whole press of the country searched, and there is not an assertion in a single newspaper, North or South, East or West, affirming that the court had come to any such conclusion. It had not reached the public; it had not reached the press; it had not reached the Senate; it had not reached the Republican party, and there has not been any suggestion from any member of the court that any other member of the court or anybody else had betrayed its councils.

There has been, as I said just now, only one such case in our history, and that was a case which took place some twenty or twenty-five years ago, where the value of some great corporate property was concerned, and nobody ever knew how the decision got out. I could tell my honorable friend from New Hampshire in private a rather amusing story as to what occurred between

two of the judges on that subject which it is not worth while to state here.

It was intimated in the political anger of the time that when President Buchanan announced that he was willing to leave the subject of dealing with the question of slavery in the Territories to the Supreme Court, he had some intimation in advance of the *Dred Scott* decision, but that was denied by the friends of the court and the friends of the President as a foul and calumnious slander, and undoubtedly professional men of all parties are agreed that President Buchanan's confidence grew out of his general knowledge of the opinions of the great men who composed the bench at that time, not that he had any particular political understanding with any of them.

Mr. President, against this bare possibility of things happening in this one case that have not happened except in one other for a hundred years, you have got the deliberate assertion and affirmation of Ulysses S. Grant and Hamilton Fish and Judge Hoar, who, each of them, affirm—Mr. Fish in a published letter, in which he said that he made the statement by the authority of the President, and Judge Hoar in a speech in the House of Representatives, in a published letter to one of the New York papers, and in several public speeches at home—that they never had heard of this decision, and that the appointment of these gentlemen was made because they were, under the circumstances, the fittest and most proper persons to be appointed, without any other motive or consideration whatever.

Mr. President, I do not think that anybody is likely to be found in this country now who is willing to stand up and charge Ulysses S. Grant or Hamilton Fish with lying. If there be, I shall have some curiosity to see the statement.

In regard to Judge Hoar, who was the Attorney-General, perhaps it may not be in bad taste for me to say, under the circumstances, that having passed through a good many heated and angry political and other controversies in his lifetime, there never came to my ears from my earliest youth a suggestion or suspicion, coming from friend or foe, political supporter or political opponent, against his absolute integrity.

I have heard people talk about his temper, as I have heard people talk about my own, and I have heard people talk about his being wanting in respect for some political magnates, but it never yet has come to my knowledge from any quarter that anybody supposed that the thing which was in his heart he failed to utter with his lips from any respect of personal consequence to himself, or that the things he thought he ought to do he ever shrunk or flinched from avowing.

I know, Mr. President, that President Grant, and not the Attorney-General, had the appointing power, but you can not in the least shield the memory of his Attorney-General by any suggestion of that kind. He, on the fullest inquiry, selected these men and recommended them to the President of the United States for appointment, and he must take the honor or the infamy that belongs to it. You do not in the least shield the memory of Stratford or of Laud by saying that Charles I. and not the ministry, was responsible for the conduct of the Crown.

In addition to the three affirmations I have cited, you have two others, almost equally emphatic and pregnant. Mr. Boutwell, in a letter which I have here before me, says that he was a member of the Cabinet, that the names of these gentlemen were placed before the Cabinet (he was the Secretary of the Treasury), and that the question of their opinions upon the legal-tender matter never was brought up or thought of for a moment so far as he was aware; that the choice was made because of their eminent fitness and because of the localities to which they belonged, and in which they were the most eminent and illustrious members of the profession.

Mr. Cox goes even a little further than that. He is in favor of the legal-tender decision; he thinks it is or the whole better law; which I do not. Mr. Cox says there never was an occasion where two officers were selected more absolutely upon their merits than these two.

Mr. President, I wish to say one thing especially with reference to the memory of Mr. Justice Bradley. Is it likely that he was a man to be chosen to do the bidding on the bench of a corrupt Executive and a corrupt party? Why, Mr. President, the one thing to which the Republican party was committed, the one great foundation stone of its policy after the war, known as the reconstruction policy, was in its opinion as to the effect and extent of the fourteenth amendment and of the extent of the powers of Congress under that amendment to deal with the suffrage and race conditions in the Southern States.

The Republican party in both Houses of Congress said that the Constitution, when it said if any State denied to any class of its citizens the equal protection of the laws on account of race, color, or previous condition, meant that Congress shall have jurisdiction and legislative power over the subject, and the question was whether the failure to secure it by the States, whether the practical denial in choosing juries and choosing election officers and administering election laws by the officers of a State was a denial

by the State, so that Congress could interfere, or whether the denial must be by the express legislative or executive or judicial power of the State itself; and it was due to Mr. Justice Bradley that the great reconstruction policies of the party which summoned him to the bench were overthrown, and these questions were left, as they have been left, to the Democratic States of the South, in the hands of the Democratic whites, without any considerable or effective interference from the national power—a political question as compared with which this question of the legal tenders shrinks into insignificance. It was to that great and illustrious jurist, whose decisions command the homage and submission of all his countrymen, that the Democratic party has owed the vindication of its own position as to that great question.

Mr. President, I might expand this discussion indefinitely. I do not suppose for a moment that when the Senator from New Hampshire made this statement he did anything more than take up, without any very considerable investigation, a charge which has gone the rounds of the press and been believed by many good and respectable persons because of a want of contradiction. Still less do I suppose that it was the purpose of the kindly gentleman from New Hampshire (although he called my name when he introduced what he had to say) to wound or strike at me by striking at a person so dear to me; but I thought it was my duty to myself, my duty to the Commonwealth which I represent, my duty to a beloved and honored memory, my duty to the court, my duty to the Constitution of my country—whose leading, principal, and most illustrious feature is the provision which it has made for that tribunal, which shall stand above the heats and passions and conflicts of party or of section, to administer law in that serene and quiet chamber where its judges sit—to say what I have said.

Mr. President, it is no slight thing to make an attack on the Supreme Court of the United States. I have been sorry when I have heard or read expressions, of threats, attacks, denunciations of the decisions of that great tribunal. There have been but fifteen cases, I think, in all, when you come to examine them carefully, in which the Supreme Court of the United States has held acts of Congress unconstitutional. Nearly all of them, or all of any considerable importance, have been since the war. With those few exceptions the people have governed themselves through their appointed and constituted representatives and the appointed and constitutional representatives of the States in this and the other Congressional chamber in freedom and in honor without restraint.

While I was absent I read that some Senator—I am not quite sure who—had spoken very harshly of the decision of the Supreme Court on the income tax and had declared that the result of a similar decision would be the overthrow of the court itself.

I wonder if my Democratic brethren on this floor, especially the statesmen who represent the South, have ever reflected that during this long period of one hundred and ten years that court has in every instance, with that single exception, in holding a statute of the United States unconstitutional, acted in accordance with the present opinions of the Democratic party and the present opinions of the Southern people? There are some exceptions to it, like *Marbury vs. Madison*, where the court held that Congress could not confer a new and original jurisdiction to issue a writ of mandamus, or something of that kind, upon the court; but in the main the great questions, with a single exception, the income tax, which have divided sections, which have divided parties, which have made angry differences in this or the other House of Congress—the decisions of the Supreme Court have been in accordance with the doctrines which you now hold and the interests which you now represent.

Is it not worth while, when a single matter of this kind has been decided in opposition to your views, your desires, and your opinions, to ask, has it not on the whole been better for the South, has it not on the whole been better for the Democratic party, has it not on the whole been better for pure Democracy, has it not on the whole been better for the States and the people who were on the losing side in our great controversy, that you have had this court in that chamber to superintend the action of Congress that might check the excited and angry power of an angry majority?

Why, Mr. President, I shall not undertake to debate the income tax; I arose for quite a different purpose; but as I have said a word about it, I should like to ask gentlemen who are so impatient and indignant at that decision, if they will read the history of the times and if they do not find in that history the clearest proof that if it had been supposed that Congress could impose an income tax upon the people of the United States without regard to the population of the States, there would not have been one single State that would have voted to accept the Constitution.

Do they not find there—I am not saying now that they were not wholly right and the court wholly wrong—but do they not find there ample evidence that the fathers said, "Here are to be two great divisions of taxation—taxation for State powers and taxation for the raising of money for national powers;" and they said—they had, as you know, but thirteen States in those days, and they did not expect any more except out of the existing ter-

ritory—they said, "We will take for the nation the duties on imports; we will take excises, if they be necessary; we will take the sales of the public lands"—which it was declared in the Constitutional Convention itself would probably pay all the expenses of the National Government for centuries to come—"and you, the States, may take taxes." If there comes some great emergency where the nation needs direct taxes, then taxation and representation, taxation and power, the purse that provides and the vote that orders, shall go together, attesting to our ancient doctrine of freedom.

Is it not possible that when Adam Smith said, just before that, that a direct tax was a tax which the person who paid it paid finally, and that an indirect tax was a tax on something that he passed over to somebody else, and when Bouvier's Law Dictionary makes that same definition to-day—I am not saying they were right—but is it not just barely possible that an honest judge might have thought so in the face of that history and in the face of those distinctions?

Mr. President, if it be possible that honest judges thought so, is it worth while—for nothing can stand in this country that has not the respect and approbation of the people—is it worth while for the leaders of the people to attempt to destroy the confidence of those who listen to their words in this great tribunal, which is the pride and the glory and the peculiar characteristic of our popular Government, wherein it differs from all the rest that ever have existed or that are likely to exist, merely because you are disappointed in a single case and differ from the court in a single decision?

Mr. CHANDLER. Mr. President, when the Senator from Massachusetts glances at my remarks in the RECORD to-morrow, if he does me that honor, I do not think he will find that there is any material issue between him and myself. I certainly do not think I have cast any aspersion upon anyone. Certainly I do not think I have revived any slander against anyone, certainly not against General Grant, nor could I have intended to do anything of the kind in reference to that distinguished son of Massachusetts, Judge Ebenezer Rockwood Hoar, whose career I witnessed and admired, who was a great lawyer and a very able Attorney-General of the United States.

Mr. President, in what I have said, if carefully examined, it will be seen, in connection with the decision affirming the constitutionality of the legal tenders, that I have condemned no one. I neither criticised nor aspersed the motives of any person connected with those decisions, either the first decision of that court as to the constitutionality of those legal tenders or the two subsequent decisions affirming the constitutionality of the legal tenders.

The only statement I have made which might be criticised is the one which I submit again, and that is the statement that the Republican party as a political movement pursued the subject of the legal tenders until by Republican judges they were affirmed to be constitutional. The Republican party was sensitive upon that subject, as I think the Senator from Massachusetts suggested parties are sometimes sensitive upon great legal questions of this kind.

The legal tenders had been issued as a war measure by Mr. Salmon P. Chase, Secretary of the Treasury, and when he afterwards, upon the bench of the Supreme Court, turned the scale against the legal tenders, and himself delivered the opinion that the legal-tender act was unconstitutional, the Republican party, as a party, took an interest in the reversal of that decision.

Mr. President, I attribute and I trust no one attributes improper motives to the President of the United States who made the appointments of the judges which followed that controversy or to the Attorneys-General who advised those appointments, but the Republican party through appropriate avenues pursued the subject until, first in 1872, it secured a majority opinion of the Supreme Court that the legal-tender act was constitutional. Ten years passed by. Every vacancy upon the bench was filled by Republicans, until there was but one Democrat there and eight Republicans; and then the question was brought before the Supreme Court again, and a decision, 8 to 1, secured in favor of the constitutionality of the legal tenders. In that whole proceeding from beginning to end I sympathized with the determination to secure a decision for what I regarded as the right side of the question.

Mr. HOAR. May I ask the Senator from New Hampshire a question?

Mr. CHANDLER. With pleasure.

Mr. HOAR. I desire to ask the Senator if he knows of a Republican in the United States whom it would have been fit and proper to appoint to that court at the time any of these gentlemen were appointed who was not of that way of thinking? I do not know one.

Mr. CHANDLER. Presumably not. I do not think a Republican jurist of eminence could have been found who would not have affirmed the constitutionality of the legal tenders, and yet there is to be observed the remarkable fact that the great statesman of America, Mr. Chief Justice Chase, who had issued the legal tenders, did decide them to be unconstitutional, and there

was great feeling in the Republican party on that subject. As I said in my previous remarks, he did not reach that opinion until after he had changed his politics, so that the presumption was all in favor of the result of the appointment of Republican judges, that whenever the question as to the constitutionality of the legal tenders should be again brought before the Supreme Court, their constitutionality would be affirmed.

I know of no motive on the part of any human being in connection with the whole subject which I would condemn. I only introduced the history as it stands, and as I have narrated it, in order to argue that if it was necessary thus zealously to guard the right of the Government in time of peace, as well as in time of war, to issue paper money and make it legal-tender currency, it is also important to guard zealously and carefully the right of the Government to make the metallic money of the country, gold and silver, the money of the Constitution; in other words, provide for coining money and regulating the value thereof as the Constitution directs.

Mr. STEWART. Mr. President, there appears to be a great deal of misapprehension as to the conditions, surroundings, and environment of the legal-tender case at the time Justices Bradley and Strong were appointed. The Democratic party in Congress and the Democratic bar throughout the country had taken grounds against the constitutionality of the legal-tender provision in the greenbacks in time of peace. That was the general position of the Democratic party. The case of Hepburn was appealed to the appellate court of the State of Kentucky, and it was decided by that appellate court that the Government had no power to make legal-tender paper money in time of peace. The case was before the Supreme Court from a judgment denying the constitutionality of the legal-tender provision of the greenbacks.

I desire that my friend the Senator from Massachusetts shall understand these facts. There were eight judges on the bench. Four of them were Democrats. It was understood by the public that the Democrats would vote to affirm the judgment of the Kentucky court and would hold that Congress did not have the power to create legal-tender paper money in time of peace. Mr. Chief Justice Chase had been a Republican, but he was then affiliating with the Democratic party and his position was doubtful. But it did not make any difference how he decided. If they divided 4 to 4 it would affirm the decision, and it was well known when the case was taken to the Supreme Court how it would be decided, if anything could possibly be known which had not already occurred. It was discussed and spoken of as a case decided before it was argued. Everybody understood how it would be, and it created a good deal of excitement here.

The only question was whether Judge Chase would change his views and go with the Democrats; whether he would adhere to his action as Secretary of the Treasury and assume that the Government had the power to create legal-tender money, or join the Democrats. But whatever he did would make no difference in the decision. The decision would be affirmed. It was constantly discussed how the case would be affected by the new judges. Everybody knew what the inevitable result of putting two Republicans on the bench would be. When it was suggested that it was packing the court, we said, "Very well; that is what we propose to do, if we can, to save this country. We propose to pack it. It has always been packed by the party in power. We packed the court against the Dred Scott decision."

Call it packing or what you please, every member appointed by Mr. Lincoln was known to be against the doctrine of the Dred Scott decision. It has been so from the beginning of the Government. The party in power has made appointments with a view of carrying out its policy. They would not think of appointing a judge who entertained constitutional views different from those entertained by the party in power. Everybody knew that they were Republicans and would take the Republican view of the Constitution. It was talked of frequently not as anything wrong. It was not regarded as wrong to appoint Swayne and Miller and Chase, who had all denounced the Dred Scott decision. It was well known that their views on the habeas corpus and other questions corresponded with the policy of the Administration. They were appointed to carry out the policy of the Administration.

Has anything occurred recently to show that that is not the policy of the gold party? Has it not been the policy of the gold party to appoint gold men? Name a man appointed to the Supreme Court bench since the silver question has become a political question who has not publicly announced his allegiance to the gold standard. Point to one.

Mr. CAFFERY. Will the Senator from Nevada permit me to ask him a question?

Mr. STEWART. Certainly; I am always open to questions.

Mr. CAFFERY. Do I understand the Senator to say that the policy of the Republican party was to give legal-tender character to the greenbacks?

Mr. STEWART. It was.

Mr. CAFFERY. And the court was so fixed, packed, to use the term, as to bring about a decision in conformity with that view?

Mr. STEWART. That is right.

Mr. CAFFERY. Is the reverse true, that the Democratic party at that period was opposed to the Republican financial policy of giving legal-tender character to greenbacks?

Mr. STEWART. Most of them were, because they were opposed to the war. They hung back. Now it has turned around. The Republican party are now against greenbacks and they are against the power of the Government to issue them, because they are opposed to prosecuting this war cheaply. They want to prosecute it in the interest of gold monopoly. They occupy the position which the Democrats occupied during the war of the rebellion, viz, that nothing is money but gold. They have changed sides; that is all.

In the same sense that the court was packed before in favor of the power of the Government to create money, it is being packed now by every appointment made to maintain the gold standard. Do you suppose anybody could get a nomination, with a gold-standard President in the chair, to a place on the Supreme Bench if it was not known that he belonged to the gold party? It is well known that Justice Strong and Justice Bradley were in favor of the greenbacks, the legal tenders, before they were appointed as well as afterwards. They were in good standing in the Republican party. Their views were well understood, and their appointment was sufficient to change the result. There were three Republicans on the bench—Miller, Swayne, and Davis—whose opinions were known before any decision was rendered. The only doubt was as to how the Chief Justice would decide. However he might decide, the case would be affirmed.

The idea that we had no knowledge until the decision was rendered, that we were in doubt about it, is absurd. We knew how they stood on the question. Everybody knew it, and it was a pretty interesting question at that time. I know I took considerable interest in it. I did not want to have taken from the Government the power to create money. I did not know so much about the question then as I do now, but I did know that it was the business of the Government and not of private parties to create money. It would have been a terrible calamity if it had been held that the Government of the United States did not possess that power. Great Britain has held from the beginning that the power to create money is a part of the sovereign authority. Every civilized country has held it. The Democrats contended that although it is an attribute of sovereignty to create money the Constitution does not confer that power upon the Government.

The Democrats were mistaken then. They were mistaken about a good many things. I differed with them then as I differ with the Republican party now. The Republican has adopted nearly all the mistakes of the Democratic party. They are advocating the same ideas for which some years ago they charged the Democratic party with being traitors and copperheads. Copperheadism and a denial of the power of the Government to issue legal-tender money were equivalent expressions at that time. Now we see in the press the words "copperhead," "traitor," "sneak," "anarchist," "Bryanite" applied to men who insist that the Republican party was right when it had the doctrine established that the sovereign authority existed in the United States to create money, without which it could not maintain its existence as a nation, as was held in the celebrated mixed-money case in Elizabeth's time. It was held that England must have that power in order to exist and maintain itself as an independent state.

We who claim that the Republican party was right, and contend for Republican principles of thirty years ago, are denounced in unmeasured terms. I believe the Republican party was right in that respect, and it was a cardinal doctrine with me, and when the Republican party left that it left me. It left me when it left the principles of finance which it had advocated during the war and which it professed to believe after the war.

When it was found out that silver had been demonetized, the Republican party said that it would restore it. I believed that was the intention for some years. My friend the Senator from New Hampshire wants his party to make another promise to restore silver. What is the use? They can not keep their word. They have environments that hold them like a vice. They have to follow Wall street and Lombard street. They can promise as much as they please. The money party will have a party. It has always had a party. It has got the Republican party, and it is going to keep it. It has money enough, and will keep it. Nobody can get the Republican party away from it. The money power wants to rob the Government of its power to create legal-tender money, because it wants to turn it over to the banks. It wants bank issues.

The Democratic party now have their eyes open. The great mass of the Democratic party is now the patriotic party—the party which believes in the people, believes in the Government. It is opposed to gold monopoly; it believes the Government has a better right to create money than bank presidents or bank corporations; it believes the Government is more to the people than the banks. That is the situation.

The idea of trying to make it appear that these two judges were

not appointed in pursuance of the policy of the Republican party is absurd. Call it packing the court if you will. It has always been packed in the same way by the party in power. The question of packing the court was discussed the whole time during which the Hepburn case was pending in the court. Here was a question on which the court was probably equally divided. It turned out that it was 5 to 3 for affirming the decision. The attempt to make it appear that the legal-tender question was not an important one in putting judges on the bench is as plausible as it would be to contend that human nature has lost its characteristics. So long as human nature remains the same, so long as the Government is administered by men, each party will attempt to carry out its policy, and it will resort to all legitimate means—if it does not go any farther than that we do not object—and from the foundation of the Government until now every appointment upon the Supreme Bench has been made with a view to the position of the judge upon great leading questions.

I do not want to characterize the income-tax decision, but I will say that it was an unfortunate decision for the court as it was an unfortunate decision for the people. It was of the character of the Dred Scott decision. It was an unfortunate decision, although made by a great and conscientious man, one of the ablest men who ever adorned the bench, but his political leanings took him that way. Nobody accused him of any corrupt desire, but it was a most unfortunate decision, because it was against the spirit of the age, which has since been developed. It was not known to exist at that time.

This decision, however honestly made, reversing the practice of the country for a hundred years in regard to the income tax, is a most unfortunate decision, because it is against the sense of justice deeply implanted in the breasts of millions of American people. They feel that wealth should contribute its part to the expenses of the Government. They feel the injustice of the decision, and a decision rendered thus can not stand.

I know the Democratic party was censured because it proposed to do as all parties have, and change the policy, change the court when it could obtain the power to do it in a legitimate way, just as Mr. Lincoln changed it from a proslavery court to an abolition court, just as President Grant changed it from a court believing that the Constitution did not confer upon the Government the power to issue legal-tender money to a court believing in that power, just as for the last ten years every new judge appointed has been a gold monometallist.

You may call it by any name you please. Such is the fact. The idea that the Democratic party is proposing a revolutionary doctrine when it declares if in power it will follow the precedents and appoint men who believe in the policy of the party in power, which is that wealth should contribute its legitimate proportion, is absurd. If the Republican party continues in power it will appoint men who will sustain the income-tax decision, and that is one of the questions before the American people. The Dred Scott decision made an issue between slavery and liberty. It would not down until it drenched the country in blood.

You, by this decision, have made an issue between justice and wrong. You have made the issue between the rights of the people and the rights of the few, which can not be settled until the people have been heard and have an administration that will appoint judges in harmony with their views and in harmony with the precedents for a hundred years. The idea of saying that we are anarchists, that we are packing the court when we seek to establish a policy, is absurd.

Besides, I think there is nothing more pernicious than the pretense that any department of this Government is above criticism. It is only criticism that keeps them in order. Congress needs criticism. The Executive needs criticism—I mean fair and honest criticism—and the courts need it as much as anybody else. Our Government is divided into three coordinate departments supposed by the Constitution to be equal. Does anybody suppose any one department would remain within its jurisdiction if it were not for the criticism coming from the others or from the people?

Free government can not exist without criticism. The pretense that by putting a man on the Supreme Bench you make him infallible is too absurd for consideration, and the doctrine ought not to be preached in the Senate or elsewhere. I repudiate it. Every man in office must stand in the electric light of criticism. If he can not stand it, if the light is too strong for him, let him get out of the way.

Mr. PETTIGREW. Will the Senator from Nevada permit an interruption?

Mr. STEWART. Certainly.

Mr. PETTIGREW. It is simply to make a statement in connection with the matter the Senator is referring to.

Mr. STEWART. I yield.

Mr. PETTIGREW. The Senator alludes to the change of opinion on the part of the court by political influence, and perhaps in this connection it would not be out of place to recite what Lincoln stated at the time of the Dred Scott decision. I quote from one

of the Lincoln-Douglas debates. Referring to the Dred Scott decision, he said:

Somebody has to reverse that decision, since it is made; and we mean to reverse it, and we mean to do it peaceably. We propose so reversing it as to have it reversed, if we can, and a new judicial rule established upon that subject.

Mr. STEWART. That has been the contention from the foundation of the Government. Every party has been trying to do the same thing. It tries to make the decisions of the Supreme Court harmonious with its political views, believing its political views to be just. This touches the power of the Government, whether it shall have power to maintain its own existence by the issuance of legal-tender money or whether it shall be relegated to an inferior position to banks and monopolies. These questions will come up, and they must be settled by the people. You can not stop their discussion by pleading infallibility for any part of the Government.

Mr. BATE. Does the Senator from North Carolina [Mr. BUTLER] desire to go on now?

Mr. BUTLER. I will yield to the Senator from Tennessee if he is ready to proceed, as I prefer to speak in the morning.

Mr. BATE. It is immaterial to me.

Mr. BUTLER. Very well; I yield.

Mr. BATE. Mr. President, I am aware that in periods of intense excitement which, like the present, arouse the patriotism of the people it is expected that every State, every section, and all persons will present a united front to the enemy, and with one purpose pledge life and property to maintain the national honor. With that expectation I most heartily concur and represent the people of Tennessee when I pledge life and property to the defense of the country.

But, Mr. President, all wars are not identical either in their mode of conduct or in the consequences of their results. A war with a great power would present features that can not be recognized in one with Spain; a war which involved the existence of the nation or imperiled the liberties of the people would require sacrifices not necessary in a conflict for the relief of Cuba from the domination of Spain. We may not be able to set a day for the return of peace, but no man entertains a doubt that exhaustion must soon paralyze the efforts of a moribund nation, which, confronted by war with the United States, fights on the crater of a volcanic revolution at home.

Our enemy, Mr. President, in this war is indeed more an object of pity and consideration than of anger. Shorn of nearly all her provinces, which once embraced half the known world; deprived of the revenues wrenched from the overtaxed people of her colonies, she has fallen in the ranks of nations to the third rank, and with difficulty maintains even that position. Brave, persistent even to obstinacy, she has nevertheless retrograded, while other peoples have progressed. From the return of Ferdinand VII, in 1815, from captivity in France and his annulment of the constitution of 1812 her history has been that of revolution and civil war.

To restore some appearance of peace to the revolution-ridden people of Spain the French, in 1823, under the Duke of Angoulême, marched from the Pyrenees to the Straits of Gibraltar, compelling a cessation of civil war. The Carlists' war, beginning about 1830, has, with varying fortunes, become chronic, threatening new revolution every year since.

In an effort to recover the lost South American provinces her army assembled on the Island of Leon, revolted, and turned their arms, under Riego, against the Government of Spain.

The early collapse of a short-lived republic, which was interposed between the quarrelsome factions of the Bourbon dynasty, demonstrates that it is not the form of government but the incapacity of the Spanish people for any kind of government that brought this trouble upon her and upon us. The beautiful Island of Cuba has been in revolution, with active war, sometimes flagrant and some years in abeyance, but never in settled condition, for over thirty years. So that for nearly a century the history of Spain tells only of riot, revolution, and civil war, the "embarrassment of heavy income tax, the destruction of the public debt, the confiscation of titles and of land rights—of poverty at home and devastation in Cuba."

This rapid progress of disintegration and demoralization, never arrested, has sapped all foundations of the liberties of the people as well as their energy, industry, manufactures, and commerce. The usual leprosy of revolutionary convulsions, of Jacobin societies, the reign of terror, the "Order of the Hammer" (so called from the weapon which slew the poor priest Vivesa in prison), have been the accompaniments of government in Spain through all the years of the nineteenth century, until she stands at the threshold of the twentieth century—

The Niobe of nations, friendless and helpless—

and her Senate telegraphing congratulations to Admiral Cervera for cleverly dodging the American squadrons.

A war with that nation can not demand that the Congress shall supplement the vast resources of 70,000,000 people with a loan

of \$500,000,000, nor \$300,000,000. When Congress appropriated \$50,000,000 to prepare the country for any emergency, there was a universal approval from the people which was a notification to the nations that this country, however unprepared for war, was able and ready to meet its demands with any and every necessary sacrifice.

The President's call for volunteers has been responded to with patriotic alacrity. There has not been the least intimation from any quarter that any supreme danger confronts the successful issue of the war. The navy of Spain certainly has not to this time exhibited any extreme eagerness to meet the Navy of the United States; and the triumphant guns from Manila voice a result of which that battle is only an example.

The army of Spain in Cuba has not inspired even the insurgents with any grave apprehensions as to the final result of an engagement there. We have been advised that the insurgents asked only recognition, and needed only arms, clothing, and provisions to enable them to drive the Spaniards from the island.

Where, then, are the indications of a great and prolonged war? What circumstances point to the necessity for negotiating a loan of \$500,000,000?

The most intense patriotism, the most exuberant readiness to make any sacrifice in the line of duty, is entirely compatible with a reasonable and rational economy in the conduct of the war. Because the United States can overwhelm Spain with men and means affords no reason why we should smother her with a bond loan of \$500,000,000.

The bill as it came to the Senate magnified the resources of the enemy by the very provisions which it made for revenue to carry on the war, and dignified the conflict beyond either its appropriateness or the estimation of the power and resources of Spain by any one of the powers of Europe. What more could the committee of the House have asked of Congress if our enemy had been Great Britain or Germany or France?

That bill added \$90,000,000 of taxes to the revenues; it provided for the issue of \$100,000,000 of Treasury notes, to be redeemed by taxes, and which were to supplement the \$220,000,000 of cash in the Treasury on the 30th of April last. There had already been appropriated \$50,000,000. Here, then, is a fund of \$460,000,000. The largest estimate of the cost of the war for the first year is set at \$300,000,000, but for abundant caution I will extend these figures to \$365,000,000, or \$1,000,000 per day, and there will remain a surplus of \$95,000,000.

The monthly reports of the Treasury and the official statements of the chairman of the Ways and Means Committee are so variant that plain people can not understand the real condition of our finances. For example, we are told that on the 9th of March, when Congress appropriated the \$50,000,000, "there appeared to be in the Treasury a cash balance of \$225,000,000," but that really there "was actually belonging to the United States on the 9th of March the sum of \$165,000,000 in the Treasury," and that "\$100,000,000 of that belonged to the greenback-redemption fund, leaving \$65,000,000 available for all purposes of the Treasury."

Not satisfied with having cut the \$225,000,000 of available cash, which the Treasury had published to the world, down to \$65,000,000, the chairman of the Ways and Means Committee proceeded further and sliced off \$40,000,000 for the "working balance required in the Treasury;" so that while the country was felicitating itself on the possession of \$225,000,000 of available fighting cash, and promptly appropriating therefrom \$50,000,000, we are informed that the Treasury statement was all moonshine, and that on March 9 there was "only \$25,000,000 belonging to the United States for meeting the fifty millions appropriation of the 9th of March," and that in order to meet the other twenty-five millions we must draw from two sources, neither of which belonged to the United States.

Thus, while the Secretary of the Treasury was proclaiming the easy condition of our finances and holding out to the Congress and the country that there was \$225,000,000 available cash ready to meet appropriation, and the President, upon the faith of that official Treasury statement, asked Congress for the extraordinary appropriation of \$50,000,000, now the chairman of the Ways and Means Committee, in order to pave the way for the passage of "a bill (H. R. 10100) to provide ways and means to meet war expenditures," coolly tells the world that there was a deficit of \$25,000,000 and that every dollar of the \$225,000,000 belonged not to the United States, but to some other purpose, and that of the appropriation of \$50,000,000 on March 9 only one-half could be drawn from funds belonging to the United States, and that the other half was taken from "the 5 per cent redemption fund" and from the "Pacific railroad bond fund."

Is it likely that such statements from the Treasury and such explanations by the chairman of the Ways and Means Committee will "impress not simply Spain but the nations of Europe with the idea that the people of the United States possess the resources of cash revenue which we proclaimed to the world?"

Was this contradictory statement between the Treasury and its official spokesman in the other House made merely to hasten the borrowing of a large sum of money?

What is behind this proposed bond issue? Is the war to be conducted so as to exploit theories of finance without the knowledge of the people? Is there concealed about this bill the shackles of the gold standard? The suspicions suggested by questions like these are exciting the minds of the people, who fear that in liberating Cuba they may be enslaving their own energies and wealth to the domination of foreign and domestic financiers.

The people see no necessity for a bond issue at present; and they know that should an unexpected reverse demand extreme measures like this increase of the public debt, Congress is at hand to authorize the loan when the emergency is imminent. I repeat that the public credit is the sacred fund whose use should be resorted to only in extreme cases. Is it expected to astonish Europe with this enormous loan? Every nation knows the inexhaustible resources of this country; every statesman of Europe is aware that the United States can drive Spain from Cuba; hence every financier will laugh at, rather than admire, this hasty resort to the loan market rather than adopt a more prudent and economical mode of meeting the necessities of the present conditions. A readiness and promptness to borrow money, however high may be the national credit, does not indicate that high resolve of purpose which should characterize a brave and self-reliant nation.

Right here let me say that we have been charged, especially some of us here who voted upon a former occasion, in 1895, on what was known as the Allen amendment, with being inconsistent in this action; and we were so charged especially by the Senator from Kentucky [Mr. LINDSAY], who stated that we had given certain votes, and he read from the RECORD, which is correct. But, Mr. President, he failed to state the motive that actuated those who gave that vote. We did give that vote, but, sir, we were striving to gain successfully the free coinage of silver.

That was the dominating idea with us; that was the motive power that was governing us at the time, and when others sought to put amendments upon the measure that were not necessary, or at least would give it no assistance, but would rather encumber than assist it, and, fearing it would be a burden upon it, we voted against it, and we were consistent in so doing, because our idea of free coinage dominated the whole measure. That is the reason why it was done, and that explanation, I think, has not been heretofore given since the Senator from Kentucky, a few days since, sought to put Democrats on this side of this Chamber in a false attitude, but when explained, it shows they did not favor a bond issue and their votes bear no such construction, but so voted that they might thereby secure the free coinage of silver, or at least have a better chance for it. You will find it that way in the RECORD. I say in brief on that point that my friend the Senator from Kentucky [Mr. LINDSAY], in his effort to prove himself to have been in the past an "antibond-selling Democrat," has left us in doubt if at present he is a probond-selling Democrat.

But without any purpose to question the right of any Senator to be for and against the same subject at different times, I must assure him that my vote in 1895 on the Allen proviso was given on the sole ground that I was unwilling to encumber a free-coinage bill with unnecessary provisions which might embarrass, but could not assist in passing, the free coinage of silver, and that, whatever changes in political attitude that Senator may see proper to make, I am now and have always been opposed to resorting to the credit of the country in the form of bonds, unless its very existence demanded that extreme measure.

The author of the bill which came to the Senate went into the highways and byways of taxation, hunting up the beer mugs of the laboring man, the cigars and tobacco of the smokers, the stamps on chewing gum, mineral waters, and patent medicines; he put "the screws" on foreign tonnage, and thus expects to scrape together from the consumers \$90,000,000; but he avoided the incomes from accumulated wealth, the profits from prosperous business, and the dividends of wealthy corporations, all of which he leaves free from any contribution to the nation's war fund. And yet he opened his speech with an expression of the hope "that all the people of this country should stand shoulder to shoulder." Why not pocket to pocket—the millionaire's thousands supplemented by the poor man's pennies—all adding to and swelling the nation's war fund?

The most just and most equitable mode of taxation—one adopted in every civilized nation and capable of being adjusted to the demands of peace as well as to the exigencies of war—the taxation of incomes—has been entirely neglected for a system which exacts its contributions from the consumer and increases the cost of living to the poor. He advises the country that "war is expensive business." Then, why make it more expensive to the poor and laboring man than to the rich and prosperous capitalist? Why exact from the least able to pay a tax upon his frugal pleasures, his necessary beverage, his consoling and comforting pipe of tobacco, and let the dividends of wealth and the profits of prosperous enterprise escape every contribution to the defense of the country?

It is not out of place, Mr. President, when considering a bill to raise revenue, whether for purposes of war or peace, to bear in

mind that our Government, as conducted for the last thirty years, has been the most extravagant and our people the most over-taxed among all the nations. A thousand millions of appropriations by one Congress gave us the name of the "billion dollars nation," and it has become the policy of the party in power to make the country deserve the sobriquet which characterizes, as well as measures, the extravagance of our Administrations. Economy in expenses is ridiculed, and appropriation is added to appropriation and taxes follow taxes with ever-increasing regularity.

All this has been characteristic of the Administrations in time of peace. Now, "war measures" are to continue and multiply all the schemes and devices of taxation. An increase of internal-revenue taxes is followed by a system of "stamp taxes" which, beginning with the medicine for baby in the cradle, follows with exasperating regularity every prescription, to the body in the coffin. Not only the medicine, but the perfumery and cosmetics are mixed and mingled with mineral waters and sparkling wines in the same category of taxes.

"Bonds, debentures, and certificates," "sales, contracts, and agreements," "bank checks, drafts, and certificates of deposit," "bills of exchange," both foreign and domestic; "express and freight," "telephone and telegraphic messages," "charter party," "insurances," "mortgage," "power of attorney," "protest of notes," and "warehouse receipts" all swell this "olla podrida" of irritation and inconvenience to the people. Then "excise taxes" continue the annoyance to every "person, firm, company, or corporation" in the United States, until the whole body of the people is compelled to be ever watchful lest the law is violated and punishments incurred.

The "tonnage" tax in the House bill was designed to extend the system to "all the world and the rest of mankind;" but fortunately the Senate committee has relieved the consumers from having the tonnage tax added to the freight charge and prices thus increased.

These taxes, taken as a system, bear heavily upon the consumption, and come home to the people with exasperating universality. They reach every article of consumption, taxing the food, the beverage, the medicine, the very sustenance of all the people, until they bring the war to the homes of our people rather than carry its hardships to the people of Spain.

No scheme of taxation has yet been invented or discovered that did not ultimately fall upon the people, who in the end are the payers. But the duty of Congress is to lessen the incidence of taxation and particularly is that duty pressing and urgent at this time, when the people are suffering from the effects of long-continued depression in business, an extraordinary fall in prices, and stagnation of enterprise all over our land.

The issue of United States Treasury notes suggested by the Senate's amendment is a ready remedy of temporary relief from taxation as well as convenient to the Government, and will carry on the war with Spain to a successful conclusion. The \$150,000,000 provided for by the Senate's amendment should be ample for all contingencies until the Congress reassembles after adjournment. It would be a provision for one hundred and fifty days, or five months, until the session of Congress in December. I am in favor of Congress retaining its constitutional hold on the strings of the people's purse and "doling" out the money of the people only as real exigencies arise. After the war is over and when peace and prosperity have returned, and the people are able to bear taxation, then these Treasury notes can be dealt with as circumstances may suggest—retained as currency if needed, or funded, as the people may determine when that time arrives.

Mr. President, it is fashionable in certain circles of party politics to designate the Treasury note as "flat money"—a mere promise to pay, which, unsupported by a "gold reserve," has no standing as money. Such designation might be properly applied to the promise to pay of Spain, but whoever applied that term to the note of the Treasury of the United States forgets the history of the recent past and takes no note of the resources of this country, all of which are practically mortgaged by the power of Congress to "lay and collect taxes, duties, imports, and excises to pay the debts of the United States."

The greenback was a mere promise to pay issued by the Government, and to-day it is redeemable in gold, notwithstanding the Treasury holds but \$100,000,000 in "gold reserve" to meet \$346,000,000 of greenbacks. They come and go. They are in to-day and out to-morrow, and no one knows or cares or takes trouble any longer about the greenback. It was made at one time a veritable scarecrow in our politics, but it has ceased to be a factor in the problems of politics since the country has stamped its purpose not to fund them as bonds.

The Treasury note is a greenback without a gold-reserve attachment, which is the least valuable quality that the people attach to the promises to pay of their Government. Conscious of the ability of the country to meet every obligation of its Government and firmly convinced of their own honesty and integrity, they are content to make them ever current, passing from hand to hand, paying the soldier in the tented field, maintaining him

with commissary, quartermaster, and ordnance stores; discharging every function of currency among the people, and distasteful only to the banker, broker, speculator, and money changer.

I can not, Mr. President, give my approval to the retroactive taxation of this bill, whether applied to tobacco, patent medicines, or any other article. I know and appreciate the argument that without such retroactive taxation stocks on hand will either be sold at cheaper prices than taxed stocks or the new tax will be added, thus making a new profit on the stocks on hand. But either horn of that dilemma is preferable to that derangement of the retail business throughout the country which must follow the retroactive taxation of almost every article in store.

It is not, in my opinion, any desire to escape taxation that has caused the protest from all quarters of the country against retroactive taxation. It is a protest against the derangement of business, the dislocation of cost and expenses to profit, the changes in bookkeeping, the dissatisfaction which it will cause between buyer and seller. The amount of taxes that will accrue to the Government from the retroactive taxation on stocks on hand will not compensate for the trouble and inconvenience which will follow throughout the retail business of the country.

The amendment proposed by the Senator from Texas [Mr. MILLS] meets the situation of the country with a prudent and patriotic proposition. It proposes a small tax on all "gains, profits, and income" over \$2,000; and compels all "banks, banking institutions, trust companies, saving institutions, fire, marine, life, and other insurance companies, railroad, canal, turnpike, canal-navigation, slack-water, telephone, telegraph, express, electric-light, gas, water, street railway companies, and all other corporations, companies, or associations doing business for profit in the United States" to contribute to the expenses of the war. It further calls on the "salaries of officers" to meet the same exigencies of the nation that the beer mugs and pipes of poorer people have been made to pay.

That amendment rightly and properly recognizes a great principle in all systems of taxation, that when every resource of a people is lightly taxed it raises more revenue than when only a portion is heavily taxed; that the small contributions of all the people is more easily borne and paid, with less detriment to production, than when a part of the people are required to pay all the taxes. That amendment must successfully meet the objections of the Supreme Court to the last attempt to levy an income tax.

It exempts, under the ruling of the Supreme Court, all lands and the rents or profits of land from paying any tax to carry on the war.

I would, Mr. President, support an income tax drafted to meet the objections of the Supreme Court, notwithstanding I subscribe neither to the reasoning nor the ruling of that great tribunal on the question when last presented. I would vote for an income-tax amendment, because it would adjust taxation by an equitable rule to every resource within our reach and spread the expenses of the war with some equality over the fortunes of the rich as well as the misfortunes of the poor.

The present system of dividing the productions of labor and capital is so devised as to give labor a narrow support, whilst it enriches capital. The one struggles in poverty, the other lives in splendor. One devotes his life to toil for a bare existence and leaves his family to the charity of a heartless world. The present age has begun to feel the responsibility of the situation. It realizes that in the future, by no means remote, nature will institute a reckoning.

To avert the threatening danger is the supreme duty of this generation. It is especially the duty of the political economists and statesmen of the present day to devise a more just and equitable system of division, that will give labor its just proportion of the products. That which is known as "income tax," could it be enforced, would tend to relieve labor and put the burdens of the Government upon the capital.

It is a question of importance to determine whether it is a just and expedient method, whether allowable or not. It is a principle affirmed by Adam Smith, the great founder of political economy, "that the subjects of every state ought to contribute to the support of the government in proportion to the revenue which they respectively enjoy under the protection of the state." "Each should contribute to the support of the state in proportion to the interest each has in the state. The violation of this rule produces the inequality of taxation." This principle can be introduced into the subject of collecting the revenue.

In defending the state against violence, the wage-earner is the equal of the wealthiest citizen, and often superior. It is to them that the state makes its appeal in its conflict for life, honor, and its rights. Their strength and courage are more valuable than dollars, ranks, and titles. In all countries this class fills the armies and furnishes blood and courage without the hope of honor, distinction, or pay. It is the policy of every free people to preserve by wise legislation an equality of rights which can only be done by preserving an equality of conditions. We mean not to degrade but to lift the poor and humble into the highest ranks that can be attained.

It is the true policy of a free people to place the highest estimate on humanity that unfettered genius can attain. Where a class exists owning the great portion of the wealth and another class owning none and depending on their service for existence, a conflict is inevitable. To preserve an equality of conditions is desirable if liberty is to be maintained. This inequality of conditions has been the ruin of all free governments. If we would not add another to the mournful wrecks that line the shores of time, we must be careful to avoid the hidden rocks on which other nations have been wrecked.

Without any reference to this question of equalizing conditions, this tax is required for the support of the Government. Our expenditures have lately increased and have grown into a vast sum aggregating nearly half a billion of dollars annually. With all the economy that can be practiced in time of peace it can not be reduced much below that sum for many years. There are many drains upon the Treasury that can be and should be stopped. These are too small in amount to affect seriously the great sum demanded.

It is our duty to search for every avenue to reasonable retrenchment. Instead of searching for new methods and new subjects for taxation, let us see if many ways of spending the people's money can not be dispensed with without injury to the public service. These drains have grown up in the course of the unparalleled extravagance engendered by war measures. The monstrous demands of the war, carried on by an expenditure of means never witnessed in human history, has engendered ideas by no means suited to the wants of a people when at peace with all nations.

We do not intend to reflect on the wisdom and patriotism of those who provided for the vast and imperious demands of the late war. They were suited for such a period. They familiarized the people with extravagance and a contempt for small things that have transformed our peaceful condition. There is no reason why the government of 70,000,000 people should cost but little more than the government of 50,000,000. Had not the public mind been infested by the abnormal conditions of a vast and destructive war, expenses would not have increased much beyond what they were at the commencement of the war.

This extravagance has many very injurious influences. It reaches to the morals and political integrity of the people. It destroys all reverence for the simplicity of our form of government by creating a misconception of official duty. It inspired an extravagant desire for political positions. Offices of dignity are now sought by those who would have them, while the people no longer seek the man for the place, and methods far from those contemplated by the fathers of the Republic are used to procure them.

I have merely alluded to a subject that demands more time than I have at present to give it. I return to that called "income tax," which is denied to us by a decision of our Supreme Court. This decision has a history. Yes, a history!

Income tax has the sanction of the most civilized and enlightened nations of the world. It has the concurrent approval of all the great masters in political economy. It is not an untried experiment. It has the sanction of a large experience. There is no rule that determines the justice of this tax so simple and plain as Adam Smith's:

That all the citizens should contribute to the support of their government as nearly as possible in proportion to their respective ability.

The income tax comes from the wealth of the country and trenches not on the comfort of the working classes. If it infringes upon the income of the man of wealth, he has the means at hand to pay it. He is not compelled to search for the means to pay, as the wage-worker may be. He has a net sum above his expenses from which to draw. Of all taxes it is the easiest to pay and affects least the interests of society. It is paid out of the superfluous abundance. It is a tax paid by the man who has the money, and it is an easy matter for him to meet the demands of his country. How hard it is for the man to pay a tax whose living comes from his labor, whose existence depends on his health and his employment.

As I have stated, the war between the States has created extravagant and undemocratic ideas in regard to the operations of government. The collection and disbursement of such vast sums has tended to magnify the Federal Government and to diminish the respect and authority of the States. It has inspired ideas of the use that may be made of money at war with the integrity of a government of the people. In the business of expending such vast sums officers become oblivious to the struggles of the toiling millions whose hard earnings supply this abundance. The internal revenue and the customs duties are paid without the knowledge of the people.

Though they are not less onerous upon the people, affecting every article they consume, they press heavily without their knowing the cause. Under such a condition officers of the Government are not held to a responsibility for their course. Thus demoralization creeps upon the people unawares. The Government becomes

a seductive glory whilst the toilers are descending to a species of slavery.

Under the unjust and unequal distribution of the proceeds of industry the property of the country is fast passing into the hands of a class. It has been estimated by excellent calculations that one-half of the property of this Republic is owned by 31,000 persons, who pay a small part of the public revenue. They pay comparatively nothing. Is there any injustice in requiring of this class a reasonable proportion of revenue? They have immense interests protected by the rest of the 70,000,000 of their fellow-citizens. Another authority says that 85,000 men own considerably more than one-half of the wealth of this country, who pay very little of the tariff revenue. These are the most desirous of escaping from the income tax.

It may not be possible at first to perfect the details of a law to tax incomes. Like all other tax laws, it will require adjustment from year to year as experience may dictate. I can not doubt the disposition of the American people as to the justice and expediency of this tax. The unbiased judgment of an intelligent people, yet free, can not fail to approve the principle of taxing each according to his ability and interest in the Government. These vast private accumulations have been realized from the advantages afforded by the Government. Legislation in favor of certain interests has multiplied many times the means of accumulations. It has not been the production of individual effort, the just reward of valuable service rendered. On the contrary, it has been by the cooperation of the Government in the advancement of personal interests.

Why should New York complain? Into her coffers have been poured the wealth of the Republic. Her great city has been the recipient of four-fifths of all the exports and imports of this vast country. If her citizens have grown rich it has been from the labors of vast productive and consuming regions that grasping financial and commercial forces have drawn to her. It is not in envy or dissatisfaction that I speak thus. Every American is proud of her vast forces that have laid under contribution the industrial resources of this continent.

As the vast productions of the whole country from the Atlantic to the Pacific have been poured into her treasures, she has no reason to revolt against a fair share of taxation demanded by the wants of the Government that has always generously responded to the demands of her interests.

But since the highest tribunal under our Constitution has denied to the Congress the power to make incomes from both real and personal property contribute by taxation to the defense of the country, the Senate Committee on Finance has sagaciously developed the excise taxation into a system which subjects a part of the wealth of the country to its proper share in its defense.

This substitute for the lost power to tax the accumulated wealth of individuals has been directed by the Senate committee to the receipts from transportation, express business, telegraph and telephone, insurance, electricity, and banking, and to every corporation doing business in the United States. The same special annual excise tax of one-fourth of 1 per cent on gross receipts carries into effect the uniformity rule of taxation prescribed by the Constitution and to that extent restores to Congress the power to reach accumulated wealth and make it contribute to the public defense.

Under the present demand for an increase of revenue I shall sustain the imposition of stamp taxes as provided in the bill, as objectionable as it may be. I voted for the amendment for it not to apply to amounts under \$100. But no consideration other than that of actual war would justify the alternative of resorting to a mode of taxation so irritating and harassing as that which "adhesive stamps" impose. I regard it as a war measure, pure and simple. And an amendment to the bill providing for the cessation of the taxation when the treaty of peace is signed would be gratifying to all classes of people who, while submitting to such taxation during actual war, desire its removal by limitation in the law which imposes that taxation.

There lies in the Treasury a vast volume of silver, which is money in every country, received by all people, and which could be made to contribute to the war fund. The House bill lets that large fund lie there idle and unused, and prefers the taxation of consumers and the borrowing of money by issuing bonds rather than use the silver already purchased and at present utterly useless so far as this war is concerned. We are told that there can be no seigniorage until there is coinage, and that as coinage of silver is not provided for by law, the seigniorage does not exist.

The author of the bill said that seigniorage "is the profit of the coined dollar and that there is no seigniorage until it is coined." But there is profit, the difference between the cost of purchase and the coined value, which is more a matter of arithmetic than of monetary science, and any clerk can ascertain the amount of that profit, which could be coined and become part of the war fund, and which will find ready use in the Army in Cuba and the Philippine Islands.

The amendment of the Senate directing the coinage of silver

seigniorage will meet the approval of the country as a wise and prudent provision by which \$42,000,000 will be added to the fund for carrying on the war. No effort is now being made for the free and unlimited coinage of silver with the House and the President, with his veto power, opposed to it. This effort, however, will be made at no distant day. The free coinage of silver is a constitutional right that can not be taken away from the people, one that will not be set aside, but renewed at an early day and in the proper manner. It is a policy that public interest requires, and it will be adopted, and ought to be. Having heretofore fully discussed this question in this Chamber, I forbear further criticism upon it just now, but when different conditions are upon us it will again be the rallying cry of mighty hosts.

The Congress has not exhibited any purpose to withhold from the Government any means necessary to a successful issue of the war. With a confidence hitherto unexampled in our history, an extraordinary appropriation of \$50,000,000 was unanimously voted upon the first intimation from the President. The same prompt readiness will be always at the call of the Executive when the exigency is made plain to the Congress. But so long as \$42,000,000 of silver lies idle and useless in the Treasury vaults, despised by the Executive and refused coinage by the Congress and denied even the poor privilege of being represented by "certificates" in the currency of the people, it is not money that is needed, but bonds that are asked.

That silver has already been paid for by the taxes of the people; but these bonds will have to be paid for, interest for thirty years and then the principal. Rather than use silver already bought and paid for, it is proposed to borrow money—to add new taxes and prolong their collection from "generation to generation."

For these reasons I can not, Mr. President, persuade myself that there exists at present any emergency upon the country calling for a prodigious loan of \$500,000,000 or \$800,000,000. So far as our forces have been permitted to fight, victory has crowned their efforts and added terror to our name.

It is the confident conviction of the country that once the restraining hand of authority is lifted from our fleet in the Gulf, Havana will fall an easier reward to the gallantry of our sailors than did Manila to the splendid dash of Dewey. The flying squadron, late in Hampton Roads, dragging heavily its anchors, anxious to get on the high seas and exchange compliments with the lost fleet of the Cape Verde Islands, has been put afloat and is ready for battle.

The insurgents in Cuba ask only the loan of arms and ammunition and the moral support of our recognition, and they will bring the Spanish army to a speedy surrender. None of these conditions require a loan of five hundred nor three hundred millions. Before this bill can go into effect all probabilities point to a conclusion of the war without raising so enormous an amount of money. But if I am too sanguine of my country's power and the gallantry of the soldiers and sailors, the act of borrowing can be set in force by Congress at a future day, when the country stands face to face with a more threatening condition than any man can find to-day along the whole horizon of war.

I recognize, Mr. President, the wisdom of the advice not to under-rate your enemy, but is there not equal wisdom in not overtaxing your people beyond the necessities of the situation? I am opposed to using the excitement of war to exploit a system of finance which in time of peace failed to receive the approval of the people. A Democratic President increased the public debt by over \$200,000,000 to protect the credit of the country, a reason quite as plausible as that set up now that this country is in danger from Spain. And yet Mr. Cleveland met with condemnation because the people then did not believe there was any real necessity for an increase of the public debt.

This, Mr. President, is the time for cooperation rather than criticism; and remitting the latter to the more convenient time of peace, I have cooperated in the past and shall in the future cooperate in every measure for a vigorous prosecution of the war to an honorable peace. The truest economy will be found in the most vigorous prosecution of the war. Pressing the enemy at every point, assailing his forces alike on sea and land, will be the saving of lives and means. No people were ever more willing to meet every proper demand on their resources than are the people of the United States at present, but they do not want that done by putting a mortgage in the shape of interest-bearing bonds upon the taxpayers of this and future generations.

If existing taxation, supplemented by the Senate's amended bill, with the amendments thereto, shall prove insufficient and the credit of the Government must be called upon, the Senate's amendment relieves the situation by providing for the issue of one hundred and fifty millions of Treasury notes, carrying no interest, but of equal capacity with the existing greenbacks.

The example of the late war between the States is not applicable to the present war with Spain. Then the very existence of the United States was at risk and the credit of the Government rested on an uncertain and desperate issue. Hence public credit vacillated with the shifting fortune of battle. But now no such un-

certain issue is on trial. We shall drive Spain out of Cuba or we shall fail in that enterprise. But let the issue terminate as it may, nothing can affect the United States beyond disappointment and loss of prestige.

And while every sacrifice will be freely made to avert disaster, a twenty or thirty year bond loan, of either \$500,000,000 or \$800,000,000, will not be more efficacious than an issue of Treasury notes. It would be ridiculous to take a sledge hammer to crack an eggshell when one can do it with a salt spoon, and the country can drive Spain from Cuba, can hold the Philippines, and can seize Puerto Rico on taxation properly adjusted without resorting to the supreme remedy of borrowing money from future generations. We can pay as we go and still win easily.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 158) granting an increase of pension to Peter Daly;
A bill (S. 368) granting a pension to Jennie E. Burch;
A bill (S. 486) granting a pension to Mary M. Macaulley;
A bill (S. 489) granting an increase of pension to William Beckford;

A bill (S. 506) granting an increase of pension to Daniel G. George;

A bill (S. 507) granting a pension to Lucia A. Hynes;

A bill (S. 853) granting an increase of pension to George L. Durbin;

A bill (S. 1075) granting an increase of pension to Edward Stanley;

A bill (S. 1155) granting a pension to Philip F. Castleman, of Oregon;

A bill (S. 1424) granting a pension to Richard T. Seltzer;

A bill (S. 1473) granting a pension to Oscar A. Palmer;

A bill (S. 1477) granting an increase of pension to Joseph Porter;

A bill (S. 1480) granting an increase of pension to Lewis D. Baker;

A bill (S. 2378) granting a pension to Maria Somerlat;

A bill (S. 2751) granting an increase of pension to Charles H. Johnson;

A bill (S. 2807) granting a pension to Benjamin L. Noland;

A bill (S. 3443) granting an increase of pension to Andrew C. Mensch;

A bill (H. R. 1540) granting an increase of pension to William H. Oliver;

A bill (H. R. 9477) to amend section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes;

A bill (H. R. 10121) to suspend the operation of certain provisions of law relating to the War Department, and for other purposes;

A joint resolution (S. R. 163) authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States; and

A joint resolution (H. Res. 371) donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

ADDA F. THOMPSON.

Mr. KYLE. Mr. President, I should like the consent of the Senate to call up a little pension bill, which is No. 1211 in the Order of Business, and which will take but a minute. The amount of pension proposed is only \$12 a month.

Mr. ALLISON. I did not hear the suggestion of the Senator from South Dakota.

Mr. KYLE. I wish consent for a few moments for the consideration of a little pension bill. I understand the Senator from North Carolina [Mr. BUTLER] is entitled to the floor now. He is not in the Chamber at this instant, but will be here in a moment.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from South Dakota asks unanimous consent for the consideration of a bill, which will be read for information.

The Secretary read the bill (S. 4594) granting a pension to Mrs. Adda F. Thompson, which was reported from the Committee on Pensions with amendments, in line 6, before the name "Adda," to strike out "Mrs.;" in line 7, before the word "late," to strike out "deceased, and;" and in line 8, after the word "her," to insert "a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adda F. Thompson, widow of David G. Thompson, late of Company F, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. I shall not object to the consideration of this bill, as it has been read; but I give notice that I shall hereafter object to the consideration of other bills which may be presented.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments reported by the Committee on Pensions, which have been stated.

The amendments were agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Adda F. Thompson."

PAY OF STENOGRAPHER.

Mr. PETTIGREW submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Indian Affairs to report testimony in relation to the condition of Indian reservations in Oklahoma Territory, and other matters, be paid out of the contingent fund of the Senate.

WAR REVENUE BILL.

Mr. BUTLER rose.

Mr. HALE. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. ALLEN. Will the Senator yield to me to offer a proposed amendment?

Mr. HALE. I will yield to the Senator, and then I shall insist on the regular order.

Mr. ALLEN. It is a part of the regular order.

Mr. HALE. Of course an amendment to the bill is in regular order.

Mr. ALLEN. I offer an amendment to be proposed as a proviso to the amendment of the Senator from Rhode Island. I ask to have it read and printed.

The Secretary read as follows:

Provided, That, except as in this act provided, the Secretary of the Treasury shall not hereafter have authority to issue any bond or interest-bearing obligation of the United States unless theretofore specifically authorized to do so by special act or resolution of Congress.

The VICE-PRESIDENT. The amendment will be printed.

Mr. ALLISON. The regular order.

Mr. HALE. I call for the regular order of business.

The VICE-PRESIDENT. The regular order is the amendment offered by the Senator from Maryland [Mr. GORMAN] as proposed to be amended by the Senator from Minnesota [Mr. NELSON].

Mr. GORMAN. Mr. President—

Mr. ALLISON. The Senator from North Carolina had the floor, and I hope he will proceed.

Mr. BUTLER. I am not prepared to go on this evening. If the Senate is ready to take up and act on the amendment offered by the Senator from Maryland [Mr. GORMAN], I prefer to speak after the amendment is acted on. It is now pending, and I do not care to discuss it.

Mr. GORMAN. As I originally proposed the amendment now pending it was as a substitute for amendment No. 177 of the committee, and of course it was not subject to amendment. I wanted a direct vote upon the proposition whether we would tax gross receipts of corporations. At the suggestion of members of the Committee on Finance, I withdrew it so that they might have a direct vote upon the amendment of the committee. I supposed at the time that by common consent I should then have a vote directly upon my amendment, but the RECORD does not bear out the impression I had. So my proposition as it stands now is a separate and independent one, open to amendment. I withdraw it for the moment, reserving the right, which I shall have when we reach another portion of the bill, to offer it as a substitute for another amendment, with a view of getting a direct vote of the Senate as to whether we will tax gross receipts of corporations. I withdraw the amendment for the time being.

Mr. STEWART. In renewing it, I hope the Senator will ascertain to his satisfaction whether it ought to be one-half or one-fourth. I believe there will be a stronger vote for one-fourth, which will accomplish the same purpose, and if put in that shape we will get a square vote, without division, among those who favor the proposition.

Mr. PETTIGREW. If the amendment offered by the Senator from Maryland is again offered, or whenever it is offered, I shall ask to have the Senate amend it by striking out the exemption clause of \$250,000, because I think the amendment would have no force or effect with that clause in it. In view of the fact that the Senator withdrew it for the purpose of having it voted upon as it

now stands, I thought it was no more than fair to him that I should give this notice.

Mr. GORMAN. I desire to be equally frank with the Senator. I will say that my object in withdrawing it at this moment is to enable me to offer it in a form in which it will not be subject to amendment. So, if the Senator from South Dakota desires to offer an amendment covering the point he has in mind, I will be very glad to consider it. The reason why I withdraw it now is that I may have a direct vote upon the amendment as I shall offer it.

Mr. PETTIGREW. I will say that I think it will be impossible for the Senator to accomplish his object except in the way of getting a direct vote. He may be able to do that, but I certainly shall be able, after the bill is perfected and out of the Senate as in Committee of the Whole, to offer my amendment.

Mr. ALDRICH. What is the next amendment in order?

The VICE-PRESIDENT. The amendment on page 4, beginning in line 25.

Mr. ALLEN. If the committee are through with their amendments, I have one or two which I desire to offer. There seems to be a lull in the proceedings and nobody ready to do anything. I do not know but that I might offer my amendments now.

The VICE-PRESIDENT. The Chair will state that there are a number of amendments offered by the committee which have been passed over during the progress of the bill.

Mr. ALLEN. I should like to ask the Senator from Iowa if the committee propose to go on this afternoon?

Mr. ALLISON. That is my understanding.

Mr. ALLEN. I wanted to suggest that if the committee were not ready, and they do not seem to be ready at this moment, I have one or two very important amendments which I think ought to become a part of the bill.

Mr. ALLISON. The Senator from North Carolina [Mr. BUTLER] had the floor, and now declines to proceed. There are several amendments which were agreed to in committee, a great many of them formal amendments, and I shall ask that they be now taken up. As I understand, the Senators who have in charge the amendments relating to the seigniorage, etc., prefer not to have a vote on them at this moment. There are several formal amendments which I will send to the desk and ask to have adopted.

The VICE-PRESIDENT. The first amendment will be stated.

The SECRETARY. On page 1, line 3, strike out the words "from and after the passage of this act."

The amendment was agreed to.

Mr. ALLISON. In line 13, on the same page, I ask to modify the amendment already agreed to by striking out the same words in lines 13 and 14.

The SECRETARY. It is proposed to amend the amendment on page 1, line 13, by striking out the words "from and after the passage of this act."

The amendment was agreed to.

Mr. ALLISON. On page 1, line 7, I believe the amendment numbered 1 has already been agreed to. I move further to amend it in line 7 by striking out the word "or" and inserting the word "and" and striking out the comma after the word "manufactured."

The amendment was agreed to.

Mr. ALLISON. On page 2, line 1, after the word "sales," I move to insert "by collectors to brewers."

Mr. SPOONER. How does that change it?

Mr. ALLISON. It makes it more certain.

The amendment was agreed to.

Mr. ALLISON. In line 2, page 2, I move to strike out "by this section" and insert "the payment of said tax."

Mr. SPOONER. Let the amendment be stated.

Mr. ALLISON. As it will read.

The Secretary read as follows:

Provided, That a discount of 7½ per cent shall be allowed on all sales by collectors to brewers of the stamps provided for the payment of said tax.

The amendment was agreed to.

Mr. ALLISON. On page 3, line 5, I move to insert, after the word "that," the words "from and after July 1, 1898."

The amendment was agreed to.

Mr. ALLISON. On the same page, after the word "imposed," in line 6, I move to insert "annually."

The amendment was agreed to.

Mr. ALLISON. I move the amendments which I send to the desk. If Senators will look at their bills, they will see the changes proposed.

The SECRETARY. On page 3, line 8, strike out the word "fifty" and insert "twenty-five;" in the same line strike out "one hundred" and insert "fifty;" in line 9 strike out the words "for each license;" in line 10 strike out the word "fifty" and insert "twenty-five;" in line 11 strike out "fifty" and insert "twenty-five;" and after the words "two dollars," in line 11, insert "and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year."

Mr. GORMAN. I should like to ask the Senator from Iowa if

the effect of this amendment is to increase the tax on to tax a little \$25,000 bank?

Mr. ALLISON. The effect of the amendment is to make the minimum capital \$25,000.

Mr. JONES of Arkansas. It decreases the tax.

Mr. ALLISON. It decreases the tax upon the smaller banks; that is to say, as we originally proposed the amendment the tax was \$100 as a minimum upon a bank having a capital of \$50,000. We now reduce it to \$25,000 and make the corresponding tax \$50.

Mr. GORMAN. In other words, you include by the amendment the banks of only \$25,000 capital.

Mr. ALLISON. They were included before, but they paid \$100 and now they pay \$50. I will say that this amendment was suggested to us by the honorable Senator from Kansas [Mr. HARRIS] on the other side of the Chamber, and I think it is a wise amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendments which have been stated.

The amendments were agreed to.

Mr. ALLISON. On page 4, line 7, after the word "person," I move to insert a comma and the words "firm or company."

The amendment was agreed to.

Mr. ALLISON. On the same page, line 13, I move to strike out the word "any" and insert "every."

The amendment was agreed to.

Mr. ALLISON. After the word "person," in line 13 of the same page, I move to insert a comma and the words "firm or company."

The amendment was agreed to.

Mr. ALLISON. In line 20, on the same page, after the word "person," I move to insert a comma and the words "firm or company."

The amendment was agreed to.

Mr. ALLISON. On page 4, line 25, the committee recommend a modification of the provision relating to insurance agents. I ask that the amendment may be stated.

The SECRETARY. On page 4, line 25, it is proposed to strike out the words "foreign insurance" and insert "insurance;" in the same line strike out "fifty" and insert "twelve;" in line 1, page 5, strike out the words "who shall act" and insert "firm or company having an office or place of business and acting;" in the same line strike out the word "foreign;" and in line 3, same page, strike out "foreign."

Mr. SPOONER. Let the clause be read as it will appear if amended.

The Secretary read as follows:

Six. Insurance agents shall pay \$12. Every person, firm, or company having an office or place of business and acting as agent of any fire, marine, life, mutual, or other insurance company or companies shall be regarded as an insurance agent.

Mr. ALDRICH. The word "a" should be changed to "an."

The VICE-PRESIDENT. The change will be made. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. On page 6, line 12, I move to strike out the words "from and after the passage of this act."

The amendment was agreed to.

Mr. ALLISON. In line 14, the committee ask that amendment numbered 5 may be disagreed to.

The VICE-PRESIDENT. It will be stated.

The SECRETARY. The committee amendment is to strike out "twelve" and insert "sixteen."

Mr. ALLISON. I ask that it may be disagreed to.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the amendment is disagreed to.

Mr. ALLISON. On the same page, line 21, I move to strike out "fifty" and insert "sixty."

The amendment was agreed to.

Mr. ALLISON. I remember now that these amendments have been passed over.

The VICE-PRESIDENT. They have been.

Mr. ALLISON. I ask that the amendments which have been passed over may be now considered.

The VICE-PRESIDENT. They will be stated.

The SECRETARY. In line 21, page 6, it is proposed to amend the committee amendment by striking out "fifty" and inserting "sixty."

The amendment was agreed to.

Mr. ALLISON. Now I ask that the amendment as amended may be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended. Without objection, it is agreed to.

The SECRETARY. Committee amendment No. 7, line 23, page 6, is to strike out "\$2" and insert "\$1."

The amendment was agreed to.

The SECRETARY. Amendment No. 8, line 26, page 6, is to strike out "\$4" and insert "\$3.50."

Mr. ALLISON. Strike out "fifty" and insert "sixty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. Amendment No. 9, page 7, line 3, is to strike out "\$2" and insert "\$1.50."

The amendment was agreed to.

Mr. ALLISON. Turning back to page 4, line 25, the amendment there was passed over, and should be agreed to as amended, if it has not already been done.

The VICE-PRESIDENT. Is there any objection to the amendment? The Chair hears none; and the amendment reported by the committee is agreed to.

Mr. ALLISON. In line 8, page 7, I move the amendment which I send to the desk.

The SECRETARY. In line 8, page 7, it is proposed to strike out "of smoking and fine-cut chewing tobacco."

The amendment was agreed to.

The SECRETARY. On page 7, strike out all of the paragraph after "packages," in line 8, down to and including the word "thereon," in line 16, and insert "thereof containing 1½ ounces and 3¼ ounces."

Mr. JONES of Arkansas. I wish to ask about the proposed amendment as read.

Mr. ALDRICH. Let the Secretary read the proviso as it will read if amended.

The SECRETARY. Commencing in line 7, the proviso will read:

Provided, That in addition to the quantity of tobacco and snuff in packages now authorized by law, there may be packages thereof containing 1½ ounces and 3¼ ounces.

Mr. GRAY. I would ask the Senator from Iowa what is the object of the change in the size of those packages; to what does it relate?

Mr. ALLISON. Under existing law the packages are composed of an even number of ounces. Changing the tax, we propose instead of a 2-ounce package to authorize a package of 1½ ounces, and instead of a 4-ounce package a package of 3¼ ounces.

Mr. GRAY. Why do you have a fraction instead of the convenient integral number of 2 ounces and 4 ounces?

Mr. ALLISON. The object is to adjust the bill to the trade. A 2-ounce package now has a given price at retail, and increasing the tax, that package, to sell for the present price, must be reduced one-eighth.

Mr. ALDRICH. If the Senator from Iowa will excuse me, I can perhaps explain to the Senator from Delaware in a second what the object is. Eighty per cent of the smoking tobacco sold in the United States is sold in 2-ounce packages to-day for 5 cents. The tax has been increased from 6 cents to 12 cents, or will be by this bill.

Mr. GRAY. Twelve cents on what—the 2-ounce package?

Mr. ALDRICH. No; on the pound. The proposition is to get a package of smoking tobacco, equivalent to a 2-ounce package now, with the increase of tax, to be sold for 5 cents. In other words, a 14-ounce package will now be sold for 5 cents instead of a 2-ounce package.

Mr. GRAY. Is it not a deception on the trade rather than a clearing up of difficulties if you pass a 14-ounce package as a 2-ounce package?

Mr. ALLISON. No; they will all be stamped as 14-ounce packages. A 14-ounce package stamp will be put upon them. There will be no difficulty.

Mr. GRAY. And the same in regard to snuff?

Mr. ALLISON. The same in regard to snuff; all packages of tobacco, whether chewing, smoking, or other forms.

Mr. GRAY. I rose because I have heard some complaint from those who are manufacturing snuff. One of my constituents is in that delectable and pungent trade. The manufacturers complain of this fractional reduction on snuff packages because it tends to deception by reason of the impossibility of distinguishing between a 2-ounce package and a package of 1 ounce and a large fraction.

Mr. ALLISON. I will say to the Senator that their complaint originated from the fact that we had increased the tax to 16 cents and makes a four-fifth ounce package, which they objected to. But we have stricken all that out now and retained a tax of 12 cents a pound, retaining all the packages in existence and providing only for a change in two classes, namely, the 2-ounce package and the 4-ounce package.

Mr. GRAY. Then I suppose the committee has heard the men who are in the trade.

Mr. ALLISON. I assure the Senator this does not affect the snuff trade.

Mr. PASCO. I should like to ask the Senator from Iowa if this is not a good-natured effort on the part of the committee to shift the burden of this tax from the manufacturer to the consumer?

Mr. ALLISON. I will say to the Senator that we computed that very carefully, and we find it will be impossible, if we retain the package of the size we have now provided for, 1½ ounces, although I may say to the Senator that in my observation and belief the consumer pays this tax in all cases.

Mr. JONES of Arkansas. The plain English of this proposition is that it is to the interest of the trade to be able to sell small packages of tobacco at a nickel. If we place a tax in addition to the present on tobacco, it costs the manufacturer to make that package of tobacco more than a nickel, and he is compelled to sell it above a nickel. Now we propose to enable him to reduce the size of the package, so that he can maintain the same price. That is all there is of it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. The next is amendment No. 15.

Amendment No. 15 was to strike out all after line 16, page 7, down to and including line 18, page 10, in the following words:

And there shall also be levied and collected, upon all the articles in this section enumerated and described which have been manufactured or imported and removed from the factory or custom-house before the passage of this act bearing the tax stamps heretofore required to be affixed to such articles for the payment of the tax thereon and which are at the time of the passage of this act held and intended for sale by any person, an additional tax equal to the difference between the tax already paid on such articles at the time of removal from the factory or custom-house and the tax hereby levied upon such articles manufactured and removed from the factory or custom-house after the passage of this act, namely, a tax of 6 cents per pound upon all tobacco and snuff, however prepared; a tax of \$1 per thousand on cigars, made of tobacco or any substitute therefor, and weighing more than 8 pounds per thousand; a tax of \$1 per thousand on cigars, made of tobacco or any substitute therefor, and weighing not more than 8 pounds per thousand; and a tax of \$1 per thousand on cigarettes, made of tobacco or any substitute therefor, and weighing more than 3 pounds per thousand, and of \$1 per thousand on cigarettes, made of tobacco or any substitute therefor, and weighing not more than 3 pounds per thousand.

Every person, either as owner or dealer or as a broker, commission merchant, or other agent for the owner or dealer, having on the day succeeding the passage of this act any of the above-described articles in stock for sale, and which have been removed from the factory where produced or custom-house through which imported, bearing the proper stamp expressing the rate of tax payable thereon at the time of such removal, shall make a full and true return of the quantity thereof, in pounds as to the tobacco and snuff, and in thousands as to cigars and cigarettes, so held on that day, under oath and in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Such return shall be made and delivered to any collector or deputy collector of internal revenue upon demand, or, if not previously rendered, to the collector of the district within thirty days after the passage of this act; and on or before said day, and before selling or parting with the possession of any article above described after the passage of this act, the owner or dealer or other person having possession of said articles shall purchase and procure from the collector of the district the proper stamps for the payment of the additional taxes hereby levied upon said articles, and shall affix such stamps to the packages containing such articles, and cancel the same in the manner now by law provided for the attachment and cancellation of stamps to and upon such articles or packages. And any such article or packages of such articles which shall be removed from such stock or from the place where situated on the day succeeding the passage of this act, or which shall be found after thirty days after the passage of this act, not bearing the stamp or stamps denoting the additional tax hereby levied on such articles, properly canceled as by law required, shall be forfeited to the United States, and the person so removing such article unstamped as herein required or not having the stamp properly canceled, or having such article in stock or possession, exposed or intended for sale, not bearing the stamp denoting such additional tax, properly canceled, shall be liable to the payment of double the amount of additional tax due upon such article and to a penalty of not less than \$1 nor more than \$100 for each such insufficiently stamped article so removed or held in possession.

Every person willfully failing or refusing to make the required return at the time and in the manner provided by law or regulation shall forfeit and pay double the amount of tax levied by this act, and a penalty of not less than fifty nor more than five hundred dollars; and for making a false and fraudulent return shall incur a penalty of not less than \$500 nor more than \$5,000, or imprisonment for not more than two years, or both, at the discretion of the court.

Mr. ALDRICH. That amendment has been read, and I think it is not necessary to read it again. I ask that it may be acted upon without reading.

The VICE-PRESIDENT. The question is on agreeing to the committee amendment numbered 15. Is there any objection? The Chair hears none, and it is agreed to.

Mr. ALLISON. Amendment No. 16 has not been agreed to?

The VICE-PRESIDENT. It has not. It will be reported.

The SECRETARY. On page 10, line 21, before the word "thousand," strike out the words "one hundred" and insert "seventy-five;" so as to read:

And for the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated the sum of \$75,000, or so much thereof as may be required, out of any moneys in the Treasury not otherwise appropriated, for the employment of such deputy collectors and other employees in the several collection districts in the United States, and such clerks and employees in the Bureau of Internal Revenue as may, in the discretion of the Commissioner of Internal Revenue, be necessary for a period not exceeding one year, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue.

The amendment was agreed to.

The next amendment of the Committee on Finance was amendment No. 17, to strike out all after the word "revenue," in line 6, page 11, down to and including the word "expenses," in line 15, as follows:

Provided, That not exceeding \$25,000 of this appropriation may be used in the employment of not to exceed ten additional revenue agents, whom the Commissioner of Internal Revenue is authorized to employ, such agents to be known and designated as internal-revenue agents in addition to the number now authorized by section 3152 of the Revised Statutes as amended; and the existing provisions of law in all other respects shall apply to such agents, their duties, compensation, and expenses.

And to insert:

And the Commissioner of Internal Revenue is authorized to employ ten agents, to be known and designated as internal-revenue agents, in addition to the number now authorized in section 3152 of the Revised Statutes as amended, and the existing provisions of law in all other respects shall apply to the duties, compensation, and expenses of such agents.

The VICE-PRESIDENT. The question is on agreeing to amendment No. 17.

The amendment was agreed to.

Mr. ALLISON. Amendment No. 18 has not been agreed to.

The SECRETARY. Amendment No. 18, in the subhead, after the word "dealers," to strike out the word "peddlers;" so as to read:

Tobacco dealers and manufacturers.

The VICE-PRESIDENT. The amendment will be agreed to without objection. It is agreed to.

Mr. ALLISON. I offer an amendment to come in on line 24, page 11.

The SECRETARY. Page 11, line 24, strike out the word "on" and insert in lieu thereof the word "from;" on page 12, line 2, strike out the words "are hereby" and insert in lieu thereof "shall be and hereby are;" in the same line, strike out the words "per annum" and insert the word "annually," and after the word "follows," in the same line, insert a comma and the words "the amount of such annual taxes to be computed in all cases on the basis of the annual sales for the preceding fiscal year;" so that the section as amended will read:

Sec. 2. That from and after July 1, 1893, special taxes on tobacco dealers, peddlers, and manufacturers shall be, and hereby are, imposed annually, as follows, the amount of such annual taxes to be computed in all cases on the basis of the annual sales for the preceding fiscal year, etc.

The amendment was agreed to.

The VICE-PRESIDENT. The word "peddlers," in line 1, page 12, the Chair understands is to be stricken out. That is amendment No. 19, in the clause just read by the Secretary.

Mr. ALLISON. Amendment No. 19 should be agreed to.

The VICE-PRESIDENT. It will be agreed to without objection. Amendment No. 20 will be stated.

The SECRETARY. On page 12, line 3, after the word "sales," strike out "do" and insert "shall;" so as to read:

Dealers in leaf tobacco, whose sales shall not exceed, etc.

Mr. ALLISON. I propose a substitute for the whole paragraph. I ask that it may be read as I send it to the desk.

The SECRETARY. It is proposed to amend the paragraph beginning with line 3, page 12, down to and including line 8, on the same page, so as to read as follows:

Dealers in leaf tobacco whose annual sales shall not exceed 50,000 pounds shall each pay \$6. Dealers in leaf tobacco whose annual sales shall exceed 50,000 and shall not exceed 100,000 pounds shall pay \$12, and if their annual sales shall exceed 100,000 pounds shall pay \$24.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed as a substitute.

Mr. ALLISON. That is a substitute for the paragraph beginning on line 3 and ending on line 8, and which covers amendments 20, 21, and 22, in the following words:

Dealers in leaf tobacco whose annual sales shall not exceed \$5,000 shall each pay \$6. Dealers in leaf tobacco whose annual sales shall exceed \$5,000 and shall not exceed \$10,000 shall pay \$12, and if their annual sales shall exceed \$10,000, shall pay \$24.

The VICE-PRESIDENT. The Chair so understands.

Mr. GORMAN. I ask the Senator for an explanation of this departure from the rule of dollars and running into pounds. Does it not complicate the matter and involve us in all sorts of calculations as to the ascertainment of the tax?

Mr. ALLISON. The Internal-Revenue Office state that it is difficult to compute these taxes in dollars. They have an accurate estimate and statement of the number of pounds used on purchases, but they have not an accurate statement of the value in dollars. So they ask us to substitute pounds for dollars as an equivalent, and I think it a great improvement. That is all there is about it. It is a substitution of the average value in dollars for pounds of tobacco purchased, they having a record of the pounds and not a record of the money value.

Mr. GORMAN. But take the different grades of tobacco; a dealer in a much higher grade in value will sell a larger amount. Would not the rule operate unequally?

Mr. ALLISON. That is one of the difficulties that it is desired to overcome. It is impossible to compute the different grades in money value, so that ample provision has been made in pounds.

Mr. GALLINGER. The tax is very small.

Mr. ALLISON. It is very small, of course.

Mr. GORMAN. I understand that it is very small, but it is easy to ascertain the gross amount of the sales of any one of these establishments, whether it is \$5,000 or \$50,000.

Mr. ALDRICH. But the Senator from Maryland will understand that they have in the office of the Internal-Revenue Commissioner at all times a record of the number of pounds sold, and they have no record of the amount of sales of the various dealers in value. It will be necessary to examine the books and to have returns in the case of money values put upon them; but they can

easily assess the taxes by their own records as to the number of pounds sold in each case. The taxes are very small. The committee recommend the striking out of all the tax on the sales of tobacco dealers throughout the country. This applies only to dealers in leaf tobacco, whose number is very small in the country, and the tax itself is very small.

Mr. GORMAN. I ask the Senator for information because my recollection is, indeed I know it to be a fact, that in ascertaining the amount of tax to be paid never before have we had any other measure than that of the number of dollars received by the dealer. He is required naturally to keep an account and he does keep an account of his gross receipts, and you measure his tax by that. If I am a dealer and deal exclusively in Sumatra tobacco or any other tobacco that is worth \$2.50 a pound, I may sell 10,000 pounds and I am only to pay a tax of \$6, whereas the same amount, 10,000 pounds, of Virginia or Maryland tobacco, not worth one-twentieth part of that sum, will pay the same tax. It seems to me that that is an injustice and that the only fair measure can be the receipts from the gross sales.

In this section of the country, where the cheaper tobacco is dealt in, it would make us pay on the value of our article five or six times the amount of tax that would be paid on the high grade according to value. It would operate to exempt the Connecticut tobacco and the other high grades. I do not believe it is a fair tax. It should be imposed on the value.

Mr. ALLISON. The Senator from Maryland may be right as respects this matter. We went over it very carefully with those who are familiar with the tobacco trade and who have been in the Internal Revenue Office for a great many years, and they furnished us these figures as to the relative amount. I can say to the Senator that they are very large figures for the amount of tax imposed. I have no doubt that by the amendment we have proposed the tax has been minimized rather than increased.

Mr. GRAY. May I ask the Senator from Iowa as to this matter? This seems to be a tax on dealers in leaf tobacco, that is, on tobacco in the first stage of its manufacture, on its way as bulk tobacco to its manufacture into snuff or whatever may be its ultimate form. Is not that tobacco afterwards taxed in its more matured manufactured state?

Mr. ALLISON. When it is manufactured. This is a license tax upon the dealer.

Mr. GRAY. It is a license tax on those who deal in leaf tobacco. What does the Senator estimate the amount of revenue that will be derived from this tax?

Mr. ALLISON. It is not large.

Mr. GRAY. How large? Can the Senator approximate it?

Mr. ALLISON. I should say \$30,000 or \$40,000.

Mr. GRAY. Does that compensate for the annoyance and inconvenience of the tax?

Mr. ALLISON. It will be about \$300,000. It is a small tax.

Mr. GRAY. I do not think, in other words, that a tax ought to be levied for the sake of levying, but it ought to be levied with reference to the result to the Government. All taxes are interferences with the business transactions that they affect. Where the compensatory result does not justify the inconvenience, I should be in favor of striking it out altogether. But \$300,000 is more than \$30,000.

Mr. ALLISON. It is a great deal more. I was mistaken in the amount I first stated.

I will say to the Senator from Delaware that it is deemed necessary to keep a run of the sales of leaf tobacco, in order that the Internal Revenue Department may collect the tax on manufactured tobacco. It is one method that always prevailed until we reduced the tax to 6 cents a pound, when it was thought we could dispense with the tax on dealers in leaf tobacco. But it is the view of the Department that if the tax is 12 cents a pound there should be a small tax upon dealers in leaf tobacco, and this tax is very light indeed.

Mr. PETTIGREW. I should like to ask the Senator if this change does not make the tax the same upon cheap tobacco as upon high-priced tobacco?

Mr. ALLISON. It does.

Mr. PETTIGREW. I am glad of the change, because it conforms with the theory of taxation in the bill, that of levying the burdens upon individuals without reference to the amount they are worth or their wealth, etc. I of course like to see the bill made uniform in accordance with Republican principles.

Mr. ALLISON. I have already stated (the Senator from South Dakota was doubtless otherwise engaged at the moment) that this is a very light tax and imposes no burden upon anybody; and it is much easier for the internal-revenue officers to estimate it upon the amount of tobacco sold rather than upon the number of dollars invested.

Mr. MALLORY. I should like to inquire of the Senator from Iowa whether this is not a new thing in the way of apportioning taxation?

Mr. ALLISON. It is new. It estimates the taxation upon the number of pounds sold and purchased rather than upon the num-

ber of dollars in value. It is supposed to be much more convenient and an easier method of collecting the tax by estimating it in this way, both for the man who pays it and for the Commissioner of Internal Revenue who estimates it.

Mr. MALLORY. It may be more convenient—I do not undertake to deny that—but certainly it is unjust. The tax comes out of the tobacco. On the more valuable forms of tobacco the tax is really lighter than on cheaper qualities of tobacco. The tax on Havana and Sumatra tobacco both is much lighter than upon the domestic tobacco. If that is true, it will be found that the more valuable tobacco will actually pay a less tax than cheap tobacco.

Mr. ALLISON. That is true; but a dealer in leaf tobacco buys dear and cheap tobacco. He does not buy all of one kind or value. The amendment is not worth a great deal of debate. We have minimized and simplified this tax. It is very satisfactory to the dealers, and absolutely so to the Commissioner of Internal Revenue. If Senators think it an unjust tax, they can vote the amendment down.

Mr. MALLORY. It is certainly unjust.

Mr. DANIEL. Mr. President, I do not believe that this change in the tax was inspired at all by any desire to take advantage of the less valuable article, and yet I can see that in effect, while it may in some respects be more convenient to the Department, it does operate as a hardship upon those who deal in coarse and heavy tobacco, because the coarse and heavy tobacco—in which the profit lies upon the great quantity of sales rather than upon the large profit in any particular transaction—would have to pay many multiples more than the finer tobacco which brings a high price.

So far as tracing the tobacco is concerned, it seems to me that very probably the convenience has been very much exaggerated, because the tobacco trade is constantly under the inspection of the Internal Revenue Bureau. I think it would be wiser to follow the old plan, and it would be just.

Mr. ALLISON. May I ask the Senator from Virginia what is the value, to his knowledge, of tobacco per pound as sold in Virginia?

Mr. DANIEL. Ten or 11 cents is an average, I should judge.

Mr. ALLISON. This is all computed upon the minimum price. Fifty thousand pounds, at 10 cents a pound, is substituted here for \$5,000.

Mr. JONES of Arkansas. It seems to me that the confusion about this matter comes from the idea that this is a tax upon tobacco. It is not a tax upon tobacco. It is a tax upon dealers in tobacco—a license for dealing in tobacco, to be regulated in some way. As the proposition first stood here, it was that a man who sold less than \$5,000 worth of tobacco should pay \$6 tax; if he sold between \$5,000 and \$10,000 worth, he should pay \$12 tax; if he sold above \$12,000, he should pay \$24 tax. All the sympathy which has been displayed in the Senate about the unjust taxation could very easily be brought out by complaining that the man who sold only \$2,500 worth of tobacco should be required to pay as much tax as a man who sold \$50,000 worth. That you would say was inequitable. It is clearly unjust, as well as the other.

There must be some way of ascertaining who shall pay these different grades of \$6, \$12, and \$24 a year. One tax is 50 cents a month; the other is \$1 a month, and the other is \$2 a month. The proposition is that a man who sells 50,000 pounds of tobacco instead of \$5,000 worth of tobacco shall pay \$6; if he sells between 50,000 and 100,000 pounds, he shall pay \$12 tax; if he sells above 100,000 pounds, he shall pay \$24. If he sells 101,000 pounds and his neighbor across the street sells 500,000 pounds, they pay the same tax. This is not exactly equitable; it is not precisely fair. These things must operate in some sort in an inequality in this way. It seems to me it is reasonable to assume that any man who sells 100,000 pounds of tobacco is likely to sell all kinds of tobacco. He is not likely to sell one particular class of tobacco. It may be that there are dealers who do that, but where a man sells 100,000 pounds and 200,000 pounds of tobacco of any grade a tax of 50 cents a month or a dollar a month is certainly not a very heavy tax on his business.

Mr. LINDSAY. I think the lowness of this tax is an answer to all the objection. There is no tobacco dealer in the United States who will object to the rate of taxation or to the inequality of it. The fact is that the maximum tax is so low that the question of inequality or uniformity is not worth disputing over.

Mr. GORMAN. I do not agree with the Senator from Kentucky. Anything is worth disputing over that is not right. You are making a rule in this case for the taxation of tobacco that is entirely different from the taxation on any other article. You have measured the amount of taxation in every other schedule of the bill by the value in dollars and cents. You say that a bank with a capital of \$25,000 shall pay a license of so much money, and with a capital of \$50,000 an amount so much greater. And so with patent medicines; the value of the article is what you have taxed. Now when you come to tobacco, the rule is changed.

The Senator from Kentucky thinks this is a small tax. It is a great tax upon small dealers. It is an unequal tax and an unjust

tax. Take the State of Maryland, with the heavy tobacco which we have here as well as in Virginia. It is that tobacco which is dealt with in the leaf. The French and other governments are supplied directly. There is no other class of tobacco that will supply the demand. The average price in the last four years for that tobacco has been less than 6 cents a pound. You tax it 12 cents, and then tax the dealer his license, and ascertain the amount of license he has to pay by the number of pounds he sells.

You go over to New York or Philadelphia or the city of Baltimore, where they deal in lighter grades from Connecticut and Pennsylvania, and bring in tobacco from Sumatra. One pound of Sumatra tobacco will be worth forty times the amount of 1 pound of American tobacco, and yet you rate the tax of the man who has this valuable article by the pound and not by the value. It is unjust. It is the first time it has been introduced here. As was said a moment ago, it would work a hardship and make an inequality in this bill. It is a matter too small, it seems to me, for the Committee on Finance to contend for. It is the first time that it has been attempted to be introduced, and it can not be urged by others than the dealers in the very high class of tobacco as a discrimination against the smaller dealers.

As bad as a revenue bill always must be and as unequal as this bill is in many of its particulars, I do trust that upon this agricultural product that you have taxed greater than any other one item in the bill you will at all events refrain from imposing this great inequality and inflicting this injustice. The amount is small, but it would inure to the benefit of the dealers in the high grades. I will not say it will fill their coffers, but it will add to the revenue of the dealers in a high-class article. Now, at least on this one agricultural article that you are proposing to tax so heavily let us have the same rule of ascertainment that we have on banks and everything else.

Mr. ALLISON. The Senator wholly mistakes the character of this tax of 12 cents a pound upon tobacco. We do not tax the Maryland farmer or the Virginia farmer on his tobacco, nor is this a tax upon his tobacco. This is in the nature of a special license tax upon the man who buys the tobacco.

Mr. GORMAN. The Senator knows very well that I understand that perfectly. I am dealing with two branches of the subject, however.

Mr. ALLISON. I understand; but I am stating that as preliminary to the statement of the Senator from Maryland, who seems to think we are taxing an agricultural product.

Mr. GORMAN. You are.

Mr. ALLISON. This is not taxing an agricultural product, and there is no provision of this bill that I know of which taxes an agricultural product. It is possible there may be, but I do not know of any such provision. We tax the manufactured tobacco. I have it from the very highest authority and experience that under high taxes, as compared with low taxes, those who grow leaf tobacco receive a higher price for the tobacco than they do when there is no tax upon it. The grower of leaf tobacco in the United States has the world for his market. A very large portion of the tobacco which is grown in the United States is exported; quite a large amount of it is exported to Great Britain, where it pays 80 cents a pound and not 12 cents as under our tax laws.

It is also exported to France, where there is a tobacco monopoly which exacts more than \$2 a pound from the consumers of tobacco in that country. So there is no tax here upon the agriculture of Maryland or the agriculture of Virginia or of Kentucky. The tobacco grower is no more interested in this tax than is the wheat grower; he loses nothing either by this indirect method of taxation upon the dealers in leaf tobacco or upon the manufacturers of tobacco.

So, for one, Mr. President, I discard absolutely the idea that here is a tax upon any one person who is interested in the growth of tobacco. It is as much a tax upon a business as is the tax we impose upon any other business. So I trust my friend from Maryland will not think for a moment that we are imposing taxes here in an unjust way upon dealers, even in Maryland, if there are any such there.

Mr. GORMAN. I should like to ask the Senator, who is very familiar with this subject, if this is not a tax upon agricultural products? Take the heavy leaf tobacco, which the United States furnishes to Germany and to France in competition now with the balance of the world, who in the end pays this license tax on the manufactured tobacco? Does it not come out of the tobacco in some form which is sent hence?

Mr. ALLISON. We do not send manufactured tobacco to Germany, or, if we do, it must be a very small quantity. We send leaf tobacco, the product of the farmer, to Germany, and we simply tax the dealer in leaf tobacco here \$6 on each 50,000 pounds he purchases.

Mr. JONES of Arkansas. If the Senator will permit me, I wish to call his attention to lines 14 and 15, on page 12, which read:

Every person whose business it is to sell, or offer for sale, manufactured tobacco, snuff, or cigars shall be regarded as a dealer in tobacco.

That does not include men who sell agricultural products which come from the farm, but it includes the dealers in manufactured tobacco.

Mr. DANIEL. And dealers in leaf tobacco also.

Mr. ALLISON. That is another provision. But here is a provision preceding that, providing for a license tax or a special tax on dealers in leaf tobacco.

Mr. JONES of Arkansas. Yes, I see.

Mr. ALLISON. This is the first time in the history of internal taxation that I have heard that this small license tax of \$6 per annum upon a purchase of 50,000 pounds of tobacco is a tax upon the user of tobacco. I am not very familiar with arithmetic, but I should like to have \$6 divided into 50,000 pounds and see how much it is possible to charge up to the producer of tobacco with a license tax of \$6.

Mr. GORMAN. Charge it to the aggregate and see what it amounts to.

Mr. DANIEL. The Senator asked me while I had the floor how much tobacco was ordinarily worth. I said about 10 cents a pound; but I then had in mind the better grades of tobacco. A great deal of the ordinary grades of tobacco sells for two or three dollars per hundred pounds; the average would be probably from six to ten dollars, and those persons who deal in the coarser grades of tobacco would have to pay just as much as those who deal in the higher grades. That does not seem to be equitable and just.

Mr. LINDSAY. The Senator from Maryland says this is the only instance in which we fail to rate this character of taxation by the value of the product. This is a tax on the dealer in leaf tobacco. Therefore the Senator says, and I think correctly, that it is an indirect tax on the producer. But we levy 12 cents a pound on the manufacturer of any character of tobacco and without any regard whatever to its value. If we intend to tax the manufacturer without regard to value, and to levy a most onerous and oppressive tax, such as 12 cents a pound is, I still insist that the lowness of this tax to be levied upon the dealer brings the matter down not to a matter of insignificance, because wrong is never insignificant, but it is so much fairer, so much more equitable, so much juster than the tax to which I have just called attention, to which there seems to be a universal assent, that I see no reason why the time of the Senate should be taken up in the discussion of it.

Mr. GRAY. Does not the statement, then, of the Senator from Iowa come down to this, that whatever inequality there may be produced by levying a uniform tax, levying a license tax in proportion to the pounds sold, it is more than compensated for—that would be very small at best—by the convenience in administration?

Mr. ALLISON. That is what is said for it by the Commissioner of Internal Revenue and all the experts in his Bureau. I do not know whether they have knowledge of this subject to a sufficient extent to advise us to do this thing. It did not originate in the Committee on Finance. If it had done so, it might be subject to severe criticism; but it comes from the people who know most about it and who have to deal with it. The criticism which has been made on the floor is the first criticism I have heard as to the amendment. I agree that the method proposed is a new one; but if it is a better method than the old one, why should we oppose it?

Mr. BUTLER. I have been sitting here patiently waiting to hear some good reason for making the change which is proposed, and the only reason I have heard suggested is the one stated by the Senator from Delaware [Mr. GRAY] that, if adopted, it would be easier to administer the law under it. That may be so, but whether that is sufficient ground for a change which will discriminate against and increase the tax on the dealers in low-grade tobacco is a serious question.

I call the attention of the Senate to the fact that as to men who deal in tobacco which sells at 2 cents a pound, as a great deal of it does, the effect of this change is to raise their license tax from \$6 to \$30 on sales of \$5,000. So the effect of the amendment is to increase the tax on dealers in low-grade tobacco, while making a reduction in tax on dealers in high-grade tobacco. There can be no good reason for such discrimination and injustice.

It seems to me that the bill as it stood before the amendment was proposed is certainly fair and will certainly raise as much revenue, and certainly more equitably, than if we make the proposed change. Unless there is something very great to be gained, in some way not explained by the change, it is certainly unfair and unjustifiable to make it.

A great deal of the tobacco produced in my State is of a low grade. The dealer in tobacco who knows that he must pay this tax must certainly make a difference in the price he pays for the tobacco. We all know that the farmer must take any price which is offered to him. So, instead of the farmer having \$6 taken off the price of tobacco, the dealer will be certain to make a deduction of twice \$6 or three times \$6. All these taxes come from the

producer. The man who makes the tobacco and the man who uses it are those who pay it. There is no question about that.

If we are to lay a tax on the dealers, let us distribute it fairly, and let those who deal in the high-grade tobacco pay their fair share.

The VICE-PRESIDENT. The question is on the amendment in the nature of a substitute proposed by the Senator from Iowa [Mr. ALLISON] on behalf of the committee.

The amendment was agreed to.

Mr. BERRY. I should like to make an inquiry of the Senator from Iowa. Under the present law, as I understand it, the man who raises leaf tobacco can, without paying any tax, sell it to anyone who wishes to purchase it. I wish to ask if there is any restriction or change in that regard in this bill?

Mr. ALDRICH. Not the slightest.

Mr. BERRY. No change at all?

Mr. ALDRICH. None whatever.

Mr. BERRY. The man who raises leaf tobacco can still sell it as under the present law?

Mr. ALLISON. Undoubtedly. It will be the same as under the present law. We do not put any restrictions upon its sale.

The next amendment of the Committee on Finance was, on page 12, after line 8, to strike out the following clause:

Dealers in tobacco whose annual sales do not exceed \$10,000 shall each pay \$4.50.

The amendment was agreed to.

Mr. ALLISON. I propose an amendment making a change in lines 12 and 13, on page 12.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12 it is proposed to amend lines 12 and 13, so that they will read as follows:

Dealers in tobacco whose annual sales shall exceed 50,000 pounds shall each pay \$12.

The amendment was agreed to.

Mr. ALLISON. Beginning in line 20, on page 12, I propose a modification of the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12 it is proposed to modify amendments numbered 25 and 26 so that the two paragraphs, if amended, will read from line 20 to line 24, inclusive, as follows:

Manufacturers of tobacco whose annual sales shall not exceed 50,000 pounds shall each pay \$6.

Manufacturers of tobacco whose annual sales shall exceed 50,000 pounds and shall not exceed 100,000 pounds shall each pay \$12.

The amendment was agreed to.

Mr. ALLISON. On page 13 I offer the substitute which I send to the desk for amendments numbered 27, 28, 29, and 30.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. It is proposed to modify lines 1 to 9, inclusive, on page 13, so as to read as follows:

Manufacturers of tobacco whose annual sales shall exceed 100,000 pounds shall each pay \$24.

Manufacturers of cigars whose annual sales shall not exceed 100,000 cigars shall each pay \$6.

Manufacturers of cigars whose annual sales shall exceed 100,000 and shall not exceed 200,000 cigars shall each pay \$12.

Manufacturers of cigars whose annual sales shall exceed 200,000 cigars shall each pay \$24.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 13, after line 9, to strike out:

Peddlers of tobacco shall be classified and rated as follows, to wit: When traveling with more than two horses, mules, or other animals, as of the first class, and shall pay \$48; when traveling with two horses, mules, or other animals, as of the second class, and shall pay \$24; when traveling with one horse, mule, or other animal, as of the third class, and shall pay \$12; when traveling on foot or by public conveyance or by private conveyance other than hereby described, as of the fourth class, and shall pay \$7.50. Any person who sells or offers to sell and deliver manufactured tobacco, snuff, cigars, or cigarettes, traveling from place to place, in the town or through the country shall be regarded as a peddler of tobacco.

The amendment was agreed to.

The next amendment was, on page 13, line 25, after the word "this," to strike out "section" and insert "act;" after the word "tax" and at the end of line 2, on page 14, to strike out "be fined not less than \$10 nor more than \$500" and insert "be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court;" so as to make the clause read:

And every person who carries on any business or occupation for which special taxes are imposed by this act, without having paid the special tax herein provided, shall, besides being liable to the payment of such special tax, be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

The amendment was agreed to.

The next amendment was, after the amendment just adopted, to insert the following as a new section:

SEC. —. Until appropriate stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquors, tobacco, snuff, cigars, and cigarettes may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing such articles on which the tax imposed by this act is paid. And any person having possession of unaffixed stamps heretofore issued for the payment of the tax upon fermented liquors, tobacco, snuff, cigars, or cigarettes, shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this act.

The amendment was agreed to.

Mr. ALLISON. On page 14, line 28, I move to strike out the word "first" and the word "June;" so as to leave the date blank when the adhesive-stamp tax shall take effect.

The amendment was agreed to.

Mr. ALLEN. Will the Senator from Iowa permit me to offer and have pending an amendment? On page 15, after line 18, I desire to offer an amendment and have it pending.

Mr. ALDRICH. Let it be printed.

Mr. ALLISON. I ask the Senator, if it will not inconvenience him, to allow that to be passed over for the present until all of the committee amendments shall have been disposed of. I think that course will be more convenient.

Mr. GRAY. The Senator from Nebraska wants to have the amendment printed.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Nebraska will be printed, in the absence of objection.

Mr. ALLISON. I did not hear the suggestion of the Senator.

Mr. ALLEN. I understood the Senator from Iowa to offer an amendment applying to the tax on drugs and patented articles.

Mr. ALDRICH. We have not come to that yet.

Mr. ALLEN. We have passed that.

Mr. ALDRICH. Oh, no.

Mr. FAULKNER. We shall not come to that for some time yet.

Mr. ALLISON. I move to strike out section 11, beginning with line 23, on page 22.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, beginning with line 23, it is proposed to strike out the following:

SEC. 11. That the Commissioner of Internal Revenue be, and he is hereby, authorized to prescribe such methods for the cancellation of stamps, as substitute for or in addition to the method now prescribed by law, as he may deem expedient and effectual.

Mr. ALLISON. I will state that that is already provided for in section 24, so that it is a mere duplication.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. ALLISON. On page 28, line 30, in section 19, I move to strike out the words "first" and "June;" so as to leave the time for the taking effect of the section blank.

The amendment was agreed to.

Mr. LODGE. In line 11, on page 28, there is a proviso which reads:

That official messages of the several Departments of the Government shall be exempt from the taxes herein imposed upon telegraphic and telephonic messages.

Mr. ALLISON. I am not quite sure that the phraseology used would include Congress, but it ought to, and I am willing to insert apt words for that purpose. I believe it was the understanding of the committee, though I only speak for myself, that, as to official messages of the several Departments of the Government, they were to be excluded if we exclude the official messages of Congress. The Senator from Massachusetts thinks we should add there the words "or of Congress."

Mr. LODGE. Yes; so as to read:

That official messages of Congress and of the several Departments of the Government shall be exempt, etc.

Mr. WOLCOTT. I take it that the inquiry can only be directed as to local messages here in Washington. If members of Congress send messages by the Western Union Telegraph wires, they ought to put a cent stamp upon them.

Mr. ALDRICH. This does not apply to personal messages, but to official messages.

Mr. ALLISON. As the Senator from Rhode Island has said, these are not personal but official messages. We have official messages here in the Senate, I am told.

Mr. WOLCOTT. If Senators and Representatives send messages by the Western Union wires, they ought to put a cent stamp upon each message.

Mr. ALDRICH. If the Senator should desire to send a telegram to the Treasury Department on official business, does he think he should put a stamp upon it?

Mr. WOLCOTT. That would not go by the Western Union

Telegraph. If it is an official message, under the phraseology of the proviso Congress would be included.

Mr. ALLISON. That was the question the Senator from Massachusetts [Mr. LODGE] was asking.

Mr. WOLCOTT. The phraseology is, "official messages of the several Departments of the Government." The legislative department is certainly one of the departments of the Government.

Mr. LODGE. Then what objection is there to saying so, if that is what is meant?

Mr. WOLCOTT. I think we have said so.

Mr. ALLISON. We thought we had, but there seems to be some doubt about it, and I want to make it certain.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts [Mr. LODGE] will be stated.

The SECRETARY. On page 28, line 11, after the words "messages of," it is proposed to insert "Congress and the;" so as to read:

Provided further, That official messages of Congress and of the several Departments of the Government shall be exempt from the taxes herein imposed upon telegraphic and telephonic messages.

Mr. WOLCOTT. That would leave us in the anomalous condition of stating officially on a revenue bill that Congress is not one of the departments of the Government.

Mr. LODGE. I do not think that Congress is one of the departments of the Government.

Mr. WOLCOTT. I have been always under the impression that this was the legislative department of the Government, and clearly it comes within the provision of the exemption.

Mr. ALLISON. We have the legislative, executive, and judicial departments of the Government.

Mr. FORAKER. But an official message from a member of Congress would not be from the legislative department itself. That is the only point, as I understand, which the Senator from Massachusetts has made.

Mr. WOLCOTT. Neither is any particular officer in the Interior or the Treasury Department a department himself. Some think they are, but they are not. [Laughter.]

Mr. FORAKER. But if there comes from one of the Executive Departments an inquiry of a Senator, does the Senator think that the answer to that inquiry, being on official business, should be stamped?

Mr. HALE. Does the Senator think that if the language adopted should be such as suggested by the Senator from Massachusetts it would cover messages from individual members of Congress?

Mr. LODGE. That is, official messages?

Mr. HALE. Of course.

Mr. LODGE. Yes.

Mr. FORAKER. I thought that was the point the Senator from Massachusetts made.

Mr. HALE. I should doubt very much whether such messages would be included.

Mr. LODGE. The only point I desired to make was as to official messages of Congress.

Mr. TILLMAN. If the Senator will allow me to make a suggestion, the insertion of the words "members of the several departments of the Government" will make it very clear and undoubted.

Mr. HALE. That would do it, but I do not know whether, according to the suggestion of the Senator from Colorado, the committee wants to do that.

Mr. ALDRICH. Official messages.

Mr. TILLMAN. We want to know what the committee desires to do.

Mr. HALE. Messages upon official business of members of Congress are an entirely distinct thing from messages of Congress itself. They are the messages upon official business of the members of the Senate and the House. That is different.

Mr. ALDRICH. The suggestion made by the Senator from South Carolina and the amendment now suggested can be both adopted.

Mr. HALE. The amendment suggested by the Senator from South Carolina covers it, if the committee wants to do that.

Mr. ALDRICH. "Messages on official business of members of the several departments."

Mr. HALE. Does the Senator want to put that into the bill?

Mr. ALDRICH. Yes; I do. I think that is what the committee intended originally, that messages upon official business should not be required to pay a tax.

Mr. HALE. Sent by members of the two Houses of Congress?

Mr. ALDRICH. Yes.

Mr. LODGE. For instance, the Sergeant-at-Arms of the Senate or the Sergeant-at-Arms of the House may notify Senators or Members to return here for a vote. He sends such messages as official messages, at Government rates, just as all the Departments do.

Mr. HALE. That is a message from the Senate.

Mr. LODGE. I know.

Mr. HALE. That is not by an individual member.

Mr. LODGE. I do not think it is exempted by this proviso.

Mr. HALE. Are we to go into that wider domain suggested by the Senator from South Carolina and except individual members of Congress?

Mr. LODGE. Why not, if the messages are on official business?

Mr. HALE. Does the committee want to do that?

Mr. WOLCOTT. Mr. President, in framing this amendment the committee took great care, the tax being so slight and so light, that there should be as few exceptions as possible. They excepted from the operation of the bill messages used by railroads along the line of the road operated by the railroad company, where their agents were the operators upon the line and where they acted, as well, as agents for the telegraph companies. But they excluded messages sent by railroad officials from one line to another line. They struck out a proposition in the bill as it came from the House that messages on a pass should not pay a stamp. It seemed to the committee that if there was a war to be paid for, the man who had the courtesies of a pass ought at least to be willing to pay a cent upon the message as against the man who has to pay a dollar to send the same message.

If we make the exception that telegrams of members of either House on official business shall be exempt, make that special exception, we leave it open to the greatest possible misconception by the people and the greatest possible misconception by the officers of the telegraph companies who are charged with seeing that the stamp is put upon a message before they receive it for transmission. What is to prevent my handing in a telegram at a window here, and the operator says, "There is no stamp on it." I say, "No; but this is about a post-office at Tincup, where there is a vacancy, and it does not need a stamp;" or, "I am sending this at the Government rate," and so the Government does not get its stamp out of this inquiry made as to the post-office. The exception in the act is broad enough to cover the ordinary official messages between Departments, including the Congressional department.

As to the suggestion of the Senator from Ohio [Mr. FORAKER], I will say we never get a telegram here signed "Treasury Department." We get a telegram from the Secretary or the Auditor or the Commissioner of Internal Revenue, and if we send between the Departments messages, they are clearly to my mind excepted. But if we once put in the loophole and say that telegrams of members of Congress need not pay the cent tax, members will not put very many stamps on their messages.

Mr. FORAKER. The Senator will allow me. I did not say anything about official messages of Congress. What I said was "members of Congress, in regard to official business."

Mr. WOLCOTT. I misunderstood the Senator.

Mr. FORAKER. I thought the Senator did. The objection the Senator from Colorado makes it seems to me is not well taken. We are now authorized to send messages, when they are in regard to public business, at Government rates, and every time a member of Congress sends such a message he so denotes it on the message. He is put upon his honor about it, and so he would be in respect to this tax. In every case in which he is authorized to use a Government pass he is authorized also, if the amendment suggested by the Senator from Massachusetts should be adopted, to decline to put a stamp upon it. So it comes to the same thing at last.

I see no reason why members of Congress sending messages on public business, in which they have no personal interest, should not be exempt from the tax. Personally I do not care anything about it. I supposed the sentiment generally was, as I understood it to be expressed by the Senator from Iowa, that he would be willing to have the bill so amended as to exempt from taxation messages of that character.

To-day I have sent quite a number of messages, some of them upon public business, some upon private business, some of a social character. Some use the Government pass, some use the social stamp, if you have it and see fit to use it, and some I have to pay for. Every day I suppose that is the experience of every other Senator, that he has to determine these matters.

Mr. TILLMAN. For the last three weeks I have been an errand boy, going to the War and Navy Departments in relation to military matters connected with the volunteers, and I have sent out possibly thirty, forty, or fifty telegrams on the Senate telegraph paper which you all know something about. Under the rules we have to sign those in the corner "Official business," with a certain number and letter, and then say "U. S. S.," signifying that it is official. If telegrams of that class are understood to be included in the bill, there is no need of the amendment, but as a matter of English I do not believe it. This is a branch of the Government, not a legislative department. It is the great legislative branch of the Government. Of course I may be accused of

quibbling in making this distinction between "branch" and "department."

Mr. GRAY. The individual members are not the department.
Mr. TILLMAN. Of course not. If you have a telegram from the War Department, you expect the Secretary of War to sign it, and nobody else has the authority. If we say the members of the legislative department, or the legislative branch, shall have their telegrams sent and not have to pay the tax, we will understand it. Otherwise, it will be just simply our forcing it by putting upon the language our own construction, which it will not bear.

Mr. ALLISON. I move an amendment on page 29—
Mr. LODGE. What became of the amendment I offered?
Mr. ALDRICH. The Senator did not offer any.
Mr. LODGE. Yes, I did. I moved to insert "Congress."
The SECRETARY. After the word "of," in line 11, page 28, it is proposed to insert "Congress and of."

Mr. LODGE. "Official messages of members of Congress."
Mr. ALLISON. I am not quite sure we ought to go to the extent of saying "official messages of members of Congress." Will the Senator from Massachusetts allow his amendment to lie over?

Mr. LODGE. Certainly. I will withdraw it. It only seems to me that we ought to have one rule. If we are going to exempt the messages sent by anybody in the Departments, and that is what this bill provides now, then messages sent officially by members of either House or by the officers of either body ought to have the same exemption.

Mr. WOLCOTT. There is an exception, if it can be framed in the amendment, to which there can be no objection. That is to say, that messages for which the Government of the United States pays the tariff shall not require a stamp. That is all right. Where the Government of the United States pays for the message it need not have a stamp.

Mr. LODGE. That is all right.
Mr. WOLCOTT. But if we are going to let members of Congress or anybody else determine whether they will put on a stamp, this section will be subject to abuse.

The VICE-PRESIDENT. The amendment will be laid aside temporarily.

Mr. ALLISON. Before it passes from the consideration of the Senate, I will say that these official messages that are paid for under the rules and regulations established by the Post-Office Department are very carefully scrutinized by the accounting officers of the Department, and they only apply to matters of business and do not include social or personal messages.

The VICE-PRESIDENT. The amendment heretofore offered by the Senator from Iowa will be stated.

The SECRETARY. On page 29, line 23, after the word "surgeon," which has already been inserted as a committee amendment, it is proposed to insert "or which may be put up or compounded for said person by a druggist or pharmacist selling at retail only."

Mr. ALLISON. The words "or surgeon" were inserted in line 22, after the word "physician," and these words are to follow the words thus inserted.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. Let the amendment in brackets be stated.

The SECRETARY. In lines 23, 28, and 24, page 29, it is proposed to strike out the words "but nothing in this act shall be construed to exempt from said tax any" and insert "and the provisions of this act shall include all."

Mr. JONES of Arkansas. I hope the Senator from Iowa will allow the amendment to go over until to-morrow. I was not satisfied with it in committee, and I am not yet. I desire further time to look into it.

Mr. ALLISON. The one just now read?
Mr. JONES of Arkansas. Amendment 66.

Mr. ALLISON. Very well.
The VICE-PRESIDENT. The amendment will be laid over.

Mr. ALLISON. It may be passed over. I hope it will be printed.

Mr. JONES of Arkansas. I want to look a little further at the amendment. I am not quite satisfied with it. I have no objection to striking out the word "proprietary" and leaving the remainder of the paragraph.

Mr. GRAY. Why strike it out? I do not understand the reason for it. That is a paragraph which attempts emphatically to keep under the provisions of the taxing law all medicinal articles which shall be in any manner similar to patent or proprietary medicines, put up in that style, etc.

Mr. ALLISON. "Or which have on their labels or wrappers recommendations as remedies or specifics for any ailment, or as having any special proprietary claims to merit." In line 4 is where the committee intend to strike out the word "proprietary."

Mr. GRAY. Oh.

Mr. JONES of Arkansas. My reason for wanting it stricken out is because I think it makes the provision very much broader.

Mr. FAULKNER. I will ask the Senator from Iowa whether striking out the word does not make any medicine or compound prepared by a druggist, if he claims merit for it in reference to any healing quality, subject to tax, and yet he has no proprietary ownership in it?

Mr. ALLISON. We have just exempted by an amendment which was inserted all articles put up or compounded by a druggist for his retail trade.

Mr. FAULKNER. Very well.
Mr. ALLISON. I move to strike out the word "proprietary," in line 4, page 30, and the letter "s" at the end of the word "claims," in the same line.

The SECRETARY. In line 4, page 30, it is proposed to strike out the word "proprietary," before the word "claims," and to strike out the word "claims" and insert "claim."

The amendment was agreed to.

Mr. JONES of Arkansas. I wish amendment 66 to remain open.

The VICE-PRESIDENT. The Chair so understands. There is an amendment pending.

Mr. JONES of Arkansas. There is no objection to the word being stricken out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Committee on Finance report an amendment, No. 70, page 31, to strike out in line 12 the words "subject to a penalty of \$100" and insert "deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than one hundred nor more than five hundred dollars or be imprisoned not more than six months, or both, at the discretion of the court."

Mr. ALDRICH. In line 14, after the word "not," strike out "less than one hundred nor."

The amendment to the amendment was agreed to.

Mr. ALLISON. I thought that was done.

Mr. FAULKNER. What is the amendment?

Mr. ALDRICH. It simply removes the minimum.

Mr. FAULKNER. Let it be stated.

The SECRETARY. If amended, it will read:

Shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than \$500 or be imprisoned not more than six months, or both, at the discretion of the court.

Mr. HALE. What is proposed to be done about this penalty?

Mr. ALLISON. It is proposed to strike out the minimum; the words "not less than \$100."

Mr. HALE. It is left discretionary with the court to impose a smaller penalty?

Mr. ALLISON. Yes.

Mr. HALE. I think that is right.

Mr. ALLISON. It takes off the limit.

The amendment was agreed to.

Mr. ALLISON. On page 38, after line 15, I move to insert what I send to the desk.

The SECRETARY. On page 33, after line 15, it is proposed to insert:

Provided further, That internal-revenue stamps required by existing law on imported merchandise shall be affixed thereto and canceled at the expense of the owner or importer while such merchandise is in the custody of the proper custom-house officer and before withdrawal for consumption, and the Secretary of the Treasury is authorized to make such rules and regulations as may be necessary for the affixing of such stamps not inconsistent herewith.

Mr. ALLISON. I think I will add "and canceling," although I think that is provided for.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALDRICH. In the third line of page 38 "15th day of June" should be stricken out.

The VICE-PRESIDENT. Without objection, that will be done, leaving it blank.

Mr. ALLISON. I move to strike out, in line 14, page 34, "1st day of June," so as to leave it blank.

The amendment was agreed to.

Mr. ALLISON. I believe all the amendments have been agreed to up to page 37. On page 37, line 18, after the word "and," I move to insert "from and after the 1st day of July, 1898."

The amendment was agreed to.

Mr. ALLISON. In line 19, before the word "money," I move to insert "original domestic."

The amendment was agreed to.

Mr. ALLISON. On page 40, line 25, I move to amend the amendment by striking out the words "by rail or water or by both rail and water" and the comma.

The amendment was agreed to.

Mr. ALLISON. This paragraph has been amended. I ask that it may be acted on now.

Mr. JONES of Arkansas. I call the attention of the Senator from Iowa to line 3, page 41. There was a proposition to strike out the word "receipt."

Mr. ALLISON. It was stricken out.

Mr. JONES of Arkansas. I did not so understand.

Mr. ALLISON. It was also stricken out in lines 8, 10, and 14. In line 11, after the word "company," has the word "steamboat" been inserted?

The VICE-PRESIDENT. It has been.

Mr. ALLISON. I ask that the amendment may be disposed of. That is the amendment which the Senator from Maryland desires to have passed over?

Mr. GORMAN. Yes.

Mr. ALDRICH. Let it be passed over.

Mr. GORMAN. That is the amendment. I now offer what I send to the desk as a substitute for all from line 22, on page 40, down to and including line 14, on page 42.

The SECRETARY. Beginning with line 22, on page 40, strike out all of the bill down to and including line 14, on page 42, and insert—

Mr. JONES of Arkansas. I ask the Senator from Iowa if the word "any" was stricken out on the top of page 43 and "each" inserted?

Mr. ALLISON. We have not reached that yet. Is it the wish of the Senator from Maryland to have a vote now upon his amendment?

Mr. GORMAN. I should like very much to have it now. I should be glad to have a vote. I want to get on with the bill.

Mr. JONES of Arkansas. I think the Senator from Iowa had better first amend the proposition proposed to be stricken out and put in the word "each" where "any" occurs in line 1, page 42. It can be done by unanimous consent.

The SECRETARY. In line 1, page 42, strike out "any" and insert "each."

Mr. ALLISON. I thank the Senator from Arkansas. I did not understand his proposition.

The VICE-PRESIDENT. Without objection, the amendment to the amendment just stated will be agreed to. The Chair hears none, and it is agreed to.

Mr. JONES of Arkansas. Now, the Senator from Maryland can offer his amendment.

The VICE-PRESIDENT. The Senator from Maryland proposes a substitute which will be read.

The SECRETARY. Beginning on line 22, page 40, strike out all of the bill down to and including line 14, on page 42, and insert:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, street railroad, sleeping car, steamboat, ship, or other vessel, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, or carrying on or doing an express business, or having the care or management of any telegraphic or telephone line by which telegraphic or telephone dispatches or messages are received or transmitted, or carrying on or doing the business of furnishing gas or electric light, electric power, steam heat, or steam power, or refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed \$250,000, shall be subject to pay annually a special excise tax equivalent to one-fourth of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of \$250,000. *Provided*, That the assessment hereby made shall not include any amount for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port; but such tax shall be rated for the transportation of persons, freight, or mails from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freight, or mails.

And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or, in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each failure or refusal to make return as aforesaid and for each and every false or fraudulent return.

Mr. GORMAN. I ask for the yeas and nays on agreeing to the amendment.

Mr. PETTIGREW. Mr. President, I do not believe that this amendment in its present form will accomplish the purpose of collecting much, if any, tax from the corporations. It provides that all their receipts to the amount of \$250,000 shall be exempt from taxation. Many of the large corporations are composed in reality of a great number of smaller corporations. Some of them are simply a combination of perhaps a hundred or two hundred corporations, and the receipts of the great organization are distributed among the minor corporations from the books of the company. The consequence is that the amount of tax that will be collected under this provision will, in my opinion, be exceedingly small. Some of the great railroad organizations of the country are made up of pieces of lines 60, 100, 10, 2, and 1 mile in length, and upon their books a separate account is kept with each corporation. I know one of the great systems of this country that in my opinion is divided up into a hundred corporations, and under this proposed act \$250,000 will be deducted, and it will exempt from taxation every one of them.

What is more, Mr. President, this tax is \$2,500 on every million dollars of their receipts. All they have to do if a company receives a million dollars is to create four companies, and then it is merely a matter of bookkeeping, and they pay no tax at all. So the amendment, in my opinion, is simply a delusion and will result in no revenue. I do not believe you will get as much out of it if you adopt it as you will get out of the provision of the bill as it now stands, as reported by the committee. The stamp on vouchers, waybills, etc., will, in my opinion, bring more revenue than this will bring.

The amendment has been made immeasurably worse by decreasing the amount from one-half of 1 per cent to one-fourth of 1 per cent, and it is made immeasurably worse than when first offered by the Senator from Maryland by inserting the exemption clause as to all these corporations. Therefore I shall vote for the amendment in its present form. I shall not vote for the amendment which strikes out the provision placed in the bill, presented as it is in such a form that it will be impossible to secure a vote upon an amendment to it which would make it acceptable.

Mr. BACON. Will the Senator from South Dakota permit me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. BACON. Does not the Senator see that in refusing to vote for the amendment in its present form the Senator is cooperating with those who are opposed to this tax in any form?

Mr. PETTIGREW. Not at all; for I shall offer the amendment at another place in the bill, and offer it without the objectionable features against which I protest. I am deprived now of the opportunity of offering my amendment so that I can vote for it, because my amendment, if offered to this amendment, would be in the third degree. Therefore I shall vote against it, and then I shall offer an amendment which will tax all these corporations on their total receipts and make the tax one-quarter of 1 per cent, perhaps one-half of 1 per cent.

This is the only feature of the bill that is not a tax upon consumption, a per capita tax. It is the only feature of the bill where we can reach the great combinations of wealth in this country. I wish to have it so that I can reach those combinations of wealth and not be trapped into voting for an amendment which pretends to reach them and does not do it, and that is what this amendment does. I take it for granted that the Senator from Maryland in presenting it in this form and in this way was not aware of the fact that little would come of it.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Maryland to one fact. I think the character of his amendment is such that he ought to include in the portion stricken out also section 17, on page 27, relating to telegraph messages. In this amendment you include, as I understand it, gross earnings on railroads, transportation companies, telephone companies, telegraph companies, sugar-refining and oil-refining companies. If you include telegraph companies and make them pay a gross-earning tax, you ought to relieve them from the stamp tax, as you propose to do in the case of railroads. That would make the amendment entirely consistent. I make that suggestion to the Senator from Maryland.

Mr. DANIEL. Will the Senator from Minnesota allow me to call his attention to the fact that the telegraph companies in the message tax are not taxed at all? The tax is on the sender of the message and not on the company. The bill has been very skillfully drawn with a view to exempting corporations of all kinds and large amounts of wealth from taxation. It puts a tax on the sender of the message, not upon the company.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the committee, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. I do not see him in his seat, and will withhold my vote. If I could vote, I would vote "nay."

Mr. HANNA (when his name was called). I am paired with the junior Senator from Utah [Mr. RAWLINS]. If he were present, I should vote "nay."

Mr. FAULKNER (when Mr. HEITFELD's name was called). The Senator from Idaho [Mr. HEITFELD] is paired with the Senator from West Virginia [Mr. ELKINS].

Mr. ALDRICH. The Senator from West Virginia [Mr. ELKINS] is paired with the Senator from Nebraska [Mr. ALLEN] by a special arrangement between the two Senators for the afternoon.

Mr. FAULKNER. I did not know of that arrangement. The Senator from West Virginia did not make that statement to me.

Mr. ALDRICH. The Senator from West Virginia came to me and asked me to announce the pair.

Mr. LODGE (when his name was called). I am paired with the junior Senator from Georgia [Mr. CLAY]. If he were present, I should vote "nay."

Mr. CHILTON. The Senator from Georgia [Mr. CLAY] just before he left desired me to announce that he is in favor of the amendment offered by the Senator from Maryland.

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR], and withhold my vote.

Mr. GALLINGER. I suggest to the Senator from Florida that we exchange our pairs. I am paired with the Senator from Texas [Mr. MILLS]. That will enable us both to vote.

Mr. MALLORY. That is agreeable to me. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], who is absent, and I withhold my vote.

Mr. PLATT of New York (when his name was called). I am paired with the senior Senator from Colorado [Mr. TELLER], and withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. I am informed that the Senator from Idaho [Mr. HEITFIELD] is absent without a pair, and I therefore transfer my pair with the Senator from Nebraska [Mr. THURSTON] to the Senator from Idaho [Mr. HEITFIELD] and vote "yea."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], who is absent, and therefore withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from Washington [Mr. TURNER], and therefore withhold my vote.

Mr. WILSON (when his name was called). On this question, at the request of the junior Senator from Nevada [Mr. STEWART], I am paired with the senior Senator from Nevada [Mr. JONES]. If he were present, he would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. LODGE. I will transfer my pair with the junior Senator from Georgia [Mr. CLAY] to the junior Senator from Illinois [Mr. MASON], who is absent, unpaired. Therefore, the Senator from Georgia will stand paired with the Senator from Illinois, and I will vote. I vote "nay."

Mr. BACON. My colleague [Mr. CLAY] is absent from the city by reason of sickness in his family. If he were present, he would vote "yea." I am so authorized to state.

Mr. SULLIVAN. I understand that I have a pair with the junior Senator from Illinois [Mr. MASON], and for that reason I shall not vote. If he had been present, I should have voted "yea."

Mr. FAIRBANKS. I was requested by the Senator from Oregon [Mr. MCBRIDE] to announce his pair with the senior Senator from Mississippi [Mr. MONEY]. The Senator from Oregon is absent. If he were present, he would vote "nay."

Mr. BUTLER. I have a general pair with the junior Senator from Maryland [Mr. WELLINGTON]. If he were present, he would vote "nay." I transfer my pair to the Senator from Missouri [Mr. VEST], who, if present, would vote "yea," I understand, and I will vote. I vote "yea."

Mr. HANNA. I have a pair with the junior Senator from Utah [Mr. RAWLINS]. I desire to transfer that pair to the Senator from Vermont [Mr. MORRILL], who is paired with the Senator from Indiana [Mr. TURPIE]. I vote "nay."

Mr. LODGE (after having voted in the negative). The senior Senator from Georgia [Mr. BACON] informs me that he does not think his colleague [Mr. CLAY] would like to have me transfer his pair. Therefore I withdraw my vote.

Mr. GALLINGER. Under the arrangement made a moment ago, the pair of the Senator from Texas [Mr. MILLS] was to be transferred to the Senator from Vermont [Mr. PROCTOR]. The Senator from Vermont has since appeared in the Senate Chamber and voted. I now suggest to the Senator from Mississippi [Mr. SULLIVAN], as I stand paired with the Senator from Texas [Mr. MILLS] and he with the Senator from Illinois [Mr. MASON], that we transfer our pairs, and that will allow us both to vote, if agreeable to the Senator from Mississippi.

Mr. SULLIVAN. Very well.

Mr. GALLINGER. I vote "nay."

Mr. SULLIVAN. I vote "yea."

Mr. TURPIE. According to the transfer announced by the junior Senator from Ohio [Mr. HANNA], I am at liberty to vote. I vote "yea."

The result was announced—yeas 27, nays 34; as follows:

YEAS—27.

Bacon,	Faulkner,	Mallory,	Stewart,
Bate,	Gorman,	Martin,	Sullivan,
Berry,	Gray,	Murphy,	Tillman,
Butler,	Harris,	Nelson,	Turley,
Cannon,	Jones, Ark.	Pasco,	Turpie,
Cockrell,	Kyle,	Perkins,	White,
Daniel,	McLaurin,	Roach,	

NAYS—34.

Aldrich,	Davis,	Hansbrough,	Pritchard,
Allison,	Deboe,	Hawley,	Proctor,
Baker,	Fairbanks,	Lindsay,	Sewell,
Barrows,	Foraker,	McEnery,	Shoup,
Cañero,	Frye,	McMillan,	Spooner,
Carter,	Gallinger,	Mantle,	Wetmore,
Chandler,	Gust,	Mitchell,	Wolcott,
Clark,	Hale,	Pettigrew,	
Cullom,	Hanna,	Platt, Conn.	

NOT VOTING—23.

Allen,	Kenney,	Morrill,	Teller,
Chilton,	Lodge,	Penrose,	Thurston,
Clay,	McBride,	Pettus,	Turner,
Illinois,	Mason,	Platt, N. Y.	Vest,
Heitfield,	Mills,	Quay,	Warren,
Hoar,	Money,	Rawlins,	Wellington,
Jones, Nev.	Morgan,	Smith,	Wilson,

So Mr. GORMAN's amendment to the amendment of the committee was rejected.

Mr. PETTIGREW. I offer what I send to the desk as an additional amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 49, after line 14, it is proposed to insert:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, street railroad, sleeping car, steamboat, ship, or other vessel, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, or carrying on or doing an express business, or having the care or management of any telegraphic or telephone line by which telegraphic or telephone dispatches or messages are received or transmitted, or carrying on or doing the business of furnishing gas or electric light, electric power, steam heat, or steam power, or refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, shall be subject to pay annually a special excise tax equivalent to one-half of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business: *Provided*, That the assessment hereby made shall not include any amount for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port; but such tax shall be rated for the transportation of persons, freight, or mails from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freight, or mails.

And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or, in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each and every false or fraudulent return.

Mr. PETTIGREW. As I understand it, the amendment which I now offer is the same as the amendment offered last week by the Senator from Maryland [Mr. GORMAN], with the exemption stricken out, so that the tax on gross receipts of these corporations shall be one-half of 1 per cent.

Mr. JONES of Arkansas. Is it proposed as a substitute?

Mr. PETTIGREW. I do not propose it as a substitute, but as an additional section.

Mr. GALLINGER. I rise to inquire of the Senator if it is proposed to put this tax upon these corporations in addition to the stamp tax?

Mr. PETTIGREW. Certainly.

Mr. GALLINGER. It is an additional tax?

Mr. PETTIGREW. Certainly.

Mr. GALLINGER. Then it certainly ought not to be adopted.

Mr. MANTLE. In view of what the Senator from South Dakota [Mr. PETTIGREW] has just said, I move to amend in line 5, on page 2, of the amendment, by reducing the amount from one-half to one-fourth.

The VICE-PRESIDENT. The original amendment offered by the Senator from South Dakota is subject to amendment.

Mr. PETTIGREW. Certainly; I suppose it is subject to amendment. It is not a motion to strike out.

The VICE-PRESIDENT. The amendment of the Senator from Montana [Mr. MANTLE] to the amendment of the Senator from South Dakota will be stated.

The SECRETARY. It is proposed to amend the amendment on page 2, line 5, after the word "one," where it first occurs, by striking out "half" and inserting "fourth," so as to read:

Shall be subject to pay annually a special excise tax equivalent to one-fourth of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment as amended.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I announce my pair with the Senator from Texas [Mr. MILLS], but will suggest to the Senator from Mississippi [Mr. SULLIVAN] that we transfer our pairs, and that will enable us both to vote. So the Senator from Texas will stand paired with the Senator from Illinois [Mr. MASON]. I vote "nay."

Mr. HANNA (when his name was called). I desire to state that I make the same exchange of pairs on this vote as on the previous vote, which will enable the Senator from Indiana [Mr. TURPIN] and myself to vote. I vote "nay."

Mr. KYLE (when his name was called). I should like to ask if the proposition is a substitute for the pending amendment or in addition to it?

The VICE-PRESIDENT. It is an additional amendment.

Mr. KYLE. Is it an additional tax?

Mr. FAULKNER. Yes.

Mr. KYLE. Then I vote "nay."

Mr. LODGE (when his name was called). I am paired with the junior Senator from Georgia [Mr. CLAY]. If he were present, I should vote "nay."

Mr. FAIRBANKS (when Mr. McBRIDE's name was called). I am requested to announce that the Senator from Oregon [Mr. McBRIDE] is paired with the Senator from Mississippi [Mr. MONEY]. The Senator from Oregon is unavoidably absent. He would vote "nay" on this question if present.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. NELSON (when his name was called). I am paired with the senior Senator from Missouri [Mr. VEST], but under the exchange of pairs heretofore announced by the Senator from North Carolina [Mr. BUTLER], who was paired with the Senator from Maryland [Mr. WELLINGTON], I am at liberty to vote, and vote "nay."

Mr. BUTLER. That amounts to both the Senator from Minnesota [Mr. NELSON] and I transferring our pairs, so that the Senator from Missouri [Mr. VEST] stands paired with the Senator from Maryland [Mr. WELLINGTON].

Mr. PETTUS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR].

Mr. PLATT of New York (when his name was called). I again announce my pair with the senior Senator from Colorado [Mr. TELLER]. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I again announce that I transfer my pair with the Senator from Nebraska [Mr. THURSTON] to the Senator from Idaho [Mr. HEITFELD]; and I vote "yea."

Mr. TURPIE (when his name was called). With the transfer of pairs announced by the junior Senator from Ohio [Mr. HANNA], I am at liberty to vote, and vote "yea."

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. TURNER]. In his absence, I withhold my vote.

Mr. WILSON (when his name was called). I again announce my pair with the Senator from Nevada [Mr. JONES]. If he were present, he would vote "yea," and I should vote "nay."

The roll call was concluded.

Mr. PASCO. I was requested by the Senator from Mississippi [Mr. MONEY] to give notice that he is paired on these questions with the Senator from Oregon [Mr. McBRIDE].

Mr. ALDRICH. I was requested by the Senator from West Virginia [Mr. ELKINS] to state that on all questions pertaining to this bill he is paired for this afternoon with the Senator from Nebraska [Mr. ALLEN].

Mr. BACON. I again announce that my colleague [Mr. CLAY] is unavoidably absent. He is paired with the junior Senator from Massachusetts [Mr. LODGE]. If present, my colleague would vote "yea."

The result was announced—yeas 26, nays 36; as follows:

YEAS—26

Bacon,	Cockrell,	Mantle,	Sullivan,
Bate,	Daniel,	Martin,	Tillman,
Berry,	Gorman,	Murphy,	Turley,
Butler,	Harris,	Pasco,	Turpie,
Cannon,	Jones, Ark.	Pettigrew,	White,
Carter,	McLaurin,	Rosch,	
Chilton,	Mallory,	Stewart,	

NAYS—36

Aldrich,	Deboe,	Hanna,	Perkins,
Allison,	Fairbanks,	Hansbrough,	Platt, Conn.
Baker,	Faulkner,	Hawley,	Pritchard,
Burrows,	Foraker,	Kyle,	Proctor,
Caffery,	Frye,	Lindsay,	Sewell,
Chandler,	Gallinger,	McEnery,	Shoup,
Clark,	Gear,	McMillan,	Spooner,
Cullom,	Gray,	Mitchell,	Wetmore,
Davis,	Hale,	Nelson,	Wolcott,

NOT VOTING—27.

Allen,	Lodge,	Penrose,	Thurston,
Clay,	McBride,	Pettus,	Turner,
Elkins,	Mason,	Platt, N. Y.	Vest,
Heitfeld,	Mills,	Quay,	Warren,
Hoar,	Money,	Rawlins,	Wellington,
Jones, Nev.	Morgan,	Smith,	Wilson,
Kenney,	Morrill,	Teller,	

So the amendment was rejected.

Mr. WHITE. I desire to offer an amendment, which I ask may take the place of amendment No. 177 of the bill. The object of it is, briefly, to impose an excise tax of one-fourth of 1 per cent upon the business of oil refining and sugar refining, so that the Standard Oil and the sugar trusts will be able to pay taxes under the bill, which under the present status, without this amendment, is somewhat doubtful.

The VICE-PRESIDENT. The amendment proposed by the Senator from California will be stated.

The SECRETARY. In lieu of the committee amendment No. 177, on page 50, it is proposed to insert the following:

Every person carrying on or doing the business of refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed \$250,000, shall be subject to pay annually a special excise tax equivalent to one-quarter of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of \$250,000.

And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or, in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 for each failure or refusal to make return as aforesaid and for each and every false or fraudulent return.

Mr. DANIEL. I wish to say a word about this tax. The great distress amongst the corporations of the country and the wealthy men, which has led them to deprecate being called on to participate in the war with Spain, is relieved to a certain extent by the condition of the Standard Oil Company. I am sure the Senate will receive with satisfaction the information that their certificates are now at the very highest rate they have ever been. It is announced in the papers this morning that yesterday they touched the highest point in their history, being worth 449. I do not think they will be put in the poorhouse by contributing a portion, a small fraction of 1 per cent, to the Government, participating in the advantages of which they have so enriched themselves.

Mr. PLATT of Connecticut. I desire to say in a word why I propose to vote against this amendment. If it were not that a prejudice exists against two corporations, the Standard Oil Company and the American Sugar Refining Company, I think no Senator would vote for it—not one.

Mr. DANIEL. I will be glad to add any other corporation that the Senator may suggest.

Mr. PLATT of Connecticut. It is picking out from all the interests of the country two classes of business where it is absolutely certain that the corporations will not pay the tax, but that it will be paid by the consumer. There is no other business in the country where the corporations or the persons engaged in it can so surely and certainly evade the payment of the tax as in the case of the business of oil refining and sugar refining, and, what is more, the persons engaged in the business will be very careful in raising the price of oil and sugar to raise it a little more than the tax, so that the consumer will pay not only the tax, but the additional profit to these two companies.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California [Mr. WHITE].

Mr. BERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). Under the arrangement formerly made, pairing the Senator from Maryland [Mr. WELLINGTON] with the Senator from Missouri [Mr. VEST], I shall vote. I vote "yea."

Mr. GALLINGER (when his name was called). I announce my pair with the senior Senator from Texas [Mr. MILLS], and will be pleased to exchange pairs so that the Senator from Mississippi and I can vote. I vote "nay."

Mr. HANNA (when his name was called). Under the agreement with the Senator from Indiana, I will vote. I vote "nay."

Mr. LODGE (when his name was called). I again announce my pair with the junior Senator from Georgia [Mr. CLAY]. If he were present, I would vote "nay" and I suppose he would vote "yea."

Mr. McLAURIN (when his name was called). I announce my pair with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. PETTUS (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). Under the arrangement twice announced I will vote. I vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the junior Senator from Washington [Mr. TURNER].

Mr. WILSON (when his name was called). I again announce my pair with the senior Senator from Nevada [Mr. JONES]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. FAIRBANKS. I was requested by the Senator from Oregon [Mr. McBRIDE] to announce that he is paired with the senior Senator from Mississippi [Mr. MONEY]. The Senator from Oregon is unavoidably absent. If present, he would vote "nay."

Mr. BACON. If my colleague [Mr. CLAY] were present, he would vote "yea."

The result was announced—yeas 33, nays 26; as follows:

YEAS—33

Bacon,	Cullom,	Mallory,	Stewart,
Baker,	Daniel,	Mantle,	Sullivan,
Bate,	Paulkner,	Martin,	Tillman,
Berry,	Gorman,	Mitchell,	Turley,
Butler,	Gray,	Murphy,	Turpie,
Cannon,	Harris,	Pasco,	White.
Carler,	Jones, Ark.	Perkins,	
Chilton,	Kyle,	Pettigrew,	
Cockrell,	Lindsay,	Roach,	

NAYS—26

Aldrich,	Deboe,	Hanna,	Proctor,
Allison,	Fairbanks,	Hansbrough,	Sewell,
Burrows,	Foraker,	Hawley,	Shoup,
Caffery,	Frye,	McEnery,	Spooner,
Chandler,	Gallinger,	McMillan,	Wetmore.
Clark,	Goar,	Nelson,	
Davis,	Hale,	Platt, Conn.	

NOT VOTING—30

Allen,	McBride,	Pettus,	Turner,
Clay,	McLaurin,	Platt, N. Y.	Vest,
Elkins,	Mason,	Pritchard,	Warren,
Heitfeld,	Mills,	Quay,	Wellington,
Hoar,	Money,	Rawlins,	Wilson,
Jones, Nev.	Morgan,	Smith,	Wolcott.
Kenney,	Morrill,	Teller,	
Lodge,	Pourose,	Thurston,	

So the amendment was agreed to.

Mr. ALLISON. The amendment is inserted on page 59, as I understand.

The VICE-PRESIDENT. It was offered in place of amendment No. 177.

Mr. ALLISON. I hope that without further amendment we may vote upon the paragraphs on pages 40, 41, and 42.

Mr. STEWART. What are they?

Mr. ALLISON. They are the stamp taxes.

Mr. STEWART. I desire to offer an amendment at some stage.

Mr. SEWELL. I call the attention of the honorable Senator from Iowa to the statement made by me a few days ago when this subject was under consideration in relation to a double tax proposed on receipts and waybills. In this section we levy a tax of 1 cent upon all manifests or receipts for goods. There is no objection to that; but in another section which was not intended to cover it at all, which is really intended to relieve some interests of the stamp tax—I will read the section.

Mr. MANTLE. What page?

Mr. SEWELL. Page 53, amendment No. 142:

Receipts for the payment of any sum of money, or for the payment of any debt due, not being for the satisfaction of any mortgage or judgment or decree of any court, and not otherwise in this act especially enumerated, 1 cent.

Now, the fact of the case is simply this: If you were to ship a box of goods from here to Baltimore, you would pay 1 cent on the manifest. Prepayments are very seldom made. The party receiving it on the other end, or the railway corporation, would have to stamp the receipt, paying 1 cent at each end. By a careful calculation it is found that the number of waybills in this country in a year approaches nearly 500,000,000. There is no objection to taxing the railroads to that extent, but when you come to add, which is not the intention of the committee at all, 500,000,000 receipts which they have to give for the money, you simply double their taxation.

Mr. CULLOM. That will be \$5,000,000.

Mr. SEWELL. Five million dollars on each end.

Mr. ALLISON. Will the Senator from New Jersey allow me to interrupt him for a moment? The committee in the consideration of the subject a few days ago unanimously agreed that receipts exceeding \$5 only should be taxed, so that the vast majority of waybills would not come under that provision. But I will say further to the Senator that I think some amendment can be reached that will cover the case suggested by him.

Mr. SEWELL. I think it is perfectly proper that the railroad company should pay a fair portion of the tax.

Mr. ALLISON. For myself, if the receipt for the money can

be identified as a part of the waybill, as a part of the original transaction, I think it should not bear double taxation; but I do not speak for the committee.

Mr. SEWELL. The tax ought to be put on the receipt for the money.

If you will allow me to suggest an amendment, I will be glad to have the committee agree with me, because I do not think they at any time during the preparation of the bill had any idea that they were going to tax the receipts at one end and the waybills at another. On page 41, line 9, after the word "thereof," this could be covered by inserting "when the service to be performed is prepaid." The other section then covers everything that is receipted for.

Mr. ALDRICH. That will not do.

Mr. ALLISON. I should not like to consent to that amendment. This amendment was very largely considered by a subcommittee of which the Senator from Colorado was the chief.

Mr. SEWELL. I do not care how it is done. I want the principle acknowledged that you are taxing at both ends of the line.

Mr. ALLISON. We will not tax at both ends of the line if we can arrange a proper substitute, but the Senator provides now that the stamp shall not be affixed except in case of prepayment. Of course then there will be no prepayment.

Mr. SEWELL. They must necessarily under the other section put on a stamp for the payment of the money in each case.

Now, I have another suggestion to make about the other section. I offer to amend the other section, if the Senator does not want to have this section amended, although it is the proper place for it, by inserting on page 53, line 1, amendment No. 142—

Mr. ALLISON. That amendment is not under consideration. When we reach it the committee itself proposes an amendment. Besides, I will call the attention of the Senator to the fact that the committee amendments are to be first considered.

Mr. SEWELL. I should be gratified to know what action the committee will take on this question.

Mr. PLATT of Connecticut (to Mr. SEWELL). You can amend the committee amendment.

Mr. SEWELL. I move to insert "when the service to be performed is prepaid."

Mr. ALLISON. I can not agree to that amendment on behalf of the committee. I do not think it is a proper amendment to make, because it seems to me if we adopt that amendment there will be no waybills prepaid, and therefore there will be no stamp tax.

Mr. SEWELL. The stamp tax will be on the receipt.

Mr. ALLISON. That is a very different thing.

Mr. SEWELL. I will offer another amendment and ask to have it printed. If the chairman has no objection, I will read it. It is to the other section. On page 53, amendment 142, line 1, after the words "decree of any court," insert "nor for the payment of charges on goods received for carriage and transportation, bills of lading, manifests, or receipts for which are hereinbefore required to be issued and stamped." Either end of the line I want to have relieved. I ask that the amendment may be printed.

Mr. ALLISON. It may be printed.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. GORMAN. I should like to ask the Senator whether we have amended this provision so as to exclude from the stamp tax every bill of lading where the consideration is under \$5?

Mr. ALLISON. We propose to amend the provision relating to receipts; that receipts for less than \$5 need not be stamped. That is on page 53.

Mr. GORMAN. That does not apply to receipts in the case of express companies?

Mr. ALLISON. It does not.

Mr. GORMAN. It does not affect this amendment?

Mr. ALLISON. It has no relation to this amendment.

Mr. GRAY. The Senator from Iowa says that has no relation to this amendment.

Mr. ALLISON. It does not affect this provision in any way, because the other provision is a receipt for money. This is a receipt for property. This is a bill of lading for property.

Mr. GRAY. That is a bill of lading, a transportation receipt. Mr. PLATT of Connecticut. The word "receipt" has been stricken out of this provision in four places.

Mr. ALLISON. The other paragraph under consideration relates to receipts for money and not for property.

Mr. GRAY. Mr. President, I have some general notions in regard to this method of taxation which I did not intend to trouble the Senate with now. I do not know that I shall trouble it with them at all except to allude to them in the briefest possible way.

I voted for the tax on gross receipts in lieu of this whole stamp provision. I do not conceive that there is any more, I will not say odious form of taxation, but any more troublesome, annoying, and irritating form of taxation than this form of excise tax, a

general stamp tax. It always has been so. It was the mode of the tax rather than the measure or the amount of the tax which was the principal grievance in our early history and brought about our separation from the mother country.

I do not believe in taxation for the sake of taxation. I do not believe in taxation which is meant to be an attack on classes or interests anywhere, wherever they may exist under the protection of the law. I believe that the great activities of commerce and exchange, the great activities of business and wealth producing, should be as free as possible from the interfering hand of the Government. There may be, it is true, a dire necessity—an extreme condition which will warrant extreme measures of taxation—but I do not believe that we have reached that extreme condition now.

All taxes of this character, however they may be directed at what we call the wealth of the country, in some fashion and in some way sift down to consumption. Every restraint and interference that we make on the great machinery of exchange of commodities, every burden that we place upon exchange and commercial activities, is a blow at the wealth-producing capacity of the country and affects the poorest man more than it does the wealthiest members of the community.

It is a burden on the wealth-producing capacity of the country, and the wealth-producing capacity of a country is the measure of its civilization, of its happiness, and its prosperity. When you throw into this great and intricate machinery some clog, something that interferes with its movement and smooth running, then you interfere to the detriment of all classes and you interfere with the poorest member of the community and detract something from the prosperity of each, and of the humblest member of society. I do not believe, sir, that taxation of that kind, unless justified by extreme necessity, unless compensated for either by the amount of the tax or an absolute exigency, ought to be imposed in this way, and especially at this time.

Now, I do not understand that this levy will produce any very great amount of revenue. I am not sure that it will produce an amount that will compensate for the interference it makes with the great business operations of the country and the machinery by which that business is done. I do not understand that this stamp tax will produce a large sum. I have not heard the Senator who has the bill in charge say how much this stamp tax will produce; and I ask him if it will produce more than \$5,000,000 or \$6,000,000?

Mr. ALLISON. This particular tax?

Mr. GRAY. This particular tax. Is there any estimate?

Mr. ALLISON. On corporations and railroads I think it would produce probably six or seven million dollars.

Mr. GRAY. I do not think that a tax of that kind, proposing to raise that amount, is sufficient compensation for the interference it will make and the annoyance it will create and the burdens that it will impose, not on the corporation, not on this aggregation of wealth, but on the community in which this great machinery operates.

Mr. ALDRICH. If the Senator will permit me, I understood the Senator from Colorado [Mr. WOLCOTT], quoting the Senator from New Jersey [Mr. SEWELL], to say that the Senator from New Jersey objected to this tax on account of the large amount that it would impose.

Mr. GRAY. I am not considering the objections of the Senator from New Jersey. I am considering a much broader question than anything I heard the Senator from New Jersey allude to.

Mr. ALDRICH. I understood the Senator from New Jersey to state that the Pennsylvania Railroad alone would have to pay about a million dollars under this provision.

Mr. GRAY. That is not a sufficient amount of tax to be an offset to what I conceive to be its hardship and its burden. I believe that the taxes which are most widely diffused will bear with the lightest weight and with the least burden upon the people at large. We can raise \$30,000,000 by a tariff tax upon the two articles of tea and coffee, which no State can touch, which are easily collected, which would create no subsidy for any private interest. Every dollar of it will go into the Treasury and not a dollar into the pockets of any subsidized or favored class.

Mr. SEWELL. Will the Senator from Delaware allow me?

Mr. GRAY. Certainly.

Mr. SEWELL. I stated the amount at about \$500,000,000, which means \$5,000,000, a pretty fair tax on a railroad, besides the other taxes they have to pay under this bill for all their transfers of stock, etc., amounting to several million more. But what I objected to was the duplication from the initial point, having to pay another \$5,000,000 at the other end.

Mr. GRAY. That is what I understood the Senator from New Jersey to say, and that is in line with my objection to the unnecessary interference and irritating character of this tax, to which I have alluded.

Now, Mr. President, there is another question to which I wish to allude very briefly. At this late hour I ask pardon of the Senate for saying anything. I believe, sir, that in our place here—

in considering the propriety of a Federal tax, we are bound to consider the dual form of our Government. In performing our high function as the legislative body of the Union with limited powers under the Constitution of the United States, we are bound to remember that this Government is the agent of sovereign States, each of them possessing in a primary fashion, which the Government of the United States does not possess, the taxing power unlimited, and, in relation to the purposes to which it is applied, vastly more wide and far-reaching than any purposes that are committed by the Constitution to the Congress of the United States.

All the great purposes of civilized life, all the great purposes of society which require taxation belong to the States, and we can not meddle with them. We are here as deputies of the States; we are here as ambassadors from the States, and we can not forget that other and wider domain of taxation which belongs to the States severally in their capacity as sovereign members of this great sisterhood of republics.

Now, Mr. President, the sum of State taxation is vastly more than the sum of the Federal taxation. Not only the enumerated objects for which the Federal Government can impose taxation, but all conceivable subjects of taxation are committed to the State governments for the protection of life and liberty and social order, for the policing of the everyday life of the citizen. All that belongs to the States, and their domain of taxation ought not to be needlessly, not to say ruthlessly, invaded by us who stand here as the agents of the Federal Government and as the agents and deputies of the States themselves.

In the formation of the Federal Constitution we have had committed to the Federal Government a domain of taxation that is excluded from the use of the States, to which they can not resort, and it has been the policy of this Government, so far as it might, to confine the burden of Federal taxation to that exclusive domain. We have the tariff taxation, to which the States can not resort, and upon which largely has the burden of Federal taxation wisely been placed. I do not believe without great circumspection, without an exigency which would be apparent to all, that we should lay these taxes, which are bound to duplicate State taxes, and enact into law a system of levy that must seriously interfere with the sovereign taxing power of every State in this Union.

Mr. WOLCOTT. Will the Senator from Delaware permit me to ask him a question?

Mr. GRAY. Certainly.

Mr. WOLCOTT. Would the Senator suggest raising the extraordinary sums which must be raised to meet these war expenses, which may be from four hundred to eight hundred million dollars in twelve months, by increasing our tariff provisions?

Mr. GRAY. Yes; I would put a tax on tea and coffee and raise \$30,000,000 at once without putting a cent into the pockets of any private interest or class.

Mr. WOLCOTT. On tea I agree with the Senator; but would he raise several hundred millions by increased tariff provisions?

Mr. GRAY. No; I am only speaking now of this stamp tax as being a mode of taxation which is unnecessary, interfering, burdensome, and destructive of the power of the States.

Mr. WOLCOTT. But I understood the Senator to say that the Federal Government had reserved to itself a certain domain of taxation into which the States could not enter?

Mr. GRAY. Yes.

Mr. WOLCOTT. That is practically limited to the tariff, is it not?

Mr. GRAY. Practically, yes.

Mr. WOLCOTT. If it is practically limited to the tariff—

Mr. GRAY. And to the income from the sale of public lands.

Mr. WOLCOTT. But that in these late days would not amount to a drop in the bucket. It is practically limited to a tariff and nothing else. Then the Senator's suggestion is that the several hundred million dollars annually ought to be raised by increasing our tariff, as I understand him?

Mr. GRAY. It can be raised largely in that way.

Mr. WOLCOTT. And that is the Senator's suggestion of the proper way?

Mr. GRAY. The Senator is making suggestions for me.

Mr. WOLCOTT. I would not do that.

Mr. GRAY. I have no objection at all to his interruption, nor have I any objection to his making inferences from any proposition I have laid down.

Mr. WOLCOTT. I would not for the world do that.

Mr. GRAY. But we are not now discussing a tariff bill. I suppose it will be competent to put an amendment on this bill—

Mr. LINDSAY. I suggest to the Senator you may raise more money by reducing the tariff than by raising it.

Mr. GRAY. That is true.

Mr. LINDSAY. We have raised it so high now that—

Mr. WOLCOTT. May I ask the Senator from Kentucky a

question? Would he suggest the raising of three or four hundred million dollars a year by taking off some of our tariff taxes?

Mr. GRAY. By reducing some of them.

Mr. WOLCOTT. Would he be by reducing them?

Mr. LINDSAY. You have placed tariff exclusions wherever you could. The bill is made up of tariff exclusions wherever they could be imposed.

Mr. GEAR. I call the attention of the Senator from Delaware to the fact that it did not work well in 1894 and in 1897.

Mr. ALDRICH. Will the Senator from Delaware allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. ALDRICH. I am not quite certain whether I understand the Senator's argument. We are now talking about imposing a stamp tax upon certain instruments. I do not know that any State ever undertook to impose a stamp tax upon any instruments at any time. It has been, as I supposed, one of the recognized means of levying taxes, especially in war times, upon the part of the Federal Government, to impose a stamp tax.

Mr. GRAY. They do not call it a stamp tax, but the States raised revenue by various methods of taxation, including taxes on business, occupations, manufactures, railroads, and corporations generally.

Mr. ALDRICH. But this is a stamp tax definitely and distinctly.

Mr. GRAY. A stamp tax is *prima facie* an odious tax. It may be a necessary tax. I do not think it is a necessary tax to-day.

Mr. ALDRICH. The Senator does not think it is an unconstitutional tax?

Mr. GRAY. No; I did not say that. It is not unconstitutional. The power of the Federal Government in regard to taxation as granted by the Constitution is unlimited in amount.

Mr. ALDRICH. Or that it is a method of taxation that ought to belong to the States alone?

Mr. GRAY. And the only limit upon it is the good sense and the patriotism of the Congress that deals with such a subject.

Now, Mr. President, I believe that these subjects of taxation, as largely as possible and as largely as the needs of the Federal Government will justify, should be left untouched, in order that the States may use them and employ their means of taxation to raise the revenue so necessary for the large aggregate amount of taxation that the States naturally levy upon their citizens and the business transacted within their limits.

Mr. President, the aggregate of the State, county, and municipal taxation is three or four times the amount of Federal taxation. You can not enter this domain of taxation as to a single item without duplicating a State tax. Some one has said here in the course of this debate that there are States here who pay all their State expenses out of the tax on the railroads. Why should it not be left to them? Unless there is an absolute exigency, why should we duplicate that taxation and add to the burden that is placed upon the transportation of passengers and commodities within the States or between the States? All these things are conveniences of civilization.

They are conveniences that enter into the life of the poorest as well as of the wealthiest citizens. The tax burden that is placed upon the community at large is greater upon its poorer members when you make more expensive the operation of the machinery of civilized life or place the interfering hand of the Government upon these great instrumentalities of commerce so important to the wealth-producing capacity of a people.

For this reason, Mr. President, I shall vote against these stamp taxes, not that they are unconstitutional, not that there may not a time come when it will be necessary to resort to them, but there is no compensation in the amount of revenue that is estimated to come from this method of taxation that will at all, in my opinion, compensate for the burden that it will place upon the business activities upon which the general well-being so largely depends.

Mr. BERRY. I should like very much to have a short executive session, and, with the consent of the Senator from Iowa, I will so move.

Mr. ALDRICH. I hope the Senator will allow a vote to be taken on the pending amendment.

Mr. BERRY. Senators tell me on this side that a vote can not be taken. It would be so late that we should miss the executive session. It is quite important to have an executive session.

Mr. ALDRICH. I do not know that anybody else wants to discuss the amendment.

Mr. BERRY. The Senator from Maryland [Mr. GORMAN] remarked that we could not have a vote to-night, and I presume he wants to discuss it.

Mr. ALDRICH. Unless somebody does want to discuss it, I hope we shall have a vote.

Mr. BERRY. I hope the Senator from Rhode Island will allow us to have a short executive session.

Mr. ALDRICH. I have no objection to an executive session,

but I think if we can get a vote on the amendment it will save a long time in discussing it to-morrow morning.

Mr. BERRY. There were a number of Senators called away, and it will not be possible to have a yes-and-may vote this evening.

Mr. ALLISON and Mr. ALDRICH. It will not be a yes-and-may vote.

Mr. BERRY. Very well.

The VICE-PRESIDENT. The question is on the amendment of the committee, on page 40, line 23, beginning with the words "Express and Freight" and ending with the word "conversations," in line 14, page 42.

Mr. DANIEL. I ask that the amendment may be stated.

Mr. ALDRICH. It is the committee amendment.

The VICE-PRESIDENT. It is the committee amendment on pages 40, 41, and 42, the text of which has been perfected this afternoon.

Mr. DANIEL. I beg pardon.

The amendment was agreed to.

HOURLY MEETING.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BERRY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 2, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 1, 1898.

APPOINTMENT IN THE VOLUNTEER ARMY.

Second Lieutenant, Signal Corps.

Elmo Carl Lee, of Arkansas.

The nomination of Elmo C. Lee, of Arkansas, for the above-named office, which was delivered to the Senate May 27, 1898, is hereby withdrawn.

COLLECTOR OF CUSTOMS.

Mayer Hahn, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina, to succeed Stephen H. Lane, whose term of office has expired by limitation, and in lieu of Meyer Hahn, confirmed by the Senate May 24, 1898. This nomination is made to correct error in Mr. Hahn's name.

POSTMASTERS.

J. C. Wilson, to be postmaster at Bessemer, in the county of Jefferson and State of Alabama, in the place of W. B. Gere, whose commission expired May 10, 1898.

George W. Cheyney, to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in the place of Charles DeGroff, resigned.

William H. Friend, to be postmaster at Oakland, in the county of Alameda and State of California, in the place of J. J. White, whose commission expires June 11, 1898.

Leander H. Miner, to be postmaster at Ferndale, in the county of Humboldt and State of California, in the place of I. B. Barnes, removed.

M. C. Deering, to be postmaster at Gunnison, in the county of Gunnison and State of Colorado, in the place of Patrick Daly, whose commission expired March 19, 1898.

Giles P. Lecrozier, to be postmaster at Moodus, in the county of Middlesex and State of Connecticut, in the place of F. B. Clark, whose commission expires June 19, 1898.

James A. Simpson, to be postmaster at Kissimmee, in the county of Osceola and State of Florida, in the place of David C. Lee, whose commission expires June 20, 1898.

Charles F. Best, to be postmaster at Nokomis, in the county of Montgomery and State of Illinois, in the place of J. A. Monaghan, whose commission expired January 12, 1898.

William H. Kraper, to be postmaster at Metropolis City, in the county of Massac and State of Illinois, in the place of S. S. Shoemaker, whose commission expires June 26, 1898.

William P. Slack, to be postmaster at Carbondale, in the county of Jackson and State of Illinois, in the place of M. H. Ogden, resigned.

Clarence R. Aitchison, to be postmaster at Columbus, in the county of Cherokee and State of Kansas, in the place of N. T. Allison, whose commission expired March 19, 1898.

James M. Chisham, to be postmaster at Atchison, in the county of Atchison and State of Kansas, in the place of E. C. Post, whose commission expires June 7, 1898.

Edwin Foster, to be postmaster at Independence, in the county of Montgomery and State of Kansas, in the place of George Hill, whose commission expired April 5, 1898.

Henry L. Henderson, to be postmaster at Iola, in the county of Allen and State of Kansas, in the place of J. E. Ireland, whose commission expires June 7, 1898.

Samuel R. Peters, to be postmaster at Newton, in the county of Harvey and State of Kansas, in the place of J. B. Fugate, whose commission expires June 7, 1898.

Althamer E. Chamberlain, to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts, in the place of E. M. Wall, whose commission expired May 23, 1898.

Thomas A. Hills, to be postmaster at Leominster, in the county of Worcester and State of Massachusetts, in the place of Thomas A. Hills, whose commission expires June 2, 1898. (Reappointment.)

Elbridge Nash, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts, in the place of Alvah Raymond, whose commission expired April 17, 1898.

Edward L. Bates, to be postmaster at Pentwater, in the county of Oceana and State of Michigan, in the place of C. R. Johnson, whose commission expired May 28, 1898.

Clinton L. Kester, to be postmaster at Marcellus, in the county of Cass and State of Michigan, in the place of J. A. Jones, resigned.

William F. Riemenschneider, to be postmaster at Chelsea, in the county of Washtenaw and State of Michigan, in the place of G. S. Laird, whose commission expires June 13, 1898.

John M. Frazier, to be postmaster at Oxford, in the county of Lafayette and State of Mississippi, in the place of W. U. Hampton, whose commission expired February 21, 1898.

Joshua Stevens, to be postmaster at Macon, in the county of Noxubee and State of Mississippi, in the place of Mat Mahorner, whose commission expired March 1, 1898.

Isaac R. Huggins, to be postmaster at Palmyra, in the county of Marion and State of Missouri, in the place of J. W. Owsley, whose commission expired April 11, 1898.

Maurice Mann, to be postmaster at Slater, in the county of Saline and State of Missouri, in the place of J. B. Rich, whose commission expired May 9, 1898.

Josiah V. Martin, to be postmaster at Brookfield, in the county of Linn and State of Missouri, in the place of John McGowan, whose commission expired April 23, 1898.

F. H. Ackerman, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire, in the place of C. H. Proctor, whose commission expired April 5, 1898.

George N. Julian, to be postmaster at Exeter, in the county of Rockingham and State of New Hampshire, in the place of Gilman B. Hoyt, whose commission expired May 3, 1898.

Estevan Baca, to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico, in the place of C. S. Bahney, whose commission expires June 23, 1898.

George L. Davis, to be postmaster at Fonda, in the county of Montgomery and State of New York, in the place of I. A. Rosa, removed.

George A. Van Gieson, to be postmaster at Montclair, in the county of Essex and State of New Jersey, in the place of I. E. Blazer, whose commission expired May 23, 1898.

Milo B. Greene, to be postmaster at Alfred, in the county of Allegany and State of New York, in the place of T. M. Davis, whose commission expired May 3, 1898.

Jones W. Shuford, to be postmaster at Hickory, in the county of Catawba and State of North Carolina, in the place of W. P. Huffman, whose commission expired May 16, 1898.

D. G. McIntosh, to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota, in the place of H. A. Thexton, whose commission expires June 2, 1898.

George G. Sedgwick, to be postmaster at Martins Ferry, in the county of Belmont and State of Ohio, in the place of J. W. Terrill, whose commission expired May 2, 1898.

William L. Bixler, to be postmaster at Ephrata, in the county of Lancaster and State of Pennsylvania, in the place of J. A. Fry, whose commission expired March 20, 1898.

George F. Stackpole, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania, in the place of J. M. Goodhart, whose commission expired April 11, 1898.

George I. Cunningham, to be postmaster at Charleston, in the county of Charleston and State of South Carolina, in the place of A. H. Mowry, whose commission expired March 20, 1898.

Emily E. Whittemore, to be postmaster at Sumter, in the county of Sumter and State of South Carolina, in the place of Philip P. Gaillard, whose commission expired December 21, 1897.

Dalton A. Brosius, to be postmaster at Vermillion, in the county of Clay and State of South Dakota, in the place of S. M. Totten, whose commission expired April 11, 1898.

Gale Armstrong, to be postmaster at Rogersville, in the county of Hawkins and State of Tennessee, in the place of G. P. Fair, whose commission expires June 2, 1898.

G. W. Cotter, to be postmaster at Alvarado, in the county of Johnson and State of Texas, in the place of J. H. Cranford, whose commission expired April 5, 1898.

Gomer S. Williams, to be postmaster at Cisco, in the county of Eastland and State of Texas, in the place of M. V. Mitchell, whose commission expired May 15, 1898.

C. T. Barksdale, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia, in the place of J. M. Neal, whose commission expired May 16, 1898.

Samuel B. McElroy, to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in the place of W. O. Blakey, whose commission expired May 26, 1898.

James M. Vernon, to be postmaster at Everett, in the county of Snohomish and State of Washington, in the place of O. E. Rea, whose commission expired April 5, 1898.

J. W. Matlick, to be postmaster at Keyser, in the county of Mineral and State of West Virginia, in the place of P. H. Keys, whose commission expires June 5, 1898.

Thomas W. Morefield, to be postmaster at Elkhorn, in the county of Walworth and State of Wisconsin, in the place of A. C. Beckwith, whose commission expires June 20, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 1, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-generals.

James R. Waties, of Texas.

Nelson Cole, of Missouri.

William C. Oates, of Alabama.

To be assistant adjutant-general with the rank of major.

M. Fred Bell, of Missouri.

To be chief commissaries of subsistence with the rank of major.

First Lieut. Sydney A. Cloman, Fifteenth United States Infantry.

Philip Mothersill, of New Mexico.

To be commissaries of subsistence with the rank of captain.

Warner Harrison, of Ohio.

Charles Ellet Cabell, of Virginia.

Joseph N. Du Barry, jr., of Pennsylvania.

Winslow S. Lincoln, of Massachusetts.

To be chief surgeon with the rank of major.

Frank S. Bourns, of Georgia.

To be assistant adjutants-general with the rank of captain.

Theodosius Botkin, of Kansas.

Frederic J. Kountze, of Ohio.

First Lieut. William S. Scott, First United States Cavalry.

To be assistant quartermasters with the rank of captain.

First Lieut. Charles D. Palmer, Sixth United States Artillery.

First Lieut. George McK. Williamson, Eighth United States Cavalry.

Thomas Swobe, of Nebraska.

Robert L. Brown, of West Virginia.

Amos W. Kimball, of New York.

Moses Walton, jr., of Ohio.

Charles J. Goff, of West Virginia.

John M. Patten, of Iowa.

Richard J. Fanning, of Ohio.

To be commissary of subsistence with the rank of major.

Edmund W. Bach, of Montana.

To be additional paymasters.

Fred T. Jones, of Ohio.

George E. Pickett, of Virginia.

Brewster C. Kenyon, of California.

George H. Fay, of North Dakota.

Edward S. Fowler, of New York.

William H. Thrift, of Iowa.

George D. Sherman, of Illinois.

John H. Townsend, of Missouri.

John M. Sears, of Tennessee.

Winfield M. Clark, of Pennsylvania.

James W. Dawes, of Nebraska.

Otto Becker, of Georgia.

Louis Knapp, of New York.

Samuel D. C. Hays, of Colorado.

John W. Fogler, of Kansas.

Beverly Waugh Coiner, of Washington.

Second lieutenant, Signal Corps.

Elmo Carl Lee, of Arkansas.

To be additional paymaster.

Newton J. Foote, of Louisiana.

PROMOTIONS IN THE NAVY.

Lieut. Kossuth Niles, to be a lieutenant-commander.

Lieut. (Junior Grade) Frederick L. Chapin, to be a lieutenant.

APPOINTMENTS IN THE NAVY.

David Bell Kerr, a citizen of Virginia, and Charles Alexander Crawford, a citizen of Mississippi, to be assistant surgeons.

RECEIVERS OF PUBLIC MONEYS.

Edward A. Slack, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo.

John Jones, of Iahpeming, Mich., to be receiver of public moneys at Marquette, Mich.

James H. Booth, of Grants Pass, Oreg., to be receiver of public moneys at Roseburg, Oreg.

REGISTERS OF THE LAND OFFICE.

Joseph T. Bridges, of Drain, Oreg., to be register of the land office at Roseburg, Oreg.

Hobart A. Babcock, of Watertown, S. Dak., to be register of the land office at Watertown, S. Dak.

POSTMASTER.

Almon L. Loomis, to be postmaster at Fargo, in the county of Cass and State of North Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 1, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

POST QUARTERMASTER-SERGEANTS OF THE UNITED STATES ARMY.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 10051, to increase the number of post quartermaster-sergeants of the United States Army. The Clerk read the bill, as follows:

Be it enacted, etc., That the number of post quartermaster-sergeants of the Army be increased by the addition of twenty-five post quartermaster-sergeants, to be appointed by the Secretary of War in the manner now provided for by law.

The SPEAKER. Is there objection to the present consideration of the bill which has been reported?

Mr. SIMPSON. Reserving the right to object, I hope we shall have some explanation of it.

Mr. McMILLIN. I ask that the report be read.

Mr. HULL. I ask that the report be read, which will fully set it out.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10051) entitled "A bill to increase the number of post quartermaster-sergeants in the United States Army," report the same back to the House with the recommendation that it do pass.

The increase in the number of post quartermaster-sergeants in the United States Army seems to be necessary for the efficiency of the service. The Quartermaster-General, in a letter to the chairman of the Committee on Military Affairs dated May 17, 1898, sets forth the cost of twenty-five additional post quartermaster-sergeants; also the cost of twenty-five clerks that would be necessary in case this bill should not become a law.

This letter, which is hereto attached and made a part of this report, shows that it will be a saving of over \$9,000 per annum to have this work done by post quartermaster-sergeants.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, May 17, 1898.

SIR: Replying to your telegram of to-day, in reference to difference in pay or cost of twenty-five additional post quartermaster-sergeants requested by this Department, I have the honor to invite your attention to the following: Pay and allowance of a post quartermaster-sergeant for first five years of enlistment.

	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Total.
Pay	\$408.00	\$408.00	\$420.00	\$432.00	\$444.00	\$2,112.00
Clothing	63.14	26.28	36.96	26.28	23.72	176.38
Rations	66.70	66.70	66.70	66.70	66.70	333.50
Fuel, estimated value for one year	22.00	22.00	22.00	22.00	22.00	110.00
Total for five years						\$2,776.88
Average cost, 1 sergeant, one year						555.37
Cost, 25 sergeants, one year						13,884.25
Add 20 per cent increase in time of war on pay proper, act approved April 20, 1898						2,112.00
Total cost, 25 sergeants, one year, war basis						15,996.25

The sergeants are also furnished with quarters, medical attendance, etc., which can not well be reduced to a money value.

In answer to your second telegram as to difference in expense in case civilian clerks are provided in lieu of post quartermaster-sergeants, I would say that the 25 clerks could not be secured for a less sum than \$1,000 per annum each, making a total of \$25,000 per annum for the 25 men, which is considerable more than the cost of 25 post quartermaster-sergeants.

Post quartermaster-sergeants are selected from sergeants of the line who are familiar with quartermasters' duties, and who are required to pass a special examination before appointment. We already have a large number of examined candidates ready for appointment. Civilian clerks would not only be more expensive to the Government, but would not meet so well the requirements of the military service, nor would civilian clerks answer in the present emergency, which calls for men expert in quartermasters' duties.

Post quartermaster-sergeants are what the service actually requires, and I hope and earnestly recommend that they be provided.

Very respectfully,

M. I. LUDINGTON,

Quartermaster-General United States Army.

Hon. J. A. T. HULL,

House of Representatives, Washington, D. C.

[House Document No. 384, Fifty-fifth Congress, second session.]

WAR DEPARTMENT, Washington, D. C., March 23, 1898.

SIR: I have the honor to inclose herewith copy of a letter of the Quartermaster-General of the Army, dated March 23, 1898, in which he represents that, in view of the recent establishment of new artillery posts on the seacoast, it is impracticable, with the present authorized number of post quartermaster-sergeants (eighty), to fill requisitions for the services of such sergeants without withdrawing sergeants from other stations where they are needed, and recommends that the number be increased not less than twenty-five.

The recommendation is concurred in by the Adjutant-General of the Army.

Very respectfully,

R. A. ALGER,

Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,

Washington, March 23, 1898.

SIR: I have the honor to invite your attention to the act of Congress approved July 8, 1894, relating to post quartermaster-sergeants, which reads as follows:

"That the Secretary of War is authorized to appoint, on the recommendation of the Quartermaster-General, as many post quartermaster-sergeants, not to exceed eighty, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army who have served at least four years, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters; said post quartermaster-sergeants shall, so far as practicable, perform the duties of storekeepers and clerks in lieu of citizen employees. The post quartermaster-sergeants shall be subject to the Rules and Articles of War, and shall receive for their services the same pay and allowances as ordnance sergeants."

Since the enactment of the above law and the appointment of the post quartermaster-sergeants thereunder, the services of these sergeants have proven highly satisfactory and valuable to the quartermaster's department at military posts, where they assist the quartermaster in the performance of duties of storekeepers and clerks in lieu of citizen employees.

The full complement of these sergeants (80), as now provided by law, are in the service, and, with only two exceptions, are now on duty at military posts.

In view of the recent establishment of new artillery posts on the seacoast, applications are now coming in from these posts for the services of a post quartermaster-sergeant, and this office finds that, with the present authorized number of sergeants, these requisitions can not be filled without withdrawing sergeants from other stations where they are needed, which would be detrimental to the public interest.

To meet the new conditions created by the establishment of so many new posts, an increase of not less than 25 post quartermaster-sergeants in the number now allowed by law is actually required. I therefore recommend that the necessary steps be taken with a view to securing immediate legislation from Congress increasing the number of post quartermaster-sergeants from 80 to 105. The method of appointment, examination, and other requirements, duties, pay, and allowances of the additional number should be governed by the present law relating to these sergeants.

Very respectfully,

M. I. LUDINGTON,

Quartermaster-General United States Army.

The SECRETARY OF WAR.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SIMPSON. Before consent is given, Mr. Speaker, I would like to have the chairman make some further explanation.

Mr. HULL. If the House could have heard the report which has just been read, it would not be necessary to say much, for it sets forth very clearly the object of the bill and the necessity for its passage. The law in regard to post quartermaster-sergeants and their selection is that they shall be taken from the sergeants already in the Army, after competitive examination, and they receive a compensation of \$34 a month, while civilian clerks get a compensation of \$1,000 a year.

The law, as far as it has gone in displacing civilian clerks by post quartermaster-sergeants, has been, according to the general in charge of that department, of great benefit in the way of efficiency and economy. The addition of two artillery regiments and the posts that are to be supplied make it necessary either to have 105 post quartermaster-sergeants or 105 post quartermaster-sergeants and civilian employees. The testimony of the War Department is that this is not a war measure so much as it is a necessity for efficiency and economy of the service, both now and in time of peace, and the recommendation of the Secretary of War and the Quartermaster-General, with all the investigation we could give it, has led me and the Committee on Military Affairs to unanimously believe that the best interests of the service will be conserved by the immediate passage of this bill.

All there is to it is, you take twenty-five of the sergeants now in the Army, a majority of them who have come up from the ranks and displayed ability in this line of work, who can pass examination, and detail them for this business at a salary which the sergeant of ordnance gets, of \$34 a month. If you will not do that it will be necessary to employ civilian clerks at a salary of \$1,000 a year. I will say to the House that the benefits that come to the sergeant by promotion are that there is a time in his life when he will be entitled to go on the retired list at three-quarters pay; and if he remains in the service as a sergeant, he will be entitled to go on the retired list at three-quarters pay, but the pay would be less than a post quartermaster-sergeant.

Mr. McMILLIN. Allow me an interruption right there. Will not the places of these sergeants have to be filled by other sergeants, who also would be entitled to go on the retired list?

Mr. HULL. Yes; I was going to say that when they are promoted to these positions other corporals will be put in their places. It increases the sergeants of the Army from the present number by twenty-five, but it does not increase the size of the Army.

Mr. McMILLIN. Is not this purely civilian's work?

Mr. HULL. No more than the work in the Quartermaster-General's Department, from general down, is civilian's work. It is largely clerical.

Mr. McMILLIN. It has always been done by civilians.

Mr. HULL. No; it has not. It was before the office of post quartermaster-sergeant was created.

Mr. McMILLIN. Is there not another element of cost not taken into account, to wit, the fact that if these men become disabled from any cause they will be pensionable, whereas the civilians will not?

Mr. HULL. Not from any cause, but from any cause in the line of their duty.

Mr. McMILLIN. I mean from any cause in the line of their duty.

Mr. HULL. Yes; but if the gentleman from Tennessee will take into consideration the difference in the cost to the Government between \$400 a year and \$1,000 a year, he will see that there is a large margin to meet any contingency of that kind that may come up. If men who understand this business thoroughly are to be believed, you increase the efficiency of the service by this change.

Mr. CANNON. My friend from Iowa says the quartermaster-sergeants that perform this duty would cost \$400 a year. That is the actual payment to him?

Mr. HULL. The actual payment is \$408.

Mr. CANNON. Does he not get other allowances that would swell it up to \$1,000 a year?

Mr. HULL. No; he does not. I think he gets one ration a day.

Mr. CANNON. Does he not get clothing?

Mr. HULL. I think there is no extra allowance for clothing over what he would get as a private soldier. Neither is there an increase of rations.

Mr. CANNON. Now, what do the clothing and rations amount to?

Mr. HULL. The rations amount to about 25 cents a day.

Mr. SPALDING. Eighteen cents a day.

Mr. HULL. Eighteen cents a day, my friend informs me. I have not looked into the matter.

Mr. CANNON. And what does the clothing amount to?

Mr. HULL. Two or three suits are furnished a year, amounting, I presume, to \$40, but I can not state exactly. This has nothing to do with the bill.

Mr. SPALDING. Fifty-two dollars.

Mr. CANNON. I am only saying that this employee gets his thousand dollars a year without rations, without transportation, and without clothing.

Mr. HULL. The House must remember that this does not increase the number of enlisted men in the Army. When you come to the rations, the enlisted man of the Army gets the same ration as the sergeant does. The sergeant is an enlisted man just as the privates are.

Mr. SIMPSON. This bill makes the increase in the Army permanent?

Mr. HULL. Absolutely, so far as number of sergeants.

Mr. SIMPSON. This increase will continue after the war is over?

Mr. HULL. Absolutely.

Mr. SIMPSON. The present method is to employ civilian clerks in accordance with the number needed, so that when the war is over the number might be decreased and the expense thereby reduced.

Mr. HULL. The gentleman has a wrong idea. This does not apply to the general civilian clerks employed as a war measure. They get \$100 a month. They are entirely independent of the post requirements. They are in the Quartermaster's Department in the field. This has nothing to do with the general provision in regard to civilian clerks. This applies only to posts where they

need either a civilian clerk all the time or a sergeant all the time, and the request for these additional employees was independent of any war measure whatever.

Mr. SIMPSON. The fact remains that if the Army is increased during the war, it will need more clerks, and after the war they will not need so many; and of course the ordinary civilian clerks could in that case be discharged.

Mr. HULL. They are provided for in an entirely different way, and this bill has nothing to do with that. There is another provision of law that authorizes these departments to employ all the clerks they need; and under that provision they are appointing clerks and sending them to New Orleans and Tampa and out to Camp Alger—to every place where there is a concentration of troops.

Mr. SIMPSON. I am inclined to think that the best policy is to employ civilian clerks wherever they can be employed, even if for the time being it should cost a little more.

Mr. HULL. That policy would involve both additional cost and the loss of efficiency.

Mr. SIMPSON. That is a question.

Mr. CANNON. I am not antagonizing the gentleman's bill. I merely wanted to understand what it proposes to do. I am not prepared to say I am opposed to it, because the gentleman has knowledge in such matters that I have not.

Mr. HULL. The facts are stated very fully in the report. There are now eighty post quartermaster-sergeants.

Mr. HANDY. How many new military posts on the seacoast have lately been established?

Mr. HULL. I can not answer that further than to say that there are two new regiments of artillery provided for coast defense. That is a matter which the Committee on Appropriations would, I presume, be familiar with.

Mr. CANNON. I can say that the Endicott plan, as I understand it, contemplates the fortification of twenty-seven points; and the sundry civil bill, together with the Army bill, carries appropriations for barracks and quarters at many of these places.

Mr. HANDY. How many?

Mr. CANNON. I can not tell the gentleman how many. At some of them, the troops have to live in tents. When the whole plan is completed, there will be twenty-seven of these posts. I hope that they will not all be completed for a long time to come; but just how many of them are necessary to be occupied under the ordinary appropriations and under expenditures from extraordinary appropriations I can not tell.

Mr. HULL. My recollection is that there are about twenty-two now, but I would not state that positively. There are about twenty-two now that will need an officer of this kind at once.

Mr. HANDY. The law at present authorizes eighty of these post quartermaster-sergeants?

Mr. HULL. Yes, sir.

Mr. HANDY. Now, because we are establishing additional posts along the seacoast this bill asks for twenty-five additional post quartermaster-sergeants. It seems to me that as the Army is withdrawn from the interior posts and concentrated at great camps and sent for active service in the field the War Department ought to be able to withdraw from the posts where the Army has hitherto been stationed enough post quartermaster-sergeants to supply these seacoast places. Why not?

Mr. HULL. Will the gentleman from Delaware point out a single post where they have withdrawn all the troops, so that it is not necessary to keep a post quartermaster-sergeant or a clerk? Is there a single post in the United States where troops have been kept and where a post quartermaster-sergeant has been necessary, where the troops have been withdrawn entirely, so that they are not compelled to keep quartermaster's supplies?

Mr. HANDY. How many soldiers have been left at these posts?

Mr. HULL. In all of them somebody is left and has to be looked after.

Mr. HANDY. There are possibly some posts where there are only three or four soldiers—barely enough to occupy and protect the Government property.

Mr. SIMPSON. At many of them there are not half a dozen soldiers.

Mr. HULL. Will the gentleman name a post where there are not more than half a dozen soldiers?

Mr. SIMPSON. There are some, I understand.

Mr. HANDY. Now, when at some of these posts there are only four or five or half a dozen men left, is it possible that a post quartermaster-sergeant is indispensable?

Mr. HULL. Can the gentleman name any posts where there are only four or five or half a dozen men?

Mr. HANDY. It is my impression that there are such posts. Will the gentleman tell us the facts?

Mr. HULL. My information is that at all these posts a certain number of soldiers are left, requiring that there be a post quartermaster-sergeant there to take charge of Government stores and issue them to the men who are there.

Mr. HANDY. How many are left over here at Fort Myer?

Mr. HULL. There are a good many there now. They have, I think, two troops there yet.

Mr. SMITH of Arizona. How about Fort Lowell?

Mr. HANDY. How about Fort Lowell, in Arizona? Do they need a quartermaster's sergeant over there?

Mr. HULL. I do not know anything about Fort Lowell. I do not know whether they have a post quartermaster-sergeant there or not.

Mr. UNDERWOOD. Is this bill reported unanimously from the committee?

Mr. HULL. There was not a dissenting voice in the committee. It was the universal sentiment of the committee that in the interest of the service, both in economy and efficiency, the bill should be passed.

Mr. UNDERWOOD. It does increase the number of enlisted men and sergeants?

Mr. HULL. It does not increase the number of enlisted men. It increases the number of post quartermaster-sergeants.

Mr. UNDERWOOD. In places now being filled by civilians?

Mr. HULL. In places now being filled by civilians.

Mr. SIMPSON. Does the gentleman say it does not increase the force? He admitted a short time ago that when a sergeant was promoted another sergeant must take his place, and then a corporal take his place, and so on all along down the line.

Mr. HULL. No; a post quartermaster-sergeant is just as much an enlisted man as a private is, and when we placed the limit on the Regular Army, we placed it on the enlisted force of the Army. This man is as much an enlisted man as anybody else. When you promote a corporal to the position of sergeant, you know you promote from the position of corporal, but you do not fill the private's place where he has been promoted to corporal while there is a limit on the Army.

Mr. SIMPSON. I do not know.

Mr. HANDY. Does the gentleman mean to inform the House that this bill will result in dismissing twenty-five civilians who are now employed to do this work?

Mr. HULL. I mean exactly that, if they are employed. If there is a civilian in a post who is already drawing a thousand dollars a year, it will dismiss him and place a man in there to draw about \$400 a year.

Mr. HANDY. If I understand the report from the committee, these men are to take places which are not now occupied at all. This bill will not result in the dismissing of a single civilian employee.

Mr. HULL. In the main; but, taking your question in the broader scope, it will prevent the employment of civilians, if you want to put it in that way; or where a civilian is already employed, it will cause his dismissal and fill his place with a sergeant.

Mr. HANDY. That would be more nearly in accordance with the proposition as contained in the letters from the heads of the Department.

Mr. HULL. It will displace a civilian in any post where there is one now employed if the place can be filled by a post quartermaster-sergeant.

Mr. HANDY. Is there a civilian now in the service doing post quartermaster-sergeant's work?

Mr. HULL. I do not know whether there is or not. It makes no difference so far as this bill is concerned whether there is or not, because, if there is, his services will be dispensed with. If there is not, it will prevent the employment of one, so that it can make no difference one way or the other.

Mr. HANDY. According to the statement just made by the gentleman from Illinois [Mr. CANNON], it would appear that when the Endicott plan has been fully carried out, there may be a need for at least twenty-five additional post quartermaster-sergeants; but I can not see how the whole twenty-five can possibly be needed until that plan has been fully carried out.

Mr. HULL. If they are not needed, the law does not make it imperative to appoint the whole twenty-five. It says not to exceed twenty-five.

Mr. SIMPSON. Then this bill would have the effect of taking out of the service this number of soldiers, who would take the place of civilians—places that civilians might fill—and we should lose the services of that many men in the Army when we need them now.

Mr. HULL. There is no limit now, except up to 61,000. The limit is when there is no war.

Mr. SIMPSON. It seems to me that the sergeants who would get these promotions are men of experience, and we need their services in the field now rather than to take the places of civilian clerks to do clerical work.

Mr. HULL. I think my friend from Kansas is pettifoggling a little in his question.

Mr. SIMPSON. Oh, no.

Mr. HULL. The idea in his mind and in mine, too—

Mr. SIMPSON. I am trying to get what will be of the most benefit to the country.

Mr. HULL. The gentleman's idea and mine, too, ought to be to pass what is best for the efficiency of the service. That ought to be the question for all of us to pass upon, and from all that I can learn in regard to the matter this is a step in the direction of efficiency, carrying out what was started by Congress a few years ago, and that it is in the line both of economy and efficiency of the service.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. Mr. Speaker, in consideration of the importance of these bills, and that I do not think they are of such urgent nature as to need to be considered at once, believing that they ought to be considered in the regular way and not by unanimous consent when there is evidently no quorum of the House present, I shall be compelled to demand the regular order.

The SPEAKER. The gentleman demands the regular order.

RESIGNATION OF REPRESENTATIVE SULLIVAN, OF MISSISSIPPI.

The SPEAKER laid before the House the following letter; which was read by the Clerk:

UNITED STATES SENATE, Washington, D. C., May 21, 1898.

SIR: I have this day forwarded to the governor of Mississippi my resignation as member of the Fifty-fifth Congress from the Second district of Mississippi, to take effect to-day.

Respectfully,

W. V. SULLIVAN.

Hon. T. B. REED,
Speaker of the House of Representatives.

EXECUTION OF WILLS IN THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I desire to submit a conference report on the bill S. 1910. Mr. Speaker, this is, as its title indicates, a bill conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes. The House amended the Senate bill by striking out the text of that bill and substituting another bill. The Senate has concurred in the amendment of the House, with three very slight amendments, two of them being verbal only, and the third providing for the probate of wills in the District of Columbia that have been probated in some other jurisdiction. The matter embraced in the bill has been submitted to the judges of the supreme court and to the court of appeals of the District of Columbia, and meets with the entire approval of the bar of the District. I do not know of any objections whatever to the conference report, and I ask for a vote upon it.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same amended as follows:

In section 8 of the proposed amendment, after the words "Provided, That," insert the word "in."

In the same section, after the words "orphans' court business," strike out the words "upon the petition of."

Insert a new section to stand as section 10, and to read as follows:

"SEC. 10. That the record in the office of the register of wills for the District of Columbia of a duly certified copy, or transcript of the record of proceedings, admitting any will or codicil to probate outside of the District of Columbia; and the record in said office of any will or codicil heretofore admitted to probate in said District, and which shall not have been annulled or declared void according to law prior to the passage of this act, shall be deemed and held, at law and in equity, as of the same and like force and effect as if such will or codicil had been duly proved and admitted to probate and record under and in accordance with the provisions of this act: Provided, That the provisions of this section shall not apply to any proceeding at law or in equity pending at the date of the passage of this act, or commenced within one year after the passage of this act, wherein or whereby the validity of such will or codicil is or shall be called in question."

Number the sections consecutively.

And that the House agree to the same.

JOHN J. JENKINS,
JAMES D. RICHARDSON,
Conferees on the part of the House of Representatives.
CHAS. J. FAULKNER,
LUCIEN BAKER,
Conferees on the part of the Senate.

The statement of the House conferees was read, as follows:

The Senate agrees to the House amendment as amended.

Amend House bill, page 9, line 1 of section 8, by inserting the word "in" after the words "Provided, That," and in line 3 of the same section and page, strike out the words "upon the petition of."

Insert a new section to stand as section 10.

Number the sections consecutively.

JOHN J. JENKINS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The conference report was agreed to.

STREET PARKING IN THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I submit a conference report on the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia the control of the street parking in said District.

Mr. COWHERD. Mr. Speaker, in regard to that, on behalf of the conferees, I would like the consent of the House to withdraw the report for further conference.

The SPEAKER. The gentleman asks the consent of the House to withdraw the conference report. Is there objection?
There was no objection.

REMOVAL OF DISABILITIES IMPOSED BY FOURTEENTH AMENDMENT.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4578) to remove all disabilities imposed by section 3 of the fourteenth amendment to the Constitution.

The bill was read, as follows:

Be it enacted, etc., That all disabilities imposed by fourteenth amendment of the Constitution of the United States upon persons on account of having engaged in insurrection or rebellion against the United States, and on account of having given aid or comfort to the enemies thereof, are hereby removed.

The following amendments recommended by the Committee on the Judiciary were read:

Amend by changing the title so as to read as follows:

"To remove all disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States."

Further amend by striking out all after the enacting clause and insert as follows:

"That the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States heretofore incurred is hereby removed."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. JENKINS. Mr. Speaker, it will be observed that the committee have reported an amendment to the Senate bill. It was deemed necessary because of the unfortunate wording of the Senate bill. It was evidently drawn in haste, and there will be no conflict or difference of opinion between the Senate and the House when the Senate comes to consider the House measure. I ask unanimous consent to have the report of the committee printed as a part of my remarks.

Mr. RICHARDSON. I hope that will be granted. It is a good report.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

The report (by Mr. JENKINS) is as follows:

The Committee on the Judiciary have had under consideration (S. 4578) an act to remove all disabilities imposed by the fourteenth article of the Constitution, and after a careful consideration report the same back with amendments, with recommendation that when so amended the same do pass.

Amend by changing the title so as to read as follows:

"To remove all disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States."

Further amend by striking out all after the enacting clause, and insert as follows:

"That the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States heretofore incurred is hereby removed."

Section 3 of the fourteenth amendment to the Constitution of the United States is as follows:

"SECTION III. No person shall be a Senator or Representative in Congress or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State who, having previously taken an oath as a member of Congress or as an officer of the United States, or as a member of any State legislature or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof, but Congress may, by a vote of two-thirds of each House, remove such disability."

The fourteenth amendment to the Constitution of the United States was proposed by Congress and submitted to the ratification of the States by the act of June 16, 1868. On July 20, 1868, Mr. Seward, then Secretary of State, after receiving notice of ratification by the reconstructed legislatures, issued his proclamation announcing that the fourteenth amendment to the Constitution of the United States was in force, and shortly thereafter Congress declared the same a part of the Constitution.

Section 3 of the amendment with which the committee have to deal in effect provides that "any person who had previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, who engaged in insurrection or rebellion against the same or gave aid or comfort to the enemies thereof should not be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, but Congress might, by two-thirds vote of each House, remove such disability."

Thus five classes of persons could be placed under disability by the amendment in question. No doubt the immediate object of the amendment was to prevent the return to public life of some of the leaders of the rebellion, and no doubt Congress was of the opinion that the security of the Government required that the persons described in the third section should, for the time being, be excluded from Congress, from the electoral college, and from all civil and military offices, State and Federal.

But that it was not intended that this exclusion should be permanent or universal is evidenced by the provision that "Congress may by a vote of two-thirds of each House remove such disability." The amendment therefore, while it excluded from the rights and privileges named therein certain classes of citizens in the Southern States, left it to the discretion of Congress to remove the disability imposed in any and all cases where it was satisfied that it might be done with safety to the interests of the country. In his Twenty Years of Congress, Mr. Blaine makes the following interesting statement upon the operation of this section:

"The political disabilities imposed by the third section of the fourteenth amendment to the Constitution affected large classes in the Southern States. When the amendment was under discussion in Congress, the total number affected was estimated at 14,000, but subsequently it was ascertained to be much greater. It included not only those who had been members of Congress or held any office under the United States, but all those who had been executive and judicial officers or members of the legislatures in the revolted States. The proclamation making its ratification known to the people was issued by Secretary Seward on the 20th of July, 1868, but in advance of this

formal announcement Congress, then in session, began to relieve the persons affected.

"The first act was for the benefit of Roderick R. Butler, of Tennessee, Representative-elect to the Fortieth Congress. It was approved on 19th of June, 1868, and permission was given him to take a modified oath. On the 25th of June amnesty was extended to about 1,000 persons, and during the remainder of Congress some 800 more were relieved from political disability. In the Forty-first Congress the liberality of the majority did not grow less, and during the two years 3,300 participants in the rebellion, among them some of the most prominent and influential, were restored to the full privileges of citizenship, the rule being in fact that everyone who asked for it either through himself or his friends was freely granted remission of penalty."

"At the opening of the Forty-second Congress it was evident that the practice of removing the disabilities of individuals would not find favor as in the two preceding Congresses. There was a disposition rather to classify and reserve for further consideration the really offending man and give general amnesty to all others. To this end, Mr. HALE, of Maine, on the 18th of April, 1871, moved to suspend the rules in order that a bill, introduced by him April 10, 1871, might be passed, removing legal and political disabilities from all persons who had participated in the rebellion, except the following classes:

"First. Members of the Congress of the United States who withdrew therefrom and aided the rebellion.

"Second. Officers of the Army and Navy who, being above the age of 21 years, left the service and aided the rebellion.

"Third. Members of the State conventions who voted for pretended ordinances of secession.

"It was further provided that before receiving the benefit of this act each person should take an oath of loyalty before the clerk of a United States court or before a United States commissioner. Debate was not allowed, and the bill passed by more than the requisite two-thirds—ayes 134, nays 46.

"When the bill came up before the Senate, Mr. Robertson, of South Carolina, attempted to put it on its passage, but objection being made it was referred under the rule and postponed for the session."

At the second session of this Congress the bill of Mr. HALE was taken up. A motion by Senator Sumner was made to amend it by the insertion of his civil-rights bill.

This amendment was adopted by the casting vote of the Vice-President February 9, 1872, and the bill as thus amended was defeated—yeas 83, nays 19. In his message of December 4, 1871, President Grant urged the removal of disabilities in the following language:

"More than six years have elapsed since the last hostile gun was fired between the armies then arrayed against each other, one for the perpetuation, the other for the destruction, of the Union. It may well be considered whether it is not now time that the disabilities imposed by the fourteenth amendment should be removed; that amendment does not exclude the ballot, but only imposes the disability to hold office upon certain classes. When the purity of the ballot is secure, majorities are sure to elect officers reflecting the views of the majority."

"I do not see the advantage or propriety of excluding men from office merely because they were before the rebellion of standing and character sufficient to be elected to positions requiring them to take oaths to support the Constitution and admitting to eligibility those entertaining precisely the same views, but of less standing in their communities. It may be said that the former violated an oath while the latter did not. If they had taken this oath, it can not be doubted that they would have broken it, as did the former classes. If there are any great criminals distinguished above all others for the part they took in opposition to the Government, they might, in the judgment of Congress, be excluded from such an amnesty. This subject is submitted for your careful consideration."

On January 18, 1872, Mr. HALE moved to suspend the rules and put upon its passage an amnesty bill similar in all respects to his previous bill mentioned by Mr. Blaine, except that it omitted the third class excepted from amnesty in the first bill. This bill was passed by the House—ayes 171, nays 31; action was taken upon it in the Senate May 9, 1872, when it was amended by the casting vote of the Vice-President, and was lost in its passage by a vote of 33 yeas to 22 nays May 10, 1872. On May 13, 1872, Mr. Butler, of Massachusetts, reported from the Judiciary Committee a bill to remove all legal and political disabilities imposed by the third section of the fourteenth amendment to the Constitution of the United States from all persons who have ever except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of Departments and foreign ministers of the United States. In reporting this bill Mr. Butler said:

"The House instructed the Committee on the Judiciary to report an amnesty bill containing the names of all the persons for the removal of whose disabilities application has been made to Congress. The other day (April 26) the committee reported such a bill (H. R. 2564) containing some 15,000 or 16,000 names. The bill was ordered to be printed and recommitted. Since then amendments have been proposed including some twenty-five pages of additional names. I have also been instructed by the committee to report a general amnesty bill instead, which I now do."

On the same day the House, under a suspension of the rules, passed both of these bills by the necessary two-thirds vote.

The general amnesty bill (H. R. 2761) was subsequently passed by the Senate May 21, 1872, only two votes being recorded against it, and it was approved by President Grant on the following day.

On June 1 President Grant issued his proclamation directing the district attorneys of the United States to dismiss all proceedings in quo warranto which had been instituted against all persons relieved of disability by the provisions of this act. In his message to Congress of December 1, 1873, President Grant again urged the subject of general amnesty. He said:

"I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disability is very small, but enough to keep up a constant irritation. No possible damage can accrue to the Government by restoring them to eligibility to hold office."

In response to this appeal, Mr. Maynard, of Tennessee, under instructions from the Committee on Rules, offered a bill (H. R. 472) granting general amnesty and prescribing an oath of office. The first section of this bill removed all disabilities imposed by section 3 of the fourteenth amendment to the Constitution. The second section of the bill repealed the act of July 2, 1863, prescribing what is known as "the ironclad oath," and provided that hereafter any person elected to any office of honor or profit under the Government of the United States either in the civil, military, or naval departments of the public service, shall, before entering upon the duties of such office and being entitled to any of the salary or other emoluments thereof, take and subscribe the oath prescribed by the act of July 11, 1868, entitled "An act prescribing an oath of office to be taken by persons from whom legal disabilities shall have been removed."

This bill was passed the same day, under a suspension of the rules, by a vote of 141 yeas and 29 noes.

On December 15, 1875, a similar bill was introduced by Mr. Randall, of Pennsylvania. To this an amendment was offered January 6, 1876, excluding Jefferson Davis from the provisions of the bill, which evoked an acrimonious debate, and the bill was defeated by a vote of 175 yeas to 97 noes. On

January 10, 1878, the debate was continued on the bill introduced by Mr. Randall, during the course of which Mr. Randall took occasion to say: "Twice have Republican Houses passed this bill and twice has it been strangled in the Senate." Mr. Randall's language is to be found on page 323 of the RECORD of the date mentioned.

Mr. Blaine took part in the debate, saying: "It has been variously estimated that this section, at the time of its original insertion in the Constitution, included somewhere from 14,000 to 30,000 persons. As nearly as I can gather the facts of the case, it included about 18,000 men in the South."

And further on, continuing the subject, Mr. Blaine said:

"I have had occasion by conference with the Department of War and of the Navy and with the assistance of some records which I have caused to be searched to be able to state to the House, I believe with more accuracy than it has ever been stated heretofore, just the number of gentlemen in the South still under disability. Those who were officers of the United States Army, educated at its expense at West Point, and who joined the rebellion and are still included under this act, number, as nearly as the War Department can figure it up, 325; those in the Navy about 295; those under the other head, Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial service of the United States, heads of Departments, and foreign ministers of the United States, make up a number somewhat more difficult to state accurately, but smaller in the aggregate. The whole sum of the entire list is about—it is probably impossible to state it with entire accuracy, and I do not attempt to do that—750 now under disabilities."

Your committee are pleased to rely upon the facts and arguments made in behalf of this bill by two of the greatest men of their party and times—General Grant and Mr. Blaine.

It will take more time than your committee have at its disposal to ascertain just how many are at this time affected by the amendment in question. We were advised that we would have to communicate with at least the executive branches of government of all of the reconstructed States, and they in turn would have to communicate with parties scattered throughout the various States; and the committee are of the opinion that it is entirely immaterial whether there are any now affected by the disability, and, if any, how many, and have confined their examination to the disability imposed by the fourteenth amendment.

In support of the removal of the disability imposed by the amendment under consideration, it is useless at this time to discuss the situation that led up to the adoption of this important amendment.

It is to be regretted that it was ever in the mind of any person that such extreme measures were necessary. Years have rolled by since that great struggle closed, and the American people look at public matters growing out of the war of 1861 in calmer moments when their judgment can be trusted and are willing to do exact and equal justice, and are practically unanimously of the opinion that this bill pass and the disability wholly removed from the statute book.

Long since the people of the reconstructed States became reconciled to the restoration of their States to their constitutional relations to the Union, and from the close of the war there was never any doubt in the minds of the patriotic, liberty-loving Union people of the United States but that the people of the reconstructed States wanted to return to their political duty as citizens of a common country and do their best to make this nation all our forefathers intended it should be, but were prevented from making it by causes forcing themselves upon the convention. We are now in truth and in fact a reunited people, a nation composed of the several States of the Union, and the time has come in American history when the distinction between Federal and State rights should no longer exist, but all should be classed as citizens of the United States, cooperating for the common good, recognizing the just powers of the nation and the constitutional rights of the several States without any intention to impair the one or invade the other.

The seeds of the war were sown when the convention framed the Constitution under which we are now living, and it was only a question of time when the growth would be ready for the sickle, and the war was simply reaping the harvest. To the American people, the war was worth the sacrifice. It accomplished at a terrible cost of life and money what could not be realized by any other means. The nation now has a united patriotic people to sustain its life and further its progress; imbued with most excellent elements of patriotism and civil liberty and the future of the nation is assured with the simple requirement only that the people be law abiding. Human law is not necessary for the cementing of the North and the South. They are truly one people.

While the time is opportune for kindly and considerate acts, the pending war with Spain was not necessary to bring together the people of the North and the South. The universal good feeling so patriotically expressed wherever the American flag floats is an indication that the people not only are, but for some time have been united. The nation needs the union, not only to do battle with foreign foes, but for the uplifting and building up of great interests for the betterment of the people. Great questions of vital importance to the people yet have to be settled, requiring patriotism, intelligence, forbearance, and statesmanship.

Much work remains to be done. These questions can not be settled as long as the people are sectionally divided. Sectionalism must never return. It is our duty to-day to do all we possibly can to prevent it. Earnest efforts must be continued for the upbuilding of the nation, for the common good of all. Keeping steadily in mind the equality of the States and equality of all before the law, allowing each elector and each State to exercise constitutional rights without force or denial, answerable to a higher power and intelligent surroundings, peace and prosperity will be with us as a nation.

It is gratifying to know that so many on both sides of that great conflict have been permitted to live long enough to learn that all of the bad feeling engendered by the war has passed away. In no other country on the globe could such conditions arise. Unhappily divided as we were, with a bitter warfare of over four years, a large part of our beloved country devastated, feeling strong, one section arrayed against the other, so that the whole country was involved, loss of life and property great, all tending to show how intensely bitter was the feeling between the two great sections of our nation, yet when the conflict ended, simultaneous with the laying down of arms and return to peace, word went forth that henceforth the people of the United States must and would be brethren. The glad tidings were indorsed by hearty handshakes by many of the contending forces and with softened feeling in the breasts of the two great armies. The survivors of them have faithfully kept the promise and have been the friends that only brave men can be. The excellent feeling prevailing teaches us that it is far better and more important to restore fraternal relations throughout the country than to stand on the strict letter of the law.

A little over thirty years have gone by since the curtain fell on the scenes of the civil war of 1861, and to-day many of those who were once in rebellion against the National Government are now in the same column marching side by side with those they once so bitterly opposed; marching under the flag of the Union; offering their life's blood upon the altar of their country in the

defense of the nation they were once contending against. To-day loyalty is so universal throughout our beloved country that one can not tell whether the people come from the South or from the North. Certain it is that no political disability should rest upon any person or find any repose in the statutes of this country.

The committee are satisfied that the survivors or those once engaged in rebellion against this Government are loyal to the Union, and that it would be a fitting act before they all pass away, and while some of them are left, to remove the disability imposed by this amendment. The entire country feel that the nation to-day needs the assistance of all our citizens. It is best for all to feel an interest in the Government, and nothing should be said or done or allowed to remain that will in the least disturb the good feeling abroad in the land. What a glorious spectacle in so short a time—the North and South, once so fiercely divided, reunited. The North willing to remove all political disabilities, wipe out all sectional feeling, and the South ready to defend the nation with their lives and their money. In the pending conflict, forced upon us, it is apparent that the South affected by the amendment are loyal and earnest in their support of the Government; that they are ready to furnish all the men and means necessary to make this nation successful.

The parting words of General Grant have come true. Nothing more beautiful can be said in support of the passage of this bill than was written in the summer of 1865 by the victorious general of the armies of the United States when he sat in the chamber of death, confronting with the imperishable courage of his nature the last great adversary. He had but a few hours, or at most a few days, to live. Realizing his condition, in discussing what should be done and what would be done, he clutched his pen with dying fingers and left this inspiration for his countrymen.

"I feel that we are on the eve of a new era, when there is to be a great harmony between the Federal and the Confederate. I can not stay to be a living witness to the correctness of this prophecy, but I feel that it is to be so."

We certainly can make no mistake when we follow the dying words of our great leader, Grant.

Your committee believe that they but voice the sentiment of the people of this nation when they unanimously say, Let the disability be removed.

The safety and interests of the country do not require the disability to be in force.

To remove the same in accordance with the unanimous voice of the people is but a simple act of justice to the South as an expression of confidence by the North in the unquestionable loyalty of the Southern people.

Mr. JENKINS. I want to yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I do not believe there is any necessity for extended debate on this bill, but there ought to be at least enough said to show that the House appreciated its importance and had fully considered it. A few days ago I went to the Valley of Virginia to hear Hon. John S. Wise, one of the cadets at Newmarket, make a strong patriotic speech over the graves of his old Confederate comrades and schoolmates who fell in that battle.

On the road we met three companies of young men clad in blue, with the flag flying over them, coming out of the Valley of Virginia. They were the sons of Stonewall Jackson's army, marching to the front to fight under the Stars and Stripes, under the banner of Fitzhugh Lee and of Wilson. Never in my life have I seen a more pleasing sight. Their march proclaimed the new day of patriotic reconciliation and national unity. It seems to me that there could be no more fitting time than now to absolutely eliminate from the statute books the last vestige of the disabilities made by the amendment to the Constitution against those who served upon the other side in the war of 1861-1865.

Mr. McMILLIN. Does not the gentleman think it ought to have been done years ago?

Mr. LACEY. I think so. I am glad to say to my friend from Tennessee that in the last Congress we passed a law that relieved from disabilities the soldiers of the rebellion who were graduates of West Point and permitted them to reenter the Army of the United States. Some one then said in debate, "What is the use of passing this bill? They will all be too old." Another answered, "No, they are not all too old, for there is General WHEELER. We shall not have any war, but if we do, he is still young enough to go; but let us pass it, and if we should have a war, he, and perhaps others, could serve." It so happened that the bill was passed in the last Congress, which provided in advance for the very circumstances that have deprived us of the association of our old friend General WHEELER, who is now under leave of absence on important business for the remainder of this session. [Applause.]

Mr. McMILLIN. As justifying my inquiry, I call my friend's attention to the fact that, while there has been nothing of that kind done since the close of the war, all have been looking anxiously for the protection and the glory of the country, and yet two years ago if the war had arisen General WHEELER and Fitzhugh Lee and their associates could not have gone in.

Mr. LACEY. That is true up to the time of the passage of the bill by the last Congress, and I am glad to say that it passed in time of profound peace, and it is doubtful to-day whether there is anyone remaining to whom the present bill will now apply, as bills have been passed from time to time relieving from disabilities various classes until nearly everybody has been relieved. Now we see the pleasant spectacle of these ex-Confederates commanding troops recruited in all parts of our country, and soon we will hear that they have met our common enemy. Miles and Lee, with Wilson and WHEELER, will make a formidable combination for any foe to meet.

Mr. BAILEY. Let me call the gentleman's attention to one misstatement. The gentleman from Alabama is not absent under leave of this House. The gentleman from Alabama has obtained no leave of this House to be absent, and could not as long as I am here.

Mr. McMILLIN. There is not a man in the House that does not laud the gentleman from Alabama for being absent on the patriotic mission upon which he is. [Applause.]

Mr. LACEY. I am surprised to hear my friend from Texas say that he would object.

Mr. BAILEY. I do not believe that any man in this country can hold a military office and his seat in Congress at the same time, and I would object if he were my own brother.

Mr. LACEY. I feel sorry for the gentleman from Texas.

Mr. McMILLIN. So far as I am concerned, my voice will never be raised here against any man patriotic enough to go out and expose his body for the good of his country. [Applause.]

Mr. BAILEY. I will take occasion to say what I have to say after the gentleman from Iowa has finished.

Mr. LACEY. I am glad to know and to record the fact that it was not necessary in this Congress to pass a bill to enable the gentleman from Alabama, General WHEELER, to go to the front. That had been done on a previous occasion. But when we find General WHEELER and Gen. Fitzhugh Lee called Yankees and accepting the title in good nature and going to the front as Yankees to the tunes of "Yankee Doodle" and "Dixie," I say it is time there should not be a single man left under the ban of a war-time disability. [Applause.]

Mr. BAILEY. Mr. Speaker, the present bill is an entirely proper one. I have no desire to add anything to what has been said, and, of course, no desire to say anything against what has been said. I ventured, however, a moment ago to contradict the statement of the gentleman from Iowa [Mr. LACEY], that the House had granted leave to one of its members, who is now occupying a high, important, and dangerous position in the Army. I ventured to correct his statement, because such action on the part of the House would recognize the right of the gentleman to continue as a member of this House while holding office as a general in the Army of the United States, and I would not assent to any action which concedes the right of any man to hold these two offices at the same time. To me the Constitution of the United States is plain, and certainly the highest duty enjoined by patriotism is to respect it.

The Constitution declares that—

No Senator or Representative shall during the time for which he was elected be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.

This provision prevents a member of the House during the time for which he has been elected from being appointed to any civil office created or the emoluments of which have been increased during that time. But, recognizing that there might come an hour of great peril when the Executive might need military officers who were serving in Congress, the provision was confined to appointments to civil office. The second provision, however, goes further than the first. It prohibits all persons holding any office under the United States from being a member of Congress during their continuance in office. The language is:

And no person holding any office under the United States shall be a member of either House during his continuance in office.

I submit, Mr. Chairman, that language can not be broader or plainer than this.

Mr. GROSVENOR. I will ask the gentleman whether, in addition to the constitutional provision—

Mr. BAILEY. There is also a statute on the subject:

No person holding any office under the United States shall be a member of either House during his continuance in office.

Language can not be plainer than that.

Is the office of a major-general an office under the United States? If it is, the Constitution expressly forbids all persons holding such an office to be a member of this House or the Senate during his continuance in it.

I believe it was a wise provision that prevented a member of the House or Senate from accepting a civil office created during the term for which he was elected or the emoluments of which may have been increased during such time; but it was not wiser than the provision that prevents the holding of two offices by a member of this House or the Senate.

The Constitution expressly and plainly disqualifies all Members and Senators during the time for which they have been elected for appointment to any civil office created or the emoluments of which have been increased during that time; and the Constitu-

tion as expressly and as plainly disqualifies all men holding any office under the United States from serving as a member of Congress while they continue in such office. The disqualification for appointment to offices created during the time for which Senators and Members are elected applies only to civil offices, but the disqualification for service as a member of Congress applies to all offices of the United States.

The object of such a constitutional inhibition was not merely to remove members of Congress from the temptations of Executive favors, but it was designed to enforce the theoretical separation of the several departments of Government. With the exception of the President and the Vice-President themselves, all other officers of the United States are appointed; and except a few inferior appointments which the courts of law may be authorized to make, all other appointments are made by the executive department. Our fathers easily perceived the absurdity of supposing that the legislative department could be kept independent of the executive department if members of Congress were permitted to accept and hold executive appointments while they continued members of the legislative department.

The question now under consideration appeals to me, and ought to appeal to all members on this side, with a double force. It not only unites in the person of one gentleman the diverse attributes of legislative and executive functions, but it blends civil and military authority. An officer in the Army of the United States is subject to the peremptory orders of the President, and as for my part, I will never consent to see any man continue as a member of this body who is compelled to obey the command of the President of the United States. The duties of a major-general are inconsistent with the duties of a Representative. It is not only impossible to perform them both at the same time, but in the nature of things they are liable to conflict.

Mr. HULL. The gentleman will allow me to ask, was not this question fully gone over by the Attorney-General and other authorities in the case of WILLIAM J. SEWELL, of New Jersey, who was appointed a major-general of volunteers while holding the position of Senator from New Jersey?

Mr. BAILEY. It was. My position is not only in accordance with the Constitution and with the opinion of the Attorney-General of the United States, but it is in perfect accord with the precedents of this House itself.

Mr. GAINES. Suppose that enough members of Congress should join the Army to leave the House without a quorum, would the remainder of the House have the right to send out and arrest those men?

Mr. BAILEY. No; the governors of the States would order an election to fill the vacancies.

Mr. GAINES. Would there not be in that case a conflict of authority?

Mr. BAILEY. Not at all. The Constitution provides that whenever a vacancy occurs in the representation of any State the executive thereof shall issue writs of election to fill such vacancies. That very case happened during the Mexican war. Mr. Yell, who was a member of this House from the State of Arkansas, accepted a commission as colonel in the Volunteer Army, and the governor of Arkansas, holding that Mr. Yell had vacated his seat in Congress, ordered an election and a Mr. Newton was elected.

Mr. GAINES. I agree with the gentleman as to what the law is and ought to be, but my question is this: Suppose enough members of the House should join the Army to leave the House without a quorum, would the remainder of the House have power to bring those men back from the Army?

Mr. BAILEY. They would not, because the moment those men join the Army they vacate their offices as Representatives.

The acceptance of an incompatible office always vacates another incompatible office. That doctrine is as old as the Constitution of the United States at least.

Recurring to the Arkansas case, it will be recalled that when Mr. Newton appeared here and asked to take the oath of office, Hon. George W. Jones, at that time, I believe, a Representative in Congress from the State of Iowa, moved to refer Mr. Newton's credentials to the Committee on Privileges and Elections. The resolutions which Mr. Jones offered recited that the House was in possession of no information which indicated that the member from Arkansas, Mr. Yell, had become disqualified or had resigned his seat. The debate proceeded; but in the meantime some member had applied to the Adjutant-General's Office and procured the information that Mr. Yell had been commissioned as a colonel of volunteers in the service of the United States; and the Congressional Globe records that upon this fact being made to appear to the House all opposition was withdrawn and Mr. Newton was sworn in as a member of the House. Yet his only shadow of a right to his seat proceeded upon the theory that by accepting the colonelcy his predecessor, Colonel Yell, had vacated his seat in the House.

The resolution admitting Mr. Newton to his seat was passed without a division, and without a dissenting vote.

The question arose again in the case of Mr. Baker, of Illinois; and before it could be settled, as it would have been settled, Mr. Baker settled it by resigning. Yet the question was considered so important that the Committee on Privileges and Elections, of which the Hon. Hannibal Hamlin, of Maine, was chairman, reported that Mr. Baker had vacated his seat; and the report is published in the contested-election cases of the House.

Now, Mr. Speaker, a very serious question might arise upon a state of facts suggested by the gentleman from Tennessee [Mr. GAINES]. Suppose that this House should find itself without a quorum, and, in accordance with the rule, should order the arrest of all absent members. Does anyone believe that our Sergeant-at-Arms would have the right to go anywhere in this country, or out of it, and bring to the bar of the House a major-general of the United States Army?

No man believes it, and yet the applause with which the statement is received that no question ought to be made about a man's right to hold two offices in this country indicates that the House thinks it is consistent with the Constitution, with our laws, and with the public interest that the man who is chosen by his people to discharge his civil duties as a Representative may absent himself from the House and accept a commission in the Army. It is intimated, and the intimation is applauded, that it is unpatriotic to raise any question of that kind, because, forsooth, the member is at the front serving his country. I may applaud his military service, but while he is serving there he can not serve here. [Applause.]

Mr. JENKINS. Mr. Speaker, I yield such time to the gentleman from Ohio [Mr. GROSVENOR] as he may require.

Mr. GROSVENOR. Mr. Speaker, I do not know how this question, which has been debated by the gentleman from Texas [Mr. BAILEY], came up. I did not hear the origin of it. I can not see how it has any application to the question under consideration by the House; but it has come up, and is a very interesting question. And I want to say, and I do not hesitate to say, that I indorse every statement, every proposition, made by the gentleman from Texas.

I do not have any application in my mind to any particular gentleman who has seen fit to volunteer and accept office at the hands of the President. It is not alone on that side of the House. There is one case or more on this side of the House. I do not think any man's patriotism will ever be successfully called into question in the United States because he stands rigidly by the terms of the Constitution and carries out the manifest spirit and purpose of the Constitution. We formed a Government a great many years ago and have tried to adhere to its cardinal principles.

We undertook to separate into grand divisions the various component parts of the Government, and so we have zealously guarded the rights of the Supreme Court, the rights of the Executive, and the rights of Congress. And more than once the American people have expressed their approbation of the zealous care manifested that one branch of the Government should not trench upon the rights, privileges, and powers of the other branches of the Government. I was struck not many months ago by a remark made by a very distinguished American citizen holding a very high office, concerning which there was a little question of etiquette in what might be termed society, and he made a statement that impressed itself upon me when he said:

I care nothing about this question, so far as I am concerned; but while I hold this office I propose to protect its dignity and authority in every direction.

Now, I remember very well the debate upon this question in Congress during the last war. Mr. Vallandigham, of Ohio, a distinguished lawyer, a very able man—a very unsatisfactory politician to me and to a great many others—put this illustration on the floor of this Chamber: If one man can be commissioned by the President of the United States in the Army while holding the office of a Congressman and can take the oath to obey the lawful orders of the President of the United States, where is the limit? All of them might be commissioned, said Mr. Vallandigham. And the illustration is unanswerable. Under this tremendous call for troops every Congressman might have a commission in his pocket and be sworn to obey the orders of the President of the United States; and some day the President might get tired of the sessions of Congress and order these colonels and quartermasters and paymasters to join their regiments, thereby proroguing the Congress of the United States.

Mr. RAY of New York. They would all resign before they would go to the front.

Mr. GROSVENOR. The gentleman from New York says they would all resign rather than go to the front. He speaks feelingly on that subject, I have no doubt. [Laughter.] The military arm

of the Government is the power of the Executive. It is the weapon, the instrumentality of the President. The Congress of the United States is the representative power of the people of the country, and it ought to be kept as distinctly separate, the one from the other, as the courts and the legislative department ought to be, and I have no doubt that that is the true construction of the Constitution and the law. Now, what call therefore is there for any man to advertise his especial patriotism by saying that he is willing to vote that any man may have a leave of absence to go into the Army?

If anybody wants to go into the Army as a soldier, he had better do exactly as the distinguished gentleman from Alabama [Mr. WHEELER] did, just take his commission and go, and let the governor of his State take the responsibility of calling an election or not, as he may see fit. Nobody would obstruct General WHEELER. Nobody could obstruct him. He is an embodiment of the very spirit and incarnation of war, and I know as much about him in that respect as anybody on this side of the House.

And I want to say, now that I have spoken upon this question, that I should have regretted very greatly if he had put up his anxiety to hold the office of a Congressman here against his devotion to his country, for I believe he went forth in the spirit of unsullied and unalloyed patriotism. But there is no occasion for General WHEELER to violate any law of his country, nor is there any occasion for the Congress of the United States to hesitate to declare the law of the country, and the people of Alabama and the people of the United States will see to it that neither General WHEELER nor any other patriotic man will suffer by any sacrifice that he may have made in its behalf.

Mr. PAYNE. Right there, is it not a fact that General WHEELER considered himself no longer a member of the House when he accepted his commission?

Mr. GROSVENOR. I think I had better make a little statement here. I believe it will be interesting to General WHEELER's personal friends. General WHEELER came into the Ways and Means Committee room on the morning that he had accepted his commission as a major-general, and the first thing he said when he came in—the committee was not in order and not transacting any business—he said in that nervous, quick way of his:

I have only come here to take a few papers out of my desk. I am not here to do anything as a member of the House. I have not even franked a document since I was appointed by the President.

Well, you know there could not be any higher demonstration of General WHEELER having left the House than that. [Laughter.] Presently somebody said, "Mr. Chairman, I think there is a quorum of the committee present." General WHEELER seized his papers and rushed out of the room, saying, "Don't count me," and that was the last word I ever heard General WHEELER say.

Now, Mr. Speaker, the object of this bill is to remove from the statute books of the country and from the minds and hearts and consciences of the people of the country all distinction of citizenship growing out of the war of the rebellion of 1861 to 1865, so far as political rights and equality go. And, Mr. Speaker, if there is any one thing that will make a soldier feel grateful to Almighty God, it is that He has spared him to live to 1898; it is the fact that he has lived to see this condition come. [Applause.]

It was, as I said on another occasion, an imperfect sacrifice if complete salvation had not come of it. It was an imperfect sacrifice of the lives and property and limbs and health of the people of this country if out of that storm of blood and fire there had never come a perfect union, not a reunion by force, not a mere union upheld by the power of the courts and the Army, but, in the language of the poet—

A union of hearts and a union of hands,
A union of hearts none can sever.

Why should this remain? Is it to remain on our statute books to mark an epoch in our history that we would gladly forget, or if we would not forget, that we would certainly only remember now with pride, that out of it and from it has sprung the condition of to-day? Why, Mr. Speaker, there is not a country on the face of the earth, far or near, under king or potentate or republic, that has one-half the solid loyalty that is felt to the flag of this country by every human being that owes it allegiance. [Applause.]

Witness the marching of men, the zeal of these young men to go to war. It is said that some of the States of the Union have not filled their quota as rapidly as some other States of the Union. That must be understood by the American people as in no wise reflecting upon the zeal, purpose, and loyalty of the men who are in those States. The machinery for putting these men in motion was better in some States than in other States. The wonderful organization of the National Guard in some States that was ready almost at the instant to march is not to be put in evidence against the State that had no National Guard and had to form its organization out of the men on the farms and in the shops.

Why, in 1861-63 I can now recall regiments that began to organize for three years' service in the month of June and were not in the camps ready for battle until February or March of the next year. And yet we have 135,000 men drawn from the volunteer sources of the country ready to march to-day, with the exception of a very few of them that are not yet quite armed and equipped. We have learned something even in this war. We have learned something that we did not know, or, if we did know it, it fell as dead sound upon our ears.

We discovered when the tocsin sounded, when the cry was raised, that there were not rifles enough in the United States fit for use to have armed 20,000 volunteers, and there were not five rounds of ammunition for what cannon we had, let alone what has been added since. A demonstration made by a mighty people springing to arms, regardless of any question whether war might have been delayed, or ought to have been delayed—the spectacle of a mighty nation simply rising with the single battle cry, "My country, my flag," is a picture that all the world is looking at to-day with splendid admiration.

What is it that has changed the tone of the civilized world? What is it that is toning down the press of France? What is it that has touched that nation with something of the elements of republicanism? Why is it that the Czar is looking with friendly eyes over this way? It is because he and all the other nations of the earth have now learned for the first time that there is absolute loyalty in the breast of every American citizen, and it is the first time they have ever known it. [Applause.] So, standing here as I do in a humble way, representing a loyal constituency in the war and one of the loyal constituencies since the war, and with a heart grateful to Almighty God that I have had the opportunity, I will vote to remove from the statute book every vestige of this character of legislation, and I will try to forget that there was ever any necessity for it. [Prolonged applause.]

Mr. McMILLIN. Mr. Speaker, I concur entirely with the remarks of the gentleman from Iowa about the justice of passing this bill. The time has come—in fact it came long ago—when this should be done, and now there is no reason why it should be postponed longer. Strange anomalies have arisen growing out of the statute imposing political disabilities. I saw for ten years after I came to this House men who had been in the Union Army go up and take the ironclad oath and those who had been in the Confederate army take the modified oath as members of Congress. They required a more strenuous oath of those that had been in the Union Army than those who had been in the Confederate.

I heard Senator Blackburn, then a member of this House, give utterance to sentiments that have just fallen from the lips of the gentleman from Ohio [Mr. GROSVENOR], expressed almost verbatim as he has expressed them. You take Senator Blackburn's speech made on the bill to prevent force at the polls, for which he was greatly criticised, and two sentences could hardly be framed, with any difference, more alike than the ones of the gentleman from Ohio and the gentleman from Kentucky.

I rejoice to see the time when the discriminations growing out of that fearful conflict have passed. I shall vote for this bill with very great pleasure.

Mr. Speaker, I have in my humble, but rather long service in this House, helped to repeal the test oath; helped to remove the political disabilities of men of the South; helped repeal the laws authorizing troops and other Federal forces at the polls, and rejoice that I have been spared to this good work of removing this last law on the subject from the statute books.

One other matter to which reference has been made. The gentleman whose action as an officer and soldier has been under discussion I met in this Hall when I first came here; and if I have had other than twenty years of friendship and admiration for him, I might afford to remain silent and let the presumption arise that would arise in his behalf from all who know him. Knowing him as I do, watching him as I have watched him, seeing his coming and his going for so long a period, I would do myself injustice did I not say to this House, what this House already knows, that never during his history will there be found a single action on the part of General WHEELER that indicates that it was ever possible for him to hold any office or desire to hold any in violation of the Constitution of his country.

A braver man does not live, a more patriotic man can not be found; one more unselfish and devoted to the good of his country is not to be found anywhere. For one I will not directly or indirectly question by any words of mine a single motive that actuates him, or casts suspicion upon any conduct of his that he could possibly do other than the patriotic thing, nor will in silence hear it done.

The gentleman from Ohio has hit the point. As much as my friend from Texas, who addressed you a few moments ago, be-
means a man going out and leaving a seat in this House vacant that ought to be filled, he knows that the Constitution, which he

and I both revere, and which General WHEELER will always bow before and defend, puts it beyond the power of this House to have any voice as to when the vacancy may be filled. That is for the governor of Alabama and the people of Alabama to say, and not for any member of this House. This House can not move in that matter. Has General WHEELER done any act that indicates that he proposes to play a dual part, in an official way, as a member of this House while holding a military position?

Has he in committee? Has he on the floor? Has he in connection with the drawing of his pay? Not one. And, for me, I would as soon go to the desk of one whose desk has been made vacant by his death in the service of his country and remove the black drapery and the flowers from it as to question the right that pertained to him concerning that seat while he was out fighting the foes of the United States.

For one I would not—and I do not believe any other man on this floor would—ever be found following on his trail and questioning his motives at the time that he was being shot at by the fiery Spaniards who are at war with the people of the United States.

Mr. Speaker, I have felt that I was not only justified in saying this much, but that I would do myself injustice if I did not say it for one who is absent and can not speak for himself. Let us go forward transacting the business before us, providing for the enlistment of men, their equipment and feeding. Let us attend to our own business. Sir, that able and distinguished soldier will do his duty in the field. Let us do ours and be content therewith.

Mr. BAILEY. Mr. Speaker, while I was on the floor before I carefully and purposely avoided calling any names. The only reason I took the floor originally was to correct the gentleman from Iowa, who had inadvertently, no doubt, stated that the House had granted General WHEELER leave of absence. I felt that a correction ought to be made, because if the statement were correct, it would follow that in asking for a leave of absence, General WHEELER asserted his rights as a member of the House, and in granting it the House had recognized him as still a member of it and entitled to all of its privileges.

I interposed in order that that statement might not appear unchallenged in the RECORD. I stated that the House had granted no leave of absence and added that it would not do so with my consent. I offered no further explanation, but everybody understood that the reason I made that statement was that I held, in common with everyone else here, that an acceptance of a position in the Army by a member of the House vacates his seat.

If we are to believe the gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Ohio, General WHEELER himself holds the same opinion, because one says he would not hold both offices, and the other says he has carefully and scrupulously avoided attempting to exercise since accepting his position in the Army the rights of a member of this House.

I am not advised whether he has notified the governor of Alabama that his seat is vacant, and I make no criticism in that respect; that is a matter between him and his constituents, or perhaps between his constituents and the governor of his State. But I am interested in seeing that this House does not recognize the right of any of its members to accept and hold an office of the United States while they continue as members of this body.

No man exceeds me in admiration for General WHEELER both as a soldier and as a civilian. Though I have not served so long with him as the gentleman from Tennessee, I have served long enough to respect him. No man exceeds me in admiration for his courage and his military talent; and if he had asked my advice I would have told him to abandon the service of his country in this House in order that he might serve it where few can serve it so well.

I feel sure that when the war is over the reputation which he made in that unhappy war between the States will not only be undiminished, but will be increased; and I know that no man who wears the uniform which is now the emblem of a reunited people will keep it more stainless than General WHEELER. [Applause.] But much as I admire him, if he were my brother I would not recognize his right while serving his country upon the field of battle to continue his membership in the House of Representatives.

Mr. SETTLE. Mr. Speaker, I think when the permanent RECORD of this day's session is made up it would be incomplete indeed if some Representative from the South, some man who is supposed to be in sympathy with the Southern people in their present and their past relations to the General Government, did not avail himself of the opportunity to respond to the generous sentiments that have been uttered on the floor of the House by the gentleman from Ohio and the gentlemen from Iowa and Wisconsin in the conduct of this bill to-day, for notwithstanding we may all say this is a just bill and ought to have become a law years ago, yet we from the South must agree that it is none the less a generous bill; and Southern Representatives should not hesitate so to declare in their places here, for had we been the victors we might not have been so generous as they.

This bill is but the culmination of the course of events that have been gradually approaching this point for ten or fifteen years past. I have seen it in the present session. I have heard the great battle hymn of the South—"Dixey"—receive as generous applause in Northern capitals as was accorded to the "Star-Spangled Banner" and "Marching Through Georgia." And it came not from Southern sympathizers, but from the generous people of the North, who took that occasion to say, in this way, to their brethren at the South, "We embrace you and have learned to forget all past differences." [Applause.]

I happened to be at a down-town theater the other evening. In the interval between the acts it has become the custom not to go out, but to remain and hear the orchestra discourse patriotic anthems and airs. After the band had ceased playing some gentleman arose and proposed "Three cheers for McKinley." The vast audience gave them with a will. Then three cheers were proposed for Dewey, the hero of Manila, which were also responded to. And then some gentleman, whom I took to be a military officer of rank, arose in his place, and waving his hand in the air said, "Three cheers for a united country!" Gentlemen, that sentiment caught me; and it caught that vast house. [Applause.]

I thank God that I have lived to see this day. We sometimes thought that the great war between the States was an unmitigated evil, but in the providence of God it, accompanied by other agencies, has proved to be a great blessing. That war was not of chance or of accident. It came as the winds come and as the storms come and as all things else come—in response to the eternal purposes and behests of Him who "holds the wind in His fist and the hearts of men in the hollow of His hand." [Applause.]

The beginning of the war was the acme of that sectional hate which had been growing and increasing in bitterness for thirty years. The North had no love for the South, and the South had no respect for the North. The conflict was irrepressible. The world looked on at the magnificent display of courage and fortitude exhibited through four years of battle and strife, and while one rebel could not, as he thought at the beginning, wipe out five "Yankees," the sequel showed that he could put them to considerable exertion. [Laughter and applause.]

When valor and courage and endurance shall no longer command the praise of men, when tribute shall be denied to those who endured privation without complaint and suffered all manner of sacrifices without murmur, then we might hesitate to unroll the curtain of that past and let its scenes pass in panorama before us. But Heaven forbid in this day, when one touch of nature has made us all akin, that I should fear in this presence to hold up for admiration the prowess of the gallant boys in the trenches and the field, wearing the blue or wearing the gray, who gave to the cause of their country their lives, their fortunes, and their sacred honor. [Applause.]

But the end came at last. These Southern knights went down to their home, and many of them can not be reached by any provision of earthly statute now.

Many of those good knights are dust—
Their good swords rust,
Their souls are with the saints, we trust.

They went down to their desolated homes and despoiled fields, and without complaint they set about the task, the herculean task, of rebuilding those waste places and restoring their ancient splendor. Her sons laid down their arms in good faith, and in the same spirit they laid their hearts upon the altar of their country and took their step to the music of the Union. I do not believe, gentlemen, that the American people were ever so united as they are to-day. The men who stayed at home were the last to forgive, but the men who fought have always been the first to forget. [Applause.]

And now we are hastened to this era of good times by the war in which we find ourselves involved. We shall free Cuba, but we shall do more than that. We shall free ourselves. The greatest of English poets, in speaking of the divine quality of mercy, has said that—

It is twice blest:
It blesseth him that gives and him that takes.

If we shall confer a gracious boon upon the people of that unhappy island, we shall receive a blessing from Heaven, such perhaps as we may not be able to contain. Out of this baptism of fire and blood wherewith we are now being baptized we shall come forth, I doubt not, new men and new women, clean every whit, with sectional hate and sectional bitterness clean gone forever. [Applause.]

That were a consummation devoutly to be wished; that were the summum bonum, the great desideratum; that were well worth all the treasure we may expend and all the blood that may be shed. In the language of the great Kentucky editor, this war has already forever eliminated the sectional contest. There are thou-

sands of old Confederates who are to-day happy in the thought that before they have been called to join the silent bivouac of the dead, they have seen the North and the South united in battle array beneath the Stars and Stripes.

Flag of the free heart's hope and home!
By angel hands to valor given!
Thy stars have lit the welkin dome,
And all thy hues were born in heaven.

[Applause.]

Mr. PARKER of New Jersey. Mr. Speaker, as a member of the committee that reported this bill unanimously, it is with reluctance that I deal but for a moment with considerations that do not belong in this debate, although so earnestly and so well urged by the gentleman who has just taken his seat. Whether a member of Congress is so incapacitated from going to fight for his country that thereby he forfeits his seat is probably a question for each particular case and to be determined upon each particular case. No doubt he is not a member of Congress while he is in the field. No doubt he does not serve and can not serve in both offices. No doubt he can not draw both salaries. No doubt his office—for office is service—is suspended.

But whether it is finally vacated is a question that ought not be determined in a mere incidental debate and by incidental construction of a great clause of the Constitution in hurried remarks on the floor. The practical questions are not simple. The instances are many and complicated.

The Constitution says that no person holding any office shall be a member "during the continuance of such office." Does this apply to an attorney of the United States Supreme Court? Does he hold an office under the United States? Does a United States commissioner or a master in chancery hold an office under the United States? Take a larger question, not based on exact words of the Constitution, but on general constitutional principles. Chief Justice Jay, of the Supreme Court of the United States, was not held to forfeit his office as Chief Justice by going as an ambassador of the United States to England with special powers and privileges to negotiate a treaty, and thereby becoming part of the executive and diplomatic service of the United States.

It is a still closer question whether a member can serve in the militia of a State. By the Constitution Congress is given power to provide for organizing, arming, and disciplining that militia, and governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers. Is not an officer of militia an officer of the United States as well as of the State? Is he such an officer as incapacitates him from holding his seat here, as many a colonel and as many an officer of the National Guard has done? Some may say that he is not an officer of the United States till he is called out and into the service of the United States. Admit this. Then, if for a short time and during recess of Congress an officer of militia goes out at the call of the President to put down a riot which may be ended in a week or a month, does he thereby and ipso facto forfeit and vacate his place in Congress? Or does he merely make it liable to vacation?

Now, Mr. Speaker, the constitutional provision on this point is very careful. It is not like the English law. It is not copied therefrom, as has been claimed here. By the English law if a member of the House of Commons shall accept any office of profit from the Crown during his membership, his election—

Shall and is hereby declared to be void, and a new writ shall issue for a new election as if such person so accepting was actually dead: *Provided*, That such person shall be capable of being again elected, as if his place had not become void as aforesaid. (1707, 6 Anne., cap. 7, XXVI.)

Thus by that law the very fact that the member accepts the office creates a vacancy in his seat as member of Parliament, and a new writ of election is ordered to issue. The statute itself creates the vacancy, forfeits the office, and orders the new election. Yet even this statute has been so strictly construed that if a man be already an officer of the army, the acceptance of a higher commission—a new office of profit and trust—is held in the English Parliament itself not to forfeit his place.

Our own provision creates no such summary process.

Mr. Speaker, the framers of the Constitution saw that on such great constitutional questions practical common sense in each case should govern. They declared a principle. The evil was in holding and trying to fulfill two offices. "During the continuance" of the military office, while in the service of the United States, the man can not be a member. He can not act as such. What is more, a statute of the United States declares that if any officer of the Army shall perform the functions of any other office, elective or otherwise, he shall thereby forfeit his place in the Army. And therefore General WHEELER could not do anything as a member of Congress without forfeiting his place as a major-general in the Army.

But whether his acting as major-general in the Army vacates

his seat or only suspends his office and functions, whether it ipso facto orders a new election or is such temporary employment as is consistent with the duties of a citizen and therefore only gives a discretion to order a new election, and meanwhile only suspends his service as member while otherwise employed, are questions which we at this time are not called upon to decide. I now only answer some general statements that have been made here, agreeing thoroughly with the rule that no man can act at the same time as a member of the Legislature and as a member of the Army of the United States; reserving the great question whether the seat is ipso facto forfeited and a new election necessary when a member accepts other service under the United States, however temporary, or whether a practical discretion is reserved to this House or to the governor of the State to declare whether the member's absence in other employ, perhaps necessary, patriotic, and temporary, in the particular case, under the particular circumstances, and as a practical question, shall be deemed a mere suspension of service or treated as cause for ordering a new election.

Something has been said about the decision of the Attorney-General of the United States. When it was attempted to submit that question to him, with reference to a Senator from my own State, I know from the best authority that the Attorney-General properly declined to decide that question, on the ground that it was for the Senate itself to decide whether a seat be vacant or not.

Mr. Speaker, I regret that such a question as this, with even a suggestion as to the position of members of this House in the presence of a common danger, should have been injected into this debate. We are unanimous upon this bill. After thirty-three years, the length of a generation, one-third of a century, South and North stand together against a common foe.

South and North vie with each other in thrusting party into the background, in putting everything behind them except the support of our common country. South and North will fight together, their regiments in the same brigades, upon a common battlefield. South and North will bear the hardships, which many do not expect now, but which may be incident to the contingencies of any war, whose blaze may kindle a conflagration such as we do not now expect. South and North, waving the one flag, the old flag of the Union, ask that all discriminations made necessary in the reconstruction period after the war shall now be removed, and that the equality of all men declared by the Declaration of Independence shall be restored under the flag of the Union. [Applause.]

Mr. LEWIS of Washington. Mr. Speaker, I was attracted toward this discussion by observing what appeared to be some variance between two distinguished Democratic gentlemen, Mr. BALEY, of Texas, and Governor McMILLIN, of Tennessee, who both occupy high places in the esteem of the nation and in the respect of this House. If I might be permitted to paraphrase the utterance of one of these gentlemen a short while since, when Col. AMOS CUMMINGS, of New York, and myself engaged the attention of the House, I would say that I deeply regret that a "difference should appear among the minority side, lest it shall go to the country at large as some evidence that there is a serious division in our ranks," whereas as a matter of fact the roll call would simply show that two distinguished gentlemen have fenced for epaulets each deserves to wear. [Laughter.]

Mr. Speaker, the present bill under consideration can necessarily concern me only as a sentiment. Gentlemen who have preceded me have been those who by experience and by association well know the fitness of this measure. I did not, like the distinguished gentleman from Ohio [Mr. GROSVENOR], have either personal acquaintance or personal experience in that great strife of our nation, which shall go down in the immortal history of the world. That contest of a mother's children—one dying for his home, the other for his country.

For these, where'er they be,
Where'er they sleep,
Glory treads with eternal round,
And honor's vigil watch will keep.

[Applause.]

The gentleman from Ohio [Mr. GROSVENOR], like Dentatus, has grown gray in the service of his country, and for the silver locks he bears as the crown of his reward we who differ from him nevertheless respect him. I, Mr. Speaker, during this period of conflict, was a crooning infant, lulling my life away on the black bosom of my own negro mamma. The thunder of the cannon did not disturb me, the conflict of brother men battling to death did not awake me. To me life was serene and full of joy. It was not until I reached some manhood that I could to any extent appreciate what had been the extent of the strife. As I turned my eyes to the home of my childhood I observed all that were the household gods of my people had been laid low in the ashes of war.

I could not be expected to express any other sentiment than as one who represents this new and approaching generation—this generation of good will to men. I come into this honorable House

as one of those who represent that generation who have been born and reached the manhood and fulfill it to the best of their capacity, those who bear no hatred and harbor no revenges to our brothers in our midst. Let me dream that in the glory and the consummation that is ever reaching the apex of pleasure and usefulness the relics of this internecine strife has to-day been wiped off the statute books of the country by the patriotic hearts of the American people in an American Congress before the eyes of the admiring world. [Applause.]

I rise, however, Mr. Speaker, to make note of a single incident. I do not vote myself able, and I would not assume to add anything to the eloquent tributes which have fallen from the mouths of the different gentlemen here. I would not mar the grace of the occasion by the crude attempt. If it were not that I had a purpose particularly addressed to the wisdom of this House, I would not otherwise have intruded myself to disturb its harmony in any respect.

But, Mr. Speaker, when I hear distinguished gentlemen, such as the respected soldier, scholar, and statesman from Ohio [Mr. GROSVENOR], such as the eminent jurist from New Jersey [Mr. PARKER], as the noble Roman from Iowa [Mr. HENDERSON], speaking so eloquently and magnanimously upon the unity which has come upon the land, who deprecate any utterances that are to be made in a partisan spirit or upon political conditions in an hour like this, I can not but recur to the record there is in front of me and ask myself the question, in the language of the bard:

And be these juggling fiends no more believ'd,
That palter with us in a double sense;
That keep the word of promise to our ear
And break it to our hope.

In the Washington Post, a reputable paper, which at least can be regarded as an expression of the views of the present Administration, I read, Mr. Speaker, what purports to be a quoted utterance of the secretary of the Republican Congressional campaign committee, a respected member of this House. In this fulmination, which it was his purpose to circulate throughout the country from the central point, in order that it would have such political effect in the campaign—the utterance as official—I read, among other things, this:

When the fifty-million-dollar appropriation was authorized—

Mr. HANDY. I should like to have order, Mr. Speaker.

The SPEAKER pro tempore (Mr. PAYNE). The House will be in order.

Mr. LEWIS of Washington. I read from a quotation by an eminent member of this House—let me hope him more eminent than these declarations would prove him—the present secretary of the Republican Congressional campaign committee—

Mr. GAINES. What is his name?

Mr. LEWIS of Washington. Mr. OVERSTREET, a member of Congress from Indiana, representing the commercial city of Indianapolis, the secretary of the Republican campaign committee. Among other utterances which went forth and which were intended to be circulated throughout the country for effect, this gentleman, in his official capacity as secretary of the Republican campaign committee, said:

When the fifty-million-dollar appropriation was authorized, a great number of Democrats took occasion to pledge the support of the people of their States for the aid of the nation, and in eloquent terms declare their intention to stand by the flag and furnish all the men necessary from their respective States. Our people have observed that in the call for volunteers there is hardly a State whose Democratic Representatives so eloquently pledged their people to the cause that has furnished its quota under the call.

These things simply demonstrate that when the war shall end (as it now looks that it may before a great while) the advocates of the free coinage of silver will immediately urge consideration of their claims, and the battle of 1896 will be repeated in 1898. In my judgment, such has been the development of business since 1896, demonstrating the fallacies of the Bryanites, that the battle of 1898, while it may be waged with apparent earnestness on the part of the free silverites, will not be as dangerous as it was in 1896.

Appearances strongly indicate decided Republican gains throughout the central West, and such States as Kansas and Nebraska are rapidly swinging away from their Populistic principles and arranging to return to the Republican fold. I firmly believe that the Republicans will be able to hold their majority in Congress and will make some decided gains in the central Western States.

Mr. Speaker, as I stated, I took no part in the last war. I make free to assert here to-day that the distinguished gentleman who gave utterance to these remarks had no greater experience and from it never bore a scar. That he, like myself, because of being in infancy, had no opportunity in that conflict, and that these utterances, so unbecoming at this hour, which are so untrue to the truth, so lacking in magnanimity, so wanting in patriotism, would never have been born from the hearts of such distinguished gentlemen as I have named heretofore and who were a part of that combat of blood and death, nor would they have issued from any considerate patriot in a time like this.

I would not have believed that any man could have grown so

small as to have made this unjust and calumnious charge against these States for no other reason than, as he claims, they profess to be Democratic in politics. [Applause on the Democratic side.] What purpose have these States to decline to fill their quota? What is the object insinuated by the gentleman as theirs in refusing to fill their quota? Where is the single evidence of truth or instance of fact to verify this charge or excuse its utterance? I answer there is not the existence of either.

Sir, those sentiments are defined in the language of a poet:

It is a shrill shriek. It is a craven croak from out of a narrow throat—
The craven croak from a narrow throat,
Born of a dry and dusty heart—
The grovelling of beast, but of man no part.

[Applause.]

We ask ourselves, Where is the exhibition of that magnificent patriotism often vaunted in eloquent speech? In display before the public there never was an occasion that was so vulgarly corrupted, so thoroughly distorted, and so unjustly made use of as this public announcement by this public official in his public capacity, sending forth this public slander upon every State that has professed Democracy in politics or gave its vote against the present Administration in the last campaign. [Applause on the Democratic side.]

Mr. GAINES. Does he sign that publication as secretary?

Mr. STEELE. I invite attention—

The SPEAKER pro tempore. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. LEWIS of Washington. I do.

Mr. GAINES. No patriot would sign such a document.

Mr. STEELE. I do not know whether the article is to be attributed to my colleague—

The SPEAKER pro tempore. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. STEELE. But I want to call attention to the fact that he is not now in the House.

Mr. LEWIS of Washington. Mr. Speaker, before being requested to do so, I had yielded to my honorable friend, Mr. STEELE, from Indiana.

Mr. Speaker, apropos of the suggestion made by the gentleman from Indiana, I have this to say: I realize that the gentleman from Indiana [Mr. OVERSTREET] is not now in his chair, and lest my remarks be misunderstood, let it now be known that my criticisms in his absence are upon the sentiment. Upon his return I shall treat them as from him as an official. I have endeavored to make it very clear that as the gentleman was not in his seat I restricted my strictures and criticisms wholly to the expression, it matters not from what source it comes. That it could have found its way into public print, that any newspaper could have given it wings of circulation and sent it broadcast over the land, emanating as such from the secretary of the Republican campaign committee, a distinguished member of this House, is what I condemn.

It is this expression to which I wish to call the attention of honored members of this House, that they may know that while in eloquent terms they profess the kindest feeling in this matter, while they declare that they would wipe out in this country every line of partisanship—that they would brush away every spirit that demarks political differences—while they thus profess in glowing terms in this House their era of good feeling, their ministerial and executive officers in charge of their campaign are setting forth throughout the country these charges that the Democracy of the country, notwithstanding their professions of loyalty and zeal for the defense of the country, have deliberately declined to furnish their quota to the defense of the nation. Sir, mark the utterance, "Our people;" the Republican party, observe. Sir, the party does not observe; no such vision exists.

Sir, why is this charge made at the outset? It is made for the purpose of leading the country to believe that the Democratic party—the States which are Democratic—are not true to the cause which we now have at stake. It is made as an accusation that those who are Democrats profess a loyalty they neither believe nor are prepared to execute. It is made to carry with it the conviction throughout the nation that we who are Democrats have declined to give to the President for the aid of the nation the quota of men allotted to us—the quota which it was our duty as patriots to furnish and our honor in the execution of our proposed contracts to supply. It had no other purpose. It is a manifest injustice. It is an open and glaring slander.

And, Mr. Speaker, amid all the professions of kindly feeling one to another—amid all the declarations of desire on the part of gentlemen who are most distinguished and honorable in this House, to avoid all such sentiments as these, I have not heard one of my friends on the other side either disown the sentiment or condemn it. [Applause on the Democratic side.]

Mr. Speaker, it is true that in some of the States of this Union some of the quotas have not all been filled. For the South—the

States which are more generally known to be Democratic—I do not assume to speak a word of defense, because the South has such valiant and honored Representatives on this floor who on so many occasions have given indisputable evidence of their capacity and zeal and love for their country as well as determination to guard the interests of their section. They can speak for their mother land.

I shall be content in the few moments I am to occupy to turn my attention to that portion of the country for which, by the certificate of the people, I have a right to speak—I mean the West, my own State, the State of Washington, so far west that it seems as if it were the very lap on which the sun pillows herself when tired after a day's journey [applause], so far from the comprehension of my fellow-members here that they little understand her conditions and less appreciate her situation.

It may be, sir, that California, Oregon, Washington, Montana, and Idaho have not, to some degree, been able to equip their quotas, but to say they have not furnished it—have refused to furnish it—is a slander. [Applause.] But at the outset, sir, the men Washington has sent to the conflict, in proportion to her population, in proportion to their means, certify to their loyalty to a greater—aye, a far greater—degree than similar expressions which have come from any other State of the Union, and I respect them all and the offerings they have brought to the flag. [Applause.]

If it be true that these States have failed to furnish their complement to the Army, what excuse shall we find? Shall any man charge those States with lack of loyalty? Shall it be said that they lack patriotism? Shall it be charged by any man that while professing loyalty to the Constitution and devotion to the flag they bided their time to prove treacherous to their vows? Any such charge, I repeat, is a calumny. No States in this Union suffered in the last five years, as the result of the financial panics in this country and the grip of monopoly, as the States of the Pacific, the State of Washington.

Power and the oppression of masters have corrupted my State as most of the West, and borne heavy indeed upon all those States new in the Union, drawing their life from the soil. Their farming products were reduced in the market, the wages of their laborers cut down, their commerce stifled, their shipping interests shackled. These States were merely rising out of this unhappy condition and asserting their natural advantages when the war came upon them. Before the revival it was with most of them a question whether they would make appropriations to educate their children that they might not go through the avenues of life in ignorance and want, or apply the fund to equipping the guard. The soldiers were the sons of the State. They it was who had to be educated and protected in the enjoyment of statehood. Our people had not possessions rich enough to do both as they would have loved to do. They were forced to choose to which they would apply their limited contributions.

They have been compelled to await the repair of the losses brought upon them by no wrong of their own. And now to be slandered and defamed from high quarters, as have these Western States, is a crime! But this fact gives no warrant or authority or license to publish to the world, to circulate among the nations of the earth, the slanderous statement that we who profess to be the Democratic party stand on the floor of this House and in the hour of the nation's travail pledge her the aid and security of our defense, the loyalty of our honor, the sinews of all our resources, and that, in spite of that pledge, when our country moves to the conflict with a common enemy, we but wait until the hour of trial to smite her with the treachery of a promise unfulfilled. [Applause on the Democratic side.]

The man or men who would give utterance to any such cowardly sentiment, whether he be high executive or a subaltern, must expect from a just mankind severe condemnation. If it be true that this utterance has emanated from an honored member of this House, let us all hope that the justice of his people is such that they will rise up and condemn his accusation and repudiate the author. [Loud applause.]

Sir, I can hardly credit the calumny as worthy; I can not credit it as authentic. Therefore, I would utter nothing personal against the gentleman from Indiana.

I hope that my utterances are well understood by those who applaud to apply to the sentiment—it matters not from what source it may come, whether from a newspaper or from an individual high in office or low in respectability. And while I join most heartily and to the extent of my power in advocating unanimity and harmony on the floor of this House for all purposes that may look to the defense of our common country, might I not ask you, my Republican friends, one question? Can you conceive of anything that will work more quickly to discouragement, that will cast a shadow more darkly upon those who have suffered most yet who are sacrificing most, than to have them understand

that, notwithstanding in the hour of their agony they make tender of both treasure and life to their country, laying everything down at the staff of the flag, are to be slandered and insulted as their reward?

Sirs, behold how our poor, rich—low and high—went out from my dear young Commonwealth, not waiting for equipments, not knowing of free special cars or favors of rich endowments, clad in the mixed habiliments of civil and military life, business given up, families consecrated in the hour of affliction to the charity of friends. These who go to lift and support the arm of the naval hero of the earth, the immortal Dewey [applause], to the dangerous Tropics, fraught with dread disease and possible death—they have all gone. They knew but one creed; it was our country. They sang but one song—the flag. Daring to do and willing to die, young Washington sent her children to glory, and to-day commands the respects and salutes of the Union of America. [Applause.]

I warn you, gentlemen, if I may be pardoned that utterance, that it is not sufficient to say that these utterances are thoughtless utterances. If they came from any man on this Democratic side of the House, eminent gentlemen on that side would have risen and justly excoriated the author, while bitterly condemning the expression. Might I not ask, then, that in the campaigns which are to be waged, in the utterances which are to fall from the mouths of men who occupy places upon this floor, we may not have that sentiment and exhibition of the principle of friendship on the one hand, while on the other the open declaration goes to the nation from your agents of the charge of treachery against us?

I would that the sentiments of loyalty, the sentiments of friendship, the sentiments of a great unity so beautifully expressed were a living fact, were illustrated in the deeds and words of these distinguished gentlemen, and that we should not longer or again witness an exhibition such as this, where a distinguished member on the floor, or a distinguished public official of this country, is found saying to the nations of the earth that out of this whole great column of humanity which professes devotion to the cause of the Union there are those who in the hour of our trial proved traitors, and that they were those who were the Democrats and States which were Democratic States.

I for one join in the hope—I dream, too, of the day when there shall be but one Union—one union of hearts as well as of country. I would greet the hour, in the language of Victor Hugo, when mankind would know but one religion, that of love for all fellow-men, and when out of the strifes of this world mankind should know but one pursuit, and that the alleviation of the distresses of mankind, and mankind know but one hope, and that hope Heaven. [Applause.] If this can be brought about through the regenerated affections of mankind, when the line of political demarcation has been wiped out of existence, and hands have been clasped across the real or imaginary chasm of differences among men, I say, God speed the hour and day that will perpetuate the glory of that glorious reign. [Loud applause.]

Mr. HENDERSON. Mr. Speaker, this bill seeks to change the provisions of section 3 of the fourteenth amendment of the Constitution of the United States, which section 3 is as follows:

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

The provision of this bill is simple, and is as follows:

That the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States heretofore incurred is hereby removed.

That is the simple question before us. This bill passed the United States Senate on the 12th day of May last. It was referred to House Committee on the Judiciary on the 15th of May. I referred it to a subcommittee of which the gentleman from Wisconsin [Mr. JENKINS] is chairman, because he was a Union soldier. That subcommittee at once reported it back unanimously, recommending the provision that I have read. It was considered at the next regular meeting of the full Committee on the Judiciary, and passed that committee without one dissenting vote, and was reported to the House on the 24th day of May.

We have waited a few days for a call of the committee in the House to bring it up and pass it, and concluded this morning to ask unanimous consent, which was given by the entire House, and the bill is before us. If this shall pass, as I believe it will, if it becomes a law, which I believe it will, it will only record upon the statute books what has been recorded in the heart of every American citizen for many years past. Now is a time when there should be but one thought on this question.

Those who fought for the Union, fought for the Union and to keep our country together. We are now together, and the terrible opportunities of this summer have given all their chance to testify their genuine feelings in that regard. I only want to say that the statement which I have made indicates the views of the committee reporting it, and that I hope when this vote is taken it will not be passed by a simple two-thirds vote, but that it will pass without a single dissenting voice. In saying this I believe I express the sentiment of this entire country. [Applause.]

Mr. FLEMING. Mr. Chairman, I simply wish to call the attention of the House to one matter related to the subject which the gentleman from Washington [Mr. LEWIS] has so thoroughly discussed. I do not wish to say one word that could add to party feeling or party bitterness. On the contrary, I hope what little I shall say will have the opposite effect. I certainly have the opposite purpose. I had observed this newspaper interview with the gentleman from Indiana [Mr. OVERSTREET], but I had failed to observe that it came from him in any official capacity.

My attention has been called to that for the first time by the remarks of the gentleman from Washington [Mr. LEWIS]. I had supposed that when the gentleman from Indiana [Mr. OVERSTREET] gave utterance to those views, he was expressing his own individual opinions and not attempting to repeat them to the country as the opinions of any other person or any other set of persons. The views themselves, Mr. Chairman, are so thoroughly contemptible that I think the gentleman ought to shoulder the responsibility in person and not attempt to put it off upon even the committee of his party. I refer especially to the direct and positive statement the words of which I shall now read. After mentioning other points of interest to himself, he said:

Our people have observed that in the call for volunteers there is hardly a State whose Democratic Representatives so eloquently pledged their people to the cause that has furnished its quota under the call.

That is a statement so devoid of the truth, so utterly bald in its falsity, that it seems to me no member of this House who values the good will of the other members would be willing to allow it to go out to the country over his name. What are the facts? I hold in my hand statements purporting to have come from the highest possible authority on this subject, Adjutant-General Corbin. They are given under different dates. They are published in different papers.

And what now does he, the highest authority upon this subject, say upon this question of furnishing quotas? He says that all the States have practically furnished their troops, that there has been some little delay in the United States officers making proper examination and enlistment, that no State has been derelict, but that the three States which are behind—mark the names—are Iowa, North Carolina, and Mississippi. Iowa is a Republican State. North Carolina is a Republican State under a Republican governor, and Mississippi is the only one of the three States that is under Democratic control. It needs, Mr. Speaker, but the bare statement of these facts—

Mr. LACEY. Will the gentleman yield to an interruption?

Mr. FLEMING. It needs but the statement of these facts to show the absurdity and falsity of the statement made by the gentleman from Indiana [Mr. OVERSTREET]. Now, I do not mention this with any view of casting any reflection upon the State of Iowa, because I do not believe it deserves it. I simply name that State because it was mentioned in connection with the other two States as being the only three that were behind even in a technical sense, and General Corbin says that none of them are substantially behind.

Mr. LACEY. The fact is that the State of Iowa was called on for three regiments and raised four, and, having four, it made some difficulty about which three should be mustered in, and the delay was not because they did not have enough, but because they had too many. Now, I will ask my friend if he does not think that these constitutional questions that have been brought forward and the questions of politics that are being brought forward by some gentlemen here really have no proper place in this discussion this afternoon?

Mr. FLEMING. I believe, Mr. Speaker, that there is an explanation for Mississippi and there is an explanation for North Carolina equally as satisfactory as that which the gentleman has stated for Iowa, and which is thoroughly satisfactory to every man. General Corbin says that there is an explanation of a local character for every single one of them.

Mr. BARTLETT. Will my colleague permit me to say that in an interview with General Corbin, which I have in my desk and which was published in one of the local papers, it was stated that it was not the fault of the State authorities, but the fault of the enlisting officers of the United States.

Mr. FLEMING. I am quite sure that is a fact, and I only wish to emphasize it to show, as I say, the utter falsity and, I might say, the utter absence of all excuse for the gentleman from

Indiana to attempt to make party advantage out of the situation by saying that hardly a single Democratic State had furnished its quota. The statement is false, and that is the proper reply to make to it. My own State of Georgia was among the very first to respond to the call.

Mr. HANDY. Will the gentleman permit me just for a moment?

Mr. PARKER of New Jersey. Mr. Speaker, I think as a question of parliamentary privilege that such words as those should not be used with reference to gentlemen who are not here.

The SPEAKER pro tempore. The matter is entirely out of order, not being at all germane to the bill which is under consideration.

Mr. FLEMING. Mr. Speaker, I understand considerable latitude is allowed in Committee of the Whole.

The SPEAKER pro tempore (Mr. PAYNE in the chair). The attention of the Chair was not called to it before, but when it is called to it he holds that it is out of order.

Mr. FLEMING. I beg the pardon of the Chair. I thought we were in Committee of the Whole. If the point had been called to my attention, I would have stopped at once. I do not mention the subject for the purpose of criticising harshly any member of the House other than the one who is responsible for the statement.

Mr. CANNON. I did not interrupt the gentleman from Washington for obvious reasons, but I have watched the course of the gentleman from Georgia. The gentlemen are of different temper. Does not my friend from Georgia think this is a matter that would keep until the gentleman from Indiana [Mr. OVERSTREET] is present in the House? I have not read the interview—

Mr. FLEMING. I would much have preferred that the gentleman from Indiana were present.

Mr. GAINES. Nobody was present when he published the interview.

Mr. FLEMING. I would like to make this further remark. I will confine myself to the resolution before the House. I respond from the bottom of my heart to the higher and nobler sentiments just uttered in the discussion on this bill by the gentleman from Iowa, General HENDERSON. He has expressed the true sentiment of the patriots of this country. Those are the sentiments we reciprocate on this side of the House, which are dear to the people of all sections of the country, and I will gladly add my voice here and now to the acknowledgment of our appreciation. I never held any other gentleman or the Republican party responsible for the statements made by the gentleman from Indiana. My whole desire was to hold him responsible, and him alone.

Mr. DOCKERY. Mr. Speaker, I desired to reply to the gentleman from Indiana [Mr. OVERSTREET], but will wait until some time when, under the rules, I can make a proper answer to the alleged interview. I came into the House when the interview was under discussion and do not now know how the subject came up. I intended to speak in behalf of the State of Missouri, but as the point of order has been raised—and properly so, I think—I shall not pursue the discussion now, but will defer comment until we are in Committee of the Whole. I propose to identify the gentleman referred to, because I do not believe the Republican party or any committee of that party is responsible for any such utterance. I prefer to accept the declarations of the gentleman from Ohio, General GROSVENOR, and the gentleman from Iowa, General HENDERSON, as more truly reflecting the sentiments of the Republican party.

Mr. HEMENWAY. Has the gentleman from Iowa or the gentleman from Ohio, who have just spoken, made any reference to the interview of Mr. OVERSTREET?

Mr. DOCKERY. They have not.

Mr. HEMENWAY. Why, then, do you prefer to accept their statements when they have said nothing about it?

Mr. DOCKERY. Because the gentleman from Ohio stated to the House the reasons why certain States were behind in their quotas. I have been trying to get the notes of the reporter so as to read them in refutation of the statements of the alleged interview. I am loath to believe that the gentleman from Indiana made the statement—

Mr. HEMENWAY. Then why all this trouble to answer them when he is not present?

Mr. DOCKERY. I will answer them in due time, and when that time comes I shall put in evidence the statements of the gentleman from Ohio, General GROSVENOR, in reply.

Mr. LINNEY. Mr. Speaker, I am more than delighted with this resolution and with the remarks made by the gentleman from Ohio [Mr. GROSVENOR]. It seems to me when it appears to this body that, without a dissenting vote, without any question at all being raised before that committee, this resolution receives the unanimous support of the committee that ought to satisfy every member of this body and every intelligent citizen of the

United States—every one of them—that there is no tinge of hatred founded in the late bitterness between the sections now existing in any portion of these United States.

I thought we were going to have a love feast here to-day, and I was ready to join in a sort of a national hallelujah, until this question was brought into the discussion this morning. I am sorry it was brought in here. It has thrown a wet blanket over the meeting, and the gentleman ought not to have brought it in. My distinguished friend the gentleman from Washington, notwithstanding we always delight in hearing him, ought to have left that matter aside for the present.

Mr. LEWIS of Washington. Then it ought never to have been said.

Mr. LINNEY. How many things has the gentleman said that ought not to have been said on this floor? [Laughter.]

Mr. LEWIS of Washington. If I am to be the judge of that, none.

Mr. LINNEY. Let me see whether you have or not. I can swear you and get a verdict that one-half you have said is wrong. [Laughter.]

Mr. LEWIS of Washington. Not on my oath.

Mr. LINNEY. Yes, on your oath, my friend. In the late discussion we had here upon the appropriation bill and upon the efforts made to bring up the war resolution on the part of our Democratic brethren many hard things were said about the grandest man in the United States, President William McKinley, and you joined in them, did you not?

Mr. LEWIS of Washington. If I did, I have no desire to retract. But I want to say that I never said a hard or unjust thing against the distinguished gentleman, the President, on the floor of this House.

Mr. LINNEY. It was argued on the Democratic side that the President, because he preferred diplomacy to war, was under the influence of the bondholder. I have heard expressions of that kind, and the RECORD will sustain me in that statement.

The SPEAKER. The Chair will suggest to the gentleman from North Carolina that he confine himself to the question before the House.

Mr. LINNEY. I shall confine myself to the bill, Mr. Speaker. What was said on this floor then was because of the excitement that then existed on the war question, and I am sorry the love feast is broken up by reference to what appeared in the Post, uttered probably under some excitement.

I want to say only one other thing, Mr. Speaker. I believe that every State in the Union is ready to do its full duty in this great contest. Allusion has been made to North Carolina failing to furnish her quota. Why, sir, in defense of North Carolina, I have only this to say: The State of North Carolina always does its full duty, in time of war or in time of peace. She not only furnishes troops, but she furnishes the best troops in the world. The first soldier who gave up his life in the late war between the States was a North Carolinian. The first who shed his blood in the war with Spain was a North Carolinian. And such was also the case in the war of the Revolution. Let me call attention to the sacrifice that State has recently made.

Worth Bagley stood amid the fire-flames of war at a period that tried men's souls; and amid the volleys of shot and canister from the strongholds of the enemy he had the cool, philosophic courage to utter expressions that none but the noblest heroes of the world could have uttered: "Throw me a rope! Heave the ship, boys! It is too warm for comfort here!" One moment afterwards off went the head of one of the grandest patriots and noblest soldiers of the United States. [Applause.]

The services of the citizen soldiery of North Carolina will place her standing as a State up to high-water mark. The example of Worth Bagley is the standard my State has set for courage and devotion to principle. We simply invite other States to come up to that standard. I have no doubt all the soldiers of all the States of the Union, from Mississippi to the State of my friend from Washington, will do all they can to come up to the high standard of Worth Bagley.

Mr. LEWIS of Washington. Washington will, you may depend upon it.

Mr. LINNEY. If so, then indeed will the war record of all the States be glorious. There are companies enough to make many regiments in North Carolina now anxiously waiting to enter the service. When they falter or stop, then the war will stop.

Mr. SIMPSON. Mr. Speaker, I can and will support this measure very heartily. The only thing I regret is that it has been so long delayed. It should have passed many years ago. I am glad to be able to say that the State which I have the honor to represent in part recognized this principle several years ago. We had in the Halls of the Senate one of the ablest men in the United States; but, unfortunately for him, he thought the supreme duty of a statesman was to devote his time to skinning rebel brigadiers;

and so, in pursuance of this policy, which we thought the best one and the just one, of recognizing that the war was over, we were forced to send him back to private life.

And finally, to emphasize this policy and to prove beyond question that Kansas, the State to start the war (as she did two years before the other States got into it), should be the first to recognize that the war was over, she sent a rebel brigadier to represent her in the Senate.

Mr. HANDY. Will the gentleman from Kansas permit me to ask him a question?

Mr. SIMPSON. With great pleasure.

Mr. HANDY. Is it a fact that the State of Kansas has at present a constitutional provision prohibiting any ex-Confederate soldier from voting in that State?

Mr. SIMPSON. Mr. Speaker, unfortunately that is true. That is one of the war records that came down to us from the past.

Mr. HANDY. Why do you not repeal such a provision of your constitution?

Mr. BRODERICK. Will my colleague yield to me?

Mr. SIMPSON. I want to say, in answer to the gentleman from Delaware, that at present we have a Populist legislature and State government. In the last legislature we did undertake to repeal that constitutional provision, but it required a two-thirds vote.

Mr. BRODERICK. Now will my colleague allow me?

Mr. SIMPSON. In a moment I will yield to the gentleman. It required a two-thirds vote, and I am sorry to say that the Republicans in the legislature voted almost solidly against it. But I hope that now, in view of the spirit that is abroad, growing out of the condition in which the country finds itself, this wave of patriotism will strike even the Kansas Republicans, so that when the next opportunity is afforded they will see to it that this disgrace is wiped from the statute books of our State. I know that they will.

I now yield to my colleague.

Mr. BRODERICK. Mr. Speaker, I want to say a word in regard to the constitutional provision referred to by the gentleman from Delaware, which was enacted soon after the war. It imposed political disabilities, as has been stated, but provided that those disabilities might be removed at any time by a two-thirds vote of the legislature. And I never heard of a bill being presented in the Kansas legislature asking the removal of the political disabilities incurred on account of service in the Confederate army that was not passed. If there has ever been such a bill defeated in the legislature of that State or opposed by any considerable number I never heard of it.

Mr. SIMPSON. I think that is true.

Mr. BRODERICK. I think those disabilities have been removed from all who desire it.

Mr. SIMPSON. But in the removal of such disabilities each individual must be named separately; and to my personal knowledge there are very many persons in the State who served in the Confederate army whose disabilities have not been removed. But, as I said before, I hope the spirit of patriotism which is at large will at last reach the State of Kansas, so that the constitutional provision to which I have referred may be repealed.

Mr. HANDY. As I understand the situation, if, on the conclusion of the war with Spain, General WHEELER should settle in Kansas, instead of Alabama, he could not vote there unless his disabilities were removed by a special act of the legislature.

Mr. SIMPSON. A special bill would have to be passed to relieve him of his disabilities, which I have no doubt would be done at once, according to the practice which my colleague has stated.

Mr. Speaker, I have been drawn into these remarks reluctantly. I did not want to have any politics mixed up with this question—if this is politics. What I want to see done is that this bill be passed, so as to relieve these political disabilities and recognize the fact that the war between the States is over, as it was many years ago. This is a poor time now when the whole nation is rallying under the flag in the common defense of the country—this is a poor time to bring up those old reminiscences of the war. And let us see to it, as the gentleman from Iowa suggested, that we have a unanimous vote in support of this measure.

The gentleman from Washington [Mr. LEWIS] said something about a report coming from the gentleman from Indiana [Mr. OVERSTREET] about some Democratic States being tardy in filling their quota. I want to say, in passing, that so far as the State of Kansas was concerned, she was the first State to fill the quota of her regiments and the first to muster them into the United States service, so that the gentleman's remark will not apply to the State of Kansas, which is under Populist rule. [Laughter and applause.]

Mr. BRODERICK. Mr. Speaker, I wish to say merely a word in answer to the question propounded a few moments ago by the gentleman from Delaware [Mr. HANDY] to my colleague [Mr. SIMPSON]. It is true that soon after the war, while sectional

feeling ran high both in the North and South, the State of Kansas adopted an amendment to her constitution prohibiting persons who had served in the Confederate army, and also persons who served in the Union Army and had deserted, from voting or holding office until their disabilities were removed by the legislature of the State.

From time to time individuals who had served in the Confederate army and also individuals who had been in the Union Army and were charged with desertion applied to the legislature to have their disabilities removed, and I never heard of an instance in which such application was refused—not an instance. If there are to-day any residents of Kansas who are precluded from exercising the right of suffrage or from holding office because of their service in the Confederate army or because of their being charged with desertion from the Union Army, it is simply through their own fault in not having asked the legislature to relieve them.

There may be some isolated cases of persons laboring under those disabilities, but I do not know of any. In my part of the State there have been none for years, so far as I am informed. So the people of the State of Kansas will now heartily commend the action of her Representatives in voting to-day for this resolution. Kansas is as liberal as any State in the Union. We are willing that all disabilities that were imposed by the General Government or by any State government by reason of service in the Confederate army should be forever wiped out, and I am glad to have an opportunity to vote for this resolution. It is a grand thing that the spirit of patriotism which is now aglow is not confined to any section, but is sweeping over the entire country.

Mr. CANNON. I had no intention, Mr. Speaker, of saying a word about this bill. I shall vote for it cheerfully and heartily, and now only say a word or two, provoked by some remarks that have been made by some gentlemen upon the floor, prompted, as it seems to me, by a spirit that is not quite in harmony with the proposed legislation and with the occasion. This is our country. We all understand about and are proud of its history. We are proud to-day that perhaps we stand alone in history as a people who could have a conflict like unto that which we had in the late civil war and that all can be harmonized and forgiven in less than one generation.

Mr. WALKER of Massachusetts. By the men living at the time.

Mr. CANNON. Yes. [Applause.] Why, there is the constitutional provision made just after the close of the war, and it is in pursuance of that provision that we pass this bill to-day. Yet some gentlemen arise in their places and criticize Kansas for having a provision, adopted about the same time, substantially similar to the constitutional provision of the United States. It is a wonder to me that there was not a stronger provision in the constitution of the State of Kansas, because it was upon the border during the civil war, and we recollect how that contest was waged. But in less than a generation all is forgiven.

Now, I think there will not be a vote against this bill in the House. I want to defend the constituencies of some gentlemen upon this floor against what seems to be the spirit of their present Representatives. I do not believe that the constituency of any man on this floor, pending the passage of this bill, will justify a gentleman in rising in his place and saying, with the hope of making partisan advantage, "You did not do this ten years ago," or "You did not do it twenty years ago."

I thank God that we can do it now. [Applause.] And if we remove all disabilities by this general act by unanimous vote, it seems to me that some gentlemen who apparently want to make a little political capital against individuals because it was not enacted earlier could perhaps forgive people for acts of omission or commission since the war when we are having this universal act of forgiveness and brotherhood written upon the statute book.

Now, that is all I want to say about it. I am proud of the bill, and proud of the state of feeling that will permit and demand its passage, and I congratulate this side of the House and congratulate that side of the House and the whole country upon its proposed passage. [Applause.]

Mr. JENKINS. Before the question is put, I want to ask unanimous consent to print a statement of the passage of the fourteenth amendment. It involves considerable labor. It is brief, and it will be of interest to anyone who wants to follow the history of the legislation.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to print a statement in regard to the fourteenth amendment.

Mr. WILLIAMS of Mississippi. What is the request?

The SPEAKER. He desires consent to print a statement in regard to the fourteenth amendment.

Mr. JENKINS. Giving a history of its passage.

The SPEAKER. Is there objection?

There was no objection.

The statement referred to by Mr. JENKINS is as follows.

EXHIBIT 1.

Chronological history in Congress of legislation relating to readmission of seceded States to the Union prior to July 23, 1863, date of proclamation of fourteenth amendment to the Constitution of the United States.

TENNESSEE.

Date.	Action.	Senate Journal.	House Journal.
1866.			
Mar. 5	Mr. Bingham introduced joint resolution (H. Res. 83) to readmit Tennessee to representation in Congress.		1st sess. 39th Cong., p. 367.
July 19	House considered H. Res. 83.		1st sess. 39th Cong., p. 1068.
July 20	House passed H. Res. 83. Yeas, 86; nays, 48; not voting, 43.		1st sess. 39th Cong., p. 1067.
July 20	Amendment of bill; concurrence of Senate asked.		1st sess. 39th Cong., p. 1069.
July 20	Message from Senate announcing passage by Senate of H. Res. 83 with amendments, requesting concurrence in amendments.		1st sess. 39th Cong., p. 1081.
July 23	House agrees to Senate amendments. Yeas, 93; nays, 26; not voting, 62.		1st sess. 39th Cong., p. 1090.
July 24	Committee reports presentation of H. Res. 83 to President of the United States.		1st sess. 39th Cong., p. 1103.
July 25	Message from President of the United States announcing approval of H. Res. 83.*		
July 26	Message from House announcing passage of H. Res. 83, requesting concurrence.	1st sess. 39th Cong., p. 687.	
July 26	Ordered that H. Res. 83 be referred to Judiciary Committee.	1st sess. 39th Cong., p. 689.	
July 26	Committee reported H. Res. 83 with amendments, and Senate proceeded to consider.	1st sess. 39th Cong., pp. 695-701.	
July 28	Passage of H. Res. 83 as amended. Yeas, 28; nays, 4.	1st sess. 39th Cong., p. 702.	
July 28	Message from House announcing acceptance of Senate amendments to H. Res. 83.	1st sess. 39th Cong., p. 706.	
July 28	President pro tempore signed H. Res. 83.	1st sess. 39th Cong., p. 709.	
July 24	Committee reports submission of H. Res. 83 to the President of the United States.	1st sess. 39th Cong., pp. 715-718.	

NORTH CAROLINA, SOUTH CAROLINA, LOUISIANA, GEORGIA, ALABAMA, AND FLORIDA.

1868.			
May 11	Committee on Reconstruction reports bill (H. R. 1058) to admit States of North Carolina, South Carolina, Louisiana, Georgia, and Alabama to representation in Congress. Ordered to be printed.		2d sess. 40th Cong., p. 676.
May 18	House considered bill H. R. 1058.		2d sess. 40th Cong., p. 683.
May 14	Bill H. R. 1058 passed. Yeas, 110; nays, 35; not voting, 44.		2d sess. 40th Cong., p. 688.
June 11	Bill H. R. 1058 reconsidered as to Senate amendments.		2d sess. 40th Cong., p. 839.
June 12	Committee recommends concurrence in Senate amendments. House agrees to admit States upon condition that they ratify fourteenth amendment, and agrees to Senate amendments. Yeas, 111; nays, 23; not voting, 60.		2d sess. 40th Cong., p. 843.
June 12	Speaker signed bill H. R. 1058.		2d sess. 40th Cong., p. 848.
June 13	Committee reported submission of bill H. R. 1058 to President of the United States.		2d sess. 40th Cong., p. 853.
June 25	Message from President of United States announcing veto of bill H. R. 1058. House passed bill over veto. Yeas, 108; nays, 32; not voting, 54. Senate notified of action.		2d sess. 40th Cong., pp. 931, 932.
May 16	House requests concurrence of Senate in bill H. R. 1058.	2d sess. 40th Cong., p. 390.	
May 16	Referred to Committee on Judiciary.	2d sess. 40th Cong., p. 400.	
June 2	Committee reports bill H. R. 1058 with amendments.	2d sess. 40th Cong., p. 442.	
June 6	Senate considers bill H. R. 1058 and amendments thereto.	2d sess. 40th Cong., pp. 456, 458, 467, 471-473.	
June 10	Bill H. R. 1058 as amended passed—Yeas, 31; nays, 5.	2d sess. 40th Cong., p. 474.	
June 12	Message from House announcing its agreement to Senate amendments to bill H. R. 1058; and President pro tempore signed it.	2d sess. 40th Cong., p. 480.	
June 25	Senate, on reconsideration, passed bill H. R. 1058 notwithstanding veto of the President of the United States. Yeas, 38; nays, 8.	2d sess. 40th Cong., p. 543.	

* Approved July 24, 1868.

EXHIBIT 2.

Chronological history in Congress of the legislation resulting in the fourteenth amendment to the Constitution of the United States.

Date.	Action.	Senate Journal.	House Journal.
1866.			
Apr. 30	Committee on Reconstruction reported joint resolution (H. Res. 127) proposing amendment to Constitution of the United States. Read twice.		1st sess. 39th Cong., p. 638.
May 8, 9	House refuses to postpone, and considers joint resolution H. Res. 127.		1st sess. 39th Cong., pp. 679, 681, 685.
May 10	House passes joint resolution H. Res. 127. Yeas, 128; nays, 37; not voting, 18.		1st sess. 39th Cong., p. 686.
June 9	Message from Senate announcing that it had passed H. Res. 127 with amendments.		1st sess. 39th Cong., p. 814.
June 12	Ordered that Senate amendments be printed.		1st sess. 39th Cong., p. 828.
June 13	House considers Senate amendments to H. Res. 127, and agrees to same. Yeas, 138; nays, 36; not voting, 10.		1st sess. 39th Cong., p. 834.
June 14	Speaker signed H. Res. 127.		1st sess. 39th Cong., p. 841.
June 18	Committee reports submission to Secretary of State of United States of H. Res. 127, with request that he notify the States of its passage. Yeas, 32; nays, 25.		1st sess. 39th Cong., p. 850.
June 10	Senate also agreed to above concurrent resolution.		1st sess. 39th Cong., p. 863.
June 10	Clerk presents to President of United States a copy of the concurrent resolution.		1st sess. 39th Cong., p. 866.
1868.			
July 21	Message from Senate asking concurrence in declaration that sufficient States had ratified the fourteenth amendment.		2d sess. 40th Cong., p. 1120.
July 21	House agrees thereto. Yeas, 127; nays, 33; not voting, 55.		2d sess. 40th Cong., p. 1120.
1866.			
May 10	Message from House announcing its passage of H. Res. 127.	1st sess. 39th Cong., p. 418.	
May 24, 29, 30.	Senate considers and amends H. Res. 127.	1st sess. 39th Cong., pp. 471, 479, 480, 485, 486, 489, 490, 495, 496, 502-505.	
June 8	Senate passes H. Res. 127 as amended. Yeas, 33; nays, 11.	1st sess. 39th Cong., p. 504.	
June 14	Message from House announcing its agreement to Senate amendments to H. Res. 127.	1st sess. 39th Cong., p. 530.	
June 15	President pro tempore signed H. Res. 127.	1st sess. 39th Cong., p. 527.	
	Resolution of legislature of Louisiana ratifying fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., pp. 679, 680.	
	Resolution of legislature of Florida ratifying fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., p. 561.	
	Resolution of legislature of North Carolina ratifying fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., p. 568.	
	Resolution of legislature of Nebraska ratifying fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., p. 23.	
	Resolution of legislature of Alabama ratifying fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., p. 725.	
	Resolution of legislature of South Carolina ratifying fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., pp. 688, 698.	

Chronological history in Congress of the legislation resulting in the fourteenth amendment to the Constitution of the United States—Continued.

Date.	Action.	Senate Journal.	House Journal.
1868.	Resolution of legislature of Ohio revoking ratification of fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., p. 149.	(*)
July 14	Letter from President of United States announcing action by certain States on fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., p. 658†.	
July 21	Senate resolution passed declaring that sufficient States had ratified fourteenth amendment to Constitution of United States.	2d sess. 40th Cong., p. 700†.	
July 21	Message from House announcing its concurrence in said declaration.	2d sess. 40th Cong., p. 715‡.	
July 28	Proclamation by Secretary of State of United States of the fourteenth amendment to Constitution of United States.		

* Referred to Committee on Judiciary. Never reported for action by that committee. January 31, 1868.

† To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, inclosing a list of the States of the Union whose legislatures have ratified the proposed fourteenth article of amendment to the Constitution of the United States; and also a copy of resolutions of ratification as called for in the Senate's resolution of the 9th instant, together with a copy of the respective resolutions of the legislatures of Ohio and New Jersey, purporting to rescind the resolutions of ratification of said amendment, which had previously been adopted by the legislatures of these two States, respectively, or to withdraw their consent to the same.

ANDREW JOHNSON.

WASHINGTON, July 14, 1868.

‡ Mr. Sherman submitted the following resolution; which was considered by unanimous consent, and agreed to, as follows:

"Whereas the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, West Virginia, Kansas, Missouri, Indiana, Ohio, Illinois, Minnesota, New York, Wisconsin, Pennsylvania, Rhode Island, Michigan, Nevada, New Hampshire, Massachusetts, Nebraska, Maine, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth amendment to the Constitution of the United States duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore, "Resolved by the Senate (the House concurring), That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated by the Secretary of State as such.

"Ordered, That the Secretary request the concurrence of the House of Representatives in said resolution."

§ WILLIAM H. SEWARD, Secretary of State of the United States.

To all to whom these presents come, greeting:

Whereas the Congress of the United States on or about the 10th of June, in the year 1866, passed a resolution which is in the words and figures following, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

"ART. XIV. "And whereas by the second section of the act of Congress approved the 20th of April, 1818, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," it is made the duty of the Secretary of State forthwith to cause any amendment to the Constitution of the United States which has been adopted according to the provisions of the said Constitution to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted and that the same has become valid to all intents and purposes as a part of the Constitution of the United States; and

Whereas neither the act just quoted from nor any other law, expressly or by conclusive implication, authorizes the Secretary of State to determine and decide doubtful questions as to the authenticity of the organization of State legislatures or as to the power of any State legislature to recall a previous act or resolution of ratification of any amendment proposed to the Constitution; and

Whereas it appears from official documents on file in this Department that the amendment to the Constitution of the United States proposed as aforesaid has been ratified by the legislatures of the States of Connecticut, New Hampshire, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, Rhode Island, Wisconsin, Pennsylvania, Michigan, Massachusetts, Nebraska, and Iowa; and

Whereas it further appears from documents on file in this Department that the amendment to the Constitution of the United States proposed as aforesaid has also been ratified by newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of the States of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama; and

Whereas it further appears from official documents on file in this Department that the legislatures of two of the States first above enumerated, to wit, Ohio and New Jersey, have since passed resolutions, respectively, withdrawing the consent of each of said States to the aforesaid amendment; and

Whereas it is deemed matter of doubt and uncertainty whether such resolutions are not irregular, invalid, and therefore ineffectual for withdrawing the consent of the said two States, or of either of them, to the aforesaid amendment; and

Whereas the whole number of States in the United States is thirty-seven, to wit: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Vermont, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Maine, Missouri, Arkansas, Michigan, Florida, Texas, Iowa, Wisconsin, Minnesota, California, Oregon, Kansas, West Virginia, Nevada, and Nebraska; and

Whereas the twenty-three States first hereinbefore named, whose legislatures have ratified the said proposed amendment, and the six States next thereafter named as having ratified the said proposed amendment by newly constituted and established legislative bodies, together constitute three-fourths of the whole number of States in the United States:

Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States, by virtue and in pursuance of the second section of the act of Congress approved the 20th of April, 1818, hereinbefore recited, do hereby certify that if the resolutions of the legislatures of Ohio and New Jersey ratifying the aforesaid amendment are to be deemed so remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of those States, which purport to withdraw the consent of said States from such ratification, then the aforesaid amendment has been ratified in the manner hereinbefore mentioned, and so has become valid to all intents and purposes as a part of the Constitution of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the Department of State to be affixed. Done at the city of Washington this 20th day of July, in the year of our Lord 1868, and of the independence of the United States of America the ninety-third.

WILLIAM H. SEWARD, Secretary of State. [SEAL.]

[Page 783, Documentary History of the Constitution of the United States. From original sources, Bureau of Rolls and Library, volume 2.]

NOTE.—The Senate of the United States in the Thirty-ninth Congress consisted of 70 seats, of which 13 were vacant. The House of Representatives of the same Congress consisted of 240 seats, of which 42 were vacant. The Senate of the United States in the Fortieth Congress consisted of 70 seats, of which 16 were vacant. The House of Representatives of the same Congress consisted of 253 seats, of which 61 were vacant.

EXHIBIT 3.

States admitted to the Union prior to July 23, 1863, and their respective actions on the fourteenth amendment to the Constitution of the United States of America.

State.	Admission.	Suspension.	Restoration.	Ratification.	Rejection.	Revocation of ratification.	Revocation of rejection.	Remarks.
Connecticut	1789			June 30, 1866				
Delaware	1789				Feb. 8, 1867			
Georgia	1789	Jan. 19, 1861	June 25, 1868	July 21, 1868	Nov. 13, 1866		July 21, 1868	Restored conditionally upon ratifying fourteenth amendment.
Maryland	1789				Mar. 23, 1867			
Massachusetts	1789			Mar. 20, 1867				
New Hampshire	1789			July 7, 1866				
New Jersey	1789			Sept. 11, 1866	Mar. 27, 1868	Mar. 27, 1868		
New York	1789			Jan. 10, 1867				
North Carolina	1789	May 20, 1861	June 25, 1868	July 4, 1868	Dec. 4, 1866		July 4, 1868	Do.
Pennsylvania	1789			Feb. 12, 1867				
Rhode Island	1789			Feb. 7, 1867				
South Carolina	1789	Dec. 20, 1860	June 25, 1868	July 9, 1868	Dec. 30, 1866		July 9, 1868	Do.

States admitted to the Union prior to July 28, 1868, and their respective actions on the fourteenth amendment to the Constitution, etc.—Continued.

State.	Admission.	Suspension.	Restoration.	Ratification.	Rejection.	Revocation of ratification.	Revocation of rejection.	Remarks.
Virginia.....	1789.....	Apr. 17, 1861	Jan. 23, 1870	Oct. 9, 1869 Nov. 9, 1869	Jan. 19, 1867	Oct. 9, 1869	Restored conditionally upon ratifying fourteenth amendment.
Vermont.....	1791.....	.....	.....	.....	.....	.....	.....
Kentucky.....	1792.....	.....	.....	.....	Jan. 10, 1867	.....	.....
Tennessee.....	1796.....	May 6, 1861	July 24, 1866	July 19, 1866	.....	.....	.....
Ohio.....	1802.....	Jan. 11, 1867	Jan. 15, 1868	Do.
Louisiana.....	1812.....	Dec. 29, 1860	June 25, 1868	July 9, 1868	.....	.....	.....
Indiana.....	1816.....	.....	.....	Jan. 23, 1867	.....	.....	.....
Mississippi.....	1817.....	.....	Feb. —, 1870	.....	.....	.....	.....
Illinois.....	1818.....	Jan. 15, 1867	Do.
Alabama.....	1819.....	Jan. 11, 1861	June 25, 1868	July 13, 1868	.....	.....	.....
Maine.....	1820.....	.....	.....	Jan. 19, 1867	.....	.....	.....
Missouri.....	1821.....	.....	.....	Jan. 23, 1867	.....	.....	.....
Arkansas.....	1836.....	Mar. 4, 1861	June 25, 1868	Apr. 6, 1868	Do.
Michigan.....	1837.....	.....	.....	Feb. 15, 1867	.....	.....	.....
Florida.....	1845.....	Jan. 10, 1861	June 25, 1868	June 9, 1868	.....	.....	.....
Texas.....	1845.....	.....	Mar. —, 1870	Feb. 18, 1870	Nov. 1, 1866	.....	Feb. 18, 1870
Iowa.....	1846.....	Apr. 3, 1868	Do.
Wisconsin.....	1848.....	.....	.....	Feb. 13, 1867	.....	.....	.....
California.....	1850.....	.....	.....	.....	.....	.....	.....
Minnesota.....	1858.....	.....	.....	Feb. 1, 1867	.....	.....	.....
Oregon.....	1859.....	Sept. 19, 1866	Do.
Kansas.....	1861.....	.....	.....	Jan. 15, 1867	.....	.....	.....
West Virginia.....	1863.....	.....	.....	Jan. 16, 1867	.....	.....	.....
Nebraska.....	1864.....	.....	.....	June 15, 1867	.....	.....	.....
Nevada.....	1864.....	Jan. 22, 1867	

RECAPITULATION.

Ratified: Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Indiana, Maine, Missouri, Michigan, Iowa, Wisconsin, Minnesota, Oregon, Kansas, West Virginia, Nebraska, Illinois, Nevada..... 20
 Rejected: Delaware, Maryland, Kentucky..... 3
 Ratified after rejection: Georgia, North Carolina, South Carolina, Virginia, Texas..... 2
 Revoked ratification: New Jersey, Ohio..... 2
 Ratified after proclamation: Texas, Virginia..... 2
 Ratified before restoration to Union: Virginia, Tennessee, Florida, Arkansas, Texas..... 5
 Restored to Union conditionally upon ratification of fourteenth amendment: North Carolina, South Carolina, Louisiana, Georgia, Alabama, Florida..... 6
 States not acting on amendment: California, Mississippi..... 2
 Ratified on same day concurrent resolution of Congress passed declaring adoption of amendment: Georgia..... 1
 Legislature ratified on a legal holiday: North Carolina..... 1

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage.

Mr. TONGUE. Let us have the yeas and nays, Mr. Speaker.

The yeas and nays were refused.

The question was taken; and the Speaker announced that, in the opinion of the Chair, two-thirds having voted in favor thereof, the bill was passed.

Mr. LACEY. I ask unanimous consent that the Journal show that the vote was unanimous; not simply two-thirds voting in favor thereof, but that it was unanimous.

The SPEAKER. Without objection, the Journal will show that the vote is unanimous. Is there objection?

There was no objection.

On motion of Mr. JENKINS, the title of the bill was amended so as to read:

A bill to remove all disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On May 18, 1898:

H. Res. 238. Joint resolution to readmit Nellie Grant Sartoris to the character and privileges of a citizen of the United States.

On May 23, 1898:

H. R. 584. An act granting a pension to Mary I. Valentine;

H. R. 135. An act granting a pension to Michael Bassett;

H. R. 8906. An act granting a pension to J. S. Waggener;

H. R. 2866. An act granting an increase of pension to Myntie L. Hamilton;

H. R. 773. An act granting an increase of pension to William Taylor;

H. R. 4611. An act granting an increase of pension to Marcia C. Barnes;

H. R. 5067. An act to increase the pension of Franklin Hull;

H. R. 2023. An act to pension Henderson H. Boggs; and

H. R. 4692. An act to pension F. L. Botkin.

On May 24, 1898:

H. Res. 237. Joint resolution appointing four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. R. 1288. An act for the relief of Samuel McKee.

On May 26, 1898:

H. Res. 257. Joint resolution providing for the organization and enrollment of the United States auxiliary naval force.

On May 27, 1898:

H. Res. 245. Joint resolution declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States.

On May 28, 1898:

H. Res. 195. Joint resolution calling upon the Secretary of War for information concerning the port of Sabine Pass.

On May 31, 1898:

H. R. 10378. An act making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 9477. An act to amend section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes;

H. Res. 175. Joint resolution for a survey of the harbor of Sheboygan, Wis.;

H. R. 10121. An act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes;

H. Res. 271. Joint resolution donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic; and

H. R. 1540. An act granting an increase of pension to William H. Oliver.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 507. An act granting a pension to Lucia A. Hynes;

S. 2378. An act granting a pension to Maria Somerlat;

S. 3443. An act granting an increase of pension to Andrew C. Mensch;

S. 2807. An act granting a pension to Benjamin L. Noland;

S. 1473. An act granting a pension to Oscar A. Palmer;

S. 489. An act granting an increase of pension to William A. Beckford;

S. 158. An act granting an increase of pension to Peter Daily;

S. R. 163. Joint resolution authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States;

- S. 506. An act granting an increase of pension to Daniel G. George;
 S. 486. An act granting a pension to Mary M. Macauley;
 S. 1434. An act granting a pension to Richard T. Seltzer;
 S. 1075. An act granting an increase of pension to Edward Stanley;
 S. 1155. An act granting a pension to Philip F. Castelman, of Oregon;
 S. 2751. An act granting an increase of pension to Charles H. Johnson;
 S. 853. An act granting an increase of pension to George L. Durbin;
 S. 1480. An act granting an increase of pension to Lewis D. Baker;
 S. 1477. An act granting an increase of pension to Joseph Porter; and
 S. 368. An act granting a pension to Jennie E. Burch.

THANKS TO COMMODORE DEWEY, ETC.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Naval Affairs:

To the Congress of the United States:

The resolution of Congress, passed May 9, 1898, tendering to Commodore George Dewey, United States Navy, commander in chief of the United States naval force on the Asiatic station, the thanks of Congress and of the American people for highly distinguished conduct in conflict with the enemy, as displayed by him in the destruction of the Spanish fleet and batteries in the harbor of Manila, Philippine Islands, May 1, 1898, and through him extending the thanks of Congress and of the American people to the officers and men under his command for gallantry and skill exhibited by them on that occasion, required the President to communicate the same to Commodore Dewey, and through him to the officers and men under his command. This having been done through the Secretary of the Navy on the 15th of May, 1898, the following response has been received, and is hereby transmitted to the Congress:

"I desire to express to the Department, and to request that it will be transmitted to the President and to Congress, my most sincere thanks for the great compliment paid to me."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, June 1, 1899.

The reading of the message was received with applause.

And then, on motion of Mr. DALZELL (at 3 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War recommending a credit in the accounts of Lieut. Col. W. H. H. Benyard—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for "Expeditionary force to Cuba"—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for the Signal Service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency in the appropriation for gun and mortar batteries—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4923) to authorize the appointment of a military storekeeper in the Army, reported the same without amendment, accompanied by a report (No. 1476); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4668) to pension Miss Maggie Morris, reported the same with amendment, accompanied by a report (No. 1468); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 100) to remove the charge of desertion as to Jasper L. Dodge, reported the same with amendment, accompanied by a report (No. 1469); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 855) granting a pension to James R. Zearing, reported the same with amendment, accompanied by a report (No. 1470); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4503) to increase the pension to John Yahne, reported the same with amendment, accompanied by a report (No. 1471); which said bill and report were referred to the Private Calendar.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5461) granting a pension to Elizabeth H. Bowen, reported the same with amendment, accompanied by a report (No. 1472); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4583) to increase the pension of Lucinda Booth, reported the same without amendment, accompanied by a report (No. 1473); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5798) granting an increase of pension to Samuel S. Patterson, reported the same with amendment, accompanied by a report (No. 1474); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9503) granting a pension to Mary Woodmanson, reported the same with amendment, accompanied by a report (No. 1475); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2960) to correct the military record of and grant an honorable discharge to Michael F. Dearthmitt, reported the same with amendment, accompanied by a report (No. 1477); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 10548) to provide an American register for the steamship *China*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BABCOCK: A bill (H. R. 10549) to regulate the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 10550) to enable volunteer soldiers during the war with Spain to vote at Congressional elections—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HAY: A resolution (House Res. No. 300) of inquiry, asking certain information from the Secretary of War—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CARMACK: A bill (H. R. 10551) for the relief of Gertrude A. Leftwich, widow of John Leftwich—to the Committee on War Claims.

By Mr. CHICKERING: A bill (H. R. 10552) for the relief of Charles D. Lucas—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 10553) granting a pension to James E. Hill—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 10554) for the relief of D. N. Morgan, late Treasurer of the United States—to the Committee on Claims.

By Mr. LITTLE (by request): A bill (H. R. 10555) for the relief of Robert Proctor and L. D. Cain, owners of Superior Bath House, Hot Springs, Ark.—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 10556) to correct the military record of Daniel Curtin, deceased—to the Committee on Military Affairs.

By Mr. TODD: A bill (H. R. 10557) granting a pension to John Galligan—to the Committee on Invalid Pensions.

By Mr. McMILLIN: A bill (H. R. 10558) for the relief of David Young, of Wilson County, Tenn.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petitions of Daniel L. Leahy, E. Bradford Clarke Company, Fleck & Co., C. J. Toomey, William N. McGrane, William Bechtold, J. A. Tietjen, E. Sterner's Sons, James Tobias, R. B. Wilson, Branson Van Leer, M. L. Rosenthal, T. E. Buckman, Harry Meininger, C. A. Garrett, V. E. Eshleman, Isidor Brach, R. R. Kesteven, L. D. Leberman & Son, W. Thompson, Davis Forman, William Adler, G. S. Mahn, and Albert Ulrich, all business firms of Philadelphia, Pa., tobacco and snuff manufacturers, protesting against additional tax on snuff, tobacco, etc., in stock—to the Committee on Ways and Means.

By Mr. BELL: Petitions of the Christian Union Church of Olathe Colo., and the First Presbyterian Church and Methodist Episcopal Church of Georgetown, Colo., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church and First Presbyterian Church of Georgetown, Colo., asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. BOUTELLE of Maine: Petition of Henry Richardson, late private in Company A, Fifteenth Regiment of Maine Infantry Volunteers, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, petition of G. B. Morse and other citizens of the State of Maine, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petition of the Epworth League, Chapter 2830, of Agricola, Kans., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. ERMENTROUT: Petition of the central committee of the Citizens' Associations of the District of Columbia, relating to street extensions in the District—to the Committee on the District of Columbia.

Also, petition of the depositors of the Freedman's Savings and Trust Company, for the payment of their claims and for relief—to the Committee on Banking and Currency.

Also, memorial of Sea Island Cotton Weavers' Union, for a duty of 40 per cent ad valorem on certain cotton importations—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Mrs. Lucy R. Kellogg and the Young Woman's Christian Temperance Union of Jamaica, Vt., in favor of the bill to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Lucy R. Kellogg and the Woman's Christian Temperance Union of Jamaica, Vt., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, resolutions of the Chamber of Commerce of New York City, in favor of the establishment of an international American bank—to the Committee on Banking and Currency.

Also, resolutions of the New York Chamber of Commerce, A. E. Orr, president, protesting against the proposed tonnage tax embodied in House bill No. 10100—to the Committee on Ways and Means.

By Mr. HENDERSON: Resolutions of the Sioux City Homeopathic Medical Association, in support of Senate bill No. 164, for nondiscrimination in the appointment of surgeons to the Army and Navy of the United States—to the Committee on Naval Affairs.

By Mr. HURLEY: Resolution of Irish-American Societies in Philadelphia, Pa., in opposition to the so-called "Anglo-Saxon alliance"—to the Committee on Military Affairs.

Also, petitions of manufacturers, merchants, and patentees, in favor of the passage of House bill No. 7082 and Senate bill No. 4168, to increase the force in the Patent Office—to the Committee on Patents.

By Mr. MARSHALL: Evidence in support of House bill No. 10517, for the relief of John Ballinger, of Versailles, Darke County, Ohio—to the Committee on Military Affairs.

By Mr. POWERS: Remonstrance of dealers in tobacco of Burlington, Vt., against the retroactive clause in the revenue bill affecting stocks on hand—to the Committee on Ways and Means.

By Mr. SIMS: Petition of Mrs. C. A. Conner, widow of W. H. Conner, deceased, late of Madison County, Tenn., asking reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. TODD: Petition of Frank E. Knappen and 63 other citizens of Kalamazoo, Mich., to accompany House bill granting a pension to John Galligan—to the Committee on Invalid Pensions.

Also, petitions of the C. D. Warner Company, of Coldwater, Mich.; the World's Dispensary Medical Association, of Buffalo, N. Y.; the Michigan State Pharmaceutical Association, of Cadillac, and Frederick Stearns & Co., of Detroit, Mich., against the adoption of the clause in the war-revenue bill which provides for a stamp tax on proprietary medicines in stock—to the Committee on Ways and Means.

Also, petition of J. O. Banks, of Albion, Mich., protesting against certain provisions in the pending revenue-bond bill—to the Committee on Ways and Means.

SENATE.

THURSDAY, June 2, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

COMMODORE GEORGE DEWEY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Naval Affairs, and ordered to be printed:

To the Congress of the United States:

The resolution of Congress passed May 2, 1898, tendering to Commodore George Dewey, United States Navy, commander in chief of the United States naval force on the Asiatic station, the thanks of Congress and of the American people for highly distinguished conduct in conflict with the enemy, as displayed by him in the destruction of the Spanish fleet and batteries in the harbor of Manila, Philippine Islands, May 1, 1898, and through him extending the thanks of Congress and of the American people to the officers and men under his command for gallantry and skill exhibited by them on that occasion, required the President to communicate the same to Commodore Dewey, and through him to the officers and men under his command. This having been done through the Secretary of the Navy on the 15th of May, 1898, the following response has been received, and is hereby transmitted to the Congress:

"I desire to express to the Department, and to request that it will be transmitted to the President and to Congress, my most sincere thanks for the great compliment paid to me."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, June 1, 1898.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 175) for a survey of the harbor of Sheboygan, Wis.; and it was thereupon signed by the Vice-President.

EXECUTION OF WILLS IN THE DISTRICT.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same amended as follows:

In section 8 of the proposed amendment, after the words "Provided, That," insert the word "in."

In the same section, after the words "orphans' court business," strike out the words "upon the petition of."

Insert a new section to stand as section 10, and to read as follows:

"SEC. 10. That the record in the office of the register of wills for the District of Columbia of a duly certified copy, or transcript of the record of proceedings, admitting any will or codicil to probate outside of the District of Columbia; and the record in said office of any will or codicil heretofore admitted to probate in said District, and which shall not have been annulled or declared void according to law prior to the passage of this act, shall be deemed and held, at law and in equity, as of the same and like force and effect as if such will or codicil had been duly proved and admitted to probate and record under and in accordance with the provisions of this act: *Provided*, That the provisions of this section shall not apply to any proceedings at law or in equity pending at the date of the passage of this act, or commenced within one year after the passage of this act, wherein or whereby the validity of such will or codicil is or shall be called in question."

Number the sections consecutively.

And that the House agree to the same.

CHAS. J. FAULKNER,
LUCIEN BAKER,
Managers on the part of the Senate.
JOHN J. JENKINS,
JAMES D. RICHARDSON,
Managers on the part of the House.

Mr. ALLEN. Let the proposed new section be read again.

Mr. FAULKNER. I will state that the sole purpose of the provision is only to ratify what has always been the custom. For

example, if the Senator from Nebraska should own property in this District and should die in Nebraska, and his will was probated in Nebraska, the probate of that will in Nebraska when certified here would be admitted to record in the District of Columbia. That is the sole purpose of the section.

Mr. ALLEN. It evidently has more force than that. The admission to probate of a foreign will is well provided for by the statutes of the different States, and the filing of a transcript of the probate of a will from one State to another State is well provided for. But this record seems to have a certain specific force given it.

Mr. FAULKNER. I will state, if the Senator will permit me, that there is no force given to it that is not given by the Constitution and by virtue of the Constitution alone.

Mr. ALLEN. Probably that is true, but suppose a will were probated in the State of South Carolina and a transcript of the judgment were filed in the District of Columbia, and as a matter of fact the judgment in South Carolina was irregular and subject to certain proceedings for review and annulment, could those proceedings be brought here?

Mr. FAULKNER. No; they would have to be brought, under this provision, in South Carolina.

Mr. ALLEN. Then the filing of the transcript of the judgment stands as a *lis pendens* in this District until set aside in South Carolina?

Mr. FAULKNER. That is true.

Mr. ALLEN. I do not think that is right.

Mr. FAULKNER. I will state to the Senator that that is the effect of every statute of every State that I have examined.

Mr. ALLEN. Let the section be read again, please.

The VICE-PRESIDENT. The Secretary will read the tenth section.

The Secretary read as follows:

SEC. 10. That the record in the office of the register of wills for the District of Columbia of a duly certified copy, or transcript of the record of proceedings, admitting any will or codicil to probate outside of the District of Columbia; and the record in said office of any will or codicil heretofore admitted to probate in said District, and which shall not have been annulled or declared void according to law prior to the passage of this act, shall be deemed and held, at law and in equity, as of the same and like force and effect as if such will or codicil had been duly proved and admitted to probate and record under and in accordance with the provisions of this act: *Provided*, That the provisions of this section shall not apply to any proceedings at law or in equity pending at the date of the passage of this act, or commenced within one year after the passage of this act, wherein or whereby the validity of such will or codicil is or shall be called in question.

Mr. ALLEN. I have no property in this District and I never expect to be unfortunate enough to have any, and I have no desire to die here; therefore I will let this matter go.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented the petition of D. W. Watson and 15 other citizens of Indiana, and the petition of Robert C. Rueff and 13 other citizens of Indiana, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a memorial of the Dodge Manufacturing Company, of Mishawaka, Ind., remonstrating against the passage of House bill No. 9815, appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names; which was ordered to lie on the table.

He also presented a memorial of Liberty Assembly, No. 2315, Knights of Labor, of Fort Wayne, Ind., remonstrating against the issuance of bonds and praying for the coinage of the silver seigniorage now in the Treasury; which was ordered to lie on the table.

He also presented the memorials of William H. Fogas, of Mount Vernon, of M. L. Humston, of Goodland, and of J. W. Bosse, of Decatur, all in the State of Indiana, remonstrating against the adoption of Schedule B of the war-revenue bill placing a tax on proprietary medicines; which were ordered to lie on the table.

He also presented a memorial of the Workmen's Progressive Educational and Mutual Benefit Society of Scranton, Pa., remonstrating against the issuance of bonds; which was ordered to lie on the table.

Mr. COCKRELL. I present a petition of sundry citizens of Missouri, declaring that the issuance of bonds is unnecessary and against the best and most vital interests of our country and people, declaring that Mr. Lincoln, in his first issue of greenbacks, established a rule for the ready and sure and safe relief of every financial stringency, remonstrating against the issuance of bonds, and praying for the issuance of greenbacks or full legal-tender notes in sufficient amount to meet the present exigency, and to have coined into standard silver dollars, at the ratio of 16 to 1, without unnecessary delay, all of the silver seigniorage now in the

possession of the Government. The petition is numerously signed, I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL. I also present the memorial of sundry mercantile firms of St. Louis, Mo., remonstrating against a certain provision in the pending revenue bill. It is a very short memorial, and I ask that it may be printed without the signatures and referred to the Committee on Finance, so that the committee may have before it the propositions the memorialists make.

The VICE-PRESIDENT. Is there any objection? The Chair hears none, and the order is made.

Mr. COCKRELL presented a petition of George B. Harper Command, No. 714, of Boonville, Mo., praying for the enactment of legislation providing for the establishment of a national military park on the battlefield of Stones River, in Rutherford County, Tenn.; which was referred to the Committee on Military Affairs.

Mr. LODGE presented the memorial of M. Cramer, of Boston, Mass., remonstrating against the adoption of Schedule B of the war-revenue bill, placing a tax on proprietary medicines; which was ordered to lie on the table.

He also presented a memorial of 21 citizens of Fall River, Mass., holding policies in the Mutual Life Insurance Company of New York, remonstrating against the proposed tax on life-insurance policies; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties, and regulate its pay, to report it with sundry amendments and submit a report thereon. I suppose the Senator from Iowa desires to go on with the revenue bill. Otherwise I should ask the Senate to consider this bill now.

Mr. ALLISON. I hope the Senator from Maine will allow the bill just reported to lie over, to be taken up after the revenue bill is completed.

Mr. HALE. Let the bill go upon the Calendar. I shall call it up at some time when it will not interfere with other business.

Mr. CHANDLER. I ask that the Secretary may read the amendments proposed to the bill by the committee.

The SECRETARY. The first amendment of the Committee on Naval Affairs is, in line 8, after the word "officers," to insert "removable in the discretion of the Secretary." The next amendment is, on page 2, line 23, after the word "Navy," to strike out the proviso, as follows:

Provided, That the operation of the provisions of this act shall be limited to the duration of the present war with Spain.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1698) granting a pension to Alden B. Thompson, reported it without amendment, and submitted a report thereon.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas, to report it without amendment.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. BERRY. I move that the bill (S. 4505) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas, being Order of Business 1006 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. GEAR, from the Committee on Pacific Railroads, to whom was referred the amendment submitted by himself on the 31st ultimo, relative to the appointment of a commission to settle the indebtedness of the Government growing out of the issue of bonds in aid of the construction of the Central Pacific and Western Pacific bond-aided railroads, etc., intended to be proposed to the deficiency appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

STEAMSHIP CHINA.

Mr. FRYE. I report from the Committee on Commerce and ask for the present consideration of a bill.

The bill (S. 4699) to provide an American register for the steamship *China* was read the first time by its title.

The VICE-PRESIDENT. Present consideration is asked for the bill.

Mr. ALLISON. I refused the Senator's colleague this morning in regard to a bill that he was very anxious to have considered. I hope the Senator from Maine will allow this bill to lie over. I do not want to discriminate between the two distinguished Senators from Maine.

Mr. FRYE. This ship has been chartered, and they want to sail within two or three days.

Mr. ALLISON. If I yield, I should be obliged to yield to other requests. Will it not do later in the day?

Mr. FRYE. It will do, but the War Department called my attention to it this morning. It has been there two days. It is the ship *China*, which carries 2,000 men.

Mr. ALLISON. I will take the chances between the two Senators from Maine and allow this bill to go through.

Mr. FRYE. It will take but a minute.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamship *China*, owned by the Pacific Mail Steamship Company, to be registered as a vessel of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I am very much obliged to the Senator from Iowa.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 4700) to receive arrearages of taxes due the District of Columbia to July 1, 1896, at 6 per cent interest per annum, in lieu of penalties and costs; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 4701) granting an increase of pension to Charles W. Tilton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER. At the request of a number of worthy ladies, I introduce a bill and ask that it be referred to the Committee on Military Affairs.

The bill (S. 4702) to enable the Secretary of War to appoint two matrons to serve with each regiment of volunteers during the war with Spain was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 4703) granting a pension to Caroline M. Hosier; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 4704) extending franking privileges through the mails to officers and enlisted men in the Army and Navy of the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE introduced a bill (S. 4705) granting an increase of pension to Charles Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 4706) for the reestablishment and reconstruction of a light-house at or near mouth of Salem Creek, New Jersey; which was read twice by its title, and referred to the Committee on Commerce.

EDWARD T. MATHEWS.

Mr. SEWELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sally T. Mathews, Margaret S. Mathews, and Harriet E. Mathews, daughters of Edward T. Mathews, deceased, late clerk to the Committee on Enrolled Bills of the Senate, a sum equal to six months' salary at the rate per annum allowed by law to the committee clerk aforesaid; said sum to be considered as including funeral expenses and all other allowances.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 3088) to amend "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved November 3, 1893.

The message also announced that the President of the United States had on this day approved and signed the bill (S. 4550) to suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes.

COMPENSATION OF POSTMASTERS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution offered by the Senator from Nebraska [Mr. ALLEN], which comes over from yesterday. It is resolution No. 372, directing the Postmaster-General to report to the Senate the compensation of postmasters on the basis of the act of 1854, etc.

Mr. ALLISON. I ask the Senator from Nebraska to allow the resolution to go over for the present.

The VICE-PRESIDENT. Is there objection? The Chair hears none; and the resolution will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4554) to authorize the establishment of post-offices at military posts or camps.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. Res. 189) authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes.

The message further announced that the House insists upon its amendments to the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 148) providing for the printing of House Document No. 396, relating to the beet-sugar industry in the United States; and it was thereupon signed by the Vice-President.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. TURLEY. I have an amendment which I wish to propose to the bill. I ask to have it follow the amendment which was adopted yesterday on the motion of the Senator from California [Mr. WHITE].

The VICE-PRESIDENT. Does the Senator from Tennessee desire to have the amendment offered now or to have it printed?

Mr. TURLEY. I offer it now.

Mr. PLATT of Connecticut. Let us hear it read.

The VICE-PRESIDENT. The Senator from Tennessee offers an amendment, which will be read.

Mr. ALLISON. It is not in order to offer an amendment at this time, but I have no objection to its being read in order that the Senate may have notice of what it is to be.

The VICE-PRESIDENT. If there is no objection, the Chair will direct the amendment to be printed, and it will be offered hereafter whenever the Senator from Tennessee finds an opportunity, after the committee amendments have been disposed of.

Mr. TURLEY. That is the regular order?

The VICE-PRESIDENT. It is the regular order.

Mr. BUTLER addressed the Senate. After having spoken five minutes, the following message was received from the House of Representatives.

REMOVAL OF DISABILITIES.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 4578) to remove all disabilities imposed by the fourteenth article of the Constitution in which it requested the concurrence of the Senate.

Mr. STEWART. Will the Senator from North Carolina give way to allow the bill which has just been received from the House, proposing to remove disabilities, to be laid before the Senate?

Mr. BUTLER. Certainly.

Mr. STEWART. I desire to have the amendments of the House concurred in.

Mr. ALLISON. I hope the Senator will not interrupt the regular order.

Mr. STEWART. It will not take any time.

Mr. ALLISON. Very well, if it will not take any time.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate, unless objection is made, the amendments of the House to Senate bill 4578.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The Senator from North Carolina will proceed.

Mr. CHANDLER. I supposed a communication from the House to be always in order.

Mr. HALE. Not to interrupt a Senator upon the floor.

Mr. CHANDLER. Not without the consent of the Senator speaking.

Mr. BUTLER. I have consented, because it is a matter which it seems to me we ought to pass unanimously and at once.

Mr. HALE. I shall vote for the measure very gladly at the proper time, but I object to the proceedings being interrupted.

Mr. CHANDLER. Is it in order or not?

The VICE-PRESIDENT. The Chair understands that the Senator from North Carolina yielded for that purpose, and it is in order to lay the amendments before the Senate.

Mr. HALE. Let it go over for a day.

The VICE-PRESIDENT. Objection is made, and the Senator from North Carolina will proceed.

WAR REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. BUTLER resumed his speech. After having spoken for an hour and a half,

Mr. CANNON. As the Senator from North Carolina is discussing a most important feature of the bill, my judgment is there should be a quorum in attendance.

Mr. BUTLER. I hope the Senator will not suggest the absence of a quorum. I do not want to disturb Senators who are outside.

Mr. CANNON. I would cheerfully defer to the wish of the Senator from North Carolina in most respects, but not in this. I think what he is saying is of sufficient interest to justify the attendance of Senators, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Utah [Mr. CANNON] suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	McEnery,	Roach,
Allison,	Foraker,	McLaurin,	Spooner,
Bacon,	Frye,	Mallory,	Stewart,
Bate,	Gallinger,	Martin,	Sullivan,
Burrows,	Gear,	Mason,	Thurston,
Butler,	Gorman,	Mitchell,	Tillman,
Cannon,	Hanna,	Morgan,	Turley,
Carter,	Hansbrough,	Morrill,	Turpie,
Chandler,	Harris,	Murphy,	Vest,
Clark,	Heitfeld,	Nelson,	Wellington,
Clay,	Jones, Ark.	Perkins,	Wetmore,
Cockrell,	Jones, Nev.	Pettigrew,	White,
Cullom,	Kyle,	Pettus,	Wolcott,
Davis,	Lindsay,	Platt, Conn.	
Fairbanks,	Lodge,	Pritchard,	
	McBride,	Rawlins,	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

[Mr. BUTLER resumed and concluded his speech. See Appendix.]

Mr. WHITE. On page 6080 of the RECORD this morning, the RECORD upon our desk, is the amendment to the bill which was adopted upon my motion yesterday. I have discovered clerical errors in this regard. After the words "every person" there should be inserted "firm, corporation, or company," and after the words "any person," further on in the amendment, before the word "failing," there should be inserted "or officer."

I have submitted the corrections to the Senator from Rhode Island, who was in charge of the matter at the time, and he agrees with me that the amendments ought to be made to carry out the view therein expressed. I ask unanimous consent to have the same inserted in the RECORD.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. After the word "person," in the first line of the amendment, insert the words "firm, corporation, or company."

Mr. WHITE. I suggest in the same place that there should be a heading, as follows:

Excise taxes on persons, firms, companies, and corporations engaged in refining petroleum and sugar.

I suggest that simply as a heading at that place, in lieu of the former heading, which I find was stricken out. I did not know it at the time.

The PRESIDING OFFICER. The first amendment submitted by the Senator from California will be considered as agreed to, if there be no objection. The Chair hears none. The second amendment submitted by the Senator from California will be read.

The SECRETARY. Insert the figures "177" and the words: Excise taxes on persons, firms, companies, and corporations engaged in refining petroleum and sugar.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection. The Chair hears none. The next amendment will be stated.

The SECRETARY. In line 24 of the amendment, after the word "person," insert the words "or officer."

The PRESIDING OFFICER. The Chair hears no objection, and the amendment is agreed to.

The Secretary will report the next amendment of the committee, which is on page 46.

Mr. JONES of Arkansas. Yesterday I asked the consent of the Senator from Iowa to have amendment No. 66, on page 29, passed

over. As far as I am concerned, I am willing that the paragraph shall now be taken up and disposed of.

Mr. ALLISON. That is right.

Mr. JONES of Arkansas. I would suggest to the Senator in charge of the bill that there should be some modification of the language as proposed by the committee. The amendment as proposed by the committee reads, in line 24, on page 29:

And the provisions of this act shall include all medicinal articles, etc.

It was the intention of the committee in proposing the amendment to make that class of drugs taxable as proprietary medicines, and things of that sort were taxed, and I think the language used hardly accomplishes the purpose of the committee. I suggest that in lieu of that the clause be amended so as to read:

And the stamp taxes provided for in Schedule B of this act shall apply to all.

I suggest the insertion of those words before the word "medicinal," after striking out everything down to the word "medicinal" from the beginning of line 23. Instead of the words "and the provisions of this act shall include all" I suggest to the Senator in charge of the bill the words "and the stamp taxes provided in Schedule B of this act shall apply to all," to come in before the word "medicinal," in the twenty-fourth line, on page 29.

The PRESIDING OFFICER. Does the Senator from Arkansas propose to strike out all from the word "physician," in line 22, down to the word "medicinal," in line 24?

Mr. JONES of Arkansas. Yes, sir. My impression is that that was done yesterday. If it was not, it should be done. That was the suggestion of the committee, and it ought to be done.

The PRESIDING OFFICER. The clerks inform the Chair that it was left entirely open, and that no action was taken upon the clause.

Mr. JONES of Arkansas. I know it was the intention of the committee to have those words stricken out. Then, before the word "medicinal," to insert the words I propose in lieu of the words which have been heretofore suggested by the committee.

The PRESIDING OFFICER. The Secretary will state the amendment to strike out and insert offered by the Senator from Arkansas.

Mr. JONES of Arkansas. Instead of the proposed committee amendment, before the word "medicinal," in line 22, I move to insert the words "and the stamp taxes provided for in Schedule B of this act shall apply to all."

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. It is proposed to strike out, beginning with the word "but," in line 22, page 29, down to and including the word "any," in line 24, as follows:

But nothing in this act shall be construed to exempt from stamp tax any.

And insert:

And the stamp taxes provided for in Schedule B of this act shall apply to all.

Mr. JONES of Arkansas. That is right.

The amendment was agreed to.

Mr. JONES of Arkansas. I now suggest, in line 24, on the same page, that the words "whether simple or" should be stricken out.

The SECRETARY. On page 29, line 24, after the word "articles," it is proposed to strike out "whether simple or."

The amendment was agreed to.

Mr. JONES of Arkansas. Now I move that the word "trade-mark" be inserted after the word "patent," in line 1, on page 30.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, line 1, after the word "patent," it is proposed to insert "trade-mark."

The amendment was agreed to.

Mr. JONES of Arkansas. In line 2, on the same page, I move to strike out the words "have on their labels or wrappers recommendations" and that the words "are advertised on the package or otherwise" be inserted in their place.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, line 2, after the word "which," it is proposed to strike out "have on their labels or wrappers recommendations" and insert "are advertised on the package or otherwise."

The amendment was agreed to.

Mr. JONES of Arkansas. The word "proprietary," in line 4, on page 30, I believe, has been stricken out.

The PRESIDING OFFICER. That word has been stricken out.

Mr. JONES of Arkansas. Now I ask the Senator from Iowa to agree to recur to page 27.

Mr. SPOONER. Will the Senator, before he makes that suggestion, allow the clause to be read which has just been amended?

Mr. JONES of Arkansas. Certainly. It should be read as it has been adopted.

The PRESIDING OFFICER. The Secretary will read the clause as it has been amended.

The SECRETARY. As amended the paragraph reads:

And the stamp taxes provided for in Schedule B of this act shall apply to all medicinal articles compounded by any formula, published or unpublished, which are put up in style or manner similar to that of patent, trade-mark, or proprietary medicine in general, or which are advertised on the package or otherwise as remedies or specifics for any ailment, or as having any special claims to merit, or to any peculiar advantage in mode of preparation, quality, use, or effect, whether such claim be real or pretended.

Mr. JONES of Arkansas. I ask the Senator from Iowa to consent, on page 27, line 22, to strike out the words "receive from any person or."

Mr. ALLISON. I agree to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 17, on page 27, line 22, after the word "shall," it is proposed to strike out "receive from any person or."

The amendment was agreed to.

Mr. GALLINGER. In line 22, on page 29, I call the attention of the Senator from Iowa to the word "receipt," which manifestly ought to be "recipe"—"recipe or prescription of any physician."

The Senator will undoubtedly agree to have that word changed.

Mr. ALLISON. I agree to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 29, after the word "written," at the end of line 21, it is proposed to strike out "receipt" and insert "recipe."

The amendment was agreed to.

Mr. ALLEN. I will ask the Senator if he has perfected that portion of the bill in reference to the taxes on proprietary articles?

Mr. JONES of Arkansas. That has not yet been reached.

Mr. ALLEN. I desired yesterday to submit an amendment to that portion of the bill when it was reached.

The PRESIDING OFFICER. The Chair will state to the Senator from Nebraska that that has not yet been reached.

Mr. ALLEN. I judged from what the Senator from Arkansas had been saying and from the amendments he had been offering that we had reached it.

Mr. JONES of Arkansas. The amendments I have offered, if the Senator will permit me, were at the bottom of page 29 and at the top of page 30, and did not relate to proprietary medicines, but simply provided that medicines put up in a similar manner shall be taxed. Schedule B, which provides for the tax on proprietary medicines, is to be found on page 53 of the bill.

Mr. ALLEN. There is a provision in regard to that on page 15.

Mr. WOLCOTT. Before we leave pages 29 and 30, if Senators are through with their amendments, there is a formal amendment that should come in, if Senators do not object to finishing that particular clause.

Mr. JONES of Arkansas. The Senator from Nebraska was asking some questions about Schedule B.

Mr. ALLEN. I had simply observed that yesterday I found Senators introducing amendments, not committee amendments, and that they were being considered, and on inquiry I found that the committee were not through with their amendments. This morning I find the Senate in the same shape. The committee are not through, and if this is going to be a general thing I want to offer an amendment.

Mr. JONES of Arkansas. The amendments I have offered are amendments to the committee amendments. There have been no propositions to amend the original text of the bill.

Mr. ALLEN. In that case I subside.

Mr. WOLCOTT. On line 6, page 30, the last seven words, "whether such claim be real or pretended," should go out of the bill.

Mr. GALLINGER. I think so, too.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. In section 19, on line 6, page 30, after the word "effect," it is proposed to strike out "whether such claim be real or pretended."

The amendment was agreed to.

Mr. JONES of Arkansas. I am not sure that those words ought to go out of the bill.

Mr. WOLCOTT. Oh, yes; because that is a question that should not be inquired into by the law. Nobody looks to see whether these medicines cure everything or not, and nobody can prove it.

Mr. JONES of Arkansas. I presume the section would be as strong without the words as with them.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The next amendment which had been passed over was, on page 47, line 2, after the word "shall," to insert "hereafter;" at the end of the same line, after the word "lives," to strike out "(not including policies of insurance against accident only);" and in line 4, after the word "thereof," to strike out "two" and insert "ten," so as to read:

Insurance (life): Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall hereafter be

made upon any life or lives, for each \$100 or fractional part thereof, 10 cents on the amount insured.

The amendment was agreed to.

The next amendment was, in the same clause, on page 47, line 7, after the words "shall be," to strike out "1 cent for each unit of 5 cents of weekly premium" and insert "6 cents for each \$100 or fractional part thereof on the amount insured."

Mr. ALDRICH. In place of the amendment just read, and also in place of amendment No. 123, I offer, by direction of the committee, what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of amendments No. 121 and No. 122 it is proposed to strike out all after the words "shall be," in line 7, on page 47, down to and including the word "act," in line 12, and to insert:

Fifty per cent of the amount of the first weekly premium paid; and it shall be the duty of each person, firm, or corporation issuing such policies to make within the first fifteen days of every month a sworn statement to the collector of internal revenue in each of their respective districts of the total amount of the first weekly premiums received on such policies issued by the said person, firm, or corporation during the preceding month, and upon the total amount so received the said person, firm, or corporation shall pay the said tax of 50 per cent: *Provided further*, That the provisions of this section shall not apply to any fraternal beneficiary society or order operated on the lodge system which is organized and conducted by the members thereof for the sole benefit of its members and not for profit.

The amendment was agreed to.

Mr. SPOONER. I should like to have the section in regard to life insurance read as it has been amended.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. At the bottom of page 46, beginning with line 25, the clause as amended reads:

Insurance (life): Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall hereafter be made upon any life or lives, for each \$100 or fractional part thereof, 10 cents on the amount insured: *Provided*, That on all policies, for life insurance only, issued on the industrial or weekly-payment plan of insurance, the tax shall be 50 per cent of the amount of the first weekly premium paid, and it shall be the duty of each person, firm, or corporation issuing such policies, to make within the first fifteen days of every month a sworn statement to the collector of internal revenue in each of their respective districts, of the total amount of the first weekly premiums received on such policies, issued by the said person, firm, or corporation during the preceding month, and upon the total amount so received, said person, firm, or corporation shall pay the said tax of 50 per cent: *Provided further*, That the provisions of this section shall not apply to any fraternal beneficiary society or order operated on the lodge system, which is organized and conducted by the members thereof for the sole benefit of its members and not for profit.

Mr. DANIEL. Mr. President—

Mr. ALDRICH. I would suggest after the word "premium," in the amendment where it reads "50 per cent of the amount of the first weekly premium paid," the word "paid" should be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out the word "paid" after the word "premium" where it first occurs.

The amendment to the amendment was agreed to.

Mr. ALDRICH. The next amendment which was passed over is on page 52.

Mr. DANIEL. The Chair did not hear me, although I addressed the Chair with respect to that amendment.

The PRESIDING OFFICER. The Chair will regard the amendment as not having been agreed to if the Senator desires to speak to it.

Mr. DANIEL. The amendment is not printed.

Mr. ALDRICH. It has not been printed, but it was agreed to in the committee when the Senator from Virginia was present.

Mr. DANIEL. I understand that. I was merely going to make a suggestion respecting the amendment and to make a statement which I think may possibly affect the mind of the Senate in regard to this tax of 50 per cent on the first weekly premium paid in industrial insurance companies.

These industrial insurance companies are companies of the poor people. In very many cases the premiums are paid in 5-cent weekly installments, and the average policy is not over \$100. It was so stated, at least, by a company of this description in the city of Richmond, where there is a company that conducts a considerable business in this line. In their purposes they might almost be described as benevolent associations. They are associations in which the laboring classes and those of the poorer order make provision by little 5-cent weekly premiums for their burial or for some little stipend to go to their needy and dependent families.

Mr. GALLINGER. If the Senator will permit me, is he addressing himself to the matter included in lines 5, 6, and 7 on page 47?

Mr. DANIEL. I am addressing myself to the amendment proposed by the committee, which is not printed, but it comes in on page 47.

Mr. ALDRICH. In lines 7, 8, 9, and 10.

Mr. DANIEL. The amendment is in the tenth line, I think.
Mr. GALLINGER. I notice the words "on all policies, for life insurance only, issued on the industrial or weekly plan of insurance." Is that it?

Mr. ALDRICH and Mr. DANIEL. That is it.

Mr. GALLINGER. I have not been connected with that class of associations. I belong to certain assessment orders, but I did not know there were any such companies as are referred to here, and I wanted to inquire of the committee about the matter.

Mr. DANIEL. I have very little familiarity with this class of companies myself. I have never had any personal experience or observation of them, but the information which has been given to the committee on the subject I am sure will not be contradicted, as it comes in a very reliable form.

Mr. President, it seems to me that companies of this description ought to be dealt with as leniently as possible. I do not mean to say that they should escape taxation. I have very little sympathy with any class of people who desire to escape all taxation; but certainly this is a class that deserves the utmost consideration and the greatest degree of leniency that is practicable under any equitable scheme of taxation.

There is a difficulty, which has been suggested, as to requiring half of the first premium as a tax, which arises from the practical operations of these companies, as I am informed. I am told that amongst insurance companies it is frequently the practice, if not the general rule, to give to the agent, as his compensation, the first premium. I know that is the rule in some companies, and it might disarrange their business to fasten this tax upon that premium, which is usually accorded to the agent as a part of his compensation. This is not the only tax put upon them, and it seems to me that we might well strike it out in a bill of this sort, which is not aimed to distribute taxes, but is directed against certain things which it is supposed should be peculiarly taxed.

I hope that those words as to the first weekly premium may be stricken out. I do not think that it amounts to any considerable tax, and I do not believe that the class of people to whom it is directed is a very large one, but it strikes a peculiar class of companies, it seems to me, rather heavily. So I will move to strike out the words "50 per cent of the first weekly premium paid."

Mr. ALDRICH. I confess I am somewhat surprised at the motion made by the Senator from Virginia. This matter was fully discussed in the Committee on Finance and I supposed had the unanimous approval of that committee.

Mr. DANIEL. If the Senator thinks I am doing anything I ought not to do—

Mr. ALDRICH. I do not think so at all. I do not mean to say that.

Mr. DANIEL. If the Senator thinks I am doing anything I ought not to do by any honorable consideration, I will withdraw the amendment at once, for I do not wish to trench upon the committee.

Mr. ALDRICH. No, I do not say that; but I did say that I thought the amendment had the unanimous approval of the committee. It was certainly discussed at great length in the committee, and I believe the amendment is an eminently proper and just one.

Mr. DANIEL. I will state that I happened to be out of the committee at the time when this matter was adopted, and I was misinformed as to its adoption at the last meeting which I attended. I have been very regular in my attendance, but I had misinformation upon the subject which misled me. I certainly would not wish to do anything to trench upon the committee.

Mr. ALLEN. Is this intended to reach purely local cooperative companies?

Mr. ALDRICH. Oh, no.

Mr. DANIEL. No; but companies of the same description everywhere. They are small industrial insurance companies which have a little 5-cent premium, and this provision takes 2½ per cent out of the first weekly premium.

Mr. ALLEN. The country is full of little local organizations among the poorer classes of people, where there is no particular capital and where assessments are made to pay the officers. They, I believe, ought not to be taxed.

Mr. ALDRICH. This provision does not apply to that class. The class to which it applies is a class of companies distinct in themselves; but the whole business is based upon the weekly payment of a premium, usually of 5 cents, for which the insured receives a policy varying in amount, depending upon his age, his health, and a variety of causes. Instead of issuing a policy of \$10,000, upon which a certain premium is paid, the insured pays a certain premium, based upon a unit of 5 cents a week, and for that receives an amount of insurance depending upon his age and his physical condition.

As the bill was reported to the Senate, we placed the tax upon that class of insurance at "6 cents for each hundred dollars, or fractional part thereof, on the amount insured."

The officers of these companies came before the committee, or before certain members of the committee, and explained to them

that it was impossible to levy the insurance in that way; that it would be a very inequitable manner of levying the tax, and they suggested that the plan adopted by the House of Representatives of making an assessment upon the weekly premium was the only equitable method by which this tax could be assessed, and I was satisfied they were right.

These companies are not, as the Senator from Virginia seems to indicate, small companies. The Metropolitan Insurance Company, of New York, is one of the largest companies in the United States, and the Prudential Company, of Newark, N. J., is also one of the largest companies in the United States, doing a very large amount of insurance, almost equal to that of any other company in the country. They are rich companies, they are very strong companies, and are very earnest and active competitors with the other life-insurance companies in the country. The tax which is imposed by the amendment now offered is less than half in proportion to what is assessed upon the other life-insurance companies.

Mr. DANIEL. If the Senator will permit me, speaking of small companies, I thought I conveyed the idea—I do not know that I gave that impression—that they were companies which did insurance business for the poorer people, and they will certainly arrange for this tax to come out of those people, according to all the theories we have from the other side and according to the experiences of human nature.

I have no doubt that some of the strong and powerful companies of which the honorable Senator speaks, in Newark and elsewhere, who are engaged in a war of competition, would be very glad to crush out some of the small companies. That is the general rule of competition in trade.

The strong and powerful like to crush out the weak, so as to give themselves the field; but it seems to me the weak companies are the kind that ought to be encouraged. If you are going to make exemptions, I think these more worthy of exemption than are building and loan associations, for these are companies which provide the shrouds for the dead and the next day's meal for those who are left destitute. They come very nearly amounting to eleemosynary associations; and in a bill which has so scrupulously avoided taxing the great and powerful corporations of the country it seems to me that there could be no greater incongruity in a scheme of taxation than to bear with a heavy hand upon this class of corporations.

It seems to me if there is anything that deserves the peculiar leniency and forbearance and sympathy of the legislature it is to be found in this class of institutions. They are the corporate houses of refuge for the poor and the needy. One had almost as well put a heavy tax upon the almshouses of the country and at the same time exempt the marble and the brownstone mansions as to be cumulating taxation upon this class of corporations and yet day after day be struggling to avoid any tax upon the great and powerful.

Mr. ALDRICH. Mr. President, if I was surprised when the Senator from Virginia made his motion, I am more surprised at his argument. Now, let us look at the facts of this case. This proposed tax is practically only 2½ cents on each policy issued upon which is paid \$2.60 a year on a policy of insurance amounting to from forty to one hundred dollars.

Mr. DANIEL. The average is \$100.

Mr. ALDRICH. If the Senator from Virginia will excuse me for a moment, the Senator says this will come out of the agents, because they are paid a certain proportion of the whole of these weekly premiums for their commissions. If it will come out of the agents, it will not be paid by the men who are insured, of course. Those insurance policies are all issued on a basis of a 5-cent payment, and they can not come out of the insured. If there is any one provision in this bill which is so carefully guarded that the tax can not be paid by the insured it is this very provision. These companies say, and say truthfully, that they or their agents will have to pay this tax. It can not be otherwise. They have got their policies and rates of insurance so adjusted that they can not change them. The payment is 5 cents each week. If it comes out of the agent, it is the agent that the Senator from Virginia is making this appeal for; and if it comes out of the companies, it is the companies he is making the appeal for.

One of these companies, the Metropolitan Insurance Company, has had sufficient funds to erect that marble palace on the corner of Twenty-third street and Fourth avenue, New York; and, as I understand, one of the finest buildings in the city of Newark was built by the Prudential Company. There are only a half dozen of these companies in the United States, and one happens to be in the State of Virginia, as I understand it.

The people who are insured can not possibly pay any part of this tax, and the insurance companies who are affected outside of the company in Virginia, so far as I know, are not complaining.

Mr. SEWELL. Will the Senator from Rhode Island state the section he is endeavoring to amend?

Mr. ALDRICH. It is the section on page 47.

Mr. SEWELL. Mr. President, let the amendment be stated again, please.

The VICE-PRESIDENT. The Chair understands that the amendment offered by the Senator from Rhode Island has been adopted. The Senator from Virginia proposes to amend the amendment which has been adopted.

Mr. SEWELL. Let it be read.

Mr. DANIEL. If I may be permitted to make a parliamentary inquiry, I beg to suggest that the amendment was not adopted.

Mr. FAULKNER. The original amendment offered by the committee was adopted, and the amendment to which the Senator from Virginia calls the attention of the Chair was simply a verbal correction in the amendment.

Mr. DANIEL. Oh, yes.

The VICE-PRESIDENT. Does the Senator from New Jersey desire to have it read?

Mr. SEWELL. Yes.

The SECRETARY. Strike out amendments numbered 121 and 122, on page 47, and insert the following:

Fifty per cent of the amount of the first weekly premium. And it shall be the duty of each person, firm, or corporation issuing such policies to make within the first fifteen days of every month a sworn statement to the collector of internal revenue in each of their respective districts of the total amount of the first weekly premiums received on such policies issued by the said person, firm, or corporation during the preceding month, and upon the total amount so received the said person, firm, or corporation shall pay the said tax of 50 per cent: *Provided further*, That the provisions of this section shall not apply to any fraternal beneficiary society or order operated on the lodge system, which is organized and conducted by the members thereof for the sole benefit of its members and not for profit.

Mr. SEWELL. I think that is satisfactory. I should like to add an exemption of employees' relief associations.

Mr. ALDRICH. I think that is covered by the language used by the committee. It was intended to do so.

Mr. SEWELL. I prefer to have it distinctly stated.

Mr. ALDRICH. It should be, where they are conducted for their own benefit, not for profit.

Mr. SEWELL. It is entirely for their own benefit, not for profit.

Mr. WOLCOTT. They are within the exception.

Mr. ALDRICH. I think they are clearly included in the exemption of the committee.

Mr. SEWELL. If the committee say so, that is satisfactory.

Mr. ALDRICH. Yes, sir; I think so, without any question.

Mr. SPOONER. As I understand this section, it now excludes from taxation no insurance company except when conducted upon what is known as the lodge system. Am I correct about that?

Mr. ALDRICH. Yes. And I understand the lodge system to be an aggregation of employees or farmers or anybody else who carry on beneficiary insurance simply for their own benefit. That language was used in the statute heretofore, and it has been construed to apply to that class of organizations.

Mr. GALLINGER. Patrons.

Mr. ALDRICH. Patrons of Husbandry, and all that sort of thing.

Mr. SPOONER. As it came from the House, the bill contained this clause:

Provided, That cooperative life insurance assessment orders and companies, as well as all policies issued by them, shall be exempt from taxation under this act.

Mr. ALDRICH. That included too large a range of companies. It included a lot of companies doing a very large insurance business, not for their own benefit, but for profit. The committee believed that all that class of companies should pay taxes.

Mr. SPOONER. The Senator is aware that there are in the country a vast number of small insurance corporations or associations created by farmers or others which are not conducted for profit, which, so far as I know, are not conducted upon the lodge system, in some of which, I think in most of them, no salaries are paid. It is simply an agreement among a number of men living in the same locality to insure each other.

Mr. ALDRICH. I know the same language was used in the act of 1864, and it was construed to mean the very class of cases about which the Senator from Wisconsin is now talking. If the Senator from Wisconsin can suggest any language that would not let in almost all companies, I should be very glad to have him suggest it.

Mr. SPOONER. Is it intended by the committee to levy this tax upon any insurance which is conducted without profit?

Mr. ALDRICH. Any insurance conducted by the members of the organization themselves, or whatever they are called, to insure each other without any profit is intended to be included in the exemption. The exemption is intended to cover that class of insurance.

Mr. SPOONER. I will undertake to draw an amendment which will beyond any possible question reach that.

Mr. ALDRICH. I hope the Senator will not. We had several suggested to us which would let in a great mass of the insurance companies of the United States.

Mr. SPOONER. I will endeavor to guard against that. I think the Senator has drawn this so as to include a great many that ought not to be taxed.

Mr. LODGE. I suppose this clause as now framed covers all mutual insurance companies. I understand that has been passed upon by the committee in the Senate, and I do not desire to delay the bill by debating it. It seems to me the tax is very high on these mutual companies. I ask leave simply to print two memoranda in regard to it.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The papers referred to are as follows:

NEW ENGLAND MUTUAL LIFE INSURANCE COMPANY.
Boston, May 19, 1898.

DEAR SIR: The taxation of life-insurance companies.—It is not altogether possible to give in the narrow space of an official correspondence all the reasons that can be urged against a tax upon life-insurance companies. In times of war, when self-preservation calls aloud for utmost exertion and every resource, the temptation not to neglect institutions so profitable as life-insurance companies are commonly supposed to be, and full of available funds, is multiplied manifold. There seems in regard to insurance companies of all kinds no valid reason why every person who is in any way connected with them should not be taxed for the support of the Government according to his ability as an individual, and any tax on the company after that is, in fact, taxing him beyond his share, and if he is a policy holder, exacting a penalty on his prudence.

Life-insurance companies are built up almost entirely of contracts extending over the entire lives of policy holders, or the larger part of them, and requiring small annual payments to be accumulated at compound interest in order to pay large sums at the close of life or at a very advanced age.

These annual premiums are carefully calculated on certain assumptions as to future interest, the average vitality or chances of after life at given ages, and the probable expenses of managing the business.

In the year 1862 the subject of taxing the funds of life-insurance companies was brought before Congress, and after mature consideration by both Senate and House of Representatives was defeated. In the course of the Senate debate Mr. Sherman, of Ohio, moved to strike out of the general-tax bill all that related to life-insurance companies, because the whole capital in life insurance was taxed under other provisions of the bill—that is to say, the accumulations or capital of life-insurance companies being composed of bank, railroad, and other stocks and securities, should not pay a double tax.

Mr. Sumner favored the proposition, and spoke as follows: "The business of life insurance, as it seems to me, is peculiar. It differs from others in being not strictly, if I may say so, a money-making business. I know that persons get up insurance companies in order to advance their own interests, but the primary object of the insurance office is to protect other people, particularly the poor; it is to help the poor. I say, therefore, it is not primarily, as compared with many other businesses, a money-making business. On that account, as it seems to me, it has a title to certain consideration. Now, what is proposed? A tax on the premiums. What are the premiums? The premiums are themselves a tax. The premiums constitute the tax which the person insured pays for his insurance. This is the precise case. I state it in this way in order to reduce it, if I may say so, to its most naked form."

The question was asked by Mr. Chandler, of Michigan: "Why do you tax railroads on their gross receipts of their passenger earnings?" to which Mr. Dixon, of Connecticut, replied: "I will tell you why. The money belongs to them—it is their money. They spend a portion of it, it is true, in their incidental expenses just as the insurance companies spend a portion of their funds in transacting their business; but that money belongs to the railroad company; it is their fund. They do not hold it in trust for anybody. They hold it for themselves. The insurance company receives money in trust, a solemn and sacred trust. There can be no more sacred fund than the fund which an insurance company receives from those who take out policies in the office. They hold it for them. They are bound to pay it all out, etc." (See Congressional Debates, 1862.)

The views of these statesmen at a time when a somewhat similar condition of national affairs existed, it seems to me, are pertinent in the present condition of things. No one wishes to shirk his duty so far as contributing to the sinews of war is concerned. Everyone should do his duty, but such a tax should not be enforced as would lose sight of discrimination and cause an undue burden upon a particular business which is of itself a tax upon our citizens and in which there is no profit, for the companies are all mutual and have no source of profit as in ordinary modes of business. Whatever of savings there may be is returned to the individuals composing the company to lighten the tax laid upon them by the assessment of premiums.

In conclusion, it is not reasonable to expect that a business already a tax should be still further burdened by another and excessive tax.

In behalf of the New England Mutual Life Insurance Company, I beg that your deliberations may be attended by a just discrimination of the purposes for which the institution was created.

The proposed stamp tax, it appears to the writer, if a reasonable one, can not be objected to, but a tax upon premiums, in themselves a tax, ought not to be levied.

Yours, truly,

BENJ. F. STEVENS,
President.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

Memorandum upon the proposition to subject mutual life insurance companies to the tax proposed to be laid upon corporations.

Every mutual life insurance company ought to be exempt from taxation, because:

(a) Since it has no stock, it has no funds except those derived from the premiums paid by its members. A tax upon it can be paid only out of such funds, and is not a tax on the corporation, but a direct tax on each individual member in the proportion to his interest in the fund. (See Appendix A.)

(b) The funds are applicable only to the payment of losses and the necessary incident expenses. To tax them is to tax losses and to increase the losses by the amount of the tax. (See Appendix A.)

(c) Losses are neither a proper subject-matter for, nor a proper measure of, taxation; nor is their occurrence the proper occasion of taxation. (See Appendix A.)

(d) The bases on which mutual premiums and reserves are computed, and on which the legal standard of solvency is predicated, make no provision for taxation. A tax can be paid only out of the legal reserve, rendering the company insolvent, unless and only so long as, an experience more fortunate than the assumptions produces a surplus sufficient to meet the tax. (See Appendix A.)

(e) To take the surplus by taxation is to make the policy holder pay more for his insurance than its proper cost to the company.

(f) During the civil war, when the necessities of the Government compelled a most careful search for every proper source of revenue, the Congress fully and carefully considered the proposal to tax mutual life insurance companies, and refused to do so because the funds were not employed in business for the benefit of the members, but were contributed by them and were used only for the adjustment of losses and were therefore in themselves in the nature of a tax; so that a tax on them would be in the nature of a tax on a tax.

To summarize: A tax in any form upon a mutual insurance company is a tax on its members individually, and is paid and must be paid only by them, out of their premiums, so much reducing the surplus to be returned and so much increasing consequently the yearly cost of their policies. It is not a tax on their property, but upon their losses, and is laid upon the money which is the distributive share of each member in those losses as it passes through the hands of the company to make good the original sufferer.

Amendment to H. R. 10100: Add the following after the words "United States," at the end of line 2, page 61:

"The provisions of the section shall not apply to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policy holders or members, and having no capital stock and no stock or shareholders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and share holders which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserved for the benefit of its policy holders and members insured on said mutual plan."

APPENDIX A.

A mutual life insurance company is a collection of policy holders, assembled in corporate form, doing their own business at their own risk, in order that each one may get his individual family protection at its exact cost to the company without having to pay a profit to stockholders.

A tax on such a company is a direct tax on the members who alone compose it. The company, as a corporation, merely collects from each member his share of the tax and pays it over to the Government, for a mutual company, having no stock and no stockholders, has no funds except those derived from the premiums paid in by its members on their policies.

The premium paid in by a member or policy holder is calculated to fulfill two purposes: First, to pay the death losses of the year, and also to provide a reserve against the certain future greater losses as the membership gets older; and second, to pay running expenses. These things cover the normal cost of insurance. Whatever is left of the premium after providing these things through the year—if anything is left—is surplus, and is returned to the policy holder as an overpayment, or in ordinary, but incorrect speech, as a "dividend." Whatever is paid for taxes comes out of that surplus—if there is a surplus—and makes the return of surplus just so much less, and makes the cost of his insurance just so much more. Any tax on a life insurance company or on its premiums is a direct tax on the individual policy holder who pays the premium taxed. He does not see the tax. It is not intended that he should. It is intended that he shall suppose that it is a tax on a corporation only, and not on him. But he pays it, and no one else, and it is the Government's addition to the cost of his family's protection.

If there is no surplus, then a tax can be paid only by taking the money from the reserve which the law requires the company to hold, and which is necessary to the solvency of its policies. If its reserve be impaired, the company is so far bankrupt, and it can pay only a percentage of its claims.

The assumptions upon which a mutual life insurance company's business is based are these three: A rate of probable mortality; a rate of interest on so much of its premiums as are not needed for the lighter losses, while its members are young and are reserved for the heavy losses when they grow older; a provision for business expenses. Presumably, the death losses and expenses will use up every cent of the premiums computed on these bases, and each member's policy will cost him his full premium. No provision is made for a tax. None can be paid, unless the experience is more favorable than the assumptions, without impairing the reserve and rendering the company insolvent.

LIFE INSURANCE OUGHT NOT TO BE TAXED AT ALL.

Taxation ought to bear on the possession and use of property and not upon the loss of property or upon the means by which such losses are distributed.

The only moral and humane theory of taxation is the collection of only such moneys as are necessary for the proper and legitimate expenditures of the Government from such sources that is, from such persons owning such properties as ought to bear those expenditures and in the proportion in which they ought to bear them.

Under such a theory no one would suggest a tax upon people's losses. These could be regarded neither as the proper subject-matter of taxation nor as a humane basis of the distribution of tax burdens.

No one would suggest that because a man's house on which he has been paying taxes has been burned he should at once pay a special tax on its value which he has just lost, or that a man's family should be taxed on the money value of his life to them because he has died and they have lost that value.

Insurance is merely a method of distributing the property losses of those who have lost property among those who have not lost it. It is effected through contributions or payments called premiums.

A's house, worth \$5,000, and on which he has paid taxes while it was in being, has burned. A has lost \$5,000. There is no restoring it. That property and its value are gone forever, not only to A, but to the whole world. To tax A on that loss would be an unspeakable inhumanity.

But A has insured against that loss; that is, he has agreed with other house owners to share their like losses if they will assume his loss if it comes. While his house is unburnt he, by his premiums, assumes his share of the losses of those whose houses burn meantime. When his house burns they, by their premiums, take his loss on their shoulders and make it good to him. They lose it instead of A, because before that he had through his premiums been losing his share of their houses which had burnt.

Their assumption of the loss and giving A the money in place of his house has not restored the house. It has not changed the loss into gain or into an even thing. The property is gone. The loss remains. It has merely been distributed. A is made whole, but the contributors to that result have taken the loss to themselves and are just so much worse off. They have lost A's house. They have divided up the \$5,000 loss among them.

To tax A additionally on the \$5,000 because it was returned to him would be inhuman. It would be to make him lose something in spite of his own and others' efforts to avoid loss. It would be a loss created and inflicted by Government on the occasion of his escaping from a greater loss. It would be a fine on him for not losing.

To tax the other men who, by their premiums, have taken A's loss upon themselves and distributed it among themselves is an equal inhumanity. They have made A's loss their own to save him. To tax them on their loss is an equal outrage to taxing A upon that same loss if it had remained on him.

It is taxing a loss, and it is a fine, a punishment, upon men for so sharing each other's losses that it becomes possible for them to be borne. The group of men forming a mutual insurance company can together bear losses which would crush and destroy the individual. But it is as inhuman and tyrannous to tax the losses of the group as to tax those of the individual which he would have to bear but for the action of the group.

WHAT SUGGESTS TAXATION?

The only element in the transaction that suggests taxation of these losses, either to the individual or the group or mutual company, is the fact that it requires the use of money to adjust them, and that the money is brought into sight in the hand of the adjusting association or corporation and in easy reach of the taxgatherer, and so becomes a temptation to ignore the true nature of the fund, which is simply the collective losses of the group or company, thereby relieving the individual calamities of its members.

THE PARALLEL BETWEEN FIRE AND DEATH LOSSES.

Life insurance differs from fire insurance only in the subject-matter of the loss. Instead of a man's losing his house or other perishable property, his family loses the money value, the earning and producing capacity, of his life. His life, its money value, what it will do for them, what it will earn, is just as much property, and their property, their financial dependence, as is his house, and the loss of that life is just as much a property loss to them as that of his house is to him.

For example: If a man, aged 30, is earning \$1,000 a year for his family, taking his chances of life according to the actuaries' table, and assuming money to be worth 4 per cent, the present value of his life in money to his family is \$17,000. That is their actual money property in his life. That is the money they lose if he dies.

If, when he dies, the Government should openly tax that family on that loss, on that amount, the world would stand aghast. Such a government could not live, for no one could live under it.

THE ESSENCE OF LIFE INSURANCE.

Life insurance is simply the distribution of the loss of family property in the lives of husbands and fathers. The father, while he lives, by his yearly premiums, assumes his share of the loss of those families whose heads have died during the year. All the fathers who have associated themselves with him do the same thing. They, by their premiums, take each family's loss as it occurs over upon themselves and divide it among themselves. They lose the money value of the man's life instead of his family. The family is not financially crushed, for these men have taken the burden from it. They are not crushed, for they are many and have divided the burden, and the losses do not come all at once. But these men have lost the money value of that life just as truly as the family would have lost it if these men had not assumed and divided it among themselves.

To tax them as a group or company upon the loss they have thus assumed and suffered is as abhorrent to justice and humanity as it would be to leave the loss on the family and then tax the family on that loss.

The division of the tax among these men does not alter its unjust quality. It simply reduces the tax which any one man has to pay on any one loss. He does not have to pay the whole of the tax any more than he has to pay the whole of the loss. But the portion which he does pay is a tax on a loss which he has suffered by helping others to bear it, and in proportion as he has suffered it, just as much as if he had borne the whole loss and paid the whole tax on that loss.

RESERVE.

But it is urged by those unfamiliar with the detail of life insurance that the premiums do not all go at once to the payment of losses or the expense of adjusting and distributing them, but go in part to swell the assets, which, in a company with a large amount at risk, grow to a great sum, invested and earning interest for the members from whose premiums the assets have been accumulated, and which, therefore, it is alleged should be taxed.

The answer is that these assets are all held in reserve for and are to go to pay future losses. Both the additions from premiums to these assets and the interest earned on them, except the interest over 4 per cent, are to go to pay losses.

The necessity for and precise use of this reserve of assets from premiums and interest is as follows:

If men died no faster at one age than at another, the losses at each age and the cost of carrying the risk would be the same each year, and the premium for every man would be the same each year and no matter what his age; each year's losses and expenses would nearly or quite use up each year's premiums, and there would be little accumulation, comparatively. But, while out of 1,000 men aged 20 only about 8 will die in a year, out of 1,000 aged 60 26 will die. That is, the risk increases with age, and the yearly cost increases with the risk. For example, if 10,000 persons aged 20 insured for \$10,000, and each paid just the increasing mortality cost each year (assuming there were no expenses), they would pay in each year of their age the following increasing premiums:

Mortality per cent. Actuaries' table. Annual term rate for \$10,000. No interest assumed; and no expenses.

Age.	Rate.	Age.	Rate.	Age.	Rate.	Age.	Rate.
20	\$72.91	40	\$103.62	60	\$203.86	80	\$1,404.00
21	73.77	41	106.12	61	220.12	81	1,514.30
22	74.64	42	108.94	62	231.21	82	1,631.94
23	75.64	43	112.51	63	248.40	83	1,769.13
24	76.66	44	116.97	64	268.20	84	1,926.73
25	77.70	45	122.12	65	290.82	85	2,096.66
26	78.87	46	128.89	66	316.74	86	2,284.80
27	80.06	47	136.16	67	346.74	87	2,492.84
28	81.30	48	144.00	68	380.90	88	2,722.74
29	82.76	49	152.61	69	420.67	89	2,983.62
30	84.25	50	162.80	70	469.33	90	3,277.30
31	85.78	51	174.96	71	528.68	91	3,609.87
32	87.47	52	188.47	72	598.05	92	4,002.63
33	89.10	53	203.93	73	678.84	93	4,472.27
34	90.85	54	222.13	74	784.09	94	5,030.04
35	92.68	55	243.64	75	905.60	95	5,682.70
36	94.65	56	268.25	76	1,051.80	96	6,436.49
37	96.87	57	296.79	77	1,214.69	97	7,303.08
38	99.05	58	329.86	78	1,404.44	98	8,399.00
39	101.31	59	368.40	79	1,630.65	99	9,800.00

Experience proves that men dislike these increasing premiums, especially after they get to middle age, when the increase becomes very rapid. And in order to give a sufficient stability to a company by enabling men to pay uniform premiums in spite of the increasing cost, and avoid the risk that it may be left with a few members and not enough to pay its losses on them, it is

necessary to have a premium which does not increase as the cost increases, but remains the same every year—what is called a "level premium."

It must, of course, be more than the mortality cost in the early years of the contract and less than that cost in the later years, and the excess of level premium over mortality cost in the early years, with the interest earned on it, must be reserved to meet the excess of mortality cost over level premium in the later years; that is, the "reserve" or "reserve fund" or "re-insurance fund" of a life-insurance company, accumulated while the business is young and the losses are small, to be paid out as the business grows old and the losses become heavy. But it all goes to pay losses.

For example: Suppose 10,000 men, all aged 30, form a mutual company to insure each others' families \$10,000. If they paid in just the mortality cost year by year, then the first year each man would pay \$84.28; the tenth year each would pay \$97.94; in the twentieth year the cost would have run up to \$137.81 each; in the thirtieth year it would be up to \$206.93; in the fortieth year it would be \$319.98; those who lived to 75 would pay \$643.71 each. Men will not do this. So these men will take the "level premium" of \$109.72 (assuming no expenses), and the progress of payments of premium and of death losses of earlier accumulation and later diminution and final extinction of the reserves will go on as follows:

Year.	Age.	Living.	Dy- ing.	Pre- miums.	Losses.	Pre- miums over losses.	Losses over pre- miums.	Reserve.
1	30	10,000	54	\$1,097,200	\$540,000	\$557,200		\$557,200
2	31	9,910	56	1,082,944	560,000	522,944		1,082,944
3	32	9,821	58	1,068,517	580,000	488,517		2,068,517
4	33	9,745	60	1,053,921	600,000	453,921		3,122,442
5	34	9,672	62	1,039,158	620,000	419,158		4,161,599
6	35	9,570	64	1,024,220	640,000	384,220		5,185,819
7	36	9,461	66	1,009,115	660,000	349,115		6,194,934
8	37	9,351	68	993,841	680,000	313,841		7,188,775
9	38	9,241	70	978,395	700,000	278,395		8,167,370
10	39	9,130	72	962,782	720,000	242,782		9,130,652
11	40	9,015	74	946,999	740,000	206,999		10,079,651
12	41	8,901	76	931,044	760,000	171,044		11,014,695
13	42	8,785	78	914,917	780,000	134,917		11,936,612
14	43	8,669	80	898,617	800,000	98,617		12,845,229
15	44	8,552	82	882,142	820,000	62,142		13,740,371
16	45	8,434	84	865,591	840,000	25,591		14,622,062
17	46	8,315	86	848,964	860,000	-11,036		15,490,397
18	47	8,195	88	832,261	880,000	-47,739		16,345,656
19	48	8,074	90	815,482	900,000	-84,518		17,187,838
20	49	7,952	92	798,627	920,000	-121,373		18,016,965
21	50	7,829	94	781,696	940,000	-158,304		18,833,038
22	51	7,705	96	764,689	960,000	-195,311		19,636,149
23	52	7,580	98	747,606	980,000	-232,394		20,426,285
24	53	7,454	100	730,447	1,000,000	-269,553		21,203,732
25	54	7,327	102	713,212	1,020,000	-306,788		21,967,944
26	55	7,200	104	695,901	1,040,000	-344,099		22,719,845
27	56	7,072	106	678,514	1,060,000	-381,486		23,459,359
28	57	6,943	108	661,051	1,080,000	-418,949		24,187,410
29	58	6,814	110	643,512	1,100,000	-456,488		24,903,922
30	59	6,685	112	625,897	1,120,000	-494,103		25,608,815
31	60	6,555	114	608,206	1,140,000	-531,794		26,302,089
32	61	6,425	116	590,439	1,160,000	-569,561		26,983,724
33	62	6,294	118	572,596	1,180,000	-607,404		27,653,710
34	63	6,163	120	554,677	1,200,000	-645,323		28,312,037
35	64	6,032	122	536,682	1,220,000	-683,318		28,958,715
36	65	5,901	124	518,611	1,240,000	-720,389		29,593,844
37	66	5,770	126	500,464	1,260,000	-757,536		30,217,308
38	67	5,639	128	482,241	1,280,000	-795,759		30,829,059
39	68	5,508	130	463,942	1,300,000	-836,058		31,429,000
40	69	5,377	132	445,567	1,320,000	-876,433		32,017,127
41	70	5,246	134	427,116	1,340,000	-916,884		32,593,441
42	71	5,115	136	408,589	1,360,000	-957,411		33,157,932
43	72	4,984	138	389,986	1,380,000	-997,914		33,710,618
44	73	4,853	140	371,307	1,400,000	-1,028,693		34,251,401
45	74	4,722	142	352,552	1,420,000	-1,069,448		34,780,182
46	75	4,591	144	333,721	1,440,000	-1,109,279		35,296,853
47	76	4,460	146	314,814	1,460,000	-1,149,186		35,801,414
48	77	4,329	148	295,831	1,480,000	-1,189,169		36,293,945
49	78	4,198	150	276,772	1,500,000	-1,229,228		36,774,456
50	79	4,067	152	257,637	1,520,000	-1,269,363		37,242,937
51	80	3,936	154	238,426	1,540,000	-1,309,574		37,699,378
52	81	3,805	156	219,139	1,560,000	-1,349,861		38,143,779
53	82	3,674	158	199,776	1,580,000	-1,389,224		38,575,120
54	83	3,543	160	180,337	1,600,000	-1,428,663		38,993,491
55	84	3,412	162	160,822	1,620,000	-1,468,178		39,398,892
56	85	3,281	164	141,231	1,640,000	-1,507,769		39,791,323
57	86	3,150	166	121,564	1,660,000	-1,547,436		40,170,784
58	87	3,019	168	101,821	1,680,000	-1,587,179		40,537,255
59	88	2,888	170	82,002	1,700,000	-1,626,998		40,890,726
60	89	2,757	172	62,107	1,720,000	-1,666,893		41,231,187
61	90	2,626	174	42,136	1,740,000	-1,706,864		41,558,528
62	91	2,495	176	22,089	1,760,000	-1,746,911		41,871,619
63	92	2,364	178	2,000	1,780,000	-1,784,000		42,170,560
64	93	2,233	180	0	1,800,000	-1,800,000		42,455,560
65	94	2,102	182	0	1,820,000	-1,820,000		42,726,560
66	95	1,971	184	0	1,840,000	-1,840,000		42,983,560
67	96	1,840	186	0	1,860,000	-1,860,000		43,226,560
68	97	1,709	188	0	1,880,000	-1,880,000		43,455,560
69	98	1,578	190	0	1,900,000	-1,900,000		43,670,560
70	99	1,447	192	0	1,920,000	-1,920,000		43,871,560

It is assumed in this illustration that no new business is taken in, but the original 10,000 men and their survivors each year carry on until all are gone.

In fact, the business lost by death and lapse is usually replaced by new business, so that the reserves on the successive new yearly groups of men take the place of the reserves used up in payments of losses on the old groups; but in a company of any considerable age the operations shown in the table are going forward in each group of men taken in each successive year of business. Our published returns and statements show simply the aggregates of all the changing yearly groups of reserves.

A portion of each year's premium goes to pay the losses of that year; the remainder of it, increased by interest earned, goes into the reserve for future losses until the losses overtake the premium, and then all the premiums and a part of the reserves go to the yearly losses. To tax the premiums or the reserves derived from them is to tax the losses which it is their sole function to pay. That is inhumanity.

To tax any savings that can be effected on these premiums or reserves is to increase the cost of the protection; that is, it increases the loss itself. What is not lost by death is lost to Government. Whichever way, it is pure loss. That is taxed and made to yield revenue to the Government.

Mr. ALLEN. What disposition was made of the amendment which was under consideration?

Mr. ALDRICH. It was adopted.

The VICE-PRESIDENT. It was agreed to, and the Senator from Virginia is proposing to amend it.

Mr. ALLEN. There is a certain class of insurance companies in my State, and no doubt in other States, upon which the tax would operate harshly. For instance, in the State of Nebraska we have a law that not exceeding 200 farmers may form a cooperative insurance company for strictly farm purposes. It is on the assessment order. There are no salaries and no fees attached. The organization is simply for mutual protection. Would the amendment as now proposed by the Senator from Rhode Island subject those corporations or organizations to the tax?

Mr. ALDRICH. I think not, as I have already explained to the Senator from Wisconsin.

Mr. ALLEN. They are not corporations; they are not incorporated. They are simply voluntary associations.

Mr. ALDRICH. Societies or orders.

Mr. ALLEN. Yes.

Mr. ALDRICH. The language of the amendment of the committee is "societies or orders."

Mr. ALLEN. These are called farmers' mutual insurance companies. They are authorized by statute to organize, not exceeding, I think, 200 members, and issue policies and require payment monthly or yearly, as the case may be. They pay no salaries and have no agents except the secretary, and are designed simply to protect the property and rights of each other. They are not institutions for pecuniary profit, but simply institutions for pecuniary protection and mutual cooperation. I should like to have the amendment made distinct and broad enough to exclude that class of organizations.

Mr. ALDRICH. As I have already stated, the committee believe that it is broad enough to do that. If the Senator from Nebraska or the Senator from Wisconsin will submit or suggest to the committee any other language which will cover those cases and not a large class of others, we shall be glad to have them do so.

Mr. ALLEN. If the Senator thinks this amendment exempts them, I do not want to detain the Senate by offering an amendment. I would rather go before the conference committee and make the proper representation.

Mr. ALDRICH. I think the Senator, when he comes to see in print the amendment proposed by the committee, will be satisfied that it does cover that class of cases.

Mr. ALLEN. I hope it may.

Mr. DANIEL. If my honorable friend will allow me just a moment, if acceptable, I withdraw my amendment and move to insert "25" instead of 50 per cent; so as to reduce the tax and still leave quite a reasonable tax.

Mr. ALDRICH. The whole tax is only two and a half cents.

Mr. DANIEL. The premium is only 5.

Mr. ALDRICH. We tax every check above \$5 2 cents. The Senator from Virginia suggests to make this 1½ cents a year on each policy.

Mr. SPOONER. I should like to put into the RECORD—I will not take the time of the Senate to read it—a letter which I send to the desk, written by the Hon. Charles E. Dyer, of Wisconsin, who was for many years one of the most accomplished Federal judges in the United States, a very able, fair, and patriotic man, which contains information upon the general subject of life-insurance taxation entitled to the gravest consideration.

The letter referred to is as follows:

NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY,
Milwaukee, May 16, 1898.

MY DEAR SIR: The bill to provide ways and means to meet war expenditures, which has passed the House of Representatives and is now pending in the Senate, presents to mutual life-insurance companies a subject of not a little interest, particularly in view of certain amendments to the bill which have been proposed in the Senate. On examination of the bill as it came from the House, I observe that it provided for a stamp tax on all policies of life insurance for each \$100 or fractional part thereof, 2 cents on the amount insured. This would amount to 20 cents on every thousand dollars of insurance. One of the Senate amendments proposes, we understand, to increase the rate from 2 cents on the \$100 to 10 cents, which would amount to \$1 for every thousand dollars of insurance.

We are very strongly impressed with the view that such a rate of taxation

is grossly excessive. In contrast to it, I take the liberty to call your attention to the stamp tax imposed on life-insurance policies by the act of 1862. The amounts required by that act were 25 cents when the amount insured did not exceed \$1,000; 50 cents where it exceeded \$1,000 and did not exceed \$5,000, and \$1 where it exceeded \$5,000. In other words, a policy for any amount above \$5,000 paid a stamp tax of \$1. Certainly the Government was in greater need of money for war expenditures during the civil war than it is for such expenditures in the present war, and yet, under the law of 1862, a stamp tax of \$1 was deemed adequate on any life policy exceeding in amount \$5,000; whereas, in the proposed amendment to the pending bill, a stamp tax is contemplated, as I may state for illustration, of \$5 on a \$5,000 policy, of \$10 on a \$10,000 policy, and so on in the same ratio.

Moreover, in addition to this stamp tax, it is proposed by another Senate amendment to impose upon mutual companies a special annual excise tax, which shall be the equivalent of one-fourth of 1 per cent of the whole amount of the gross receipts of such company derived from its business for the year.

No tax on income was imposed by the act of 1862. In fact, in that year, when the war of the rebellion was in progress and the country was pouring out its money and sacrificing its lives without limit for the preservation of the Union, and when the revenue bill then pending was under discussion in the Senate, Senators, irrespective of party, objected to any provision imposing a tax upon mutual life-insurance companies other than the stamp tax before referred to, and my recollection is that a provision for taxing income or assets was stricken from the bill. Such men as Senators Sumner, Sherman, and Dixon united in objection to such a tax, and one Senator stated in debate that when a man paid a life-insurance premium, he thereby imposed a tax upon himself for the protection of his family, and that, if the Government imposed a tax upon that premium, it would be simply placing a tax upon this self-imposed tax.

To illustrate the extent of such an enormous tax as is proposed by the present Senate amendments upon the Northwestern, I call your attention to the fact that the total income of the Northwestern for the year 1897 was a little over \$20,000,000. Suppose the income for the year beginning June 1, 1898, to be an equal amount with that of 1897. The tax on that sum at one-fourth of 1 per cent for one year would be \$50,000. In this connection I call your attention to the further fact that in 1897 the company issued policies amounting to between fifty-seven and fifty-eight million dollars. Suppose, in round numbers, the company should issue new policies in the year beginning June 1, 1898, amounting to \$60,000,000.

The stamp tax on those policies, at the rate of 10 cents on every \$100, would amount to \$60,000; so that the tax thus imposed by the Federal Government on this company for the year would be \$110,000. I submit that this would be an enormous tax and one not justified by the emergencies of the present situation. Let me say, further, that the taxes, license fees, and other charges of a miscellaneous character paid by the company in 1897 in the various States in which it transacts business amounted to about \$270,000. They certainly will not be less and are likely to be considerably more than that amount in 1898, so that if the Senate amendments should be adopted, the grand aggregate which this company would be obliged to pay, say for the year commencing June 1, 1898, in the form of taxes, Federal and State, will amount to at least \$880,000.

To further illustrate the effect upon life-insurance companies of such taxation as is proposed by the bill pending in Congress, if it shall be amended in the Senate as suggested, it is not out of place to refer to the fact that, according to statistics just published, the business of 1897 of New York life-insurance companies would require the payment of \$824,000 as a tax on policies and \$998,000 as a tax on premium income, making a grand total in New York alone of \$1,822,000 per annum; that, too, derived from life-insurance companies alone.

Such a tax on some forms of policies, at some ages, would consume an entire year's loading, by which term I mean, of course, the amount which is made part of the premiums for the purpose of covering the expense of the business. I am informed that the taxes, license fees, and other charges imposed on the same companies throughout the various States where they do business, as actually paid in 1897 (excluding real-estate taxes), were \$1,123,000. When these facts are understood and the extent of the burden is fully comprehended, it would seem that there should be entire concurrence in the view that the proposed legislation by Congress, if the Senate amendments shall be adopted, will bear with undue severity upon life insurance companies and that a more conservative basis will, on reflection, commend itself to the minds of Senators and Congressmen.

It is to be borne in mind that a mutual life-insurance company belongs to its members, and stands on altogether a different footing from that of a stock corporation. Under the revenue law as it shall be finally adopted every citizen who may be a policy holder in the company will be obliged, as an individual, to pay the tax, whether it be in the form of stamp tax or otherwise imposed by the law. Then the company, as a corporate organization, must also pay such stamp duties as apply to its general business transactions. For example, every draft it draws, every check it issues, every contract, conveyance, or lease it makes, every telegraphic dispatch it sends, is chargeable with a stamp tax imposed by law; and then, to superadd to the taxes thus imposed on the individual members of the corporation, and the corporation itself, as an organization representing its members, such a tax on policies and on income as the Senate amendments contemplate, it must be admitted, I think, is imposing burdens not demanded or justified by existing conditions.

Considering the question from the standpoint of present actual necessities and of justice, I beg to suggest that an adequate tax in the form of stamp duties on policies is that prescribed in the bill as it passed the House, namely, for each \$100 or fractional part thereof, 2 cents on the amount insured, or in place of that such a tax as was imposed by the act of 1862, namely, 25 cents when the amount insured does not exceed \$1,000, 50 cents when such amount exceeds \$1,000 and does not exceed \$5,000, and \$1 when the amount of the insurance exceeds \$5,000; and that certainly the tax upon gross incomes of one-fourth of 1 per cent per annum should be eliminated altogether.

Recognizing the fact that all should share in financial burdens cast upon the people in time of war, I trust that you may see your way clear to advocate and support a milder course of action, so far as life-insurance companies are involved, than is proposed by the Senate amendments, and one in line with the suggestions I have ventured to make.

As I have pointed out, life insurance is already under a very heavy burden of taxation. The companies are generally acting with marked generosity in their treatment of policy holders who have entered and may enter upon active military service. Though not benevolent institutions, life-insurance companies are, in the highest degree, beneficent. In a multitude of instances they stand as protectors of the State against the necessities of public charity. It certainly seems impolitic and unwise for the Government to lay burdens not absolutely necessary upon institutions which induce economy and a saving of the people's earnings.

Great Britain, as you are undoubtedly aware, has never taxed life insurance, except by a small stamp duty on the policy, and so liberal are the laws of that country on the subject that they provide that, whatever a man's income may be, if he will place one-sixth of it in life insurance, that sixth shall be wholly exempt from every form of taxation. This is a marked recognition of the fact that life-insurance companies are the best allies of the State to save its treasury from the claims of the needy.

These observations are not intended as argument against any taxation of life insurance companies, especially in time of war. But it must be recognized as the duty of the legislator to abstain from taxing such institutions beyond the limit of clear necessity, and careful reflection would seem to lead to the conclusion that the provision in the bill under consideration as it passed the House was ample, and, indeed, that there is nothing in present exigencies which requires Congress to go beyond the rate and limit of taxation which was adopted in 1862, when the very existence of the Government was involved, and was then found to be adequate.

Very respectfully,

Hon. JOHN C. SPOONER,
United States Senate, Washington, D. C.

CHAS. E. DYER.

Mr. DANIEL. Mr. President, the difference between this tax and the corporation tax proposed and voted down with respect to this bill as applied to the particular company which is located in Virginia is several thousand dollars. When the tax of one-fourth of 1 per cent on corporations was proposed, it was asserted that it would be ruinous to some and that it was not a fair tax. That tax on the gross receipts of this company, as I am informed by the paper which I hold in my hand, would be about \$3,000, whereas this tax will be \$5,466.88, and will amount, as I am informed, to about eight-tenths of 1 per cent. Now, if one-quarter of 1 per cent was onerous, three-quarters is three times as onerous.

The Senator from Rhode Island says that the logic of my contention is for the benefit of the agent. No one knows better than does the Senator from Rhode Island or myself either that however you may levy taxes they will fall measurably at least and at last upon the masses of the people; and it is not for the agent, not for the company, but for social benefit that we think the tax, which at last must come out of the poor struggling laboring population who are merely trying to keep up the decencies of life and preserve their decency in death, should be as little as is compatible with the interests of the whole public.

I do not think, sir, that it comes with good grace to fight day after day against a small tax on stronger and wealthier corporations and then to accumulate it upon these corporations which might almost be classed as eleemosynary associations. Even in this amendment there have been exempted from all tax fraternal beneficiary societies, orders, or associations operated on the lodge system. Now, somebody, in the conduct of any business, must get some profit. You can not get men even to take charge of eleemosynary institutions, or to be superintendents of almshouses, or to go into the business of caring for others, without paying them salaries. Some profit must exist somewhere for somebody or there will be no business. But in the objects of these associations, in the sentiment that sustains them, and in the work which they accomplish, apart from the few salaries they may pay to the necessary officers, they are as much eleemosynary or beneficial as those which have been totally exempted. It seems to me that at the least this tax should be reduced to 25 per cent on the first premium.

Mr. ALDRICH. The radical difference in effect between the quarter per cent on the gross earnings suggested by the Senator from Virginia and this tax of 2½ cents on a policy is that one is an annual tax and the other is a tax on the policy, whether it be one year or ten years or forty years. Two and a half cents is all that is to be paid upon the policy forever, no matter how long it may last, and the tax of one-quarter of 1 per cent was an annual tax upon the same company.

Mr. DANIEL. It amounts, as long as it lasts, to more than three-quarters of 1 per cent.

Mr. ALDRICH. Not three-quarters of 1 per cent upon the gross earnings of the company.

Mr. DANIEL. Yes; on the gross earnings of this company.

Mr. ALDRICH. No; I beg the Senator's pardon. It may amount to three-quarters of 1 per cent upon the premiums received in one year. It could not amount to three-quarters of 1 per cent on the gross earnings of the company.

The VICE-PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. It is proposed to strike out "fifty," before the words "per centum," in the amendment, and insert "twenty-five."

The amendment was rejected.

Mr. ALLEN. I offer an amendment which I send to the desk.

The SECRETARY. After the word "order" it is proposed to insert the words "or farmers' purely local cooperative company or association," and after the word "lodge," in the same line of the amendment, insert "or local cooperative plan."

Mr. ALDRICH. I am afraid that "local cooperative plan" would include a lot of companies that ought not to be included. It seems to me that the last part of the provision in the amendment, "conducted by members thereof for their benefit," will exclude them.

Mr. ALLEN. I call the attention of the Senate to the fact that the companies I refer to do not have any lodges. The laws of Nebraska authorize not to exceed 300 farmers to get together and organize a mutual fire-insurance company.

Mr. ALDRICH. Fire insurance?

Mr. ALLEN. Fire insurance.

Mr. ALDRICH. That would not be covered by this. This does not apply to fire insurance.

Mr. ALLEN. Also life insurance, embracing the whole field of insurance. They do not have any lodges. They are not like the Knights of Honor or the Modern Woodmen, or organizations of that kind, which have lodges, but they have an annual meeting, a board of directors, a president, vice-president, secretary, and treasurer, and annually they have a meeting to adjust their business, and the secretary ex officio is the soliciting agent of the company, with no salary attached. It is purely a cooperative plan.

I will say to the Senator from Rhode Island in all frankness that it is a back fire on the exactions of Eastern insurance companies. It is to protect our people or to authorize them to protect themselves against extortion at the hands of the old-line companies. Under those circumstances I think these organizations ought to be free from taxation. They fall clearly within the category of agricultural associations or organizations.

The VICE-PRESIDENT. Is the Senate ready for the question on agreeing to the amendment proposed by the Senator from Nebraska?

Mr. ALDRICH. Rather than take up the time of the Senate, I will submit to the amendment offered by the Senator from Nebraska, and if it seems to be wrong we will try to remedy it in conference.

Mr. ALLEN. If in conference anything happens I should like to be warned of the fact, to be present to care for it.

Mr. SEWELL. I should like to offer an amendment, if any amendments are accepted, to exclude employees' relief associations, purely beneficial in their nature.

The SECRETARY. It is proposed to add to the amendment of the Senator from Nebraska the words "or employees' relief associations."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BACON. Not having these amendments before us, it is very difficult to know to what extent they go. I should like to inquire of the committee whether there is any provision in the bill which exempts purely mutual companies? I mean companies which have no stock.

Mr. ALDRICH. No.

Mr. BACON. There is not, as I understand from the response of the Senator from Rhode Island. Therefore I desire to offer an amendment to that effect. I would be glad if Senators, whether they recognize the propriety of the amendment or not, would indicate the point where it should most properly come in, if it should be adopted. I desire to offer an amendment exempting policies of insurance which are in companies purely mutual, having no stock.

Mr. ALDRICH. Like the Mutual Life of New York?

Mr. BACON. The Mutual Life of New York has stock.

Mr. ALDRICH. Oh, no.

Mr. BACON. I thought it had \$100,000 of stock.

Mr. ALDRICH. No; none whatever.

Mr. BURROWS. They are fairly well off.

Mr. BACON. I am not familiar with that particular company, but I know, for instance, in my State we have a fire company which is purely a mutual company, and there is no stock.

Mr. ALDRICH. This does not apply to fire companies.

Mr. ALLISON. It applies to life companies.

Mr. BURROWS. Life-insurance companies.

Mr. ALDRICH. This section does not apply to fire-insurance companies.

Mr. BACON. The paragraph I had before me says: "Insurance (marine, inland, and fire)."

Mr. ALDRICH. That is another section, adopted several days ago.

Mr. BACON. Which is the section? On page 47?

Mr. ALDRICH. The provision we are considering is on page 47, at the top of the page.

The SECRETARY. Amendments 118, 119, 120, and 121, inclusive.

Mr. WOLCOTT. And 122.

The SECRETARY. And 122.

Mr. BACON. I withdraw the amendment for the present, desiring to offer it to the paragraph relating to fire-insurance companies, which will not include the New York Mutual Company.

Mr. ALDRICH. At the bottom of page 53 the committee offer an amendment.

The SECRETARY. On page 52, line 23, after the word "receipts," insert the words "exceeding \$5 in amount."

The amendment was agreed to.

Mr. ALLISON. On page 53 I offer the amendment which I send to the desk.

The SECRETARY. On page 53, line 13, amendment 143, it is proposed to insert before the word "proprietary," the word "medic-

inal;" in line 17, after the word "waters," to insert "except natural spring waters;" and in line 18, after the word "all," insert the word "medicinal."

Mr. BACON. It is impossible to know the situation exactly from the fact that these amendments are not before us. I understand the amendment now before the Senate to be that which exempts natural spring waters.

Mr. ALLISON. It is.

Mr. BACON. Natural spring waters or natural mineral waters? Does it include mineral waters?

Mr. ALLISON. If they are from a spring.

Mr. BACON. I suppose so, unless there is some other phraseology in the bill relative to that.

Mr. ALLISON. There is no doubt about that.

Mr. BACON. I simply desire to say that if there is anything in this country upon which there is an immense profit and for which there is an immense sale it is natural mineral waters. Of course, so far as natural spring waters other than mineral are concerned, I would not be in favor of taxing them, but take Saratoga Springs, the waters of which have an immense sale all over this country. Why they should be exempt I do not know. Why should Apollinaris be exempt? They are the waters which are consumed by people a little above the ordinary class and in very large amount consumed by people who can afford to pay the tax.

Mr. ALLISON. We have a tariff on Apollinaris water.

Mr. BACON. You also have a tariff on beer.

Mr. DANIEL. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. Certainly.

Mr. DANIEL. I would ask the Senator from Georgia whether if mineral waters, natural spring waters, are taxed at all it would not have to be, as they are issues of the land, a direct tax under the income-tax decision of the United States Supreme Court? They are personal property, the outcome of the land, and therefore not taxable under the decision of the Supreme Court of the United States in the income-tax case.

Mr. BACON. I have no doubt an argument could be suggested, that would bring this particular product within that class, equally as good as some which seemed to be influential with the court. That is as far as my personal judgment goes.

Aside from that, I really think, when we are proposing to impose taxes, as we are doing, that this particular class of products ought not to be exempted. I have not the figures before me, but we all know that so far as mineral waters are concerned they are very largely consumed and that there must necessarily be an immense profit for those who own the springs, and if you are going to tax everything that is found in a drug store, every box of pills, every little vial of medicine, it does seem to me that these particular articles ought to be included among those which shall bear the burden. As the distinguished Senator from Colorado [Mr. WOLCOTT] has suggested that the paying of these taxes contributes to the patriotic emotions of the public, I think those emotions ought to be encouraged among the class of people who drink these high-priced waters as well as among the class of people who do not have money enough to buy them.

Mr. GRAY. I understand that there is an exception proposed by the committee.

Mr. ALLISON. It is proposed by the committee in line 17, after "waters."

Mr. GRAY. What is the language of the exemption?

The SECRETARY. After the word "waters," in line 17, page 53, insert the words "except natural spring waters."

Mr. GRAY. I suppose that includes what are called popularly mineral waters. I hope that the amendment just read will be adopted. I am very sure that the Senator from Georgia is mistaken when he says we can rely upon the well-worn, threadbare argument against the adoption of the amendment about articles used by the rich and not by the poor. I am very sure from my own observation—I may say from my own experience—that poor people use largely these waters. They are exceedingly salutary and are much sought after and are very much preferred to the medicinal compounds that come through physicians' prescriptions. They are more and more sought for and more and more used as time goes on. That people make money out of them is no reason why the masses of the people should be deprived of the greatest possible freedom of use, so far as legal restriction is concerned. I trust that the amendment may be adopted.

The VICE-PRESIDENT. The first amendment before the Senate is, in line 13, to insert "medicinal;" so as to read "medicinal proprietary articles."

Mr. BACON. The Senator from Delaware speaks of the well-worn argument of the difference between the articles sold to the rich and the articles sold to the poor. The only argument I make is that there should be equality among them, and if that is well worn and threadbare I hope it may continue to be so. I am not asking that one shall be exempted in favor of the other. I am simply saying that, whereas we are imposing these taxes upon

articles which are not expensive, we ought at the same time to impose them upon articles which are expensive, in order that there may be equality between them.

Mr. TILLMAN. Will the Senator please tell us what the expense is in bottling them?

Mr. BACON. There is not any particular expense in bottling them, but those who buy them find that they are very expensive.

Mr. TILLMAN. Why not let those who buy them or those who bottle them pay this tax?

Mr. BACON. I am in favor of their doing so.

Mr. TILLMAN. I know, and I do not see why there should be any exception.

Mr. BACON. I do not see why there should be any. I am in favor of it.

The VICE-PRESIDENT. Is there objection to the first amendment proposed by the committee, to insert the word "medicinal?" The Chair hears none, and it is agreed to. The next amendment is, after the word "waters," in line 17, to insert the words "except natural spring waters." Is there any objection? The Chair hears none, and the amendment is agreed to.

Mr. BACON. No, Mr. President; we object to it.

Mr. TILLMAN. Let us have a vote on the question.

Mr. WOLCOTT. Let us have a vote.

Mr. BACON. I ask for the yeas and nays.

Mr. ALLEN. Let the question be stated.

The SECRETARY. After the word "waters," in line 17, page 53, insert the words "except natural spring waters."

Mr. DANIEL. Mr. President, I should like to be heard a few moments on this question. In the case of tobacco we have especially exempted tobacco sold by the producer thereof. There is nothing clearer in argument, in my humble opinion, than that you can not tax either tobacco or mineral waters when sold by the producer thereof, he being the proprietor or tenant of the land. It is upon that ground that the income-tax decision of the Supreme Court was rendered. I have here the opinion of Chief Justice Fuller rendered in the income-tax case. In the first hearing of the income-tax case (in *Pollock vs. Farmers' Loan and Trust Company*, 157 United States) it was held that a tax upon rents or income derived from real estate was a direct tax on the real estate, the Chief Justice stating the ground for this decision, the language of Justice Paterson in the *Hylton Case* (3 Dallas), that "land independently of its produce is of no value." On the rehearing of this case (159 U. S. Reports, 637), the Chief Justice said:

Whatever the speculative views of political economists or revenue reformers may be, can it be properly held that the Constitution, taken in its plain and obvious sense, and with regard to the circumstances attending the formation of the Government, authorizes a general unapportioned tax on the products of the farm, although imposed merely because of ownership, and with no possible means of escape from payment, as belonging to a totally different class from that which includes the property from whence the income proceeds?

Then, answering his own query, the Chief Justice says:

There can be but one answer, unless the constitutional restriction is to be treated as utterly illusory and futile and the object of its framers defeated.

We find it impossible to hold that a fundamental requisition, deemed so important as to be enforced by two provisions, one affirmative and one negative, can be refined away by forced distinctions between that which gives value to property and the property itself.

The product of the mine or the spring is in just the same category as the product of the farm. A valuable mineral spring upon land otherwise worthless is a part of the land and gives value to the land.

Mr. BACON. Will the Senator permit me?

Mr. DANIEL. In one minute. Natural spring waters flowing from the land can not be taxed by the Federal Government except by a direct tax apportioned amongst the States, unless the legislative body is going to ignore the income-tax decision.

It is plain that the natural mineral waters are not manufactured products. They have no element of the manufacture of waters in which the tax might be levied upon the manufacturer. If sold by the proprietor of the land they carry no element of the conduct of a business of buying and selling merchandise which may be taxed as a business. Beyond this, which should be conclusive of the matter, let me say, I do not think that natural mineral waters should be taxed at all, even if constitutionally liable in this way. They come from the pharmacopoeia of nature. They go to the "healing of the nations." They should not be taxed, for it is a tax upon the sick, the weak, the old, the infirm, the needy.

Mr. BACON. Mr. President, I do not desire to reply to the argument. When the Senator propounded the question to me before, I thought he was merely jesting; I thought he meant it rather as a criticism upon the income-tax decision, and I replied somewhat in the same vein. I see now that the Senator is in earnest. I think, however, that the answer to the argument made by the learned Senator is that this is not a tax upon the water, but upon the sale of it, and it is so expressed in the bill. Therefore the constitutional objection does not apply.

Mr. DANIEL. If the Senator will allow me, in the case of tobacco we have provided that there shall be no tax on the sale

by the producer thereof, and you would have to discriminate in this case by exempting all the sales of mineral waters by the proprietor or tenant of the land, in which case you would have one class of mineral waters upon the market sold by other parties whose business might be taxed as merchants and another class sold by producers who could not be taxed as owners or tenants of the land; and that you can not tax mineral waters at all, or the sale of them at all, by producers any more than you can tax the land, or the sale of land, except by a direct tax, is evident to my mind, if the income-tax decision is to be followed in this bill.

Mr. BACON. The question as to what has been the provision with reference to tobacco does not seem to be controlling as to what should be done here. This is distinctly a case where the tax is proposed to be laid upon the sale of waters; not upon the possession of the waters, but upon the sale. Therefore it seems to me to be exclusively a question of policy. Is it proper that these mineral waters, which are sold at such large profit, should bear their burden at this time, when we seek to place it upon everything? I am of the opinion that they should be included, and therefore I object to the amendment.

Mr. ALLEN. Mr. President, the remarks of the Senator from Virginia [Mr. DANIEL] are not to be lightly treated, in my judgment. If the old rule be true that the owner of the reversionary interest in real estate owns all above and all below the estates and all the incidents, then it is true that he owns the springs that flow from his land and that they are an inseparable incident of the land. The position of the Senator from Virginia finds a strong analogy in that class of decisions which hold that a trespass upon real estate, a removal of ice from a running stream, affords an action to the occupant of the land if it interferes with his occupancy or to the reversioner if it interferes with or injures the reversionary interest.

The decisions in this country and the English decisions are numerous and in accord. If I trespass upon the real estate of my neighbor and remove ice that has congealed in a running stream on his premises, I am liable in an action of trespass upon the real estate, and he may recover damages.

The VICE-PRESIDENT. The yeas and nays are demanded on agreeing to the amendment.

Mr. BACON. As the Senator from Nebraska has given in his adhesion to the doctrine of the income-tax cases, I shall not insist on the yeas and nays.

Mr. ALLEN. I have not given in my adhesion to the doctrine of the income-tax cases. The Senator from Georgia seems to be willing to lay down and accept the inevitable from the Supreme Court, whether it is right or wrong. I am not so inclined. If I could have my voice effectual here, I would make the Supreme Court decide the question once more, and once more I would bring them to the bar of public opinion and let them be criticised.

The VICE-PRESIDENT. Is there any objection to the amendment?

Mr. BACON. Yes; we object.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

The SECRETARY. On page 53, line 18, after the word "all" insert the word "medicinal;" so as to read:

And all medicinal preparations or compositions whatsoever.

The VICE-PRESIDENT. Is there any objection to the amendment? The Chair hears none, and the amendment is agreed to.

The Secretary next read amendments numbered 144, 145, 146, and 147, which were in line 21, after the word "formula," to insert a comma; in line 22, before the word "secret," to strike out the words "or occult;" in the same line, after the word "secret," to insert a comma, and in the same line, after the word "or" to insert the word "occult;" so as to read:

And all medicinal preparations or compositions whatsoever, made and sold, or removed for sale, by any person or persons whatever, wherein the person making or preparing the same has or claims to have any private formula, secret, or occult art for the making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same.

The amendments were agreed to.

The next amendment was, on page 54, line 1, after the word "patent," to insert "or trade-mark;" so as to read:

Or which are prepared, uttered, vended, or exposed for sale under any letters patent or trade-mark, or which, if prepared by any formula, published or unpublished, are held out or recommended to the public by the makers, vendors, or proprietors thereof as proprietary medicines.

Mr. LODGE. Before that amendment is finally disposed of, I should like to ask the Senator from Iowa if, in his opinion, as now framed it excludes articles like tea and coffee put up in packages?

Mr. ALLISON. It does.

Mr. CULLOM. I ask if it does not exclude all food products?

Mr. ALLISON. It does.

The amendment was agreed to.

The next amendment was, on page 54, line 4, after the word "or," to insert "medicinal;" so as to read:

Or proprietary articles or medicinal preparations, or as remedies or specifics for any disease, diseases, or affection whatever affecting the human or animal body, as follows:

Mr. JONES of Arkansas. I think it was the intention to put that word before the word "proprietary."

Mr. ALLISON. In line 4, after the word "or."

The SECRETARY. Before the word "proprietary" insert the word "medicinal."

The amendment was agreed to.

The Secretary read amendment No. 149, which was, on page 54, after line 6, to insert:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of 5 cents, one-fourth of 1 cent.

The amendment was agreed to.

The SECRETARY. Amendment No. 150—

Mr. PLATT of Connecticut. One hundred and fifty is no amendment at all.

Mr. ALDRICH. It is a mistake, I presume.

Mr. ALLISON. It is an error.

The next amendment, No. 151, was, on page 54, line 11, after the word "shall," to insert "exceed the retail price or value of 5 cents and shall;" so as to read:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 5 cents and shall not exceed, at the retail price or value, the sum of 10 cents, one-half of 1 cent.

The amendment was agreed to.

The next amendment, No. 153, was, on page 54, line 16, after the word "and," to insert "shall;" so as to read:

Where each packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents and shall not exceed the retail price or value of 25 cents, 1 cent.

The amendment was agreed to.

The next amendment, No. 153, was, on page 54, line 20, after the word "and," to insert "shall;" so as to read:

Where each packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 25 cents, and shall not exceed the retail price or value of 50 cents, 3 cents.

The amendment was agreed to.

The next amendment, No. 154, was, on page 55, line 1, before the word "such," to strike out "When" and insert "Where;" so as to read:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 75 cents, and shall not exceed the retail price or value of \$1, 4 cents.

The amendment was agreed to.

The next amendment, No. 155, was, on page 55, line 5, before the word "such," to strike out "When" and insert "Where;" so as to read:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of \$1, for each and every 50 cents or fractional part thereof over and above the \$1, as before mentioned, an additional 2 cents.

The amendment was agreed to.

The next amendment, No. 156, was, on page 55, line 10, after the word "cosmetics," to insert "and other similar articles;" so as to read:

Perfumery and cosmetics and other similar articles.

The amendment was agreed to.

The next amendments were, on page 55, line 13, after the word "vaseline," to insert a comma; in the same line, to strike out the words "and all like substances" and insert "petrolatum;" in line 16, after the word "similar," to insert "substance or;" in line 19, after the word "or," to insert "as;" in line 20, after the word "skin," to insert "or otherwise used;" and in line 23, after the word "where," to insert "such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed at the retail price or value the sum of 5 cents, one-fourth of 1 cent," so as to read:

For and upon every packet, box, bottle, pot, phial, or other inclosure containing any essence, extract, toilet water, cosmetic, vaseline, petrolatum, hair oil, pomade, hair dressing, hair restorative, hair dye, tooth wash, dentifrice, tooth paste, aromatic cachous, or any similar substance or article, by whatever name the same heretofore have been, now are, or may hereafter be called, known, or distinguished, used or applied, or to be used or applied as perfumes or as applications to the hair, mouth, or skin, or otherwise used, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed at the retail price or value the sum of 5 cents, one-fourth of 1 cent.

The amendments were agreed to.

The next amendment was, on page 55, after line 24, to insert:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 5 cents, and shall not exceed the retail price or value of 10 cents, one-half of 1 cent.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill if I correctly understood that after these amendments are acted upon it will be competent for any individual Senator to

offer amendment to these sections. I understood that statement to be made.

Mr. ALLISON. That is undoubtedly correct.

Mr. GALLINGER. At this point, without objecting to the adoption of the proposed amendment which has just been read, under the understanding which seems to be agreed to on all sides, I will simply give notice that at the proper time I propose to offer an amendment reducing the rates in Schedule B one-half, making them one-half what the committee have recommended they shall be. I shall not offer the amendment now, but I shall do so at the proper time.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendments were, on page 56, line 4, before the word "such," to insert "Where;" in line 5, after the word "contents," to insert "shall exceed the retail price or value of 10 cents and;" in line 6, after the word "exceed," to strike out the word "at;" and in line 7, being amendment No. 165, after the word "value," to strike out the words "the sum;" so as to read:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents and shall not exceed the retail price or value of 25 cents, 1 cent.

The amendments were agreed to.

Mr. ALLISON. I ask if amendment No. 143, on page 53, has been agreed to?

The VICE-PRESIDENT. That has been agreed to. The words "proprietary articles" were stricken out and the word "medicinal" inserted.

Mr. CULLOM. I should like to have the first line of amendment 143 read, so that I may know exactly whether I have it right.

The SECRETARY. As amended the clause reads:

Medicinal proprietary articles and preparations: For and upon every packet, box, bottle, pot, or phial, etc.

Mr. CULLOM. The word "medicines" was stricken out?

The VICE-PRESIDENT. It was stricken out.

Mr. ALLISON. I believe there is no amendment now intervening between this point and page 76.

Mr. FAULKNER. An amendment was passed over at my request the other day.

Mr. ALLISON. Oh, yes.

The SECRETARY. Amendment 175—

Mr. ALLEN. We stopped at amendment No. 165. What has become of amendments 166 to 174, inclusive?

Mr. PLATT of Connecticut. They were agreed to.

Mr. ALLISON. All those have been agreed to.

The VICE-PRESIDENT. They were not agreed to to-day, but they have been agreed to.

Mr. ALLISON. Those amendments have been heretofore agreed to.

Mr. ALLEN. And amendment 175?

Mr. FAULKNER. No; that has not been agreed to. It was passed over at my request.

The VICE-PRESIDENT. Amendment 175 is pending.

Mr. FORAKER. I should like to ask the Senator having the bill in charge as to amendment 142, in the form it has been adopted, in reference to the question whether the receipts there spoken of are to cover deposits in banks, building associations, and savings societies. I ask whether that has been agreed to?

Mr. ALLISON. Where they are put upon a book, they are not included. They are specially exempted, and it is so understood.

Mr. FAULKNER. If amendment 175 is now before the Senate, I desire to offer an amendment to it.

The VICE-PRESIDENT. The Secretary will read amendment No. 175.

The SECRETARY. On page 53, amendment 175, insert the following:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers or of wholesale or retail dealers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for, but it shall be deemed a compliance with this act as to such articles on hand in the hands of wholesale or retail dealers as aforesaid who are not manufacturers to affix the proper adhesive tax stamp at the time the packet, box, bottle, pot, or phial, or other inclosure, with its contents, is sold at retail.

Mr. FAULKNER. In line 2, after the word "manufacturers," I move to strike out "or of wholesale or retail dealers;" and commencing on line 5, after the word "provided for," to strike out all down to and including line 10.

Mr. CULLOM. How will that leave it?

Mr. FAULKNER. It would then read:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for.

The object and the purpose of the amendment is to exclude taxation by the stamp tax upon articles in the hands of wholesalers and retailers. In other words, those men have become owners of the property, and it would be, in fact, in violation, as I understand it, of the decision of the court and of the Constitution to

impose upon them a tax as they would sell each one of the articles then as their property. They have purchased the articles at a given price. The manufacturer of the articles, it is true, make a very large profit on them, but the retail and wholesale sellers make a very small profit. There are included in this class not less than 500,000 retail sellers of medicines, drugs, preparations, etc., and, I suppose, about 50,000 wholesale sellers.

It would be the greatest injustice to impose this tax upon the wholesale seller. He buys these articles in large boxes, and he would have to open the box and stamp each one of the articles and rebox them for the purpose of sale. A great injustice would be imposed upon them; and yet they are articles that have almost a fixed and determined price, and it would be impossible for either the wholesaler or retailer to increase the price. Therefore, almost the entire burden of the law would fall upon those who have bought these articles in the usual course of trade and business, and now it is proposed to impose a tax at once upon them, without any ability upon their part to meet that tax. The price of many of these articles is so small that it would either have to jump from 5 to 10 cents or from 10 cents to 15 cents, and therefore it would be made the pretext of increasing the price to the consumer. It would almost double the cost of the article to the consumer and give that much greater benefit to the retail and wholesale seller if they do increase the price to meet the tax.

This is the only solitary article in the whole bill which is treated in that way, and the committee themselves have excluded every article but this one from a similar tax.

Mr. CLAY. Will the Senator allow me to ask him a question? Mr. FAULKNER. Certainly.

Mr. CLAY. Is it not true, if the Senator's amendment prevails, that all of the articles mentioned in this schedule as they are manufactured and sold to the wholesale dealer will have to pay this tax, and by striking out the feature of the committee amendment to which the Senator refers, the tax will simply be paid at one time by the manufacturer? If you strike out the words "wholesale or retail dealers," you make the manufacturer of the drugs pay this tax; and by the amendment you simply propose to have the tax paid at one time, and that by the manufacturer?

Mr. FAULKNER. That is the effect of the amendment; but the Senator does not seem to have caught the real effect of the amendment. Under the provision as it now stands the wholesale or retail dealer would be required to pay on these articles although he has previously bought them from the manufacturer.

Mr. CLAY. I understand that, and I agree with the Senator in regard to his amendment, which is intended to do away with that evil.

Mr. FAULKNER. Yes.

Mr. CLAY. Simply making the manufacturer pay the tax as the articles are sold.

Mr. FAULKNER. Yes. I have received letters from manufacturers in which they themselves admit that this is the only just way for the payment of the tax, and they are willing to pay the tax.

Mr. PLATT of Connecticut. The Senator from West Virginia is not quite accurate, I think, in the statement he has made. This amendment provides that these articles which are in the hands of wholesale and retail dealers need not pay the stamp tax until they are sold by the retail dealer, when the stamp is to be put on.

Mr. FAULKNER. That is true; but still the stamp is put upon the article when sold by the retail dealer.

Mr. ALDRICH. I ask to have the amendment read as it will read if the amendment suggested by the Senator from West Virginia be adopted.

Mr. CLAY. If the manufacturer, the wholesale dealer, and the retail dealer each pay the tax, they will pay three times, will they not?

Mr. PLATT of Connecticut. Oh, no; that is not the provision.

Mr. FAULKNER. It may not bear that construction.

Mr. ALLEN. The gravamen of the objection is that the articles that are now manufactured and on the shelves of the wholesale and retail dealers will be taxed, and that the tax ought to apply to articles manufactured hereafter.

Mr. FAULKNER. Yes; those articles which have been bought and are now owned by the wholesalers or retailers.

Mr. ALLEN. I agree with the Senator, and had prepared an amendment to the same effect.

The VICE-PRESIDENT. The Secretary will read the amendment of the committee as it will stand if the amendment of the Senator from West Virginia be agreed to.

The SECRETARY. Amendment 175, on page 58, beginning in line 1, if amended as proposed would read:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for.

Mr. WOLCOTT. Mr. President, of course if that was all that was left of the amendment the whole amendment might as well

go out, for the rest of the section only provides for the payment of the tax by the manufacturer; but it was deemed absolutely essential that this amendment should go upon the bill. It was with no desire to oppress anybody that the provision was inserted.

Under the provisions of the amendment as suggested by the Senator from West Virginia you would be in this anomalous situation: You would have an increased tax upon all proprietary articles manufactured from and after a certain date, and you would have in the tens of thousands of drug stores throughout the country, wholesale and retail, great stocks of these same medicines on hand charged with no tax and with no burden.

Therefore, as the months would go by and the revenue collectors would come around, as it would be their duty to do, looking into the stocks of these different establishments, they would find articles not stamped. Upon inquiry they would be told, "Of course these are stocks which were on hand when the law passed;" and the law would be an absolute dead letter as to scores and scores and scores of different proprietary articles in the hands of thousands of druggists throughout the United States. Boxes would come in through the back door. Inquiry would be made why it was that these packages were not stamped, and the answer would be, "These goods were bought before the act passed." It was suggested that a distinctive stamp should be put upon these articles, in addition to that placed upon them when the goods come to be sold.

There is no serious burden on anybody by the imposition of this tax; for, after all, Mr. President, the taking of patent medicines is one of the greatest luxuries in the world. It becomes a habit; and there is no reason why a moderate tax should not be placed upon their use. You and I know, and everybody knows, that there are cut-rate drug stores in certain cities of the country where certain preparations that are advertised to be sold for \$1 are bought for 51 and 53 cents; and I suppose there are others in some of the less-frequented thoroughfares where the same bottle of medicine would be sold for 30 or 40 cents.

The tax which the Government imposes when the goods finally come to be sold is not a serious tax and is not onerous upon anybody. The object of assessing this tax is to help to collect the revenue upon preparations hereafter to be made or sold. There is no imputation that the larger and more reputable manufacturers would resort to any such practices; but we all know, if the door should be left open, that goods would be slipped into some of these stores and mixed with the stock on hand and the Government would be defrauded out of a large sum in the aggregate, although the amount of tax imposed upon each bottle is very slight and very small.

Mr. FAULKNER. I will state, in reply to the Senator from Colorado, that his argument assumes that the manufacturer and the wholesale or retail dealer are to enter into a conspiracy to perpetrate a fraud upon the Government.

Mr. WOLCOTT. Yes.

Mr. FAULKNER. I do not think that we ought to base our legislation upon such an assumption; and there is a provision in section 21 to cover such a case as that. Under that section, if anything of the sort occurs, there will always be spies enough around in order to find it out, as there always has been under the internal-revenue laws. A party committing an offense of that kind would be fined not more than \$500 and imprisoned not more than six months, and that penalty, I think, will prevent a violation of the statute in reference to the removing or concealing or assisting in the removing or concealing of any of these goods that are not stamped.

Mr. WOLCOTT. I will say to the Senator from West Virginia that the best method of enacting law in this country is to do it in such a way that nobody will be led into temptation. There is no imputation upon the manufacturer or the wholesale dealer if you require him to pay this tax.

The Senator from West Virginia says we ought not to enact a law upon the theory that the manufacturer or the wholesale dealer would defraud the Government. I do not suppose that anybody in West Virginia—and I know that nobody in Colorado—would ever dream of such a thing; but if we are going to proceed upon that basis, why require a stamp to be placed on any bottle?

Why not invite the manufacturer to send a cent to the Internal Revenue Bureau for every bottle he manufactures and receive his proper receipt for it? You have got to enforce these laws, and this tax is the best possible protection to the reputable manufacturers and dealers that can possibly be provided. Dealers in medicines who are seeking to undercut and compete with more reputable ones should be compelled to pay the obligations they owe to the Government, and we should not depend upon their good faith in stating that the goods which are offered for sale have paid the stamp tax.

Mr. FAULKNER. I do not think that it is as easy for two men to commit a fraud upon the Government as it is for one. In the case here a manufacturer would have to perpetrate a fraud on his part in offering for sale the article which he manufactures, and the retailer or the wholesaler in buying from his agent would

also have to enter a conspiracy to defraud the Government, against which there is a severe penalty.

Mr. WOLCOTT. Let me ask the Senator if he thinks every fraud of this kind on the Government does not require the co-operation of two people?

Mr. FAULKNER. No; I should say not.

Mr. WOLCOTT. What one does not? I should be glad to have the Senator illustrate.

Mr. FAULKNER. There are a number of instances in which it would not be necessary to have a conspiracy to perpetrate a fraud upon the Government. It can be done by a single person in many instances. Perhaps it could not be done by the manufacturer alone in this instance, because the retailer or the wholesaler would have to buy the article from him; but, of course, there are a number of instances in which a single person could perpetrate a fraud upon the Government. I will not undertake to enumerate them now.

I think, however, it is an injustice to impose upon the men who have become owners of this kind of property—not the manufacturers—the burden of a tax that you impose upon no other owners of property in this entire bill. The committee has carefully gone over it and excluded any such character of tax from the entire bill, except in this one section. I say there is no reason for making an exception of this class and applying it to 500,000 men all through the country districts in the United States, who will not know for months after the passage of the bill that they are required to put a stamp upon all the little bottles of medicine, boxes of pills, etc., that are in their stores. It will be a source of annoyance to them and will multiply by the thousands the cases which will be brought, from malice and other causes, before the Federal courts, without any justification, and, in my judgment, in direct violation of law.

Mr. WOLCOTT. Let me suggest to the Senator from West Virginia that they do not have to put the stamp on the goods until they are sold, and it is certainly not a very onerous provision of law that when a druggist sells a proprietary article under the new law he should affix a stamp thereon.

Mr. ALLEN. Mr. President, it strikes me that the class which we should consider most is the retail dealers, the small druggists. I do not think there is any propriety in requiring a stamp to be placed upon an article that is already upon the shelves of the retail druggists throughout the country. Whilst it might work justice in some instances, it would work great injustice in other instances, for there are certain localities, and a majority of localities in this country, where little drug stores are kept more as an accommodation to the community than as a business carried on for any profit there is in it; little stores where the people in a small community can go at any time, day or night, and have a prescription filled or obtain a proprietary article, as they may desire. Why should the business of a little concern like that be overturned by the imposition of a stamp tax upon articles now upon the shelves, and be made the single exception in this bill?

I have no sympathy myself with the great manufacturers of these articles—that is, not any more sympathy than I have with any other business. It is a business engaged in for profit and not for love. But when it comes to interfering with the little corner drug stores scattered throughout tens of thousands and hundreds of thousands of villages and crossroads, it does take on a peculiar significance, and it does strike me that we would be doing those communities and the proprietors of those little stores an injustice by requiring a tax to be paid upon articles now on their shelves.

Mr. PASCO. Mr. President, there is a difficulty that I see in the matter which I should like to call to the attention of the Senator from West Virginia, and that is that there will be two classes of these goods put upon the market. One is the manufacturer's stock, which is to be taxed, and the other is the stock in the hands of the wholesale and retail druggists, which will not be taxed.

Mr. FAULKNER. I will answer that in this way: The manufacturers themselves are willing to pay this tax, and it will not increase at all the cost of these articles to the retailer. The manufacturers make a large profit on all this class of articles; but the retailer and the wholesaler do not. Consequently, although the tax will be placed on one part of the articles and not on the others, they will all be sold at the same price.

Mr. CHILTON. The Senator is mistaken about that. My information from the retailers is that the manufacturers have already raised the prices of their goods.

Mr. FAULKNER. My information came partly from the manufacturers in letters that I have received, saying that they would be willing to pay this tax and that it would not increase the price of their goods. I have also received letters from the retailers who are opposing the tax, and have had the same information from them. In fact, two of the letters I have received were sent to me by retailers who had received them from manufacturers.

Mr. PASCO. I have had a very large correspondence with the druggists in my State on the subject, and I have understood they would be satisfied if they were allowed to retain their goods un-

taxed until they were sold. I understand that object has been attained.

I can not think the Senator from West Virginia is correct in his supposition that the manufacturer himself is going to pay this tax. He will do it if he is compelled to do it, but if he should pay it without compulsion it would be the first tax which had been voluntarily assumed by that class of people. The effort is always made to thrust this taxation upon the consumer, and it would be a remarkable exception if the manufacturer paid it in this case.

My judgment is that the consumer at last will have to pay it. If so, the goods that are now in the hands of the druggists can be offered to the consumer at a lower rate than those which will be in the hands of the manufacturers when this bill is passed, and those which may hereafter be manufactured. If the Senator from West Virginia could avoid that difficulty, he would strengthen his proposition very much; but with these difficulties in it, and with the objections which have been so forcibly urged by the Senator from Colorado [Mr. WOLCOTT], it does not seem to me that it would be a safe thing to adopt the amendment of the Senator from West Virginia.

Mr. TURPIE. I am in favor of the committee amendment as it stands. I think it will be well enough to refer that to a conference between the Houses.

The House favors a tax upon stock in hand of medicines, and that opinion has been already expressed by a bill for that purpose. The Senate, I think, will favor no tax upon the stock on hand. The amendment offered by the committee is a compromise, or an attempted compromise between these two opposite positions. We do favor a tax upon the stock in hand as and when sold. If the amendment of the Senator from West Virginia should prevail, there would be only the two meager propositions before the committee of conference, one in favor of a tax on the stock on hand and the other opposed to it. In one case the Government would lose all revenue from this source, and in the other case all the stock on hand would be taxed. The middle and safest ground, I think, both for the purposes of revenue and for the purposes of fair dealing with all parties interested, is that taken in the committee amendment, to tax this character of stock on hand when and as sold.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia [Mr. FAULKNER] to the amendment of the committee.

Mr. FAULKNER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MULLS], who does not seem to be in his seat, and therefore I will withhold my vote.

Mr. KENNEY (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote.

Mr. SHOUP (when his name was called). I have a regular pair with the Senator from California [Mr. WHITE]. He being absent, I withhold my vote.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. Not knowing how he would vote if present, I withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON], who is absent. I do not know how he would vote, but if he were present I should vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from Washington [Mr. TURNER]; but it has been suggested that I transfer that pair to the Senator from Minnesota [Mr. NELSON], so that the junior Senator from Washington will stand paired with the Senator from Minnesota and I will vote. I vote "nay."

The roll call was concluded.

Mr. VEST. As the Senator from Minnesota [Mr. NELSON] has been paired with another Senator, I will vote. I vote "nay."

Mr. MONEY. My colleague [Mr. SULLIVAN] is paired with the junior Senator from Illinois [Mr. MASON].

Mr. ALLEN. Before this vote is announced, I desire to call the attention of the Senate to what I regard as an irregularity. I do not know that it signifies a great deal, yet it may. The junior Senator from Minnesota [Mr. NELSON] stands paired with the junior Senator from Missouri [Mr. VEST], and presumably one would vote one way and the other the other. The senior Senator from Wyoming [Mr. WARREN] stands paired with the junior Senator from Washington [Mr. TURNER], and presumably one would have voted one way and the other the other. Now, the senior Senator from Wyoming, of his own accord, breaks the pair between the Senator from Missouri [Mr. VEST] and the Senator from Minnesota [Mr. NELSON].

Mr. WARREN. If the Senator from Nebraska will permit me, if there is any question about it, I will withdraw my vote.

Mr. ALLEN. I do not want the Senator to withdraw it. The only difference it makes is that it gives the Senator from Missouri

[Mr. VEST] the right to destroy a pair that would have preserved the vote of the Senator from Washington [Mr. TURNER].

Mr. VEST. It would be certainly unjust to allow the Senator from Minnesota to be paired with two Senators. He is my regular pair, and I so announced, and did not at first vote. Then another Senator rises, and by an authority which I presume is absolutely correct and regular, pairs him with another Senator. That certainly ought to give me the right to vote.

Mr. ALLEN. I am not complaining of the right of the Senator from Missouri to vote.

Mr. VEST. I am perfectly willing—

Mr. ALLEN. I do not care anything about it.

Mr. VEST. I am perfectly willing to let the arrangement stand as I announced it; but I certainly object to a Senator being paired with another Senator after being paired with me.

Mr. ALLEN. I am not complaining of the Senator from Missouri. It simply destroys the protection that would go to the Senator from Washington.

Mr. HANSBROUGH. The Senator from Minnesota requested that I secure a pair for him. He stated that the Senator from Missouri with whom he had a regular pair had arranged a pair with the Senator from Delaware on this bill.

Mr. VEST. The Senator from Delaware is here.

Mr. HANSBROUGH. I understand.

Mr. WARREN (after having voted in the negative). Regarding the breaking of the pair between the Senator from Washington and myself, it was done at the suggestion of one of the Senators who has charge of pairs, and I assumed it would be entirely agreeable all around. I appreciate the force of the statement made by the Senator from Nebraska that such pairs should not be broken if there is objection, and I therefore ask that my vote may be canceled. I withdraw it.

The VICE-PRESIDENT. The vote is withdrawn.

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN] on all political questions. I am informed by his colleague that if he were present he would vote "yea." I am desirous of voting in favor of the amendment which prohibits a tax on stock on hand. Inasmuch as he would vote the same way, I desire to vote. I ask that my vote be recorded in the affirmative.

The VICE-PRESIDENT. When the name of the junior Senator from Mississippi was called he voted, or some one answered for him, and he is recorded as voting in the negative.

Mr. WILSON. I desire to make an inquiry relative to the matter of pairs before we proceed any further. I have a standing pair with the honorable Senator from Florida, but when I happen to be absent and he is present he sometimes transfers the pair to some other Senator. That is done here every day, and I have an understanding with him that that is perfectly proper. We understand that matter among ourselves. But if the point made by the Senator from Nebraska is right, that we can not transfer pairs, let it be understood now and here. I can not see where it makes any difference if a pair is properly transferred.

Mr. BERRY. According to rule here each Senator must determine for himself whether he will vote or not, without regard to his pair, and nobody else can control that; but it is absolutely true, as stated by the Senator from Nebraska, if it should be the fact that the Senator from Nebraska and the Senator from Washington are both in favor of the amendment and then the Senator from Wyoming and the Senator from Missouri both vote, the result would be that the "nays" would gain 2 votes. There is no doubt about that.

Mr. ALLISON. They might gain 4.

Mr. BERRY. Or 4.

The result was announced—yeas 36, nays 44; as follows:

YEAS—36			
Allen,	Faulkner,	Mallory,	Pettigrew,
Bacon,	Gorman,	Mantle,	Rawlins,
Bate,	Gray,	Martin,	Roach,
Berry,	Harris,	Mason,	Stewart,
Butler,	Kyle,	Mitchell,	Turley,
Cannon,	Lindsay,	Money,	
Clay,	McEnery,	Murphy,	
NAYS—44			
Aldrich,	Davis,	Jones, Ark.	Proctor,
Allison,	Deboe,	Lodge,	Sewell,
Baker,	Elkins,	McBride,	Spooner,
Burrows,	Fairbanks,	McLaurin,	Sullivan,
Caffery,	Foraker,	McMillan,	Teller,
Carter,	Frye,	Morrill,	Turpie,
Chandler,	Gear,	Pasco,	Vest,
Chilton,	Hale,	Perkins,	Wellington,
Clark,	Hanna,	Platt, Conn.	Wetmore,
Cockrell,	Hansbrough,	Platt, N. Y.	Wilson,
Cullom,	Hawley,	Fritchard,	Woolcott,
NOT VOTING—19			
Daniel,	Kenney,	Pettus,	Tillman,
Gallinger,	Mills,	Quay,	Turner,
Helfield,	Morgan,	Shoup,	Warren,
Hoar,	Nelson,	Smith,	White,
Jones, Nev.	Penrose,	Thurston,	

So Mr. FAULKNER's amendment to the amendment of the committee was rejected.

Mr. ALLEN. I desire to offer an amendment to the same paragraph. I move to strike out the words "or retail" in line 3.

Mr. GRAY. What page?

Mr. ALLEN. Page 58, and the balance of the paragraph after the word "for," in line 5. It is the same amendment as that of the Senator from West Virginia except that it exempts retail dealers only.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 58, line 3, after the word "wholesale," it is proposed to strike out the words "or retail;" and after the words "provided for," in line 5, to strike out the remainder of the paragraph; so that if amended the amendment will read:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers or of wholesale dealers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for.

Mr. ALLEN. I will amend that so as to relieve it of some objection. Let the latter part of the paragraph stand, and strike out the words "or retail," in line 7, after "wholesale;" and the words "at retail," at the end of line 10. Let it be read now as it is proposed to be amended.

Mr. CULLOM. The Senator desires that the word "retail" shall be stricken out wherever it occurs?

Mr. ALLEN. Wherever it occurs.

The SECRETARY. If amended, the amendment will read:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers or of wholesale dealers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for, but it shall be deemed a compliance with this act as to such articles on hand in the hands of wholesale dealers as aforesaid, who are not manufacturers, to affix the proper adhesive tax stamp at the time the package, box, bottle, pot, or vial, or other inclosure with its contents is sold.

Mr. WOLCOTT. I should like to call the attention of the Senator from Nebraska to the fact that this puts into the bill the very language in favor of which every wholesale dealer in patent medicines and similar preparations has been flooding every member of the Senate with letters for weeks. The wholesale dealers have possession of boxes of cosmetics or patent medicines or other preparations. They are always carefully and elaborately wrapped; they are put up in boxes of different sizes, most attractively gotten up, and if the law compels them to put the stamp on the bottle, they would be put to the interminable and endless work and great expense of having to open these boxes, unfold every package, take off the circulars and the doctors' certificates and one thing and another, get at the bottle, put on the stamp, and pack them up again.

Exactly what these people are begging us not to do the Senator wants to do, and I feel certain if he stops and realizes the burden he is putting upon the wholesale dealer, he will see that the only fair manner is to leave it until sold.

Mr. FAULKNER. If you do not amend it as to retailers, will you not cause all that trouble by leaving in "wholesale and retail dealers"?

Mr. WOLCOTT. No. When the wholesale dealer sells the goods he will make an allowance to the retail dealer of the amount of the stamps, and when the retail dealer comes to sell one package he will affix the stamp to it and sell it.

Mr. FAULKNER. If the wholesale dealer sells a single one of those packages, either broken or whole, after the 1st day of July, without the stamp being affixed, according to the twenty-first section he is guilty of misdemeanor.

Mr. WOLCOTT. Oh, no; he is not. I call the attention of the Senator from West Virginia to this clause, which reads as plain as any language can read:

That all articles and preparations provided for in this schedule which are in the hands of manufacturers or of wholesale or retail dealers on the 1st day of June, 1898, shall be subject to the payment of the stamp taxes herein provided for, but it shall be deemed a compliance with this act as to such articles on hand in the hands of wholesale or retail dealers as aforesaid who are not manufacturers to affix the proper adhesive tax stamp at the time the packet, box, bottle, pot, or phial, or other inclosure, with its contents, is sold at retail.

Therefore if, when this bill goes into force, a wholesaler has on hand 100 cases of the Sutherland Sisters' Hair Restorer, he will not have to put the stamps on, but when he sells them to the retailer and the retailer takes the package from the box to sell, he will have to put the stamp on.

Mr. GRAY. It would be fairer, if you strike out either, to strike out the wholesaler and leave the retailer.

Mr. WOLCOTT. That is what we have done.

Mr. FAULKNER. I think the Senator from Colorado is correct since he has read and called my attention to the latter clause of the provision. However, I do not think the wholesaler could estimate the amount of the stamps and allow that to the retailer.

Mr. ALLEN. The Senator from Colorado is correct in what?

Mr. FAULKNER. In the statement that he does not have to put a stamp on.

Mr. ALLEN. That you have to break bulk.

Mr. FAULKNER. That is all.

Mr. ALLEN. That is all there is to the argument.

Mr. WOLCOTT. That is pretty nearly all I said.

Mr. ALLEN. It is absolutely nothing. It is well known that

the wholesale dealer in selling his goods to the retailer is compelled constantly to break bulk. He is compelled constantly to unwrap and unbox his goods and rewrap and rebox and reship them, and he will have to do it whether stamps are placed upon the packages and the bottles or not, for these little retail drug stores do not buy in large quantities, and they rarely buy anything in the original package, unless it be some little toilet article or something of that kind, which is not so wrapped that it can not be easily unpacked and stamped.

Even though the argument of the Senator from Colorado were true, it would signify nothing more than some inconvenience was to be experienced by the wholesaler in consequence of this tax in the shipment of his goods. That is true of every business in the land which is taxed. It is an incident of a tax to create inconveniences to the taxpayer. What I am seeking to do is to protect these men who simply have little prescription drug stores, where the principal part of their business is to compound physicians' prescriptions and where as an incident of that business they sell little toilet and other articles of that kind. I do not see any great bugaboo in the matter of striking out this language.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN] to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the committee amendment.

Mr. GALLINGER. What amendment?

The VICE-PRESIDENT. Amendment No. 175.

The amendment was agreed to.

Mr. ALLISON. I move, on page 76, line 4, after the word "passage," to insert what I send to the desk.

The SECRETARY. On page 76, line 4, at the end of amendment No. 183, it is proposed to insert "unless otherwise specially provided;" so as to read:

That this act shall take effect on the day next succeeding the date of its passage, unless otherwise specially provided.

The amendment was agreed to.

Mr. GALLINGER. I will ask the Senator from Iowa if it is agreeable to him to have me offer at this time the amendments to Schedule B of which I gave notice? I shall not myself occupy more than a moment in their discussion, and I am willing that they shall be directly voted upon.

Mr. ALLISON. If the Senator from New Hampshire will ask unanimous consent, I shall not object.

Mr. GALLINGER. I ask unanimous consent to offer amendments to Schedule B at this time, if it is necessary to ask unanimous consent.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. I offer the amendments which I send to the desk, and will suggest that, if it is agreeable to the Senator having the bill in charge, they may be voted upon as a whole rather than separately.

Mr. ALLISON. I hope that will be done.

The SECRETARY. In line 9, page 54, strike out "one-fourth" and substitute "one-eighth."

In line 13, page 54, strike out "one-half" and substitute "one-fourth."

In line 17, page 54, strike out "one" and substitute "one-half."

In line 21, page 54, strike out "two" and substitute "one."

In line 25, page 54, strike out "three" and substitute "one and one-half."

In line 4, page 55, strike out "four" and substitute "two."

In line 9, page 55, strike out "two" and substitute "one."

In line 24, page 55, strike out "one-fourth" and substitute "one-eighth."

In line 3, page 56, strike out "one-half" and substitute "one-fourth."

In line 7, page 56, strike out "one" and substitute "one-half."

In line 11, page 56, strike out "two" and substitute "one."

In line 15, page 56, strike out "three" and substitute "one and one-half."

In line 19, page 56, strike out "four" and substitute "two."

In line 24, page 56, strike out "two" and substitute "one."

Mr. GALLINGER. Mr. President, I will occupy the Senate but a moment in making a single observation in support of this amendment. I have noticed in the discussion as it has progressed that it is rather a popular thing to make a fling at patent medicines, and, so far as that is concerned, possibly I sympathize with it. I never have taken any of these medicines, either to kill or cure, and do not expect to do so in the future, but this is a tax bill, and druggists are entitled to consideration as well as other people in this country. They are already paying a very high tax on what enters into these preparations. Alcohol, which is an important ingredient, is taxed, I think, about 1,400 per cent, and other taxes might be enumerated.

Now, Mr. President, it is proposed to tax a bottle 4 cents which

is sold at retail at \$1, and of course there are cut rates on these goods, as the Senator from Colorado says. I take it that that bottle is sold at wholesale at from 50 to 60 cents, and 4 cents on that bottle is a tax of 8 per cent. I think it is an extraordinary tax. I think it is an unjust tax, an inequitable tax. In fact, if I were to express my own conviction, I would say that this singling out of one industry and levying a tax upon it and letting go all other industries that are protected by trade-marks and patents is inequitable and unjust. But we will waive that and deal simply with the proposition in the bill to impose this tax, which to my mind is a tax altogether too high, and which will work an injustice to a certain class of people in the country.

I am not going to discuss the question whether or not these medicines ever do good or whether or not they always do harm. The simple fact is that while there is one manufacturer who is making a large amount of money in the patent-medicine business the record shows that wrecks are more numerous in that business than any other in the country. I think it is not an overstatement to state that 99 per cent of them fail and a great many of them are struggling for a living. They are honest men, doing what I think is an honest business, because the law does not step in and interfere with it; and in the matter of simply imposing a tax upon this particular branch of industry it seems to me we ought not to levy a tax as high as that contemplated in the bill. That is all I care to say. I might argue the question for an hour, but very likely I would not elucidate it any more than I have in the single moment I have taken to make this one plain statement concerning it.

Mr. ALDRICH. Mr. President, this schedule has given the Committee on Finance more trouble than all the other portions of the bill. We have given it greater consideration and listened to more people and more statements in regard to it than with respect to all the other parts of the bill put together. The Senator from New Hampshire says that we have selected in this bill a single industry for taxation which ought not to be selected. Now, have we?

Mr. GALLINGER. I hardly said that.

Mr. ALDRICH. That we have taxed it unfairly, inequitably. Have we? This measure as it stands is a bill of stamp taxes. First, upon beer, which is taxed 40 per cent of its value; second, tobacco, which is taxed 60 per cent of its value. The principal other stamp tax upon the manufacture and sale of articles is upon patent medicines, or proprietary medicines, and perfumery and cosmetics.

The Senator from New Hampshire says it is unfair to tax perfumery, cosmetics, and proprietary medicines 4 per cent, when we are taxing tobacco 60 per cent and beer 40 per cent. Are patent medicines and perfumery and cosmetics such necessities that they are not entitled to bear a fair share of the taxation in a bill like this? As to whether or not the tax which we impose is a fair tax, an equitable tax, let us examine. The Senator says that an article which sells at retail for \$1 we tax 4 cents, and that that is a tax of 8 per cent upon the manufacturer. What does that mean? That the manufacturer sells it for 50 cents and the purchaser pays \$1, and between the manufacturer and the purchaser there is a margin of 50 cents, and the Government suggests that it will take 4 cents of the 50 cents, leaving the balance to be distributed between the manufacturer and the wholesaler or the retail dealer, as the case may be.

Mr. CULLOM. What amount of revenue does the Senator from Rhode Island estimate will be derived from this source?

Mr. ALDRICH. If the tax should be changed at all, it should be increased. If there is anything in this bill or if there is any business in the United States that can stand a fair share of taxation, it is the business of manufacturing proprietary medicines and perfumery and cosmetics. Some of the largest fortunes in the country, as the Senator from Delaware [Mr. GRAY] suggests to me, are made in these manufactures. The manufacturers can easily add the cost, and I say it advisedly, in ninety-nine cases out of a hundred, to the wholesale and retail dealers and still leave a sufficient margin of profit between the manufacturer and the consumer.

Mr. GALLINGER. Mr. President, a single word more. The Senator from Rhode Island has not converted me.

Mr. ALDRICH. I did not expect to do so.

Mr. GALLINGER. I am still of the opinion that this is an onerous, an inequitable, and an unjust tax. I never have known that taxation has been levied on articles upon the basis of the profits that there might be in the sale as between the manufacturer, the wholesaler, or the retailer. I do not know how much profit the retailer gets. I never bought a bottle of these drugs in my life.

The Senator from Colorado says they are sold at cut rates. If the wholesaler gets them at 50 cents, I am not quite sure that there is very much profit in them when they come to be sold by the retailers. I think the profit is likely very slight.

But, however that may be, Mr. President, I recognize the necessity for raising revenue, and hence I am in favor of imposing some

tax upon proprietary articles. I think it might have been extended so as to include other articles that are protected by patents and trade-marks in this country, and very much larger revenues would have been received at a minimum of tax; but the committee did not see fit to do that. They have selected this tax. I think they might with equal propriety have taken sapollo and baking powders and a great many other compounds that are protected by trade-marks and which have a much larger profit than the proprietary medicines which are sold in the country. But the committee did not do it. They selected these articles. As I look upon it (and I know what their trials and tribulations have been in considering this schedule in the bill), they have imposed what I think is a tax much larger than ought to be imposed. I simply am content to have a vote on the proposition, and while I trust my amendments may prevail, I shall be satisfied, of course, with whatever disposition is made of them.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS.] If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote.

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], and therefore withhold my vote. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I announce my general pair with the Senator from Washington [Mr. TURNER].

The roll call having been concluded, the result was announced—yeas 22, nays 47, as follows:

YEAS—22			
Allen,	Chandler,	McEnery,	Murphy,
Bacon,	Clay,	Mallory,	Proctor,
Baker,	Foraker,	Mantle,	Roach,
Bate,	Kyle,	Martin,	Stewart,
Berry,	Lindsay,	Mason,	
Cannon,	McBride,	Mitchell,	
NAYS—47			
Aldrich,	Elkins,	Lodge,	Shoup,
Allison,	Fairbanks,	McLaurin,	Spooner,
Butler,	Frye,	McMillan,	Sullivan,
Caffery,	Gear,	Money,	Teller,
Carter,	Gorman,	Nelson,	Turley,
Chilton,	Gray,	Pasco,	Vest,
Clark,	Hanna,	Perkins,	Wellington,
Cockrell,	Hansbrough,	Platt, Conn.	Westmore,
Cullom,	Harris,	Platt, N. Y.	White,
Daniel,	Hawley,	Pritchard,	Wilson,
Davis,	Jones, Ark.	Rawlins,	Wolcott,
Deboe,	Kenney,	Sewell,	
NOT VOTING—20			
Burrows,	Hoar,	Penrose,	Thurston,
Faulkner,	Jones, Nev.	Pettigrow,	Tillman,
Gallinger,	Mills,	Pettus,	Turner,
Hale,	Morgan,	Quay,	Turpie,
Heitfield,	Morrill,	Smith,	Warren,

So Mr. GALLINGER's amendments were rejected.

Mr. JONES of Arkansas. I suggest to the Senator from Iowa, as it is now 5 o'clock, that we take an order to have the bill as amended printed, and let the Senate adjourn until 11 o'clock to-morrow.

Mr. ALLISON. All the amendments of the committee have now been disposed of except the amendments relating to the issue of bonds and the amendments cognate to that question. I should be willing to accept the suggestion of the Senator from Arkansas—I do not know but that I shall be obliged to do so anyway—but I should be very glad if we could now have an understanding that the bill shall be completed before adjournment to-morrow, and then, I hope, we shall be able to adjourn over until Monday.

I think it would suit the convenience of every Senator interested in the disposition of the public business to complete the bill before our adjournment to-morrow, whatever hour that may be. I hope it may be at an early hour, and that then we shall adjourn over until Monday. If we can have some understanding on that point, I shall be very glad. I think it would promote the convenience of every Senator to know that that disposition is to be made of the business of the Senate.

Mr. JONES of Arkansas. I have talked to a number of Senators. I believe there will be no difficulty in getting a vote on the bill to-morrow and disposing of it finally, but I do not think Senators are willing to agree now that it shall be done. I have no doubt it can be done, and easily done, and I for one am willing to stay here until any reasonable hour to-morrow for the purpose of disposing of the bill, but beyond that I do not think we ought to be asked to go at this time.

Mr. ALLISON. With the assurance of the Senator from Arkansas and other Senators, I do not wish to ask for unanimous consent, but I desire to give notice that as far as I can, having charge of the bill, I shall ask the Senate to sit to-morrow until the bill is disposed of, and I hope Senators will so arrange their affairs as to stay here until we dispose of the bill to-morrow, and then adjourn over until Monday.

Mr. WHITE. I have here an amendment which I desire to propose to the bill later on, and I wish to have the same printed this evening. The object is to permit the payment of a portion of the war debt by the sleeping-car companies of the United States, who have been long anxious to contribute to the fund and have been unable to do so for want of legislation. It is hoped that the amendment has been so drawn that it will not affect the consumer. [Laughter.]

The VICE-PRESIDENT. The amendment will be printed.

Mr. BACON, Mr. GORMAN, and others. Let it be read.

Mr. MASON. I desire to ask the Senator from Iowa for information when I may expect to have a vote upon the amendment offered by me proposing to place a tax on adulterated flour?

Mr. ALLISON. I think to-morrow, because I hope we shall conclude the bill to-morrow.

Mr. MASON. I am perfectly willing to stay to-morrow, and I am not specially anxious to adjourn over until Monday. I am willing to stay until Saturday. But I should like to know if, under the practice, it is necessary for me to give notice that at any particular time I shall ask for a vote upon my amendment? I am asking for information.

Mr. ALLISON. I will say to the Senator that notice is not necessary. Under the rules of the Senate, the bill can not be passed until every Senator has offered as many amendments as he chooses to offer. So there will be no difficulty on that score.

Now, I am perfectly willing, and I think it wise, perhaps, to have the bill printed with the amendments as far as we have gone. I understand that to be the suggestion of the Senator from Arkansas.

Mr. JONES of Arkansas. Yes, sir.

The VICE-PRESIDENT. If there be no objection, the order will be made and the bill will be reprinted with the amendments which have been agreed to. The order is made.

Mr. JONES of Arkansas. A number of Senators have requested that the amendment presented by the Senator from California [Mr. WHITE], to be hereafter offered by him, shall be read at the desk. I hope that will be done.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert:

Every person, firm, company, or corporation owning or possessing or having the care or management of sleeping cars operated upon any railroad shall pay an annual excise tax equivalent to one-quarter of 1 per cent on the gross amount of all receipts of said person, firm, company, or corporation, and a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of said persons, firms, companies, or corporations to the collector of the district in which any such person, firm, company, or corporation may be located or transact such business; such return shall be verified under oath by the person making the same, or, in the case of corporations, by the president or chief officer thereof. Any person or officer failing or refusing to make return as aforesaid or who shall make a false or fraudulent return shall be liable in a penalty of not less than \$1,000 and not exceeding \$10,000 for each failure or refusal to make return as aforesaid or for each and every false or fraudulent return.

Mr. ALLISON. The Senator from Arkansas has asked that the bill be printed with the amendments already agreed to, and that when we adjourn to-day we adjourn until 11 o'clock to-morrow. I hope those two orders will be taken.

The VICE-PRESIDENT. The order has already been made to print the bill as amended. The Senator from Iowa moves that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 3, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 2, 1898.

UNITED STATES ATTORNEY.

George Randolph, of Tennessee, to be attorney of the United States for the western district of Tennessee, vice Charles B. Simon-ton, to be removed.

UNITED STATES MARSHAL.

Edson S. Bishop, of Connecticut, to be marshal of the United States for the district of Connecticut, vice Richard C. Morris, whose term will expire August 8, 1898.

JUSTICE OF THE PEACE.

S. Herbert Giesy, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington), vice Joseph W. Davis, whose term expired March 31, 1898.

RECEIVER OF PUBLIC MONEYS.

Benjamin M. Ausherman, of Evanston, Wyo., to be receiver of public moneys at Evanston, Wyo., vice Frank M. Foote, resigned.

COLLECTOR OF CUSTOMS.

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio, to succeed Augustus Zehring, whose term of office has expired by limitation.

INDIAN AGENTS.

Edward H. Becker, of Billings, Mont., to be agent for the Indians of the Crow Agency in Montana, vice Capt. George W. H. Stouch, United States Army, to be relieved from duty as acting Indian agent.

Walter McM. Luttrell, now physician of the Mescalero Indian Agency, to be agent for the Indians of the Mescalero Agency in New Mexico, vice Lieut. Victor E. Stottler, United States Army, to be relieved from duty as acting Indian agent.

POSTMASTER.

Wilbur P. Keays, to be postmaster at Buffalo, in the county of Johnson and State of Wyoming, in the place of A. W. Kennedy, removed. Mr. Keays is now serving under a temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE NAVY.

Capt. Frank Wildes, to be advanced five numbers, from No. 24 to No. 19, on the list of captains.

Capt. Joseph B. Coghlan, to be advanced six numbers, from No. 34 to No. 28, on the list of captains.

Capt. Charles V. Gridley, to be advanced six numbers, from No. 35 to No. 29, on the list of captains.

Capt. Nehemiah M. Dyer, to be advanced seven numbers, from No. 39 to No. 32, on the list of captains.

Capt. Benjamin P. Lamberton, to be advanced seven numbers, from No. 45 to No. 38, on the list of captains.

Commander Asa Walker, to be advanced nine numbers, from No. 37 to No. 28, on the list of commanders.

Commander Edward P. Wood, to be advanced ten numbers, from No. 71 to No. 61, on the list of commanders.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant quartermaster with the rank of captain.

Frank L. Polk, of New York.

The nominations of Frank Squire Polk and Frank L. Pope for the above-named office, which were delivered to the Senate May 28, 1893, and May 31, 1898, respectively, are hereby withdrawn.

FOR APPOINTMENT IN THE SIGNAL CORPS.

To be captains.

Frederick L. Martin, of California. The nomination of Frank L. Martin, of California, for the above-named office, which was delivered to the Senate May 27, 1898, is hereby withdrawn.

Alexander D. B. Smead, of Pennsylvania.

Charles B. Hepburn, of the District of Columbia.

First Lieut. Charles C. Clark, Fifth United States Infantry.

Elmore A. McKenna, of Idaho.

Asbery W. Yancey, of Tennessee.

To be first lieutenants.

Henry G. Opdycke, of New Jersey.

Hugh Haddow, jr., of New Jersey.

To be second lieutenants.

Williamson S. Wright, of Indiana.

McKee Dunn McKee, of New York.

Frederick M. Jones, first-class sergeant, United States Signal Corps.

Max Wagner, of Massachusetts.

Henry W. Stamford, sergeant, United States Signal Corps.

WITHDRAWAL.

Executive nomination withdrawn June 2, 1898.

Norman H. Camp, of Idaho, for appointment as first lieutenant in United States Signal Corps, which was delivered to the Senate May 24, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 2, 1898.

CONSUL.

James W. Davidson, of Minnesota, to be consul of the United States at Tamsui, Formosa.

RECEIVER OF PUBLIC MONEYS.

Benjamin M. Ausherman, of Evanston, Wyo., to be receiver of public moneys at Evanston, Wyo.

INDIAN AGENT.

Edward H. Becker, of Billings, Mont., to be agent for the Indians of the Crow Agency in Montana.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Frank L. Polk, of New York, to be an assistant quartermaster with rank of captain.

Frederick L. Martin, of California, to be a captain in the Signal Corps.

POSTMASTERS.

William W. Giddings, to be postmaster at Newman, in the county of Stanislaus and State of California.

Vernon A. Kent, to be postmaster at Westfield, in the county of Chautauqua and State of New York.

Eldie F. Caldwell, to be postmaster at Lawrence, in the county of Douglas and State of Kansas.

J. Kansas Morgan, to be postmaster at Neodesha, in the county of Wilson and State of Kansas.

E. P. Johnson, to be postmaster at Seneca, in the county of Nemaha and State of Kansas.

T. E. Hurley, to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas.

Charles E. Sheldon, to be postmaster at Sherman, in the county of Chautauqua and State of New York.

Andrew Richmond, to be postmaster at Orleans, in the county of Harlan and State of Nebraska.

John N. Hassler, to be postmaster at Pawnee City, in the county of Pawnee and State of Nebraska.

William N. Walker, to be postmaster at Stillwater, in the county of Payne and Territory of Oklahoma.

Emmons R. Stockwell, to be postmaster at Theresa, in the county of Jefferson and State of New York.

Charles A. Snyder, to be postmaster at Middleburg, in the county of Schoharie and State of New York.

Elbridge Nash, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

H. C. Clark, to be postmaster at Mitchell, in the county of Davison and State of South Dakota.

John Baker, to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 2, 1898.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

POST-OFFICES AT MILITARY CAMPS.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4554) to authorize the establishment of post-offices at military posts or camps.

The bill was read, as follows:

Be it enacted, etc., That during the continuance of the existing war the Postmaster-General may, in his discretion, establish a temporary post-office at any military post or camp for the purpose of supplying the officers and troops there encamped with mails, the location of which post-office may at any time be changed to any other post or camp. On the establishment of such post-office he shall cooperate with the Secretary of War or officer commanding such post or camp for the purpose of securing the detail of an officer of the Regular or Volunteer Army of suitable rank to act as postmaster, who shall, when the exigency will permit, execute a bond to the United States as such, and of a sufficient number of noncommissioned officers and privates to act as clerks in said post-office, who shall serve as such without additional salary, pay, or compensation other than that attaching to their rank and position in the Army. Each of said persons shall, before entering upon the discharge of his duties, take the oath prescribed for persons employed in the postal service. In any case where it is deemed impracticable by the military authorities to detail persons from the Army to act as postmaster or clerks the Postmaster-General is authorized to appoint a civilian as postmaster, and also to make a special order allowing to him reasonable compensation for clerical services and to meet the necessary expenses of said office, as well as a proportionate increase of salary to the postmaster during the period of such extraordinary business as may attach to his office, under the provisions of section 2663, Revised Statutes, payable out of the appropriations for the postal service. He may also provide for the issue and payment of money orders at any post-office established under the provisions of this act, after the postmaster shall have given bond as required by law.

SEC. 2. That the Postmaster-General shall supply to post-offices referred to in the preceding section all necessary postage stamps, stamped envelopes, postal cards, and other supplies of whatever description. He may also prescribe regulations for the conduct of the business at such post-offices in conformity, so far as the same may be applicable, to the regulations relating to the ordinary postal service.

SEC. 3. That in any case where, in the judgment of the Postmaster-General, any military post or camp can be better and more economically supplied by a branch post-office, he may, without reference to its distance from the main office, establish the same, and meet the expenses thereof by special order, as in the case of post-offices referred to in the preceding section.

Mr. SPERRY. I ask for the reading of the report.
The SPEAKER. Pending objection, the report will be read.
The report (by Mr. SPERRY) was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (S. 4554) to authorize the establishment of post-offices at military posts or camps, have had the measure under consideration and hereby report the same to the House with the recommendation that it do pass.

Attached hereto will be found copy of telegram received by the chairman of the Committee on the Post-Office and Post-Roads, House of Representatives, from Hon. Charles Emory Smith, Postmaster-General, urging that action be taken looking to the passage of this measure.

POST-OFFICE DEPARTMENT, May 21, 1893.

I should be glad if your committee would speedily report Senate bill 4554, to authorize the establishment of post-offices at military posts or camps. Its prompt passage will greatly facilitate the military mail service.

CHARLES EMORY SMITH,
Postmaster-General.

TO CHAIRMAN HOUSE COMMITTEE ON POST-OFFICES.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, I should like to ask the gentleman if this bill has been reported by the Committee on the Post-Office and Post-Roads?

Mr. SPERRY. It has; and I was authorized to bring it up.

Mr. RICHARDSON. Has it received the unanimous report of the committee?

Mr. SPERRY. Yes.

Mr. RICHARDSON. I should like to have the report printed in the RECORD.

Mr. SPERRY. The report of the committee has just been read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SPERRY, a motion to reconsider the last vote was laid on the table.

CHARLES T. PLUNKETT.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 896) for the relief of Charles T. Plunkett, of Lynchburg, Va.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles T. Plunkett, out of any money not otherwise appropriated, the sum of \$104.50: *Provided,* That the said Charles T. Plunkett will give bond in the penalty of double the amount, with security approved by the Secretary of the Treasury.

The following amendments, recommended by the Committee on Claims, were read:

In line 6, after the word "cents," insert the following: "being amount of sundry drafts, all dated January 28, 1893, to the following-named parties: R. B. Coffman, \$1.70; E. H. Price, \$1.90; E. E. Carroll, \$28; J. H. Mowatt, \$18; J. H. Mowatt, \$21.90; J. H. Mowatt, \$11.10; J. H. Mowatt, \$21.50."

In line 6, after the word "Provided," insert the following: "That said drafts are surrendered to the Secretary of the Treasury: *And provided further,*"

In line 9, after the word "Treasury," insert the following: "conditioned to indemnify the United States against any loss arising out of the payment of said drafts to said Charles T. Plunkett."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I think the bill ought to be explained, Mr. Speaker. I should like to know why this gentleman should be paid somebody else's drafts.

Mr. OTEY. Mr. Speaker, during the year 1887, and along about that time, the custom was born of necessity for the bankers to pay witnesses called in United States courts. The bankers accepted the receipts. This was on account of the fact that appropriations were not available. The bankers constantly paid these little drafts for witness fees, and so forth, and as soon as the money came to the marshal, they were promptly repaid.

A great many of these witnesses were birds of passage and could not be found afterwards without a great deal of trouble. They were all found, I believe, except these five, whose drafts amounted to \$104. Due diligence has been exercised to try to find these men. Four successive marshals have come in since that date. Each of them has done everything he could. Mr. Plunkett, the banker, received the warrants, and the only difficulty was that he could not get the indorsement of the payees. They could not be found, and will never be found. So after using all due diligence, he simply comes and asks that these warrants be paid to him. He will indemnify the Government by giving bonds in double the amount of the warrant. The amount involved is only \$104.

Mr. BRUCKER. Were these warrants discounted at this bank by the witnesses?

Mr. OTEY. No; it is against the law for the warrants to be made out to anybody except the witnesses themselves; but the bank took the receipts issued by the marshal.

Mr. BRUCKER. They transferred them to the bank.

Mr. OTEY. They transferred them to the bank. Those papers are all on file with the Treasury Department.

Mr. BRUCKER. And they received the money.

Mr. OTEY. Yes.

Mr. PAYNE. He advanced this money in full to these parties.

Mr. OTEY. In full. There was no discount to the parties.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OTEY, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON. Will the regular order be the call of committees?

The SPEAKER. It will.

Mr. HENDERSON. Then, after one other gentleman has been recognized on this side, so that each side shall have been recognized, I give notice that I will ask for the regular order.

Mr. SAYERS. I would ask the gentleman from Iowa not to call for the regular order until the gentleman from Illinois, chairman of the Committee on Appropriations, has a chance to report a deficiency bill.

Mr. HENDERSON. Certainly; any appropriation bill will have the right of way.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 489. An act granting an increase of pension to William A. Beckford;

S. 158. An act granting a pension to Peter Daly;

S. 486. An act granting a pension to Mary M. McCauley, widow of the late Brig. Gen. Daniel McCauley, United States Volunteers;

S. 500. An act granting an increase of pension to Daniel G. George;

S. 507. An act restoring to the pension roll the name of Lucia A. Hynes;

S. 853. An act granting an increase of pension to George L. Durbin;

S. 1155. An act granting a pension to P. F. Castleman, of Oregon;

S. 1434. An act granting a pension to Richard T. Seltzer;

S. 1473. An act granting a pension to Oscar A. Palmer;

S. 1477. An act granting an increase of pension to Joseph Porter;

S. 1480. An act granting an increase of pension to Lewis D. Baker;

S. 1075. An act granting an increase of pension to Edward Stanley;

S. 2373. An act granting a pension to Maria Somerlat, widow of Valentine Somerlat;

S. 2751. An act granting an increase of pension to Charles H. Johnson;

S. 2807. An act granting a pension to Benjamin L. Nolan; and

S. 3442. An act granting an increase of pension to Andrew C. Mensch.

The message further announced that the Senate had passed the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the commission heretofore appointed pursuant to the act of June 4, 1897, to revise and codify the criminal and penal laws of the United States be, and is hereby, directed to prepare and through the Attorney-General submit to Congress at the earliest practicable date a codification of the laws other than criminal and a code of procedure thereunder for the District of Alaska.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 4584. An act granting a pension to Adda F. Thompson; and

S. 4676. An act for the protection of homestead settlers who enter the military or naval service of the United States in time of war.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4584. An act granting a pension to Adda F. Thompson—to the Committee on Invalid Pensions.

JOHN DINSBEER.

Mr. PEARCE of Missouri. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8119) granting an honorable discharge to John Dinsbeer, late second lieutenant in Company C, First Regiment of Missouri State Militia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of and grant an honorable discharge to John Dinsbeer, of St. Louis, Mo., late second lieutenant in Company C, First Regiment of Missouri State Militia.

The committee amendment was read, as follows:

Provided, That no pay, bounty, or other allowance shall become due or payable by reason of the passage of this act.

Mr. LOUD. Let the report be read.

Mr. PEARCE of Missouri. I think I can make a statement which will do quite as well. This officer had had two previous services and honorable discharges from the Army, and was commissioned in 1862 as second lieutenant of the First Missouri Infantry. In 1863, at Jefferson City, an altercation occurred between one of his men and a citizen. He undertook to get the man released, as they were under orders to march, and that led him into an altercation with a gentleman in citizen's clothes, who afterwards turned out to be Brigadier-General Totten. The result of the altercation was that General Totten preferred charges against Lieutenant Dinsbeer and the court-martial found him guilty and he was dismissed.

Mr. CONNOLLY. Guilty of what?

Mr. PEARCE of Missouri. For conduct unbecoming a gentleman and for disrespect to an officer. After the action was taken all of the officers of Mr. Dinsbeer's regiment, the judge-advocate who tried the case and all the members of the court-martial, General Totten himself, and General Fisk, who commanded the district, and General Rosecrans, recommended that this officer be reinstated, but owing to the movements of the troops the matter was neglected and the record has been in its present shape up to the present time. The committee unanimously recommend the passage of this bill, and I can see no reason why it should not be done.

Mr. LOVE. Why has not the bill come up some Friday night? Mr. PEARCE of Missouri. I do not know. I was not here last Friday night. But it makes no difference.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PEARCE of Missouri, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SURVEY OF CHANNEL FROM SHIP ISLAND HARBOR, MISSISSIPPI, ETC.

Mr. LOVE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8871) for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulfport, Miss., and to Biloxi, Miss., and for a survey of Ship Island Pass.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause to be made a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulfport, Miss., and from Ship Island Harbor to Biloxi, Miss., and also for an anchorage basin at both places, with a view to ascertaining the cost of same and its advisability.

He shall also report a place for making and maintaining said channels and basins by necessary dredging and improvements, together with an estimate of the cost of same. He shall further cause to be made a survey for a channel 20 feet deep at mean low water through Ship Island Pass, Mississippi, and report the cost and advisability of making same by dredging.

Mr. DINGLEY. As I understand, this bill provides simply for information, and calls upon the Secretary of War as to the advisability of the improvement.

Mr. LOVE. Yes; as to the cost and advisability.

Mr. PAYNE. I want to suggest to the gentleman from Mississippi that if all these matters go through and the survey and report goes to the River and Harbor Committee, at the next session of Congress we are likely to have quite a large river and harbor bill.

Mr. LOVE. I would like to say to the gentleman from New York that a company composed mainly of gentlemen from New York and the West have gone to Mississippi and purchased the Gulf and Ship Island Railroad, and expect to extend it far into the interior of the State. The terminus of this road is at Gulfport, on the Gulf coast, and has no sufficient outlet. This is a matter of very great importance to my district, especially, and the State of Mississippi. We desire the dredging of a channel from Gulfport or Biloxi to deep water in Ship Island Harbor, which is equal to any in the South.

Mr. PAYNE. I am sorry the gentleman from Mississippi made that suggestion, because I had made up my mind to sit down; but

if he puts it on the ground that it is for the benefit of some company in New York, I think I shall object.

Mr. LOVE. No; I do not say it is for the benefit of this railroad company alone. It is for the benefit of that locality and the whole State as well.

Mr. PAYNE. Unless there is some public interest involved beyond the benefit to the railroad company, I should not be in favor of it.

Mr. LOVE. There is a public interest of vital importance involved. I hope the gentleman will not object.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. LOVE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FLAG OF THE ONE HUNDRED AND FOURTH NEW YORK INFANTRY.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the immediate consideration of House bill 9336, to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to turn over and deliver to the State of New York the flag now in his custody that was carried by the One hundred and fourth New York State Volunteer Infantry, that was raised and enlisted in the United States service from the State of New York during the war of the rebellion.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I would like to ask where the flag is.

Mr. ALEXANDER. In the War Department, and we desire to have it returned to the capitol at Albany, in the State of New York.

Mr. LOUD. What is the custom in regard to this?

Mr. ALEXANDER. That is the custom; to return the flags to the State, and not to the organization.

Mr. LOUD. Does not the bill require that it shall be returned to the One hundred and fourth New York?

Mr. ALEXANDER. No; to the State of New York. This is the unanimous report by the Committee on Military Affairs, and the Department expresses a desire to have it returned to the State of New York.

The SPEAKER. Is there objection to consideration?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the following appropriation bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, and I am instructed to ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and hereby are, appropriated out of any money in the Treasury not otherwise appropriated to supply deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year ending June 30, 1898, as follows:

MILITARY ESTABLISHMENT.

CONTINGENCIES OF THE ARMY.

For contingent expenses of the Army, incident to the expedition to the Philippine Islands, to be expended under the direction of the commanding general of the Philippine Islands, in his discretion, for such purposes as he may deem best in the execution of his duties under the orders of the President, and for such objects as are not now appropriated for, to be available until expended, \$100,000.

EXPEDITIONARY FORCE TO CUBA.

For machinery and equipment for the construction and repair of roads, \$25,000.

For the construction and equipment of military railroads, \$225,000.

For additional intrenching tools, electric appliances, photographic and topographic outfit, instruments, maps, manuals, and special and technical services, \$50,000.

For contingencies involving immediate expenditures of imperative urgency that can not be specified in advance, to be expended under the direction of the Major-General Commanding the Army, \$50,000.

SIGNAL SERVICE OF THE ARMY.

For the expenses of the Signal Service of the Army as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons, telephone apparatus (excluding exchange service), and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, \$150,000.

SUBSISTENCE DEPARTMENT.

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons, general prisoners at posts, prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials, for use of general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of issues to Indians visiting military posts, and to Indians employed with the Army, without pay, as guides and scouts. For payments: For meals for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for compensation of civilians employed in the Subsistence Department; and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army. For the payment of the regulation allowances for commutation in lieu of rations: To enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department and Army rifle competitions while traveling to and from places of contest; to be expended under the direction of the Secretary of War; \$5,000,000.

MEDICAL DEPARTMENT.

For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical-supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Regular and Volunteer Armies on duties at posts and stations for which no other provision is made, for the proper care and treatment of cases in the armies suffering from contagious or epidemic diseases, \$50,000.

TORPEDOES FOR HARBOR DEFENSE.

For torpedo defense of Manila Harbor, Philippine Islands, to be available until expended, \$150,000.

NAVAL ESTABLISHMENT.

NAVY DEPARTMENT EMERGENCY FUND.

For emergency fund to meet contingencies that can not possibly be foreseen, but which constantly arise under existing conditions, \$10,000,000.

BUREAU OF SUPPLIES AND ACCOUNTS.

For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in cases of death or desertion, upon orders of the commanding officer, commuted rations for officers on sea duty and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund, subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); fresh water for drinking and cooking purposes; labor in general storehouses and paymasters' offices in navy-yards, including expenses in handling stores purchased under the naval supply fund, \$1,000,000.

For purchase of clothing and small stores for issue to the naval service, the present fund being inadequate to meet the requirements of the service at this time, to be added to the "Clothing and small stores fund," \$1,000,000.

That the appropriations made by this act, except as otherwise provided, shall remain available for payment of liabilities which may be incurred to and including December 31, 1898.

THE SPEAKER. Is there objection to the present consideration of the bill?

MR. McMILLIN. I do not object to the consideration of the bill; I think it should be considered. But in view of the fact that it carries a large amount of money, that it has not yet been printed, that members are not able to have it before them, I think it should be considered in Committee of the Whole, as appropriation bills ordinarily are.

MR. CANNON. Very well, then. I will ask unanimous consent—

THE SPEAKER. The gentleman from Illinois asks unanimous consent for consideration under the rules of the House of the bill just reported. Is there objection?

There was no objection.

MR. CANNON. I now move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

MR. CANNON. Before the House resolves itself into Committee of the Whole, I will ask unanimous consent that general debate may be considered as closed.

MR. McMILLIN. I think that in view of the fact that we have not the bill before us we ought to have an opportunity in Committee of the Whole for inquiries concerning it, such as we can not have under the five-minute rule, and to receive replies. In other words, to investigate the measure as may be desired. There will be no disposition to have any extended debate, I hope, but there are items in the bill aggregating many millions. We have neither the bill nor the report before us. Therefore, while there will be, I believe, no extended debate, there ought to be ample opportunity to investigate the measure.

MR. CANNON. Will the gentleman indicate some limit for the debate—say not exceeding thirty minutes or sixty minutes?

MR. McMILLIN. Thirty minutes on a side would be sufficient, I believe, so far as I am concerned. But I do not know what other members may desire.

THE SPEAKER. Without objection, the debate will be limited to thirty minutes on a side.

MR. McMILLIN. There are no two sides on the merits of the bill, I believe; but there seem to be two sides on the question of discussing the measure or not.

MR. SAYERS. Not a bit of it.

MR. McMILLIN. Well, the gentleman from Texas and I are in this case, as in one or two other matters, unanimous. [Laughter.]

THE SPEAKER. Is there objection to the limitation of general debate as proposed?

There was no objection.

THE SPEAKER. The motion that the House resolve itself into Committee of the Whole for the consideration of this bill has been agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. SHERMAN in the chair), and proceeded to the consideration of the bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898.

THE CHAIRMAN. Under the order of the House general debate is limited to one hour.

MR. CANNON. I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

MR. CANNON. Mr. Chairman, the Committee on Appropriations has delayed reporting the general deficiency bill for obvious reasons which will readily occur to the mind of each member. It is exceedingly difficult to ascertain by way of estimate from those whose business it is to furnish estimates how much money will be required for the remainder of this fiscal year and for the first six months of the next fiscal year. It is proper for me to say to the House that so far as the committee can adopt a policy it has concluded to report a bill covering ordinary and war expenses for the remainder of this year and also for the first six months of the next fiscal year. Now, there is in sight—not appropriated for, and which will substantially, in the judgment of the committee, have to be appropriated for, including the amount carried in this bill—in round numbers, \$220,000,000. But it is obvious, as I said before, that the bill can not be safely reported until about the end of the session, because estimates are almost daily coming in.

But it has been ascertained that the items embraced in the present bill, aggregating \$17,845,000, are immediately necessary. Therefore this additional urgent deficiency bill is reported. It is proper, perhaps, for me to state also that including the appropriations made during this session of Congress growing out of the war and incident thereto, and the estimates for the conduct of the war for the first six months of the coming fiscal year, there has been and will have to be appropriated (making a low, conservative estimate) for war purposes, in round numbers, \$350,000,000. That estimate is, in my judgment, rather over than under the amount. No one can foresee what expenditures may be necessary during the war in the West India waters, in Cuba, or elsewhere.

MR. DINGLEY. Will the gentleman pardon me a moment? We desire to understand his statement. I understand that according to the estimates, so far as they are now in sight, the expenditures for the war up to the 1st day of January next will be in the neighborhood of \$350,000,000—

MR. CANNON. Yes; and that is, I think, rather below than above the amount.

MR. DINGLEY. Indicating an expenditure of at least \$600,000,000 for the year if the war should continue?

MR. CANNON. Yes, sir; if the war should continue for a year, I think it quite safe to say that it can not be conducted for less than \$600,000,000; in fact that, I think, is rather above than below the amount.

MR. BERRY. Does the gentleman's statement as to the probable cost of the war contemplate its continuation for the next twelve months?

MR. CANNON. The policy of the committee is to recommend for the consideration of the House appropriations for war purposes for the remainder of this fiscal year, ending the 30th of June, and for the first six months of the coming fiscal year, which would expire December 31 next.

MR. BERRY. What I ask the chairman of the committee is, whether the estimates upon which this bill is based proceed upon the idea that the war will continue until the end of the next fiscal year?

MR. CANNON. No; the estimate of \$350,000,000 is upon the idea that the war will not continue longer than the 31st of December next.

MR. LIVINGSTON. Permit me a moment. The gentleman from Kentucky [Mr. BERRY] will understand that there is nothing involved in this bill beyond expenditures for the next thirty days.

MR. BERRY. I understand that; but I thought the statement of the gentleman from Illinois was based upon the idea that the war would continue for some months.

Mr. LIVINGSTON. He was speaking of something the committee would do in the future.

Mr. CANNON. I was speaking what I thought, or what in my judgment would have to be carried by the regular deficiency bill for the remainder of this year and the first six months of the coming year. These items are for deficiencies of 1898, the present year.

Mr. LOVE. These, then, are matters that should come up before the regular deficiency bill.

Mr. CANNON. Yes, because they are necessary immediately. Now, if there is no further question—

Mr. SAYERS. I should like to say a word. I should like just a minute or two.

Mr. CANNON. I yield to the gentleman from Texas such time as he desires.

Mr. SAYERS. Mr. Chairman, in regard to this bill and all other measures of like character which will come before Congress for its consideration at its present session, I wish to say that in my judgment, and speaking for myself alone, I believe that we should meet the requirement of the executive branch of the Government in the matter of appropriations. We should give to the Administration all it needs according to its own estimates, holding it responsible for the proper and successful conduct of the war; and if there should be any maladministration—which I do not charge or intimate, but if there should be—there will be ample opportunity hereafter to criticize the manner in which the funds have been expended.

The items in this bill are all of a most urgent character. They are required at once. In fact, one of the most important bureaus has advised us that it has only \$70,000 or thereabouts on hand at this date, and therefore a very large appropriation becomes immediately necessary. The committee have inquired into these estimates as carefully and as thoroughly as they could, and we are all unanimous in the opinion that the House ought to pass them.

I yield back the balance of the time.

Mr. CANNON. Now, Mr. Chairman, if no further—

Mr. LIVINGSTON. I hope the bill will be taken up under the five-minute rule. I do not think there is any desire on this side of the House for general discussion. The only chance to understand the bill is to take it up under the five-minute rule, and then explain any particular section of it.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] ask unanimous consent that general debate be now closed?

Mr. CANNON. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read the first paragraph of the bill.

Mr. McMILLIN. Mr. Chairman, I will ask the gentleman from Illinois [Mr. CANNON] if there is any provision further on in this bill requiring all of the officials who have charge of these discretionary funds to report how the same are expended? If not, I think that ought to be done.

Mr. CANNON. I will say to the gentleman that under the general law these expenditures will have to be audited without any such special provision. It is not like a confidential fund of the State Department, which is audited on the certificate of the Secretary of State or the President. The accounts have to be audited.

Mr. McMILLIN. That is what I was wishing to know about, because, whilst I have the utmost confidence in the officers who will have charge of this, I think all moneys, especially when involving such large amounts, expended should be accounted for by the officers in charge.

Mr. CANNON. I think the gentleman is entirely correct.

Mr. McMILLIN. And I wish to state in this connection that my object in asking that the bill be considered in Committee of the Whole rather than in the House was that we might discuss these matters. There is no division as to the necessity of making whatever appropriations are necessary to carry on the war, be they large or small; but the larger they are, the more careful we should be that no unnecessary appropriations are made.

The Clerk read the next paragraph of the bill.

Mr. GAINES. Mr. Chairman, I move to strike out the last word. Some days ago I received the following letter:

CLARKSVILLE, TENN., May 2, 1898.

DEAR SIR: There are quite a number of the survivors of Quarles's brigade here who underwent the bombardment of Fort Hudson, La., on the night of March 13, 1863, at which time the U. S. ships *Hartford*, *Mississippi*, and, I think, the *Proquois* attempted to run past our batteries. The *Hartford* succeeded with slight damage; the *Mississippi* became unmanageable, grounded, was set on fire by our batteries, floated off, burned till the fire reached her magazines, and exploded near the spot our ram *Arkansas* was destroyed, above Baton Rouge, her crew having abandoned her under our batteries after she had been set on fire, and while lying in such a position she could not bring her guns to bear on us. The third vessel turned back and rejoined the remainder of the fleet, some 3 miles below.

Now, I have seen it stated in a newspaper that Admiral G. W. Dewey, who recently made such a plucky and gallant fight and gained such an unprecedented victory in Manila Bay, was the officer who commanded the ship *Mississippi* on the 13th of March, 1863. If it will not require an unreasonable amount of your time to ascertain the truth or falsity of this from the rec-

ords of the Navy Department, we would thank you very much to do it and inform us of the result.

Our object is, if he really did command that ship, to unite in a letter of congratulation to him and his men, to be signed by all the old Confederates now here who were present on that memorable night.

Very respectfully,

Hon. JOHN W. GAINES, Washington D. C.

A. F. SMITH.

I promptly answered this letter, and to-day I received the following fraternal and patriotic resolutions, which I will send to the desk and have read in my own time.

The CHAIRMAN. The gentleman asks unanimous consent to have a certain communication read from the Clerk's desk in his own time. If there be no objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

CLARKSVILLE, TENN., May 23, 1898.

Rear-Admiral GEORGE DEWEY,

Commanding United States Fleet, Manila Bay, Island of Luzon.

DEAR SIR: The undersigned, citizens of Tennessee, native-born Americans and, in days past, soldiers of the Confederate States, who underwent the bombardment of Fort Hudson, La., on the night of March 13, 1863, all holding paroles issued to us at the surrender of Gen. Joseph E. Johnston's army to General Sherman, at Greensboro, N. C., beg leave to tender you our most hearty and sincere congratulations upon the unparalleled victory won by you, with the aid of the gallant officers and brave men of your fleet, after your daring entrance into Manila Bay.

Remembering the days long gone, when our rations were but scant and often eaten as we marched along without the formality of halting and surrounding the festive mess table, the fact that you deliberately drew off your ships, after the action was fairly begun, but not nearly finished, in order to give your men, who had only had a cup of coffee that morning, an opportunity to get a good, square breakfast in peace and comfort, struck us as being the most deliberate and gigantic piece of humor that had hitherto come to our knowledge; and we felt if we should go to war again we should want for our commander an officer whose education in the matter of serving timely meals had been as carefully looked after as your own.

While the plaudits of all your countrymen, reinforced by the encomiums of many of the great naval officers of the world, are ringing in your ears, we feel you will allow us a little leeway in the matter of levity, without imputing to us any want of respect for yourself as an individual, or the exalted position which you are now filling with such luster to your country and honor to yourself. We therefore take the liberty of saying to you that we were present at Port Hudson, La., on the night of the 13th of March, 1863, and underwent the bombardment in which the *Hartford*, with some slight damage, succeeded in passing our batteries, and the U. S. S. *Mississippi*—on which Lieut. George Dewey was executive officer—became unmanageable, grounded, was set on fire, the flames compelling the crew to abandon her, after which she floated downstream, the fire reaching and exploding her magazines about 5 a. m., March 14, near the spot which witnessed the destruction of the ram *Arkansas*.

We watched that bright light for hours, as the ship followed the tortuous windings of its great namesake, saw the flash of the explosion, and felt the earth tremble under our feet as though hosts of imprisoned giants were making a last despairing effort to rend it in twain. We could not then foresee that there would come a day when we would rejoice over your escape from us and in your subsequent achievements as we do now.

When it came to our knowledge that you were an officer on this unfortunate vessel, the whole scene was vividly recalled, and we felt that we knew better than anyone, except yourself, why you punished the Spaniards so severely at Manila. It was because you had been in ill humor for more than thirty-five years over the loss of the *Mississippi*, and this was the first favorable opportunity you had found for giving full vent to your wrath, and you did it with all the heat and force characteristic of an American officer discharging a grave duty.

We venture to hope, should other battles fall to your lot, that other brilliant victories will be accorded you, and we know that in whatever seas your flag may float above the battle's roar, if victory perch not upon it, honor will remain emblazoned there.

We have the honor to remain, very respectfully, yours.

A. F. Smith, first lieutenant Company A, Forty-ninth Tennessee Infantry; Lewis B. Clark, captain Company K, Tenth Tennessee Infantry; G. W. Warfield, Company E, Fifth Tennessee Infantry; J. D. Moore, Company E, Fifth Tennessee Infantry; David Halliburton, Company F, Forty-ninth Tennessee Infantry; C. H. Gill, Fifth Tennessee Infantry; J. H. Balthrop, sergeant, Company C, Forty-ninth Tennessee Infantry; J. J. Garrett, Company F, Seventh Kentucky Regiment Infantry; C. H. Bailey, Company A, Forty-ninth Tennessee Infantry; C. D. Bailey, Company A, Forty-ninth Tennessee Infantry; J. H. Wells, Company A, Forty-ninth Tennessee Infantry; D. S. Major, Company K, Forty-ninth Tennessee Infantry; J. E. Mosely, Company K, Forty-ninth Tennessee Infantry; R. A. Wilson, captain Company A, Forty-ninth Tennessee Infantry; R. Y. Johnson, captain Company F, Forty-ninth Tennessee Infantry; Jerry Brown, Company F, Forty-ninth Tennessee Infantry.

The within letter having been read to Forbes Bivouac, a subdivision of the United Confederate Veterans, numbering 170 members, at their regular monthly meeting on May 23, 1898, was adopted and indorsed as the voice and sentiment of the bivouac in the following resolutions, viz:

"Resolved, That the letter of congratulation to Rear-Admiral Dewey, read to this bivouac in regular monthly meeting, assembled this day, by Comrade A. F. Smith, is most heartily indorsed by us, and that after the same has been signed by such comrades as participated in that engagement, the Secretary is instructed to make it the act of this bivouac by indorsing and signing this resolution on its back."

This May 23, 1898.

CLAY STACKER.

Secretary Forbes Bivouac, No. 2, Tennessee Division U. C. V.

Mr. GAINES. I regret not receiving these resolutions yesterday when we unanimously wiped off the statute book of the United States the last landmark of anti-Confederate legislation. Nevertheless nothing can eliminate the tender, loyal, and affectionate feeling that these resolutions bear witness to, and I submit them as they are, coming as they do from the depths of the brave hearts of these old veterans who, though they faced the recipient of this compliment thirty-odd years ago in battle array, to-day take pride and glory in Admiral Dewey's great name.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I want to inquire of the chairman of the Committee on Appropriations [Mr. CANNON] whether any provision has been made in the present bill for the hiring of cooks to prepare food for the soldiers? I find that there is some complaint on the part of the soldiers who are encamped here at Camp Alger about the method of cooking the food. I understand that no provision has been made by the War Department for cooking the food, and while I do not think that professional cooks should be employed, I am strongly of the opinion that the Government should exercise some supervision over the manner in which the food is cooked, so that the soldiers would be sure to get their food in a palatable condition. I think it would be wise for the Government to employ competent men to instruct those who cook for each company and supervise the cooking in each regiment.

It seems to me that something should be done about this. I was at the Commissary Department this morning, and was told that the matter had been brought to the attention of the Secretary of War; that it had been found in a great many instances that the men were inadequately supplied with properly cooked food; that they could not find men in the different companies or regiments who knew enough about cooking to prepare the food. I think some provision might be made in this bill, if found necessary under certain conditions, to give the Secretary of War authority to employ such assistance as may be necessary to provide the soldiers with properly cooked food. These men have given up good situations and good homes to fight for their country for \$15.00 per month, and I think that the least that the Government can do is to provide reasonable and necessary precautions for the obtaining of a proper food supply.

Mr. CANNON. Mr. Chairman, a word in reply to the gentleman from Massachusetts. When the troops called for under the late call are furnished, there will be in the Army of the United States 275,000 or 285,000 people. When this war began, but a short time ago, we had less than 25,000 soldiers. Now, I think we have the best material on earth out of which to make an army, and in our great pride and confidence a great many people have the idea that you can say, "Presto, change!" and that there will jump into the Army from this great supply of raw material a million of men, or a third of a million, or a quarter of a million, and that sooner than you can wink your eye that Army will be fully mobilized with battle-scarred veterans.

Unfortunately or fortunately, as the case may be, it is 3,000 miles across the continent. These troops come from all the States. It takes a little time to get out your call, more time to have the people volunteer, more time to have them mustered, more time to have them transported, more time to put them in camp, more time to drill them, more time to get clothing and arms. In other words, it takes time to make a well-drilled army out of inexperienced people, however good material they may be, to get them ready for effective and active service. Now, every dollar that has been estimated for has been promptly appropriated. The War Department and Navy Department have been running wide open almost day and night, without ceasing, for the purpose of getting arms, rations, supplies, ammunition, and everything.

Now, it is impossible for an army in camp or on the march to be as entirely comfortable from the first minute as they would be in Pullman sleepers or at their homes, where they are filling the ordinary pursuits of life, and there is something of trouble and something of care in connection with the whole thing. I have no doubt, everything considered, that the Government has been and is remarkably prompt in meeting all the demands. Just what the complaint is that the gentleman refers to I do not know. Whether the gentleman has full knowledge about it I do not know.

I have seen reports floating in the papers that people were sick out at Camp Alger, for instance. I grew uneasy and indignant, and I walked down to the War Department. The Surgeon-General said:

Why, we have got plenty of hospital room over here at Fort Myer. We have got some sick there, and we can take care of a great many more as fast as it is necessary; but we have no way of transporting the sick and putting them there until we find they are sick, and then we can not speak them in there as we would send a telegram.

In my judgment, things are being done as promptly as is practicable.

Now I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, if there is any one thing more important than another in connection with the duties we are called upon to discharge, it is to avoid exciting in the country an undue amount of anxiety in regard to the troops in the field. I do not mean that we should so far avoid it as to fail to do our duty by the troops in the field, but sending home word of some failure of the Government provision has a very bad effect both at home and in camp.

Now, I heard only a word that the gentleman from Massachusetts [Mr. FITZGERALD] said in regard to the subject of cooking in the Army and the proposition to employ professional cooks. Why, Mr. Chairman, there are a great many things soldiers have

to learn to do for themselves, and preeminently the very first thing they have to learn is to cook, and they must learn to do it themselves and for themselves. I remember very well the experience of many years ago, when, in the early days of our organization, the cooking of the rations was one of the most troublesome questions we had to deal with, but it was not many months before the cooking of the soldiers in the field was almost the equal of that of any first-class hotel. The American soldiers know how to learn to cook.

Mr. ALLEN. That is where I got my training. [Laughter.] Mr. GROSVENOR. A great many men have been taught a great many things in the Army, and finally after a struggle have become statesmen, like my friend from Mississippi. [Laughter.] Now, when the Army of 1861 went into the field, they had furnished them by the Government iron camp kettles, and nothing else in the way of culinary facilities. Each company out at Camp Alger, so far as I could discover, has a complete outfit of utensils, together with a stove, which can all be packed up in two or five minutes and carried along, and all the facilities that are furnished to the soldiers out there are just about in the same ratio of increased facilities as compared with the Army of 1861. And if the material is that which I think it is, there will be no trouble about the cooking.

Cooking beans is the great important culinary feature of the soldier's life, because more harm can be done with badly cooked beans than any other one thing I know of. I took pains to go among the camps of the regiment and see how they were getting along in that particular, and they had beans and pork cooked in a way that would do credit to the chef of a first-class hotel. Now, I know that Camp Alger is being criticised everywhere. There is but one reasonable criticism that can be made against that camp, which ought to be easily overcome, and the genius of the American soldier will overcome it, and that is the scarcity, perhaps now, of pure water. Beyond that I look upon that camp, considering the time the men have had to organize it, as one of the best camps I ever saw. The shade in the neighborhood is abundant, the land slopes in a direction to make drainage possible, and every facility for maintaining health and comfort is being given to these men. If outsiders will not disturb themselves, these men will take care of themselves. The rations of the Government to-day are far better than they ever were before.

As to the health of one regiment I inquired of the surgeon yesterday—a regiment not superior in physical results to any other, I presume. It was a new regiment, just brought into camp a few days before, just about long enough to strike the worst period of a new camp. I asked the surgeon how the health of the regiment was. He said they had four or five men in the hospital with some trivial diseases incident to the change of water or change of food. There were nearly 1,200 men in that regiment just from home and going into that camp, and only a percentage of 4 or 5 out of 1,200 who were unfit for duty on that morning. Of course we can not expect to have that all the time. I remember on one morning when at a roll call of the regiment which I belonged to 180 men were sick with typhoid fever. In my judgment the Government has done everything that the length of time has made it possible to do. Some States have equipped their men better than others; but there ought to be no complaint, and if the men and we do our duty, the Government will do its duty. [Applause.]

Mr. LIVINGSTON. Mr. Chairman, the Committee on Appropriations has presented to this House, and will present to this House, every estimate made by each and every department that is responsible for supplies of every nature for the prosecution of the war. The Subsistence Department, the Medical Department, and the Quartermaster's Department have not presented a single item that we have not brought in. All that the committee and all that this House and the Senate can be expected to do is to take the estimates made by heads of Departments and present them for your consideration and recommend their adoption. It is not sensible to talk about furnishing the men with bath tubs, blacking boxes, cooks, and everything of that kind. The only thing that can be expected of us to do is to provide them with the general comforts and conveniences.

I fully agree with the gentleman from Ohio [Mr. GROSVENOR] that these complaints, isolated as they may be, scattered over different sections of the country, coming to our ears and that of the Secretary of War, should not be magnified and reiterated here; the sooner we discourage rather than encourage them the better off will be the troops. They have got to learn to cook. It is not the province of Congress to furnish soldiers with professional cooks and bath tubs. That is understood by the men when they go into the service. We can not stop here when attempting to pass an urgent deficiency bill covering \$19,000,000, money that must be appropriated before the troops can leave for Cuba or Puerto Rico or the Philippine Islands, and entertain these little complaints that come up from Camp Alger, Camp Lee, or any other camp. I suggest to the gentleman that the greatest kindness he can do to

these soldiers will be to get them to see their commissary and get the proper food and then learn how to cook it.

They ought to learn how to keep out of the hospital by being temperate and careful in their habits. I do believe, Mr. Chairman, that this House, the Senate, and the War Department ought to do everything in their power for the comfort and well being of these troops while in the field—whether on the tented field or on the battlefield. But these little things to which reference has been made here are beyond our care and control; they are in the hands of the Commissary Department and of the Medical Department. There they must rest; there they must be cared for.

Mr. GAINES. Mr. Chairman, I had a conversation yesterday about this matter with General Egan, who said to me and several other members of the House who called about the same matter that if there was any trouble in regard to the cooking it was the fault of the local arrangements; that he was very sure that all the food necessary was at hand, and that if it was improperly cooked it was the fault of the cooks of the regiments. He, however, went further and said that he had recommended the passage of a bill to employ cooks for the Army. So that, accepting this gentleman as authority, if there is any fault as to the character of the cooking or the want of good food it is in connection with the local arrangements of the regiments.

Mr. FITZGERALD. Mr. Chairman, when this discussion began I intended no criticism upon the War Department or upon the conduct of affairs over at Fort Alger. I do not believe that I made any such criticism. My statement was in the line of the statement of the gentleman from Tennessee [Mr. GAINES]. I called at the Commissary Department this morning, and was told by the clerk in charge there that a great many complaints had come in. I was over to the camp last night and found that as to a great many companies the men who had been selected to cook did not know much about cooking. I thought that, if the Government could in some way employ not French cooks, but ordinary cooks, who would go into the Army and perhaps work for a little more than the ordinary soldier obtains, they would in a very short time instruct the men regularly employed for cooking purposes such ideas as would be of great advantage and result in the soldiers obtaining a proper supply of good food.

The chief clerk told me the same thing that the gentleman from Tennessee has repeated—that a recommendation had been made by the Department for the employment of cooks, or else to allow the men who do the cooking for regiments or companies to be relieved from ordinary camp duty. He said his recommendation to this effect had already been sent to the Secretary of War.

Mr. GROSVENOR. The cooks are never required to do military duty. They are never on the roster for military service.

Mr. FITZGERALD. I was told differently this morning over at the Commissary-General's Office.

Mr. SPALDING. The cook is never on the roster.

Mr. FITZGERALD. If that statement is correct—and of course the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Michigan [Mr. SPALDING] are familiar with the facts—I will waive any further statement I might be disposed to make in this matter.

Mr. LIVINGSTON. I assure the gentleman that the cook selected by a company is always exempted from all military duty.

Mr. GROSVENOR. He is not on the roster for duty.

Mr. FITZGERALD. Is this matter under the same regulation in the volunteer forces as in the Regular Army?

Mr. GROSVENOR. It is the same in the volunteers as in the Regular Army.

Mr. FITZGERALD. Is it the law?

Mr. GROSVENOR. It is the custom or the regulation.

Mr. FITZGERALD. They did not so state at the War Department. I understood it was the law or custom or regulation in the Regular Army, but was not in the volunteers. If not, I think the result of this discussion will be to establish such a regulation.

I am glad that this matter has been brought to the attention of the House, as I know it will result in some permanent improvement in the feeding of the soldiers.

We are the greatest Government upon the face of the earth, and we have a mighty army in the field, and I for one wish to feel that Congress has made and will continue to make every proper provision for the fitting out and feeding properly of the common soldier. They are the hope of this Government. Every eye is watching and every heart in this great country is beating for the success of these brave men and I shall insist that every precaution be taken to promote their welfare.

Mr. JOHNSON of North Dakota. Mr. Chairman, allow me to say a few words. There is no appropriation for which I shall vote more cheerfully than this. The chairman of the Committee on Appropriations need have no hesitancy about asking any appropriation, no matter how large, for the comfort of these soldiers. Thus far we members of Congress have done our duty, and we have the approval of the people. I do not care what it costs.

Our war revenue bill contemplates a possible expenditure of \$700,000,000 a year. You could not scare me with an appropriation of a thousand millions; I would vote for it if it appeared to be necessary. But I want the money honestly and promptly expended, so that the best food, clothing, ammunition, and medical stores that money can buy shall as quickly as possible be served out to the Army.

We have the means now to equip this army as no army has ever been equipped before in the history of the world. Medical science is at our command. Improved methods of canning fruits, meats, and vegetables are at our disposal as they never were before. It was pathetic enough to see two battalions of infantry start out from their North Dakota homes for the Philippines in bright new uniforms and with good equipments, but, sir, I do not want to see any more troops leave for the front without uniforms, as the two troops of cavalry had to leave North Dakota. Somebody is to blame. They were as splendid boys as ever swore to support the Government of the United States. Perfect men physically, and yet their appearance was not creditable to the Government or pleasing to them or their friends.

They wore into camp the old clothes that they had worn in the fields and shops. They very naturally and very properly did not take their best clothes with them to camp. They, as a rule, took only old clothes that they expected to throw away as soon as they were mustered in. Congress had voted the money to supply proper clothing. But those poor fellows had to drill in those old rags; and, so attired, they had to bid good-bye to their friends. They made a poor appearance indeed. Gentlemen know how that matter is themselves. If any of us had to bid good-bye to our friends in unexpectedly old and ragged clothes, it would not be comfortable or pleasant. Many of those boys will never return to their friends. We shall always think of them as we last saw them. It would have been less painful to see those splendid fellows start for the front in nice new uniforms.

Mr. LIVINGSTON. They had lots of company.

Mr. JOHNSON of North Dakota. Yes, they had lots of company; but the Government has lots of money. We have appropriated it; and I want to see it expended for the comfort of those boys. They are entitled to be properly cared for, no matter how much it costs. Because some concern in Philadelphia or New York has a monopoly of the contract for furnishing uniforms, I do not want those poor fellows to be kept waiting there a month in those old rags. [Applause.] There are plenty of tailors in Fargo who could have made those uniforms in splendid shape within a week. If the work can not be done promptly in Philadelphia, let it be distributed in a hundred places near the rendezvous; let it be done in Kalamazoo or Medicine Lodge or Oshkosh or Danville or Petersburg or Tupelo [laughter] or any other old place. But let it be done promptly, no matter what it cost.

A MEMBER. Is the delay caused by the fact that one concern has the contract?

Mr. JOHNSON of North Dakota. I am not pointing out where the blame lies. But I say that we are blameless. We have furnished the money, and now I want the Executive Departments to spend it promptly in taking care of those boys, no matter what may be the cost. [Applause.]

Mr. CANNON. Just one word. All the tailors in the town mentioned in North Dakota, together with those in Tupelo and Danville, which are, of course, the principal places in the country—

A MEMBER. And Medicine Lodge.

Mr. CANNON. Yes; Medicine Lodge—making four—could not possibly have made the clothing necessary for those 285,000 people without a reasonable time being allowed. We could not have the uniforms on hand, because the money had not been appropriated. If anybody had expected the Government to have on hand from former appropriations sufficient clothing for 285,000 men to be mobilized in the Army—if anybody had expected the clothing to be ready the day we passed the joint resolution declaring war with Spain, he would have been laughed out of Congress and out of the country. If such an amount of clothing had been kept in stock by the Government—

Mr. WILLIAMS of Mississippi. The moths would have eaten it up.

Mr. CANNON. Yes; of course it would have been destroyed.

Now, while I entirely indorse what the gentleman from North Dakota says as to the necessity of prompt action, I want to say, after some investigation, that in my judgment the Quartermaster-General of the Army, who is the general executive officer at the head of that Bureau, and also the Commissary-General and the Surgeon-General and the Chief of Ordnance, have been instant, in season and out of season, in expending the money necessary to arm, equip, clothe, and feed this great army of men.

And I want to say further, take the matter of tents: There was not in being enough of cloth to make the tents, and there is not yet in being enough cloth to make the tents. The manufacturing establishments throughout the country are running double shifts,

and some of them three shifts of men, day and night. It takes a little time, and while we want to do the best we can for the defenders of the country in time of war and to furnish the money, let us be just to the instruments that we choose to expend this money.

Mr. LOUDENSLAGER. Is not what the gentleman has said true in regard to clothing, too?

Mr. CANNON. Certainly.

Mr. LIVINGSTON. I want to say in corroboration of what my colleague has said that these heads of Departments have been working night and day and all day Sunday for weeks to do the things which the gentleman from North Dakota [Mr. JOHNSON] has complained about. I do not care whether Mr. Wanamaker has the contract or not, but I want to say that these heads of Departments are working day and night to get these things done.

Mr. CANNON. I want to say that contracts are let, as I am informed and believe, to those who will furnish the material in the least time and for the least price.

Mr. GREENE. Is it true—I do not think it is, but I am asking in order that there may be no wrong impression—is it true that the Departments have let out the matter of furnishing clothing to one firm as a monopoly? Is there any truth in that?

Mr. CANNON. I do not understand that to be so at all; but I will state now, in fairness to my friend, that if he had asked me how many contracts have been made, I should say to him that I do not know.

Mr. GAINES. Does the gentleman know how many firms have been furnishing these goods?

Mr. CANNON. I do not.

Mr. GAINES. You said a few minutes ago that the "manufactories of the country had been running day and night all over the country" to make these coverings. I want to say to the gentleman, because I know he wants to speak the whole truth—

Mr. CANNON. I am speaking in general terms.

Mr. GAINES. I want to say that there has not been a single one of the large manufacturers in Nashville who has been invited to make a bid on this, and they, too, stand ready to "work day and night." They have not been given a chance to bid and have not been consulted. And that is not the only thing—

Mr. LEWIS of Washington. Have they the capacity?

Mr. GAINES. Yes; they can make anything there.

Mr. CANNON. Have they got the material on hand?

Mr. GAINES. Yes.

Mr. CANNON. Have they tried to sell it to the Government?

Mr. GAINES. The Government has not given them a chance. Failing, they applied to me, and I went there and filed their names only a few days ago. No advertisements have been in the papers there, nor have any agents been there.

Mr. HILL. Did you apply to the proper Department of the Government?

Mr. GAINES. As soon as this condition was made known to me I did. I have letters in my desk saying they had been trying to find out at St. Louis and Chicago where "headquarters" for purchases are, to whom to apply, and they were not able to find out. The Casseby Oil Company wrote me that a day or so ago.

Mr. HILL. It is a very poor order of intelligence that can not take the public advertisements, published in almost every leading paper in the United States, and make bids upon them.

Mr. GAINES. They are as intelligent and ambitious as your merchants. These things are not given out publicly, but by private letter. No advertisements in the Tennessee press and none sent out by the Associated Press.

I have remonstrated with the Department about that, and have called attention to the fact that these bids should be let publicly and not by private letter.

Mr. HILL. They are let publicly.

Mr. GAINES. They are not. They are let by private letter. The order for 1,500 wagons was made by "circular" letter. I read it and know the fact.

Mr. HILL. May I say a word or two on this subject? A bid will be opened to-morrow in the city of New York for 225,000 blue flannel shirts for the Army, and every man in the United States has an equal opportunity for making a bid upon that proposition.

Mr. GAINES. For what?

Mr. HILL. Equal opportunity for making bids.

Mr. GAINES. What concerns?

Mr. HILL. Every man—everybody that chooses to.

Mr. GAINES. Now, let me say to you that only a few days ago they let bids for 1,500 wagons. I know this of my own personal knowledge. How did they do it? By "circular" letter, in seven days. As soon as I learned of it I immediately got blank bids and sent home to Tennessee and to every other place that I could find where there was a wagon maker, and went yesterday to get more blanks, and what did I find? I was informed that the bids would be opened to-day at 12 o'clock.

They have only allowed "seven days" in which to send blanks down South, down East, out North and West, and to get replies!

The bids were to be opened to-day at 12 o'clock. Is that the way to do? We want to provide these things for the Government, and we want the Government to have the chance to buy at the lowest figures. It is the right of the Government to have the lowest and best chance to buy. But when only a few know of the "want," that bids are wanted, only a few can or do bid; the masses are shut out for want of a public notice.

Mr. CANNON. If I can have the floor, I will answer. One gentleman kicks and says that we have not, in the twinkling of an eye, furnished transportation, arms, tents, food, and professional cooks, etc., and now comes the cyclone from Tennessee and says, "My God, you only allow seven days for my constituents to bid." [Applause and laughter.]

Mr. GAINES. And that is not all—

Mr. CANNON. Is the Army to stop? Is the expedition to Cuba to stop in order that GAINES's constituents may have longer than seven days? My God, how long do you want—six months? [Applause and laughter.]

Mr. GAINES. It is not alone that my constituents are shut out, sir, that I complain. It is more than that. It is that the Government of the United States does not have a fair chance to have a fair and public bid. Tennessee can do without furnishing wagons and war supplies, but she can furnish warriors and has done it and will continue to do it, and continue to furnish men who will stand up for her rights, the rights of the Government, here and elsewhere. [Applause.]

Mr. CANNON. Mr. Chairman, I believe I have the floor. I once heard a soldier of the late war make a remark about a comrade who was grumbling about everything. Why, everything was wrong. Nobody was right. The devil was not right. God had made things wrong. All the human family were on the wrong track. Somebody said, "Why, that man is a fool." Well, his comrade said he was the finest and best soldier he ever saw. Said he, "You can tell that by the way he kicks." Now, I am satisfied that my friend from Tennessee [Mr. GAINES] would make the best soldier on earth, from the way he kicks. [Laughter.]

Mr. OGDEN. A man never gets his rights if he does not kick.

Mr. CANNON. Now, I do not know how else to expend this money except by first appropriating it. It is clearly evident that nobody's constituents can get a contract that is to be paid for out of this money until the money is appropriated. The Department say they want the money. For that reason the committee over which I have the honor to preside came together promptly to-day and said: "Report this bill. Do not wait to have it printed. Get it to the Senate and get it through as quickly as possible." I will not mention any names, but there is \$100,000 of this money that must be ready within a day or two, clean money to go into the hands of a man to expend in command of the Army. It is an urgent bill; and after we pass this bill, if you want to double the force in the Quartermaster-General's Office, if you want to make three or four Secretaries of War and multiply the civil list and the Army list by four or five or six to expend this money, why, the legislation can be reported from the appropriate committee, and then my friend from Tennessee can run and glorify. I hope we can have the next section of the bill read.

Mr. GAINES. Just a word—

Mr. HILL. In reply to the gentleman from Tennessee [Mr. GAINES], I wish to say that I have not had much experience in regard to my constituents coming to me about contracts, but I did have an experience night before last, and I think it might be well for the gentleman from Tennessee, and those who believe as he does, to know what the result was. Two gentlemen, representing two large factories in my district, employing six or eight hundred men in the manufacture of clothing, came down here on the late train night before last to see if they could do anything to help supply the Government, and run their own establishments, which are quiet at this season of the year always, in meeting the requirements of the Army.

On the mere chance I said to them, at 11 o'clock at night, "If you will come with me, I will go to the Quartermaster-General's Office now." We went down there and at midnight we found these gentlemen at work, engaged in their efforts to meet the requirements of the Army. Samples were produced, the whole system was gone over, and these gentlemen were told that to-day in New York one series of bids would be opened in response to public advertisement, and that on the 20th another series of bids would be opened. They were asked if they had the cloth on hand, and to bid on what they had, and they were told that both time and price were serious considerations, but that time was the most serious consideration.

They were told immediately to go to New York and submit their bids for what they had and to submit their bids on the 20th for what they could get. The gentlemen took the midnight train back to New York, and I presume their bids are in to-day; and if my friend from Tennessee would give the same advice to his constituents at Nashville, instead of complaining that some one has not gone out there to tender them a contract on a silver plate,

perhaps it would bring more business to Nashville. [Applause on the Republican side.]

Mr. GAINES. I am glad, Mr. Chairman, that the gentleman said a silver plate instead of a gold plate. [Laughter.]

I want to say that Tennessee is not out after the "stuff;" she is not out for contracts alone. She is out first for the Spaniards, and that because they are the enemies of the Stars and Stripes. Her history in war and in peace needs no encomiums from me; but, Mr. Chairman, she is a State of the Union, and she deserves, and her citizens deserve their rights, and if these large contracts are to be let, she deserves, as do all the States, to be given a fair hearing in bidding. This is best for the Government; best for all. It is simple justice, which can be had if bids are properly, publicly called for.

The individual soldier in this matter should be heard. I say there are complaints, and as soon as I leave this Hall I shall go to Camp Alger at the call of the "Tennessee boys," who have sent for me to see about their condition. They are not the only ones who are complaining, and when there should be no cause of complaint.

Now, Mr. Speaker, to show you the injustice that is being done the South in letting these contracts, I shall read a letter from an ex-Confederate, a leading Republican, who has been repeatedly nominated by his party for Congress from Tennessee, and who, when the election recently occurred for Senator in my State, was nominated by the Republicans for the United States Senate.

After stating that Tennessee stands ready to furnish her quota of soldiers—and to furnish more if need be, I may add—he says. I will read the second paragraph and insert the whole letter:

NASHVILLE, TENN., April 26, 1898.

DEAR SIR: No section of the Union is more loyal to the United States Government to-day than the South, and especially Tennessee. Her sons are as patriotic and there is as much enthusiasm and patriotism alive in the minds and hearts of the Tennesseans as in any State in the Union. If the Government needs them and will accept them, 80,000 Tennesseans would volunteer to go to Cuba within thirty days, to serve three years or until we whipped the Spaniards.

The Government has called on the several States of the South for their quota of troops under the President's call for 125,000 men, and there is not a State in the South but what would willingly furnish ten times the number of men if required as their quota. Yes, they are anxious to furnish more troops of soldiers than demanded.

Now, this being the case, I wish to call your attention to another fact.

The base of operation, the rendezvous for the troops, the headquarters for the mobilization of the Army will be and is in the South. The soldiers will be transported to Cuba from New Orleans, Pensacola, Tampa, and Key West.

The Southern country, and especially Tennessee, Kentucky, Alabama, and the border States, all of them, have coal to sell, and in addition we could supply weapons, harness, and all the flour, corn, bacon, and beef that the Army requires. Now, why is it that Southern people can not get the contract to supply these articles? Have you got to hear of any of these different articles being supplied by a Southern man, or from a Southern State. Nashville could supply all the flour needed, and could supply it much cheaper (being nearer the headquarters or place of mobilization of the Army) than Chicago, Cincinnati, or St. Louis. We have located here several very large and splendid flouring mills, each with capacity of more than 1,000 barrels per day, and there are also located at other points in Tennessee large mills.

I write to call your attention to this matter, and believe as a member of Congress you ought to call the attention of the authorities to the subject and endeavor to correct the unjust discrimination being made in favor of the North and against the South in the matter, and have the Government to make some of their contracts with Southern people and get the supplies furnished from the South and by Southern people. I have no personal interest in this matter, but call your attention to it, believing it an act of justice and fairness to our section (the South) that it should receive your attention and through you be brought to the attention of the Government.

Yours, truly,

J. W. BAKER.

Hon. J. W. GAINES,
Washington, D. C.

Mr. Baker, you see, alludes to the immense flouring establishments of the South that are being entirely ignored, to the detriment of the Government and the public welfare. To show this, I will read a letter which I have here, from a leading wholesale staple and fancy grocer of Nashville, as follows:

[Phillips, Webb & Co., wholesale staple and fancy groceries, fine cigars and tobaccos, 144 and 146 North Market street, Nashville, Tenn.]

DEAR SIR: We notice that all the supplies the Government is buying for troops at Chickamauga are being purchased either in St. Louis or Chicago, and it does seem to us that the Nashville jobbers and manufacturers should be getting some of this business. It would certainly be to the Government's advantage to purchase some of her supplies here in this market, as they can buy all their groceries and provisions on about the same basis as in St. Louis and get much cheaper rate of freight from here to Chickamauga than from St. Louis to Chickamauga.

We have very large flouring mills here, as you well know, and we are selling winter wheat patent flour fully \$1 per barrel less than the Government is paying for it in Chicago and St. Louis, and then there would be another saving of at least 30 cents per barrel in freight, so you see this would be quite an item of saving to the Government. Would be obliged if you would investigate this matter and find out whether the Government's agents at St. Louis or Chicago have authority to purchase goods in other markets; and if so, please furnish us their names, as we desire to be put in communication with them. Also let us know something about the payment of these bills.

Will the Government pay them as soon as they are audited or approved, or about how long a time after shipment would we have to wait before getting remittance? It seems to us that it would be decidedly to the Government's advantage if they had a purchasing agent at this point, especially as they are using so many supplies at Chickamauga. Would thank you to investigate this matter and give us all the points as early as you can, and oblige.

Yours, truly,

PHILLIPS, WEBB & CO.

JOHN WESLEY GAINES, Esq.,
Washington, D. C.

Mr. RICHARDSON. And I have in my district, within a few hours' travel from Chickamauga, an immense flour mill, the Noel Milling Company, that turns out hundreds and hundreds of barrels daily of flour, which has not been able to sell the Government a barrel.

Mr. GAINES. Yes; a magnificent mill, unanimously ignored with many others in Tennessee. But, Mr. Chairman, the discrimination grows worse. Parkes & Co., of Nashville, write me as follows:

NASHVILLE, TENN., May 31, 1898.

DEAR SIR: We beg to call your attention to the fact that the War Department are making large purchases in St. Louis of hickory ax handles and other grades of handles which are manufactured in this State and then shipped to St. Louis. Could you not secure permission from the Government to permit us to bid on their supplies of this nature?

Tennessee is noted for its fine hickory timber, and we are furnishing handles to all quarters of the globe.

Anything that you will do for us in this matter will be highly appreciated.

Yours, truly,

GEO. S. PARKES & CO.

Hon. JOHN WESLEY GAINES, Washington, D. C.

Here we have goods made in Tennessee, sold in St. Louis, there sold to the Government agents, shipped back to Chickamauga, through Tennessee and on South, and why, Mr. Chairman? Because the manufacturers do not know of these wants. They would know it if advertisements were put in the leading newspapers of the States, or if the want was sent out with directions how and where to bid, as a matter of news, by Associated Press.

Mr. Chairman, Orr, Jackson & Co. have written me as follows. I will not read it, but insert it:

NASHVILLE, May 30, 1898.

DEAR SIR: Inclosed we hand a clipping taken from a Memphis paper, relative to contracts being let for supplies at Chickamauga, Mobile, etc. It occurs that the proper place to supply Chickamauga, at least, would be Nashville, and we would like to ask if this contract can not be given out here. Will you kindly look into this matter and see if this can be done, as it will be large business for some time and we think our city entitled to it, or at least should be placed in a position to bid?

Respectfully,

ORR, JACKSON & CO.

Hon. JOHN WESLEY GAINES, Washington, D. C.

GOVERNMENT SUPPLIES—NO REASON WHY MEMPHIS SHOULD NOT TAKE A HAND—ST. LOUIS IS REAPING A HARVEST WHILE THE BLUFF CITY GETS BEAUTIFULLY LEFT—TIMELY COMMUNICATION.

Commissioner J. S. Davant, of the Memphis Freight Bureau, is in receipt of the following timely communication:

MEMPHIS, TENN., May 18, 1898.

DEAR SIR: I have just returned from a trip from St. Louis and Kansas City, and found that the merchants at each of those points are making heavy sales of supplies of all kinds for the use of the Government troops at Chickamauga, Mobile, Tampa, and New Orleans.

On Monday last contracts were let at Kansas City aggregating 2,000,000 pounds, consisting of baking powder, candles, coffee, beans, canned goods, salt meat, salt, vinegar, flour, and soap.

It occurs to me that our Memphis merchants should certainly be in position to supply at least a portion of these commodities. It is highly probable that the movement of these supplies will grow heavier, and if any of our merchants are in position to supply the Government I would suggest that they get in communication with Quartermaster Smith at St. Louis. In addition to provisions, clothing will have to be supplied in large quantities, also shoes and hats. St. Louis is simply reaping a harvest from this source.

Very truly,

R. L. MCKELLAR, A. G. F. A.

Mr. JAMES S. DAVANT, Commissioner, City.

Mr. LIVINGSTON. Mr. Chairman, I should like to ask the gentleman—

The CHAIRMAN (Mr. BENNETT). Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. GAINES. Yes.

Mr. LIVINGSTON. The question I desire to ask the gentleman from Tennessee is this: Have the parties in Nashville offered to the Government flour at a dollar a barrel less than they are now purchasing it?

Mr. GAINES. They are ready to do it, and they are holding a meeting in Nashville now to remonstrate with the powers that be because they have not had the chance to do it.

Mr. LIVINGSTON. That is not the question.

Mr. LANDIS. Were they here to offer their flour and put in a bid?

Mr. GAINES. No, sir; nor should they be expected to come here. Let bids be asked for publicly, through the press. They can stay at home then and bid.

I will tell you about the question of coal. The merchants—

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES. I only want two minutes more, and I would tell the experience of the coal men who did come here from Tennessee and Alabama. I will put the letters that I was about to read in the RECORD. All they want is a chance to bid on these contracts, and whether they get it or not Tennessee stands ready to defend the Stars and Stripes and to maintain the honor and dignity of the United States.

I am a Tennessean. I come from the Hermitage district, where rest the ashes of Jackson, who said, "The Union must and shall be preserved;" and I stand here, Mr. Chairman, in my humble

way, to say the dignity and honor of the nation must and shall be preserved, and I am ready, as I have been all the time, to vote to do it. [Applause.]

Mr. CANNON. Mr. Chairman, I agree to all that the gentleman from Tennessee says about the bravery of the citizens of Tennessee. I have no doubt they are brave and patriotic. If there is anything on earth that would make me doubt it, it would be his proclamation of it and asseveration of it time after time, because brave men do not do that.

Mr. GAINES. This is but the second time I have opened my mouth on the subject. It is a matter of history. But I shall defend the State of Tennessee and the citizens of Tennessee on the floor of this House as long as I continue to be a Representative from that State, and the gentleman from Illinois can not shut me off, either, from defending her history, past and present. [Applause.]

SHEFFIELD COAL, IRON, AND STEEL COMPANY,
Sheffield, Ala., May 1, 1893.

MY DEAR MR. GAINES: I trust you will keep me promptly advised by wire, at my expense, of any possible contracts for coal that our company could obtain, or at least make a bid for. I know that the Navy Department is particularly—properly so, no doubt—in the matter of the character of coal purchased for Navy purposes. I have forwarded to the Department samples of our coal, and I received the Government analysis when there last week, all of which is a matter of record, and I am satisfied they can find no coal that is equal to the Alabama coal for steam purposes.

The Pocahontas and Virginia coal is freer from smoke than the Alabama coal, but in my judgment not so good for steam purposes. I know your promptness in these matters and how easy it is for you to obtain the information that can not under any consideration be obtained by an outsider. I have gone to considerable expense in this matter looking to contracts with the Government, and I think that Alabama should be entitled to her share of coal purchased by the Government.

When in Washington I secured a specially low rate of freight from the Southern Railway officials to Mobile. This is our best shipping point, although we can ship to New Orleans and Port Royal. I will be glad to have you look into this matter. Let me hear from you.

Yours, truly,

A. W. WILLS,
President.

Hon. J. W. GAINES, M. C., Washington, D. C.

Major Wills is a leading Republican and present postmaster at Nashville. The Tennessee Coal and Iron Company has sold a few tons to the Government, but a mere trifle. Col. A. M. Shook is president of this company, and a distinguished Republican and business man.

On May 25 the vice-president of this company writes me as follows:

SHEFFIELD COAL, IRON, AND STEEL COMPANY,
Sheffield, Ala., May 25, 1893.

MY DEAR MR. GAINES: I inclose herewith clipping from a Memphis paper which explains itself. "Nearly 2,000,000 bushels of coal shipped South from Pittsburgh." Our company is operating a coal mine near Jasper, and the coal we mine there is a very superior steam coal, being harder than the ordinary steam coal. It consequently bears transportation better, and it has but a trace of sulphur.

This coal is being used with perfect satisfaction by the Southern Railroad, the Louisville and Nashville Railroad, and the Northern Alabama Railroad. The president of our company, Maj. A. W. Wills, has been endeavoring to get an opportunity to bid on some of the coal for the Government, and has had samples forwarded to the Navy Department for analysis, but we have not succeeded yet in getting in a bid on any of the Government requirements. It strikes me that the South should at least get her pro rata of these Government contracts.

It looks as though the South was being rather passed by when coal is shipped from Pittsburgh to New Orleans. We are in position to ship coal to New Orleans, Mobile, Pensacola, or other Southern ports. I shall be very much obliged to you if you will take up this matter and investigate it and advise whether or not we can't be allowed to bid on some of this coal for the Government. Thanking you in advance, and with best wishes,

I am, yours, truly,

W. R. COLE.

Hon. J. W. GAINES, M. C.,
Washington, D. C.

The Clerk completed the reading of the bill.

Mr. CANNON. Mr. Chairman, I move that the committee now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10505) making appropriations to supply urgent deficiencies in the appropriation for the support of the military and naval establishment for the fiscal year 1893, and had instructed him to report the same back to the House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. HENDERSON. Mr. Speaker, I ask for the regular order.

CAB SERVICE IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House House joint resolution 189, authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes, with Senate amendment.

Mr. RICHARDSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The Senate amendment was concurred in.

ABANDONED TRACKS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House Senate bill 914, with Senate amendments.

Mr. RICHARDSON. Mr. Speaker, I move that the House insist and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to an enrolled joint resolution of the following title:

S. R. 148. Joint resolution providing for the printing of House Document No. 396, relating to the beet-sugar industry in the United States.

AGE OF PROTECTION OF GIRLS.

The SPEAKER. The Clerk will call the committees for the consideration of business in the morning hour.

Mr. HENDERSON (when the Committee on the Judiciary was called). I am instructed by the Committee on the Judiciary to call up the bill (H. R. 1136) to raise the age of protection for girls in the District of Columbia to 19 years. I yield to my colleague on the committee, the gentleman from Kansas, Judge BRODERICK.

The bill was read, as follows:

Be it enacted, etc., That if any person shall carnally know any female between the ages of 16 and 18 years, out of wedlock, in the District of Columbia, such carnal knowledge shall be deemed a misdemeanor, and the offender, being convicted thereof, shall be punished by imprisonment for a term not exceeding eleven months and twenty-nine days, or fined not exceeding \$200, or may be punished by both such fine and imprisonment.

SEC. 2. That this act shall not be construed as repealing or modifying any statute relating to rape.

The amendments reported by the committee were read, and agreed to, as follows:

After the word "shall," in line 3, amend by inserting the words "seduce and;" and also after the word "female," in line 3, insert "of previous chaste character;" and also in line 8 erase the words "eleven months and twenty-nine days" and insert in lieu thereof "one year."

Mr. BRODERICK. In addition to the amendments reported with the bill, the committee has authorized me to offer the following amendment:

In line 5 strike out "18" and insert "21."

The amendment was agreed to; there being—ayes 13, noes 12.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, there were—ayes 31, noes 18.

Mr. GROSVENOR. I think that a bill making so important a change as this bill does in the common law of the world ought not to be passed without a quorum of the House voting upon it. I make the point that no quorum is present.

Several MEMBERS. Oh, do not do that.

Mr. GROSVENOR. The bill ought never to have been reported. It ought never to be passed here or anywhere else.

The SPEAKER (having counted the House). There are 114 members present—not a quorum.

Mr. HAY. I move that the House adjourn.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, leave of absence was granted as follows:

To Mr. ALDRICH, for ten days, on account of important business.

To Mr. BRUMM, for this week, on account of sickness.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 2 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting supplemental estimates of appropriation to provide for the organization, equipment, etc., of the troops under the second call, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10561) to increase the force of the Ordnance Department, reported the same, accompanied by a report (No. 1479); which said bill and report were

referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 10565) to supply deficiencies in appropriations for the support of the military and naval establishments of the Government for the fiscal year 1898, reported the same, accompanied by a report (No. 1483); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 8571) to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District, reported the same with amendment, accompanied by a report (No. 1483); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1279) to grant a pension to Mrs. B. C. Lowe, reported the same with amendment, accompanied by a report (No. 1478); which said bill and report were referred to the Private Calendar.

Mr. CUMMINGS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10283) for the relief of John Abbott, reported the same without amendment, accompanied by a report (No. 1484); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4514) granting an increase of pension to David Horn, reported the same adversely, accompanied by a report (No. 1481); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON: A bill (H. R. 10559) for the extension of Seventeenth street NW.—to the Committee on the District of Columbia.

By Mr. JONES of Virginia: A bill (H. R. 10560) to change the port of Tappahannock, in the district of Tappahannock, in the State of Virginia, to Reedville, Va.—to the Committee on Ways and Means.

By Mr. HULL (from the Committee on Military Affairs): A bill (H. R. 10561) to increase the force of the Ordnance Department—to the Committee of the Whole House on the state of the Union.

By Mr. HAY: A bill (H. R. 10562) to provide for increasing the military establishment of the United States in time of war, to provide for the equipment of the National Guard in time of peace, and for other purposes—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 10563) to provide for the holding of terms of the district and circuit courts of the United States at Hammond, Ind.—to the Committee on the Judiciary.

By Mr. EVANS: A bill (H. R. 10564) to provide for an additional force in the office of Commissioner of Internal Revenue for the fiscal year ending June 30, 1899—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOTKIN: A bill (H. R. 10566) granting an increase of pension to Sarah L. Larimer—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10567) for the relief of the widow of Dr. Ricardo Ruiz, deceased—to the Committee on the Judiciary.

By Mr. HAY: A bill (H. R. 10568) for the relief of M. Louise Breedin, Frances K. Breedin, Anna S. Coleman, and Alfred H. Breedin—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 10569) to pension James Foltz—to the Committee on Invalid Pensions.

By Mr. LYBRAND: A bill (H. R. 10570) granting a pension to George E. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10571) granting an increase of pension to Richard Milliner—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 10572) granting a pension to Robert Sturgens—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 10573) to grant a pension to Mrs. Annie Cusack—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petitions of Curran Bros., James A. Stead, F. G. Lehnen, and Mrs. Sophia Beck, of Philadelphia, Pa., against the war-revenue tax on snuff and tobacco—to the Committee on Ways and Means.

By Mr. BLAND: Petition of Mrs. Anna H. Dirckx, administratrix of the estate of Peter I. Dirckx, deceased, late of Taos, Cole County, Mo., asking reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOTKIN: Petition of the Pleasant View and Shiloh Methodist Episcopal Churches, of Mitchell County, Kans., for a prohibitory liquor law in the Territory of Alaska—to the Committee on Alcoholic Liquor Traffic.

By Mr. GROUT: Petitions of Mrs. Lucy R. Kellogg and the Young Woman's Christian Temperance Union of Jamaica, Vt., and Rev. M. S. Eddy and the Woman's Christian Temperance Union of Waterbury Center, Vt., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Rev. M. S. Eddy and the Woman's Christian Temperance Union of Waterbury Center, Vt., asking for the passage of the bill to raise the age of protection for girls—to the Committee on the District of Columbia.

Also, petitions of Rev. M. S. Eddy and the Woman's Christian Temperance Union of Waterbury Center, Vt., praying for the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNTER: Petition of James Foltz, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. JENKINS: Petition of H. L. Humphrey and 37 other citizens of Hudson, Wis., in favor of the passage of a bill to prevent the desecration of the American flag—to the Committee on the Judiciary.

By Mr. LYBRAND: Petition of Jeremiah Cain, of Urbana, Ohio, late of the Eighth Battery, Ohio Volunteer Light Artillery, for relief—to the Committee on War Claims.

By Mr. MCINTIRE: Petitions of James I. Carroll and other citizens of Baltimore, Md., in favor of legislation which will more effectively restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

Also, petition of Rev. Henry C. Schlueter and other citizens of Baltimore, Md., opposing the bill for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MINOR: Petitions of physicians and other citizens of Greenbay, Wis., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Greenbay, Wis., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal, Presbyterian, and Moravian churches of Greenbay, Wis., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. SNOVER: Petition of the Michigan State Millers' Association, of Lansing, Mich., asking for the passage of a bill to prevent the adulteration of flour—to the Committee on Ways and Means.

By Mr. STEELE: Petitions of N. O. Ross, S. L. Beach, and 300 other citizens of Logansport, Ind., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of ladies of Cisco, Tex., in favor of the bill to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska: Petition of R. E. Fenton, of Dawson, Neb., protesting against the taxation of proprietary articles in the war-revenue bill—to the Committee on Ways and Means.

By Mr. WISE: Papers relating to the claim of John F. Whitehurst, of Norfolk County, Va.—to the Committee on War Claims.

SENATE.

FRIDAY, June 3, 1898.

The Senate met at 11 o'clock a. m.
Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

LAND-OFFICE FEES IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office relative to section 6 of the act of March 21, 1864, regulating the fees and commissions of registers and receivers, and requesting that the provisions of the section be extended to the District of Alaska; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 886) for the relief of Charles T. Plunkett, of Lynchburg, Va.;

A bill (H. R. 8110) granting an honorable discharge to John Dinsbeer, late second lieutenant in Company C, First Regiment of Missouri State Militia;

A bill (H. R. 8871) for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulfport, Miss., and to Biloxi, Miss., and for a survey of Ship Island Pass;

A bill (H. R. 9338) to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry; and

A bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898.

PETITIONS AND MEMORIALS.

Mr. BERRY presented a memorial of sundry citizens of Arkansas, remonstrating against the proposed tax on life-insurance policies; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Epworth League of Darlington, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregations of the Welsh churches of Wales and Bethesda, in the State of Wisconsin, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Leonard Kluber and 23 other citizens of La Crosse, Wis., remonstrating against the proposed tax on life-insurance policies and praying that the proposed stamp tax be modified; which was ordered to lie on the table.

Mr. MCBRIDE presented a petition of the Chamber of Commerce of Astoria, Oreg., and a petition of the Chamber of Commerce of Portland, Oreg., praying for the passage of the so-called anti-scalping ticket bill; which were ordered to lie on the table.

He also presented a petition of Pleasant Hill Grange, No. 284, Patrons of Husbandry, of Oregon, praying for the enactment of legislation to secure protection against the use of adulterated food products; which was ordered to lie on the table.

He also presented a petition of Pleasant Hill Grange, No. 284, Patrons of Husbandry, of Oregon, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pleasant Hill Grange, No. 284, Patrons of Husbandry, of Oregon, praying for the enactment of legislation to secure to the people of the country the advantages of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented a petition of sundry temperance workers of the First Baptist Church, of Nebraska City, Nebr., praying for the enactment of legislation prohibiting the sale of intoxicating liquors at Chickamauga Park; which was referred to the Committee on Military Affairs.

He also presented the memorials of D. J. Scanlon, of Sydney; of R. E. Fenton, of Dawson; of C. A. Gibbon, of St. Edward; of F. V. McDonald, of Murdock; of A. E. Wanek, of Milligan; of George B. Williamson, of Aurora; of Stockwell & Co., of Bassett; and of C. A. Luce & Co., of Stamford, all in the State of Nebraska, remonstrating against the adoption of Schedule B of the war-

revenue bill, placing a tax on proprietary medicines; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MURPHY, from the Committee on Commerce, to whom was referred the joint resolution (H. Res. 7) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York, reported it without amendment.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4462) to provide for a municipal building and court-house in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, reported an amendment relative to the appropriation of \$35,000 to prevent the threatened destruction of the south pier at St. Josephs Harbor, Michigan, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

PACIFIC RAILROADS INVESTIGATION.

Mr. FORAKER, from the Committee on Pacific Railroads, to whom the subject was referred, submitted a report, accompanied by testimony authorized under the resolution of the Senate adopted May 17, 1897, relating to the issue of patents for lands of the United States to the Pacific railroads and to the California and Oregon Railroad, and also the amount due the sinking fund of the Union and Central Pacific roads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings of said roads and charged to the operating expenses; which was ordered to be printed.

MISS M. O. CHAPMAN.

Mr. MONEY. The bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss., was referred to the Committee on Claims. It should have been referred to the Committee on Post-Offices and Post-Roads. I ask that the change of reference be made.

The VICE-PRESIDENT. Without objection, it will be so ordered.

LIFE-SAVING STATIONS.

Mr. NELSON. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 10235) authorizing certain life-saving stations to be opened and manned during June and July, 1898, to report it back favorably without amendment, and I ask for its immediate consideration. It is a bill of importance in connection with the present war, and is recommended by the Treasury Department and by the Navy Department as a matter of urgency.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF DISABILITIES.

Mr. STEWART. I ask unanimous consent that the amnesty bill may be taken up in order to concur in the amendments of the House of Representatives.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4578) to remove all disabilities imposed by the fourteenth article of the Constitution.

The amendments of the House were to strike out all after the enacting clause and insert:

That the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States heretofore incurred is hereby removed.

And to amend the title so as to read: "An act to remove the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States."

Mr. STEWART. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4707) to provide for the compensation and expenses of special counsel for the Government in prize cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MCBRIDE introduced a bill (S. 4709) to extend the privilege of immediate transportation to the port of Astoria, Oreg.; which was read twice by its title, and referred to the Committee on Commerce.

THOMAS WILLIAMS.

Mr. TELLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Thomas Williams the sum of \$1,500, for injuries received while in the discharge of his duties as an employee of the Senate in the

year 1892; said sum to be paid from the miscellaneous items of the contingent fund of the Senate, and to be considered as in lieu of any allowance for medical attendance or other expenses incurred on account of said injury.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 8119) granting an honorable discharge to John Dinsbeer, late second lieutenant in Company C, First Regiment of Missouri State Militia; and

A bill (H. R. 9398) to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry.

The bill (H. R. 8871) for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulfport, Miss., and to Biloxi, Miss., and for a survey of Ship Island Pass, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 886) for the relief of Charles T. Plunkett, of Lynchburg, Va., was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898 was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1702) granting an increase of pension to Nancy G. Allabach;

A bill (S. 4169) granting an increase of pension to Simeon Stevens; and

A bill (S. 4491) granting an increase of pension to Susan D. Yates.

The message also announced that the House insists upon its amendments to the following bills, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS managers at the respective conferences on the part of the House:

A bill (S. 769) to increase the pension of Clark W. Harrington; and

A bill (S. 1119) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 189) authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes; and it was thereupon signed by the Vice-President.

WAR REVENUE BILL.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the revenue bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

Mr. TURLEY. I wish to ask a question for information. I believe we have gotten through with all the committee amendments in the revenue part of the bill. The amendment I intend to offer, and also the one the Senator from California [Mr. WHITE] intends to offer, apply to the revenue part of the bill. Would it not be better to take up those amendments before we go to the provisions in relation to the issuance of greenbacks and coining the seigniorage?

Mr. ALLISON. The unanimous understanding was that the committee amendments should be considered before other amendments were offered, and I hope that course will be pursued. The Senator from California [Mr. WHITE] offered an amendment on behalf of the majority of the committee last night.

Mr. JONES of Arkansas. The Senator from California offered an amendment which is to be pending, and it seems to me that it would be a reasonable course to vote on amendments such as the one offered by the Senator from Tennessee and the one offered by the Senator from California, because if Senators have not their minds made up to vote for the issue of bonds anyway, the necessity for issuing bonds would be affected by the action of the Senate in either putting in those amendments or refusing to incorporate them in the bill.

They would raise considerable sums of money, and before the Senate can intelligently determine whether or not bonds ought to be issued the bill ought to be so perfected that Senators could form

some idea of the amount of revenue to be raised by the bill. If there is to be revenue enough raised by the bill to defray the current expenditures of the Government for twelve months, the Senator from Iowa would certainly admit that there would be no necessity for selling bonds. No one can tell how much money will be raised by the bill until we know what is put in the bill and what is not. It seems to me it would be a very reasonable thing to do to dispose of these amendments before the others are taken up.

Mr. HALE. Does the Senator think, if all the amendments which have been introduced for raising revenue from one source and another should be adopted and become law, there is a possibility that they would in any great proportion cover the expenditures of the war?

Mr. JONES of Arkansas. I have no doubt that the provisions suggested by the Democratic members of the committee would provide amply for all the reasonable expenses of the war.

Mr. HALE. For a year?

Mr. JONES of Arkansas. But I am just as well satisfied that the Senate will put the bond feature on the bill, whether it is necessary or not. However, I do think that if Senators only intend to vote for bonds in so far as they are necessary it would be a wise thing for us to know what would be the probable revenue resulting from the bill before determining how many bonds shall be issued.

Mr. HALE. I was not seeking to call the Senator's attention to the subject of bonds, but only as to what the Senator believes the war will cost. I have no doubt that if the war continues for a year it will cost seven or eight hundred million dollars.

Mr. TELLER. For a year?

Mr. HALE. For a year. I have no doubt of that. It is not a matter of any account what a man predicts, but I put myself on record, with some knowledge of the appropriations already made and already reported and already considered by the Committee on Appropriations in one branch or the other, that if the war continues for a year it will cost from seven to eight hundred million dollars.

Mr. JONES of Arkansas. In all human probability that much money may be spent, but I am just as well satisfied that there is no necessity for spending \$400,000,000 as the war expense as I am that probably seven or eight hundred million dollars may be spent. I do not believe that the war is going to last for twelve months nor six months, nor anywhere near it; but if it should continue for twelve months, the most extravagant estimates made for the expenses of the war were less than \$400,000,000, and these were made by the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, gentlemen who should certainly have some idea about what the expenses will be.

Mr. HALE. The trouble with all that is, as always in such cases, that none of those estimates are much, if any, more than half of what will be the actual cost, for war never was so expensive as it is at the present day. No war is as expensive as an expeditionary war, a war that involves ships and soldiers sent away from our own shores to other countries, near and far. It has always been the history of all military operations that you can maintain an army that does not have to embark and go abroad at half the expense that you can maintain an army when conducting a war by expeditionary forces, as must be the case in this war. I have heard all the estimates, and I have studied them all as well as I could, and I venture again the prediction that if the war lasts a year it will cost seven or eight hundred million dollars. I hope I shall be wrong. I would pray very greatly that I may be wrong. I hope it will be as the Senator says, that the war will end sooner and we shall stop it. If it were stopped to-day, it would have cost us nearly half that sum.

Mr. TELLER. Mr. President, it seems to me there is great force in what the Senator from Arkansas says about determining the amount that the bill will raise. There are two features of the bill. One is the revenue feature and the other is a loan feature. The two might have been, and I think should have been, disconnected. I think if the House had sent us two bills, one to be considered as a revenue measure solely and the other as an emergency measure, if there were one, to make a loan, we would have been in a very much better condition to have legislated on this revenue portion of the bill. But the committee, I believe—I mean now the committee in another place—feeling that there was some doubt whether the Senate might accept a separate and independent proposition to borrow money disconnected from the revenue, felt that it would be good politics probably for them to put on the loan feature.

Mr. President, we ought to know what this revenue measure is going to produce before we vote on either the proposition to issue greenbacks or the proposition to issue bonds or Treasury notes. It is utterly impossible for us to know what we ought to do until we learn what the bill will produce. I know the difficulties in determining that, and yet there can be an approximate, reasonable determination of it, beyond all question. The member of the committee who has this bill in charge has attempted it, and some

other members of the committee have attempted it on a bill different from what we are getting. When this bill is all completed and we have got all the amendments on it, then, it seems to me, somebody should make a fair estimate of what it will produce and how rapidly it will produce the revenue.

Mr. President, I am particularly interested in this revenue scheme. I am interested in it because I know it is not to be a temporary scheme, as was stated in another place. It is not to be a scheme to be repudiated at the close of this war, whether that is within ninety days or two years.

It can be demonstrated that the present system of collecting money under the Dingley bill, so called, and the existing internal-revenue taxes will not produce enough money to run the Government in time of peace. Our deficit this year, if we take out all the extraordinary expenses, can not be less than \$80,000,000. I think it can be demonstrated that the deficit this year will be fully up to \$80,000,000. I am not now, of course, counting the extraordinary war expenses. Those are to be added to our great expenditures.

The truth is that every year now for several years we have had a deficit. We would have had a deficit if the Wilson bill had never passed, and I believe every conservative Senator here will admit that now. It was known at the time the so-called McKinley bill was passed that we were going to run very close to a deficit, if not make a deficit. I know a number of Senators who were not members of the Committee on Finance protested to the Committee on Finance that the reduction of rates upon sugar, and some other things, would involve us ultimately in a deficiency. We succeeded in getting out that first year with a bare two million and something of surplus, and then our deficiency began.

While it has been attributed to the fact of a change of Administration, everybody knows honestly, when he comes to look at it, that it was a deficiency because of the reduction more than was required and more than was proper in the McKinley bill. The Wilson bill was not a revenue bill; that is, I mean it was not a bill getting sufficient revenue. It was professedly a revenue bill, and not a protection bill. The difference between it and the McKinley bill was simply one of degree. It was just as much a protection bill as was the McKinley bill, except in degree. They were both laid for the purpose of revenue in one instance and protection in the other.

Now, if you will take the returns of the last four or five years and go over them you will see that there has been a steady deficiency. For many years we had a large surplus. We gradually reduced that surplus in the interest of relieving the people from taxation, although it was the policy of the party then in power to ultimately pay the debt. We had run our public debt down to a comparatively small sum, so that the interest-bearing debt February 1, 1894, had got down to \$585,000,000. At the rate we were going on up to 1890 we would have soon completed the payment of the public debt. For instance, in 1888, not going further back than that year, we had a surplus of \$119,000,000. The next year we had a surplus of \$105,000,000, and the next year, 1890, we had a surplus of practically the same amount, one hundred and five million and some odd thousand dollars. In 1891 we had a surplus of only \$37,000,000. In 1892 we had a surplus of only \$9,000,000, and in 1893 we had a surplus of \$2,341,000. This was under the McKinley bill.

There is not any reason to suppose that there would have been any greater surplus if the bill had not been interfered with and if there had been no change in the administration of public affairs. But in 1894 the deficit was \$69,000,000, or almost \$70,000,000. The next year it was \$42,000,000, in round numbers. The next year it was \$25,000,000, in round numbers. The next year it was \$17,000,000, in round numbers—that is, in 1897—and if there had been no war or no rumors of war there would have been a deficiency this year of at least \$60,000,000.

Mr. President, it may be that in time we shall get a revenue sufficient under the present bill to meet all the expenditures of the Government, but if you will look for a moment and see how our expenses are increasing, I think that will hardly be expected. In 1885 our pension list was \$56,000,000. In 1887 it had risen to \$75,000,000. In 1890 it had risen to almost \$107,000,000. In 1892 it had risen to \$134,000,000. In 1893 the pension appropriations amounted to \$159,000,000; in 1894 to \$141,000,000, and in 1896 it was a little less than \$139,000,000. This year it will be one hundred and fifty-odd million dollars anyway.

Mr. ALLISON. About \$151,000,000.

Mr. TELLER. It will be about \$151,000,000 this year. For years that item of expense will increase rather than decrease. I need not repeat what I have said before, and what everyone knows, that when this war is over, whether it be in six months or six times that period, we will enter upon expenditures in different directions that have been unknown to this country. I believe that the American people will with one voice demand that this country shall have a navy commensurate with its strength and

its importance and the danger it may be in from foreign attacks. I believe that every city on the Atlantic coast and the Pacific coast where there is any number of people and much wealth will demand adequate protection from foreign bombardment.

Mr. President, this can not be done without great expense. It is a continual expense to build ships and to run them. How much soever we may dislike it, we ought to face the inevitable. We ought to remember that our expenses are bound to be increased very rapidly from the close of the present war, not simply because of the growth of the country, but because of the increased demand for expenditures in the direction that I have named.

It does seem to me that it is the duty of the Senate, the only place where a revenue bill can be properly considered and where it can have any attention whatever under modern legislative practices, to take sufficient time upon the revenue feature of this bill to secure to the Government of the United States an adequate revenue not only in time of war, but in time of peace. I shall not myself be contented to vote on this bill or for the various amendments to it, but I may do it, unless I can have some kind of an idea as to the amount it is going to produce.

I confess, Mr. President, that after the different amendments which have been put in here I can not myself form any judgment as to what it will raise, and I do not believe anybody else can except members of the committee who have the means of determining much better than we who are not on the committee. They can call upon the Treasury Department to assist them; and it seems to me that it is the duty of the committee first to settle the revenue portion of the bill. Then there can come in later all controverted questions as to whether we shall issue bonds, and if so, how many, whether we shall coin the seigniorage, or whether we shall issue greenbacks, and if so, how many. It seems to me that that is the logical and practical method of proceeding.

I protest that there is not now any necessity for such haste that the bill should be passed in a way that it will not accomplish what everybody here knows the interests of the country demand—a fixed and determined revenue. I do not care what party is in power, these expenditures must go on. I do not want to delay the bill for a moment, but I do want, if possible, to have a bill which, when we shall have put it on the statute books, may remain there and may furnish a sufficient amount of revenue to maintain this Government as it ought to be maintained.

Of course I am very much opposed to the increase of the public debt. I myself would never agree to increase the public debt except in the case of emergency, and then I suppose I would feel just as every other good American—that if the necessity comes, we must go in debt. I am not so much afraid of debt that I would not maintain the honor of the country by going in debt if it were necessary. I believe we are only differing as to whether there is a necessity to increase the interest-bearing public debt at this time or not. I do not care to go over the debate that has been gone over.

I merely want to appeal this morning to the committee, who seem to suppose that they are charged with some duty of reaching a vote upon the bill this afternoon or to-morrow, that the Government is not suffering in the slightest degree by a failure to pass the bill. The Government will not be hampered in the slightest degree if the bill does not pass for ten days yet. The Government has all the money that it wants now, and it will have all the money it wants if the bill should not pass until the 1st of July. It can pass, and ought to pass, before that time, but it ought not to be crowded here upon us until everyone feels that it accomplishes what we profess to have started to accomplish, and that is to get an adequate revenue not only for this occasion, but when this occasion of emergency, as we call it, shall have gone.

Mr. MILLS. I rise to ask if the bill is now open to amendments.

Mr. ALDRICH. The committee amendments are not yet disposed of.

Mr. President, I fail to understand the force of the suggestions made by the Senator from Colorado [Mr. TELLER]. The bill as it stands in its present form, it is agreed upon all hands, will produce from \$150,000,000 to \$200,000,000 of revenue. It is also agreed upon all hands, without any dissent, that the extraordinary expenditures on account of the war up to the 1st of July, 1890, will amount at least to \$400,000,000.

Mr. TURPIE. I do not assent to that.

Mr. ALDRICH. The Senator from Indiana says he does not assent to that. I will then say \$300,000,000, although we have added 75,000 troops since that estimate was made; and I think all Senators upon the other side will agree that if those troops are put in the field, it will probably increase the expenses of the Government at least \$75,000,000.

Mr. HALE. If the Senator from Rhode Island will allow me, I will state that the deficiency bill alone which will come into this body from the House will appropriate from \$300,000,000 to \$350,000,000. That one bill alone will carry that sum.

Mr. ALLISON. And running only to January.

Mr. HALE. And running only to January.

Mr. TURPIE. Mr. President, if the Senator will allow me, I call his attention to the fact that 50,000 men from the second call will be used to fill up skeleton regiments, and that the estimates have been fully made for 125,000 men. That leaves only 25,000 men to be allowed for, and that expense is fully covered and more than covered by the contingencies provided for in the pending bill.

Mr. ALDRICH. I do not understand that to be the case. I understand that the first call of 125,000 men has been filled, but filled by a larger number of regiments than would be required under the maximum number.

Mr. GRAY. I am quite sure that is right. The deficiency the Secretary of War speaks of, unless I am very much mistaken, is not in the total aggregate of 125,000 men, but it is a deficiency in the organization of the different regiments that go to make up the 125,000. For instance, while the State of Pennsylvania has furnished its quota, its requisite part of the 125,000, it has done it by putting a number of regiments into the field that have 600 men instead of 1,000 or 1,200, or whatever the number is, and it is proposed to fill all these regiments to the maximum strength. That is what I understand to be the case, unless I am very much mistaken.

Mr. TURPIE. That is not what I understand. We have here the estimates made by the three Secretaries on the ground of the regiments being filled to the number of 125,000 men, and counting 1,000 men at \$1,000,000 it makes \$125,000,000. That is the basis of the calculation, and it is not increased by the second call, except as to 25,000 men, which is more than covered by the calculation of contingencies added by the two Secretaries in making their calculations, which included transportation to the West Indies and to the Philippines, and 10 per cent added to the estimated cost of transportation.

Mr. HALE. If the Senator from Rhode Island will permit me to add a word on the question of appropriations, I will state that the bill which will come from the House, carrying appropriations ranging from \$200,000,000 to \$250,000,000 will be based upon the present conditions. It will be based upon the proposition that a large number of men under the second call will be put in the first-call regiments to fill them up.

Mr. GRAY. Not to fill up the quota, but to fill up the organizations.

Mr. HALE. To fill up the organizations. Something is saved in that, but not a very large proportion. All the men have to be cared for just as if they went into new regiments. The item of saving is not very great in officers. It will be a question of saving, perhaps, \$150,000, but the great expense to the country will be almost the same it would have been if they had been put into new organizations.

Mr. ALLEN. The Senator from Iowa, who a few days ago made an estimate of the expenses of the war for a year, including the extra 75,000 troops, put the amount at only about \$375,000,000 a year.

Mr. ALLISON. There ought to be and there can be no serious difference as to what these expenditures will be. The estimated expenditures of the Secretaries before the Committee on Finance amounted, in round numbers, to \$379,000,000 up to July 1, 1899, and the estimate was on the basis of 125,000 men.

Mr. JONES of Arkansas. Certainly the Senator—

Mr. TURPIE. No, no.

Mr. ALLISON. And on the basis, practically, of a thousand dollars to a man. I will yield to my friend from Indiana in a moment.

Mr. TURPIE. Yes, sir.

Mr. ALLISON. Since that estimate has been made and since this bill has been under consideration there have been added, according to every just estimate, \$75,000,000 to our expenditure for troops alone. So upon any rational or reasonable calculation you must add \$75,000,000 to \$379,000,000, without including the extraordinary expenses which we all know are occurring from day to day. So there can be no reasonable difficulty about this matter. I now yield to the Senator from Indiana, if he wants to correct my statement.

Mr. TURPIE. I think the Senator is wrong in his statement of \$379,000,000. Two hundred and seventy-nine million dollars was the estimate, and the rest of the amount which run up to \$320,000,000—that was the limit—was made up by the contingencies, calculated at not less than 10 per cent on the expeditionary expenses, which means to Cuba and to other places.

Mr. ALLISON. I made these estimates with as much care as I could and stated them in the beginning of this debate. I fixed the amount at \$379,000,000, giving the items, which, of course, included the \$50,000,000 that was appropriated before the war began. That made \$379,000,000. Now, we have added distinctly and without reserve \$75,000,000 to that estimate. I submit to Senators that when the Committee on Finance reported the pending bill, including in it the estimate of the amount that would be raised from what are known as the amendments of the majority

of the committee (that majority provided for \$42,000,000 in one item and \$150,000,000 in another), it was suggested that with all they put in the bill there would be \$192,000,000 required in addition.

Since the bill was reported and since the debate commenced, if that was an approximate estimate, there must of necessity be added \$75,000,000 to the \$192,000,000, as shown by the majority. So, while we may add by committee amendments here and there \$5,000,000 or \$10,000,000, it is as plain to me as noonday that we must provide, under existing conditions and circumstances, either for an issue of noninterest-bearing notes to the extent of \$250,000,000 or \$300,000,000 or we must provide at least that sum, upon the basis of the estimates made by the Senator from Indiana [Mr. TURPIE], in interest-bearing securities. I do not think it is a matter of great moment that we shall ascertain with mathematical accuracy the exact expenditures.

Mr. GRAY. You can not do it, anyhow.

Mr. ALLISON. And it is impossible to do it here in the Senate, because all the additions we have made and all the taxes we have imposed must undergo the crucible of debate or consideration in the other House, and must finally pass through its final stages by the action of a conference committee. Whether this amendment or that amendment shall be added, it is impossible for us to get rid of a very large amount of money that must be raised outside of taxation and by means of the methods proposed in the two last amendments to the bill. So I think the wiser and better course would be to proceed, as we have agreed to proceed by unanimous consent, with the bill as prepared by a majority of the committee and by the committee, act upon its amendments, and then go on with such other amendments as may be proposed by Senators.

Mr. ALDRICH. Mr. President, when I was interrupted by the Senator from Indiana [Mr. TURPIE]—

Mr. ALLISON. I beg the Senator's pardon.

Mr. ALDRICH. I was about saying that it makes no difference from my standpoint whether the actual expenses of the Government within the next year shall be \$300,000,000 or \$600,000,000; and I think the latter sum will be very much nearer the amount than the former. It is evident that there must be an additional sum to the amount raised by taxation provided for in the pending bill. The question is whether it shall be provided for as the majority of the committee suggest, by coining the seigniorage and the issue of United States notes, or as suggested by the minority, by the issue of certificates of indebtedness and the use of bonds. We fix no amount of bonds to be issued absolutely. They are to be issued only for a certain and definite purpose, and that is to pay the expenses of the war; and they are to be issued only as fast as they may be required for that purpose.

So it seems to me there is no good reason why we should undertake to consider these other items in the bill before we go on and consider the provisions in relation to bonds. I presume there is no man in the Senate who does not know at this instant how he is going to vote on these propositions. I assume that his vote will not be changed whether we shall add to or subtract from the amount of taxes which we have now in the bill, or whether the final result shall be an addition or subtraction of that amount. Those of us who will vote for bonds and certificates will vote for them without regard to the amount of taxes that are imposed by the bill, because we know that those provisions are necessary to supplement the amount of taxation that may be contained in the measure when it finally becomes a law.

Mr. ALLEN. Would the Senator vote for the issuance of bonds or certificates of indebtedness if we could raise the money by ordinary taxation?

Mr. ALDRICH. It is simply impossible to raise it by the method of ordinary taxation. I know that as well now, and the Senator from Nebraska knows it as well now, as twenty-four or forty-eight hours or a month from now.

Mr. ALLEN. But the Senator says we can raise \$200,000,000 by taxation under the bill in its present form.

Mr. ALDRICH. That is my estimate, from \$150,000,000 to \$200,000,000.

Mr. ALLEN. If we can raise \$150,000,000 more or \$175,000,000 more by the coining of the seigniorage and the issuance of greenbacks, would the Senator still persist in issuing bonds?

Mr. ALDRICH. That is the very question which is now before the Senate. It is whether we shall raise \$175,000,000 in that way. That is the question which we ask the Senate to consider and decide upon now. I will agree with the Senator from Nebraska that if we should change the plan of the bill in the manner suggested by him and should coin the seigniorage and issue \$150,000,000 of greenbacks, there would be less reason for the issue of certificates and bonds than there would be otherwise.

Mr. ALLEN. Is it good business policy to issue interest-bearing obligations when you can meet the indebtedness without doing so?

Mr. ALDRICH. That is the question for the Senate to decide upon, which is next after—

Mr. ALLEN. Would that be good business policy for an individual or a private corporation, I ask the Senator?

Mr. ALDRICH. If the Senator from Nebraska should owe me, or rather, to put it in a more reasonable form, if I should owe him a thousand dollars, which he had a right to demand at any time, I should think it would be very unreasonable, very inequitable, and very dishonorable if I should go to him and say, "You must take my note without interest for the payment of that debt."

Mr. ALLEN. But suppose the Senator owed me a thousand dollars, and had the money in his pocket to pay, would it be good business policy for him to issue an interest-bearing note when he could pay cash?

Mr. ALDRICH. If I had the money, money which I did not propose to create by some act of mine; in other words, if I did not intend to force him to take my note. That is a different question. If the Government of the United States had the cash in its Treasury to pay all the expenses of this war, I assume we should not be discussing as to the ways of raising money for that purpose.

Mr. ALLEN. The Government has \$305,000,000 cash in the Treasury now, and with the \$200,000,000 that can be raised by taxation under the bill we would have \$505,000,000 more than the estimated cost of the war.

Mr. ALDRICH. Mr. President, since my service in the Senate with the Senator from Nebraska, for whom I have the greatest respect, I have never been able to agree with him as to one single fact in regard to the Treasury of the United States and its condition and its need; and I believe if I should stay here a hundred years longer I should never be able to agree with him at all upon any of those questions.

Mr. ALLEN. The fact that the Senator has never agreed with me is very strong evidence to me that I am right. [Laughter.]

Mr. PLATT of Connecticut. Mr. President, I think even though we propose to raise all the money by taxation in this bill that we will spend during the next year, and even though it was agreed that \$150,000,000 of greenbacks or Treasury notes should be issued, this Government would have to borrow money, either by certificates or by bonds, before the money could be provided by taxation or by the issue of Treasury notes. That is perfectly apparent.

The Senator from Nebraska says we have \$202,000,000 in the Treasury. I suppose nobody would desire to trench upon what is called the reserve fund at this time, when it is so necessary to maintain the credit of the Government. That takes out \$100,000,000 at once.

I apprehend that we have, at least, obligations which are already contracted to meet the other \$100,000,000. More than that, they have got to be met, and they have got to be met in large sums immediately. We can not begin to receive money from the taxation provided in this bill to any extent in thirty days nor in sixty days. The stamps have got to be provided; there has got to be a time fixed when the bill shall go into operation, and that time has got to be somewhat in advance, and we are not going to receive money from the taxation in this bill certainly under thirty days and probably not under sixty days. If we issue greenbacks or Treasury notes, they can not be prepared and printed quickly enough to replenish the Treasury and enable the Government to make its payments already contracted for and which are to be contracted for.

I apprehend, Mr. President, no matter how much taxation we may have in this bill, no matter whether or not the bill may contain a provision for the coinage of the seigniorage and the issue of Treasury notes, this Government has got to borrow money or cease paying before there can be sufficient money coming into the Treasury from the operation of the bill to meet its obligations.

Mr. TELLER. Mr. President, I do not believe that there is any warrant for the statement made by the Senator from Rhode Island [Mr. ALDRICH] that this bill will produce \$200,000,000.

Mr. ALDRICH. I said from one hundred and fifty million to two hundred million dollars.

Mr. TELLER. Nor \$150,000,000. That is a mere Yankee guess, and it is no better because the Senator comes from New England than would a guess made by me because I come from Colorado and guess the other way. It is a guess. That is what I complain of. We are guessing as to what the bill will produce; we are guessing as to what the war is to cost. If there is any doubt as to what the war is to cost, why do not the committee call the Secretary of the Treasury, the Secretary of the Navy, and the Secretary of War before them, when in an hour they could find out whether the guess on this side is correct or the guess on the other side?

Mr. HALE. If the committee should call the Secretary of War and the Secretary of the Navy before them every week for a month or two months, they would find the estimates of those heads of Departments varying every time, and varying in the direction of

increased estimates. There is no power, there is no human ken, that can do much more than guess on this subject. If the Senator were at the head of the War Department and I were at the head of the Navy Department, any estimate we should make would not be much better than a guess, an approximation, an estimate, that would change in his mind and mine every week and every month, and always in one direction.

We all of us know that nobody anticipated, either here or in the executive branches, two months ago what the war would cost. It is not that men are not bright, not keen, not shrewd, and have not good judgment, but things proceed so fast and the circumstances are so vast and controlling that nobody can tell in advance.

Mr. TELLER. Mr. President, there is a great deal of force in what the Senator says. I admit that. I have not supposed that you could get at the exact amount that will be raised under this bill; but it seemed to me, and it seems to me now, that, with the aid of the Treasury Department and with the experience that we have had in making collections of this kind, we ought to be able to arrive at something more than a guess between \$150,000,000 and \$200,000,000. If I knew this bill would raise \$250,000,000, or even \$300,000,000, I should be very well content with it. But I am not content with it as it is. I do not believe it will raise enough.

I know, on the other hand, you can not tell what the war will cost, and I think there is great force in what has been said, that we always underestimate the cost in such cases. I have anticipated myself, when I have heard these estimates, that you will find coming in later a great many expenditures which nobody had calculated upon, which will not come in during the fiscal year, and the estimates made by the Department, I have no doubt, were ample for that time, but the aftermath is what will add to the cost. I do not myself know what the war will cost, but it seems to me that the Department ought to know about what it would cost to put 285,000 men in the field and keep them there six months or a year, and we are entitled to know something about that.

We can only learn these things through our committee. None of us feel at liberty to go and ask the Secretary of War or the Secretary of the Navy or the Secretary of the Treasury for such estimates. The courtesies and the relations between the Senate and the executive department require that we should do those things as a rule through our committees.

What I complained of was that we had but a guess—absolutely a guess. It may be that we will be just as well off with a guess, especially if the Senator from Rhode Island is correct, that no matter what the bill provides, no matter what the war costs, whether it be little or whether it be large, that there is to be a bond issue; if that is settled, and the Senator is sure of his votes, then there is no use of wasting a great deal of time over it, I suppose.

Mr. President, I am in favor in an emergency of issuing some of this paper money, which has done very well in the past. If Senators say that there is danger to our financial institutions by issuing \$150,000,000 of greenbacks, that is a mere declaration, and there is not a single reason for it. We will have, as I demonstrated the other day, less per capita of paper money than we had in 1878, when it was the policy of the Government to stop contraction and to keep the greenbacks in circulation. We will have less paper money and we will have less demand upon the gold than we had then.

Mr. GEAR. It was at a discount at that time.

Mr. TELLER. It was at a discount before that time. Practically at the time we passed that act gold and paper money had got together.

Mr. GEAR. Oh, no.

Mr. TELLER. Yes; they had in 1878 practically got together, and the very fact that we stopped the contraction of paper money gave to the business of the country an impetus that helped to bring the two together. They were then very nearly together. That was long before the resumption act of January. Following that act, the paper money of this country was as good as gold, to all intents and purposes, and could be exchanged for gold.

I do not care about going over that question any further, except to say that I have not been particularly anxious to issue paper money; but if paper money is to be issued, I want it issued by the Government of the United States. I believe that will be safer and better than to issue it by the banks. I know that a bond issue means ultimately that the paper money of this country is to be issued by the national banks; and ultimately it means the retirement of every greenback and of every Treasury note afloat, and the only paper money will be the money which the corporations of the country will issue when they want to do so and retire it when they wish to do so, without any control by the Government. That they will do under this proposed system.

But I do not care to go into a debate of that question, and I did not rise to debate it. I rose simply in the hope that the committee would give us something satisfactory as to what this bill will produce. If the committee desire to go on in the way they are

doing, I shall myself offer no obstruction. I am willing to stand by any agreement they have made as to these amendments when they shall come in and govern myself accordingly.

Mr. CULLOM. Will the Senator allow me to make a suggestion?

Mr. TELLER. Certainly.

Mr. CULLOM. When this bill was first taken up for consideration in the Senate the Senator from Iowa [Mr. ALLISON], apparently representing the full committee, made a statement, which seemed to be made after fair consideration and proper inquiry of the Secretary of War and the Secretary of the Navy before the committee as to what the bill would probably yield and how much money ought to be raised. I am myself unable to see how the committee is going to come any nearer to the amount, except as developments have occurred since that time, by delay and having another investigation and summoning the heads of Departments before the committee and having a report. I should like to know, of course, as we all would, how much money we shall have to raise; but is it possible for us to come any nearer than a guess, if you please, as to the amount the bill will raise? And that has been already done.

Mr. TELLER. I have no desire to go over that question any further than I have done, and I have no desire to delay this bill; but it does not strike me as a proper way of doing business, though I may be mistaken. If I had this bill to deal with, I would sit down and figure out mathematically, if I could, what this bill is likely to produce. I would go over every item that is to be taxed, or I would have an estimate made on it by somebody, or I would make a guess on it myself. That is what we have not had, except in a general way. We are told that such a tax will produce seven or eight or ten or fifteen million dollars, and that something else will produce \$45,000,000. The bill has been materially changed from what it was when it came into the Senate.

Mr. ALLEN. The Senator from Iowa [Mr. ALLISON], on the 16th of May, made an itemized statement of what the bill would probably produce, and he estimated it at \$215,063,069.

Mr. TELLER. That is as the bill then stood.

Mr. ALLEN. As the bill then stood.

Mr. ALDRICH. There has been no substantial change since.

Mr. TELLER. There have been very great changes made in this bill. The corporation tax certainly has been stricken out of this bill and something else substituted in its place. Nobody knows what the bill will produce, and I can not guess at it myself.

Mr. ALDRICH. The estimates made by the acting chairman of the committee as to the corporation tax were stated separately from the estimates of what the other taxes would produce. The estimate made by the Senator from Iowa was that, exclusive of the corporation tax, the bill would produce \$151,000,000.

There have been no changes of any consequence in the bill as it then was reported from the committee, except in a few instances to increase taxes, but there have been no changes which would decrease the amount at all. The Senator from Iowa did exactly what the Senator from Colorado says he would have done under the circumstances. He took these items up one by one, he gave his own ideas upon them, and his judgment was assisted by the best experts he could call to his counsel as to what this bill would produce in each of its items. No man could have done anything more than that. The Senator from Colorado, with all his ability, could not have done any better, and he would not have done any differently. The committee have given the Senate and the country their best judgment as to what this bill will produce.

Mr. TELLER. Mr. President, I think I should have done differently. I have had some experience in this body, and I assert here that this is the first time that a revenue bill of this kind has ever been presented to the Senate when we did not have some definite information regarding it. I think I may say that it is the first time in the history of a revenue bill that we did not have an estimate from the revenue department as to what the bill would probably produce. We have not got it, and it is not proposed to give it to us; and, in my judgment, Mr. President, one great reason is that certain people want to lay the foundation for the issue of a great amount of bonds, and they would rather that we should be in the dark when they propose to issue a large amount of bonds, which far exceeds any estimate of the expenditures which will occur within the next fiscal year. They would rather we should not know. I know I am not likely to get information, that the Senate is not likely to get information, and the country is not likely to get any, because the bill is in the control of those who do not propose to give the information to us, and therefore I do not propose to interfere any further with the transaction.

Mr. MORGAN. I desire to put a question to the Senator from Colorado before he takes his seat. I wish to ask him if it has not occurred to him that the reason why the committee have not taken the pains to inform the Senate as to the amount of revenue to be raised from these different items of taxation, or probably can be raised from these items, is the fact that they know that

they have the power, and they intend to execute it, of raising this money by interest-bearing bonds and Treasury notes, and that we had just as well come to that point at once as to be beating about the bush or trying to fight?

Mr. TELLER. I have reached that point.

Mr. MORRILL. Mr. President, it had not been my purpose to make a speech on this subject, and I want to say only a word or two now. I have, from circumstances beyond my control, been able to give very little attention to the consideration of the bill, or not as much as I usually devote to such bills.

We all know that the revenue derived from the duties on imports are always greatly diminished by war. Here we have a bill which does not touch duties on imports, but is confined entirely to internal revenue. In addition to what is to be estimated as the amount which will accrue from internal-revenue taxes, we have to estimate the loss which will be sure to follow upon the amount of our duties on imports in consequence of war.

The proposition comes to us from the Populist side of the Senate to issue greenbacks and to coin the seigniorage, and that has been suggested by some other Senators, even by some of our own naughty boys. We are, therefore, in the condition of Dame Partington, who had a naughty boy, who had ascertained that he could show his impudence and sauce when he was in company without receiving any reprimand or talking back by his mother, and so here Republicans have had to endure some impudence and some sauce, and the Republicans have not been willing to talk back any more than Dame Partington was inclined to do when she and her boy were in company. [Laughter.] We have not been willing to talk back because, if we should do so, it would retard the progress of the bill.

Mr. President, of course the proposition here to coin the seigniorage and to issue greenbacks is not a very timely proposition to be considered in the face of our exigency now requiring further recruits for the Army. I do not think it will promote the rapid increase of volunteering by proposing to coin the silver seigniorage into dollars worth less than 44 cents, and then use them to pay our soldiers and sailors.

I have never voted against any proposition that was a fair one in relation to bimetallicism, but we all know very well that if bimetallicism is ever to occur in this country it will be brought about by a different ratio than that of 16 to 1. Therefore, any dollars that we now have which are coined on that ratio, or that may be hereafter coined on that ratio, will have to be melted up as so much bullion, and the loss will be sustained by our country. We have already bought silver to the extent of losing something like \$300,000,000 by its purchase. We now have \$100,000,000 in silver bullion, and by the proposition of the Senator from Colorado [Mr. WOLCOTT] it is proposed to have that coined at the rate of \$4,000,000 per month. It would take, therefore, over two years to have it coined, and I trust that long before that time we shall have closed this war, and certainly that coinage would be of little use, even if part of it were to be paid out before this war shall have been closed.

Therefore, Mr. President, I hope, in recruiting the additional 75,000 troops we want and to prevent a future loss of what we shall have to make up in any future bimetallic proposition that may be agreed to by our people and by other nations, that we shall do nothing which will injuriously affect our credit at home or abroad.

I know that we have some here who think that by the free coinage of silver by the United States alone they are going to make it worth par, or they say so, but they are parties who probably might be able to squeeze champagne out of an apple. So far as increase of value is concerned, the idea of squeezing any value here into silver by its free coinage is as impossible as Dean Swift said it was to squeeze wind out of a dead ass.

Mr. STEWART. Mr. President, if the chairman of the Finance Committee is to deliver a speech on the free coinage of silver, that is an invitation to everybody to take a hand, and everybody ought to take a hand in the discussion of it. If he is going to tell us that we must discard silver because we shall lose money if we do not; if he is going to tell us that money is a mere commodity and that law has nothing to do with it; if he is going to tell us all that kind of nonsense, that we can not use silver or paper as money; if he is going to controvert the decision of the Supreme Court of the United States that law makes money, that opens up a large field here, and you will start a discussion that will last a month or two.

I do not like to hear men talk in the Senate of the United States about the commodity of money, saying that they have not learned that law creates money, and that they do not seem to be able to learn it even when the Supreme Court has so decided over and over again. Silver is just as good as any other money, and paper is just as good as any other money when you issue it under the authority of law. You use the metal for the purpose of having stability; but when you talk about the parity between two metals

without talking about the parity between money and commerce and property, it is foolish.

I merely wish to say a word or two in regard to the matter which has been discussed as to the amount of money to be raised by this bill. I think my friend from Colorado [Mr. TELLER] was unreasonable to ask anybody to make an estimate upon the probable outcome from taxation without knowing what will be the volume of money. This is a tax on business, and the revenue to be derived from it will be larger or smaller, depending upon the condition of business. If there is no money upon which to do business, your receipts will be very small; and if there is plenty of money, they will be large. Consequently, before you can form an estimate within gunshot, you must have some idea of what the condition of business is to be. If you put out bonds, you furnish an investment for money, and the money will be put in the bonds, and the result will be that there will be contraction of money and very little business.

The majority of the committee say we will put out of new money \$42,000,000 of silver and \$150,000,000 of greenbacks and we will put on taxation. They offer more revenue from taxation than the minority. The minority say, "Very well, we will put out \$300,000,000 of bonds, so as to get the money." I undertake to say, from the experience of the past, that the \$192,000,000 of new money proposed by the majority of the committee, with the taxes which are imposed, will produce more money in the next year than will the \$300,000,000 of bonds and more than even \$500,000,000 of bonds. That is shown to be true by the history of the past, but I shall not go into that at this time, as it has nothing to do with the pending question.

The issuance of bonds will make business stagnant, for money will be withdrawn from the channels of business and invested in bonds. No matter how you put out bonds, they will absorb the money of the country. You are now carrying on extensive operations all over the world, which will require more money, in the Philippine Islands, in Hawaii, in Cuba, and in Puerto Rico. You are expanding your expenditures without any expansion of your money, and you are furnishing bonds in which idle money can be invested. Can you expect, therefore, that you will have active business to tax?

I venture to say that the report of the majority of the committee will provide more money in the next year than the report of the minority. With greenbacks and silver taxation it will produce more ready money in the year, and at the close we shall be free from debt. As I have said, if you take a period of two years the majority report will produce more money than will \$500,000,000 of bonds, and it will leave the country out of debt and in prosperity. There is no doubt about that.

We understand what bonds are for. They are not to carry on the war. Everybody knows they are not needed for that purpose. They are for the purpose of carrying on the banks, for the purpose of changing the control of the finances of this country and the issuance of money from the Government to the banks. This is a part of the gold scheme. If the purpose is to raise revenue we have the ordinary ways of raising it.

How did we raise revenues in extraordinary emergencies previous to the last war? It was by issuing Treasury notes, drawing interest, running one year, which were payable for Government dues and payable for taxes, and they were paid in right along. We paid as we went along. That answered in the war of 1812 and the Mexican war. During the war of the rebellion we followed the same policy. Then we issued greenbacks. After that followed the bonds. There was no large bonded indebtedness on long term created during the war. The committee have proposed to follow the system that was followed in the last war by Mr. Lincoln. They have taken Lincoln's policy, and if that is voted down, I will offer the policy inaugurated by Mr. Madison and followed until 1862.

First, we will vote on Lincoln's policy. Then we will vote on the policy of Madison, of Monroe, of Jackson, of Van Buren, of Polk, and of Buchanan. During all those Administrations this was adopted. When we vote on the committee's proposition, we are voting on Lincoln's proposition. If you repudiate that, if you vote down greenbacks, you vote down Lincoln's policy. Then I am going to propose Madison's policy, which lasted for seventy years or more. I suppose you will vote that down and will vote in the policy of Wall street and Lombard street, the policy of bonds and gold, the new policy. That is what I expect you will vote in, but you will have a chance to vote on each one of these schemes before you get to that.

Mr. ALDRICH. Mr. President, what is the pending question? The VICE-PRESIDENT. The pending question, the Chair understands, is, on page 70, to strike out sections 27 and 28 and insert the amendment proposed on behalf of the minority of the Committee on Finance.

Mr. ALDRICH. I think the exact question which was pending when this part of the bill was last before the Senate was the mo-

tion made by myself to strike out the provisions offered by the majority of the committee and insert those offered by the minority of the committee. That was the motion I made; and I understand that that is the motion now pending.

Mr. WOLCOTT. Mr. President—

Mr. ALDRICH. I suggest to the Senator from Colorado that we find out whether that is the exact status of the case. My recollection is that the provisions of the majority of the committee were read and that I then made a motion to substitute the minority provisions for the majority provisions, and that, pending the determination of that question, the Senate adjourned.

The VICE-PRESIDENT. That is the exact statement which the Chair thought it made.

Mr. ALDRICH. All right; then I am content.

Mr. WOLCOTT. I believe a motion to perfect would be acted upon prior to a motion to strike out; and if that be the rule, I desire to call up the amendment which I offered looking to the coinage of the silver bullion in the Treasury of the United States at a minimum of \$4,000,000 a month, and issue upon that bullion, as coined, certificates to the extent of the bullion in the Treasury against which certificates have not been issued; and I ask to do that. I call up the amendment and ask that it be reported.

Mr. CULLOM. What do you propose?

Mr. WOLCOTT. The amendment shows. It amends the seigniorage provision.

Mr. ALDRICH. As I understand it, my motion being in the nature of a substitute for the amendment of the committee, before the motion to strike out is acted upon it is in order to perfect the original amendment. I understand the Senator from Colorado desires to perfect the amendment of the committee.

Mr. WOLCOTT. I very much prefer to do that, if the Senate is willing.

Mr. ALDRICH. The Senator has a right to do that.

Mr. JONES of Arkansas. There is so much confusion in the Chamber that I do not understand what conclusion was reached or proposed just now. I understand the bond proposition, amendment 182, headed "Loans," is now to be disposed of by the Senate.

Mr. WOLCOTT. It was stated by the Senator from Rhode Island, I will say to the Senator from Arkansas, that the motion made prior to adjournment—the Senator from Rhode Island made it—contemplated substituting the report of the minority of the committee for the report of the majority of the committee upon these amendments, whereupon a motion to perfect would be in order.

Mr. JONES of Arkansas. Which amendments?

The VICE-PRESIDENT. Amendment 182 of the old bill, not the reprint.

Mr. ALDRICH. My motion was to strike out on page 71—

Mr. JONES of Arkansas. Which print of the bill?

Mr. ALDRICH. The print which has just been furnished us.

Mr. JONES of Arkansas. The new print?

Mr. ALDRICH. The new print, commencing with the words "coinage of silver seigniorage," down to and including line 8, on page 73.

Mr. VEST. That includes all.

Mr. JONES of Arkansas. Do you propose to pass over "loans?"

Mr. ALDRICH. No; it includes everything.

Mr. VEST. All of our amendment.

Mr. JONES of Arkansas. It seems to me the vote comes first on the proposition to strike out, on page 70, section 27.

Mr. ALDRICH. No; that is the committee amendment, and I propose to amend the committee amendment by striking out and inserting the minority report.

Mr. WOLCOTT. Which is printed at the end of the bill.

Mr. ALDRICH. Which is printed at the end of the bill.

Mr. ALLEN. Why not get through with all the amendments to the bill before taking up the question of the coinage of seigniorage and loans?

Mr. ALDRICH. All the other amendments have been disposed of. This is the only committee amendment undisposed of.

Mr. ALLEN. I am talking about individual amendments. Suppose some of the amendments offered by different Senators are adopted. It would make a very great difference in the revenue to be raised by the bill and will have much to do in determining whether we shall vote for a loan or not. Now, why not wait right here before taking up the bond issue and perfect the taxing features of the bill?

Mr. ALDRICH. That is the point which was under discussion this morning, and I think everybody agreed except the Senator from Nebraska—

Mr. ALLEN. I participated in the discussion and did not hear that point raised.

Mr. ALDRICH. It was raised by Senators, and we are proceeding under a unanimous-consent agreement to dispose of the committee amendments first.

Mr. ALLEN. Does not the Senator see any propriety in my suggestion?

Mr. ALDRICH. I fail to see any propriety in it.

Mr. ALLEN. Very well; I see it myself.

Mr. JONES of Arkansas. The pending committee amendment is to strike out section 27, if I understand it correctly.

Mr. ALDRICH. To strike out sections 27 and 28 and to insert certain provisions, and I move to amend the amendment by substituting in place of it the amendment reported by the minority of the committee, and that is the pending question. Now, the Senator from Colorado desires to perfect the amendment reported by the majority of the committee by changing the phraseology, and I think he is in order.

Mr. JONES of Arkansas. The Senator from Colorado desires to do that, you say?

Mr. ALDRICH. The Senator from Colorado desires to do that.

The VICE-PRESIDENT. Does the Senator from Colorado desire to offer an amendment?

Mr. WOLCOTT. I desire to offer the amendment which I propose for the coinage of the seigniorage, and ask to have it read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. Under the head of "Coinage of silver seigniorage," on page 74, line 17, of the print of May 13, the old print—

Mr. FRYE. Page 71 of the new print.

Mr. MILLS. I hope we can have order, so as to know what is going on.

The SECRETARY. Under the heading "Coinage of silver seigniorage," after the word "dollars," insert "to an amount of not less than \$4,000,000 per month."

The VICE-PRESIDENT. Where will the amendment be inserted in the new print of the bill?

Mr. MILLS. At what line?

Mr. FAULKNER. I suggest that, as we have the new print, these amendments ought all to be proposed to it, so that we can trace the connection of the amendment with what has already taken place.

The VICE-PRESIDENT. The Chair makes that suggestion to the Senator from Colorado.

The SECRETARY. The amendment comes in on page 71 of the new print, line 24, after the word "dollars."

Mr. MILLS. I desire to ask the Senator from Colorado what is the object he has in view in limiting the coinage? Why not coin all the silver and let the Government take the money and purchase army supplies?

Mr. WOLCOTT. The reason is that possibly the Secretary of the Treasury would view with some difference an order which required him to coin the seigniorage generally at once and a specific law of Congress requiring him to coin at a minimum \$4,000,000 a month. On the appropriation bills we can make the proper appropriations for the coinage of the seigniorage, and if we designate a minimum of \$4,000,000 a month (we know that the capacity of the mints is nearly \$5,000,000 a month), we are certain to get that much out.

The VICE-PRESIDENT. The amendment is, in line 24, page 71 of the new print, to insert the words "to an amount of not less than \$4,000,000 a month."

Mr. ALLEN. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 71 of the new print, beginning with line 21, under the head of "Coinage of silver seigniorage," it is proposed, after the word "dollars," to insert "to an amount of not less than \$4,000,000 per month."

On page 72, line 1, after the word "law," insert the word "all."

On page 72, line 2, after the word "Treasury," strike out the remainder of the section; so that the section will read:

SAC. — That the Secretary of the Treasury shall immediately cause to be coined, as fast and as soon as possible, into standard silver dollars, to an amount of not less than \$4,000,000 per month, which shall be of like weight and fineness, and of like legal-tender quality, as those provided for under existing law, all the silver bullion now held in the Treasury.

Mr. ALLEN. That is to be substituted for what?

Mr. WOLCOTT. The Secretary has just read what it is to be substituted for.

Mr. ALLEN. I know; but the coinage of the seigniorage has not been—

Mr. JONES of Arkansas. Mr. President—

The VICE-PRESIDENT. The Senator from Nebraska is making an inquiry.

Mr. JONES of Arkansas. I thought the Senator from Nebraska was through.

Mr. ALLEN. The Senator from Arkansas can proceed.

Mr. JONES of Arkansas. I would very much prefer the proposition of the Senator from Colorado to no legislation on this subject, but I would prefer the proposition of the committee to the

Senator's proposition. I do not want to vote against the proposition except in defense of the provision as it stands in the bill. For the purpose of bringing this question squarely before the Senate, I ask him to make his motion in this way: First, move to strike out this part of the bill, giving notice that he intends to move to insert, if his motion carries, the substitute for it as it was read at the desk. I will in that case vote against striking this out, but if a majority of the Senate strikes it out, then I will vote for the proposition of the Senator from Colorado.

Mr. WOLCOTT. I think we both want to reach the same end; that is, to get the seigniorage out of the Treasury and into circulation. There are a number of Senators on this side of the Chamber who want that seigniorage out. They are anxious, however, that instead of issuing at once forty-two millions of paper money, of certificates, while the bullion is still uncoined, we shall coin it as rapidly as possible and issue the certificates upon it as soon as coined, and at the rate of \$4,000,000 a month it gets it out in ten months. We get it out as speedily as it could otherwise be got out.

There is a further reason for the amendment to which I wish to call the attention of the Senator from Arkansas. Under existing law we have a provision that certificates shall be issued against all the silver bullion purchased, not counting the gain, or seigniorage; that the bullion shall be coined as rapidly as may be necessary for the purpose of redeeming the silver certificates when redemption is called for. Now, if we exhaust the capacity of the mints for a time to come, we apparently ignore or inferentially repeal, certainly postpone, that provision of law which calls upon the Secretary of the Treasury to coin this bullion as redemption may be demanded.

Therefore, if we can have it all coined with the saving provision at the end of the section that the dollars as coined shall stand as well for the redemption of these certificates as for the certificates heretofore issued under the act of 1890, we avoid any possible legal complication. I do hope that the Senator from Arkansas will yield, to the extent of the immediate issuance of these certificates, to this suggestion, in order that those who want that silver coined into dollars and put in circulation may vote together, because there are some members of the Senate, I think, possibly, who would not care to vote for the coinage of the seigniorage if the certificates are to be immediately issued, who are anxious to have it out of the way and will vote for it if there is a postponement; and there are others, and to this I invite especially the attention of the Senator from Arkansas, who are so anxious for the coinage of this seigniorage that they want it out anyway, but they do desire if possible to have this safeguard about it, and they desire as well to secure as strong a vote as possible from those members of the Senate in each and all political parties who want to dispose of this bullion forever.

Mr. TELLER. I should like to suggest to my colleague that the latter part of the amendment, I think, needs some modification. The amendment says:

That all said moneys so coined, including the amounts of the gains or seigniorage so coined, shall be held, both for the redemption of the Treasury notes heretofore issued under and by virtue of the act of July 14, 1890, and for the redemption of the certificates issued under this act.

I am afraid in that case the Secretary would hold all the money. He would only hold for the redemption of the Treasury notes so much as may be required, say \$102,000,000—

Mr. WOLCOTT. I do not understand that the word "held" means "to retain."

Mr. TELLER. That is what I am afraid it will be construed to mean.

Mr. WOLCOTT. Not for a moment. The only meaning is to be held liable.

Mr. TELLER. I suggest that it be changed to "used."

Mr. WOLCOTT. "Shall be used." That is just as well as "held." That was the meaning in which the word "held" was used.

Mr. TELLER. I understand it was, but I am afraid they would keep it in the Treasury and not issue any of these dollars, if they could help it.

Mr. WOLCOTT. In line 13, page 2, of the amendment, by unanimous consent, change the word "held" to "used;" so as to read "used, both for the redemption, etc."

Mr. JONES of Arkansas. I think it would be satisfactory to Senators on this side of the Chamber to agree that the amendments of the Senator from Colorado shall be adopted, but we prefer the present provision. We would much prefer to have the present arrangement, and we give notice that when we get into the Senate we will offer to substitute the present measure. However, we agree that it shall go into the bill now.

Mr. WOLCOTT. I am obliged to the Senator from Arkansas.

Mr. ALDRICH. I suggest to the Senator from Colorado that, on the second page of his amendment as printed, after the words "gains or seigniorage," there should be inserted "hereafter accruing." As the Senator has it here it might be held to cover the

gain or seigniorage which has already been covered into the Treasury. Nineteen million dollars of gain or seigniorage has been covered into the Treasury and certificates issued against it.

Mr. WOLCOTT. What is the suggestion of the Senator from Rhode Island? I think it has value.

Mr. ALDRICH. To say, in line 8, "the amounts of the gains or seigniorage hereafter accruing."

Mr. WOLCOTT. "Gains or seigniorage hereafter accruing."

Mr. ALLISON. It means that now.

Mr. WOLCOTT. I suppose so.

Mr. ALDRICH. I should like to make it perfectly clear. We do not want to take any chance of covering the seigniorage already turned in.

Mr. WOLCOTT. Nobody does.

Mr. BACON. I ask the Senator to state what the change was? We can not hear on this side of the Chamber.

Mr. WOLCOTT. In line 13, page 2, it is proposed to say "gains or seigniorage hereafter accruing," so that it shall not cover the gain or seigniorage which has been already turned into the Treasury of the United States. The words mean the same thing now.

Mr. ALDRICH. In order that this matter may go on in as simple a way as possible and that we may get a direct vote upon the proposition of the Senator from Colorado, I withdraw my amendment, or modify it so that it shall only apply to that portion of this amendment after line 16, on page 72. I propose to substitute the minority for the majority provision, or that part of the majority report, and let a separate vote be taken at once upon the question of the seigniorage.

Mr. JONES of Arkansas. Why does not the Senator, as his proposed amendment relates to the issue of bonds, substitute it for the proposition to strike out sections 27 and 28?

Mr. ALDRICH. Because I prefer to do it in this way, and I want a vote upon the minority provision instead of the bill as it came from the House.

Mr. CHILTON. In other words, your proposition now comes up squarely between issuing bonds and issuing United States notes?

Mr. ALDRICH. Certainly.

Mr. JONES of Arkansas. I did not so understand it.

Mr. ALDRICH. I think this is the simpler way of getting at it. I will allow a vote to be taken upon the provision in regard to the seigniorage as modified by the Senator from Colorado.

The VICE-PRESIDENT. The Secretary will read the amendment as now modified and proposed by the Senator from Colorado.

The SECRETARY. On page 71, beginning with line 23, it will read as follows:

SEC. —. That the Secretary of the Treasury shall immediately cause to be coined, as fast and as soon as possible, into standard silver dollars, to an amount of not less than \$4,000,000 per month, which shall be of like weight and fineness and of like legal-tender quality as those provided for under existing law, all the silver bullion now held in the Treasury.

Then strike out, on page 73 of the new print, lines 9 to 16, inclusive, and insert in lieu thereof the following:

That the Secretary of the Treasury is authorized to issue, as said silver is coined, silver certificates of similar design and denominations and of the same quality, payable and redeemable in like manner as those authorized by law, to the amount of the gain or seigniorage derived from the purchase of silver bullion by the Treasury under the act of July 14, 1890.

That all said moneys so coined, including the amounts of the gains or seigniorage so coined, shall be used, both for the redemption of the Treasury notes heretofore issued under and by virtue of the act of July 14, 1890, and for the redemption of the certificates issued under this act.

Mr. ALDRICH. The Secretary has not read the amendment I suggested in line 9, before the word "derived" to insert the words "hereafter accruing."

Mr. WOLCOTT. Yes; and not in line 13. It was a mistake. It should be in line 9.

Mr. ALDRICH. In line 9, before the word "derived."

The SECRETARY. After the word "seigniorage," at the end of line 8, it is proposed to insert "hereafter accruing."

Mr. WOLCOTT. That leaves line 13 as printed.

Mr. ALDRICH. That is right.

Mr. STEWART. The whole of it is to be coined and silver certificates only issued for that part which is seigniorage.

Mr. WOLCOTT. Yes; because silver certificates have already been issued on the rest of it.

Mr. STEWART. It will take two years or more to coin it all at the rate of four millions a month.

Mr. WOLCOTT. Yes; but only about nine months to coin the seigniorage.

Mr. STEWART. Do you issue certificates for the seigniorage?

Mr. WOLCOTT. Immediately.

Mr. STEWART. The full amount of the coinage is made available for certificates?

Mr. WOLCOTT. Immediately.

Mr. STEWART. We will get that much.

Mr. WOLCOTT. Immediately. Certificates for the forty-two millions will be issued at once.

Mr. ALLEN. I should like to have explained the significance of the amendment proposed by the Senator from Rhode Island to the amendment of the Senator from Colorado.

Mr. JONES of Arkansas. That is not up.

Mr. ALLEN. It is up now.

Mr. JONES of Arkansas. I did not so understand.

Mr. ALLEN. The amendment reads, "the amounts of the gains or seigniorage hereafter accruing." What is meant by the words "hereafter accruing?" I am addressing myself to the Senator from Rhode Island.

Mr. ALDRICH. There has been about \$19,000,000, in round numbers, of gain or seigniorage already covered in the Treasury, for which silver certificates have been issued. The amendment is to make it clear. I desire, as the Senator from Colorado and all other Senators desire, that the silver certificates hereafter issued shall be against only the forty-two millions of seigniorage which will accrue when the silver in the Treasury is coined.

Mr. ALLEN. The amendment does not express that. The amendment expresses the thought that silver certificates are to be issued against the seigniorage hereafter accruing.

Mr. ALDRICH. That is what we all understand.

Mr. ALLEN. No; we have that seigniorage on hand—\$42,000,000.

Mr. ALDRICH. Gain or seigniorage does not accrue until the silver is coined.

Mr. ALLEN. Oh, well, I do not take that view. That very provision nullifies the whole amendment.

Mr. WOLCOTT. Oh, no, if the Senator from Nebraska will allow me. We have already had a lot of profit which has been turned in.

Mr. ALLEN. I understand.

Mr. WOLCOTT. No seigniorage accrues until the bullion is turned into dollars and a certain number of ounces are left. This provision requires the Secretary of the Treasury to coin that, but does not affect that already turned into the Treasury.

Mr. ALLEN. I do not accept that interpretation as being correct. Whenever the silver was purchased the difference between the purchase price and the coin value of the silver, if it had been coined, was seigniorage, and it became seigniorage at that time. That is all there is about it, and to insert the words "hereafter accruing" is simply to nullify this portion of the amendment. If we had a Secretary of the Treasury who was anxious to carry out a provision of law on the subject of the coinage of silver, I would have no particular objection to the form of this amendment, but the amendment, if adopted, is capable of the construction I have placed on it, and it simply operates to destroy itself in the hands of a very smart and acute Secretary of the Treasury. There is another portion of the proposed amendment, if I can have the attention of the Senator from Colorado for a moment—

Mr. WOLCOTT. May I interrupt the Senator?

Mr. ALLEN. Yes, sir.

Mr. WOLCOTT. I ask the attention of the Secretary. Let the words "hereafter accruing," which have been inserted, be stricken out, and add after the word "ninety," in line 11, a comma and the words "until the sum of \$42,000,000 shall have been issued."

Mr. ALLEN. Is that the amount?

Mr. WOLCOTT. Yes, sir; that is the amount.

Mr. ALLEN. There is another fact to which I desire to call the attention of the Senator from Colorado. This amendment provides "that the Secretary of the Treasury is authorized to issue, as said silver is coined, silver certificates," etc.

That is merely permissive. It is not mandatory nor obligatory upon the Secretary of the Treasury. I ask the Senator from Colorado to accept this proposed amendment: after the word "authorized," in line 5, on page 2 of the amendment, insert the words "and directed;" so that there may be no escape from carrying out the provision of the amendment.

Mr. WOLCOTT. All right. That is perfectly acceptable to me. As I share the Senator's confidence in the Secretary, I am willing to have the words "and directed" inserted in the amendment.

Mr. ALLEN. A law that is made so that a man must carry it out puts an end to all doubt. It is the latitudinarian constructionist who nullifies a law.

Mr. MORGAN. I should like to have a statement now of the exact condition of the question before the Senate.

The VICE-PRESIDENT. The Chair understands that the Senator from Colorado is attempting to perfect the text of the amendment of the committee, so that it will read as the Secretary will now read.

Mr. WOLCOTT. Yes; let the Secretary read it as it is now.

The SECRETARY. It is proposed to strike out the committee amendment beginning on line 9, page 73, of the new print of the bill, and to insert in lieu the following, as modified:

That the Secretary of the Treasury is authorized and directed to issue, as said silver is coined, silver certificates of similar design and denominations

and of the same quality, payable and redeemable in like manner as those authorized by law, to the amount of the gain or seigniorage derived from the purchases of silver bullion by the Treasury under the act of July 14, 1890, until the sum of \$42,000,000 shall have been issued. That all said moneys so coined, including the amounts of the gains or seigniorage so coined, shall be used both for the redemption of the Treasury notes heretofore issued under and by virtue of the act of July 14, 1890, and for the redemption of the certificates issued under this act.

Mr. WOLCOTT. I ask for a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

Mr. RAWLINS. Mr. President, I should like to call the attention of the Senator from Colorado to one feature of this proposed amendment, with which amendment, I want to say, I am in sympathy. As modified according to the suggestion of the senior Senator from Colorado, its last clause, as I understand it, would now read that all said moneys so coined shall be for two purposes—that is, for the redemption of Treasury notes and silver certificates. What I want to ask is whether the expression of those two uses may not be construed as excluding all others?

Mr. WOLCOTT. I will say to the Senator from Utah that there are no other purposes for which these silver dollars can be issued. They are held in the Treasury, those now coined, for exchange for the certificates issued against them under the law of 1890. The new coinage will be held as against the certificates issued; the certificates issued will be held as against the coinage of the \$42,000,000. This simply provides that all of it shall now be held for either or both purposes. If the redemption of certificates is called for, they would use these dollars indifferently for the redemption of certificates issued under the law of 1890 or for the redemption of certificates issued under this act.

Mr. RAWLINS. There is one other question as to the practice of the Treasury Department with which I am not entirely familiar. Suppose a silver certificate issued as directed in this amendment is presented to the Treasury, it may be redeemed in silver dollars?

Mr. WOLCOTT. In silver dollars.

Mr. RAWLINS. Would that certificate then be subject to reissue?

Mr. WOLCOTT. Not while the silver dollar is out.

Mr. RAWLINS. Not while the silver dollar is out?

Mr. WOLCOTT. One takes the place of the other.

Mr. RAWLINS. It might be returned and a silver certificate obtained for it?

Mr. WOLCOTT. Certainly, and reissued; but both dollars and certificates can not be out as against the same silver.

Mr. STEWART. Mr. President, I desire to ask the Senator from Arkansas just what course is proposed. I would prefer this proposition to nothing, but in voting for it I do not wish to have a record made that I am antagonizing the report of the committee, which I much prefer. I should like to have the Senator from Arkansas explain just how he proposes to give us an opportunity to express our views on both propositions.

Mr. JONES of Arkansas. The Senator from Nevada has expressed my idea very clearly. I would very much prefer the committee's proposition—the proposition now in the bill—but I would very much prefer to have the proposition of the Senator from Colorado to having no legislation at all upon this subject. To avoid a conflict between the two I shall now vote to insert the proposition of the Senator from Colorado in the bill, with notice distinct to him and to the Senate that when we get the bill in the Senate we shall move to strike out this proposition and substitute what is now in the bill as the committee's proposition. If we lose that, then we shall save what the Senator from Colorado proposes. This is the purpose exactly in the course I propose to pursue.

Mr. PETTIGREW. It seems to me the amendment offered by the Senator from Colorado accomplishes but very little. There can be no seigniorage only so fast as the dollars are coined, and then the seigniorage will be the difference between the cost of the bullion and the dollars issued. Under this provision it will take about two years to coin the bullion in the Treasury. Therefore during the first year but very little seigniorage will be secured, perhaps twelve or fifteen million dollars, by the time we have issued 42,000,000 silver dollars. So we are not really getting the benefit of this seigniorage within nine months or a year, as has been stated, but we shall only get the benefit of the whole of it when all the bullion is coined, which will take two years' time.

I am going to vote for the provision—I do not care what shape it is in—not because I like it, but because I think I shall have a chance to vote for a better proposition—the committee's provision—when the bill comes into the Senate, and if we should defeat this now, we would have nothing to act upon then. I suppose we could offer the committee's proposition, even if this amendment were defeated. I consider this provision, however, of but very little consequence.

Mr. ALLISON. Mr. President, I desire to say only a word. I think the Senator from South Dakota is mistaken as to the posi-

tion occupied by the amendment of the Senator from Colorado. These certificates are issued as the silver is coined, so that \$4,000,000 a month of the certificates would go out.

Mr. PETTIGREW. I should like to ask the Senator this question: At the same time, under the law, are they not required to retire them and Treasury notes now out against the bullion?

Mr. ALLISON. No; because the modification here which the Senator proposes is that this silver shall be held for the redemption of both the Treasury notes and the certificates.

Mr. PETTIGREW. Does the Senator undertake to say that we shall have out silver certificates against the silver dollars coined and also Treasury notes out against the bullion out of which they are coined? Is that the proposition?

Mr. ALLISON. Hardly that. It would not be my proposition. The bullion is in the Treasury, and these dollars are held as well as the bullion against the Treasury notes.

Mr. PETTIGREW. Previously, when we bought the bullion, we issued Treasury notes against it. When we coined the bullion, we issued silver certificates against the dollar. Therefore there is nothing left with which to redeem the Treasury notes. If I am wrong about that, I should be glad to know it. The consequence is we are obliged to redeem those notes. The law requires their redemption.

Mr. ALLISON. The law of 1890, if that be the law, provides that the bullion in the Treasury shall be held for the redemption of the Treasury notes, and that there shall be from time to time bullion coined to redeem the Treasury notes outstanding. The result of that proposition has been, when silver bullion has been coined, to redeem Treasury notes, and the surplus, or seigniorage, has gone into the Treasury. So now there is bullion enough to make dollars sufficient to redeem the Treasury notes, and 42,000,000 coin dollars in addition.

The Senator from Colorado proposes that all the bullion shall be coined at the rate of \$4,000,000 per month until it is all coined. Then he provides that until \$42,000,000 is reached certificates may be issued against the bullion coined, and that those certificates shall be held for the redemption of the certificates outstanding as well as the Treasury notes outstanding. There is still back, however, all the time a sufficient amount of bullion which when coined will redeem all the Treasury notes and all the certificates, when this process is completed. So I do not think the amendment is subject to the criticism made by the Senator from South Dakota.

Mr. PETTIGREW. I am not yet clear in regard to it. Of course when we coin these dollars, \$4,000,000 for instance, there is at once an excess of Treasury notes out.

Mr. COCKRELL. No, no.

Mr. WOLCOTT. How?

Mr. PETTIGREW. Suppose we should coin all the bullion and issue dollars against it, would not the Treasury notes be retired? Do they not have to be retired as fast as you coin?

Mr. ALLISON. Not at all.

Mr. PETTIGREW. They are issued against the bullion.

Mr. ALLISON. The Secretary can now coin all this silver bullion if he wants to do so.

Mr. PETTIGREW. I understand that.

Mr. ALLISON. And when he coins it, he will have ninety million or over of Treasury notes to redeem. Then they are all redeemed. Then he still has bullion to coin in excess to meet the certificates proposed.

Mr. PETTIGREW. Does he not redeem them as fast as he coins? Has not that been the practice? Does the Senator pretend to say that we have as many Treasury notes now as we had when we bought the bullion?

Mr. ALLISON. If I did say so, I said what I know not to be the fact.

Mr. PETTIGREW. We have retired—

Mr. ALLISON. We have retired a large amount of Treasury notes. It has been the custom of the Treasury, under all Administrations, to have an excess of coin money, \$10,000,000 or \$15,000,000—I believe it is now between \$4,000,000 and \$5,000,000, over and above the bullion—in order to redeem currently such Treasury notes as come in, and we have redeemed about \$50,000,000 of these notes.

Mr. TELLER. Fifty-three million dollars.

Mr. ALLISON. Fifty-three million dollars.

Mr. COCKRELL. Nineteen million six hundred and forty-five thousand dollars.

Mr. ALLISON. Here are two doctors disagreeing.

Mr. COCKRELL. That is the seigniorage. We have redeemed \$53,536,000 up to the 13th day of May.

Mr. ALLISON. Very well. The Senator from Missouri is always accurate, and he has the figures there. We have redeemed those notes from the bullion coined.

Mr. COCKRELL. And the seigniorage.

Mr. ALLISON. And the seigniorage arising from that coinage

has gone into the Treasury, and silver certificates have been issued for it.

Mr. COCKRELL. Over \$19,000,000 of seigniorage.

Mr. ALLISON. We have still a large amount of bullion in the Treasury. When we have coined it all we can redeem all the Treasury notes with it, and redeem all the certificates proposed by the Senator from Colorado besides. The Senator from Colorado proposes to so modify the law of 1890 that the Treasury may issue certificates against the \$42,000,000 as it is coined, and hold those dollars for the redemption of the certificates, as well as for the redemption of the Treasury notes. That will never happen, because the Secretary of the Treasury who wants to redeem Treasury notes will always be sure to have enough coin in addition to the \$42,000,000 to meet the demands of the Treasury notes as well. So, whilst there may be a little circumlocution about it, it is perfectly apparent that it can be accomplished.

Mr. PETTIGREW. It seems to me that the situation is about this: When we have coined \$42,000,000 we will have retired whatever number of Treasury notes the bullion cost, out of which the dollars are made—

Mr. COCKRELL. Not at all.

Mr. PETTIGREW. And the increase in currency will be the difference between the cost of the bullion and the dollars that are made out of it, and that is the seigniorage.

Mr. ALLEN. Mr. President, I do not want to delay the vote, but the last paragraph of the amendment of the Senator from Colorado, it seems to me, ought to be made plainer than it is.

That all said moneys so coined, including the amount of the gains or seigniorage so coined, shall be used both for the redemption of the Treasury notes heretofore issued under and by virtue of the act of July 14, 1890, and for the redemption of the certificates issued under this act.

It was claimed, if not officially, at least semi-officially, during the Cleveland Administration that every ounce of silver in the Treasury under the act of 1890, including the seigniorage, was by that act mortgaged for the redemption of the notes then in existence. It has been claimed ever since. I do not know that I make myself exactly plain. It was claimed, for instance, that if we had 200,000,000 ounces of silver and had issued but \$100,000,000 of certificates, the whole 200,000,000 ounces of silver were pledged as a mortgage to the redemption of the \$100,000,000 of certificates.

Mr. President, I do not believe any honest man can make that claim; but, nevertheless, if that is to be claimed hereafter, what is to prevent the Secretary of the Treasury, under the paragraph which I have just read, from saying that that is the true interpretation of the law and holding that a portion of these certificates shall be redeemed in gold, and thus create disturbance in the policy the Senator from Colorado now seeks to establish? Are there not some words that can be inserted in this provision putting an end to that possible construction?

Mr. WOLCOTT. I think it is perfectly clear.

Mr. JONES of Arkansas. I ask for the yeas and nays.

The VICE-PRESIDENT. The question is on the amendments offered by the Senator from Colorado [Mr. WOLCOTT] to the committee amendment. Is there objection to those amendments? The Chair hears none. The yeas and nays are called on agreeing to the amendment of the committee as modified.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. QUAY]. I am informed that if he were present he would vote "yea" upon this proposition. I therefore feel at liberty to vote, and I vote "yea."

Mr. ALLEN (when Mr. TURNER's name was called). The junior Senator from Washington [Mr. TURNER] is paired with the junior Senator from Wyoming [Mr. WARREN]. If the junior Senator from Washington were present, he would vote "yea."

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. TURNER], and on the announcement made by the Senator from Nebraska [Mr. ALLEN] that he would vote "yea" if here, I shall take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. PASCO (after having voted in the affirmative). I am paired with the Senator from Washington [Mr. WILSON], who I observe is not in the Chamber. I have arranged with the Senator from Massachusetts [Mr. LODGE] that we transfer our pairs so that the Senator from Washington [Mr. WILSON] will be paired with the Senator from Georgia [Mr. CLAY], and we will each let our votes stand. We have both voted.

Mr. FAULKNER. I desire to announce that my colleague [Mr. ELKINS] is paired with the Senator from Washington [Mr. TURNER]. If my colleague were present, he would vote "nay" on this amendment and the Senator from Washington would vote "yea."

Mr. BACON. I desire to state that my colleague [Mr. CLAY] is temporarily absent from the Chamber. If he were present, he would vote "yea." He stands paired with the Senator from

Washington [Mr. WILSON] by a transfer effected between the Senator from Florida [Mr. PASCO] and the Senator from Massachusetts [Mr. LODGE].

Mr. MASON. I desire to announce my pair with the junior Senator from Mississippi [Mr. SULLIVAN]. If he were present, I am informed he would vote "yea." I would vote "nay." I therefore withhold my vote.

Mr. BUTLER (after having voted in the affirmative). I suggest to the Senator from Illinois [Mr. MASON] that we transfer our pairs so that we may vote. I am paired with the junior Senator from Maryland [Mr. WELLINGTON].

Mr. MASON. I should be very glad to do so.

Mr. BUTLER. I have already voted "yea," and the Senator from Illinois is at liberty to vote.

Mr. MASON. Then, with that transfer, I shall vote. I vote "nay."

The result was announced—yeas 48, nays 31; as follows:

YEAS—48.

Allen,	Faulkner,	Mantle,	Boach,
Bacon,	Gray,	Martin,	Shoup,
Bate,	Hansbrough,	Mills,	Stewart,
Berry,	Harris,	Mitchell,	Teller,
Butler,	Heitfeld,	Money,	Thurston,
Cannon,	Jones, Ark.	Morgan,	Tillman,
Carter,	Jones, Nev.	Pasco,	Turley,
Chandler,	Kyle,	Perkins,	Turpie,
Chilton,	Lindsay,	Pettigrew,	Vest,
Clark,	McEnery,	Pettus,	Warren,
Cockrell,	McLaurin,	Pritchard,	White,
Daniel,	Mallory,	Rawlins,	Wolcott.

NAYS—31.

Aldrich,	Fairbanks,	Hawley,	Nelson,
Allison,	Foraker,	Hoar,	Platt, Conn.
Baker,	Frye,	Lodge,	Platt, N. Y.
Barrows,	Gallinger,	McBride,	Proctor,
Caffery,	Gear,	McMillan,	Sewell,
Cullom,	Gorman,	Mason,	Spooner,
Davis,	Hale,	Morrill,	White,
Deboe,	Hanna,	Murphy,	Wetmore.

NOT VOTING—10.

Clay,	Penrose,	Sullivan,	Wilson.
Elkins,	Quay,	Turner,	
Kenney,	Smith,	Wellington,	

So the amendment of the committee as modified was agreed to. Mr. CLAY subsequently said: Mr. President, during the time when the vote was taken on the committee amendment providing for the coinage of \$42,000,000 of silver, I was temporarily absent from the Senate Chamber, having been called to the other House on official business. I desire to state that I was paired with the Senator from Washington [Mr. WILSON]. Had I been present, I should have voted in favor of the committee amendment providing for the coinage of \$42,000,000 of silver.

Mr. ALDRICH. Now, Mr. President, I renew my motion to substitute the amendment suggested by the minority of the committee for the provision in regard to the issue of United States notes.

The VICE-PRESIDENT. The Senator from Rhode Island moves the amendment which appears on page 75, sections 27 and 28.

Mr. ALDRICH. I suggest that the figures "27" and "28" be stricken out, so that they will be left blank sections and numbered hereafter.

The VICE-PRESIDENT. The amendment is before the Senate. Mr. ALLEN. Let the amendment be stated.

Mr. GORMAN. What is proposed to be stricken out?

Mr. ALDRICH. It strikes out the provision reported by the majority of the committee in favor of the issue of United States notes and inserts the provisions reported by the minority of the committee in favor of issuing certificates of indebtedness and bonds.

Mr. GORMAN. It does not deal with the silver question?

Mr. ALDRICH. It does not touch the silver question at all.

Mr. STEWART. Is the amendment amendable?

Mr. ALDRICH. I think not. It would be an amendment in the third degree.

Mr. STEWART. You propose an amendment.

Mr. ALDRICH. But it is an amendment to an amendment.

Mr. STEWART. But the amendment of the committee was to be treated as the text of the bill.

Mr. ALDRICH. No; there was no such agreement made. It can be amended in the Senate.

Mr. STEWART. I should like to move an amendment to it right here. I ask unanimous consent to offer an amendment to the amendment.

Mr. GALLINGER. I object.

Mr. ALDRICH. I object. The Senator has a right to offer his amendment when the bill is in the Senate, if he wants to do so.

Mr. ALLEN. I heard very indistinctly the colloquy between the Senator from Nevada and the Senator from Rhode Island about an amendment, but I gather that the Senator from Rhode Island holds that his amendment is not subject to amendment.

Mr. STEWART. The Senator from Rhode Island said that my amendment was an amendment in the third degree.

Mr. ALLEN. The Senator from Rhode Island holds that no other amendment can be offered and that no change can be made.

Mr. ALDRICH. This is an amendment to a committee amendment.

Mr. ALLEN. What has that got to do with it?

Mr. ALDRICH. It is an amendment in the second degree, and therefore a further amendment to that would be an amendment in the third degree, and not in order.

Mr. ALLEN. I understand that may be true. I do not profess to indulge in the refinements of that kind of parliamentary law or knowledge, which is about as useless as the dust on a shelf; but here the Senator—

Mr. ALDRICH. It is perfectly competent for the Senator from Nebraska or any other Senator to offer as an additional provision any amendment he may see fit. This cuts off nobody. What I desire is simply to have a vote on this proposition as it stands.

Mr. ALLEN. What I desire is to modify the amendment, and the Senator from Rhode Island informs me that it can not be done.

Mr. ALDRICH. Not at this stage. It can be done when the bill is reported to the Senate.

Mr. ALLEN. I am told it can not be done, under some peculiar parliamentary rule which the Senator does not disclose. I do not care about knowing anything about it.

Mr. GEAR. The bill as it came over from the other House was an original proposition, and the Senate committee has made an amendment to that. Now the Senator from Rhode Island has offered an amendment to that amendment, and that cuts off all further amendments except by common consent.

Mr. ALLEN. I understood that before the Senator told me, but I do not believe that is the rule.

Mr. GEAR. That is the rule.

Mr. ALLEN. The Senator can assert it as much as he sees fit and as openly as he may see fit, and yet the Senator can not justify it even by a respectable subterfuge, to say nothing about the reason for the enforcement of a rule of that kind. It is not the parliamentary law. It may be some man's construction of a rule, but it is not the rule itself, and it has not been the rule in this Chamber heretofore.

Mr. President, this simply illustrates what has manifested itself all the way through this discussion, that when we come to this infamous bond feature, which is to place on the country a perpetual interest-bearing national debt, parliamentary usage and common sense and ordinary decency are to be thrown aside and ignored and a gag law instituted in their stead. If any man alive can justify himself for doing wrong, he ought to be willing to stand on his feet in this Chamber and proclaim the reason; he ought not to seek to skulk and hide himself behind obstructions of his own creation. I know the Senator's constituency will probably support him in this scheme.

Mr. ALDRICH. I suppose, from his tone, the Senator from Nebraska is really feeling hurt about this matter.

Mr. ALLEN. I do not feel hurt at all.

Mr. ALDRICH. I will suggest to him that it will only take two minutes to dispose of this proposition, and then the Senator from Nebraska can offer any proposition he sees fit of any nature or description as an amendment to the bill.

Mr. ALLEN. I do not feel hurt at all.

Mr. STEWART. The Senator from Rhode Island has said an amendment can not be offered to his amendment.

Mr. ALDRICH. When we get into the Senate the Senator can offer any proposition he sees fit. He can move to add to or to take from it.

Mr. ALLEN. I only feel hurt, Mr. President, at anything that savors of smallness or unfairness.

Mr. ALDRICH. The Senator from Nebraska must understand that I simply desire to have a vote upon this proposition as it stands. If the Senate votes it down, that is all right.

Mr. ALLEN. I understand that.

Mr. ALDRICH. And if the Senate adopts it, the Senator from Nebraska can, when the bill is in the Senate, move any amendment he sees fit. He can offer as an additional provision to the bill any amendment he chooses.

Mr. ALLEN. Of course the Senator from Rhode Island wants us to accept the dose he himself prescribes without any diminution or extraction or elimination—

Mr. ALDRICH. The Senate can reject it.

Mr. ALLEN. But the Senator from Rhode Island is not willing that the harsh, cruel, and criminal features of this amendment shall be softened or modified by amendment or modification. He proposes to apply the Procrustean bed, and every man who is too short is to be drawn out and every man who is too long is to be cut off.

Mr. President, there never was an infamous scheme on the face of the earth for which some reason could not be assigned, and there never was a tyrant who did not invoke some reason or supposed

reason for his action. The first argument of tyranny always is discretionary power; the first argument of cruelty and unreasonableness in the advocacy of any proposition is to invoke some supposed rule to cut off discussion or to cut off modification.

I am satisfied the American people will not believe with the Senator from Rhode Island that there is any real or supposed reason why an amendment should not be offered at this time. I am utterly surprised, absolutely amazed, that any Senator can have—Mr. President, I use the proper expression—the hardihood to impose upon the people of this country interest-bearing obligations when we have ample power by taxation to raise the money with which to conduct this war. It is absolutely inexcusable, and no man who has a conscience can ever appeal to that conscience to justify himself for such a vote. We simply add to the thousand millions of interest-bearing obligations we have to-day \$400,000,000 more—more than one-half of the bonded indebtedness of this country at the close of the late civil war. That sum is to be augmented by the issuance of bonds under the act of 1875, and the interest to be paid by the United States is to be increased from \$23,000,000 to practically \$50,000,000 a year, and that, too, Mr. President, without the shadow of an excuse.

I would not complain so much or so bitterly if this was not sought to be accomplished by the enforcement of a gag rule, by which the Senator holds up his amendment in all its hideousness and in all its deformity, and says to Senators, "You must take this without modification or get nothing."

Mr. STEWART. Mr. President, this is a motion to strike out and insert, and I believe it is in order to amend the original proposition before the motion to strike out and insert properly comes in. I therefore offer the amendment which I send to the Chair, and I wish to have it read. It is certainly in order.

Mr. ALLEN. I offered here a day or two ago an amendment, which I supposed was pending, to the amendment of the Senator from Rhode Island [Mr. ALDRICH], to the effect that after the passage of this bill no bonds shall thereafter be issued without a specific declaration of Congress to that effect, and that, I understand—

Mr. STEWART. My amendment is in order now to add to the provision for issuing greenbacks, and I ask that it be read.

The SECRETARY. It is proposed to insert, after line 8, on page 73 of the reprinted bill, the following:

SEC. — That the Secretary of the Treasury be hereby authorized to cause Treasury notes, payable to bearer, for such sum or sums as the exigencies of the public service may require, but not to exceed at any time the amount of \$500,000,000, and of denominations of \$10 and multiples thereof, to be prepared, signed, and issued in the manner hereinafter provided.

SEC. — That such Treasury notes shall be paid and redeemed by the United States at the Treasury thereof after the expiration of one year from the date of issue of such notes; from which dates until they shall be respectively paid and redeemed they shall bear such rate of interest as shall be expressed in such notes, which rate of interest shall be fixed by the Secretary of the Treasury at not exceeding 5 per cent per annum: *Provided*, That after the maturity of any of said notes interest thereon shall cease at the expiration of sixty days' notice of readiness to redeem and pay the same, which may at any time or times be given by the Secretary of the Treasury in one or more newspapers at the seat of government. The redemption and payment of said notes herein provided shall be made to the lawful holders thereof, respectively, upon presentment at the Treasury, and shall include the principal of each note and the interest which shall be due thereon. And for the payment and redemption of such notes at the time and times therein specified the faith of the United States is hereby solemnly pledged.

SEC. — That such Treasury notes shall be prepared, under the direction of the Secretary of the Treasury, and shall be signed in behalf of the United States by the Treasurer thereof, and countersigned by the Register of the Treasury. Each of these officers shall keep, in a book or books provided for the purpose, separate, full, and accurate accounts, showing the number, date, amount, and rate of interest of each Treasury note signed and countersigned by them respectively, and also similar accounts showing all such notes which may be paid, redeemed, and canceled, as the same may be returned; all which accounts shall be carefully preserved in the Treasury Department. And the Treasurer shall account quarterly for all such Treasury notes as shall have been countersigned by the Register and delivered to the Treasury for issue.

SEC. — That the Secretary of the Treasury is hereby authorized, with the approbation of the President, to cause such portion of said Treasury notes as may be deemed expedient to be issued by the Treasurer in payment of warrants in favor of public creditors or other persons lawfully entitled to payment, who may choose to receive such notes in payment at par; and the Secretary of the Treasury is hereby authorized, with the approbation of the President, to issue the notes hereby authorized to be issued at such rate of interest as may be offered by the lowest responsible bidder or bidders who may agree to take the said notes at par after public advertisement of not less than ten days in such papers as the President may direct; the said advertisement to propose to issue such notes at par to those who may offer to take the same at the lowest rate of interest. But in deciding upon those bids no fraction shall be considered which may be less than one-fourth per cent per annum.

SEC. — That said Treasury notes shall be transferable by delivery.

SEC. — That said Treasury notes shall be received by the proper officers in payment of all duties and taxes laid by the authority of the United States, of all public lands sold by said authority, and of all debts to the United States, of any character whatever, which may be due and payable at the time when said Treasury notes may be offered in payment thereof; and upon every such payment credit shall be given for the amount of principal and interest due on the note or notes received in payment, on the day when the same shall have been received by such officer.

SEC. — That every collector of the customs, receiver of public moneys, or other officer or agent of the United States who shall receive any Treasury note or notes in payment on account of the United States, shall take from the holder of such note or notes a receipt on the back of each, stating distinctly the date of such payment and the amount allowed on such note; and every

such officer or agent shall keep regular and specific entries of all Treasury notes received in payment, showing the person from whom received, the number, date, and amount of principal and interest allowed on each and every Treasury note received in payment, which entries shall be delivered to the Treasury with the Treasury note or notes mentioned therein; and, if found correct, such officer or agent shall receive credit for the amount, as provided in the thirty-second section of this act.

SEC. — That the Secretary of the Treasury be, and hereby is, authorized to make and issue from time to time such instructions, rules, and regulations to the several collectors, receivers, depositaries, and all others who may be required to receive such Treasury notes in behalf of, and as agents in any capacity for, the United States, as to the custody, disposal, canceling, and return of any such notes as may be paid to and received by them respectively, and as to the accounts and returns to be made to the Treasury Department of such receipts, as he shall deem best calculated to promote the public convenience and security, and to protect the United States, as well as individuals, from fraud and loss.

SEC. — That the Secretary of the Treasury be, and hereby is, authorized and directed to cause to be paid the principal and interest of such Treasury notes as may be issued under this act, at the time and times when, according to its provisions, the same should be paid. And said Secretary is further authorized to purchase said notes at par for the amount of principal and interest due thereon at the time of such purchase. And so much of any unappropriated money in the Treasury as may be necessary for the purpose is hereby appropriated for the payment of the principal and interest of said notes.

SEC. — That it shall be the duty of the Secretary of the Treasury to cause a statement to be published monthly of the amount of Treasury notes issued and paid and redeemed under the provisions of this act, showing the balance outstanding each month.

SEC. — That a sufficient amount of money necessary to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. STEWART. Mr. President, this amendment is the same as the system which was devised originally by Mr. Madison and was in vogue from his time until 1862. In brief, it is to issue Treasury notes bearing interest at such rate as will make them current, payable in one year, and receivable for all Government dues.

Mr. PLATT of Connecticut. Will the Senator allow me a question?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. They are payable in one year or thereafter at the option of the Government, are they not?

Mr. STEWART. No; payable in one year.

Mr. PLATT of Connecticut. But the interest is to run on them until sixty days' notice has been given by the Government of its desire to redeem them. That makes them payable at the option of the Government after one year.

Mr. STEWART. The interest will run until the Government gives notice.

Mr. PLATT of Connecticut. Yes.

Mr. STEWART. This system worked admirably in the war of 1812 and in the Mexican war, and relieved the country from incurring a permanent national debt.

Mr. ALLEN. Does the Senator hold that it is necessary that these notes should draw interest in order to float them?

Mr. STEWART. Let me make my statement for a moment and then I will answer any question which the Senator desires to propound.

Mr. ALLEN. Very well.

Mr. STEWART. I want to state what the amendment is. I say this system was the only system in vogue during the war of 1812 and during the Mexican war. Notes of this precise character were issued during the Administrations of Madison, Monroe, Van Buren, Tyler, and Polk. In December, 1860, the last bill was passed putting out this particular kind of notes. In 1861 the act of 1860 was extended in a modified form, and the Government finally came around to issuing greenbacks.

This system operated well, because it furnished a means of paying taxes and enabled the Government to collect large revenues much more easily than in any other way.

The introduction of this system grew out of a long discussion in which Jefferson, Madison, and Monroe took part. Jefferson wrote various letters about the system. One of the first was written in January, 1814, which commended this system and deprecated any system which would entail a permanent national debt.

Inasmuch, however, as the majority of the committee has reported a provision for the issuance of greenbacks, I do not wish to antagonize that; and Senators suggest to me that they would rather have a straight vote on the greenback question, and have my amendment offered later. With that view, in order not to embarrass some Senators, I withdraw the amendment for the present, and give notice that I shall offer it later, and shall desire a vote on it, because it would be a substitute for all the bond provisions and furnish ample money.

We shall be able to double the revenue and carry on the war and have no burden of debt upon us at the end of it if we follow the system devised by Madison and pursued rigidly until the late war, and then only departed from when the Government issued legal-tender notes. That was the first departure from it through all the years of the Republic. This is the same system. It is not original with me. It is modeled on acts that were passed from time to time during all that long period, and its admirable work-

ing and the fact that it kept the nation out of permanent debt is much in its favor.

I give notice that I shall offer the amendment later.

Mr. ALDRICH. I ask for the yeas and nays on the adoption of my amendment.

Mr. DANIEL. Mr. President, as I understand, the proposition is to substitute bonds for the amendment of the committee to the bill providing Treasury notes.

Mr. ALDRICH. For greenbacks.

Mr. DANIEL. I desire to call the attention of the Senate to the fact that this amendment involves these elements: First, a heavy public indebtedness; second, paper currency instead of hard money; third, a possibly much larger inflation of that paper currency than the Senate committee's amendment; fourth, the control of the volume of currency by banks which may expand or contract it at their pleasure.

By the House bill now before us there is an authorized and possible inflation of the paper currency of the country to the extent of \$450,000,000. By the amendment proposed by the Republicans and offered by the minority of the Finance Committee there is an authorized and possible inflation of the paper currency to the extent of \$270,000,000. By the amendment proposed by the majority of the Finance Committee, and supported by the Democratic members thereof, there is an authorized and possible inflation of the paper currency to the extent of only \$150,000,000.

The authorized and possible inflation of paper currency by the Republican House measure is three times that authorized or possible under the Democratic Senate measure and is three hundred millions more in amount.

The authorized and possible inflation by the Republican Senate measure is nearly twice that of the Democratic Senate measure and is one hundred and twenty millions more.

Who the inflationists are is evident. Who the paper-currency advocates are is also evident. The curious matter about this debate is that the inflationists express abhorrence of inflation and the paper-currency advocates express abhorrence of anything but hard money.

The House bill authorizes the issue of \$500,000,000 of bonds, bearing 3 per cent interest, in quarterly installments, redeemable after two years from date, payable twenty years from date, in coin. The cost of this scheme is primarily the cost of printing and issuing the bonds, and ultimately \$500,000,000 in coin, and each year in interest to the people \$15,000,000, which will amount to \$150,000,000 if the bonds are redeemed in ten years and to \$300,000,000 if paid at the end of twenty years. If the Senate Republican amendment is adopted, the bonds will amount to \$300,000,000, the annual interest cost will be \$9,000,000, interest for ten years will amount to \$90,000,000 and for twenty years to \$180,000,000.

To sum up, the House scheme has a maximum cost of \$800,000,000 and the Senate Republican scheme a maximum cost of \$480,000,000. The Democratic scheme has a maximum cost of only \$150,000,000; six hundred and fifty millions less than the House scheme, three hundred and thirty millions less than the Republican Senate scheme.

The Democratic scheme of issuing as they are needed one hundred and fifty millions of legal-tender Treasury notes would apparently gradually inflate the currency to the extent of their issue; but it is to be remembered that the inflation would be more apparent than real, and would have no great effect upon prices. It would only stop a contraction of the currency. For this reason: We are providing by this bill for an estimated annual levy of \$150,000,000 of extraordinary war taxes. We are therefore in the act of calling for annually—and as long as the necessity lasts the call will be annually repeated—just as much money as the whole volume of the contemplated issue of Treasury notes. There will be just as much more money coming in under this levy annually into the Treasury from the pockets of the people as there will be going out in issues of Treasury notes. Output and income will counterbalance each other. No more money will be in circulation, because it will come back as fast as it goes out, and no shock to business and no disturbance of values can occur.

Inflation under the Republican scheme may come in this fashion: As soon as the \$500,000,000 of bonds are issued under the House bill, or the \$300,000,000 under the Republican Senate amendment, or as soon as any portion of these bonds is issued, they become the basis of national-bank issues to the extent of 90 per cent of their par value—a possible inflation of \$450,000,000 in national-bank notes if the House view be adopted, a possible inflation of \$370,000,000 in such notes if the Senate Republican amendment be adopted.

This currency will cost the people not only 3 per cent interest on the bonds, it will cost them through the borrowers from banks 6 per cent when loaned by the national banks; that is to say, \$27,000,000 per annum if the whole amount be issued and loaned them, and on lesser amounts in proportion.

The Democratic increase of currency to the extent of \$150,000,000 will cost nothing in interest to the Government or the people,

whereas the same amount of national-bank currency would cost annually the interest annually paid on \$165,000,000 of bonds put up for their security, with the principal of the bonds added.

I present herewith a table showing the amount of national-bank circulation from 1875 to 1897:

National-bank circulation from January 1, 1875, to January 1, 1897, inclusive.

Year.	Amount.	Year.	Amount.
1875.....	\$354,128,250	1887.....	\$296,771,981
1876.....	346,479,756	1888.....	268,398,878
1877.....	321,595,006	1889.....	253,600,027
1878.....	321,672,506	1890.....	197,230,405
1879.....	323,701,674	1891.....	177,287,846
1880.....	342,387,366	1892.....	173,078,585
1881.....	344,355,203	1893.....	174,404,424
1882.....	362,431,988	1894.....	206,538,844
1883.....	362,661,169	1895.....	206,005,710
1884.....	350,482,828	1896.....	213,842,063
1885.....	329,158,623	1897.....	235,673,117
1886.....	317,443,454		

The total amount of their circulation in 1875 was \$354,000,000. The lowest amount of their circulation for any one year was in 1892, when it amounted to only \$173,000,000, showing a falling off of \$181,000,000. The variable scale of the amount in circulation of national-bank notes discloses to us this other objection to the Republican scheme, that it puts the control of the volume of currency of the country into the hands of the banks, and that they may contract or expand it at pleasure and make hard times whenever fancied to their interest to do so.

I have no desire to extend my observations upon the subject. I merely present this analysis of the costly, cumbrous inflation which will tax the people for many years in contrast with the simple, inexpensive, and well-trying Democratic scheme of Treasury notes. I may say in conclusion that the scheme of thus both taxing a few of the people heavily and exempting those most able to pay and the bonding of the country for an immense amount of money is indeed "a dainty dish to set before a king."

Mr. MANTLE. Mr. President, do I understand we are about to vote upon the proposition substituting bonds in lieu of the committee report for the issuance of greenbacks?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will state to the Senator from Montana that that is the question before the Senate.

Mr. MANTLE. Mr. President, at this point of the debate upon this measure I desire to say just a few words expressive of my views. I have not yet taken any of the time of the Senate in the discussion of the bill and do not intend now to consume more than a few moments.

The questions presented to me for determination are most perplexing, in view of the opinions I hold upon the financial question. I may say that I am not wholly satisfied, and I presume there is scarcely anyone here who is, with the whole character of this revenue measure. I am in sympathy with those who feel that its application has been narrowed too much, and that it ought to have been spread over a broader area, to the end that its burdens should be more generally diffused over the industries, the business, the sections, and the people of this country, and thus have lain more lightly. I am also in sympathy with the efforts which have been made here to compel those who own the great bulk of the wealth of this country to bear their fair share of the burdens of these taxes. I feel that as the bill is now constructed they will not be compelled to do so. I say this with many regrets.

It is evident that in a state of war a great expenditure of money is required. The conditions are unusual. The ordinary revenues are insufficient, hence extraordinary means must be used in order to provide money for the carrying on of the war. The natural channels through which this may be done are taxation first and then by borrowing in one form or another. But it is manifest that the necessary amount of money can not possibly be raised by taxation without imposing present burdens upon the people of the country that they can not and ought not to be asked to bear. So, Mr. President, in order to meet this emergency we are reduced to a choice between borrowing upon interest-bearing bonds of the Government upon the one hand and borrowing from the people of the country by the issuance of greenbacks which bear no interest upon the other hand.

Mr. President, I am not wholly in sympathy with the proposition to issue at this time \$150,000,000 of greenbacks. I am not a believer in what is generally called fiat money. I am essentially a believer in hard money, so called. All my opinions and my convictions, as the result of such investigation as I have been able to give to this great question, are that the thing which we call money and which possesses the unusual prerogative, if I may so express it, of being convertible, exchangeable, and transmutable into all other forms of property, must be something which

in and of itself represents human sweat and toil and struggle and effort in order to obtain it.

I may be wrong in my conclusions, but I believe that is the consensus of all human experience upon this question, and it has found its expression, generally speaking, in the adoption of gold and silver to represent the money of the world, these having been selected because nature has limited them in quantity, because they possess those precious qualities which so admirably fit them for the discharge of this great function.

Unfortunately, one of these precious metals has been practically discarded by an unwise policy, by unjust legislation, and perhaps by means which would bear stronger characterization and more emphatic condemnation. But I care not to go into that question at this time. The fact remains that silver has been denied the right of coinage, and as a result there has occurred a contraction in the volume of the money of the world. The money which has been left has consequently been enhanced in value, and this in turn has been reflected in a lowering of the prices of all other commodities. Out of this condition of affairs has grown a desire, a natural desire, for an increase in the volume of the money of the world; and the principal reason, it seems to me, at this time for the adoption of the plan for the issuance of \$150,000,000 of greenbacks lies in the fact that there is confessedly and indisputably an insufficient volume of money with which to carry on the enterprises of the country and to maintain a just parity between property and money.

Mr. President, I do not think that any serious harm can result from the issuance of this limited amount of greenbacks. There may be some slight inflation of prices as a result, because if there is any one principle that is well established, it is that an inflation of the volume of money will inflate prices and values, and that per contra a reduction in the value of money will be followed by exactly the opposite conditions; but the amount here named is not sufficient to produce the harmful results which history teaches has generally followed sudden and large increases in the volume of the currency through paper issues.

I do not believe, as stated by the Senator from West Virginia [Mr. ELKINS], that the issuance of this amount of greenbacks will result in a divergence between the value of gold and silver and paper money. If I so thought, I could not bring myself to vote for it, because I believe such a result is undesirable from every point of view. I can conceive of no possible benefit that could accrue to any human being by the issuance of a volume of paper money so large as to bring about a divergence in the purchasing power of the different kinds of money by sending one kind to a premium over another. Much as I desire the restoration of silver, holding as I do the question of bimetalism to be paramount to every other public question in time of peace, as it relates to the happiness and the welfare and prosperity of the masses of the people, if I thought that the opening of the mints of this country to the free coinage of silver upon equal terms with gold would result in debasing the currency, I never would give it my vote.

But I do not so believe, and so far as I can discover there is nothing in history, there is nothing in human experience, to warrant the assumption that such a result would follow. Hence I am earnestly in favor of the free coinage of silver as well as gold, but I make a wide distinction between the opening of the mints of this country to the free and unlimited coinage of silver upon equal terms with gold and the issuance of paper money.

Mr. President, another phase of this question which presents itself to me now, and which will no doubt press upon us in the future, in this connection is, this: If we can issue \$150,000,000 of greenbacks, may we not be called upon to issue \$300,000,000; and if we issue \$300,000,000, may we not be called upon to issue twice that amount? And the question arises, Where shall we stop, assuming that it is within the range of probabilities that the war may continue for some time and that a tremendous outlay of money as well as a vast number of men may be required before it is brought to a successful termination?

Holding the views I do in favor of metallic money—gold and silver jointly—I confess I can not regard with complacency the prospect of being asked to vote for practically unlimited quantities of paper money. Such a policy would not, in my opinion, be beneficial to the people or the country, and would undoubtedly hinder and delay rather than promote the cause of bimetalism. It must be borne in mind that every dollar of greenbacks issued is simply an evidence of a debt redeemable under the terms of the law in "coin," but, as a matter of fact, in actual practice redeemable in gold.

I apprehend that the principal objection to the issuance of bonds at this time arises not so much out of opposition to borrowing money for the purpose of carrying on the war, but because of the fear, deeply imbedded in the minds of a great many people, that this measure as it came from the House of Representatives, carrying a provision which at that time called for far more bonds than were necessary or justifiable by the conditions then existing, was

in reality designed to furnish a basis through which and by which the powers of the national banks of this country might be enlarged and extended and the desires and purposes of the Secretary of the Treasury with respect to retiring the greenbacks and turning the issuance of the paper money of this Government wholly over to the banks might in an indirect manner be successfully carried into effect.

I think a great deal of the opposition to bonds at this time has originated in the well-grounded fear that behind this bond issue might lie hidden that purpose upon the part of the Secretary of the Treasury, who, in season and out of season, has urged and advocated the retirement of the greenbacks, an enlargement of the powers of the banks, and the permanent establishment of the single gold standard; and I confess, Mr. President, that I share in that general apprehension.

I am glad to be able to say that, so far as the bond feature of the bill is concerned, the amendments proposed by the Senate committee, in reducing the amount of the bonds to be issued and in providing that under no circumstances shall any of the proceeds arising either from the sale of the certificates or the bonds be used for any other purpose whatever than that of carrying on this war, are a vast improvement, because they offer an assurance that there is no ultimate hidden purpose in the issuance of these bonds or the application of the proceeds of their sale except for war purposes. Much of the feeling among the people of the country against any form of bonds for any purpose is no doubt also due to the sale of bonds in time of peace and the very questionable methods employed in disposing of them to a syndicate which made enormous profits.

Again, Mr. President, I have another fear. It is well known that in this country there are a great many people who hold to the belief that a piece of paper bearing the stamp of the Government, possessing legal-tender qualities and made payable and acceptable for all dues, public and private, is just as good money as any money that was ever made; and if those who hold this belief could have their way, there would be no coinage of either gold or silver, because it follows that if all that is necessary to make money is paper and a printing press and the stamp of the Government, it is a waste of time and energy and labor to explore for and develop gold and silver mines for the purpose of converting these metals into money. I can not accept this view; and I fear that if we resort to large issues of paper money, we shall strengthen this class in their contention and weaken our own argument in favor of hard money.

I hold that the Government is in some respects like an individual. It may, if the necessity arise, put forth a certain amount of paper obligations. What that amount shall be must of necessity rest upon its resources, just as it would in the case of an individual; and if at any time an individual puts out paper to an amount which his resources do not warrant, the result will be that his paper will be discounted, and ultimately it will become worthless. I believe that the principle holds true in relation to the Government. I believe there is another principle which holds equally good as to governments and as to individuals, and that is that so far as it is possible to do it we should pay as we go.

Mr. President, I feel that in the issuance of greenbacks there is danger to the great cause of bimetallism; and I say this with the utmost deference and respect to those members of the committee who have made this recommendation as well as to those who are supporting it upon the floor. I feel that it may return to plague those of us who have made bimetallism the supreme issue in our politics; and for one I should dislike very much by any act or vote of mine, after the tremendous struggle which has been made in this country, after all the sacrifices which have been offered in behalf of the cause of bimetallism, to do aught that could minimize its importance or in any wise weaken that great struggle, for I believe that the contest for bimetallism is now organized upon a basis in this country where, if nothing is done to injure it, it will ultimately achieve victory, because I believe the principle is inherently right and just.

Still, Mr. President, while entertaining these general views upon the subject, I shall yet defer to the greater wisdom and riper judgment, to the sagacity and experience, of those leaders in the cause in which I have enlisted and for which I have left the political party with which I have affiliated all my life. I know that their patriotism can not be questioned, and so I shall vote at this time for the issuance of this amount of paper money. I shall do it, however, with the apprehensions which I have endeavored to express, but with the hope that I may be mistaken. And then, too, Mr. President, it is a choice between two evils.

Mr. President, perhaps it is inherent in the situation and can not be avoided, but I have had a sort of feeling, and I think I have seen it reflected in others here, both in their public and private expression, that there has been an effort in framing this measure to put those of us who have always been in hearty sympathy and accord with the objects of this war in a false light by incorporating in it provisions which would of necessity call forth vigorous

opposition. I do not want to be placed in an attitude of obstruction. For three years, since I have been a member of the Senate, I have cast my vote for every proposition that looked to extending aid and sympathy and recognition to the people of Cuba, because I have felt from the bottom of my heart that they were entitled to our aid and sympathy. I have cast my vote for this war, and no vote that I have ever cast here has so satisfied my conscience. Having voted for war, I do not want, even seemingly, to be put into an attitude where it can be said that I am not willing to do whatever may be necessary in order to carry that war to a successful and glorious termination. These are my feelings.

Again, it must be borne in mind this is a nation where majorities rule. It is a nation where parties rule. The party in power is the Republican party. It has its own plans and its own policies. Its policy is to levy this tax upon a few industries, upon a few articles, comparatively, and to make it wholly internal. Its policy is to issue bonds and to pay interest upon them and to redeem them in gold; and it is only fair to assume, having the Administration, having in the other branch of Congress a majority which is absolutely tractable, that its policy in this emergency must and will prevail. The responsibility of this measure therefore must and will rest upon the Republican party. I know that the exigencies of the situation will prevent any unnecessary delay or obstruction here, no matter what the convictions of those who are opposed to these policies may be.

So, Mr. President, this measure will ultimately reach its final stage, and we shall be called upon to vote. For my part I shall vote for those measures and those amendments which commend themselves to my judgment as being best and wisest and in the interest of the great masses of the people. Failing to accomplish that which I desire, I shall not consent to cast a vote which by any construction would seem to put me in an attitude of opposing a measure to provide the means with which to carry on this war—a war as holy, as just, as righteous as any ever waged on the face of this earth.

Mr. FAIRBANKS. Mr. President, I would be very reluctant, indeed, to add anything at this moment respecting the question under consideration if I felt that by so doing I would delay a vote.

The pending bill originates in the necessities incident to the existing war with Spain. It is framed to meet an emergency which, it is hoped, will be but temporary.

It is not my purpose to discuss the details or revenue features of the bill. That has been done by the members of the Finance Committee, whose familiarity therewith enabled them to speak with special force. It is my desire to present a few general observations, briefly as may be possible, upon those provisions which are presented for reinforcing the Treasury otherwise than from the imposition of excise duties.

There should be, sir, in the consideration of this great measure no partisanship. Yet it seems to me that while there are many on both sides of this Chamber who share in this view, there is a minority which does not. If there is an occasional discordant note, however, it but emphasizes the prevailing harmony among the majority.

Sir, while the honorable Senators in opposition disavow any partisan purpose, some have paused at this critical juncture to attack the Dingley law and challenge the good faith of its authors. I feel that it is a prodigal waste of time to even briefly reply to the imputations cast upon the law and its authors, but a word may be justified.

The law will stand the sharpest comparison with the Wilson Act. In anticipation of the passage of the latter, importations were deferred until it should become a law, in order that the importers might enjoy the reduced rates which it established. This increased the receipts during the early months of the law. During the latter months when it was in force, importations were increased so as to avoid the higher duties which the Dingley law imposed. Ships from all quarters of the globe were impressed into the service of the importers prior to the enactment of the Dingley bill; and when it became a law, our warehouses were filled to the utmost with wool, sugar, tobacco, fabrics, etc., and the Treasury thereby lost millions of dollars. Do the assailants of the act take note of this?

During the first nine months of the operation of the Wilson law the receipts from customs were \$110,544,893, and during the corresponding period under the Dingley law \$105,089,693.23. More significant than this contrast is the fact that for the nine months prior to the passage of the Dingley law the receipts from customs were \$146,274,106.76, while the total for the nine months following its enactment amounted to only \$105,089,693.23. Those who are best qualified to estimate the loss to the Dingley law by anticipatory importations place the amount at quite \$40,000,000.

I subjoin a brief comparison of the receipts and expenditures under the Wilson and Dingley acts for the first nine months of each. It will be observed that the receipts under the Dingley Act were \$36,763,931 in excess of those under the Wilson law; and it also appears that the deficit under the Wilson Act was \$57,413,081,

and under the Dingley Act \$57,561,523. Included in the expenditures under the Dingley law are large extraordinary amounts for coast defenses authorized by the Fifty-fourth Congress, and \$13,540,000 paid for the national defense from the \$50,000,000 appropriation. Consider in connection with this fact the \$40,000,000 of loss by anticipatory importations, and it will be seen that the opposition is not justified in its criticism of the law. That it will produce adequate revenue to meet all requirements under normal conditions there is no reasonable ground to doubt.

I append a statement of the receipts from customs during the first nine months following the enactment of the Wilson bill, and for a corresponding period both prior and subsequent to the enactment of the Dingley law, which shows with striking force the serious loss to the receipts under the latter because of anticipatory importations, and justifies, it seems to me, the foregoing statement as to the amount thereof.

It has been urged in opposition that the provisions of the pending bill authorizing the Secretary of the Treasury to issue certificates of indebtedness is for the purpose of concealing deficiencies of the Dingley law. A fair analysis of the operations of the act, as we have observed, will leave no reasonable doubt that under normal conditions it would meet every fiscal requirement.

Does the opposition perceive no difference between the issuing of bonds in time of peace to meet deficiencies, as was necessary during the last Administration, and the issuing of certificates of indebtedness and bonds in time of war?

Sir, the most casual observer must have perceived the rapid improvement in the commercial interests of the country which followed the enactment of the Dingley law, an improvement which has steadily increased in degree notwithstanding the adverse influence of actual war. Why do the honorable Senators pause in the face of the enemy to indulge in criticism of our economic policy, to discredit our revenue laws, and attempt to increase party division? Sir, in the present emergency there should be but one party, inspired by one purpose, exalted by one object.

It is conceded that the revenues to be derived from the Dingley law, the excises imposed by the pending measure, and the postal receipts will be insufficient to meet the extraordinary requirements of the coming fiscal year. It is necessary, therefore, to increase the levies contemplated or raise the additional money necessary in some other manner.

I do not believe it wise to undertake to cast the entire burden of the war on the present or coming fiscal year. The wholesome policy "pay as you go" has its reasonable limitations. It is good, sound peace policy as a rule, but should not be adopted in a time of expensive, burdensome war. Such has never been the policy of the country during any of the wars in which we have engaged, and there is no good reason for any departure from our uniform practice in that particular now.

We should bear a fair share of the burden of the cost of the war during its progress, and to that end increase the tax levies, and defer a reasonable proportion until after the restoration of peace. We should not overtax the energies and resources of the people so as to unduly burden and embarrass them in their enterprises.

In my opinion, we should pursue no parsimonious policy in making provisions for the necessities of war. At the best, they are great. We should place at the disposal of the President a sum adequate to meet all known requirements, and any reasonable, possible contingencies. There is nothing so essential in the prosecution of war as an abundant treasury. The war chest should be well filled. It has a reassuring effect at home and a wholesome influence abroad.

There are two widely divergent methods proposed for providing the money required in excess of that yielded by imposts, excises, and the postal service. One method is utterly unsound and vicious, and not to be tolerated under any present conceivable circumstances. It is the plan proposed by the opposition, and involves the emission of \$150,000,000 of irredeemable paper money and the coinage of \$42,000,000 of so-called seigniorage in the Treasury. It is a deliberate attempt, it seems to me, to inflate the currency and imperil the present gold standard.

The greenbacks when authorized in 1863 were justified by the lights which surrounded our statesmen and the grave and overwhelming exigency with which they were confronted. Then several States had adopted ordinances of secession and were attempting to leave the Union; the future was filled with doubt and uncertainty; what would be the result of the issue no one but Omnipotence knew. Specie payments were suspended; the Treasury was empty and the Government had no credit whereby it might readily supply it, and we were practically without currency. Now the country is united and bound together by indissoluble bonds; credit has no apparent limit; we have ample currency, as much, very nearly, as we ever had, a currency which nothing but our own improvidence and folly can impair; and no one is so pessimistic as to doubt the future.

It is well to recall the deep concern with which our statesmen

approached the issue of paper money. They regarded the experiment as perilous and only justified by the severe necessities of the times and only to be employed to meet them.

Secretary Chase, in his recommendation of the issue of Treasury notes, forcibly expressed his opinion respecting the evils of fiat money. Said he:

The greatest care will, however, be requisite to prevent the degradation of such issues into irredeemable paper currency, than which no more certain fatal expedient for impoverishing the masses and discrediting the government of any country can well be devised.

Mr. Fessenden, chairman of the Committee on Finance, supported the legal-tender clause of the United States notes because it was a temporary measure made necessary by the exigency of the hour and not to become a settled policy. Said he:

All the gentlemen pretty much who have written on the subject, except some wild speculators in currency, have declared that as a policy it would be ruinous to any people; and it has been defended, as I have stated, simply and solely upon the ground that it is to be a single measure standing by itself and not to be repeated. * * * It is put upon the ground of absolute, overwhelming necessity.

Senator Sumner yielded his consent to the measure under the same imperious necessity.

A remedy—

Said he—

which at any other moment you would reject is now proposed. Whatever may be the national resources, they are not now within reach except by summary process. Reluctantly, painfully, I consent that the process should issue. And yet I can not give such a vote without warning the Government against the dangers from such an experiment. The medicine of the Constitution must not become its daily bread.

I might reproduce, if time permitted, the opinions of many of the colleagues of Mr. Fessenden and Mr. Sumner in the Senate—statesmen whose wisdom and patriotism in the nation's supreme crisis we admire and cherish—which were in entire accord with their views as to the evils of an irredeemable paper currency. They did not regard the emission of paper money as an opportunity to be welcomed, but a necessity to be regretted.

Mr. Lincoln, in his annual message to Congress, December 1, 1862, pointed out the evils of a fluctuating currency and the imperative necessity of guarding against such evils by providing for the convertibility of paper currency into coin.

And I pause to renounce the suggestion made by the honorable Senator from North Carolina [Mr. BUTLER] yesterday, that he was supported in his contention here by Abraham Lincoln, and that the Republican party had departed from the policy and the principles of that great man, whose name I pronounce reverentially. Abraham Lincoln said:

The suspension of specie payments by the banks soon after the commencement of your last session made large issues of United States notes unavoidable. In no other way could the payment of the troops and the satisfaction of other just demands be so economically or so well provided for. The judicious legislation of Congress securing the receivability of these notes for loans and internal duties and making them a legal tender for other debts has made them a universal currency and has satisfied, partially at least, and for the time the long-felt want of a uniform circulating medium, saving thereby to the people immense sums in discounts and exchanges.

A return to specie payments, however, at the earliest period compatible with due regard to all interests concerned should ever be kept in view. Fluctuations in the value of currency are always injurious, and to reduce these fluctuations to the lowest possible point will always be a leading purpose in wise legislation.

Convertibility—

Said he—

prompt and certain convertibility, into coin is generally acknowledged to be the best and surest safeguard against them; and it is extremely doubtful whether a circulation of United States notes, payable in coin, and sufficiently large for the wants of the people, can be permanently, usefully, and safely maintained.

Is there, then, any other mode in which the necessary provision for the public wants can be made and the great advantages of a safe and uniform currency secured?

I know of none which promises so certain results, and is at the same time so unobjectionable, as the organization of banking associations under a general act of Congress, well guarded in its provisions. To such associations the Government might furnish circulating notes, on the security of United States bonds deposited in the Treasury. These notes, prepared under the supervision of proper officers, being uniform in appearance and security, and convertible always into coin, would at once protect labor against the evils of a vicious currency and facilitate commerce by cheap and safe exchanges.

The advocates of the proposed issue of greenbacks do not seem to regard with Mr. Lincoln's solicitude the necessity for maintaining the convertibility of greenbacks or other fiat obligations into coin; that is to say, into that money which is regarded as the standard of value among the leading civilized nations of the world.

The progress of the war of the rebellion and the continued necessity of increasing the issue of United States notes but emphasized our perils and the injury to labor and to those least able to bear the burden. Mr. Lincoln regarded the increased issue of United States notes as a calamitous necessity. In his message to Congress, January 17, 1863, he said:

I think it is my duty to express my sincere regret that it has been found necessary to authorize so large an additional issue of United States notes, when this circulation and that of the suspended banks together have become already so redundant as to increase prices beyond real values, thereby augmenting the cost of living, to the injury of labor, and the cost of supplies, to

the injury of the whole country. It seems very plain that continued issues of United States notes, without any check to the issues of suspended banks, and without adequate provision for the raising of money by loans, and for funding the issues, so as to keep them within due limits, must soon produce disastrous consequences.

Pending the consideration of the first legal-tender bill the chairman of the Committee on Ways and Means declared that it was intended to issue only \$150,000,000 United States notes, and that it was his belief that this would be all that would be required. But, contrary to his expressed opinion, second and third issues of a like amount soon followed, and within the period of about a year from February 25, 1862, \$450,000,000 of legal-tender notes were authorized. The first step taken, the others followed with little resistance.

The rapid and great depreciation in the value of this currency and the general disturbance in the value of property and commodities is well known.

It would seem that the evils of a disordered currency during the civil war were so great and so recent as to make impossible any attempt to return to a system which produced them. What was deemed wise and necessary under the stress of the civil war would seem to be unwise and unnecessary now.

The authors of the original greenback issues felt the necessity of redeeming them, and, in the absence of the requisite coin for effecting their redemption, they provided that they should be receivable for and convertible into the coin bonds of the United States. The rapid depreciation of this currency, even with such a safeguard, is a part of our familiar history. The necessity of redeeming it and thereby strengthening the public credit was early apparent, and the work of redemption was begun soon after the close of the war.

The House of Representatives as early as December, 1865, declared the necessity of the contraction of the currency and the early resumption of specie payments to be sound policy. The purpose of redeeming the currency notes was carried into various acts of Congress for the purpose of removing apprehension as to their nonredemption and strengthening faith in the public credit. These repeated expressions of the purpose of the Government to redeem its pledges and its provision for their redemption resulted in bringing our paper currency to an equivalency with gold.

In the act of 1869, passed to strengthen the public credit, the faith of the United States was pledged to the payment of its obligations in coin or its equivalent, excepting where other payment was provided for, and to the redemption of United States notes in coin. Under this pledge and the resumption act of 1875 the credit of the United States was strengthened and the way gradually paved for a return from the delirium of a disordered currency to the resumption of specie payments. Progress was not made without serious opposition. Each step was stubbornly disputed by the advocates of fiat money.

After the resumption of specie payments, in 1879, confidence in the integrity of the greenback currency became so general that it was not the source of any serious concern or peril until during the second Administration of President Cleveland, when, owing to the rapid addition to our stock of cheap money by the purchases of silver under the act of 1890 and the loss in the public revenue, doubt existed as to the solvency of the Treasury and the ability of the Government to maintain the convertibility of greenbacks and other demand obligations into gold coin.

Between January 1, 1879, and November 1, 1897, the holders of \$346,681,016 United States notes demanded of the United States \$507,614,473 in gold coin, or the sum of \$160,933,457 more than the total amount of United States notes authorized and outstanding. Between July 1, 1892, and July 1, 1897, the amount of gold so withdrawn from the Treasury upon the demand of the note holders was \$455,025,847.

Although the Government has more than paid the value of the notes in gold, their volume is undiminished. This is an illustration of the work of the "endless chain," and demonstrates what may be repeated if the credit of the Government is in the future impaired, or any doubt should arise as to its purpose and ability to maintain the interchangeability of its demand obligations with gold.

The operation of the endless chain has been suspended. There is now no demand upon the part of the holders of our demand notes for the gold in the Treasury because there is a well-grounded conviction that it is the purpose of the Government and that it has the ability to furnish gold for the notes whenever required.

If we depart from the past policy of limiting the United States notes and increase the issue to a larger amount than ever before reached by the addition of \$150,000,000 as now proposed, there is serious danger that distrust of the Government's ability and purpose to maintain the convertibility of the notes into gold may arise, and we will have repeated a run upon the gold reserve which will disturb commerce, affect business credit, create distrust and demoralization, to the infinite injury of our soldiers in

the field, our sailors on the sea, and all farmers, laborers, and wage-earners interested in the soundness of the dollar.

It is not proposed by the honorable opposition to safeguard in anywise the convertibility of the proposed issue of United States notes into coin. It is not proposed to give the holders of them the option of converting them into time bonds, as was done in the original acts authorizing such notes. With war upon us, there is necessity for increased governmental and individual credit. Certainly a time of war is the most unpropitious for exploiting unsound financial theories or adopting any experiments which might tend to impair and embarrass our credit in the remotest degree. We now want strength in our Navy, in our Army, and in our Treasury. Public credit is too sensitive and too important to be lightly placed in peril; its impairment is too far-reaching in its consequences to be contemplated with patience under any circumstances.

There is no present justification for the creation of additional promises to pay and the endowment of them with legal-tender power. There is no exigency likely to arise making necessary the creation of unsound money. Our credit is such that we can borrow the best money in the world to meet all our present and future requirements and at a rate of interest not exceeding 3 per cent. The people of the country will voluntarily furnish the Government all the money necessary at a rate of interest as low substantially as prevails in a time of undisturbed peace.

It is a significant fact, which will not escape intelligent observation, that the advocates of additional paper currency are those who believe in and advocate the free and independent coinage of silver. The policy of issuing additional greenbacks has its root in the same purpose, and that is "cheap money." The issue of irredeemable legal-tender paper money in sufficient quantity would tend to disturb its parity with gold, drive gold to a premium, and hence out of circulation. This would tend to open the way to free silver coinage. It has seemed to me that this intention to inflate our existing currency has its birth not solely in the professed desire to avoid the interest on bonds, for the interest involved is of comparatively small amount, but in the hope and confident expectation that the cause of free silver will be advanced by breaking down our currency. Such would undoubtedly be the direct, natural, logical tendency of the proposed measure.

The proposition to create \$42,000,000 of currency by the coinage of the seigniorage in the Treasury is fraught with peril. It is another attempt to debase the currency.

Seigniorage is the profit remaining after the Government has coined the silver purchased by it; it is the difference between the cost and coinage values. Until the silver is coined there can be no profit.

It is a fact within the knowledge of everyone that the Government has never since the act of 1878 bought an ounce of silver which does not represent a loss to-day—a very considerable loss. Under the act of 1890 it purchased 168,674,682.53 ounces of silver, at a cost of \$155,931,002, for which amount Treasury notes have been issued.

Some of them have been redeemed in gold, some in silver; but \$101,981,280 of them are outstanding. For their redemption the uncoined bullion, amounting to 108,332,139 ounces, stands pledged. The market value of this bullion is now \$63,769,218.94, or \$38,212,061.06 less than the face value of the Treasury notes issued and now outstanding against it. Yet it was first seriously proposed by the opposition to issue \$42,000,000 silver certificates (in advance of coinage) against the estimated profit on the coinage of this depreciated mass of silver and endow it with legal-tender power. The issue of greenbacks outright was much more to be commended than this indirect method of accomplishing the same end. Now it is proposed to coin the silver bullion held in the Treasury at the rate of not less than \$4,000,000 per month and to issue certificates to the amount of the gain or seigniorage. As we have observed, there can not be at present prices of silver bullion any fair, actual gain or seigniorage, and any provision for coining it tends to increase unsound money and to defraud the holders of outstanding Treasury notes.

The outstanding Treasury notes, as we have seen, were issued for the purchase of the bullion, and it was provided that they should be "redeemable on demand in coin;" and—

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other.

Could the Congressional purpose be more clearly expressed? The Secretary of the Treasury is invested with discretionary power, it is true, but that power is to be used to support and effect the established policy of the United States, and that is to keep the gold and silver coin into which the note holder may convert his obligation at an absolute, unvarying equivalency with each other. Any exercise of the discretion of the Secretary so as to endanger the parity of gold and silver with each other would

be a plain, palpable violation of the policy of the Government, a positive violation of law.

The uncoined silver in the Treasury is pledged to enable the Secretary to redeem the notes issued for its purchase, and to enable him to keep the gold and silver coin in which he may redeem them at a parity with each other.

If there be any doubt as to the soundness of this view we should remove it. For in equity and good conscience the silver bullion which was purchased with the Treasury notes should be held to redeem them; or to enable the Government to maintain the parity between the gold and silver coin with which they may be redeemed.

It is not proposed by the pending bill to redeem outstanding Treasury notes, but to coin additional currency out of the very bullion which they purchased and which is much depreciated in value, and make more difficult the maintenance of gold and silver coin on a parity with each other, which the Government declared to the note holder to be its established policy.

There is no difference in principle between issuing greenbacks and coining the so-called seigniorage, except that in the former case there is no subterfuge, no indirection, no flagrant violation of faith already pledged. Each method involves the inflation, the debasement of our currency. Each is violative of sound finance and should be avoided.

The alternative method for supplementing our revenues for war purposes is proposed by this side of the Chamber. It contemplates issuing \$100,000,000 of certificates of indebtedness bearing 3 per cent interest and maturing not later than one year from date of issue, and \$300,000,000 of bonds, or so much thereof as may be necessary, bearing 3 per cent interest, redeemable after ten and payable twenty years from date of their issue.

It is wisely proposed that the certificates of indebtedness shall be issued in denominations as low as \$50 and the bonds in sums of \$25 or some multiple thereof.

Mr. BACON. Will the Senator from Indiana permit me to ask him a question?

Mr. FAIRBANKS. With pleasure.

Mr. BACON. The Senator from Indiana speaks of the difficulty which the Secretary of the Treasury will experience in maintaining the parity between gold and silver. The question I desire to ask the Senator from Indiana is, under what statute has the Secretary of the Treasury the performance of any specific duty by which the parity of the two metals is maintained?

Mr. FAIRBANKS. If the Senator will take the time to refer to the act of 1890, he will find there a full and complete answer.

Mr. BACON. I am quite familiar with that act, and I should like the Senator to point out what particular duty will be upon the Secretary of the Treasury by that act by which he can accomplish anything of that kind. I very well know the fact that in that act there is a declaration of the intention and policy of the Government to maintain the parity between the two metals. The words "the two metals," if the Senator will examine the act, he will see are used, not "the two coins."

Mr. FAIRBANKS. Will the Senator permit me to ask him a question now?

Mr. BACON. That is legitimate in certain localities.

Mr. FAIRBANKS. What does the Senator understand by this language in the act of 1890?

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

Mr. BACON. Why, Mr. President, that is exactly what I said. There is a declaration of policy on the part of the Government, but the question which I addressed to the Senator was this: What is the specific duty which, under that act or any other act to be found in the statutes of the United States, is to be performed by the Secretary of the Treasury or by any other governmental official which secures the parity of the two metals?

I will state to the Senator, before he replies, that my position—and I think it is the indisputably correct one—is that the thing which maintains the parity between the two metals is the fact that the silver dollar is made a legal tender; that if we take that away from it, there would be no parity, and that the Secretary of the Treasury has no power to confer that upon the silver dollar, nor has he the power to take it away, and that he has no more than any private citizen to do in the work of maintaining the parity between the two metals.

Mr. FAIRBANKS. Then, according to the Senator's understanding of the language of the statute I have just read, it is a mere brutum fulmen, a mere idle declaration?

Mr. BACON. It is a declaration of principle, but it certainly does not clothe the Secretary of the Treasury with a single power or a single duty.

Mr. FAIRBANKS. If the Congress of the United States says that it is the established policy of the United States to maintain the parity of the gold and silver coin, does the Senator object to the Secretary of the Treasury, who is the financial officer of the Government, executing in good faith that solemn declaration?

Mr. BACON. I say that there is nothing which he can do or which he can omit to do in obedience to law which has any effect upon it.

I say that the most serious blow that has ever been stricken at the maintenance of this parity is that where the Government gives up the option of determining in which money it will pay the debts of the Government, and it is only by reason of the fact that the legal-tender quality preserves it against even such a disastrous blow as that that the parity is maintained.

So far from the Secretary of the Treasury doing anything to maintain the parity, everything he does is destructive of the parity. The parity is maintained not by reason of anything he does, but in spite of everything he can do, and by reason of the legal-tender quality, and by that alone.

Mr. FAIRBANKS. If the parity is preserved by the mere force of the legal-tender quality that is conferred upon the two metals, then this language in the statute is wholly unnecessary.

The Senator from Wisconsin [Mr. SPOONER] very pertinently suggests to me, what would become of the parity of the two metals if the Secretary of the Treasury should pay out nothing but silver and elect to pay that?

Mr. BACON. If we would elect to pay nothing but silver, most undoubtedly the parity would be maintained then, because it would very largely increase the demand for silver. It would do exactly what is accomplished in France all the time. The parity is maintained in France by reason of the fact that the Government will not pay out gold except when it wants to do it. It does exactly what the Senator suggests. Whenever you go to the French fiscal agent, which is the Bank of France, and present for payment a draft for any amount of money above a certain limited quantity—I have forgotten now what it is—the Government, speaking through that bank, or the Bank of France, if you please, speaking for the Government, does not hesitate to say it will not give it to you; and yet who denies the fact that in France a very much larger per capita of silver is maintained at a parity with gold than we have here maintained with gold?

Mr. FAIRBANKS. I commend the policy of France to my honorable friend. France does not open her mints to the free and unlimited coinage of silver, so that the Senator does not approve of all the financial policies and practices of the French Government.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield further to the Senator from Georgia?

Mr. FAIRBANKS. I do, certainly.

Mr. BACON. I do not desire to impose on the good nature of the Senator. I simply wish to say that his last observation was addressed to the question of the free coinage of silver, which is a very different question from the one we are discussing. If the Senator desires to open that question, he will be accommodated on this side of the Chamber.

Mr. FAIRBANKS. At an appropriate time I shall be very glad to oblige my good friend from Georgia.

It is furthermore most properly and wisely provided that the bonds shall be offered for popular subscription at par; the allotments first made shall be made to the lowest subscribers, the manifest purpose being to give to the people of small means throughout the country the first opportunity to share in the financial support of their country in the time of war.

It has been intimated, for what good purpose it is difficult to say, that the bonds contemplated to be issued are already prepared, pledged, and promised for delivery. Such a suggestion can have no weight in the face of the positive and ample provisions of the bill, which imperatively require that the bonds shall be first offered for popular subscription. Furthermore, the Secretary of the Treasury gives assurance, if any were needed, that no bonds whatever have been either prepared, pledged, or promised for delivery.

On the contrary, the most ample preparation is made to offer such bonds as may be authorized for popular subscription, agreeably to the terms proposed by the minority amendment, through 60,000 offices located in almost every city, village, and hamlet throughout the country, so that the humblest citizen who is able to invest \$25 may share in the subscription. The matter is left entirely in the hands of the people. The option rests with them to take the entire issue of certificates of indebtedness and bonds to be authorized.

Issuing bonds for the purpose of aiding in the prosecution of war is no untried experiment. The people of this country have invariably approved this method of distributing the burden, the very heavy burden, which war imposes over a period of years, so that it may fall as lightly as possible upon them. The battles we are fighting are not only for to-day, but for the future power and glory of the country.

Senators who oppose the issue of bonds maintain that it is unnecessary to incur so large a debt. This is possibly true. No one, however, can measure the cost of the prosecution of the war.

We have had nothing but rough approximates thereof, and in the very nature of the case can have nothing more.

To authorize the \$400,000,000 of certificates of indebtedness and bonds is not to incur a debt of that amount, or for any amount whatever. We simply clothe the Secretary of the Treasury with authority to issue to this limit if, in the protection of our vast coast defenses or in the support of our Army and Navy, it should be found necessary to do so. Can not we rely upon the officers charged with the duty of prosecuting the war to exercise sound judgment as to expenditures? They have our confidence; they have in a special degree the confidence of the American people.

The opposition disavow any purpose to withhold needed support to the Government, and in this I believe most of them are sincere. They have, during the progress of this debate, frequently expressed their willingness to vote whatever is reasonably required. What sound objection can there be to granting authority now to meet the fiscal necessities which may arise during a reasonable period in the future? The proceeds of the bonds to be issued can not be used for defraying ordinary current expenses of the Government. Their issue is distinctly and absolutely limited to the purpose of meeting war expenses.

What these will be rests in any event mainly in the sound judgment of the officers charged with the conduct of the war. Their judgment must ultimately largely control; and it seems to me that they are doubly strengthened and fortified by placing within their reach ample means. I have no fear whatever that the discretion reposed in the Secretary of the Treasury will not be exercised in the utmost good faith and to the very best interests of the Government.

It would seem from the attitude of some of those in opposition that they demand the capitulation of the gold standard as the price of voting the necessary means for prosecuting the war.

Sir, we should no sooner debase our currency than we should weaken our coast defenses. We should no more think of introducing unsound currency into our money system than we should think of weakening the steel armor plates upon our great battle ships which are gallantly withstanding the storm of Spanish shot.

The protection and preservation of the soundness and integrity of our currency is protection to the masses of the workmen, merchants, manufacturers, and farmers of the country, and above and beyond all this, it is protection to our gallant soldiers and sailors. Their money must be gold or its equivalent. This is one of the great duties which is laid upon us in the present severe emergency.

This generation has not forgotten, nor will it soon forget, how arduous and tedious was the way from a paper currency back to the resumption of specie payments. We do not wish to be obliged to traverse it again. It will not be necessary to do so unless the opposition shall be able to force an issue of paper and silver certificates upon us so vast that our Treasury will be unable to maintain their interchangeability with gold.

We had hoped that the free-silver advocates might meet the present supreme emergency in a purely patriotic spirit; that they would not in this critical moment, when the Spanish fleet is seeking to destroy our own, prey upon our commerce, and place our Atlantic seaboard cities under contribution, endeavor to force the country to a depreciated, free-silver currency basis. Sir, the sharpest assaults of Spain can not, except in the deplorable loss of life, do us half the injury which the authors of the pending proposition would inflict if they were able to secure the adoption of their present inflated currency plan.

The Treasury is in pressing need of funds to support our Army and Navy, which are to win renown for us upon land and sea. Without prompt and ample aid we but encourage the enemy and offer him opportunity to reinforce his own treasury and supplement his naval and military forces.

But all this does not weigh against the unpatriotic demands of the free-silver forces. Free silver makes its stand in the American Congress and demands the surrender of the present gold standard as the price of its support of our Army and Navy, a Navy which has made obscure Manila as famous as Trafalgar, and an Army which must add even additional luster to our conspicuous achievements.

It seems to me that this is a time when we might well repeat one of the proudest achievements of the country when, without debate and without dissent, we voted to the President for the national defense a sum which would have beggared many governments. It has seemed to me that the advocates of free silver might have deferred their bold attack upon our currency and credit until we had emerged successfully from the smoke of war. Whoever attempts to rekindle the embers of past controversies in this patriotic hour for the purpose of making party capital is less patriot than partisan. Now is the hour when past differences should be forgotten and patriots should strike hands. We should stand together upon a higher platform than party ever decreed.

Sir, whoever seeks to gain more party advantage or to force upon the people unsafe policies in this critical moment is out of

harmony with the present hope and aspiration of the American people.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 19, 1898.

SIR: In compliance with your request of this date, I have the honor to inclose herewith a statement of receipts and expenditures under the Dingley tariff act for the nine months in which it has been in operation, as compared with the receipts and expenditures for the first nine months under the Wilson tariff act.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

HON. CHARLES W. FAIRBANKS,
United States Senate.

Comparison of receipts and expenditures under the Wilson and Dingley tariff acts for the first nine months of each.

WILSON ACT.

Date.	Receipts.	Expenditures.	Deficit.
September, 1894	\$22,621,229	\$90,323,019	\$7,701,700
October, 1894	19,139,240	32,713,040	13,573,800
November, 1894	19,411,404	28,477,189	9,065,785
December, 1894	21,866,137	27,135,461	5,269,324
January, 1895	27,904,400	34,523,447	6,719,047
February, 1895	22,888,057	25,096,035	2,807,978
March, 1895	25,470,576	25,716,957	246,381
April, 1895	24,247,836	32,990,676	8,742,840
May, 1895	26,272,078	28,556,214	3,284,136
Total	208,720,957	206,134,036	57,413,061

DINGLEY ACT.

August, 1897	\$19,023,615	\$33,588,047	\$14,564,432
September, 1897	21,835,096	25,368,816	3,433,718
October, 1897	24,591,415	33,701,612	9,810,097
November, 1897	25,168,867	33,251,471	8,082,604
December, 1897	27,831,494	27,634,082	* 257,412
January, 1898	28,735,227	35,698,711	7,963,484
February, 1898	28,572,358	29,589,256	* 1,973,102
March, 1898	29,307,251	31,882,444	2,575,193
April, 1898	30,361,443	44,314,063	13,952,619
Total	235,484,868	1206,046,411	57,501,523

* Receipts in excess of expenditures.

+ Includes \$13,540,000 paid for national defense from the appropriation of \$50,000,000.

Receipts of the United States from customs.

First nine months under Wilson Act:

September, 1894	\$15,584,900.55
October, 1894	11,962,118.17
November, 1894	10,280,082.56
December, 1894	11,203,049.40
January, 1895	17,361,916.25
February, 1895	15,134,091.90
March, 1895	14,929,789.22
April, 1895	12,459,093.42
May, 1895	12,474,558.43
Total	119,544,893.00

Last nine months under Wilson Act:

November, 1896	\$9,930,385.81
December, 1896	10,779,412.67
January, 1897	11,270,874.15
February, 1897	11,587,200.37
March, 1897	22,833,856.48
April, 1897	24,454,351.74
May, 1897	16,885,011.55
June, 1897	21,560,132.36
July, 1897	16,898,801.65
Total	146,274,100.76

First nine months under Dingley Act:

August, 1897	6,987,702.84
September, 1897	7,943,100.28
October, 1897	9,713,494.62
November, 1897	9,580,625.00
December, 1897	11,060,788.74
January, 1898	14,299,492.08
February, 1898	15,040,680.74
March, 1898	15,450,431.94
April, 1898	14,193,978.90
Total	105,089,698.23

Mr. MONEY. Mr. President, we are considering an extraordinary revenue bill—

Mr. JONES of Arkansas. I hope the Senator from Mississippi will suspend until the Senate is in order. It is impossible to hear him where I sit, and I sit within a few feet of him.

The PRESIDING OFFICER. The Chair will request Senators to suspend conversation and to preserve order.

Mr. MONEY. Mr. President, I want to say that I do not care how much Senators talk, because, so far as I am concerned, it does not disturb me in the least.

Mr. PLATT of Connecticut. But the rest of us care. We want to hear what is said.

Mr. MONEY. Mr. President, we are considering a very extraordinary bill, a war revenue bill. Our deficit for the last fiscal year, as reported by the Secretary of the Treasury, has been about \$24,500,000. The friends and advocates of the protective-tariff bill which passed under the name of the Dingley bill feel hopeful that that bill will more than make good the deficit for the past year, and I sincerely hope that it will; but we have been called upon now to provide for extraordinary expenditures, and the committee have brought in a bill which, in its present stage, with its numerous amendments and changes, will produce upon the tax features of it about \$200,000,000. So I am told by those gentlemen who belong to the committee, who have endeavored to keep pace with the numerous changes in the bill, and to make estimates which would be at least reasonable and approximate of the amount to be raised. Then we get down to the question of whether we shall supplement this taxing feature by issuing \$150,000,000 of legal-tender paper or \$300,000,000 of bonds, to be issued at the discretion of the Secretary of the Treasury if he may need the money.

Mr. President, the estimate of the Secretary of War and of the Secretary of the Navy is that this war will cost in twelve months \$225,000,000. The estimate of the Secretary of the Treasury, who perhaps has a wider scope than the others, is that it will cost \$300,000,000 in twelve months. According to the report made by the Secretary of the Treasury this morning, we have now a balance available in the Treasury of \$105,000,000. Then, with the \$200,000,000 to be derived from taxation under the bill, we shall have \$305,000,000, which exceeds by \$5,000,000 the highest estimate made by any officer of the Administration as necessary to be expended for one year. I do not believe there is a single Senator in this Chamber who honestly believes that this war will last for twelve months. If they do not, then I desire to ask what is the necessity of a bond measure or what is the necessity of a legal-tender measure?

We come back here in December, and meanwhile, if that which is available here and that which will be raised by taxation shall be expended, I am satisfied there is not a single Senator, whether he is an Administration man or not, who will not heartily join with his associates in providing everything that may be deemed necessary to carry this war to a successful conclusion.

I am one of those, Mr. President, who did all I could to bring about an armed intervention of the United States in the affairs between Cuba and Spain. I have labored for two and a half years in every possible way that I could to induce the people of this country to see their duty in the light of humanity and civilization, as well as from solid material interests, in making this armed intervention.

I am, therefore, under a double obligation—not only the patriotism of the Senator and of the citizen, but that of one who might be said to be accessory to the act, and I certainly will not for a moment hesitate to do what I regard to be my duty; but in considering the ways and means of raising this revenue, there must be some latitude allowed to gentlemen for individual judgment. No man can stand up here and read his written essays upon this question and accuse the people who differ from him of a lack of loyalty or a lack of patriotism. Gentlemen who burn the midnight lamp in making phrases talk pretty coolly about the patriotism of those who do not agree with them; but when I speak to this Senate it is "hot off the bat," and is exactly what I feel. I do not write essays, and I never expect to be very much interested in them when written by other people.

I want to say, Mr. President, that when it comes to the fact whether we are to raise a sum of money by greenbacks or by Treasury notes or by bonds, then I shall be found voting for the greenbacks or the Treasury notes—I care not which. I can not, to save my life, understand the position of the honorable Senator from Indiana [Mr. FAIRBANKS], who takes his choice coolly between \$150,000,000 of Government debt bearing no interest and \$300,000,000 of debt that bears interest. He has on every occasion here, together with his colleagues, favored the issuance of bonds as the basis for the further issue of paper money by the national banks of this country. I have no instance yet in mind of where that gentleman or his colleagues have ever failed to vote to give the banks a larger privilege in the issue of money. Is greenback money—the money of the people, and by our Supreme Court three times declared to be the money of the Constitution—more dangerous to the people of the country than the money issued by the banks, which must at last be supported and redeemed by the Government?

There was a great deal said to-day by the Senator from Indiana, in his speech, about the parity of the two metals, and in the little interchange of questions between himself and the honorable Senator from Georgia [Mr. BACON] I noticed that the Senator from Indiana insisted that the parity of the two metals has been maintained up to date by the action of the Secretary of the Treasury.

Mr. President, speaking in the utmost sincerity and frankness, I believe the logical consequence of the action of the Secretary of the Treasury and the Administration has been to defeat the purpose of that declaration of policy which the Senator from Indiana read awhile ago. But it has not had that effect, because the transactions by the Treasury Department in the redemption of greenbacks have been small, a bagatelle, when compared with the enormous volume of the business of this great country. We have 75,000,000 people using indifferently in every transaction of life gold, silver, and paper money. They use that money because any one performs exactly the function of the others, and when you consider that these 75,000,000 people have a right to use this money to pay all their debts of every character, public and private, it seems to me that it can be easily understood why all that the Secretary of the Treasury has done has had no effect at all upon the result.

Suppose, instead of that declaration of policy, it had been declared by the two Houses of Congress that the disparity of the two metals should be maintained by the Secretary of the Treasury so far as he could in the redemption of greenbacks, I want to ask what that gentleman could have done to break down the parity except the very thing he has done? The very thing he has done he would have been compelled by statute to do, and yet, in the face of the declaration that the faith of the Government is pledged to maintain the parity of the two metals, he has done all he could to defeat that law.

I say, Mr. President, that in discussing this phase of this bill, in my mind there is a large preference to be given to the greenback currency of the country. I am sure of one thing—it will not disturb the parity between gold and silver. I am sure of another thing—that it will increase the demand for money from every section of the country. In order to revive business, as is claimed, a greater volume of currency will be demanded than we have to-day.

Mr. President, I am prepared to vote for this bill as it now stands. I believe that the taxation it proposes has not been adjusted with the same exactness and precision that it might have been so as to relieve the poor and to put the burden upon the rich. I do not believe that the corporations of this country, for whom the most legislation is made and which make the largest drafts upon the protection of the country, should have been relieved from the burden. In other words, I would have voted most cheerfully for anything that approximated most closely to an income tax, and I, therefore, was very anxious that that feature, the tax on corporations, should be maintained; but that will not hinder me from voting for the bill.

But, Mr. President, when it comes to voting for \$300,000,000 of bonds, and those bonds to be made the basis for the issue of paper money, of which the Senator from Indiana has complained, then I shall hesitate about voting for it. I do not say that I will not, but it will make me pause when I consider the consequences. In the first place, we have not got to that point where we need to borrow a dollar in the world or to have any further issue of greenbacks or obligations of bonds, and when we consider the condition of our adversary, when we know there is neither money nor credit in Spain, and when we consider the unbounded resources of this country and the matters of taxation which have not been even considered by the committee, I think we should hesitate to do either.

I do not know whether or not the coinage of the seigniorage of silver which has been adopted by the Senate will be kept in the bill by the conferees. If the gentlemen representing the Senate are faithful to their trust, they will stand square upon that proposition so far as they can and not defeat the bill; but unfortunately the matter will not be in the hands of its friends, and I do not know whether that measure will at last be a part of the bill when it has been decided upon or not; but at any rate we have now a taxation provided for in the bill which makes it unnecessary to issue any bonds at all, and certainly it will be unnecessary to do so before we meet here on the 5th of next December.

It seems to me that there are some persons who are very much more anxious to get a bond issue than to conduct the war at all. Gentlemen who were the most reluctant to be pulled into a war with Spain now are the foremost champions of a bonded debt on this country. I recollect something that I read a great while ago in Thomas Jefferson, when he said that a debt which looked far into the future was a swindle upon our posterity; and I quite agreed with him when I read it, and I agree with him now. We have no right to do that. We used in his day for prosecuting war simply Treasury notes, and he even opposed them unless a sufficient tax was laid to speedily redeem them.

Mr. President, I do not, so far as I am concerned, feel like taking up the time of the Senate. I have not taken any of it at all up to this moment, and I would not have occupied the floor this long if I had not happened to have heard the speech of the Senator from Indiana.

I can only repeat that I see no necessity for a bond issue, and I

will not vote for it. I should be willing to vote for a greenback issue if it were necessary, but I see no necessity for that before we meet in December. I can, however, assure the Senator from Indiana and any other gentleman who doubts the loyalty of the silver people or their desire to see the war ended successfully and gloriously that no man on this side of the Chamber feels any less interest in that than he does.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

Mr. BATE. Mr. President, I do not desire to make any extended remarks. I merely wish to say a few words, as much in explanation as otherwise, for the reason that I made a speech at length upon the questions involved in this bill a few days since, and I do not wish to reiterate what I then said.

The debate on this amendment has assumed rather an acute form. I look upon it as a practical question whether we shall, for the purposes of war, issue interest-bearing bonds or greenbacks and Treasury certificates in lieu of those bonds.

I do not see the necessity for issuing interest-bearing bonds, and I think after the revenue arising under this bill has been collected, if there is a deficit and there should be trouble in regard to getting the balance of the money, it would be relieved through that now on hand. It can not occur before Congress assembles next December, and if it should become absolutely necessary for us to issue bonds, then there would be ample time. I do not wish to set a precedent, simply because there is a war on hand, of issuing bonds for the purpose of meeting that indebtedness growing out of it.

The question has assumed a practical form as to whether we shall issue bonds or greenbacks and Treasury certificates. While I am not one of those men who blindly believes in the decision of the Supreme Court touching the constitutionality of legal-tender greenbacks, yet a war is upon us, and I think it is no time now, while war is flagrant, to hesitate and higggle over the question, while the decision of the Supreme Court stares us in the face, saying we have a constitutional right to issue them and that they are legal tender. I do not wish to speak to any point in the bill other than this one, having heretofore spoken upon the general principles involved in it.

Mr. President, there are exigencies in public affairs which at times greatly embarrass public men, compelling them to support measures for the public relief which do not accord in all respects to their ideas of constitutional rights, nor of policy. I do not believe in the power or propriety of making the Federal Treasury a bank of issue, without the ordinary safeguards of banking—issuing notes—whether called certificates or greenbacks, and compelling their acceptance in discharge of obligations as a full legal tender.

Yet the Supreme Court has affirmed their constitutionality, and so long as the highest judicial authority of the country maintains their constitutionality, we must recognize its finality, and there can be no constitutional reason assigned for not increasing their volume. If disaster follows an oversupply, the responsibility must rest with the Supreme Court, who, by its greenback decision, may possibly have provided a remedy to meet the embarrassment which follows its income-tax decision, and which deprives the Congress of the power to levy upon wealth that taxation which now must otherwise fall with heavy incidence on consumption.

Submitting to both, without approving either decision, I shall support, as a war measure, an increase of Treasury notes as a means of relieving the people from an increase of taxation, and, since the incomes of wealth are to be exempted, I shall hesitate to support an increase of taxes so long as we have the authority of the Supreme Court to issue Treasury notes. I hope yet to see the Treasury restored to its true constitutional function of collecting and disbursing the revenues, and all property subjected to taxation.

This would perhaps be regarded by some modern so-called progressive statesmen as taking a step backward, but, Mr. President, those of us who reverence the plain and economical teaching of "the fathers" and strive to follow in the paths they blazed out in our political highway are averse to enslaving by mortgaging to bondholders the energies and liberties of the present and coming generations. Were this substitute to the committee's amendment to become a law it can not well be doubted that the bonds issued under it would pursue the usual course of such financial products and in due time be converted into gold-paying credits. I am against such bondage and shall try to avert it.

These are the views I entertain, Mr. President, stated in a nutshell, in regard to this question, which has now assumed, as I said, the practical and acute form as to whether we are to have bonds or whether we are to have greenbacks and Treasury notes for war purposes, under the decisions of the Supreme Court, as a substitute. I prefer the latter and for the reasons I have stated.

The PRESIDING OFFICER. The question is on agreeing to

the amendment proposed by the Senator from Rhode Island, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ALDRICH and Mr. ALLISON answered to their names.

Mr. ELKINS. What are we voting on?

Mr. ALDRICH. For bonds.

Mr. ELKINS. Let the question be stated.

Mr. FRYE. The roll call has commenced, and there have been responses.

The PRESIDING OFFICER. The roll call has commenced, and there have been responses. The Secretary will continue the calling of the roll.

The calling of the roll was resumed.

Mr. KENNEY (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. PENROSE]. He being absent and I not knowing how he would vote, I withhold my vote.

Mr. McLAURIN (when his name was called). I have a pair with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MASON (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. SULLIVAN]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. I see he is absent, and I therefore withhold my vote. If he were present, I should vote "nay."

Mr. ALLEN (when Mr. TURNER's name was called). The junior Senator from Washington [Mr. TURNER] is paired with the senior Senator from Wyoming [Mr. WARREN]. If the junior Senator from Washington were present, he would vote "nay."

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. TURNER]. I am advised by the Senator from Nebraska [Mr. ALLEN] that if he were present he would vote "nay." Therefore I withhold my vote. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. MONEY. I will state that my colleague [Mr. SULLIVAN] is paired with the Senator from Illinois [Mr. MASON]. If my colleague were present, he would vote "nay."

Mr. TELLER. The Senator from Utah [Mr. CANNON] was called from the Chamber a few moments since. I suggest to the Senator from South Carolina [Mr. McLAURIN] that he transfer his pair with the Senator from North Carolina [Mr. PRITCHARD] to the Senator from Utah. Then the Senator from North Carolina can vote.

Mr. McLAURIN. That is agreeable to me, and I vote "nay."

Mr. TELLER. The Senator from Utah [Mr. CANNON] stands paired with the Senator from North Carolina [Mr. PRITCHARD]. The former Senator would vote "nay" if he were present.

Mr. BUTLER. I suggest to the Senator from Wyoming [Mr. WARREN] that we transfer our pairs and both vote. That will protect the Senator from Washington [Mr. TURNER], as he will stand paired with the Senator from Maryland [Mr. WELLINGTON].

Mr. WARREN. That is agreeable to me, and I vote "yea."

Mr. BUTLER. I vote "nay."

The Secretary recapitulated the vote.

Mr. CANNON. I understand that in my absence a pair was arranged for me with the Senator from North Carolina [Mr. PRITCHARD]. I wish to announce that had the pair not been arranged, which I propose now to observe, I should have voted "nay."

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN]. The Senator from Utah [Mr. CANNON] is paired with the senior Senator from North Carolina [Mr. PRITCHARD]. We desire to transfer the pair, so that each of us may vote. I vote "yea."

Mr. CANNON. I vote "nay."

The result was announced—yeas 45, nays 31; as follows:

YEAS—45.

Aldrich,	Fairbanks,	Hoar,	Platt, Conn.
Allison,	Faulkner,	Kyle,	Platt, N. Y.
Baker,	Foraker,	Lindsay,	Sewell,
Barrows,	Frye,	Lodge,	Shoup,
Caffery,	Gallinger,	McBride,	Spooner,
Carter,	Genr,	McMillan,	Warren,
Chandler,	Gorman,	Mason,	Wetmore,
Clark,	Gray,	Mitchell,	Wilson,
Cullom,	Hale,	Morrill,	Wolcott,
Davis,	Hanna,	Murphy,	
Deboe,	Hansbrough,	Nelson,	
Elkins,	Hawley,	Perkins,	

NAYS—31.

Allen,
Bacon,
Bate,
Berry,
Butler,
Cannon,
Chilton,
Clay,

Cockrell,
Daniel,
Harris,
Heitfeld,
Jones, Ark.
Jones, Nev.
McEnery,
McLaurin,

Mantle,
Martin,
Mills,
Money,
Pasco,
Pettigrew,
Pettus,
Rawlins,

Roach,
Stewart,
Teller,
Turley,
Turpie,
Vest,
White.

NOT VOTING—13.

Kenney,
Mallory,
Morgan,
Penrose,

Pritchard,
Proctor,
Quay,
Smith,

Sullivan,
Thurston,
Tillman,
Turner,

Wellington.

So Mr. ALDRICH's amendment was agreed to.

Mr. ALDRICH. I now move that the section as amended be substituted for sections 27 and 28 of the House bill.

The VICE-PRESIDENT. Is there any objection? The Chair hears none, and the amendment is agreed to.

Mr. ALDRICH. That completes the committee amendments.

The VICE-PRESIDENT. Sections 27 and 28 are stricken out, and the amended matter inserted in their stead.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The SECRETARY. At the end of the last paragraph, prior to the last section, it is proposed to insert:

It is hereby declared to be the policy of the United States not to commit the country more thoroughly to the gold standard, but that the efforts of the Government should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both under a system of bimetalism which will insure the parity in value of the coins of the two metals, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange.

Mr. STEWART. I move to amend the amendment just read by striking out, in line 7, all after the word "will" down to and including the word "metals," and adding at the end of the amendment:

Therefore, no bonds issued under the provisions of this act shall be used as a basis of bank currency.

This amendment, if attached to the bill, would be contradictory if it were not amended. In the first place, it is not the sole and exclusive purpose of bimetalism to secure parity between metals. Parity is not a condition precedent to bimetalism; it is a condition subsequent. It followed, when we have had equal coinage laws for both, for thousands of years. It should not be put as a condition precedent and a paramount consideration.

Besides, the amendment declares that it is not the purpose or the policy of the Government to commit the country more thoroughly to the single gold standard, but the bill provides for the issuance of bonds, which is part of the scheme of the single gold standard. Bonds are to be issued to be used for bank circulation, with a view of retiring greenbacks and all other Government money and issuing bank circulation, to be expanded or contracted as suits the speculative purposes of the banks or those interested.

The issuance of bonds is a part of the scheme devised by the Indianapolis convention, and also its sister scheme devised and presented to the country by the Secretary of the Treasury. This bill provides for the issuance of bonds, to be used for bank circulation, in order that they may dispense with greenbacks and silver certificates and more thoroughly commit the country to the single gold standard. The bill as it now stands is a part of the scheme more thoroughly to commit the country to the gold standard, and it would stultify Congress to say that it was not the policy to do the thing which they are actually doing in the bill under consideration.

Then there is another thing about this. It says that it is not the policy of the Government to commit the country more thoroughly to the gold standard. I am aware that the Republican party—the gold party—have attained great success by saying one thing and doing another, by saying they were for bimetalism and continually legislating for monometallism. They have done that for the last twenty years—a policy of duplicity—and to put squarely, fairly, boldly this palpable falsehood into a statute it seems to me is out of place, and I will not vote for it.

I should like to vote against more thoroughly committing the country to the single gold standard, but I do not want to vote for it in a bill which is designed for that purpose, declaring we mean one thing and doing another. So if we do not intend that this shall be used for the purpose of carrying out the scheme of the Secretary of the Treasury and the Indianapolis convention, we should provide that the bonds issued under it shall not be used as a basis for national bank circulation. That will help some. It certainly ought to go that far. To say it is your policy to do one thing and then to go on consistently and continually doing another has already raised a strong suspicion against candor and fair play, if not the common honesty of the goldbug party.

Mr. MORGAN obtained the floor.

Mr. PLATT of Connecticut. Let the amendment of the Senator from Nevada be stated.

The VICE-PRESIDENT. Will the Senator from Alabama permit the amendment to the amendment to be stated?

Mr. MORGAN. Certainly.

The SECRETARY. It is proposed, in line 7, to strike out the words "insure the parity in value of the coins of the two metals," and insert at the end of the resolution "that no bonds issued under the provisions of this act shall be used as a basis of bank currency."

Mr. MORGAN. I wish to make a few observations on the amendment offered by the Senator from Nevada, but before doing so, I have an amendment which I wish to propose to the bill, and I ask that it may be read and printed.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert the following as new sections:

SEC. —. The Secretary of the Treasury is required to proceed with the assessment and collection of taxes imposed by sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 of the "Act to reduce taxation, provide revenue for the Government, and for other purposes," which became a law August 28, 1894.

SEC. —. If the Secretary of the Treasury omits or refuses to proceed with the assessment and collection of any of the taxes imposed by any of the sections of said act of 1894 that are hereinbefore mentioned by their numbers, it shall be the duty of the Attorney-General of the United States to institute proceedings in a circuit court of the United States against the Secretary of the Treasury to compel him to perform the duties in that behalf that are imposed upon him by this act.

And if the Attorney-General shall omit or refuse to institute such proceeding on the application, in writing, of any person who is liable to pay any tax imposed by this act, such person is authorized to institute such proceedings in any circuit court of the United States, in the name of the United States of America, to compel the Secretary of the Treasury to execute the mandate of this act. And an appeal to the Supreme Court of the United States may be taken by the unsuccessful party in such proceeding, which shall be advanced upon the docket of said court and heard with all convenient speed.

No costs shall be taxed against the petitioner in any such proceeding, and no such proceeding shall abate in consequence of the death or resignation of the Secretary of the Treasury, but the same shall be revived, on motion, against his successor in office.

The VICE-PRESIDENT. The amendment will be printed.

Mr. MORGAN. Mr. President, I have in my own mind, and I think everybody in the Senate has, a forecast of the result which has just been realized in the vote to issue bonds for the purpose of raising money to carry on the war, it is said. I am not at all disappointed in the result. I am only surprised that it has been reached quite as soon as it has been. None of those opposed to the issue of bonds at this time in preference to the issuance of greenbacks or the coinage of silver or the collection of taxes under the amendment which I propose, and which has just been read, has undertaken in the slightest degree to delay legislation which we consider to be fatal to the best interests and rights of this country.

I have been concerned to know who it was that was really moving in this matter, what particular interest or power in the United States it was or is that has compelled the Congress of the United States to transfer the control of money that is to be used in conducting the war with Spain into the hands of some particular syndicate or some particular establishment in this country. I have had no doubt at all from the beginning that these men intended to exploit the financial part of the war for the purposes of private gain. I have no observations to make upon the patriotism of a course like that. The world will make its deductions, and the men who are engaged in it are so far beyond reproach and so far out of the reach of the ordinary sensibilities which belong to honorable American citizenship that they will do anything in order to make money out of the people in peace or in war. They will use the power of this Government, under all circumstances and on all occasions, to coin money out of the laboring and industrial classes of the community.

I wish to call attention to an editorial in the New York Shipping and Commercial List and New York Price Current, dated May 18, 1898, first stating, as I think I am perfectly authorized to do, that that is a very enlightened and able newspaper and that it is a sincerely honest one in all the statements that it makes. It is a paper that can be credited in the statement of any fact that it brings to the attention of the American people. This paper is in favor of the issue of bonds and opposed to the issue of greenbacks. It is opposed to the free coinage of silver, and opposed, also, to the coinage of the silver that is now in the Treasury of the United States, falsely denominated seigniorage. I will read the editorial:

A DEMAND FOR WAR BONDS—SHIPMENTS OF CURRENCY TO THIS CITY TO PAY FOR THEM.

Numbers of national banks have been applying to the Comptroller of the Currency in advance to have bank notes printed for them in anticipation of purchasing war bonds, by deposit of which the new notes will be secured. Charles G. Dawes, Comptroller of the Currency, said last week that the Bureau of Engraving and Printing was actively printing bank notes in anticipation of the demand. The applications have come from all sections of the country and the understanding is pretty general that bonds will eventually be issued.

Some of the local banks have been making arrangements to take bonds for themselves or their correspondents, and there have been shipments of currency to this city intended to pay for bonds. It was pointed out yesterday by a local bank officer that the out-of-town banks will fare better by sending in their applications for bonds direct to Washington than by subscribing for them through their New York correspondents, as the loan is to be a popular one, which it will be the intention of the Government to have taken in all parts of the country.

There is a full, candid, and sincere exposure of the bottom facts in all of this conspiracy against the people of the United States. I am not quoting the fulminations of some blatant man who puts forward his opinions for the purpose of influencing legislation in Congress, but a man of responsibility who states facts. The facts are that the printing office of the Government has already been put to work for the purpose of stuffing up the different avenues of national demand with bank notes in anticipation of the vote that the Senate and House are going to give for the issue of these bonds.

We have come to the point where we take the choice between fastening upon the people of the United States—I am talking about the taxpayers now—an obligation under these bonds which will give to the national banks the power to handle all of the finances to be employed in the conduct of this war. We have come to the point where the alternative is presented whether we will avail ourselves of the actual resources we have in hand under the tax laws that exist and have not been repealed and have not been decided against by the Supreme Court of the United States, I will say now, and by the silver produced in our mines and the silver that is already the property of the United States and in the Treasury, and the resources of taxation upon a great many different industries that have been left entirely unnoticed and untouched in this bill, which would yield ample taxation for all the purposes of the war, and increase legal-tender paper money, whose character has been decided by the Supreme Court of the United States on various occasions, and has not been disputed by a judicial tribunal in the United States, taking off the restriction that limits the issue of those notes to \$946,000,000 and raise it to about \$500,000,000, and thereby get an abundance of the same kind of paper, or whether we shall issue these bonds, which are already destined to become the basis of national banking, through which the people will have to pay to the national banks a very large amount of premium for the purpose of getting from them money to carry on the war.

Now, sir, what is a national bank? It is an incorporation created by the Government of the United States, authorized to issue bills to circulate as money upon the basis of the bonded debt of the United States. They put up no money except in the purchase of the bonds, upon which they draw the regular allowance of interest, while the bond is at work as the basis also of an issue of 90 per cent of their face value as money that the national banks handle by loaning out to the people.

I do not think that a more favored institution could exist in any country in the world, and, so far as I am able to judge of their effect now upon the circulation of the country, I do not think there is one which has ever existed in this country that is of less use. Who has seen a national-bank note in the last month? What money are we using in all the transactions of life? What money are our salaries paid with and the salary of every officer of the Government of the United States? Silver certificates. There is no other money actually in circulation but a very few greenbacks and a large mass of silver certificates. The national banks have retired from the field of circulation because they can find at the present time, or have found hitherto, a better use for their money than to circulate it in the forms of bills issued by the Government of the United States. They operate upon the credit of the Government. They are allowed great privileges. The amounts of money that they have piled up in their reserve funds are to-day almost incalculable. The wealth that they have harvested out of the people of the United States exceeds that of any other establishment of a like kind that ever existed in any other country in the world.

The national banks have piled up their wealth and increased their numbers and have extended their power and influence until they are a solid corporation from the heart of the city of New York through almost every city and town in the United States. Such a financial combination never existed in the world. It is stronger to-day than the 125,000 to 150,000 men who are in the field bearing arms under the flag of the United States. It has more power. It can do more to control the destiny of this country than those 150,000 soldiers can ever be able to do. They issue their bills. Are they required to redeem them? Not at all. The Government of the United States is required to redeem those bills and they are merely required to put up a small percentage of their money to create a fund in the Treasury of the United States that shall stand ready for the redemption of those bills.

There is not a dollar of gold or silver that is required to be kept on deposit in the Treasury of the United States or in the vault of any bank for the redemption of any of these notes. In fact, the whole duty and responsibility of their redemption comes directly upon the Government of the United States by the operation of law.

Then what is a national-bank note? It is a bill that is issued upon the credit of the United States, to be redeemed by the United States. But it is issued into the hands of a bank that has the privilege, I will say in my State, of using it at 8 per cent per annum of lawful interest, and the other privileges which belong to bank-

ing institutions of raising that 8 per cent interest obligation as high as 16 and sometimes 24 per cent in a single year.

Who must pay the national banks for this enormous amount of usury that is filched out of the people in the name of the United States and on the credit of the Government of the United States? What else is it but fiat money, authorized by the Government of the United States to be limited to the extent of 90 per cent of the bonds which may be held by a national bank?

How does it compare with the greenback note in these respects? A greenback note is the obligation of the Government of the United States redeemable in coin, redeemable, of course, at the Treasury of the United States. The national-bank note is an obligation of the United States redeemable at the pleasure of the Government of the United States, or when presented for redemption, in other money of the United States. Not even coin is required. It is required to be redeemed in greenbacks.

Now, let us contrast this to pieces of paper which circulate as money, and let us ascertain upon the honest statement of the facts which is fiat money. In what respect do they differ from each other? In no respect in the world except that the national-bank notes are turned over to these corporations with the privilege of using them for the purpose of discounting the paper of the people and repeating the discount from month to month or some other period, making out of the people of the United States interest and usury in the use of the credit of the Government.

Now, why shall we give to the national banks the exclusive use of this credit of \$300,000,000 or \$600,000,000 to be used in this war time? What advantage have they in their redeemability or their respectability or in any other regard over the greenback issues of the United States? What are they, when brought to the last analysis, but the promise of the Government of the United States that they shall circulate as money and shall be redeemed by the Government of the United States?

Mr. President, we understand the whole affair by referring to the facts stated in this newspaper which I have just read. There is not a Senator on this floor who can deny or who will undertake to deny those facts. I assume, sir, that they are absolutely true, and that this scheme of legislation is intended to corral this \$600,000,000, because that is what it amounts to, not as the amendment of the Senate is, but the bill of the House. They intend to corral the \$600,000,000 in the hands of the national banks of the United States, already prepared to take the whole of it, and they will use it for the purpose of speculation upon the necessities of the people, soldiers and producers alike.

Sir, I presume there never before was a government that permitted itself to be ridden by such an incubus. I do not believe that there is another government in this world which has the cowardice to permit its credit and its financial power to be used in the scheme that is now developed into a vote by the Senate of the United States on this afternoon. That is what I wanted to say about it, and all I want to say.

Mr. CHANDLER. I move to lay the amendment proposed by the Senator from Nevada [Mr. STEWART] to the amendment upon the table.

The VICE-PRESIDENT. The Senator from New Hampshire moves to lay the amendment offered by the Senator from Nevada to the amendment on the table. The question is on agreeing to the motion.

Mr. WOLCOTT. On that let us have the yeas and nays.

Mr. BACON. I ask that the amendment to the amendment be read.

The SECRETARY. It is proposed to strike out of the amendment offered by the Senator from New Hampshire the words "insure the parity in value of the coins of the two metals," and at the end of the amendment to insert the words, "Therefore no bonds issued under the provisions of this act shall be used as a basis of bank currency;" so that, if amended, the amendment would read:

It is hereby declared to be the policy of the United States not to commit the country more thoroughly to the gold standard, but that the efforts of the Government should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both under a system of bimetalism which will furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange. Therefore no bonds issued under this act shall be used as a basis of bank currency.

Mr. STEWART. I ask leave to modify the amendment to the amendment by leaving off the last provision. I think it a very serious matter to vote to lay it on the table. If the Senator from New Hampshire will permit me, I wish to make a few remarks before he makes the motion.

Mr. CHANDLER. Of course I withdraw the motion if the Senator insists upon debating it. I had not supposed, however, that there was a single Senator in the Chamber who wished to cast a vote against maintaining the parity of the coins of both metals or would refuse to express a willingness to have the parity maintained of the coins of both metals under a safe system of

bimetallism. Therefore I will withdraw the motion, but I hope the Senator will be brief.

Mr. STEWART. I wish to explain it, because I think it a very serious matter to make such a motion.

Mr. CHANDLER. I withdraw the motion with pleasure, but I hope the Senator will be brief.

Mr. STEWART. I shall not be particularly brief, because it is very important. There will not be any trouble about that.

Mr. CHANDLER. I noticed that the Senator had in his hand a very new and able work on money, written by himself, and it is open at the first page. I was afraid that the Senator might make a long speech.

Mr. STEWART. Very well. I will gratify the Senator by reading from it. I do intend to read from it. I shall read from one of the standard authors.

The VICE-PRESIDENT. The motion to lay on the table is withdrawn. The Senator from Nevada will proceed.

Mr. STEWART. Mr. President, I will read the chapter on bimetallism. It is as follows:

BIMETALLISM.

The indiscriminate use of gold and silver for coinage into standard money is the use of the two metals for the single purpose of creating money, and not for the purpose of creating a double standard of money. The money of one metal has precisely the same functions in its debt-paying and purchasing power as the money of the other. It is a mistake to suppose that the exclusive use of one metal for the time being, because the other is not equally available, creates a single standard of gold or of silver. The right to coin and use the metal which is cheapest, at the option of the debtor, is the cardinal result of bimetallism. There is no more difference in the functions of the money that different metals produce than there would be in the functions of steam, whether generated by wood or coal. In the former case it is one money; in the latter it is one steam.

Mr. HOAR. Will the Senator give us the name of the standard author from whom he is reading?

Mr. STEWART. Certainly. The book is entitled "Analysis of the Functions of Money, by WILLIAM M. STEWART, United States Senator from Nevada." I regard it as about the highest authority.

Mr. CHANDLER. Will the Senator allow me.

Mr. STEWART. Please do not interrupt me now.

Parity between the two metals has nothing to do with bimetallism, but parity between the volume of money in circulation and the property for sale is of paramount importance. As long as the supply of money and the property for sale bear the same ratio to each other, the parity which equity and justice require is preserved. The coincidence of parity between the two metals during all the ages previous to 1873, when both had unlimited coinage, has led people to suppose that parity is a condition precedent to bimetallism and not a condition subsequent, produced by equal coinage laws for both metals. The reason why bimetallism produces parity is very plain. If a certain amount of money can be coined out of a given quantity of silver and a like amount can be coined out of a given quantity of gold, such given quantity of silver and such given quantity of gold each represents the same amount of coin, and there can be no difference whatever in their value.

If it is more convenient to obtain a dollar by the coinage of 25.8 grains of standard gold than by the coinage of 412½ grains of standard silver, gold will be used for that purpose; and if a dollar can be more readily obtained by the coinage of silver, then silver will be used for that purpose. When either of the two metals becomes dearer than the other, the entire demand falls on the cheaper metal until the increased demand raises the value of that metal equal to or in excess of the value of the other, the cheaper metal being always in demand in preference to the dearer. Their relative value is thereby automatically equalized.

The relative production of the two metals for the last four hundred years illustrates the fact that under the equal coinage of both their relative quantities have nothing to do with their parity. From the discovery of America to 1803, according to Von Humboldt, there were 44 ounces of silver produced to every ounce of gold, and at no time during that whole period would an ounce of gold buy more than 15½ ounces of silver. From 1803 to 1850 there were about 35 ounces of silver to 1 ounce of gold produced, and still an ounce of gold would buy just 15½ ounces of silver, no more, no less. From 1850 to 1873 there were only 6 ounces of silver to 1 ounce of gold produced; and yet an ounce of gold continued to buy 15½ ounces of silver. At the last-named date the United States and various European countries commenced closing their mints to silver, until the right of the depositors of silver bullion to have it coined into money was denied by the entire western world.

Since 1873 the production of silver bullion has been a little less than 16 ounces to 1 ounce of gold, while an ounce of gold will now buy between 22 and 30 ounces of silver. It will be observed that it was the option of the debtor to have either metal coined for his use in payment of debts which maintained the parity. It will also be observed that it was the closing of the mints which took away that option and transferred the coinage demand, which both metals had supplied, to gold alone which has created the present disparity.

The only parity which interests mankind is that parity which exists between money and commodities. The parity between silver and commodities has remained substantially stationary. Four hundred and twelve and a half grains of standard silver will buy very nearly as much of all things in general to-day as 412½ grains of standard silver or 25.8 grains of standard gold would have bought twenty-five years ago, but 25.8 grains of standard gold to-day will buy more than twice as much property in general as they would have bought a quarter of a century ago. The disparity between money and property, created by the disuse of silver, has depreciated all kinds of property, caused stagnation in business, and produced universal distress. It is the greatest calamity that has afflicted the human race for more than five hundred years. The bondholders, annuitants, and others enjoying fixed incomes are being unjustly benefited by this monetary revolution at the expense of all other classes of society.

Thus it is shown that open mints for the unlimited coinage of all the gold and all the silver brought to them to be converted into money without limitation or discrimination against either, and the right of the debtor to pay his debts and taxes in the coin of either metal at his option, is bimetallism.

In preceding pages it was shown that money is the creation of law, and that every sovereign State may create full legal-tender money by the use of metal, paper, or any other suitable material upon which to stamp or print the sovereign mandate.

It may be asked, if paper will answer the same purpose as the precious metals, why not use paper and avoid the cost of mining for gold and silver? The reply is that the precious metals, so long as the mines are reasonably productive, furnish a more reliable, stable, and certain method of regulating the volume of money than any rule or theory advanced for limiting or regulating such volume by legislative enactment. Gold and silver have been used as money metals since prehistoric times. When the mines were productive, ancient civilization developed; and when the mines were exhausted, barbarism followed the shrinking volume of money with as much certainty as night followed day.

In the zenith of her power Rome had, according to the estimate of W. Jacob, F. R. S., and the historian Gibbon, about \$1,800,000,000 of gold and silver coin in actual circulation. The mines became exhausted, and the production of the precious metals for about fourteen hundred years was very limited. The supply of gold and silver in the country which had comprised the Roman Empire was reduced during that long money famine from eighteen hundred millions to less than one hundred and fifty millions, and the descendants of the warriors and statesmen of the great and glorious civilization which was strangled by fourteen hundred years of contraction became feudal slaves and were sold with the land.

Modern civilization had its origin in the discoveries of gold and silver in Mexico and South America. The supply of the two metals was continuous for about three hundred years, and a new civilization was created. At the beginning of the present century the Spanish-American wars created a money famine by interrupting mining in Mexico and South America. From 1810 to 1850 all Europe was disturbed by anarchy and civil war, and afflicted by poverty and want. The United States was relieved to a great extent from the horrors of the money famine, in the first half of the present century, by the great Mississippi Valley, in which our generous Government gave a farm to every man who would take, occupy, and improve it. Millions of hardy pioneers from Europe sought homes in the marvelous valley of the West, bringing with them their money and their belongings, and by their labor and enterprise added enormously to the prosperity of the United States, and mitigated in this country the miseries of the money famine which sorely afflicted the people of the Old World.

The gold from California and Australia marked a new era in the progress of civilization, set in motion the productive agencies of the human race, revived commerce, stimulated learning and science, inspired invention, and was the means of accumulating greater wealth in twenty-five years than in any preceding century. The automatic rule of allowing the volume of the circulating medium to be regulated by the supply of the two metals worked to perfection. When there was a slight decrease in the output of gold, the discovery of the great Comstock lode revived silver mining throughout the world; and if the product of both metals had been used according to the laws of the better days of the Republic and the universal custom for thousands of years, there would have been no shrinkage of the volume of money, no increase in the purchasing power of dollars, or decrease in the value of property, and the progress and prosperity of the wonderful period of human advancement between 1850 and 1873 would have been indefinitely continued.

The power of the Government to create money by the use of paper is undoubted, but the experiment of a proper limitation of the volume of money by human laws, without the automatic rule of regulating that volume by nature's supply of the two metals, is yet untried. The apprehension that an undertaking by the Government to substitute legislation for the automatic rule of regulating the volume of money might result in ruinous inflation or destructive contraction is at present an insurmountable obstacle to dispensing with the use of gold and silver.

The abandonment of the automatic rule by the demonetization of silver has created a necessity for further action. If only gold is to be used, the certainty in such case of reestablishing feudal slavery in Europe and America and destroying every vestige of free institutions ought to induce all intelligent and patriotic citizens to make a desperate effort to free themselves from the chains of financial bondage. If silver is deprived of its money functions, gold must share the same fate, and paper must be substituted for both to rescue civilization from decay.

The experiment of abandoning the precious metals for use as money is so full of doubt and danger and the gold standard is such an ominous precursor of ruin and destruction that an intelligent people fear to adopt either alternative. This momentous question is brought to the attention of the people by the grinding effect of continually falling prices. They compare the prosperity their ancestors enjoyed while the mints were open to both metals, and the opportunities which then existed for acquiring comfort and independence, with the bankruptcy, want, and poverty of all who are now so unfortunate as to depend upon productive enterprises for a livelihood. They are certain of relief if they reverse the legislation which caused their calamities and reenact the coinage laws of Jefferson and Hamilton. They must take the Constitution and the uniform custom for thousands of years for their guide if they would find the way to relief.

It is the common plea of the goldites that we must have one dollar as good as another; that we must have parity; and they get us committed to the proposition that we must have parity. Then they say, you can not have parity; there is no such parity; the silver bullion in a dollar is not worth more than half as much as a gold dollar, and it has fallen 50 per cent. You talk about parity, and say "we will coin the silver when it gets at a parity; we are willing you should do it, if you only have parity; that is all we ask."

I do not want to vote for a proposition which makes it necessary to have parity precede bimetallism, because if you admit that in any possible form it will come right back to you. If you admit parity must precede bimetallism, you never can have bimetallism, because it was the closing of the mints that produced the disparity. If 16 grains of silver will buy as much as 1 grain of gold, coined into as much, then you have parity.

Now, bimetallism never was parity. Exact parity is where there is no difference in exchange or anything else; where the metals can be coined at the same mint. But then it is more convenient to get one metal than the other. Sometimes the production of one is greater than the other, and that will bring the cheaper metal up, because the entire demand falls upon it. Parity has followed bimetallism, it has followed free coinage, through all time.

Now they say we must have it precede international bimetallism, which is an outrage, when we see what a terrible construction has been put upon this declaration in the act of 1890, in

which the phrase was used "it being the established policy of the United States to maintain the parity between the two metals." Everyone supposed at the time the bill passed for the purchase of more silver that it had reference to that; that it would create a demand for silver, and bring about parity in that way. It was said that the only way we could bring about parity was to use the one metal entirely, to put the demand on gold, and use no silver at all. That is the way they wished to produce parity—not to use silver unless you could have a parity.

I appeal to the Senator from New Hampshire that his amendment will be stronger by leaving out that phrase, and it would express everything he intends to express if it be left out. He wants to declare a policy which is at variance with the bill, but it will be better if he leaves out the words "insure the parity in value of the coins of the two metals," and let it read "which will furnish a sufficient volume of metallic money." How do you know it will insure bimetalism? It is said by some that it will, and by others that it will not. There you have it. You have got a side issue to be fought out; and that has been one of the most troublesome issues we have ever had. When you admit you must have parity to precede bimetalism, you have given away your whole case, and I appeal to the Senator not to put such a vicious clause in the amendment. It will be just as strong without it, as it is very well worded. Let it read—

With the free coinage of both under a system of bimetalism which will furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange.

Some will say that bimetalism which will insure that is impossible; and there you are. That argument is made so frequently that I hate to vote for an amendment containing such phraseology; but I do not want to vote against it. I am for bimetalism which will insure honesty between debtor and creditor; which will insure parity between property and money.

It will be said that the United States can not do it alone, and some say that even with other nations we can not maintain parity. Whenever you take that position, you have got an element in your discussion which you can not overcome; it is pernicious; it is against bimetalism; it is an obstruction. I am opposed to the amendment in toto with that phrase in it.

Mr. ALDRICH. I renew the motion of the Senator from New Hampshire to lay the amendment to the amendment on the table.

Mr. BACON. I understand in reality that there are two amendments here.

Mr. STEWART. I have withdrawn mine.

Mr. BACON. The last one?

Mr. STEWART. I have withdrawn the last one.

Mr. BACON. I was simply going to ask that the question be divided; but of course it is not necessary to do so if the Senator's amendment has been withdrawn.

The VICE-PRESIDENT. The Senator from Rhode Island moves to lay the amendment of the Senator from Nevada to the amendment of the Senator from New Hampshire on the table.

Mr. STEWART. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNEY (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON], and therefore withhold my vote.

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. TURNER], and therefore withhold my vote.

The roll call was concluded.

Mr. MARTIN. I inquire if the senior Senator from Montana [Mr. MANTLE] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. MARTIN. I have a pair with that Senator, and therefore withhold my vote.

Mr. BUTLER (after having voted in the negative). I inquire if the Senator from Maryland [Mr. WELLINGTON] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BUTLER. Then I will withdraw my vote, as I have a pair with that Senator.

The result was announced—yeas 44, nays 27; as follows:

YEAS—44.

Aldrich,	Clark,	Foraker,	Hansbrough,
Allison,	Cullom,	Frye,	Hawley,
Bacon,	Davis,	Gallinger,	Hoar,
Burrows,	Deboe,	Gear,	Lindsay,
Caffery,	Elkins,	Gorman,	Lodge,
Carter,	Fairbanks,	Gray,	McBride,
Chandler,	Faulkner,	Hanna,	McMillan,

Mason,
Mills,
Morrill,
Murphy,

Nelson,
Perkins,
Platt, Conn.
Pritchard,

Proctor,
Sewell,
Shoup,
Spooner,

Thurston,
Wetmore,
Wilson,
Wolcott.

Allen,
Bate,
Berry,
Cannon,
Chilton,
Clay,
Cockrell,

Daniel,
Harris,
Heitfeld,
Jones, Ark.
McEnery,
McLaurin,
Mallory,

Money,
Pettigrew,
Pettus,
Rawlins,
Roach,
Stewart,
Sullivan,

Teller,
Tillman,
Turley,
Turpie,
Vest,
White.

NAYS—27.

NOT VOTING—18.

Baker,
Butler,
Hale,
Jones, Nev.
Kenney,

Kyle,
Mantle,
Martin,
Mitchell,
Morgan,

Pasco,
Penrose,
Platt, N. Y.
Quay,
Smith,

Turner,
Warren,
Wellington.

So the motion to lay on the table the amendment of Mr. STEWART to the amendment of Mr. CHANDLER was agreed to.

Mr. HOAR. I move to amend the amendment by adding to it what I send to the desk. Perhaps the Senator from New Hampshire will accept it.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following:

And to this end to relax no effort to secure the cooperation of the principal commercial nations of the world.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

Mr. BACON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BURROWS. I ask that the amendment be read as it will stand if the amendment of the Senator from Massachusetts be adopted.

The VICE-PRESIDENT. The amendment as proposed to be amended will be read.

The SECRETARY. If amended as proposed the amendment would read:

It is hereby declared to be the policy of the United States not to commit the country more thoroughly to the gold standard, but that the efforts of the Government should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both under a system of bimetalism which will insure the parity in value of the coins of the two metals, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange, and to this end to relax no effort to secure the cooperation of the principal commercial nations of the world.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the junior Senator from Maryland [Mr. WELLINGTON].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. WARREN (when his name was called). I again announce my pair with the junior Senator from Washington [Mr. TURNER].

The roll call having been concluded, the result was announced—yeas 35, nays 33; as follows:

YEAS—35.

Aldrich,
Allison,
Burrows,
Carter,
Chandler,
Clark,
Cullom,
Davis,
Deboe,

Fairbanks,
Foraker,
Frye,
Gear,
Hanna,
Hansbrough,
Hawley,
Hoar,
Kyle,

Lodge,
McBride,
McMillan,
Mason,
Mills,
Morrill,
Nelson,
Perkins,
Pritchard,

Proctor,
Sewell,
Shoup,
Spooner,
Thurston,
Wetmore,
Wilson,
Wolcott.

NAYS—33.

Allen,
Bacon,
Bate,
Berry,
Cannon,
Chilton,
Clay,
Daniel,
Gallinger,

Harris,
Heitfeld,
Jones, Ark.
Jones, Nev.
McEnery,
McLaurin,
Mallory,
Mantle,
Martin,

Mitchell,
Money,
Pasco,
Pettigrew,
Pettus,
Rawlins,
Roach,
Stewart,
Sullivan,

Teller,
Tillman,
Turley,
Turpie,
Vest,
White.

NOT VOTING—21.

Baker,
Butler,
Caffery,
Cockrell,
Elkins,
Faulkner,

Gorman,
Gray,
Hale,
Kenney,
Lindsay,
Morgan,

Murphy,
Penrose,
Platt, Conn.
Platt, N. Y.
Quay,
Smith,

Turner,
Warren,
Wellington.

So the amendment of Mr. HOAR to the amendment of Mr. CHANDLER was agreed to.

Mr. BUTLER. I move to amend the amendment of the Senator from New Hampshire so as to make it read as follows:

And it is hereby declared to be the policy of the United States not to commit the country more thoroughly to the gold standard, but that the efforts of the Government in all its branches should be steadily directed to secure and maintain the use of silver as well as gold as legal-tender money, with the free and unrestricted coinage of both at the present legal ratio, under the same

conditions and limitations, in order to insure the parity in value of the coins of the two metals and to maintain at all times a volume of legal-tender money sufficient to meet the needs of increasing population and business.

Mr. STEWART. I will suggest to the Senator from North Carolina that he can improve that very much by striking a phrase from it. We are making a great mistake when we say we are doing this in order to secure parity. If you can not secure parity, that ends it. I would suggest to the Senator that with a slight change his amendment can be made a great deal stronger.

Mr. BUTLER. I will say to the Senator that this is the only way under high heaven to maintain the parity.

Mr. STEWART. We shall get no bimetalism under it. I should like to suggest an amendment which I think the Senator will accept.

Mr. BUTLER. If the Senator will pardon me, I prefer not to change the phraseology, for it has been so worded for a good reason.

Mr. STEWART. Then I will move to amend the amendment.

The VICE-PRESIDENT. The Chair understands that the amendment of the Senator from North Carolina is not subject to further amendment, it being an amendment to an amendment.

Mr. STEWART. Then I shall vote against it.

The VICE-PRESIDENT. The question is on the substitute offered by the Senator from North Carolina [Mr. BUTLER] for the amendment of the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. I move to lay the substitute on the table.

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

The roll call was concluded.

Mr. BUTLER. I suggest to the Senator from Wyoming [Mr. WARREN] that, if agreeable to him, we transfer our pairs. I am paired with the junior Senator from Maryland [Mr. WELLINGTON] and he stands paired with the junior Senator from Washington [Mr. TURNER].

Mr. WARREN. It is agreeable to me.

Mr. BUTLER. Very well. I vote "nay."

Mr. WARREN. I vote "yea."

The result was announced—yeas 45, nays 33; as follows:

YEAS—45.

Aldrich,	Fairbanks,	Kyle,	Proctor,
Allison,	Foraker,	Lindsay,	Sewell,
Baker,	Frye,	Lodge,	Shoup,
Burrows,	Gallinger,	McBride,	Spooner,
Caffery,	Gear,	McMillan,	Thurston,
Carter,	Gorman,	Mason,	Warren,
Chandler,	Gray,	Mitchell,	Wetmore,
Clark,	Hale,	Morrill,	Wilson,
Cullom,	Hanna,	Nelson,	Wolcott,
Davis,	Hansbrough,	Perkins,	
Deboe,	Hawley,	Platt, Conn.	
Elkins,	Hoar,	Pritchard,	

NAYS—33.

Allen,	Daniel,	Martin,	Teller,
Bacon,	Faulkner,	Money,	Tillman,
Bate,	Harris,	Pasco,	Turpie,
Berry,	Heitfeld,	Pettigrew,	Vest,
Butler,	Jones, Nev.	Pettus,	White,
Cannon,	McEnery,	Rawlins,	
Chilton,	McLaurin,	Roach,	
Clay,	Mallory,	Stewart,	
Cockrell,	Mantle,	Sullivan,	

NOT VOTING—11.

Jones, Ark.	Morgan,	Platt, N. Y.	Turner,
Kenney,	Murphy,	Quay,	Wellington.
Mills,	Penrose,	Smith,	

So Mr. BUTLER's substitute was laid on the table.

Mr. ALLEN. I move to amend by striking out the words "more thoroughly," in line 3; striking out the word "steadily," in line 4, and inserting "immediately;" striking out the words, in lines 6 and 7, "under a system of bimetalism which will insure the parity in value of the coins of the two metals," and insert the word "and" before the word "furnish," in line 8.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 3 of the amendment it is proposed to strike out the words "more thoroughly;" in line 4 to strike out the word "steadily" and insert "immediately," and in line 6 and 7 to strike out the words "under a system of bimetalism which will insure the parity in value of the coins of the two metals" and insert the word "and;" so that if amended the amendment will read:

It is hereby declared to be the policy of the United States not to commit the country to the gold standard, but that the efforts of the Government should be immediately directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both, and furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange.

Mr. CHANDLER. I move to lay the amendment to the amendment on the table.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Let the amendment be again stated.

The Secretary again stated the amendment.

Mr. ALLEN. I should like to ask the Senator from New Hampshire to withdraw his motion for the time being, until I can explain the amendment to the amendment.

Mr. CHANDLER. I withdraw the motion with pleasure.

Mr. ALLEN. The amendments have considerable significance, as I believe. The first amendment is to strike out the words "more thoroughly." The amendment as offered by the Senator from New Hampshire has the vice in it that it implies, if it does not express, the thought that we are now on the gold standard, and I protest against that assumption. It says, "It is hereby declared to be the policy of the United States not to commit the country more thoroughly to the gold standard." The country is not committed to the gold standard by statute. If it is committed to the gold standard at all, it is committed in violation of the statute, in open, flagrant violation of positive law, and as a bimetalist I protest that the amendment should not contain even an implication that we are on the gold standard.

The next amendment is, in line 4, "that the efforts of the Government should be steadily directed to secure and maintain the use of silver," etc. Now, the word "steadily" signifies many things. It does not mean that we are ever to accomplish or consummate bimetalism at a fixed and steady ratio, but that we are to steadily use our efforts to bring about bimetalism, which is not defined. There is not a man, woman, or child in the country who does not know what bimetalism means, and why should we not use language that means something—that we should immediately, without hesitation and without halting and without stammering on the question, use the efforts of every branch of the Government and of the whole Government to bring about bimetalism? It seems to me the effect of this is simply to postpone and to delay the consummation of bimetalism.

Then, in lines 6 and 7, it says:

With the free coinage of both, under a system of bimetalism which will insure the parity in value of the coins of the two metals.

It is inconceivable that two forms of money, having equal debt-paying and purchasing power, and having the function of legal tender, can exist in commerce without there being a parity between them. In other words, the commercial value of the material employed in the money or upon which the money function is stamped has nothing whatever to do with the parity of the dollar as money, and I do not myself want to be committed to the doctrine that we are to coin gold and silver on a commercial ratio or a commercial parity as it exists to-day, with one dishonored and demonetized and the other given twice its purchasing value in consequence of such demonetization.

Mr. MORGAN. I should like to have the indulgence of the Senator from New Hampshire for a few moments on this question.

Mr. President, events have developed a new situation in the United States for which we have got to provide immediately, a very important one in its effect upon the currency of the United States. I am afraid that the Democrats, the silver men, on the Committee on Finance, which has been considering this bill, have not extended their observations so far as they ought to do, under the apprehension that if the silver question had been raised, as it really is in this country, upon the basis of the free coinage of silver at the ratio of 16 to 1, it would perhaps shock a political party in the other end of the Capitol to such an extent that the views of the Senate, which have been very often expressed in favor of the free coinage of silver at the ratio I have stated, would lead to antagonism at that end of the Capitol of such a character as to defeat the appropriations for the support of the war. I have not felt that the Republican party in the other end of the Capitol was amenable really to such an unpatriotic insinuation as that would be, that in order to resist the sentiment and will of the American people it would prevent any supplies being voted or provided by the Congress of the United States for the conduct of the war.

But now our relations with the outside world comprehend a new and peculiar condition in reference to the Spanish possessions in the Western Hemisphere and also in the East Indies. I suppose there is not a man in the Senate who could now get his consent that at the end of this war, if we should be successful in it, the Philippines, the Carolines, Cuba, and Puerto Rico should be brought back under Spanish dominion. I take it that a new form of government and a new form of sovereignty are to prevail in that vast area of country, which has from ten to eleven millions of population—almost as much as the entire peninsula of Spain—and which has had an enormous amount of trade with the United States in the past, and will have very much more trade in the future, for which we have to provide in some way.

Now, in all the Spanish possessions from Puerto Rico to the Philippines the standard money is silver, and the unit of money there is the peseta, a coin that corresponds in its weight and fineness exactly to the French franc. We find that the Spanish people consider themselves very well off indeed, very happy, when

they can redeem their paper issues in these pesetas, and the financial difficulty that the Bank of Spain and the Spanish people are found in to-day is because of the fact that they have not enough silver with which to redeem their currency.

While this war is progressing, and when it comes to a close, also, we shall have a great deal to do, if we do not have absolute control of the various Spanish possessions which we are about to acquire, as I suppose, in some form or other, in establishing for them the basis of currency and trade. In order to build up Cuba again and put her in the commercial relations that she ought to hold with the United States—and the remark applies equally to the Philippines—we shall need a vast amount of silver. A consumption for the product of our mines has already begun. It is already established. It will not cease until all of the silver that we can produce in the American mines will be demanded for the purpose of facilitating trade in these Spanish possessions.

Now, why should we not at the present moment of time agree upon a standard, a ratio of coinage between silver and gold, in order that we may send into these countries a vast amount of our own currency, replacing the Spanish money in those countries, and thereby draw the trade of those islands toward our own warehouses and toward our own mercantile centers?

There never was a time when the United States had such a need for silver as it has now. If we want to occupy those islands, and we shall be compelled to do it for one or two or three or four years, until proper and reliable governments are established there, we shall be compelled to furnish currency to our own troops, to the people who trade with them, to our own merchants trading in that country, and to those enterprising people who will go down there for the purpose of reestablishing the industries of Cuba and Puerto Rico and the Philippines. We shall be compelled to supply them with money. With what money shall we supply them? The money they are accustomed to—silver money. That is the basis of all financial operations in those countries, and without in the slightest degree affecting the currency or the finances of the United States we have an extraordinary demand on our borders for the use of silver.

I think, sir, that if the Committee on Finance had taken a broad view of this question, they would have felt warranted in bringing up the silver question full front for decision, and they would not have contented themselves with taking a pinch out of it such as we have taken in the vote given here for the coinage of the seigniorage which is in the Treasury. There is nothing that the people of the United States will need next to the Army so much as silver currency to control the trade of these new acquisitions or these countries with which we hold commercial relations.

I desired to call the attention of the Senator from New Hampshire [Mr. CHANDLER] to that subject, for, from the masterly way in which he treated the subject of finance the other morning, I am sure he will receive an impression of this kind and digest it, and he will see that in making provision for the future of the United States, in providing coins for our own use and for the use of our merchants and tradesmen, it is necessary to make a broad, sweeping provision in favor of silver.

It has been said for the last two or three years, rather reproachfully, against the friends of Cuba that they were making this agitation for the purpose of the remonetization of silver; that that was the object of all this Cuban agitation. That was no purpose of mine, Mr. President, in trying to convince the American people that they owed it to humanity and to their own honor to relieve the distresses of these poor, impoverished, and persecuted people in Cuba. Such thought never entered my mind, but the financiers and the capitalists of this country have forecast the result and seen that a war with Spain and the establishment of new relations with Cuba and the other Spanish possessions would necessarily create an enormous demand for silver, and they at once made the accusation against us in advance that that was our purpose.

Well, it was not our purpose, and yet I thank God that that is one of the results of this just and holy war. It is a result that gentlemen here who are concerned in trying to maintain a certain financial system in the United States can not avoid. It is coming upon us, and no argument was ever made, no vote was ever given in either House of Congress, that was more important in respect to the remonetization of silver than that argument which is being made by the guns that are firing to-day, I hope, upon Santiago de Cuba and which were fired recently in the Bay of Manila under Dewey.

Events are marching very much faster than we are going. We had as well give up the consideration of questions like this simply as they affect our internal affairs and relations, and take a view of what is outside of this country now going on and which we can not resist, and, sir, which we can not refuse to look at if we intend to make provision for the future of this country. I do not know whether the Philippine Islands are going to be annexed to the United States, or Cuba, or Puerto Rico, or Caroline, or Hawaii. I do not know what the future may be in regard to these things, but

I have stated one proposition to the Senate of the United States upon which every mind here concurs, and that is that these Spanish possessions can not go back under the control of the monarchy of Spain. Therefore some new provision has to be made, some new government has to be established, and the United States is bound to have a controlling influence in the government that will be established there.

Without committing myself at all as to the form of government which ought to be established there or the manner in which this question is to be solved after the war has closed, I can very readily see, and I think no man can fail to see, that during the progress of the war and in the progress of establishing or permitting to be established or encouraging the establishment of a government of a stable and good character in the former Spanish possessions we shall have an enormous control, and there is no place where we can begin it with so much success as in establishing in those countries our financial system. It must be our financial system. That is one of the elements of peace which must be prepared and secured before peace can ever be established between us and the Government of Spain. The Government of the United States must have the control of the financial destiny of those islands, and when we get the control of the finances of those islands we shall not need many troops nor any other forces in order to hold that sort of control which will make them valuable to this country and make them hereafter honorable in the family of the nations of the earth.

I wanted to call attention to the subject, because I am afraid the Senate has not looked at it seriously; and in my judgment it is the most important element to-day in the politics or in the policy of the United States of America that we should now lay here in the Government of the United States the foundations of that financial policy which must be above all other considerations the strongest tie that will bind us to those people or bind them to us. If we will furnish them with a sound finance; if we will teach them how to regulate their trade and their traffic, and thereby how to increase the production of the earth and the security of property and life, they will then possess all the essential elements of liberty, and it will take them but a very short time to grow up into a condition that will be the admiration of the world, and from which we will draw perhaps more honor for the instrumentalities in its establishment than we will have by all the battles that we shall fight and all the glory that we shall win on those fields.

Mr. CHANDLER. Mr. President, there is much force in the suggestions of the Senator from Alabama, that the introduction of this question may delay action upon this bill by reason of the fact that its provisions may not be acceptable to the other branch of Congress. I take kindly the suggestions of the Senator from Alabama to that effect.

It certainly would meet with opposition in the House of Representatives and also in this Chamber if it were to be seriously proposed that we should undertake the creation upon this bill of a financial system which is to prevail in Greater America, including the Philippine Islands, Hawaii, the West Indies, and all the other new possessions, which I take it for granted the Senator from Alabama, with his broad views as to American destiny, covets to be a part of the possessions of the United States.

Now, Mr. President, I am not willing to delay the consideration of this bill in order to take up the whole financial question of the present and of the future. In my remarks on Wednesday I stated that there ought to be as near an approach to unanimity as possible in connection with all parts of this bill. I stated my hope that, in connection with the bond provision of the bill, in connection with any provision for the coinage of silver upon the bill, the amendment which I offered would meet with substantially unanimous support. I framed the amendment so that I thought it ought to receive the unanimous assent of all but certain extreme gold monometallists of both parties in this Chamber.

Certainly I believe that we all ought to be against committing the country more thoroughly to the gold standard and to be in favor of the continued pursuit of bimetalism. I further believe, Mr. President, that according to the past profession of nearly every Senator in this chamber it is the desire of all that the free coinage of silver should be attended by a maintenance of the parity of the coins of both metals. I said on Wednesday, and I say now, that I do not know of any student of the money question on this floor, and I do not know any Senator upon this floor, whether a student of the money question or not, who is willing to admit that he is in favor of destroying the parity between the coins of the two metals through the free coinage of silver or any other coinage of silver.

Therefore, Mr. President, I was surprised at the very large vote given by Senators in favor of striking out the clause declaring that we hope for free coinage under a system of bimetalism which would maintain the parity. That vote has satisfied me that this amendment of mine will not receive such unanimous assent as not to be an embarrassment to the war-revenue bill.

It is true that there has been added to the proposed amendment

a declaration that no efforts should be relaxed to secure the cooperation of the leading commercial nations of the world in the restoration of silver to the coinage.

Mr. President, I am surprised that there was any vote against that amendment. But little over a year ago there was an almost unanimous vote—with four eccentric exceptions—on the proposition that there should be a renewed international conference, and yet to-day we have nearly half the Senate voting, apparently, by their action, in favor of relaxing the efforts to obtain the cooperation of other nations in securing the free coinage of silver.

Mr. President, I am surprised at any such vote, with all due deference to the Senators who cast those votes, and whose opinions I highly respect and whose friendship I value. How can a sincere bimetalist, a person who desires to see the free coinage of silver in the United States alone, wish to have other countries refuse to join in the restoration of silver to the coinage? Everything done by other countries tends to restore the price of silver bullion to its old price. How any Senator, I repeat, who really is sincere in the belief that it is important to this country and to mankind the world over that silver should be restored to the coinage can vote against continuing to seek the cooperation of the principal nations of the world I do not understand.

But so, Mr. President, it is. I recognize the difference of opinion which exists on this floor. The idea having been suggested to me by the remarks which the Senator from Alabama addressed to me, I am unwilling longer to embarrass the passage of this bill. Therefore I withdraw the amendment which I proposed.

Mr. TELLER. Mr. President, I will take occasion to say, then, upon the bill that in my judgment this proposed amendment of the Senator from New Hampshire never ought to have been offered to the bill. Unless the Senator desired to introduce into the bill the entire monetary question, he had no business to have put it in. He must have known that the introduction of it into the bill would have precipitated debate and amendment to it which would have included the entire financial question.

I am as much interested in the financial question as the Senator. I should not myself have thought it a proper thing for me to offer an amendment of this kind that would have brought in the entire discussion of the silver question. The Senator attacks those of us who did not vote for the Hoar amendment.

Mr. CHANDLER. If the Senator will allow me, I did not attack anyone. I expressly disclaimed any desire to attack anyone. I simply expressed my surprise. If expressing surprise is an attack, then, of course, the Senator can go on.

Mr. TELLER. I will change it and say the Senator criticizes those who voted against that amendment, because that is what it is; it is criticism. Now, I am one of those who voted against it. I voted against it because I knew it would be used to defer and postpone the only bimetalism that will ever be obtained in this country, and that is by the action of the United States alone.

Mr. President, a man must be exceedingly full of hope who believes it is now possible to secure the cooperation of Great Britain in an international agreement. Without being offensive, I think I may say that no sane man in the United States believes that that can be done.

And all this talk of bimetalism to rely upon an international agreement is not worth much in the way of encouragement for real bimetalists. We fully understand that the demand for bimetalism in this country is to be met by this declaration. The party in power is anxious for bimetalism if it can be secured through international agreement, yet I will venture to say that a great majority of the Republican Senators in this Chamber—three-quarters of them—if they could secure by their vote international bimetalism, would be found voting against it under some excuse or another. There might be a few here who would vote that way for international bimetalism.

I am not one of those who oppose international bimetalism. I have voted on every occasion for it. I voted for it when I knew it could not be obtained, and so stated on the floor. But, Mr. President, the demand for bimetalism in this country is not to be answered always by the weak and delusive statement that it is better to wait until some foreign power consents that we may have a financial system that shall recognize both gold and silver.

This amendment was not intended to do anything more than to be an answer to the people who are demanding independent action on the part of the Government of the United States. It is a sop to them. It is a sort of hedging of the Republican party to prevent some of the present members of it who do not believe in the gold standard from abandoning it, as they ultimately will when they find the gold standard is one of the real and main principles of the Republican organization. That is what the party now exists for more than anything else. It is to more thoroughly, as the Secretary of the Treasury says, establish the gold standard in this country.

Mr. President, I am glad the Senator from New Hampshire withdrew his amendment. I think it would have been more creditable if he had never introduced it. I do not say how I should have

voted on it, but I know it would have been made an excuse for a further delay. I remember that in 1893, after a long and arduous contest over the question of the repeal of the act of 1890, the high-sounding declaration was put in which the Senator has copied into his amendment, and how this Chamber rang with the statement that when the Sherman Act was repealed and it was out of the way the real bimetalists would come to the front. They were the ones who were voting for its repeal, and they said that there would be then not a halfway makeshift, but a real bimetalism. They went to the country with that statement.

Mr. President, what did they ever do? Not a man who stood up here in this Chamber proclaiming his devotion to bimetalism then ever made a further movement for bimetalism. The party in power never made a movement, nor any man who said he was for it. They were for it because it was getting an obstruction out of the way of bimetalism, but they never made a further move for bimetalism at all. And so it would be with this amendment.

Mr. President, there is but one of two things to do—for those who believe in the gold standard to stand up for it like men, and for those who do not believe in it to stand up for the double standard. The time is not very far distant when those who believe in the gold standard and talk bimetalism will get over on the other side and talk the gold standard, where they belong.

Mr. CHANDLER. Will the Senator allow me a word?

Mr. TELLER. Certainly.

Mr. CHANDLER. The Senator says the time has come for those who are for gold monometallism to talk gold monometallism and for those who are on the other side to talk the other way. Now, is the Senator for silver monometallism, or does he believe that the monetary system which he is in favor of will maintain the parity between the coin money of the two metals?

Mr. TELLER. I have told the Senator many a time what my position is upon that question.

Mr. CHANDLER. I wanted the Senator to tell the Senate what his position is upon the question.

Mr. TELLER. I am myself satisfied that if the United States Government would go to free coinage to-day, you would maintain the parity between the two metals.

Mr. CHANDLER. If the Senator will allow me a word further, I framed this amendment believing the Senator would vote for it. The Senator said I had no business to introduce it; that it was not intended for the purpose which I professed. Now, will the Senator allow me to say that I endeavored to frame, in the interest of a cause and not of a party, an amendment on this subject which would be voted for by both sides of the Chamber, and I did not dream that either the Senator or those who voted with him ever would vote against maintaining the declaration that a proper system of bimetalism would maintain parity between the two metals?

Mr. TELLER. I have not voted that way and have not said that. I am not questioning that; but the Senator knows very well that when the amendment was put on by the Senator from Massachusetts [Mr. Hoar] it changed the entire meaning of the amendment of the Senator from New Hampshire [Mr. Chandler]. He had a right to expect that that amendment would be offered, and he had a right to suppose, judging from the votes which had been given here, that it would be fastened onto his amendment; and when we do not vote for it, we are accused of being inconsistent.

I am in favor of international bimetalism to-day, if you can get it, but I am not in favor of saying that the policy of the United States is to secure bimetalism by international agreement. That is not the policy, or it should not be the policy, of the Government of the United States.

Mr. BUTLER. If the Senator from Colorado will allow me, the Senator from New Hampshire said he hoped to draw an amendment that all bimetalists could vote for if he made it general, but he succeeded in drawing an amendment so indefinite, and which was such a straddle, that the extreme gold men to whom he referred voted zealously with him and the silver men did not.

Mr. TELLER. The public press has teemed with declarations of what the silver people were doing to delay this bill. I regret very much that anybody should offer any amendment to the amendment of the Senator from New Hampshire. I regret very much that we are compelled to vote on this question on a bill of this character. I am quite ready, Mr. President, to meet the question of free coinage, or any other question concerning money, on a proper bill. Of course I could not afford to fail to vote my sentiments on the amendments as they were presented, nor could my associates fail to do so.

Mr. ALLEN. Mr. President, I am one of the four eccentric characters referred to by the Senator from New Hampshire [Mr. Chandler] who voted against the bill, which was enacted a year or two ago, sending certain commissioners abroad to negotiate international bimetalism. I did not vote against that bill because I was opposed to international bimetalism; I voted against

it because I was satisfied that the mission of the commissioners or envoys, whichever they may be called, would be absolutely fruitless, as the mission was fruitless.

That bill carried \$100,000 to pay the expenses of the commissioners. It was like burning up \$100,000 of the money of the people of the United States. After seven or eight months of absence in England, France, and elsewhere in Europe, our commissioners came back to us, and the honorable junior Senator from Colorado [Mr. WOLCOTT], the chairman of the commission, told us last January that the mission was a failure. He not only told us that it was a failure, but he told us why it was a failure; that the money interests of the United States and the Secretary of the Treasury, the chief financial officer of the Government of the United States, were using their influence in money circles in Europe to defeat the object of the commission.

Mr. President, I believe international bimetalism is a snare and a delusion. I do not believe it is capable of accomplishment. I do not believe the time will ever come in the life of any man in this Chamber when international bimetalism will be an accomplished fact.

England owns fifteen hundred millions of the world's indebtedness on a gold basis. She is not going to relinquish that power over the property of the world and have a reorganization of the financial system. It is impossible to conceive that she will do so.

So, Mr. President, international bimetalism is simply another name for the single gold standard. There are those who are honest enough to say that they want the gold standard without any qualifications; there are others who are a little more cowardly, and who speak in favor of international bimetalism because they can hide their true opinions behind that theory.

I am glad that I did vote against the bill creating that commission. It was useless when we voted for it. I do not believe there was a man in this Chamber who did not in his secret heart know that the mission of those commissioners would be a failure.

Now, Mr. President, the Senator from New Hampshire complains because, as he says, we are in favor of maintaining the parity between gold and silver. What is parity in its application to the gold and silver question? Nothing more or less than a law of equality between a gold dollar and a silver dollar in their debt-paying and purchasing power.

But the Senator from New Hampshire and certain international bimetallic Senators believe that the parity exists between the commercial value of the materials as articles of commerce as distinct from their character as dollars. It is absolutely impossible to create parity between gold and silver as mere articles of commerce. You can no more create parity between the two by statute or by usage than you can create parity between a bushel of potatoes and a bushel of pears; for to-day the one is worth so much and the other so much, and the next day the fluctuations in the market change the price, and one goes up and the other goes down. If it is the commercial parity of the two metals to which reference is made, there is no statute which can control or fix it, unless that statute can control and fix the market from day to day.

But, Mr. President, whenever you coin a silver dollar on terms of equality with the gold dollar at a fixed ratio, as, for instance, at the ratio of 16 to 1, and confer on that silver dollar all the money functions that can be exercised by the gold dollar, then the parity exists between the two dollars as dollars and the parity exists between the metals in the two dollars. Parity can be established in no other way.

Mr. WOLCOTT. Mr. President, if I had had my way, I doubt very much if I should have in any degree brought into the discussion of this bill any question of bimetalism; but in the judgment—possibly the wise judgment—of others, through amendments regularly introduced, the discussion respecting the general subject of bimetalism has consumed most of the afternoon.

I should not now have taken one moment of the time of the Senate had it not been for the somewhat offensive suggestions of the Senator from Nebraska [Mr. ALLEN], not uttered upon this floor for the first or the second or the third time. He has declared himself to have been one of the four eccentric men, as he terms himself and his associates, who voted against the international commission established for the purpose of endeavoring to ascertain what could be done abroad on the subject of international bimetalism; and he has again referred to the fact that by the resolution which appointed the commission the sum of \$100,000 was appropriated to pay the expenses of that commission, and he says that money might as well have been thrown away.

Mr. President, it is not pleasant to a man conscious of his own self-respect and desirous of preserving the dignity of his position to hear such suggestions; but it may relieve somewhat the Senator's conscience if he is informed that the three commissioners appointed by the President of the United States proceeded to Europe in the fulfillment of their duties and spent over six months there, doing such traveling in pursuit of their mission as was essential, and no more; that they took with them from here a skilled and competent secretary; that the total expenses of the

commission of these three members from the time they left until they returned, including the expenses of their secretary and every possible outlay and the charge to the Government, was only \$16,000, and that no member of the commission went abroad except at the sacrifice of thousands of dollars of his own money.

It is undignified and it is unbefitting that a Senator of the United States should rise upon the floor and suggest that in the appropriation of the money there was misconduct on the part of the Government, or an imputation that the commissioners spent money of the people of this country which they were not justified in expending. Outside of the actual traveling expenses to and fro upon the ocean, there was no member of the commission who spent \$3,000. It was much below the sum ordinarily charged to the Government in such cases, and was but the slightest possible percentage of the actual and necessary expenses of the commission. Mr. President, I am tired of hearing that sort of suggestion, and I hope it will end here.

If the Senator from Nebraska has further curiosity upon the subject, he may proceed to the State Department, and, at his leisure, he may investigate the accounts, which have been regularly filed by the commission and duly certified to, which stand upon the books of the State Department as showing the expenses of the commission. It is possible, Mr. President, that when the Senator shall have done so, he may correct his statement, which has been sent by him broadcast over the country again and again, and has been published in those patent insides in the West, which constitute the bone and the sinew and most of the brain of the Populist party.

The Senator from Nebraska says he always knew that any attempt to obtain international bimetalism would be a failure. I suppose the sapient Senator from Nebraska and his fellow-Populists at some crossroads in the western part of his State, who know where Europe is on the map, and know but little else of the countries of the world, got together and determined that no country but the United States was intelligent enough to have ideas upon the money question. They were unaware of the fact that the great leaders of thought in England, in France, and in Germany were for more than a generation before the party of which the Senator from Nebraska is such a shining light was ever heard of bimetalists from conviction and from principle, and from that day to this they have preached it as the one doctrine that can bring prosperity to the people of the world and can advance civilization.

When this commission went abroad it met those men.

Fortunately, Mr. President, the silver parties of Europe are not hampered with the long-haired cranks who want silver only as they want tin or paper or anything else that adds to the circulation and gives people more money. They have the producers there belonging to that party, not the men who work only with their tongues and want to share the money of the people who have been able to earn it.

The commission went abroad and met the leaders of thought, the men who understand the question and have devoted a life to it, and they found men just as earnest as we were for bimetalism; and the Senator, who knew it would be a failure, did not know that it came very near being a success. If the movement was hampered at home, it was hampered not alone by published interviews with the Secretary of the Treasury, but it was hampered as well by scores and scores of men who had been for "16 to 1 or bust" by the United States alone; who were so anxious to succeed themselves that they would rather defeat bimetalism than have it brought about by the nations of the world uniting in favor of it—men who would rather see the cause of bimetalism damned forever than to see it brought about in a rational manner by rational men by a universal international agreement.

Fortunately, Mr. President, there are members of the Senator's party, and there are members on the other side of the Chamber, who had a broader vision and a clearer light, who stood here the friends of the commission through thick and thin.

France wants bimetalism to-day. It may not be thought so out in western Nebraska; but they do. France wants it, and would be glad to cooperate with us in securing it on any fair basis. There are other countries of Europe outside of France waiting only to follow the lead of France and the United States, if we shall attain it.

When the commission went to England we found ourselves upon familiar ground, with men who believe upon the question as we do, and every member of that commission was an earnest and honest bimetalist, and wanted to bring bimetalism about; and they hoped they had accomplished it. In the early summer of 1897 there was not a member of the English ministry who did not believe our labors would result in an international bimetallic agreement, and the answer of Sir James Westland, of the Indian council, was like a flash out of a clear sky, and as much of a surprise to them as it was to us; but following the traditions of the Indian office since its foundation, they declined to interrupt the policy which the Governor-General and all his associates in the

council had recommended. Rather, however, than decline the invitation which France and the United States had extended to them, they distinctly in terms invited us to present some other proposition, if we could, looking to an international agreement respecting bimetalism; and that is what the Senator from Nebraska calls "a delusion and a snare."

Mr. President, the experiment now about to be tried by the government of India will, in the opinion not only of the bimetalists of the world but of nine-tenths of the gold monometallists of London, result in abject and utter failure. And it will be impossible to install and impose upon the people of India the gold standard; and we are still asked if we have some other suggestion to make.

In the face of that situation, Mr. President, I say that he is an enemy and not a friend of bimetalism who stands up in this body and talks about international bimetalism being "a delusion and a snare," saying to the people of his section, "No, it can not be brought about;" and who has no better argument to present in favor of an international settlement of this great and vital question than making untrue and unpleasant and undignified suggestions that the commission took a large sum of money out of the funds of the people of the United States and squandered it.

Mr. ALLEN. Mr. President, if I wanted to copy the manners of the Senator from Colorado, I should want him to modify them very much. I made no reference whatever to squandering any money. I did not say one word about squandering money, nor did I say a word from which the very amiable and very distinguished Senator could infer that I reflected upon him or his commission. I did say—and the RECORD to-morrow morning will bear me out, and it will not be tampered with for rhetorical or other effect—that the money appropriated by this Government for that commission was uselessly appropriated; that every dollar that was spent in sending commissioners abroad was money squandered.

I repeat it now. If that is an offense, the Senator can so consider it either in this Chamber or elsewhere—not that the commissioners spent money they ought not to have spent, not that they were extravagant or did what they ought not to have done, but that money appropriated for a mission that it was apparent would be fruitless in the very nature of things when the appropriation was made was a squandering of money.

If the Senator had laid the unction to his soul that the commissioners, of which he was the head, who went to England to bring about international bimetalism would be successful, I believe he was the only man who thought so; and yet, because I referred to this in open and candid debate, I am to be the recipient of the sophomoric philippics and the epithets of that gentleman.

Mr. President, there is nothing about the Senator from Colorado that I fear, and there is nothing that I respect under certain circumstances. While I am perfectly willing to accord to him the same treatment that I would to any other gentleman, I do not permit him to put words into my mouth that I have not uttered, and no gentleman with a keen sense of honor would undertake to do that in a public or in a private position.

I do not desire to reflect upon the party to which the Senator belongs, if he has a party, and I do not know to which branch of the Republican party he belongs, if he belongs to either branch. And yet, Mr. President, it is not necessary for me to say that the Republicans are long-haired and wild-eyed to even up with the Senator from Colorado. I would not suffer myself, Populist as I am and hailing from Nebraska as I do, to belittle myself in my own eyes to that extent. While I do not have the collegiate education of this most distinguished and brilliant star from Colorado, I have self-respect enough to refrain from epithets of that kind.

Now, sir, I have said nothing to offend that gentleman, and I have no apologies to make to him.

Mr. CANNON. Do I understand that the amendment proposed by the Senator from New Hampshire has been withdrawn?

The VICE-PRESIDENT. No objection was made to the withdrawal, as the Chair understood, and the amendment was withdrawn.

Mr. CANNON. Was it within the province of any Senator to object?

The VICE-PRESIDENT. The Chair asked whether any objection was made.

Mr. CANNON. I rose to object, but another Senator took the floor. I was not aware that an objection could restrain the Senator from New Hampshire from its withdrawal. I supposed he had that right. The Chair asked if there was objection, and I rose to offer one, but the Senator from Nebraska took the floor. I desire to propound the inquiry to the Chair, if an objection will lie to the withdrawal of the amendment?

The VICE-PRESIDENT. The Chair will decide that the Senator from New Hampshire did not have the right, without the consent of the Senate, to withdraw the amendment after it had been amended by the Senate and after three amendments were pending, offered by the Senator from Nebraska, upon which the

Senate was about to vote. The Chair, so understanding, put the question to the Senate by saying, "Is there objection," to which no answer was made. That is the situation in which the amendment stands at this moment.

Mr. CANNON. I desire to reassert that I rose for the purpose of objecting, but the Chair recognized the Senator from Nebraska, and under the circumstances I could not object without receiving recognition from the Chair. I make the objection now, if it is not too late.

Mr. ALDRICH. It is too late.

Mr. CANNON. I ask the ruling of the Chair upon the question.

The VICE-PRESIDENT. The ruling of the Chair is that it is too late to make an objection now to the withdrawal of the amendment.

Mr. TELLER. I suggest to the Senator from Utah that it has been the universal custom, when no objection was made, that the amendment should be withdrawn. The Chair ruled properly, and the Senator allowed the amendment to be withdrawn. That is the end of it. I think, in order to continue a practice that is somewhat old, it would be better not to interfere with that. If the Senator desires, of course he can offer the amendment. I do not know that it makes very much difference except perhaps to save time.

Mr. CANNON. I am aware that I have the right to offer the amendment. I do not desire, however, to accept even temporarily the paternity of such a measure; and if the Senator from New Hampshire is willing—

Mr. PETTUS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah consent to be interrupted by the Senator from Alabama?

Mr. CANNON. Certainly.

Mr. PETTUS. I rise simply for the purpose of requesting the Senator from Utah not to inject this inflammable matter into the pending bill. We have had a good deal of it. It is very unprofitable. It is nothing but a declaration, and I hope he will not inject it again into this discussion.

Mr. CANNON. In view of the advice of the Senator from Alabama, I will not inject the matter, and therefore will not offer the amendment of the Senator from New Hampshire.

However, I desire to call attention to a fact which has not yet been alluded to in the very stirring debate which has taken place on this question. The Senator from New Hampshire avowed the intention which actuated him in withdrawing the amendment, and said he did not wish to embarrass the pending war-revenue bill.

It was a very late thought, because considerable time had been occupied in the discussion of the matter and we were apparently approaching a time when we could reach a vote upon it. It occurs to one who sat as looker-on that, it having become perfectly apparent that the amendment would pass this body, it might have been the intention of the Senator from New Hampshire not to embarrass the Republican party, which controls another branch of the Legislature, by sending to it practically a reiteration of its own platform of two years ago, from which it has been making such rapid recession toward the gold standard that any attempt at the present time to stay it in that evil progress would be a serious embarrassment.

I regret very much that the amendment was withdrawn. I regret that the Senator from New Hampshire, who took occasion to test the sentiment in the Senate on the points proposed by him, being very careful so to frame the amendment that all nonessential points should receive consideration, did not choose to leave the amendment in such a position that the real essence of the bimetallic question could be presented, so that we might learn his views and the views of others who think with him.

Mr. CHANDLER. Will the Senator from Utah allow me to make a suggestion?

Mr. CANNON. Certainly.

Mr. CHANDLER. I stated very clearly the motive that led me to withdraw it. There is nothing to prevent the Senator from Utah from offering it. I was disappointed at his vote, but I made no reflection. I only expressed surprise. Now, I should be very glad to have him reoffer the amendment. He can do it and test the sense of the Senate just as well as I can.

Mr. CANNON. The Senator has heard the advice offered by the Senator from Alabama. He knows that I accepted that advice. It is not necessary to assure me that I can reoffer it. I regret, I repeat, that the Senator did not leave the amendment long enough before the Senate so that we might put to the test the feelings of those men who, still occupying stations within the Republican party, avow themselves for bimetalism. Had the amendment remained here long enough for us to offer amendments which would have put life into it, such amendments would have been offered and the Senator and all other Senators would have had an opportunity to vote upon this question.

Mr. CHANDLER. Again I ask the Senator why he does not offer it now and test the Senate to his heart's content?

Mr. CANNON. Because the Senator from New Hampshire has withdrawn his amendment.

Mr. JONES of Arkansas. I suggest to the Senator from Iowa that it is manifestly impossible to dispose of the bill to-day. The Senate has been in session now for seven hours, and I suggest that he move that we adjourn until 11 o'clock to-morrow.

Mr. ALLISON. We have made rapid progress with the bill, and I think we had better proceed.

Mr. MORGAN. It is not likely that the bill can be finished to-night. I think we are all very much fatigued.

Mr. TELLER and Mr. SPOONER. We can not hear a word.

Mr. MORGAN. I say I think it is not at all likely the bill can be finished to-night. We are all fatigued, as well as very warm, and I prefer, so far as I am concerned, to await the result of the bombardment of Santiago de Cuba before we pass the bill. Perhaps we shall want to modify it after we get news from that event. If we succeed in taking that fleet and that port, this war is practically broken in two. The war is likely to come to an end before the bill is passed, which I think would be a great consummation, and one devoutly to be wished. I suggest that we ought to have an executive session. There are some messages on the desk from the President of the United States.

Mr. ALLISON. There are a great number of amendments on the table printed, and I hope we can dispose of them. A great many of them can be disposed of to-night.

Mr. ALLEN. Pending this discussion, I should like to offer and have printed an amendment to the bill.

The VICE-PRESIDENT. It will be received and printed.

Mr. ALLISON. Do I understand the Senator from Alabama to make any suggestion?

Mr. MORGAN. I am not in charge of the bill, nor am I obstructing it in the slightest degree; but I have some amendments to propose, and on them I desire to be heard.

Mr. TELLER. I wish to suggest to the Senator having the bill in charge that if we could come to some conclusion to vote to-night, we might go on. If not, it is hardly worth while to keep us here late and take up the bill again to-morrow.

Mr. ALLISON. I am perfectly satisfied that if we could go on to-night for three or four hours, we could conclude the bill.

Mr. PETTIGREW. Not to-night.

Mr. TELLER. I do not believe we can, from what I know of it. I think it would be a great deal better to meet here at 10 o'clock in the morning, if there is a prospect of finishing the bill to-morrow.

Mr. PETTIGREW. Eleven o'clock is soon enough.

Mr. CULLOM. Can we not have an understanding that we shall finish the bill to-morrow?

Mr. PETTIGREW. We will be much more liable to finish the bill to-morrow if we now adjourn until to-morrow at 11 o'clock than if we go on. The debate has got in such shape that it will only create antagonisms and ill feeling and will produce more debate and longer speeches. If our by-and-by bimetalists could let the question of silver alone for a little while, I believe we could finish the bill.

Mr. ALLISON. I hope we will go on and make an effort to finish it to-night.

Mr. BACON. I am perfectly willing to go on with the bill this afternoon if there is any prospect of being able to finish it, but I am sure from what the Senator from Alabama [Mr. MORGAN] says as to amendments he has and his purpose to address the Senate upon them that it is practically impossible to finish the bill to-night. If we are not going to finish it to-night, why should we stay here longer to-night?

Mr. LINDSAY. We can finish it to-night.

Mr. MORGAN. Let us try that.

Mr. JONES of Arkansas. Mr. President, we came here this morning with the belief that the bill could be finished to-day. I thought so. Hours have been taken up by discussions and by long speeches which were made here, some of them prepared and read, some of them containing statements that ought to be challenged, that are not true in many respects; and I for one think there is no use in asking Senators to remain here to-night, after a long day's session of this kind. If there had been any delay on this side of the Chamber, if there had been any effort on this side of the Chamber to prevent making progress, I would not open my mouth, but would be willing to go ahead with a long session to-night, but there is no occasion for it.

As has been again and again stated, there is plenty of time to pass this bill. Let us come here to-morrow morning and go ahead with the bill in good faith and do the best we can to dispose of it. I do not know whether or not we can finish it to-morrow. I hope we can. I should be glad to see it done. We have been for weeks discussing amendments proposed by the committee. There are Senators who have just the same right to offer amendments to the bill that others have. These amendments have been offered or notice has been given of them. They are printed, they are on the desks, they are here, as stated by the Senator from Iowa a while

ago, in large numbers. Those amendments ought to be carefully, deliberately considered. There is no reason why they should be rushed through. They are all amendments of importance, and I do not believe there is any necessity for staying here any longer to-day. I hope the Senator from Iowa will either move that we adjourn or go into executive session.

Mr. PETTUS. I hope the Senator from Iowa will not ask us to remain here longer. We have been here seven hours, and many of us had committee work before that time, and it is not reasonable. I hope the Senate will not force this sort of work. It does not do any good to force men to do work after a reasonable day's work is ended. I notify the gentlemen now that they can not accomplish anything by this sort of proceeding—driving men to unreasonable hours of work. I move that the Senate proceed to the consideration of executive business.

Mr. CHILTON. Will the Senator from Alabama withdraw his motion for a moment that I may offer an amendment and ask to have it printed?

Mr. PETTUS. Certainly.

Mr. CHILTON. I offer the amendment and ask that it may be printed.

The VICE-PRESIDENT. The amendment will be received and printed. The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

Mr. TELLER. Will the Senator from Alabama withhold his motion for a moment?

Mr. PETTUS. Certainly.

Mr. TELLER. I want to suggest that the amendment offered by the Senator from Alabama [Mr. MORGAN] be printed. It was not ordered printed, I understand.

The VICE-PRESIDENT. It has been ordered printed.

Mr. HALE. Let all the amendments be printed.

Mr. TELLER. Let all the amendments which have been offered be printed.

Mr. ALLISON. I know how fatiguing it is to sit the number of hours we have been here to-day, either in committee or in the Chamber. I also know it will be impossible to complete this bill at any given session unless we put ourselves to some inconvenience. I hope there can be some understanding whereby the bill can be completed before adjournment to-morrow. If so, I should be very glad to yield in a moment to the Senator from Alabama [Mr. PETTUS] to move to proceed to the consideration of executive business.

Mr. MORGAN. I expect, when I come to speak on this bill, as I have contemplated doing for several days past, to have the doors closed on me by the order of the Committee on Finance. We shall then have a good, long, free, and friendly talk here about the bill.

Mr. ALLISON. I want to assure the Senator—

Mr. MORGAN. I do not propose to have any bargains about it, but until that matter is arranged and disposed of and that motion is gone through I am not in a consenting mood.

Mr. ALLISON. I will say to the Senator from Alabama that the Committee on Finance will not meet to-morrow morning, and there is no such order now pending from that committee with reference to any observations he may make.

Mr. MORGAN. None now pending, but it has been decided.

Mr. ALLISON. I assure the Senator that no such motion will be made upon my part either on behalf of the committee or otherwise.

Mr. MORGAN. I was notified by the Senator from Iowa that he was required by the committee, very reluctantly on his part, to close the doors on me when I proposed to argue, a right that I have, and that I intend to argue upon authority.

Mr. ALLISON. The Senator wholly misapprehended what I meant to say to him. I move now, then, that when the Senate adjourn to-day it be to meet at 10 o'clock to-morrow.

Mr. JONES of Arkansas. I hope the Senator will make it 11 o'clock. Eleven o'clock is early enough.

Mr. PETTIGREW. You will make no progress by meeting at 10 o'clock. You will have no quorum here.

Mr. ALLISON. I make that motion.

Mr. JONES of Arkansas. I do not like to have the hour of meeting changed, and I am very much inclined to move to adjourn. Does the Senator from Iowa insist upon meeting at 10?

Mr. ALLISON. Let the Senate take its own course if another hour is proposed.

Mr. TELLER. I move to amend by saying 11 o'clock instead of 10 o'clock.

Mr. HALE. If Senators could agree positively to be here at 11 o'clock, that would give us a long day, but if Senators do not agree to come at 11, we shall consume half or three-quarters of an hour in calling the roll to obtain the presence of a quorum.

Mr. TELLER. That was not done this morning.

Mr. TILLMAN. If we meet at 10, certainly the roll will have to be called before we can get a quorum.

Mr. HALE. Except this morning the roll has been called.

Mr. JONES of Arkansas. There was no time lost in calling the roll this morning.

Mr. ALLISON. I will modify my motion and make it 11 o'clock.

The VICE-PRESIDENT. The Senator from Iowa moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

Mr. BUTLER. I offer an amendment to the pending bill and ask that it be printed.

The VICE-PRESIDENT. The Senator from North Carolina offers an amendment to the pending bill, which is ordered to be printed, without objection.

EXECUTIVE SESSION.

Mr. PETTUS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 4, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 3, 1898.

UNITED STATES ATTORNEY.

Charles O. Whittemore, of Utah, to be attorney of the United States for the district of Utah, vice John W. Judd, to be removed.

CONSUL.

Henry H. Ellis, of California, to be consul of the United States at Turks Island, West Indies, to fill a vacancy.

PROMOTION IN THE MARINE CORPS.

Maj. Percival C. Pope, United States Marine Corps, to be a lieutenant-colonel in that corps, from the 2d day of June, 1898, vice Lieut. Col. John H. Higbee, retired.

APPOINTMENT IN THE NAVY.

Eugene Julius Grow, a citizen of New Hampshire, to be an assistant surgeon in the Navy, to fill a vacancy.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-generals.

Col. John N. Andrews, Twelfth United States Infantry.
Leonard W. Colby, of Nebraska.
Roy Stone, of New York.
Col. Robert P. Hughes, Inspector-General, United States Army.
Lieut. Col. John B. Babcock, assistant adjutant-general, United States Army.
Henry T. Douglas, of Maryland.

To be assistant adjutant-general with the rank of lieutenant-colonel.
Capt. William V. Richards, Sixteenth United States Infantry.

To be assistant adjutants-general with the rank of major.

Capt. Hunter Liggett, Fifth United States Infantry.
First Lieut. Henry T. Allen, Second United States Cavalry.

To be assistant adjutants-general with the rank of captain.

First Lieut. Charles D. Rhodes, Sixth United States Cavalry.
William Graves Bates, of New York.
Frederick M. Page, of Virginia.
David Elkins, of West Virginia, now first lieutenant, First West Virginia Volunteer Infantry.

To be inspector-general with the rank of major.

David Vickers, of Idaho.

To be chief quartermasters with the rank of major.

Capt. George Ruhlen, assistant quartermaster, United States Army.

Capt. Edgar B. Robertson, Ninth United States Infantry.

To be assistant quartermasters with the rank of captain.

Walter Allen, of Mississippi.
Charles M. Forrest, of the District of Columbia.
Second Lieut. Charles G. Sawtelle, jr., Second United States Cavalry.

Clyde D. V. Hunt, of Vermont.

First Lieut. John A. Perry, Eighth United States Infantry.
First Lieut. Alexander W. Perry, Ninth United States Cavalry.

To be chief commissaries of subsistence with the rank of major.

First Lieut. George T. Bartlett, Third United States Artillery.
John D. Black, of North Dakota.
Robert H. Fitzhugh, of Pennsylvania.
William M. Grinnell, of New York.

To be commissaries of subsistence with the rank of captain.

James H. McMillan, of Michigan.
William Larrabee, jr., of Iowa.

Joseph B. Handy, of Delaware.
William C. Daniels, of Colorado.
Warren Fairbanks, of Indiana.

To be additional paymasters.

Charles Albert Smylie, of New York. The nomination of Charles Albert Smylie, of Virginia, for the above-named office, which was delivered to the Senate May 23, 1898, is hereby withdrawn.

Samuel S. Harvey, of Florida. The nomination of James S. Harvey, of Florida, for the above-named office, which was delivered to the Senate May 23, 1898, is hereby withdrawn.

Fred M. Rix, of Arkansas.

William Monaghan, of Ohio.

Manley B. Curry, of Georgia.

James B. McKenna, of Indiana.

Joseph Stuart Wilkins, of the District of Columbia.

Michael F. Sheary, of New York.

Second Lieut. George W. Moses, Third United States Cavalry.

Frederick Bostwick, of New York.

To be assistant adjutant-general with the rank of captain.

Davis Elkins, of West Virginia, now first lieutenant First West Virginia Volunteer Infantry. The nomination of David Elkins, of West Virginia, to the above-named office is hereby withdrawn.

To be assistant quartermaster with the rank of captain.

James H. McMillan, of Michigan. The nomination of James H. McMillan, of Michigan, to be commissary of subsistence with the rank of captain, is hereby withdrawn.

WITHDRAWAL.

Executive nomination withdrawn June 3, 1898.

Samuel B. McElroy, to be postmaster at Gordonsville, in the State of Virginia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 3, 1898.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Oscar S. Straus, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Turkey.

POSTMASTERS.

Giles P. Lecranier, to be postmaster at Moodus, in the county of Middlesex and State of Connecticut.

M. C. Deering, to be postmaster at Gunnison, in the county of Gunnison and State of Colorado.

Leander H. Miner, to be postmaster at Ferndale, in the county of Humboldt and State of California.

William H. Friend, to be postmaster at Oakland, in the county of Alameda and State of California.

Edwin Foster, to be postmaster at Independence, in the county of Montgomery and State of Kansas.

James M. Chisham, to be postmaster at Atchison, in the county of Atchison and State of Kansas.

Clarence R. Aitchison, to be postmaster at Columbus, in the county of Cherokee and State of Kansas.

Althamer E. Chamberlain, to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts.

Samuel R. Peters, to be postmaster at Newton, in the county of Harvey and State of Kansas.

Henry L. Henderson, to be postmaster at Iola, in the county of Allen and State of Kansas.

Clinton L. Kester, to be postmaster at Marcellus, in the county of Cass and State of Michigan.

Edward L. Bates, to be postmaster at Pentwater, in the county of Oceana and State of Michigan.

Thomas A. Hills, to be postmaster at Leominster, in the county of Worcester and State of Massachusetts.

George A. Van Gieson, to be postmaster at Montclair, in the county of Essex and State of New Jersey.

Estevan Baca, to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico.

William F. Riemenschneider, to be postmaster at Chelsea, in the county of Washtenaw and State of Michigan.

George G. Sedgwick, to be postmaster at Martins Ferry, in the county of Belmont and State of Ohio.

D. G. McIntosh, to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota.

Milo B. Greene, to be postmaster at Alfred, in the county of Allegany and State of New York.

James M. Vernon, to be postmaster at Everett, in the county of Snohomish and State of Washington.

Dalton A. Brosius, to be postmaster at Vermilion, in the county of Clay and State of South Dakota.

Emily E. Whittemore, to be postmaster at Sumter, in the county of Sumter and State of South Carolina.

William P. Slack, to be postmaster at Carbondale, in the county of Jackson and State of Illinois.

William H. Kraper, to be postmaster at Metropolis City, in the county of Massac and State of Illinois.

Charles F. Best, to be postmaster at Nokomis, in the county of Montgomery and State of Illinois.

Thomas W. Morefield, to be postmaster at Elkhorn, in the county of Walworth and State of Wisconsin.

Wesley E. Collins, to be postmaster at Summit, in the county of Pike and State of Mississippi.

Joshua Stevens, to be postmaster at Macon, in the county of Noxubee and State of Mississippi.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 3, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

GRANT OF LANDS TO WISCONSIN FOR MILITARY PURPOSES.

Mr. GRIFFIN. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6551) withdrawing from entry and sale and granting unto the State of Wisconsin certain lands for use as a part of its present military reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following lands, situated in the county of Juneau, in the State of Wisconsin, to wit, the southwest quarter of the northwest quarter and the west half of the southwest quarter of section 22, in township 17 north, of range 2 east, be, and the same hereby are, withdrawn from entry and sale, and the said lands are hereby granted unto the State of Wisconsin, for and to constitute a part of its military reservation, to be used and controlled by the said State for military purposes in connection with its present reservation, known as "Wisconsin Military Reservation," located near Camp Douglas, in said State: *Provided, however,* That said State shall, before it acquires any right to said lands or the use thereof under the provisions hereof, procure from all claimants or persons who may have filed or made homestead entries or other claims on or to said premises, or any part thereof, proper relinquishments of all their claims thereto, and cause the same to be filed with the Secretary of the Interior; whereupon said entries shall be canceled and this grant and the rights herein specified shall become operative and fixed, and not before: *And provided further,* That when said premises shall cease to be used by the said State of Wisconsin for the purposes above specified, the same shall revert to the United States and thereafter be subject to entry and sale, the same in all respects as other public lands of the same class.

Mr. BAILEY. I should like to ask the gentleman from Wisconsin to distinguish this case from the case coming from the State of Texas and considered here a few days ago, when the House declined, or rather some gentlemen of the House declined, to permit the consideration of the bill. I understand one distinction is that this bill proposes a grant for military purposes, while that was for school purposes. I think, however, that a grant for school purposes is more defensible than one for military purposes.

Mr. GRIFFIN. I think, Mr. Speaker, that when the gentleman from Texas [Mr. BAILEY] understands the real effect of this bill, no objection will be made.

About nine years ago the State of Wisconsin established a military reservation for the annual encampments of its National Guard adjacent to the location of these lands; and it has continued from that time to the present to improve these 630 acres. One of the chief purposes of having a military reservation in the States for their National Guard is to give the men composing the organization instruction in rifle practice. Upon this military reservation are located a number of rifle ranges, constructed at much expense for this sort of practice. The reservation was located as it is because of the condition and formation of the three forties of land named in the bill.

The range itself is upon a level plain. At the easterly end of that range are a series of high, rocky bluffs, covering the three quarter sections of land described in the bill. It is well understood that in the establishment and maintenance of a rifle range there must be constructed (if they do not already exist) what are known as bullet stops, to prevent bullets from doing any damage beyond the bullet stops. Now, in this case we have not only constructed bullet stops and the pits necessary for a rifle range, but the lands described in this bill are, as I say, a series of bluffs of sandy rock—barren and unfit for any purpose whatever except when an emergency of this kind may arise.

The ranges are so formed that the firing is in the direction of these lands, which, as they consist of high, rocky bluffs, operate, as I have said, as natural bullet stops, none of the firing going beyond. In order that we might retain this military reservation for the benefit of the rifle range (because there is an absolute necessity for something of this kind), entries were caused to be made some time ago—

Mr. BAILEY. I understand that it may be desirable to have

this reservation for military purposes; but why should not the land be sold to the State of Wisconsin for the purpose of a rifle range in the same way it was insisted that a certain reservation in the State of Texas should be sold to that State for the purpose of a normal school?

Mr. GRIFFIN. I will say in reply to the gentleman's question that they can not be so transferred to the State. They are now subject to entry under the preemption and homestead laws.

Mr. BAILEY. But, instead of giving the land to the State, we could sell it to the State, if the gentleman chose to draw the bill in that way.

Mr. GRIFFIN. Now, Mr. Speaker, I supposed from a remark made by the gentleman from Texas [Mr. BAILEY] the other day that he would not object to turning all the public lands over to the States in which they were situated.

Mr. BAILEY. I would not. I would support a bill that would turn over every acre of the public land to the States and Territories in which they are situated; but I object to taking them by piecemeal and turning them over to this State or that State. I was not clear that the reservation ought to be given to the State of Texas the other day, and I only withheld an objection because a certain county, formerly a part of that State, had received from the State a large amount of land for its school fund, and this was an effort to make some recompense for that. I withheld my objection on that ground.

Mr. GRIFFIN. Mr. Speaker, the Congress of the United States every year makes a large appropriation for the maintenance of the National Guard of the different States. This is right in that same direction and in furtherance of that interest; and let me say to the gentleman from Texas that perhaps he did not observe that this is merely giving the right to use the land. It does not transfer the title, but only says that it may be used for military purposes by the State. It reverts back to the General Government upon ceasing to be used for that purpose.

Mr. BAILEY. It is a grant for a particular purpose, and when it ceases to be used for that purpose, of course it reverts to the grantor under the common law. It would not be different from a grant to a State for school purposes, because when land so granted ceases to be used for school purposes, it reverts to the grantor.

Mr. GRIFFIN. That is so, if the condition is imposed as it is by this bill.

Mr. BAILEY. There need be no condition. A grant for a particular purpose implies a reversion to the grantor when the land granted ceases to be used for that purpose. It makes no difference whether the grantor be an individual or the Government.

Mr. GRIFFIN. I agree with the gentleman, and in this case we have not only that, but we have an affirmative provision that it shall revert and become a part of the public domain when the State ceases to use it for this purpose. It will then be subject to purchase and entry, the same as other land of the same class.

Mr. BAILEY. Mr. Speaker, I say to the gentleman from Wisconsin that I dislike to make an objection of this kind; but I am not willing to see the House refuse to grant public lands for school purposes and then grant them for military purposes, and I object.

The SPEAKER. Objection is made.

MAJ. JOSEPH W. WHAM.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to set aside, annul, or expunge the proceedings of a court-martial as promulgated in General Order No. 20, dated Washington, D. C., April 8, 1895, and to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, previous rank, and status in the United States Army.

Sec. 2. That the proper disbursing officer of the United States Army is hereby directed to pay to the aforesaid officer, from the appropriations for the pay of the Army, the pay and allowances (the latter to be commuted) which have been withheld under the operation of the sentence of the aforesaid court.

Mr. BAILEY. Reserving the right to object, I should like to hear some explanation of this bill.

Mr. CONNOLLY. Mr. Speaker, the person named in the bill, Maj. Joseph W. Wham, was a paymaster in the Army. His appointment was made by General Grant, and was probably about the last appointment made before the expiration of his Presidential term. Major Wham had been an officer in General Grant's regiment. He was a gallant soldier. He is the possessor of a medal of honor, awarded to him for special gallantry at the battles of Nashville and Franklin, Tenn.

For a long time he served as paymaster in the Army under that appointment, and his services were especially acceptable to every department commander in whose department he served. On one occasion in Arizona, when he and his party were carrying the

Treasury chest, they were attacked by bandits, and every man but one in the party was wounded by the bandits, who attempted to rob him. He was specially commended for his gallantry on that occasion.

Things all went well with Major Wham, who was a volunteer officer appointed to that position, until January, 1890, when he had the temerity to file papers indorsing him very strongly for appointment as Paymaster-General in the Army. Upon those papers being filed, the record discloses that in June following these charges were brought against him while his candidacy for the Paymaster-Generalship of the Army was pending. These charges were brought against him and a court-martial was ordered.

Mr. BAILEY. What were the charges?

Mr. CONNOLLY. The charges were that Major Wham failed to pay a certain judgment for \$1,000 that was rendered against him by default in the city of New York when he was on duty at Tucson, Ariz., as a paymaster.

Mr. BAILEY. Was there any charge of fraud connected with the contracting of the debt?

Mr. CONNOLLY. No charge whatever of fraud, and I want to say further that any lawyer who will read the record in this case will see that it was a base imposition upon Major Wham for a judgment of the kind to be entered against him at all. Five days' notice was given, under their practice in the supreme court, of the setting of the case for trial. Major Wham was at Tucson, Ariz., on duty as a paymaster. He had an attorney, as he supposed, employed in the city of New York to defend him. It was utterly impossible for him to reach New York from Tucson, Ariz., in time to be there for the hearing. He had no knowledge of it until this judgment was rendered upon the oath of the plaintiff in the case and no other testimony. The case arose in this way—

Mr. BAILEY. Will the gentleman from Illinois permit me to inquire if the plaintiff, in his declaration in that case, alleged that the beneficiary of this bill committed any fraud in contracting the debt?

Mr. CONNOLLY. None at all. The allegation was that Major Wham was president of a mining company in the State of Wyoming, and Mr. Otto Gramm, who has since been auditor of the State of Wyoming, was treasurer of the company.

Another gentleman who is a prominent lawyer there, whose name I forget, was the secretary of the company. It is claimed that the company owed a debt of \$1,000, that Major Wham and this plaintiff, Holcomb, gave their joint note for \$1,000 for that company debt; that afterwards the note became due and this man Holcomb sent the \$1,000 by express, as he testifies, from Peoria, Ill., to Mr. Gramm, the auditor of the State of Wyoming, treasurer of the company, to pay that debt, and the suit was brought against Major Wham to recover against him his contributory share of that \$1,000 so claimed to have been paid.

The testimony of Mr. Gramm is clear that no such money was ever sent to him. The testimony of the secretary of the company was clear that no such money was ever sent or paid. The testimony of Major Wham was that no such money was ever sent to him. The three witnesses all testified that the claim of this man Holcomb was utterly without foundation.

Mr. MARSH. Will my colleague allow me? Does it not also appear that there is no record in any bank in Peoria that such a draft was ever issued or paid?

Mr. CONNOLLY. It also appears in the record of the court-martial that no bank in the city of Peoria had the return of any paid draft of the kind.

Mr. BAILEY. Then will the gentleman from Illinois tell us upon what ground the court-martial could have dismissed this man from the service?

Mr. CONNOLLY. The only ground I can see is that it put him absolutely out of the way of a candidacy for Paymaster-General of the Army.

Mr. BAILEY. That is a very serious charge to make against any high official.

Mr. CONNOLLY. I say that is my belief.

Mr. CARMACK. Who were the members of the court-martial?

Mr. CONNOLLY. Ten years had elapsed from the time this man claimed to have paid the money before he brought this suit, and in that ten years time Major Wham was all the time a paymaster in the Army, where he could be found, and had an abundance of property. Not until January, 1890, did Major Wham aspire to be Paymaster-General of the Army. It was then that he filed a large petition, signed, I discover, by myself as well as many others.

I was United States district attorney at the time. All the Members of Congress from Illinois, Senators, and State officials signed the petition. Mr. Christiansen, manager of Drexel, Morgan & Co., of New York City; Gen. Horace Porter, and many other men of that character indorsed him for the position of Paymaster-General in the Army. Then it was, after the lapse of ten years, that this man Holcomb was dug up to bring this claim, and obtained this judgment in this furtive way; and immediately upon

the heels of that a court-martial was ordered for Major Wham's trial.

Mr. BAILEY. Has the gentleman the names of the officers who constituted that court-martial?

Mr. CONNOLLY. No; I have not the names here. This has all been carefully passed on by the Secretary of War. His letter is not very long, and it will probably be more satisfactory to the House for me to read in full what the Secretary of War says about it:

WAR DEPARTMENT, Washington, January 19, 1898.

SIR: I have the honor to return H. R. 4237, "To enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army."

Major Wham was tried by a general court-martial and sentenced to be dismissed the service, which sentence was mitigated by the President to suspension on half pay from rank, duty, and all privileges until January 18, 1904, his name to be placed at the foot of majors in the Pay Department. I inclose a copy of the report of the Judge-Advocate-General made to me on the 26th of August, 1897, in which he reviews the proceedings in the case.

The charge against Major Wham, upon which he was tried, grew out of a transaction in relation to a mining company which involved the payment of a note amounting to \$1,000. It was entirely a private transaction between individuals and had no relation to any matters connected with the military service, except as it affected his conduct as an officer of the Army.

I have devoted considerable time to the consideration of this case and am not convinced from the testimony that Major Wham was so culpable as to warrant his dismissal from the service, or even his punishment in the degree to which it was mitigated by the President. He was careless and negligent of his own interests in not submitting a defense to the charge against him, the case going to a verdict upon the testimony of the prosecution.

From papers filed by Major Wham it appears that he lost considerable money in ventures in which he engaged, especially as to two ranches which he attempted to make productive or profitable, and was without means to meet his indebtedness. His record in the Army during the war was a brilliant one.

It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty; but, in my opinion, this would not be a full measure of relief to him, and I therefore recommend legislation for his relief.

Very respectfully,

R. A. ALGER,
Secretary of War.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. BAILEY. Now, Mr. Speaker, it looks to me as though this officer has been unjustly dealt with. It seems to me that under the circumstances he ought not to have been court-martialed, and certainly ought not to have been punished; and we are not told who constituted the court-martial that tried him. The findings of that court-martial were approved by the President, who, in 1890, must have been President Harrison.

Mr. CONNOLLY. They were not approved by the President.

Mr. BAILEY. My understanding is that they must have been approved before they could become effective.

Mr. CONNOLLY. By the finding of the court-martial he was sentenced to be dismissed from the service, but there was a recommendation to mercy.

Mr. BAILEY. Does the sentence of a court-martial become effective until approved by the President?

Mr. CONNOLLY. Yes; it may be modified.

Mr. BAILEY. I think it does not become effective; and even if it could become effective, it did not in that instance, because the report shows that the President modified it.

Mr. CONNOLLY. He modified it.

Mr. BAILEY. And therefore the President must have believed that there was something in the case to warrant the punishment of this officer.

Mr. CONNOLLY. As the Secretary of War says, and as I have stated, the record shows that all there was in the case was that he did not pay that \$1,000 judgment against him.

Mr. BAILEY. Then I marvel that any court-martial would ever convict him and that the President did not disapprove of the findings of the court-martial, because I know the President can disapprove the findings of a court-martial.

Mr. CONNOLLY. Yes.

Mr. BAILEY. But instead of disapproving this he approved it with a modification.

Mr. CONNOLLY. With a modification.

Mr. BAILEY. Now, the gentleman must see that this officer has been drawing half pay and the Government ought not to be required to give him full pay. He has not been in the service of the Government, and it seems to me that he ought not to have the arrears of salary.

So far as anything in the case has developed up to this time, I should be perfectly willing to see him restored to his rank and to his salary, but I do not believe, in the face of the finding of the court-martial, approved with modifications by the President, and he having been on half salary all this time, that he ought to come now and ask for his full salary.

Will the gentleman from Illinois permit me to inquire if this gentleman has been engaged in any business in the meantime?

Mr. CONNOLLY. Not that I know of.

Mr. BAILEY. Could he have engaged in any business under the rules of the Department? It would not transgress any rules of the Department, would it?

Mr. CONNOLLY. I judge not.

Mr. BAILEY. Then the Government is entitled to the same benefit that a private employer would have, which would be that having dismissed a man improperly from its service, even if it was a time contract, the employee would be compelled to try to obtain employment, and his only recourse against the employer for the wrongful discharge would be the difference between what the employer had agreed to give him and what he earned or could have earned by proper diligence. There was no time for which the officer was employed, and the officer ought to be willing to go back to his old station and leave the Government without further assessment.

Mr. STEELE. I think he should be.

Mr. CONNOLLY. I will say to the gentleman from Texas that if he will make the motion to strike out the second section of the bill, I shall not contend against it. It is an injustice to the officer and it does not do all that ought to be done to reinstate him, whereas this report shows he has been improperly dismissed. But I will not contend against the gentleman's position if he desires to strike out that section.

Mr. CANNON. Mr. Speaker, I will say that I am acquainted with Major Wham. Now, if it be true, as I believe it to be true, that the report of the committee is reliable and this man by this chapter of circumstances has been unjustly dealt with, as we all concede, including the gentleman from Texas [Mr. BAILEY], is it not true that a man who has devoted his lifework to the profession, with a stigma resting upon him, broken in fortune, as the report shows, from the loss of the two ranches, in straitened circumstances, with this shadow of disgrace hanging over him—is there much chance of his making a living in the ordinary avocations that business affords? If the bill ought to pass at all, should it not pass with all the accompaniments?

Mr. DOCKERY. Mr. Speaker, judging from the recital of facts as made by the gentleman from Illinois [Mr. CONNOLLY], I am prepared to say that this is the most remarkable case that has been called to the attention of the House during my service. If the gentleman has stated the whole case, it occurs to me that a second court-martial should be convened without delay to try the members of the first court-martial.

Mr. CONNOLLY. I think you are right about that.

Mr. DOCKERY. In relieving this man, you are casting an imputation upon the court-martial that tried him.

Mr. CONNOLLY. The court-martial that tried him recommended him to the mercy of the President.

Mr. DOCKERY. That is true, but we are not furnished with the names of the gentlemen who composed that court-martial. I think I could form a better opinion as to the justice of the verdict if I knew who constituted it.

Mr. CONNOLLY. I do not know who constituted it.

Mr. DOCKERY. The statement is made, by direction and innuendo, that the charges were "trumped up" because this major was an aspirant for the Paymaster-Generalship of the Army. The name of the party responsible for that proceeding does not appear and is not disclosed to the House, but this omission may not be material, as perhaps he was an outsider, for aught I know. The court-martial, however, is put under the suspicion of an unjust verdict by the gentleman from Illinois. If the gentleman is correct in his statement, I can not see any reasonable grounds for such a verdict. At all events, I think the gentleman from Texas [Mr. BAILEY] is right in insisting upon striking out the second section of the bill.

Mr. CONNOLLY. Well, Mr. Speaker, rather than leave this man any longer under the cloud, I will make no objection if the gentleman from Missouri desires to strike out the section.

Mr. DOCKERY. I do not think it is fair to the members of the House to put us under the necessity of objecting—

Mr. BAKER of Illinois. Mr. Speaker, I introduced this bill, and I am thoroughly satisfied that it is entirely right and perfectly just in view of the facts that appear in the report of the committee. Various suggestions have been made. To clear up the whole matter, I request that that part of the report of the committee which has not been read be read to the House, as I think upon hearing it that no gentleman on either side of the House will object to the passage of the bill.

I think the reading of the report, which is a clear and lucid statement of the facts of the case, will answer all the various questions that have been raised here.

The SPEAKER. The Clerk will read the report.

Mr. HANDY. Mr. Speaker, let us have all of the report read consecutively.

The SPEAKER. The Clerk will read the entire report, if there is no objection.

The report (by Mr. McDONALD) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4297) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army, submit the following report:

Maj. Joseph W. Wham, paymaster, United States Army, was court-mar-

tialed and dismissed the service, but was unanimously recommended for clemency by the court. The President commuted the sentence to suspension on half pay until 1894, date of retirement. The facts, culled from the voluminous record, are as follows:

Nearly seventeen years ago Maj. Joseph W. Wham, paymaster, United States Army, was president, and D. C. Holcomb general manager, of a mining company, in which Major Wham had invested \$17,000. The company needed funds to meet an indebtedness to one Atchinson. President Wham and General Manager Holcomb joined in their personal note to the Laramie National Bank for \$1,000, obtained that amount, and paid it to Atchinson in liquidation of the mining company's debt.

At about the time of the maturity of this note Holcomb, in his unsupported and contradictory deposition, claims that he sent the money to meet this note to Hon. Otto Gramm, State treasurer of Wyoming, and also treasurer of the mining company, to deliver to President Wham. Gramm squarely contradicts Holcomb as to this, and testifies that no such transaction occurred. Hon. M. C. Jahren, secretary of the company and city attorney at Laramie, Wyo., also testifies in denial of the assertion of Holcomb that he sent the \$1,000 or any sum to the treasurer for such purpose, or for any purpose at any time, and that it would have been impossible for such a transaction to occur and the books of the company not show it.

Both Treasurer Gramm and Secretary Jahren testify that neither said \$1,000 nor any sum was ever paid to Major Wham, and that Major Wham is not now and never was indebted to said company in that or any other sum. Both these officers of the company squarely deny in their testimony that any such sum was ever paid as stated, and President Wham also testifies that he never received any such sum or any sum at any time or any place. Holcomb's claim, which was not made for nearly ten years after the alleged transaction, is therefore unsupported except by his own contradictory deposition, and opposed to this are the denials of State Treasurer Gramm, Hon. M. C. Jahren, secretary of the company, and President Wham, all of whom are corroborated by the books of the company.

Holcomb asserts that he has lost certain letters from Treasurer Gramm and President Wham, which would show that they received the \$1,000, as he claims. Holcomb's testimony upon this point, that he sent this money from Peoria, Ill., to Gramm, at Laramie, Wyo., having been definitely and squarely denied by the treasurer, the secretary, and the president of the mining company, and verified by the books, could easily have been corroborated, if it were true, by producing the books of the express company, the express company's receipt, or the receipt for the registered letter, or the stub of the check, or the check itself, which would necessarily bear Major Wham's indorsement.

The complaint on which the judgment was rendered in the civil suit set up that the claim on which the judgment was based was an accommodation note which Holcomb had had to pay for Major Wham; whereas Holcomb, in his unsupported and contradictory deposition, claims that it was for \$1,000 of corporate money. It is hardly necessary to add that any court of justice on appeal would have reversed this judgment.

The case had been pending for a long time, and at last hurried to trial when Major Wham was at Tucson, Ariz., almost across the continent. Major Wham, according to his own testimony, received no notification whatever of the date of trial of the civil suit in New York. But granting that the claim of the prosecution is true, i. e., that a telegram was sent two days prior to trial, when it required five days to get to New York, thus leaving Major Wham three days less time than was absolutely necessary in which to reach that city. Major Wham could therefore not be present, and made no defense, owing to a controversy with his attorney relative to the attorney's demand for the payment of what Major Wham deemed an exorbitant bill, rendered before trial, for nearly 60 per cent of the amount involved.

The proof clearly shows that if the complainant, Holcomb, had caused execution to issue and proper civil effort to be made, instead of delaying for months and then asking the War Department to enforce the payment of a questionable civil claim, he could easily have enforced payment. The judgment was obtained in June, 1890. Had he levied upon Major Wham's property at any time during that year, he could have secured his money. It is in evidence, and not rebutted or denied, that from 1890 to February, 1891, when the Arizona floods wiped out Major Wham's property, there was plenty of available assets upon which to make this judgment; after which, by the act of Providence, the property of Major Wham was swept away, and he was left with nothing but his army pay, nearly 90 per cent of which went to creditors.

Finally, to pile Pelion on Ossa. Put on one end of the scales of justice the complainant's wholly unsupported and contradictory testimony, and on the other the testimony of Hon. Otto Gramm, State treasurer of Wyoming, and lessee of the Laramie rolling mills, a most reliable and responsible business man, and the testimony of Hon. M. C. Jahren, city attorney of Laramie, Wyo., and Major Wham, who had correctly accounted for millions of public funds. Now, add to this the abrogation on both trials of the rule of law requiring a fact to be proven by the best evidence, which, in this case, is the express receipt or record, registered receipt or letter, or check, which would necessarily bear Major Wham's indorsement, and we are unable to see how any earthly power could make Major Wham's vindication clearer. It certainly has been axiomatically proven, if not demonstrated, that Major Wham did not owe this money.

That this fearful injustice to a gallant soldier of the great Republic may be speedily corrected and a great wrong righted, the committee concur in the recommendation of the Secretary of War for the passage of the bill. The Secretary's report hereto attached, after stating that he had "devoted considerable time to the consideration of the case," concludes as follows:

"It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty, but, in my opinion, this would not be a full measure of relief to him, and I therefore recommend legislation for his relief."

The Secretary of War in his report also says that Major Wham's "record during the war was a brilliant one," and judging from the following testimonials his record as a paymaster has been no less brilliant:

"Major Wham, while serving under me in the Department of the Atlantic, performed his duties in a courteous and satisfactory manner, promptly and most excellently. There were none better.

"Very truly, yours,

DANIEL MCCLURE,
"Colonel, Retired."

"During the period of Major Wham's service under my command in the Department of Arizona he performed his duties in a prompt, courteous, and satisfactory manner.

"ALEXANDER McDOWELL McCOOK,
"Major-General, Retired."

"Major Wham, paymaster, United States Army, while stationed at my headquarters in 1892, attended promptly, courteously, and satisfactorily to his duties.

"W. P. CARLIN,
"Brigadier-General and Brevet Major-General, U. S. A., Retired."

Brig. Gen. E. S. Otis, now commanding Department of the Colorado, and the last department commander under whom Major Wham served, at the conclusion of an extended letter says: "His (Major Wham's) services were discharged promptly and satisfactorily."

Attached is a recommendation for the Congressional medal of honor on two distinct occasions by Major-General Kimball, Major Wham's division commander during the war, and Maj. Gen. D. K. Stanley, United States Army, for bounding over the works at Franklin and going to the rescue of a fallen comrade, and a few days later at Nashville, Tenn., planting the colors of Grant's old regiment, first on Montgomery Hill, the apex of the Confederate position; also a recommendation for promotion to Paymaster-General, signed by the entire Illinois delegation, irrespective of party, and C. T. Christensen, manager Drexel Morgan & Co.; Rev. William Hays Ward, editor of the Independent, and Gen. Horace Porter.

WAR DEPARTMENT, Washington, January 19, 1898.

SIR: I have the honor to return H. R. 437, "To enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army."

Major Wham was tried by a general court-martial and sentenced to be dismissed the service, which sentence was mitigated by the President to suspension on half pay from rank, duty, and all privileges until January 18, 1904, his name to be placed at the foot of majors in the Pay Department. I inclose a copy of the report of the Judge-Advocate-General made to me on the 26th of August, 1897, in which he reviews the proceedings in the case.

The charge against Major Wham, upon which he was tried, grew out of a transaction in relation to a mining company which involved the payment of a note amounting to \$1,000. It was entirely a private transaction between individuals and had no relation to any matters connected with the military service, except as it affected his conduct as an officer of the Army.

I have devoted considerable time to the consideration of this case and am not convinced from the testimony that Major Wham was so culpable as to warrant his dismissal from the service, or even his punishment in the degree to which it was mitigated by the President. He was careless and negligent of his own interests in not submitting a defense to the charge against him, the case going to a verdict upon the testimony of the prosecution.

From papers filed by Major Wham it appears that he lost considerable money in ventures in which he engaged, especially as to two ranches which he attempted to make productive or profitable, and was without means to meet his indebtedness. His record in the Army during the war was a brilliant one.

It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty; but, in my opinion, this would not be a full measure of relief to him, and I therefore recommend legislation for his relief.

Very respectfully,

R. A. ALGER,
Secretary of War.

HON. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

OGDEN, UTAH, October 24, 1898.

SIR: I had the honor to command the First Division, Fourth Army Corps, Army of the Cumberland, at the battle of Nashville, on the 15th and 16th days of December, 1864, and in the capture of Montgomery Hill on the 15th, containing 12 Napoleon guns—the apex of the rebel position. The Twenty-first Illinois Veteran Volunteer Infantry was in the rear line of battle when the charge was ordered. That it was in the front line when the hill was captured; that during the charge the color bearer of that regiment was severely wounded, and that Sergt. J. W. Wham took the colors, carried them forward, and planted them upon the works; if not absolutely the first to be planted, they were certainly very nearly so. And I earnestly recommend that for this gallant act he be awarded the Congressional medal of honor.

Very respectfully,

NATHAN KIMBALL,
Late Brigadier and Brevet Major-General, Commanding First
Division, Fourth Corps, Army of the Cumberland.

HON. SECRETARY OF WAR,
Washington, D. C.

OGDEN, UTAH, October 24, 1898.

SIR: I had the honor to command the First Division, Fourth Army Corps, Army of the Cumberland, in the battle at Franklin, Tenn., on the 30th day of November, 1864. The Twenty-first Regiment Illinois Veteran Volunteer Infantry was in my division and took a prominent part in that battle. The regiment was noted for its daring gallantry. My attention is called to the daring and gallant act of Sergt. Joseph W. Wham, afterwards first lieutenant of Company G, Twenty-first Illinois Infantry, who at the risk of his own life, and in face of a close and direct fire from the enemy at short range, jumped over the breastworks to the rescue of his comrade, James Hillham, who had been shot and fell outside of our lines. Sergeant Wham lifted him up and carried him inside of our lines.

For this daring and successful act in going to his comrade's rescue I with pleasure do earnestly commend him to the favorable consideration of the Secretary of War, and recommend that a medal of honor be granted him.

Very respectfully,

NATHAN KIMBALL,
Late Brigadier and Brevet Major-General,
Commanding First Division, Fourth Corps, Army of the Cumberland.
The SECRETARY OF WAR,
Washington, D. C.

GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME,
Washington, D. C., November 1, 1898.

I certify that I know Capt. Harrison Black and also know Capt. James W. Duncan, late of Twenty-first Illinois Volunteers, and that I am intimately acquainted with Nathan Kimball, late brigadier-general, brevet major-general of volunteers, and I have the fullest confidence in their statements of the bravery and gallantry of Sergeant Wham, now Major Wham, at the battles of Franklin and Nashville, and I do hereby recommend him for the medal of honor.

D. K. STANLEY,
Brigadier-General and Brevet Major-General, U. S. A.

SPRINGFIELD, ILL., January —, 1899.

TO THE PRESIDENT:

We most earnestly ask the appointment of Maj. J. W. Wham, paymaster, U. S. A., as Paymaster-General of the Army. He was a soldier in Grant's old regiment, and participated with that regiment in thirteen battles.

Years after, when the young and stalwart soldier had reached mature

manhood and had been intrusted with many responsibilities by his old colonel, who, meantime, had won the highest honor of earth (President of the great Republic), was, finally, March 3, 1877, honored by him with the appointment of paymaster, which was probably the last official act of the great commander's illustrious career.

Immediately after the battle of Stone River a department order was issued requiring five privates to be selected "who were most distinguished for bravery, enterprise, endurance, soldierly conduct, and skill in the use of arms." Private Wham was one of the men selected. At Franklin he bounded over the works and, amidst the most terrible battle of modern times, went to the assistance of a fallen comrade. At Nashville, a few days later, in the charge on Montgomery Hill, his regiment started in the rear line of battle, swept to the front, and its colors were the first planted on the apex of the rebel position, placed by him, though not of the color guard; and recently among the lonely mountains of Arizona, when attacked by banditti, he defended his trust until his little escort had sustained the heaviest casualty list ever historically reported, every soldier but one who remained with him in the vicinity of the treasure box being wounded.

It was such yeoman service as this which kept our flag in the air and our nation on the map of the world.

There can be no just comparison of such service with that rendered in the safe and comfortable seclusion of an office located far from the sound of battle.

Every cent of the vast amount intrusted to him for disbursement has been properly accounted for.

Joseph W. Vance, adjutant-general, Illinois (late first lieutenant, Twenty-first Illinois Volunteer Infantry); N. Black, late captain Company H, Twenty-first Illinois Volunteer Infantry; George Hunt, attorney-general, Illinois (late captain Company E, Twelfth Illinois Volunteers); C. W. Pavey, State auditor, Illinois (late Company E, Eightieth Illinois Volunteers); Charles Becker, State treasurer, Illinois; J. H. Pearson, secretary of state, Illinois; Richard Edwards, superintendent public instruction, Illinois; C. P. Hitch, United States marshal, southern district Illinois; James A. Connolly, United States attorney, Illinois; Joseph F. Fifer, governor; S. M. Cullom, United States Senator; J. G. Cannon, member of Congress, Fifteenth district, Illinois; George W. Smith, member of Congress, Twentieth district, Illinois; F. S. Post, member of Congress, Tenth district, Illinois; William E. Mason, member of Congress, Third district, Illinois; Lewis E. Payson, member of Congress, Ninth district, Illinois; A. J. Hopkins, member of Congress, Fifth district, Illinois; W. H. Gest, member of Congress, Eleventh district, Illinois; W. S. Forman, member of Congress, Eighteenth district, Illinois; J. R. Williams, member of Congress, Nineteenth district, Illinois; Abner Taylor, member of Congress, First district, Illinois; Thomas J. Henderson, member of Congress, Seventh district, Illinois; George W. Fithian, member of Congress, Seventeenth district, Illinois; Frank Lawler, member of Congress, Second district, Illinois; B. R. Hitt, member of Congress, Sixth district, Illinois; C. A. Hill, member of Congress, Eighth district, Illinois; George E. Adams, member of Congress, Fourth district, Illinois; William Hayes Ward, editor of the Independent; C. T. Christensen, manager Drexel, Morgan & Co., New York (late brevet brigadier-general, United States Volunteers); Horace Porter, vice-president Pullman Palace Car Company (late of General Grant's staff).

Mr. LANHAM. Mr. Speaker, I do not think the gentleman from Illinois [Mr. CONNOLLY] ought to consent to striking out the second section of the bill. If I remember correctly, some years ago, when I was a member of the Committee on Military Affairs, I gave careful investigation to this very matter, and a unanimous favorable report was made in behalf of the beneficiary of this bill. This officer made a most admirable record as a brave and gallant man. There was nothing in the record affecting his personal integrity. I believe he ought not only to be restored to his rank, but he ought to have the pay contemplated in the second section of this bill. It will, in my opinion, be a simple act of justice, already too long deferred.

Mr. CONNOLLY. I thank the gentleman for his statement.

Mr. SIMS. I would like to ask the gentleman from Illinois [Mr. CONNOLLY] if this court-martial that acted in this case was a court-martial of last resort for this particular case?

Mr. CONNOLLY. Oh, yes.

Mr. SIMS. Was there no appeal?

Mr. CONNOLLY. No appeal. The reports of courts-martial go to the President for approval or disapproval, and this one went to the President and the President modified it.

Mr. HOPKINS. I think that no man who has investigated this case as my friend from Texas [Mr. LANHAM] has but will come to the same conclusion he did.

Mr. CONNOLLY. That is true.

Mr. SIMS. But you do not object to answering questions?

Mr. CONNOLLY. Oh, no.

Mr. SIMS. If the President reviewed it and modified it, he must have considered every element in the case.

Mr. CONNOLLY. I do not know to what extent the President would go through the record of a court-martial to determine the facts and the law.

Mr. SIMS. Was it not President Harrison who approved the finding of this court-martial?

Mr. CONNOLLY. I judge it must have been, as this action was taken in 1890.

Mr. SIMS. Then let me ask this question: Upon the gentleman's own statement, if this bill should be passed, would it not necessarily be a reflection upon the court-martial and the President of the United States?

Mr. CONNOLLY. No more than the President's action was a reflection on the court-martial when he modified the sentence

which the court undertook to impose. I presume that the President himself never looked through the record or read the evidence, there is too much of it; it is a large volume.

Mr. SIMS. If I understood the gentleman correctly, he said there could have been no reason for the action taken by the court-martial except to make a place for another man.

Mr. LANHAM. As I recollect the facts of the case, the impression was made on my mind that there was a conspiracy against this man because he was a candidate for some important office.

A MEMBER. Paymaster-General in the Army.

Mr. LANHAM. I do not believe the court-martial decided right.

Mr. CONNOLLY. The man who had this claim against Major Wham said nothing about it for ten years—did not make any claim during that time—not until Major Wham became a candidate for Paymaster-General.

Mr. SIMS. There has been so much said within the last year or two in the way of objection to criticising the action of courts of last resort that it seems to me we ought to be careful how we act in such matters as this.

Mr. CONNOLLY. The gentleman will remember what we say in ordinary parlance about courts-martial, that they are generally organized to convict and very rarely to acquit.

Mr. SIMS. It seems to me that this bill if passed would be a very serious reflection upon those gentlemen who constituted that court.

Mr. SULZER. That is no reason why we should not do justice to an innocent man.

Mr. CONNOLLY. I am very sure I would not stand here to defend those men in the judgment that they rendered on the evidence submitted.

Mr. SULZER. The gentleman is quite right. Not to pass this bill would be doing a gross injustice to an innocent man. As a member of the committee, I carefully examined this bill and all the facts in the case. It ought to pass unanimously. I trust there will be no objection to it.

Mr. SIMS. I do not see why the officers who constituted this court should be impeached upon ex parte statements, without even giving their names on the floor of the House.

Mr. CONNOLLY. The gentleman knows the popular impression of how courts-martial are usually organized—to convict, and not to acquit.

Mr. STEELE. I do not think that that is a fair statement. They are organized to acquit as often as to convict.

Mr. CONNOLLY. I stated what is the popular estimation in regard to such courts.

Mr. BURKE. I wish to put this question to the gentleman as a lawyer: This case having proceeded regularly through the ordinary legal channels, and the action of the court-martial having received the approval of the War Department and the President of the United States, does it not necessarily follow, is it not a legal presumption, that justice was dealt out to this man? I want to ask the gentleman, further, whether he does not consider it bad policy for this House to undertake to sit in review upon the action of the War Department in this case or similar cases, when that action has received the approval of the President of the United States?

Mr. CONNOLLY. No, sir; I hope the day will never come in this country when the representatives of the people will be afraid to sit in judgment on courts-martial.

Mr. BURKE. I agree with the gentleman fully; but I wish to make this further suggestion, that the action here proposed is purely ex parte so far as this House is concerned.

Mr. CONNOLLY. The Committee on Military Affairs have had the entire record before them.

Mr. HANDY. Was not the committee, with the entire record before it, able to find out who were the officers that sat on this court-martial?

Mr. CONNOLLY. Yes, sir.

Mr. HANDY. Then will the gentleman please name those officers to the House? If the committee gave such thorough examination to this case, some member of the committee ought to be able to give the names of the officers who constituted that court-martial.

Mr. CONNOLLY. I do not know that that would throw any light on the merits of the case.

Mr. HAY. I can say to the gentleman from Delaware that I was on the committee, and I learned during the course of our examination the names of the officers who composed this court-martial. But I can not keep such things in my head for two or three months. I will say that the committee was moved to make this report because it believed that there had been on the part of this man, who claimed that Major Wham owed him \$1,000, an attempt to collect this alleged debt through a court-martial; and the committee, so believing from all the evidence before it, reported favorably on this bill.

Mr. HANDY. We were just informed by another gentleman here that there was a "conspiracy" to prevent Major Wham from being made Paymaster-General of the United States Army.

Mr. CONNOLLY. It looked to me as though that was the case. Mr. HANDY. There seem to have been two "conspiracies" going on at the same time.

Mr. HAY. We did not hear anything about that in the committee at all. We considered the case upon all the evidence, we heard everything that could be said, and we did not hear anything about a conspiracy in connection with the Paymaster-Generalship of the Army. We believed that injustice had been done this man and we thought the injustice ought to be remedied.

Mr. LANHAM. Is this a unanimous report?

Mr. HAY. Yes, sir.

Mr. LANHAM. As a member of a committee, I examined this case some years ago, and formed the same opinion which has been expressed by the gentleman from Virginia [Mr. HAY].

Mr. SIMS. If the officers constituting the court-martial acted from such motives as the gentleman from Illinois has imputed to them, they ought to be court-martialed themselves; and unless their names be given I shall object to the bill.

Mr. CONNOLLY. The gentleman must not understand me as saying that the members of this court-martial engaged in a conspiracy. I do not say that; I distinctly say otherwise. I do not know that they knew anything about Major Wham's application for a Paymaster-Generalship.

Mr. SIMS. Unless their names are given, I shall object. Enough has been said here to imply a serious charge against them; and if they are guilty as charged, they should not go unpunished.

Mr. CONNOLLY. The gentleman knows that I have not the names here. They are in the committee room. The House can not wait until I send there to get them.

Mr. HANDY. Is it not within the power of the President of the United States, without any action on the part of Congress, to pardon this paymaster and restore him to his rank at once?

Mr. CONNOLLY. Oh, yes; but a pardon would imply criminality.

Mr. HANDY. It has been in the President's power every day since the court-martial convicted this man to restore him to full rank and full pay by Presidential action without any action on the part of Congress.

Mr. CONNOLLY. That would imply that he had committed a crime.

Mr. HANDY. The pardon of the President could relieve this man from the sentence of the court-martial so far as it has not already been carried into effect. He has not been dismissed from the Army; he is simply suspended on half pay; and the President can terminate and remove that punishment any day.

Mr. DOCKERY. One thing that the President could not do would be to give him the half pay that he has already lost.

Mr. HANDY. Yes; with that exception this man could get from the President everything that he could get from Congress by the passage of this bill. The President can not remove any part of the penalty which Major Wham has already suffered; the President can not reimburse to him the pay that has already been withheld; but at any time the President can pardon him and thereby restore him to his former rank and pay.

Mr. HOPKINS. What does a pardon mean? Does it not imply that the person pardoned has done wrong?

Mr. CONNOLLY. And he denies that.

Mr. HANDY. Has not his conviction by a court-martial already thrown the implication of wrongdoing upon him?

Mr. HOPKINS. Oh, no; it does not.

Mr. SIMS. Unless the names of the members of this court-martial be given, I must object to the consideration of the bill.

The SPEAKER. Objection is made.

ADJOURNMENT TILL MONDAY.

Mr. DINGLEY. Mr. Speaker, I desire to make a brief statement preliminary to submitting a motion. It was expected yesterday when the House adjourned that the Senate would complete the consideration of the war revenue bill to-day and send it to the House to-morrow. I am now informed that there is no probability of the bill reaching the House before Monday. In view of this fact, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

GEORGE W. LAWRENCE.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3334) for the relief of the estate of George W. Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the claim of George W. Lawrence for further compensation for the construction of the U. S. monitor Wassuc under his contract with the Navy Department of June 2, 1863, may be submitted by his personal representatives within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: Provided, however, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for the construction of the ironclad monitor Wassuc under said

contract in the completion of the same, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided further*, That such changes or alterations in the plans and specifications required were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work beginning February 3, 1884, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expense to the contractor than the original plans and specifications a corresponding deduction shall be made from the contract price and the amount thereof shall be deducted from any allowance which may be made by said court to said claimant.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. How does this bill come up?

The SPEAKER. It comes up on a request for unanimous consent.

Mr. RICHARDSON. I think we had better have the regular order. This is private-bill day. This is a private bill, and it ought to come up in the regular way.

Mr. MAHON. I should like to make a statement. This matter has been in controversy between the Navy Department and this party already. The bill has passed through three Congresses, both House and Senate, making a direct appropriation. This is a carefully prepared bill to send the whole matter to the Court of Claims and let them adjudicate the matters there.

Mr. RICHARDSON. It merely sends it to the Court of Claims?

Mr. MAHON. Yes; and I asked unanimous consent because I did not want to ask for the regular order to-day.

Mr. DOCKERY. But this bill provides:

And said court shall have jurisdiction to hear and determine and render judgment upon the same.

Mr. MAHON. Yes.

Mr. DOCKERY. How much is involved?

Mr. MAHON. I believe about sixty or sixty-five thousand dollars is the difference between them. If you will read the whole bill, you will find it is a proper bill. Read the whole bill carefully.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I do not want to object to the request of my amiable friend from Pennsylvania, but I would ask him to let this go over until we have an opportunity to examine it.

Mr. MAHON. Then I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

ORDER OF BUSINESS.

Mr. LACEY. There is a bill upon the Speaker's table, with a similar bill upon the House Calendar—Senate bill 4676. I do not know whether it would require unanimous consent to take it up at this time, but I feel quite sure that the House will give consent if attention is called to the nature of the bill.

Mr. MAHON. What bill is that?

Mr. LACEY. Senate bill 4676, relating to homestead settlers who are now in the Army. It is a matter of urgency.

Mr. MAHON. I have made a motion that the House resolve itself into the Committee of the Whole on the Private Calendar. I do not think we shall be in committee more than twenty minutes.

The SPEAKER. There are some matters on the Speaker's table and some matters of unfinished business which should be submitted before the motion of the gentleman from Pennsylvania [Mr. MAHON].

CLARK W. HARRINGTON.

The SPEAKER laid before the House the bill (S. 759) to increase the pension of Clark W. Harrington, with House amendments thereto, to which amendments the Senate disagreed and requested a conference.

On motion of Mr. RAY of New York, the House insisted upon its amendments and agreed to the conference; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS.

CASSIUS M. CLAY.

The SPEAKER laid before the House the bill (S. 719) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion, with House amendments thereto, to which amendments the Senate disagreed and requested a conference.

On motion of Mr. RAY of New York, the House insisted on its amendments and agreed to the conference asked for; and the Speaker appointed as conferees on the part of the House Mr. RAY of New York, Mr. HENRY of Connecticut, and Mr. DRIGGS.

REPRINT OF A BILL.

Mr. WARNER. Mr. Speaker, I wish to get a bill reprinted. It can not be done without an order from the House. A mistake has been made in the print of the bill, so I ask unanimous consent for the present consideration of a resolution authorizing a reprint.

The SPEAKER. The Chair does not like to interrupt the regular order. Would it be time enough at the end of the session?

Mr. WARNER. All I care for is to get a prompt reprint of the bill.

The SPEAKER. The Chair does not like to interrupt the regular order, but will submit the gentleman's request later.

BILLS PASSED.

The following bills, reported from the Committee of the Whole, some with and some without amendments, with the recommendation that they do pass, and on the Calendar of Unfinished Business, were severally considered, the amendments recommended by the Committee of the Whole agreed to, the House bills ordered to be engrossed and read a third time, and passed, and the Senate bills ordered to a third reading, and passed:

A bill (S. 449) granting an increase of pension to Susan D. Yates;

A bill (S. 4169) granting an increase of pension to Simeon Stevens;

A bill (H. R. 3081) granting an increase of pension to Michael J. Fogerty;

A bill (H. R. 3164) granting a pension to Alden B. Thompson;

A bill (H. R. 5707) to remove the charge of desertion from William Mellicott, alias William Reed;

A bill (H. R. 6535) granting a pension to Mary Ann Sullivan;

A bill (S. 1118) granting an increase of pension to Mary E. Chamberlin;

A bill (S. 1181) granting a pension to Adonia Huard;

A bill (S. 104) granting an increase of pension to Lucretia C. Waring;

A bill (S. 1472) granting an increase of pension to Bettie Hord Brown;

A bill (S. 1702) granting an increase of pension to Nancy G. Allabach;

A bill (S. 3553) granting a pension to Bvt. Lieut. Col. Amos Webster;

A bill (S. 1481) granting an increase of pension to Gen. Halbert E. Paine;

A bill (S. 3660) granting a pension to Thomas Edsall;

A bill (H. R. 8854) to correct military record of William Hezelbeck;

A bill (H. R. 3190) granting an honorable discharge to John H. Smith;

A bill (H. R. 1529) granting an increase of pension to William H. H. Nevitt;

A bill (H. R. 7989) granting an increase of pension to Annie J. Bassett;

A bill (H. R. 6482) granting a pension to Herbert W. Leach;

A bill (H. R. 795) granting a pension to William Henry Smith;

A bill (H. R. 4274) granting an increase of pension to James S. Chapman;

A bill (H. R. 5054) granting a pension to Rachel J. Comer;

A bill (H. R. 8724) granting a pension to Addie L. Ballou;

A bill (H. R. 7506) granting a pension to Susan E. Fielder;

A bill (H. R. 8286) granting an increase of pension to Alphonzo O. Drake;

A bill (H. R. 7306) granting an increase of pension to S. H. Beckwith;

A bill (H. R. 4251) granting a pension to Margaret Thomas;

A bill (H. R. 4916) granting a pension to Virginia C. Fleanor;

A bill (H. R. 6718) granting relief to Samuel Racey;

A bill (H. R. 7841) granting an increase of pension to George S. Walton;

A bill (H. R. 8670) granting a pension to Pryor Perkins;

A bill (H. R. 3565) granting a pension to Theresa Bonnavau;

A bill (H. R. 7696) for the relief of William Christenberry;

A bill (H. R. 9755) for the relief of Mathilda Waedel;

A bill (H. R. 7844) granting an increase of pension to Mary Brozgan;

A bill (H. R. 3612) granting an increase of pension to Thomas D. Porter;

A bill (H. R. 4607) granting an honorable discharge to Charles Miller;

A bill (H. R. 727) granting a pension to Olive H. South;

A bill (H. R. 4811) granting a pension to Mrs. Jane E. Zink;

A bill (H. R. 9765) granting an increase of pension to John N. Wiley;

A bill (H. R. 9822) granting a pension to Mary C. Gardhefner;

A bill (H. R. 6064) granting a pension to Mrs. Mary A. Watts;

A bill (H. R. 5069) granting a pension to Jacob N. Atherton;

A bill (H. R. 1712) for the benefit of Joel H. Hollowell;

A bill (H. R. 909) granting a pension to Lucy D. Hedy;
A bill (H. R. 6317) to remove charge of desertion against Alexander McKee; and

A bill (H. R. 6841) granting a pension to James C. Hervey.
During the consideration of the foregoing bills the following occurred:

Mr. MAHON. Mr. Speaker, these bills can be passed this evening just as well, and I move that we take a recess until 8 o'clock.

The question was taken; and on a division (demanded by Mr. RAY of New York) there were—ayes 30, noes 31.

Mr. McMILLIN demanded tellers.

The question was taken on ordering tellers; and the Speaker announced, 24 gentlemen rising, 36 required, not a sufficient number.

Accordingly tellers were refused, and the motion to take a recess was rejected.

MIRIAM V. KENNY.

The next business on the Calendar of Unfinished Business was the bill (H. R. 4484) for the relief of Miriam V. Kenny, widow of Samuel W. Kenny, a Union spy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Miriam V. Kenny, widow of Samuel W. Kenny, late a spy in the service of the Army of the Cumberland, at the rate of \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6, after the word "Cumberland," insert "and pay her a pension."
Amend the title so as to read: "A bill granting a pension to Miriam V. Kenny."

Mr. LACEY. Mr. Speaker, I want to know of the chairman of the Committee on Invalid Pensions why the rate in this case is fixed at \$30? If this woman had been a soldier, she could not have got more than \$12 a month; if she had been the widow of a soldier, she could not have got more than eight or twelve dollars; but here her rate is fixed the same as that of the widow of a brigadier-general.

Mr. RAY of New York. Mr. Speaker, in this case we do not propose to pension rank, but to pension this old lady on the merits of her case. We took into consideration the service she performed and her pressing necessities at the present time. We gave her a pension to take care of her during the rest of her life. The evidence in this case shows that it is a most remarkable and meritorious one. Kenny, the husband of Miriam V. Kenny, was employed by General Negley as a spy. While performing that duty he was captured, tried by the Confederates as a spy, convicted, and hanged at Tullahoma, Tenn., February 13, 1863. He left this woman his widow.

There is no question whatever about these facts. The woman served the Union during the war. She is now nearly 80 years of age, very poor and needy, a woman of good character, without any person on earth upon whom to depend. She can only live a short time, and the committee were unanimously of the opinion that under the circumstances this Government ought to give her a reasonable living during the rest of her days and not permit her to go to the poorhouse.

Mr. BARTLETT. You say she served the Government. In what capacity did she serve it? What service did she perform?

Mr. RAY of New York. Oh, she aided as a nurse and aided the soldiers in many ways. She never has drawn any pension, but has taken care of herself as long as she could. Now she is very old, very poor, and very needy, and considering all these circumstances, the way she was deprived of her husband and her support, the committee thought that it ought to give her enough, not to live in luxury, but to take reasonable care of her for the rest of her days. She has never remarried.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

ROBERT M'FARLAND.

The SPEAKER laid before the House the bill (H. R. 360) for the relief of Robert McFarland.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, directed to remove the charge of dishonorable discharge against Robert McFarland, late corporal in Company B, Fifth Regiment Illinois Cavalry, and to issue to him an honorable discharge from the service of the United States, with pay and bounty, and to date October 30, 1863.

The amendments recommended by the committee were read, as follows:

Strike out the words "with pay and bounty, and."

Add at the end the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Speaker, inasmuch as we are rushing along passing bills correcting military records and removing disabilities, and while I do not undertake to make any opposition to

them as they have passed the Friday night session, I ask permission that I may be granted twenty minutes to submit some remarks about the issue of bonds, not pertinent to this bill under consideration. I have not inflicted on the House a great many speeches.

Mr. RAY of New York. I know that, but would not you allow us to get through with these bills and then take the time?

Mr. TALBERT. It will not take long; I only ask for twenty minutes.

Mr. MIERS of Indiana. I wish the gentleman would wait until we conclude the Calendar, and then he may take thirty minutes.

Mr. TALBERT. I prefer to proceed now.

There was no objection.

Mr. TALBERT. Mr. Speaker, this question has been so thoroughly discussed already that anything said in addition will only be partially a repetition of what has been said or a thrashing over of old straw. So many good and even conclusive reasons have been given why there should be no addition now made to our interest-bearing debt that the subject seems about exhausted. Every substantial argument is against the issue of bonds, and there is literally nothing valid or affirmative to be urged in its favor. This is plainly to be seen at this time. What the future will bring forth, of course no one can foretell, but this can be affirmed with absolute certainty: No good reason has been presented for the issuance of bonds now, while the arguments against such a measure are unanswered and unanswerable. An issuance of bonds can mean nothing less than the subjection of the masses of the people to heavy taxation for all time to come; yes, it means more than that, a large and expensive standing army, government by injunction, the rule of corporations, trusts, and monopolies, and the death of freedom. Let us then see some of the reasons why it is not necessary.

In the first place, a glance at the state of the Treasury will disclose the fact that there are ample funds on hand and in sight to meet all immediate requirements. First of all, there is the gold reserve of \$100,000,000. There is no law upon the statute books that requires the holding of any specific gold reserve or a specie reserve of any particular amount. The amount fixed upon as necessary—namely, \$100,000,000—is merely a custom established by the Treasury Department, and is nothing more than the judgment of those who have had the official management or, more properly speaking, the mismanagement of our national finances. It has been also arbitrarily assumed that there is something peculiarly sacred and talismanic in the figure, \$100,000,000, and that the moment we get below it we stand face to face with financial ruin. And yet on several occasions during Mr. Cleveland's second Administration it fell away below that sum, at one time, if my memory serves me right, going down to about \$41,000,000.

We were not then ruined thereby, and we would not have been ruined if the reserve had gone down to \$20,000,000, or \$10,000,000, or even if it had entirely disappeared. The harm which came to us then was not the outflow of gold from the Treasury, but the evil lay in the method by which and the purpose for which the gold was thus withdrawn. The Treasury was simply looted by a band of robbers calling themselves the champions of "honest money." It was done for the purpose of giving the Administration an excuse to issue bonds and in the hope that it might ultimately force the retirement of all United States legal-tender currency, give the banks full control of all our paper money, and place us irrevocably upon the gold standard, which would leave, as it had already left, a trail of suffering and ruin wherever it had been established. It is the part of the plan of the goldbug element to make the common people of the country bear the burdens of war and at the same time pay the enormous interest upon \$600,000,000 of bonds.

In this aspect of the question, and looking at it from this infamous standpoint, the drain of our gold was indeed and of course a bad thing. Yea, it was as dishonest and as indefensible as open highway robbery. Although in form it bore a close resemblance to swindling, the beneficiaries of such rascality were wont to call it financiering—men who, in reality, ought to have been the occupants of the convict's cell. But to pay out this gold or a considerable amount of it for war purposes is quite a different thing. The effect of this would be simply to take a given amount from the Treasury and throw it into the channels of trade, where it would stimulate and give new life to the business energies of the country and nobody would be robbed or swindled.

The advocates of the gold standard assume that the financial salvation of the American people depends upon the keeping of an immense sum of money locked up, idle, and useless in the Treasury. They lose sight of the obvious truth that the more money there is in the Treasury, the less there will necessarily be in the avenues of trade and the less able the people will be to live and to bear the burdens of taxation. The doctrine of the goldite is, more debt and less money. The true principle should be, more money and less debt, and especially should this principle be applied at a

time like the present, when we are providing means for the conduct of a foreign war. The poor man should not be made to do the fighting and bear the burden of taxation also for the benefit of the bondholder and goldbug. [Applause.] The gold reserve could be used with absolute safety and with tremendous advantage to the people at large, instead of its being made use of to further fill the coffers of the rich, and the people are not unmindful of the fact that the bondholder is always exempt from taxation upon his bonds.

But leaving that entirely out of consideration, there is still a net balance of more than \$100,000,000 in the Treasury, according to the last statement of the Secretary, exclusive of the gold reserve. To this we may add the silver bullion seigniorage, amounting to about \$42,000,000, which can be and ought to be made immediately available by the issuance of certificates against it and putting them into circulation. Here, then, we have about \$150,000,000 to begin with. Then there is no doubt that the tax features of the bill will provide fully another \$150,000,000, and perhaps considerably more, especially if an income tax could only be added which tax is the most equitable and just way to reach the vast holdings of the plutocrat. This makes \$300,000,000, without touching the gold reserve, or, if we include that reserve, \$400,000,000. The original estimates of the probable expenses of the war were under \$300,000,000 for the first year. Since then the War Department has raised its estimate about \$100,000,000 and the Navy Department some \$50,000,000 more.

I shall not attack these estimates except by calling attention to the fact that they seem to have been raised, not so much by the exigencies of the service as by the insatiate and hellish desire for bonds! bonds! bonds!

Since the first estimates were made we have sustained no reverses of a serious character. Spain has given no evidence of increased powers, there is nothing to indicate that for us to conquer in this war will be any more difficult than was at first supposed. On the contrary, we have scored a magnificent triumph at Manila by which Spain's entire naval force in the Pacific has been crushed, and it is quite generally believed that a victory of equal magnitude in the Atlantic would virtually settle the war. Then nothing has transpired to suggest that our military operations must be upon a larger scale than was at first calculated upon, except to the extent of the Philippine army, but it would appear from present indications that the war which was started for the sake of suffering humanity has been changed into one of grasping more territory and issuing bonds.

There has certainly been no increase of the Spanish military strength either in Cuba or Puerto Rico. Still we find the War Department raising its estimate nearly \$100,000,000 at a single step, the Navy Department nearly \$50,000,000 in the same way, and the President calling for 75,000 additional troops before he has used a single solitary regiment in active service or from the volunteer force, and without a sign upon the war's horizon to indicate that the number originally called for would not be ample.

But even with these additions to the expense, there is no good reason why the first year's outlay for war purposes should be more than \$400,000,000. As I have already shown, nine months of this expense—that is to say, \$300,000,000—and perhaps more can be provided for without trenching upon the gold reserve at all, and by using that reserve we can provide for the whole year without the issuance of a single bond, and then, if necessary, instead of bonds provide for the issuance of Treasury notes, which will bear no interest, to such an amount as the exigency may require.

If the war be strongly and energetically prosecuted, it ought not to last six months from the date of the actual beginning; but by dillydallying as the Administration is now doing, there is no telling how long hostilities may continue.

But suppose it should last a year or more, will not Congress again be in session next winter, ready and willing to provide for every want which may then exist? Nay, could not Congress be called together if the condition should become strained and the necessity of the case demanded it? Loading the people down with an interest-bearing debt is a very serious thing to do. The interest charge is necessarily just so much added to the actual expense, and it also constitutes an incubus that should not be hung upon the necks of the people unless it be in a case of extreme urgency—only after all other fair and reasonable methods have been entirely and completely exhausted. Why not accept in place of bonds the issuance of greenbacks or Treasury notes, as Jefferson has said, bottomed on taxes and the patriotism of the people?

It must be borne in mind that in the prosecution of this war there is no party or faction seeking to hinder or embarrass the Administration in the slightest degree. The only complaint we of this side of the House have to make with reference to the conduct of the war is that the Administration had to be dragged into it in the first place, and then has moved at a snail's pace ever since. We believe that a decisive blow should have been struck long before this for the relief of the starving thousands of Cuba, which was the pretended object only, as it now seems, of the party

in power. After having waged a war upon humanitarian grounds you have shifted to a war for conquest—to grab more territory. This seems to me to smack of great hypocrisy, to say the least of it.

But, nevertheless, we have voted and are ready to still vote for everything necessary for its successful prosecution. At the same time we do most earnestly and seriously object to and protest against the Administration and its supporters making the war an excuse to carry out the behests of the money power in regard to our financial policy, cramming down our throats measures of the most obnoxious and outrageous character, and then challenging our patriotism and loyalty if we question their wisdom and justice. We are alike opposed to having the war made use of to enact measures which have so often failed of enactment on account of their enormity and vice in times of peace. The propositions embodied in this revenue bill are practically the same that have been recommended both by Carlisle and the present Secretary of the Treasury, Gage, in times of profound peace.

Now, without a desire to harshly criticize the Administration, it is a well-known and acknowledged fact that ever since the inauguration of Mr. McKinley his Administration has stood pledged to an issue of bonds for the ostensible purpose of committing the country more thoroughly to the gold standard, retiring the greenbacks, and thereby placing the people absolutely at the mercy of the banks for their supply of paper money. And I desire to say further that it is a significant, very curious, and somewhat striking coincidence that the amount of bonds deemed necessary in time of peace for the retirement of the greenbacks should have been just \$500,000,000, while the amount provided by this bill for war purposes as it originally passed the House was exactly the same, with \$100,000,000 in currency certificates thrown in for good measure, as it were.

I repeat it, this is an exceedingly startling coincidence, together with the effect of peaceful blockades and a general tardiness in moving armies and navies. And, too, when we consider that every man who desired a bond issue for the cancellation of United States circulating notes is now equally in favor of this bond issue, it is indeed and in truth but natural for many persons to be extremely suspicious of the motive behind this urgent demand for bonds at the very inception of hostilities and before any real war necessity has appeared; and this suspicion is considerably intensified by the circumstance that the most vociferous shouters for bonds to vigorously prosecute the war are men who do not want it vigorously prosecuted, who never have wanted it done, and who are now anxious to let Spain down just as easily and lightly as possible. A funny spectacle now presents itself to the country, the American fleet patrolling the seas looking for the Spanish fleet instead of going ahead with the freeing of Cuba and attending to the enemy as he presents himself.

But whatever the motive, there is no necessity for a bond issue now, and there is nothing in the present outlook to indicate that there ever will be any necessity for a large addition to our interest-bearing debt, which even in the most extreme case would only be a necessary evil at the best; but when not by any means necessary, it would be beyond a doubt an unmitigated crime against humanity and a curse upon the generations yet unborn.

In a recent issue the National Bimetallist, a very able monetary journal, speaking upon this subject, said:

It will also, we assume, be generally agreed that there should be no addition to our interest-bearing debt unless it be absolutely necessary, and that under no circumstances should such increase exceed the imperative requirements of the situation.

No private individual ever incurs a debt, and particularly a debt bearing interest, if he can accomplish the same end equally well without it. The same principle should govern nations, which are mere aggregations of individuals.

Debt, and especially interest-bearing debt, is the load which is bearing the world down to-day, and it is the most vital element in the great monetary problem with which we are struggling. It involves the most important economic and social considerations. If there were no such thing as debt in the world, the money question would lose its transcendent importance.

If there were neither debt nor fixed charges of any kind calling for payment in a certain number of dollars, pounds sterling, francs, etc., it would make comparatively little difference whether the supply of money were large or small, so far as equities are concerned. But the fact that there are so many charges that are practically fixed in terms of money, always calling for so many dollars, however scarce the dollars may be, and the further fact that debt constitutes the principal part of these fixed charges, makes the supply or quantity of money the most important economic question with which civilized men have been required to deal.

There is a world of significance in these words, and every patriotic American anxious for the future welfare of the country and the happiness of its people should ponder them well.

In the prosecution of this war there is no element of disloyalty in the country unless it be among those who are most anxious for an issue of bonds, and in my judgment that species of disloyalty which manifests itself in a desire to feast and fatten and gorge upon the misfortunes or necessities of the people is the most reprehensible and infernal, yea, the worst in the whole category of treasons, for it is a treason that has no higher motive back of it other than the immensely selfish and fiendish greed of the shynock. I say, let us move slowly and prudently in this matter.

Let us endeavor by all means in our power to provide a just

and equitable and adequate revenue, and at the same time make use of every available asset. But let us issue no bonds; let us not place another mortgage upon the country, to hang like a millstone around the necks of posterity for generations to come; let us do no such ill-advised, injudicious, and unpatriotic thing unless and until the developments of the war make it an imperative necessity that can not in any manner whatever be avoided. Let not the splendid outburst of patriotic sentiment that has just astonished the whole world be marred by an act of financial trickery and dishonor that will stand as a foul blot upon the pages of our country's history for all time to come. [Applause.]

A wicked and perverse generation seeketh for a sign, but no sign shall be given them.

So a wicked and perverse crowd asketh for bonds, and I hope no bonds shall be given them. [Applause.]

Mr. MAHON. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening.

Mr. MIERS of Indiana. I hope the gentleman will withdraw that motion.

Mr. MAHON. We can pass the remainder of these bills at the night session.

Mr. MIERS of Indiana. It will only take a little while to complete this Calendar, and I hope the gentleman will not insist on his motion.

Mr. DINGLEY. Mr. Speaker, I ask the gentleman from Pennsylvania to withdraw his motion for a minute.

Mr. MAHON. I will withdraw the motion.

Mr. DINGLEY. Mr. Speaker, I am informed by the Senator in charge of the war revenue bill in the Senate that on account of developments that have occurred within the last hour or two he is confident that the bill will pass the Senate to-day and can reach the House by to-morrow at noon, at the opening of the session. In view of that fact, I move to reconsider the motion by which the House voted that when it adjourn it be until next Monday.

The motion to reconsider was agreed to.

Mr. DINGLEY. Mr. Speaker, I now withdraw the motion.

Mr. MAHON. Mr. Speaker, I renew my motion that the House do now take a recess until 8 o'clock this evening.

The motion was disagreed to.

Mr. RAY of New York. Mr. Speaker, as to each and all of the bills that have passed this afternoon, I move to reconsider the votes by which they were passed and to lay the latter motion on the table.

The motion was agreed to.

REPRINT OF A BILL.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore (Mr. PAYNE). The Clerk will report the resolution.

The Clerk read as follows:

Whereas a mistake was made in printing H. R. 8571, a bill to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District, accompanied by Report No. 1482, by printing the amendment of section 207 of Title I as of section 207 of Title II; Therefore,

Be it resolved, That the Public Printer be, and hereby is, ordered and directed to correctly reprint said bill.

Mr. DOCKERY. Is this for the reprint of a bill which has been introduced?

Mr. WARNER. It is the report by the Committee on the Revision of the Laws pertaining to crime in Alaska, and the printer has made a mistake. He has got 207, Title I, and 207, Title II. Two hundred and seven, Title I, was amended, and he has put it in as Title II.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898.

The message also announced that the Senate had passed the bill (S. 4099) to provide an American register for the steamship *China*; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4578) to remove all disabilities imposed by the fourteenth article of the Constitution.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4678. An act providing for a Second Assistant Secretary of War—to the Committee on Military Affairs.

S. 4677. An act to provide for the employment of retired officers of the United States Army in time of war—to the Committee on Military Affairs.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. Res. 189. Joint resolution authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes.

PROTECTION OF HOMESTEAD SETTLERS IN THE SERVICE OF THE UNITED STATES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4676) for the protection of homestead settlers who enter the military or naval service of the United States in time of war.

The Clerk read as follows:

Be it enacted, etc., That in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases hereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Reserving the right to object, I want to ask the gentleman if this has been reported by the Committee on Public Lands?

Mr. LACEY. The Committee on Public Lands reported a bill drawn by the gentleman from Minnesota [Mr. MORRIS] of a similar import, but the verbiage somewhat different. This bill was drawn in the Department of the Interior and introduced in the Senate. There is some difference between the two bills in phraseology. Inasmuch as this bill has passed the Senate, the committee concluded to substitute it for the bill drawn by the gentleman from Minnesota.

Mr. DOCKERY. Will the gentleman state the object of the bill?

Mr. LACEY. A good many soldiers who are homesteaders have gone into the Army and some into the Navy of the United States, leaving their homesteads, and this bill will relieve them from living on the homestead during the time they are in the service of the Government and gives them credit on their five years' time for so much time as they may remain in the service.

There is one addition to the original proposition in the Morris bill, and that is that this shall apply also to soldiers of other wars, such as the Mexican and Indian wars; that they shall have credit on their five years for the time they served in the Army. We did have such a law as to the soldiers in the late war, but it did not apply to the soldiers of the Mexican or the Indian war. This provision makes the law of 1861 general as to other soldiers, and applies also to the soldiers of the present war.

Mr. DOCKERY. It seems to be a very wise bill.

Mr. SHAFROTH. I will state that the committee this morning went over this bill, having previously gone over a similar measure introduced by the gentleman from Minnesota [Mr. MORRIS]; and it was agreed to ask the passage of this bill instead of his. The measure seems to me a good one, and it received the unanimous approval of the committee.

Mr. LOUD. I should like to ask the gentleman in charge of this bill whether it does not extend the privilege in question to a greater extent than it is now extended to soldiers of the late war? The present law, I believe, would only allow three years to count in proving up a homestead. Does not this bill in its present form remove all bars and permit a man to go upon public land and obtain title without in fact living a single day upon it—that is, to go there at the instigation of somebody else?

Mr. LACEY. The enlistments for the present war are for two years; those for the war of 1861 were generally for three years; but the time of credit was not limited to three years.

Mr. LOUD. Oh, the gentleman is mistaken about that; no more than three years could be counted, and a man must live upon the land not less than two years. Now, in this bill I think the committee has opened the door so that speculators in lands may secure soldiers to go upon the land and acquire title without actually living upon it one day. That is to say, you have removed the bars entirely.

Mr. LACEY. No; that is impossible, because the enlistments under the law now are for two years. To acquire title the man must serve two years in the Army, and at the end of that time must return to his homestead and live there three years longer before he can acquire title.

Mr. LOUD. Is the bill so carefully guarded as to insure that?

Mr. LACEY. There is no trouble about that matter. The Senate bill was drawn by Mr. Hermann, or under his direction. I think it covers the case fully. It only gives the soldier credit for the time he actually serves in the existing war.

Mr. LOUD. And that should not exceed three years.

Mr. LACEY. Well, it can not exceed two years under the present term of enlistment.

Mr. MORRIS. I should like to ask the gentleman from California [Mr. LOUD] whether he has recently examined the statute on the subject of the time allowed homesteaders who were soldiers during the last war?

Mr. LOUD. I have not examined it within one or two years.

Mr. MORRIS. I think the gentleman from California is mistaken in regard to the provisions of that law.

Mr. LOUD. I do not think I am.

Mr. MORRIS. According to my recollection of the statute, it provides that the time of the soldier's service shall be taken out of the time within which he is required to prove up his homestead.

Mr. LOUD. The gentleman will find that he is required under the present law to be a bona fide resident of the land for a term of two years, only three years of service being deducted. Now, it is a question whether you have not in this bill removed every bar.

Mr. MORRIS. I hardly think we shall have any difficulty on that subject under this bill. The enlistments already made are for only two years; and I hardly think it wise to amend the Senate bill by incorporating such a provision as has been suggested, because I do not think it at all necessary. The law can be hereafter amended if an amendment be found desirable.

Mr. LOUD. Is it not always best to incorporate proper safeguards in a bill at the time of its passage? Let us suppose the case of a man entitled to a deduction of three years on account of service in the late war. He proposes to go into this war for two years. Now, on account of his three years' service in the late war and his two years' service in the present war, may he not be used by speculators as a dummy to be put upon land to secure title? I would not care, so far as I am concerned, if the soldiers themselves were to become bona fide settlers. But it will be found that they will be used as dummies, just as they are now used in the case of scrip for additional homestead.

Mr. DOCKERY. I desire to ask my friend from California, who has had large experience in these matters, whether under the existing law soldiers can in fact be used by speculators as "dummies?"

Mr. LOUD. They could under this bill, if they are entitled to a credit of two years more; they could not under the present law, because they are required to have a bona fide residence of two years, only three years of service being deducted.

Until the committee shall have investigated this phase of the case—and they do not seem to be very clear upon it now—I think this bill ought to wait another day or two.

Mr. LACEY. The gentleman's suggestion in regard to a limitation of three years has never before been brought to my attention. It is possible that he may be right about this matter, although I have not so understood it and it is not so understood by gentlemen living in the homestead region.

Mr. LOUD. I know that I tried to locate some land myself a very few years ago, and I found the law to be as I have stated it. Would it not be best for the gentleman to allow this bill to lie over another day?

Mr. LACEY. There might be added a proviso that in no case shall the residence of the homesteader be less than two years, if that is the existing law. We do not want to change the existing law.

Mr. LOUD. Does not the gentleman think the best course would be to allow the bill to lie over another day so that the committee, after examining the present law carefully, may prepare a proper amendment?

Mr. LACEY. I am not very particular about having the bill passed to-day. We want to get it through in time to benefit the men who are interested.

Mr. LOUD. Any time during this Congress would be time enough.

Mr. DOCKERY. The bill might be brought up immediately after the reading of the Journal to-morrow morning.

Mr. McRAE. What is the pending proposition in regard to this bill? Is there a request for unanimous consent that it be considered, or is it now before the House?

Mr. GIBSON. Regular order.

The SPEAKER. Objection has been suggested, and the Chair understands that the bill will not be pressed at this time.

Mr. LACEY. I will try to bring the bill up to-morrow morning, and in the meantime attention will be given to the point suggested by the gentleman from California.

Mr. LOUD. I would like the committee to satisfy themselves on this point.

Mr. GIBSON. Regular order.

Mr. DINGLEY (at 2.40 o'clock p. m.). I move that the House now take a recess until 8 o'clock this evening.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] will please act as Speaker pro tempore at the evening session. The House is now in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. LACEY as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore directed the reading of the rule prescribing the order of business for Friday-night sessions; and it was read.

Mr. TALBERT. I ask unanimous consent that to-night all bills for the removal of charges of desertion be passed over, except where the member who introduced the bill is present to advocate it and explain its merits.

Mr. FLETCHER. I ask the gentleman from South Carolina [Mr. TALBERT] to make an exception—

Mr. TALBERT. The gentleman is present, and of course my proposition does not apply to him.

Mr. FLETCHER. I am present, but I represent to-night a Senate bill.

Mr. LOUDENSLAGER. I ask that an exception be made of all Senate bills.

The SPEAKER pro tempore. The Chair presumes that is the intention of the gentleman from South Carolina.

Mr. TALBERT. Yes.

Mr. GIBSON. Before the question is put on the proposition of the gentleman from South Carolina, I wish to state that the gentleman from Pennsylvania [Mr. STURTEVANT], a member of the Invalid Pensions Committee, who has attended every Friday night down to the present, is obliged to be absent to-night. He is interested in two cases which may be reached. He has been a hard worker on the committee; and on his behalf I ask that if his cases be reached to-night they be considered as though he were present.

The SPEAKER pro tempore. The request of the gentleman from South Carolina applies, as the Chair understands, only to desertion cases.

Mr. GIBSON. I have no objection to that.

The SPEAKER pro tempore. The gentleman from South Carolina ask unanimous consent that at this evening's session bills for the removal of charges of desertion (except Senate bills) be passed over unless the member who introduced the bill is present. Is there objection?

There was no objection.

Mr. TALBERT. Now, Mr. Speaker, I wish to make another request. It is that to-night, after we go into Committee of the Whole, the roll be called, and that each member present as his name is reached be allowed to bring up for consideration any bill he may designate, and that after the roll has been gone through with we go back to the Calendar and proceed in the regular way.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that at this evening's session, when the House goes into Committee of the Whole, the roll of members be called, and that each member present as his name is reached be permitted to call up any bill on the Private Calendar which is in order under the rule.

Mr. RAY of New York. Mr. Speaker, I have no particular objection to that, excepting that it will take up a great deal of time in calling the names. We could pass a dozen good pension bills while we are calling the roll.

Mr. TALBERT. Well, I do not press that.

Mr. LOUDENSLAGER. No; I would withdraw that.

The SPEAKER pro tempore. The request is withdrawn.

Mr. RAY of New York. Now, Mr. Speaker, before we go into the Committee of the Whole, I ask unanimous consent that the Senate bill which I hold in my hand (S. 4451) be considered. I will state what it is. It was introduced, I think, by Senator PENROSE of Pennsylvania—by one of the Pennsylvania Senators, anyway. The bill grants a pension of \$12 a month only to a woman who is now 105 years old.

Mr. MIERS of Indiana. That is enough. Let us vote.

Mr. RAY of New York. Wait a moment. She had four sons, every one of whom went into the Union Army. Her sole dependence, one of those sons, is now dead. She has not a dollar in the world, and is dependent on charity. The evidence is almost conclusive, although not quite technically satisfactory, that this son died of disease contracted in the service. She was once granted a pension, the proof being accepted, but the Bureau subsequently dropped her. Every one of her sons had a good service record. More than that, her husband served in the war of 1812, and made

a good record. Think of it! Shall this mother be dependent on charity?

Mr. BARTLETT. Mr. Speaker, do I understand this to be a request for unanimous consent to take up this bill out of its order?

Mr. RAY of New York. Yes.

Mr. BARTLETT. I have a bill which I think is equally meritorious, and I should like to have that considered.

Mr. RAY of New York. I withdraw my request, and move that the House resolve itself into the Committee of the Whole.

Mr. BARTLETT. I have no objection to the gentleman's bill; none whatever.

Mr. GIBSON. Is the claimant in your case 105 years old?

Mr. BARTLETT. She is 90.

Mr. GIBSON. And is she the mother of four soldiers?

Mr. BARTLETT. I do not desire to have any controversy with the gentleman from Tennessee. I do not object to the request of the gentleman from New York, but I say this, that I intend to ask that my bill be treated in the same way. I do not object to this, but I think a similar preference should be given to an equally meritorious bill which I have.

Mr. RAY of New York. I move that the House resolve itself into the Committee of the Whole House for the purpose of considering business on the Private Calendar under the rule which has been read.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 20, noes 0.

Accordingly the House resolved itself into Committee of the Whole on the Private Calendar, with Mr. CRUMPACKER in the chair.

W. G. NEELEY.

The first business on the Private Calendar was the bill (H. R. 1213) granting an honorable discharge to W. G. Neeley, of Canyon City, Colo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of and grant an honorable discharge to W. G. Neeley, of Canyon City, Colo., late a private in Company I, Fifth United States Infantry Volunteers.

The following amendment recommended by the Committee on Military Affairs was read:

After the word "Volunteers," in line 7, insert:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. I would ask for either the reading of the report or a statement by the gentleman from Colorado [Mr. BELL] who introduced the bill as to the merits of the case. I should like to know whether this gentleman is a bounty jumper or coffee cooler, or anything of that kind.

Mr. BELL. Mr. Chairman, he is nothing of that kind. My remembrance is that this man was in the State of Kansas, and was permitted to go home while sick. While he was unable to travel, his command was ordered to Salt Lake City. They had to go overland, and he was never able to reach them. That is my remembrance of the case. I have not the report before me, but it was on account of sickness. The command went away and left him, and he never was able to reach them until they were mustered out of the service.

Mr. TALBERT. Does the gentleman know if he reenlisted in another company or regiment after being dropped from the rolls of this one?

Mr. BELL. I do not understand that he was dropped from the rolls. I understand that his command was mustered out without his being able to reach them.

Mr. TALBERT. He never reenlisted anywhere else?

Mr. BELL. Oh, no; the war ended.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIETTE J. HARROW.

The next business on the Private Calendar was the bill (H. R. 8723) granting a pension to Juliette J. Harrow, widow of Gen. William Harrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll at the rate of \$60 per month the name of Juliette J. Harrow, of Mount Vernon, Ind., widow of the late William Harrow, who was brigadier-general of volunteers during the civil war.

The following amendments recommended by the Committee on Invalid Pensions were read:

In lines 4 and 5 strike out the following: "At the rate of \$60 per month;" also strike out the capital letter "J."

In line 6 strike out the following: "Of Mount Vernon, Ind."

At the end of line 8 add the following: "And pay her a pension at the rate of \$60 per month in lieu of the pension she is now receiving."

Amend the title to read: "A bill granting an increase of pension to Juliette Harrow."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDSON SULLIVAN.

The next business on the Private Calendar was the bill (H. R. 5102) granting an increase of pension to Edson Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edson Sullivan, late private in Company C, First New Hampshire Heavy Artillery Volunteers, and pay him a pension of \$50 per month, in lieu of that he is now receiving.

The following amendment recommended by the Committee on Invalid Pensions was read.

In line 7 strike out the words "of fifty" and insert in lieu thereof "at the rate of twenty-four."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GARDNER DODGE.

The next business on the Private Calendar was the bill (H. R. 3567) to remove the charge of desertion against Gardner Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the records the charge of desertion against Gardner Dodge, of Company L, Ninth Iowa Cavalry Volunteers, and he is hereby restored to all rights as to pay, bounty, and other allowances to the same extent as if said charge of desertion had not been made.

The following amendment recommended by the Committee on Military Affairs was read:

In line 6, after the word "Volunteers," strike out the words "and he is hereby restored to all rights as to pay, bounty, and other allowances to the same extent as if said charge of desertion had not been made" and insert in lieu thereof the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Chairman, I should really like to have the report read, or a statement from the gentleman who introduced this bill in regard to the merits of the case.

Mr. LACEY. This bill passed the Fifty-first Congress, both the House and the Senate, reaching the President just too late for him to take final action upon it. The facts are stated, perhaps, more clearly in the report than they could be in any statement which I could make. Let the report be read.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3567) to remove the charge of desertion against Gardner Dodge, submit the following report:

Gardner Dodge was a private in Company L, Ninth Iowa Cavalry Volunteers. At the time of his desertion he was only about 16 years of age. His conduct was good from the time of his enlistment in 1863 until March 23, 1865, when he deserted. On April 3, 1865, he returned to his company. Charges were preferred against him and he was sentenced by a court-martial May 11, 1865, to be shot. This sentence was modified by the commander of the department of Arkansas to dishonorable discharge and ten years' imprisonment. On August 9, 1865, he was released from confinement, and on August 10, 1865, was dishonorably discharged from the service.

The soldier filed his affidavit with the Secretary of War, setting forth that he was in the guardhouse and the guards told him if he wanted to go they would let him escape, and that unless he escaped he would be court-martialed. He took their advice and escaped, and after a few days was returning to his regiment when he was captured by bushwhackers.

It appears from affidavits on file that this soldier was then a mere boy, only 16 years of age, and that his conduct was due, in a great measure, to the indiscretion of his extreme youth. Since his discharge he has borne an excellent character, and his good character has been vouched for by a large number of people of the highest character and standing.

His captain, J. G. Rockafellow, testified that the soldier was a mere boy, and that it was the universal belief in his company that the sentence and conviction were unmerited and unjust; that he was not represented by any attorney and made no defense whatever, and was given no opportunity to vindicate himself; that the soldier was not in fact a deserter, but had left his command temporarily, and was returning to his command when he was captured; that he did not leave his command with the intention of deserting, and that he was in fact returning to his regiment when he was captured by the enemy. He was turned over to his command soon after his capture. His captain further swears that he believes the conviction was unjust and that the charge of desertion should be removed.

Norris Richardson, A. J. Cottrell, Martin Beason, Charles H. Jennings, W. R. Reynolds, James Early, A. B. Brebst, M. J. Fringle, James Smith, James R. Gentry, D. M. Wert, and Joseph Logaton all depose that they were members of the same company, and they all testify to substantially the same facts and opinions as Captain Rockafellow. Said Norris Richardson was first lieutenant of said company.

Thirty-five of the soldier's comrades join in a petition requesting the removal of the charges.

A petition signed by a very large number of the leading citizens of Jasper County, Iowa, has been presented, in which the excellent character of Mr. Dodge is certified.

In view of the extreme youth and good character of the soldier, and in view of the opinion of his captain, lieutenant, and comrades, that injustice had been done him, we think that the stigma attached to his name by the charge of desertion and by the conviction and sentence should be removed, and we therefore recommend the passage of the bill.

Your committee have carefully considered this case and the proceedings of said court-martial, and, in view of all the facts and circumstances in this case, it is apparent that cruel injustice was done this youthful soldier, who by reason of his extreme youth could not have been held to military service, and should never have been mustered into the service.

It is only simple justice to authorize the Secretary of War to issue to him an honorable discharge as of the date of the sentence of the court-martial.

Your committee have amended the bill accordingly, and as amended report it back to the Senate and recommend its passage with the following amendment:
Strike out all after the word "volunteers," in line 4, and insert the following:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

During the reading the following occurred:

Mr. TALBERT. I ask that the further reading of the report be dispensed with. I suppose the general object of bills to remove the charge of desertion is to get rid of the stigma of the charge.

Mr. LACEY. Mr. Dodge is one of the most reputable citizens in Jasper County. He is a wealthy farmer, of good character and high standing.

Mr. TALBERT. This bill, as I understood the reading of it, contains two amendments, which nullify each other. In the first place, one amendment says he shall be entitled to all his rights as to pay, bounty, and so forth, and the other provides that no pay, bounty, or other emoluments shall become due or payable by reason of the passage of this act.

Mr. LACEY. The gentleman did not correctly understand the reading of the bill. The first one is not an amendment, but is part of the original bill. The amendment proposes to strike that out and insert the provision that he shall receive no back pay, bounty, or emoluments.

Mr. TALBERT. I did not so understand that. If that is so, that is all right.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JACOB COVERT.

The next business on the Private Calendar was the bill (H. R. 6090) for the relief of and to correct the record of Jacob Covert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of absent without leave against Jacob Covert, late first Lieutenant of Company D, Twenty-fourth Regiment of Indiana Volunteer Infantry, and grant him an honorable discharge, to date from the 1st day of August, 1863.

The following amendment, recommended by the Committee on Military Affairs, was read:

Insert at the end of the bill the following:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. TALBERT. Mr. Chairman, I should be very glad to have the reading of the report or a statement from the gentleman who introduced the bill.

Mr. HEMENWAY. This soldier, Jacob Covert, was charged with being absent without leave. As a matter of fact, he resigned. He was a lieutenant, and he resigned, and his resignation was approved, but it was lost in some way. He went away with the consent of his officers; in fact, took from the officers a letter so that he could get through the lines.

Mr. TALBERT. Those letters and documents appear in the evidence?

Mr. HEMENWAY. Oh, yes; they all appear in the evidence.

Mr. TALBERT. And he never reenlisted?

Mr. HEMENWAY. Never reenlisted.

Mr. BRUCKER. Did you say that he was a lieutenant?

Mr. HEMENWAY. Yes; he was a lieutenant.

Mr. BRUCKER. Was he court-martialed?

Mr. HEMENWAY. No; he resigned on account of sickness, went home, and was sick quite a while; and he supposed that his resignation had been accepted all right.

Mr. BRUCKER. He being an officer, how could a charge of desertion be filed against him?

Mr. HEMENWAY. It is not a charge of desertion; it is a charge of absence without leave.

Mr. TALBERT. I think it is a meritorious case.

Mr. BRUCKER. As a matter of fact, were there no court-martial proceedings?

Mr. HEMENWAY. Oh, no.

Mr. BRUCKER. In the case of an officer?

Mr. HEMENWAY. Not at all.

Mr. TALBERT. As I understand, the resignation was accepted but the papers were lost.

Mr. HEMENWAY. The papers were lost.

Mr. TALBERT. These facts are established by letters from his command.

Mr. HEMENWAY. Yes, and from General Hover.

The amendment recommended by the committee was agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

NANCY BARGER.

Mr. RAY of New York. Mr. Chairman, I understand my friend the gentleman from Georgia [Mr. BARTLETT] to state that he did not intend to object to the present consideration of the bill (S. 4431) granting a pension to Nancy Barger.

Mr. BARTLETT. I did not, and I so stated.

Mr. RAY of New York. I did not understand you. It was my misunderstanding.

Mr. BARTLETT. I stated twice that I had no objection, but I was going to suggest that I had a bill for a woman almost of equal age and merit; that I did not intend to propose to object to your bill, but I wanted mine taken up as well.

Mr. RAY of New York. It was my misunderstanding, and I therefore now ask for the immediate consideration of the bill S. 4431 in Committee of the Whole, and I ask that the report be printed as a part of the proceedings. I have already stated the facts. I did not state, however, that the old lady is substantially blind.

Mr. BARTLETT. I have got one in the same condition and whose husband was in the war of 1812.

The CHAIRMAN. The Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Barger, widow of John Barger, and dependent mother of John Barger, private in Company D, Forty-fifth Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$19 per month.

The report (by Mr. GIBSON) was read, as follows:

The Committee on Invalid Pensions, to which was referred the Senate bill (S. 4431) granting a pension to Nancy Barger, has examined the same and all the evidence and reports:

The Senate act proposes to pension Nancy Barger, of Roland, Pa., at \$12 per month.

The Senate report (No. 972) states the facts, and is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 4466) granting a pension to Nancy Barger, have examined the same and report:

"The claimant herein is the widow of George Barger, late a private in Capt. Jacob Fryer's company, Pennsylvania Infantry; also mother of John Barger, late of Company D, Forty-fifth Pennsylvania Volunteers, and Company H, Fourth Pennsylvania Infantry, who enlisted April 19, 1861, and was honorably discharged July 27, 1861, and then reenlisted September 23, 1861, was discharged October 20, 1864, and died December 23, 1891. Said son was not married and left no widow or children surviving him. Claimant is the mother of five boys, four of whom were in the late war of the rebellion. The death of her son John, who was her sole support after her husband's death, leaves her now without support, excepting what she receives from friends and neighbors.

"From an examination of the papers it is disclosed that she will be on the 7th day of May (next month), 1893, 105 years old, and that she is nearly blind and badly crippled. Her present residence is Roland, Center County, State of Pennsylvania.

"She made application as a dependent mother, but was rejected 'on the ground of failure after reasonable time to furnish the necessary evidence to prove the origin of the disability during army service.' Although from the papers it would seem to be shown that said disabilities had resulted from army service, and although her dependence seemed to be clearly proven under the act of June 27, 1890, still the Commissioner of Pensions held that the claim should be rejected. Claimant drew a pension as the widow of her husband, George Barger, but was dropped from the roll on account of error in allowance based upon failure to show death to be the result of army service.

"In view of the above facts your committee report favorably upon said bill and recommend its passage with an amendment."

Her husband served in the war of 1812.

Your committee report the act back with the recommendation that it pass when amended as follows:

In line 4 strike out "restore to," and insert in lieu thereof the words "place on."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE B. STONE.

The next business on the Private Calendar was the bill (H. R. 6625) for the relief of George B. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George B. Stone, late of Company C, Fifty-sixth Enrolled Missouri Militia, and pay him a pension at the rate provided by law and the regulations of the Pension Bureau for soldiers whose disability consists in total loss of sight.

The committee amendment was read, as follows:

Strike out all after the word "rate," in line 6, and insert in lieu thereof "of \$20 per month."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOEL W. GIBSON.

The next business on the Private Calendar was the bill (H. R. 5762) granting a pension to Joel W. Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel W. Gibson, of Company F, One hundred and twenty-third Ohio Volunteers, and pay him a pension at the rate of \$50 per month from and after the passage of this act.

The committee amendment was read, as follows:

In line 8 strike out all after the word "month" and insert in lieu thereof the words "in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joel W. Gibson."

Mr. BRUCKER. Mr. Chairman, I understand that Mr. Nor-
ton introduced this bill, and he is not present. I ask that the Clerk before reading the bill announce the gentleman who introduced it.

Mr. BARTLETT. This is not a bill to remove a charge of desertion.

The CHAIRMAN. The Chair understands that only bills are to be passed over where they are to remove the charges of desertion.

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ROBERT V. HANCOCK.

The next business on the Private Calendar was the bill (H. R. 6162) removing the charge of desertion from the record of Robert V. Hancock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls and records of the office of the Adjutant-General of the United States Army the charge of desertion now standing on said rolls and records against Robert V. Hancock, of New Lisbon, Juneau County, Wis., who was a private in the Seventeenth Battery, Wisconsin Volunteer Light Infantry, and grant to said Robert V. Hancock an honorable discharge.

The amendments recommended by the committee were read, as follows:

Strike out in lines 4 and 5 the following: "office of the Adjutant-General of the United States Army," and insert in lieu thereof "War Department." Strike out in line 8 the word "Seventeenth," and insert in lieu thereof the words "Twelfth Independent."

Line 10, after the word "discharge," add: "Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. I would like to have the report read, unless the gentleman is in possession of information which will explain it.

Mr. BABCOCK. The report is very complete, but the facts are these: This soldier was ordered home by the captain of the company, after several years' service, on account of sickness, with the understanding that his discharge was to follow. But the discharge never was received, and he never returned to his command, and never was able to do it.

Mr. TALBERT. He never enlisted in any other command?

Mr. BABCOCK. No.

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS WEST.

The next business on the Private Calendar was the bill (H. R. 4253) granting an honorable discharge to Thomas West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause an honorable discharge to be granted to Thomas West, late a private in Company F, Twelfth New York Infantry Volunteers, and late a private in Company B, One hundred and eighty-fifth New York Infantry Volunteers.

The amendment recommended by the committee was read, as follows:

Add the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. Mr. Chairman, I would like to hear a statement from the gentleman who introduced the bill.

Mr. FLETCHER. Mr. Chairman, this is a meritorious case. This man enlisted in 1861, served for three months, served all his time, and stayed a month and a half overtime. Then he with the most of his company went home without getting his discharge at that time. He afterwards enlisted and served until the close of the war and was honorably discharged. It seems to be a mistake, his not having his discharge when he went home the first time.

Mr. TALBERT. What did the gentleman say about the third time?

Mr. FLETCHER. I said nothing about the third time. I said it seems to have been a mistake he did not receive his discharge the first time.

Mr. TALBERT. He has had service in several enlistments?

Mr. FLETCHER. Two. He served a month and a half overtime in his first.

Mr. TALBERT. Did he receive a bounty?

Mr. FLETCHER. He received no bounty either time.

Mr. MORRIS. He reenlisted under the same name?

Mr. FLETCHER. Under the same name, and was honorably discharged at the close of the war.

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY A. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 5992) granting a pension to Mrs. Mary A. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary A. Freeman, widow of Andrew V. Pritchard, late a private in Company H, Second Regiment Pennsylvania Volunteers, Mexican war, from and after the passage of this act, at the rate of \$12 per month.

Mr. BOTKIN. Mr. Chairman, I desire to submit a few remarks at this time on the general subject of pensions.

Mr. RAY of New York. Mr. Chairman, I move that the gentleman have leave to print.

Mr. TALBERT. Mr. Chairman, the gentleman has not inflicted any remarks on this House of any length, and I think he ought to be allowed to proceed.

Mr. MIERS of Indiana. But we have only two hours in which to pass these bills.

Mr. TALBERT. I think the gentleman ought to be entitled to make a few remarks in a general way on pension legislation.

The CHAIRMAN. Is there objection?

Mr. BARTLETT. Mr. Chairman, I do not desire to be discourteous to anybody, but I want to appeal to the gentleman from Kansas to let us get along with these bills. I have attended every Friday night at this session for the purpose of getting a bill passed for an old woman 85 or 90 years old, blind, the widow of an old soldier of the war of 1812. I do not want to ask to take it up out of the regular order. I want these bills to take their regular order. But I do appeal to the gentleman from Kansas not to stop the progress of this legislation. This is the last Friday night we shall have at this session, I apprehend, and some of us have been here night after night in order to get our bills passed.

Mr. GREENE. Mr. Chairman, we all have claims we want to get through. I have an old soldier that is blind, and I would like to reach that bill if we possibly can. I would like to talk an hour, but I do not want to take the time of the House that ought to be devoted to the passage of these bills.

Mr. MIERS of Indiana. And I have one that is on the road to the poorhouse, and I would like to intercept him if I can.

Mr. TALBERT. Mr. Chairman, I rise to a point or order.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. If the gentleman from Kansas desires, he can address the committee for one hour. I do not suppose he intends to talk more than five or six minutes, but I maintain that any gentleman has a right to rise in his place and speak on pension matters for one hour, and I hope if he wants to talk he will sail in and talk.

Mr. BARTLETT. I disagree with the gentleman from South Carolina. The gentleman can speak an hour on this bill, but he can not speak an hour on any and all subjects.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas that he may speak upon the subject of pensions generally? [After a pause.] The Chair hears none, and the gentleman from Kansas will proceed.

Mr. BOTKIN. Mr. Chairman, the State I have the honor in part to represent is in many particulars unique. Its soil drank the first blood spilled in that awful struggle which resulted in the destruction of African slavery in this country. From the anti-slavery struggle Kansas emerged to be the pioneer of all good reforms. Like all reformers, she is often the subject of ridicule and persecution from those whom she would bless. Kansas is the first State in the Union in moral reform and first in the promotion of the great industrial and financial reform which, although yet in its infancy, is at once the bright star of hope to the struggling masses and the black cloud of terror to the plutocratic classes. The historian who shall write of the present period will cheerfully accord to this splendid State a place at the head of the column in morals, intelligence, patriotism, and progress. The statement, "Kansas leads, but never follows," has already assumed in the minds of up-to-date people the character of a proverb.

It is, for instance, the first State in which the Populist party has gained full and permanent control of all branches of the State government, and, as might be expected, she now stands first among her sisters in material prosperity. Why, sir, the very first season after we captured the State we had probably the largest wheat crop in our whole history, amounting to 60,234,847 bushels. Our opponents warned the people from every Kansas stump in 1896 that if we elected Bryan President and Leedy governor the mints would be open to silver, the country would be flooded with cheap money, the prices of all commodities would be doubled, and the pension of the soldier and the wage of the laboring man would be reduced one-half in their purchasing power, and the country would be filled with calamity in consequence of these conditions.

Well, we did not quite elect Bryan—just deferred it four years. But we did elect Leedy. We did not get bimetalism; we must wait for that till the year 1901. But, if you will believe me, the price of our big wheat crop has been doubled by Governor Leedy, MARK HANNA, or foreign crop failures, and as a consequence the power of pensions and wages to buy bread has been reduced one-half, and, strange to say, instead of bemoaning these conditions, as they did prospectively during the campaign of 1896, our Republican friends triumphantly point to them as the evidences of the return of prosperity.

It is my pleasure, Mr. Chairman, to cite a new and fresh instance of the fact that "Kansas leads, but never follows," a fact

in recent history of which every loyal Kansan is proud, no matter what may be his political affiliation. Some time ago a Philadelphia daily paper contained an editorial attack upon Governor Leedy, charging him with incompetency and tardiness in organizing the three regiments constituting our quota of men under the first call. It declared that he had committed innumerable blunders, had gotten things generally mixed up, and had mustered but 700 men! It turns out that in all the movements our governor has made he was right and has been sustained by the national authorities. Forty-eight hours before the editorial in question was printed one of our regiments was on its way to the Philippine Islands.

Several hours before it was printed the second regiment was on its way to Chickamauga camp, and the third regiment awaited orders from the War Department. In fact, Kansas is almost the only State whose governor did not get into more or less trouble from ignorance of the law and regulations. We not only furnished to President McKinley three of the best regiments ever recruited, but it is a historic fact that ours is the first State in the Union to complete the muster of its quota and to tender the troops to the Government. Out in the West the opposition papers concede these facts and have long since ceased their criticisms. But we could hardly expect that poor, old, sleepy Philadelphia paper to wake up until long after the Kansas procession had passed and had reported at the front for action.

Kansas is also in the front rank of States in the percentage of her citizens who served in the Union Army during the civil war. The old soldier is found in all the walks of life, and is a potent factor in the promotion of all political, social, and moral reforms. He is found in all political parties. Happily, most of the people of Kansas believe that the man who suffered and endured and fought for the Stars and Stripes when that glorious emblem of liberty was in peril has fully earned his right to think and talk and vote as he pleases and to affiliate with the party of his choice.

Mr. Chairman, for months I have desired to submit a few remarks upon a subject of vital interest to all ex-Union soldiers, the subject of pensions; but it has been impossible for me to get the floor during the regular day sessions, and the meager time allotted to pensions by the House has seemed to me so sacred that I have not thought proper thus far to consume so much as thirty seconds of it. But it is impossible for me longer to hold my peace. I must enter my solemn protest against what I believe to be a few of the outrages which the preservers of this Government are suffering at its hands.

All thoughtful and patriotic citizens of this country will give ready assent to the proposition that every government should provide liberal pensions for its soldiers, and for their widows and orphans. As a rule men do not join the volunteer army of a nation for the paltry salary paid to the private soldier. They are patriots. This was never more true of any soldiery than of that which followed the American flag in our late civil war. How we honored those battle-scarred veterans as "they came marching home" flushed with victory and proudly bearing the starry banner which represented the glorious Union their valor had preserved!

Many of them had lost their limbs, others had lost their health, and all had, from climatic change and from the hardships and exposures incident to Army life, incurred incipient disease, not dreamed of at the time, but which, with advancing years, has developed into untold afflictions and suffering from which only the grave can give relief. The soldiers of this latter class, together with the widows and orphans of soldiers, are chiefly the victims of what I am compelled to denounce as the unreasonable and unjust pension policy of this Government.

Most of the men whose bodies were actually maimed are receiving pensions, many of which, to be sure, being inadequate. Those who came from the Army with permanently broken health have long since answered to the last roll call, and have joined their comrades whose bodies sleep in the sunny South. A few of their parents and many of their widows and orphans are still with us under a sorrow that earth can not heal. Many of these need, and all deserve, the nation's tenderest sympathy and care. The ex-soldiers who linger with us are in the evening time of life, and almost every one suffers as a result of Army service.

But the public Treasury is so carefully guarded by rules and regulations and technicalities and unsympathetic officials that many of the most needy and deserving are getting no pension at all and others but a miserable pittance. Some are in the almshouses of the country, and others have been forced by poverty to separate from their families and take refuge in Soldiers' Homes. Others still are eking out a wretched existence in afflictions and destitution. And yet gentlemen in this House are on record as urging a conservative pension policy, and officials in charge of the Pension Bureau have adopted the most conservative policy in the history of this Government.

Against this doctrine of conservatism I enter my solemn protest. The graves of our dead heroes can not be adorned with too great

a wealth of flowers on each recurring Decoration Day. I also insist that our living heroes can not be too promptly and too generously accorded their dues out of a Treasury replenished by the revenues of this great and rich country, whose free institutions these men by their valor helped to save and perpetuate.

I am not alone in these criticisms. They are coming from the veterans and their true friends in all sections of our country. The State encampment of the Grand Army of the Republic held at Wichita, Kans., April 20 to 22 of the current year adopted the following resolutions:

The administration of the Pension Bureau has been dilatory for years, disappointing and unfriendly to the thousands whose claims have been rejected or neglected. Rules of evidence have been enforced with narrow constructions; calls for evidence have been based upon slight and formal defects in evidence already supplied; the ratings of boards of medical examiners have been arbitrarily rejected, overridden by the medical examiner of the Department; rules of practice have not been made known to the soldier or widow claimants, and they have been held to a knowledge of the practice which they could not be presumed to have, and the Bureau has failed to administer the law in the spirit of gracious candor which belongs to our national pension laws; the head of the Bureau has been indiscreet and apparently unsympathetic, and his utterances have wounded the sensibilities of the soldiers. If these wrongs and abuses are not speedily righted, resting our entire confidence in the wise judgment and patriotic sympathy of that soldier and friend of the soldier, our Chief Executive, we demand that the present Commissioner of Pensions be removed, and another appointed who will execute the laws in accordance with the true spirit that prompted their enactment.

The American Tribune, a Grand Army paper published at Indianapolis, in its issue of February 17, 1898, printed the following resolutions adopted by Shiloh Post, No. 49, of Newport, Ind.:

Whereas the ex-Union soldiers of this country rejoiced when the fact was known that William Lochren had been removed as Commissioner of Pensions and H. Clay Evans substituted in his stead, and believed they had a true, patriotic friend who would deal fairly and honestly with them, now find out to their sorrow that they have been sadly disappointed, and instead of dealing fairly and squarely with those who are at his mercy, he is putting every obstacle in the way he possibly can to prevent the adjudicating of old pension claims and pension increases of soldiers who are deserving, in many cases, of more than twice or three times the rate now paid them. We have become very tired of seeing the old pensioners of the late war traduced and denounced as frauds by a few yellow-back journals of the East, and have become disgusted in knowing our present Commissioner of Pensions is truckling to the clamor of these detestable and vicious papers: Therefore,

Resolved, That Shiloh Post, No. 49, Grand Army of the Republic, of Newport, Vermillion County, Ind., earnestly request President McKinley to immediately remove the Hon. H. Clay Evans from the office he has proven himself unworthy to fill.

Resolved, That we are tired of his contemptible tactics in trying to avoid and prevent worthy and broken-down soldiers from getting the pittance they are justly and honestly entitled to receive.

Resolved, That we recently got rid of one sandbagger in the name of William Lochren, and we are bitterly opposed to having his place supplied by another one.

Resolved, That these resolutions, expressive of our contempt for the present Commissioner of Pensions, be spread on record, and that the adjutant of the post is hereby instructed to forward a copy to President McKinley.

These are but samples of the righteous complaints which fill this land, and which presage future trouble to the men and the Administration that furnish the ground for them.

There are many evils, Mr. Chairman, from which the old soldier is made to suffer. I can only mention a few of them, not the least of which is the evil of making the pension question a political football. Many candidates have made tons of campaign capital by fair promises and loud professions of love for the old soldiers, only to disappoint them after having been helped into office by their votes. Partisan papers promote this unholy cause by extravagant statements of what their party officials have done in Congress and elsewhere for soldiers' pensions and by belittling the work of officials of the opposite political faith.

Out in one of the Kansas districts is a little 2 by 4 partisan paper, with a pin-head editor, which recently contained an editorial comparing the man who represented the district in the Fifty-fourth Congress with the man of the opposite party who is the present Representative. Omitting names, the editorial is as follows:

What do the voters want in a Congressman? Compare the work of Mr. Blank in Congress and what he accomplished with that of the present Representative. Can you point to a single act the latter has put through? Then remember what Mr. Blank did; besides his other work the special claims of 700 old veterans of the war were worked through, and two bills for decrepit and blind veterans were passed through the House upon his motion, over the veto of the President that Demopops had elected. If the veterans and business interests want a Representative in Congress, they will vote for Mr. Blank; if they want a figurehead, they will vote for the present Representative.

Every member of this House will smile as he contemplates this editorial statement that Mr. Blank procured 700 pensions during his one term in Congress. The man who sets up such a claim exhibits a most dense ignorance. Besides, if this man did procure that many pensions in one term, it only proves that the Pension Bureau under the "President that the Demopops elected" was administered with tenfold more liberality than under the present Administration.

Furthermore, all who know Mr. Blank and the present Representative, either in private life or in Congress, concede that in morals and intellect, in fidelity to duty, in ability and influence upon this floor, in patient attention to details, in the amount and

character of the work done for old soldiers and other constituents, the latter has a decided advantage over the former.

Mr. Blank, who sat in the Fifty-fourth Congress, enlisted, I believe, in the ninety-day service about the close of the war and distinguished himself by performing a little guard duty where danger and privation were unknown. The gentleman who now occupies that seat entered the Army as a private when a mere boy, and served more than three years in the heart of the enemy's country. In camp, on the march, and on the field of strife he was always at his post, just as we always see him in this Congress. He marched in the front line up to the cannon's mouth on the bloody field of Chickamauga. He contended on the fiery slopes of Mission Ridge and scaled the heights of Lookout Mountain. He fought at Resaca and through the entire Atlanta campaign. On the awful fields of Franklin and Nashville, where the valor of the North met the valor of the South, he stood firm in the shock of battle.

In all of these great conflicts this young soldier justly won and now has the undying gratitude and praise of all true patriots. It remains for a narrow, bitter, intolerant partisan to call such a hero "a figurehead."

Mr. Chairman, I am ready to concede that frauds have been perpetrated upon the Treasury through perjury. Some persons are receiving pensions who under our laws as they exist are not entitled to them. Others are receiving larger pensions than they are legally entitled to. But for every such case there are a thousand worthy and needy old soldiers who thus far have been defrauded of their pensions by the Government through rigid technicalities, and another thousand who are getting but a small pittance of what they deserve.

To a man who earnestly believes this Government should liberally pension deserving and needy soldiers and their dependents, the methods of the Pension Bureau are exasperating in the extreme. I cite a few representative cases, and could give scores like them from my books. I have no personal grievance against any person or persons connected with the Bureau, for they have uniformly accorded to me the most kindly and cordial treatment. My protest is on behalf of those whose just pension claims are delayed from year to year for the most trivial reasons, and for the apparent purpose of giving the claimants a chance to die in the interest of an economic and conservative administration of the pension appropriations. For instance, in a large number of cases for which I have called for the status a half dozen times in the past fifteen months I have received as many assurances that said cases "are being considered with a view to their early settlement."

One soldier waited nearly ten years after the completion of his claim, and then, very naturally, growing impatient, had it called up by his Congressman. The only evidence required by the Department was a certificate from the clerk of the court of a certain county that a justice of the peace before whom one of the affidavits was made ten years before was justice of the peace at that time. In no other class of cases involving affidavits, in this or any other civilized country, would such an unreasonable requirement be made.

A soldier's widow had a claim pending more than six years. Inquiry was made in regard to its status and she was assured by the Department that all the testimony necessary was a letter from a certain postmaster as to the credibility of two of her witnesses. The letter was procured, and after waiting a reasonable time inquiry was again made. This time she was informed that she must give proof as to prior marriage. The proof was promptly sent in, and after waiting almost another year inquiry was made a third time and she was informed that her claim required special examination. This old widow, though bent with the burden of years, has to wash for a living, while the Department is exhausting every effort to delay her claim.

I have a case that has been pending about twenty-five years. The old man has furnished the testimony required, medical and all, and now thinks it about time that his claim should be either rejected or allowed. He is paralyzed on one side, almost blind, and so nearly helpless that he requires an attendant almost constantly. Comment is unnecessary and impossible.

In another case a special examiner was sent to take the testimony of one of the claimant's comrades. He did not find the comrade, and reported that fact to the Department. He prefaced this insignificant report by making flippant allusions to the number of afflictions which the claimant alleged. He made sport of a letter written by the claimant and dwelt sarcastically on his mental and physical condition. He went entirely out of his way and beyond his jurisdiction to make remarks prejudicial to this old soldier's claim. Humane authorities would have considered such report a proper cause for the instant discharge of this inhuman special examiner. He should be branded with the mark of Cain and forever banished from the society of patriotic and decent people.

In one case the claimant, after furnishing his evidence and then waiting patiently for several years, was informed that his claim awaited replies to letters of inquiry addressed by the Pension Bu-

reau to persons supposed to have personal knowledge of the facts touching the merits of the case. After waiting patiently for another year he was informed that the Bureau was still awaiting replies. How long will this old soldier have to wait for replies to letters sent out by the Department years ago? Most likely until he is out of reach of the postal facilities of this world.

This practice of the Government in putting spies on the track of old soldiers in the form of secret letters and dapper young special examiners is a gross injustice to the old veterans and should bring the blush of shame to the cheek of every patriot. The best of people have enemies who do not hesitate to circulate evil reports concerning them, and especially if they can do so without being identified, as in this class of cases. I dare say that even in as saintly a body as the American Congress there are a few men some of whose constituents think and say naughty things of them on the quiet.

This is true of old soldiers. The letters sent out by the Bureau often fall into the hands of people having political or other grudges against the claimant. The special examiner too often comes in contact with the same class of people. It is the boast of Americans that every citizen of this country is guaranteed the right to a hearing in every cause involving his rights and interests. This is true of every class of criminals even, but not of the heroes who saved this Republic. The pension claimant is not supposed to know who of his neighbors are receiving letters from the Bureau or what replies they make. Nor does he always know who catches the ear of the special examiner. Against this whole system I enter my solemn protest.

For fifteen years I have known a certain soldier intimately. For several years he has drawn the munificent pension of 20 cents per day. A year ago he was stricken with paralysis, and was rendered as helpless as a babe. I introduced a special bill for him, and also continued my efforts for increase in the Bureau. Nine months ago I visited him and found him helpless and in poverty. In November I made a personal appeal to the Bureau and gave my personal representation of his condition. They very cheerfully promised to make it special. I waited till probably some time in January, when I pressed my bill in the committee, got it favorably reported, got it through the House, and into the Senate. A few weeks ago, before the Senate acted upon this case, my old soldier friend died, and I trust went to a country where justice is more evenly meted out to all than it is in the present life to the soldiers of this nation.

In very numerous instances claimants who slept on the wet ground or tramped through mud and snow and rain on many a weary march more than thirty years ago are required to state under oath and prove by testimony of comrades when, where, and under what circumstances they contracted colds resulting in chronic catarrh. A case in point: An old soldier made affidavit that he contracted a heavy cold during the latter part of the year 1864, which resulted in chronic catarrh. The Bureau now demands an affidavit from at least one of his comrades showing the exact date and circumstances of contracting the cold.

To show the injustice of such requirements I have only to state that in April of that year this soldier was wounded in battle and captured, and was kept in Confederate prisons until the close of the war. He can not, therefore, establish by acceptable witnesses the exact date of taking cold about a third of a century ago. This soldier received five painful wounds in battle, and is now almost as helpless as a child, and yet he is being put off from year to year by those officials who are responsible for the shameful pension policy of this Government.

Is it claimed that the volume of business is so great and the employees of the Department so few that it is impossible to do justice to all these cases? I answer, much valuable time (to say nothing of the enormous expense) is wasted in sending out spy letters and by special examiners running about the country doing that which should be done by the affidavits of neighbors and friends of claimants. Furthermore, it has been reported by the Associated Press that the clerks in the various Government Departments work but six and a half hours each day, instead of seven hours, as the law requires, taking thirty minutes for lunch. There are about twelve hundred employees in the Pension Bureau. Thirty minutes each day for lunch means six hundred hours or eighty-five days of seven hours each for every day, or five hundred and ten such days for each week.

This large waste of time converted into diligent service would carry blessings to many old soldiers and their dependents. Let the hours of work in the Bureau be extended thirty minutes a day, and if the people therein employed refuse to submit to such extension, I here and now pledge myself to supply all their places with equally competent people from the State of Kansas within six days.

Mr. Chairman, in conclusion permit me to say that in my humble judgment the Pension Bureau is not more censurable than is Congress itself. House Rule XXVI says

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal

of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Since March 15, 1897, this Congress has been in session a little more than nine months and a half, exclusive of vacation periods. During the extraordinary session we had nineteen Friday nights; in December we had two; since the holiday vacation we have had twenty-two; making in all forty-three Friday nights. During all this time we have had just fourteen special sessions, including the one to-night, the first one having been held on Friday night, January 28. To say nothing of the time wasted during the extra session and in December and January, it has been entirely too common for gentlemen to arise on Thursday and move an adjournment to Monday, thus avoiding a special pension session on Friday night.

The records will show who have made these motions and which side sustained the motions in all cases of yea-and-nay votes. With several thousand private pension bills pending, we have passed less than four hundred. Had those who control this House been willing to grant simple justice to the old soldiers, we should have spent the time in their service which we spent in idleness during the extraordinary session. We should also have had twenty special pension sessions instead of fourteen since the holiday vacation.

It is a shameful fact that we never have a quorum on Friday night. The attendance ranges from 40 to 75. Many members who make the greatest noise on the stump about their devotion to the old soldiers are rarely seen at these special sessions. The majority side of this House has 205 members and the minority side 151, making a clear majority of 54 for that side. One hundred and seventy-nine are required for a quorum, which is 26 less than the majority side of this House. Now, I insist that your campaign professions and pretensions through all these years have been such as to inspire confidence and hope in the hearts of those heroes to whom we owe so much.

I warn those who are responsible for the present pension policy of this Government that it will be found far more easy to deal justly with the old veterans than to force them into silent submission to injustice and wrong. These men are dying at the rate of about 30,000 per annum. The shattered remnant of that once gallant soldiery must soon disappear from mortal view. What we do for them must be quickly done. This great Government is abundantly able, and I believe the masses of our people of all parties are more than willing, to bestow upon these veterans sufficient pensions to cheer and relieve the remnant of their lives and smooth their pathway to the tomb. [Applause.]

The CHAIRMAN. The question is on laying aside with a favorable recommendation the bill (H. R. 5992) granting a pension to Mary A. Freeman.

The question was decided in the affirmative.

FRANCES P. TRUMBULL.

The next business on the Private Calendar was the bill (H. R. 1273) for the relief of Frances P. Trumbull, widow of Matthew M. Trumbull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States the name of Frances P. Trumbull, wife of Matthew M. Trumbull, late lieutenant-colonel of the Third Iowa Infantry, in the war of the rebellion, at \$100 per month in lieu of pension now being drawn by her.

The amendments reported by the committee were read, and agreed to, as follows:

In line 4 strike out "cause to be placed" and insert in lieu thereof the word "place."

In line 5 strike out the words "of the United States."

In line 6 strike out the word "wife" and insert in lieu thereof the word "widow."

In lines 7 and 8 strike out the words "in the war of the rebellion, at one hundred," and insert in lieu thereof the following: "and pay her a pension at the rate of twenty."

Amend the title so as to read: "A bill granting an increase of pension to Frances P. Trumbull."

The bill as amended was laid aside to be reported favorably to the House.

GEORGE W. DUNNING.

The next business on the Private Calendar was the bill (H. R. 698) for the relief of George W. Dunning.

The bill was read, as follows:

Be it enacted, etc., That the Adjutant-General of the United States Army be, and he is hereby, authorized and directed to grant to George W. Dunning, late a private in Company A, Twenty-fifth Kentucky Volunteers, an honorable discharge from the United States Army.

The amendment reported by the committee was read, as follows:

Add to the bill the following:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. TALBERT. I ask that the report in this case be read.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 698) for the relief of George W. Dunning, submit the following report:

The war records show the following facts: George W. Dunning was enrolled October 15, 1861, and mustered into the service January 1, 1862, as a private in Company A, Twenty-fifth Kentucky Infantry Volunteers, to serve

three years. He was present with his company until February 15, 1862, when he was wounded in action at Fort Donelson, Tenn., and sent to the hospital for treatment. While absent in hospital he was transferred to Company G, same regiment, the muster-out roll of which, dated January 23, 1865, reports him dropped as a deserter July 31, 1862. Dunning declares in his own statement that he was wounded at Fort Donelson, Tenn., February 14, 1862, and sent to the hospital at Henderson, Ky., where, after a partial recovery, he received a furlough to go home. This furlough was destroyed by his wife, she fearing he would be captured by the rebels. After recovering sufficiently from his wounds he suffered from an attack of pneumonia.

When able to travel he endeavored to return to his command, but was prevented from doing so by the officer in charge at Hopkinsville, Ky., who had him arrested and held him under arrest for several weeks, and then proposed that he should enlist in his regiment, the Third Kentucky Cavalry. The applicant applied for transportation to his own command, but says this was refused, and he finally consented to enlist in the regiment then stationed at Hopkinsville, and served therein for several months. He says when he enlisted he was promised the usual pay, but when pay day came around he was refused upon the ground that he had not been regularly mustered in. He then asked what he should do, and was advised by one of the officers to go home, and, being ignorant of military law, he knew nothing else to do.

I. B. and John T. Long testified March 7 and May 17, 1890, respectively, in effect, that when applicant returned home on furlough in July, 1862, he was suffering from wounds of the right eye and left leg, and that he was unable to return to duty.

Richard W. Williams, first sergeant Company A, Twenty-fifth Kentucky Volunteers, states that—

"George W. Dunning was a private in his company and was a brave and good soldier, and that at the battle of Fort Donelson he was wounded by being struck by a ball or a missile just beneath or near the corner of the right eye; also shot in the left thigh, the ball passing through. He saw him several times during the following summer. He was still suffering from the wound in his thigh. He is now 65 years old, feeble, and almost blind. He is poor, but a moral and good citizen, and deserves aid from the Government."

Accompanying the papers in this case is a petition from a number of citizens well acquainted with the applicant, who testify to his good character and helpless condition.

Having carefully considered the facts in this case, your committee are of the opinion that the bill should pass, with the following amendment:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. CLARDY. Mr. Chairman, I will simply state that this gentleman lives in my district and I have every reason to believe that every statement in the report (and I prepared it myself) is true; that he was really never a deserter; that his intention was to serve faithfully in the Army, and he attempted to do so. He was forced to join a regiment in which he stayed for three or four months. The officer in charge refused to pay him anything because he had not been properly mustered in; consequently he went home; in which I think he did perfectly right. I hope the bill will be laid aside with a favorable recommendation.

Mr. TALBERT. I wish to ask whether this bill has the usual amendment?

The CHAIRMAN. The pending question is upon the amendment reported by the committee embracing the provision to which the gentleman refers.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM B. MURRAY.

The next business on the Private Calendar was the bill (H. R. 4283) for the relief of William B. Murray, of South Pittsburg, Marion County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of William B. Murray, of South Pittsburg, Marion County, Tenn., late a private soldier in Company I, Tenth Tennessee Infantry, on the pension rolls for an additional pension granted on account of total blindness resulting from service in the United States Army, and that from and after the passage of this act the said William B. Murray be paid the sum of \$72 per month as a pension, instead of the sum of \$12 per month now paid to him.

The amendments reported by the committee were read, and agreed to, as follows:

In lines 4 and 5 strike out the words "of South Pittsburg, Marion County, Tenn."

Strike out all of lines 7 to 12, inclusive, and insert in lieu thereof the following: "and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William B. Murray."

The bill as amended was laid aside to be reported favorably to the House.

A. C. LITCHFIELD.

The next business on the Private Calendar was the bill (H. R. 5385) granting a pension to A. C. Litchfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension law, the name of A. C. Litchfield, late colonel of the Seventh Regiment Michigan Cavalry, and pay him a pension of \$50 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 5, after the word "law," insert the words "as to increase of pension only."

In line 7, after the word "pension," insert the words "at the rate;" and after the word "of" strike out the word "fifty" and insert in lieu thereof the word "thirty."

The bill as amended was laid aside to be reported favorably to the House.

TAYLOR M'FARLAND.

The next business on the Private Calendar was the bill (H. R. 6331) granting a pension to Taylor McFarland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the laws and restrictions of the Pension Department, Taylor McFarland, of Monongahela, Washington County, Pa., late a private in Company E, Twelfth Regiment Pennsylvania Volunteers, from and after the passage of this act, at the rate of \$12 per month.

The amendments reported by the committee were read and agreed to, as follows:

In line 5 strike out the words "laws and restrictions of the Pension Department" and insert in lieu thereof the words "provisions and limitations of the pension laws, the name of."

In line 6 strike out the words "of Monongahela, Washington County, Pa." Strike out all after the word "Volunteers," in line 9, and insert in lieu thereof the following: "and pay him a pension at the rate of \$34 per month in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Taylor McFarland."

The bill as amended was laid aside to be reported favorably to the House.

GEORGE E. WELLES.

The next business on the Private Calendar was the bill (H. R. 990) to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place the name of George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry, upon the pension roll at the rate of \$50 per month from and after the passage of this act.

The amendments reported by the committee were read and agreed to, as follows:

In line 6, after the word "roll," insert the words "and pay him a pension."

In line 6 strike out the word "fifty" and insert the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to George E. Welles."

The bill as amended was laid aside to be reported favorably to the House.

GEORGE D. PHINNEY.

The next business on the Private Calendar was the bill (H. R. 4315) to increase the pension of George D. Phinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension roll, subject to the limitations of the pension laws, the name of George D. Phinney, late of Company A, Seventh Wisconsin Infantry Volunteers, and pay him a pension of \$45 per month in lieu of the pension now being paid him.

The amendments reported by the committee were read and agreed to, as follows:

In line 5, after the word "the" and before the word "limitations," insert the words "provisions and."

In line 7 strike out the words "of forty-five" and insert in lieu thereof the words "at the rate of thirty-six."

The bill as amended was laid aside to be reported favorably to the House.

LIZZIE WALTZ.

The next business on the Private Calendar was the bill (H. R. 8087) granting a pension to Lizzie Waltz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Lizzie Waltz, who was wounded on the first day of the battle of Gettysburg during a skirmish at Hanover, Pa., while giving food and administering to the wants of the Union soldiers, and who is now without means of support and physically incapacitated for any manual labor as a result of such wound, and pay her a pension at the rate of \$30 per month in lieu of the pension which she now receives as widow of Levi Waltz, a private in Company D, First Battalion, Nineteenth Regiment United States Infantry, under certificate No. 351338.

The amendment reported by the committee was read, as follows:

Amend the title of the bill so as to read:
"A bill granting an increase of pension to Lizzie Waltz."

The bill as amended was laid aside to be reported favorably to the House.

MISSOURI B. ROSS.

The next business on the Private Calendar was the bill (H. R. 9187) to pension Missouri B. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Missouri B. Ross, widow of Orlando H. Ross, late of Company D, Twentieth Illinois Infantry, and captain and aid-de-camp, staff of General Grant, at the rate of \$30 per month, the same to be in lieu of the pension she now receives.

The amendments reported by the committee were read and agreed to, as follows:

In line 7, after the word "Grant," insert the words "and pay her a pension."

In line 7 strike out the word "twenty" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting an increase of pension to Missouri B. Ross."

The bill as amended was laid aside to be reported favorably to the House.

PAULINE ROBBINS.

The next business on the Private Calendar was the bill (H. R. 8634) granting a pension to Pauline Robbins, of Sandusky, Sauk County, Wis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Pauline Robbins, the permanently helpless daughter of Elisha Robbins, late of Company I, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month, which is the amount of widow's pension drawn by her mother, under certificate No. 72622, up to the time of her death.

The amendments reported by the committee were read, and agreed to, as follows:

In line 5, after the word "the," insert the words "dependent and."

Strike out all of lines 9, 10, and 11.

Amend the title so it will read: "A bill granting a pension to Pauline Robbins."

The bill as amended was laid aside to be reported favorably to the House.

ANN GIBBONS.

The next business on the Private Calendar was the bill (H. R. 8266) to increase the pension of Mrs. Ann Gibbons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. Ann Gibbons, dependent mother of John J. Gibbons, late captain of Company C, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension of \$30 per month in lieu of that which she is now receiving.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 4 strike out the words "increase the pension of Mrs." and insert in lieu thereof the words "place the name of."

In line 7, after the word "Infantry," insert the words "on the pension roll."

Amend the title so it will read: "A bill to increase the pension of Ann Gibbons."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CORRISSANDA L. M'GUIRE.

The next business on the Private Calendar was the bill (S. 2568) increasing the pension of CorriSSanda L. McGuire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of CorriSSanda L. McGuire, widow of James E. McGuire, who served in Company B of the Second Kentucky Regiment Infantry in the war with Mexico; who also served as captain of Company F, Fifty-first Regiment Indiana Infantry Volunteers, and pay to her a pension of \$30 per month, in lieu of any pension that may now be paid her.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

REBECCA S. FOSTER.

The next business on the Private Calendar was the bill (H. R. 3271) to increase the pension of Mrs. Rebecca S. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rebecca S. Foster, widow of the late Lieut. Col. John A. Foster, of the One hundred and seventy-fifth Regiment of New York Volunteer Infantry, upon the pension roll at the rate of \$60 a month instead of at the rate of \$30 a month.

The following amendments recommended by the Committee on Invalid Pensions were read and agreed to:

After the word "roll," in line 7, insert "and pay her a pension."

In same line strike out "sixty" and insert in lieu thereof "forty."

In lines 8 and 9 strike out all after the word "month" and insert in lieu thereof the words "in lieu of the pension she now receives."

Amend the title so it will read: "A bill increasing the pension of Rebecca S. Foster."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN C. BROWN.

The next business on the Private Calendar was the bill (S. 3474) granting a pension to John C. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Brown, of Tacoma, Wash., and that he be granted a pension of \$30 per month in lieu of the \$17 per month now granted him.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

From line 6 strike out the words "of Tacoma, Wash." and insert in lieu thereof the following: "late of Company D, Eighty-fourth New York Volunteers, and Company H, Fifth Regiment New York Veteran Volunteer Infantry, otherwise known as Duryeas Zouaves."

From lines 6 and 7 strike out the words "that he be granted" and insert in lieu thereof the words "pay him."

From lines 7 and 8 strike out the words "\$17 per month now granted him" and insert in lieu thereof the words "the pension he now receives."

Amend the title so as to read: "An act granting an increase of pension to John C. Brown."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LEVI R. LONG.

The next business on the Private Calendar was the bill (S. 949) granting a pension to Levi R. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi R. Long, late private of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, at the rate of \$40 per month, in lieu of the pension which he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read, and agreed to:

In line 7, after the word "Cavalry," insert the words "and pay him a pension."

Amend the title so as to read: "An act granting an increase of pension to Levi R. Long."

Mr. DOCKERY. Mr. Chairman, the name as it appears on the Calendar is Levi L. Long. It should be Levi R. Long.

Mr. RAY of New York. It is Levi R. Long in the bill.

Mr. MIERS of Indiana. That is a misprint in the Calendar.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL A. SMITH.

The next business on the Private Calendar was the bill (S. 166) granting an increase of pension to Samuel A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Smith, late a private in Company C, Eighty-fourth Illinois Infantry, and grant him a pension at the rate of \$30 per month, in lieu of the pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read, and agreed to:

In line 7, after the word "and," strike out the word "grant" and insert in lieu thereof the word "pay."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN H. MULLEN.

The next business on the Private Calendar was the bill (S. 156) to increase the pension of Capt. John S. Mullen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John H. Mullen, late captain of Company C, Twelfth Connecticut Volunteer Infantry, and pay him a pension of \$30 a month in lieu of that which he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read, and agreed to:

In line 6, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "An act granting an increase of pension to John H. Mullen."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES W. JACKSON.

The next business on the Private Calendar was the bill (H. R. 2961) granting an increase of pension to James W. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James W. Jackson, late of Company G, First United States Cavalry, in lieu of the sum he is now receiving, to \$30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read, and agreed to:

In line 4 strike out the words "increase the pension" and insert in lieu thereof the words "place the name."

From lines 5, 6, and 7 strike out all after the word "Cavalry," and insert in lieu thereof the following: "on the pension roll and pay him a pension at the rate of \$30 per month in lieu of the pension he now receives."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS MADDEN.

The next business on the Private Calendar was the bill (S. 2219) granting a pension to Thomas Madden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$8 per month, the name of Thomas Madden, late of Company H, Thirty-second New York Volunteer Infantry.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

From lines 4 and 5 strike out the words "at the rate of \$8 per month."

In line 6, after the word "Infantry," insert the words "and pay him a pension at the rate of \$8 per month."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIJAH N. PARKHURST.

The next business on the Private Calendar was the bill (S. 1475) granting an increase of pension to Elijah N. Parkhurst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah N. Parkhurst, late private in Company A, Ninth Regiment Indiana Cavalry, and pay him a pension at the rate of \$72 per month, in lieu of the pension he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FARNHAM J. EASTMAN.

The next business on the Private Calendar was the bill (S. 1858) for the increase of the pension of Farnham J. Eastman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Farnham J. Eastman, late a private in Company E, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 a month, in lieu of the pension he is now receiving.

The following amendment recommended by the Committee on Invalid Pensions was read:

In line 7, after the word "of," strike out the word "fifty" and insert in lieu thereof the word "thirty."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. JONES of Washington. Mr. Chairman, before that motion is put, I desire to be heard for a moment.

I desire to call the attention of this committee to the report of the Committee on Invalid Pensions. Among other things, it says concerning this man:

This soldier served from August 11, 1862, to June 7, 1865, and was honorably discharged.

The records show him to have been treated while in the service for chronic diarrhea, hemorrhoids, and rheumatism.

He was examined by an examining board appointed for that purpose, and among other things that board said:

The disabilities resulting from chronic diarrhea, chronic gastritis, and disease of rectum totally incapacitate him from manual labor.

The records show that these diseases and disabilities were contracted while he was in the service, during the entire war. The report of the committee goes further, and says:

At his last medical examination, March 11, 1896, the board said:

"Both eyes are out. Total deafness of both ears; can hear absolutely nothing. Only loud conversation can be heard through speaking tube. Teeth all bad. He is poorly nourished and poorly muscled. In opinion of board this man should have \$72 per month, as he is dependent upon an assistant absolutely."

The report shows that this man is one of the most wretched and miserable objects of pity and charity whose case has ever been presented to this House. The examining board find that he is entitled to a pension at the rate of \$72 a month. In the last Congress this same Committee on Invalid Pensions reported the bill favorably at \$50 a month, and in their report they say:

This is a case which strongly appeals to the sympathy of your committee, and as it has intrinsic merit, we respectfully recommend the passage of the bill.

At this session of Congress this bill has already passed the Senate at \$50 a month, \$22 a month less than the examining board said he was entitled to. Now think of it! Here is a man wholly incapacitated from manual labor by chronic diarrhea, gastritis, and other similar ailments contracted during the service.

By an accident which occurred afterwards, and which of course can not be attributed to his service, he has lost both eyes, his hearing has been totally destroyed, and in the report the committee say that he is absolutely dependent upon an assistant for everything that he does. He is now an old man, a pauper, absolutely without any other means of support than this pension. He has nothing whatever with which to pay his assistant or to pay for his own livelihood excepting what the Government grants him, and it does seem to me, Mr. Chairman, that it is wrong to reduce this bill from \$50 a month to \$30.

He is entitled to more than \$50 a month. He will not be with us long. His days are dwindling to a mere span. He has no friend or relative to support him. There is no buxom woman waiting around to marry him to perpetuate this pension. He is too miserable and wretched an object of charity for such a thing as that to be thought of. This will only continue for a little while. For God's sake let the remaining few days of his life be spent in comparative decency.

He was drawing \$24 a month, but in the meantime the Pension Department have seen the wrong and injustice of paying him only that sum and have voluntarily raised him within the last few weeks to \$30 a month, the amount to which this committee has reduced the bill. Of course there is no use at all in passing this bill at \$30. He is getting that now, but that is not enough to keep him in ordinary decency, in view of the fact that he is compelled to have assistance in everything he does.

His poor old tottering limbs will hardly carry him from the bed to the table. We shall not have to pay this but a very short time. I know him. He is a poor old man and he can not live but a little while, and it does seem to me that no case has ever been presented

here that appeals more strongly to the justice, not to say to the sympathy, of men who love their country and who honor those who have spent their lives in its service. I therefore ask that the Senate bill be passed and the committee amendments be not accepted.

Mr. TALBERT. Mr. Chairman, I agree with the gentleman from Washington in all the sentiments he has expressed. No doubt this old soldier is in just the condition stated by the gentleman from Washington, but we must recollect that he was receiving \$30—

Mr. RAY of New York. He was receiving \$34.

Mr. TALBERT (continuing). Twenty-four dollars, according to his pensionable status, allowed him by the board of examiners.

Mr. JONES of Washington. They said \$72.

Mr. TALBERT. They gave him what they thought he was entitled to from the disabilities incurred in the service, from the disabilities that could be traced to service origin. Since that time he has been through an accident, blown up by a blast, by which he has lost both eyes and has become deaf. The question is whether this House proposes to pension people for accidents with which the war has nothing to do. He was already receiving \$34 a month, all that was due him according to his disability.

This accident happened in 1899, rendering him unable to help himself in any way at all. Now, the question is whether or not this House will give him a pension on account of the accident that happened to him thirty years after the war was over? As a matter of course, I do not blame the gentleman from Washington, and I shall not vote against giving what the gentleman asks, for it looks as if the condition of this man demanded it. But what put him in this condition? We, as Representatives, must take a business view of the pension matter and not be led away by sentiment.

As a matter of course, if we are governed by sentiment we would give him \$72 a month. That is not the question. What does the law allow? What should he have by right? Nothing more than the disabilities which can be traced to service origin would entitle him to. It is a great misfortune that he met with the accident, and the question is whether or not we shall recompense him for the accident out of the Treasury of the United States at the expense of the taxpayers of the nation? As I have said, I do not propose to make any opposition to the request of the gentleman from Washington.

Mr. RAY of New York. Mr. Chairman, the Committee on Invalid Pensions examined the evidence in this case with great care, considered it from all standpoints, and arrived at a unanimous conclusion that \$30 per month is all that this soldier is entitled to. Thirty dollars a month is more than hundreds, and I may say truthfully more than thousands, are receiving who are in as bad condition as this man.

The gentleman from Washington says that the Pension Bureau has increased this claimant's pension to \$30 since the committee reported this bill. That may be. If it had been done before we acted, the bill would never have been reported to this House at all. We can not submit to these impositions—getting bills through when the Bureau has done full justice. This soldier has no one except himself to care for. He has no wife and no children to support, and this House has repeatedly passed bills, where the man was blind and helpless, at \$30 a month where the beneficiary is helpless and has a wife to support, and the Senate has repeatedly cut down our bills to \$30 a month in like cases and have insisted upon that rate.

Now, I insist, in view of the facts, the circumstances surrounding this man, that \$30 per month is ample to take care of him and give him a good living and good care. We must remember what we are doing; we must remember that we are passing hundreds of bills increasing pensions, that hundreds are being added to the rolls every day at the Bureau; that we are now engaged in a war, and even if only a few are wounded or killed in battle, that through disease contracted in the service a large addition will be made, and before the year is over hundreds, and probably thousands, who incur disabilities in this war will be added to the rolls.

We should be circumspect; we should act with caution and be consistent, and not give this man more than others in like condition receive. Accepting the statement of the gentleman from Washington that the Pension Bureau has already done this man justice, I move that the bill lie upon the table.

Mr. JONES of Washington. Mr. Chairman, just one word more—

Mr. BARTLETT. Mr. Chairman, I make the point of order that it is not in order to move in the Committee of the Whole that a bill lay upon the table.

Mr. RAY of New York. I move that the Senate bill be laid aside with the recommendation that it lie upon the table.

Mr. JONES of Washington. Mr. Chairman, just one word. The preceding bill to this was passed for a much larger sum than we are asking here—I think \$23 larger—and there were no such circumstances as this shown. The statement of the gentleman,

the chairman of the Committee on Invalid Pensions, that this man has no relatives, no friends, and is absolutely dependent upon everything that he does—

Mr. RAY of New York. I did not say that he had no relatives, no friends. I said he had no wife or children to support.

Mr. JONES of Washington. Very well. He has no friends or relatives to aid him and do anything for him in his behalf. He is absolutely dependent upon a hired attendant, and \$30 is absolutely inadequate to get him the necessities of life and employ a man to take care of him, as he must be taken care of. The gentleman says we are engaged in a war now. It is true; and while we are engaged in a war if the noble young men going into the Army to-day could see that this country permits such poor old wrecks, remnants of a shattered life, to suffer and be denied as this man is denied, and made to drag out a poor, miserable, barren existence, without the decencies of life, it would not be much encouragement to them to enlist to-day. I ask that the motion be voted down.

The question was taken; and on a division (demanded by Mr. JONES of Washington) there were—ayes 23, noes 15.

So the motion of Mr. RAY of New York that the bill be laid aside with the recommendation that it lie on the table was agreed to.

CARLETON W. MUZZY.

The next business on the Private Calendar was the bill (S. 484) granting an increase of pension to Carleton W. Muzzy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carleton W. Muzzy, landsman, U. S. S. Minnesota, and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARGARET WILBER.

The next business on the Private Calendar was the bill (H. R. 258) to pension Margaret Wilber, of Nebraska.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll the name of Margaret Wilber, of Blair, Nebr., mother of Thomas E. Brooks, Company I, One hundred and fortieth New York Infantry, and pay her a pension of \$25 per month from the passage of this act, subject to the provisions and limitations of the pension laws.

Mr. TALBERT. Mr. Chairman, I ask that the report be read. The report (by Mr. STURTEVANT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 258) granting a pension to Margaret Wilber, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to pension at the rate of \$5 per month Margaret Wilber, of Blair, Nebr.

Claimant is the mother of Thomas E. Brooks, Company I, One hundred and fortieth New York Volunteer Infantry. Soldier served from August 22, 1862, to December 27, 1867, when discharged on account of varicocoele.

Her claim under act of June 27, 1890, was rejected March 4, 1892, on the ground of claimant's declared inability to show that soldier's death from paralysis was in any way due to his service.

She is shown to be dependent, very poor, over 70 years of age, and relies wholly on the charity of her neighbors. It is not wise to grant pensions in such cases as this, and nothing will justify action except the great age and poverty of the mother. The soldier served only four months, and it is not claimed that this service had anything to do with his death.

Recognition of this mother in her old age and poverty may encourage patriotism, but this must not be regarded as a precedent unless the facts make a case equally meritorious.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 3 strike out the words "of Blair, Nebr."
In line 7, after the word "pension," insert the words "at the rate."
In same line strike out the word "twenty-five" and insert in lieu thereof the word "eight."

From lines 7 and 8 strike out the words "from the passage of this act."
Amend the title so as to read: "A bill granting a pension to Margaret Wilber."

Mr. TALBERT. Now, Mr. Chairman, it seems to me from the plain statement in the report that this man is not entitled to a pension. I want to call the attention of the committee to that fact; and as we are going along without reading reports, it seems to me that we are doing ourselves and the country an injustice. It says in the report, "Her claim under the act of June 27, 1890, was rejected March 4, 1892, on the ground of the claimant's declared inability to show that the soldier's death from paralysis was in any way due to his service."

Now, it seems to me there is a direct violation of the law. If the disability of this claimant can not be traced to service origin, it seems to me that he is clearly not entitled to a pension.

The report further says:

She is shown to be dependent, very poor, over 70 years of age, and relies wholly on the charity of her neighbors.

That may be a fact; but I do not understand that this House intends to pension people because they are poor and old and possibly rely upon the charity of their neighbors. It seems to me that there are almshouses in all parts of the country to take care of the poor and needy.

The report goes further and makes this concession:

It is not wise to grant pensions in such cases as this—

I agree with the committee—

and nothing will justify the action except the great age and poverty of the mother.

Here you propose to pension a woman on account of her age and poverty, without any other claim whatever. That is admitted, too, by the Committee on Invalid Pensions.

Mr. RAY of New York. Will the gentleman permit me right here? He loses sight of the main fact upon which we base our action. We have not in any case undertaken to grant a pension to any person, man or woman, upon the grounds of age and poverty alone.

The gentleman loses sight of the controlling fact upon which we do grant the pension in this case, which is this: This old woman had a son whom, thirty years ago, when the country needed the services of sons, she gave to her country. He went into the field and rendered worthy service. He came back with a disease contracted in the service. The mother stood by him; she nursed him; she comforted him; she supported him until he was in shape to help her. Then he died. It is true that he did not die of any disease contracted in the service.

But he is dead; and this old woman, the mother of a good soldier with a good record, must now at her great age go to the poorhouse unless this generous Government gives her \$8 a month, and that is all we propose to give her. It will keep her from the almshouse, and is proper in such a case. The question is, shall we do it? This old woman, nearly 80 years of age, is poor and without anyone on the face of God's earth to take care of her except the public. Now, shall we grant her the pension of \$8 per month upon the ground that she is the mother of a valiant soldier, that she gave that soldier, her son, to the country in its time of need? That is the ground on which we acted.

Mr. MIERS of Indiana. Let us give her the \$8.

Mr. TALBERT. I know that the distinguished gentleman from New York and this committee scrutinize very thoroughly every claim that comes before them. I have no criticism whatever to make on this committee. I say that most of the bills which they bring in here are just and meritorious and should be passed. But the gentleman speaks of the service of this soldier. I will simply read what the report of the committee says in regard to his great service:

The soldier served only four months, and it is not claimed that this service had anything to do with his death.

Possibly he served during the last four months of the war; possibly he never fired a gun.

Mr. RAY of New York. Oh, do not say that.

Mr. TALBERT. I say "possibly."

Mr. RAY of New York. Read what the report says; you have it before you. This service was not rendered during the last part of the war. The report tells you when it was rendered.

Mr. TALBERT (reading)—

The soldier served from August 22, 1862, to December 27, 1862.

Mr. RAY of New York. That is right; that was not at the close of the war.

Mr. TALBERT. During his four months of "valiant service," as the gentleman from New York calls it, he contracted no disease, but left the service at the end of four months; so that the case is still worse than if he had served during the last part of the war. He quit the service of his country when he was most needed and when he had only served four months.

Mr. RAY of New York. Will my friend read from the report the reason why he left the service?

Mr. TALBERT (reading)—

Discharged on account of varicocoele.

I will ask the gentleman what that means?

Mr. RAY of New York. The disease was contracted in the service.

Mr. TALBERT. What kind of a disease is it?

Mr. RAY of New York. He served his country until by reason of disease contracted in the service he was discharged. That is why he left the service.

Mr. TALBERT. But the report says:

It is not claimed that this service had anything to do with his death.

Mr. RAY of New York. It did not kill him.

Mr. TALBERT. But after he had entirely recovered he was not disposed to go back into the service at all and did not go back. I simply wanted to call the attention of the committee to the facts as stated in this report. Yet when we ask for the reading of a report you hear some great big fellow with a voice like a fog-horn shouting out "Vote!" "Vote!" I think that is wrong. These reports ought to be read and we ought to know what we are doing. With these remarks, I leave the Committee of the Whole to do what it pleases.

Mr. RAY of New York. Mr. Chairman, I do not want any misapprehension to go out either to the House or to the country

in regard to this case. I know that my friend from South Carolina intends to be fair—

Mr. TALBERT. Certainly I do.

Mr. RAY of New York. And if he had studied this case he would not have made remarks which so entirely misrepresent the facts. In 1862 this soldier entered the Army. He served about four months. He contracted disease in the Army by reason of his service and was compelled to leave because of disability. Later on he died. He did not die by reason of disease contracted in the service.

Mr. TALBERT. I will remind the gentleman that, under the law, the disease for which a person is pensioned must not be traceable to vicious habits.

Mr. RAY of New York. The evidence in this case shows that this disease was not due to vicious habits.

Mr. TALBERT. Well, I am not a doctor.

Mr. RAY of New York. Our committee has steadily refused to grant any pension or increase of pension where the disabilities were due to vicious habits while in the service. I could show the gentleman twenty bills that have been urged upon our attention, but which we have laid aside or "turned down" on the ground of the vicious habits of the claimant and that the disability alleged resulted from such habits or conduct.

Mr. TALBERT. I commend the gentleman and his committee for their care and attention. I am not criticising him at all. I only wanted to call attention to the facts stated in this report and to urge that the reports in these cases ought to be read, so that we may know the facts.

Mr. FLETCHER. I move to increase his pension from \$8 a month to \$12 a month, upon the statement of the gentleman from New York.

Mr. BRUCKER. Was the son of this woman a pensioner during his lifetime?

Mr. RAY of New York. Oh, no.

Mr. BRUCKER. The gentleman says that he contracted this disease in the Army?

Mr. RAY of New York. A great many men contract diseases in the Army, but do not draw pensions, because they do not apply for them.

Mr. BRUCKER. Then he did not apply for a pension?

Mr. RAY of New York. No, sir.

Mr. BRUCKER. One further question. If he had applied for a pension and the proof had shown that he died of disability incurred in the line of duty, how much would she have been entitled to?

Mr. RAY of New York. She would have been entitled to \$12 a month.

Mr. BRUCKER. Then why not give her that amount?

Mr. RAY of New York. Because she is not entitled to it under any law.

Mr. BRUCKER. I think we might well grant her that amount of pension.

Mr. RAY of New York. If we should grant in this case a pension of \$12 a month, we ought to go back and undo all that we have done in similar cases and grant in many cases an increase to \$12. To grant a pension of \$12 a month in this case would be doing injustice to other cases, to other claimants, where we have granted only \$12 a month, and where the soldier had lost his life by reason of disease contracted in the service. Eight dollars is proper here, because the soldier did not die of service disability. If he had so died, \$12 would be proper.

Mr. TALBERT. Why is it the gentleman is so careful to say that the action here proposed, if taken, must not be regarded as a precedent? If the action is wise, why is he unwilling to have it regarded as a precedent? He says he would not be willing to adopt this as a precedent and go back to grant a similar pension in other cases. I must say that I am astonished at the action of the committee in view of the facts as stated in this report.

Mr. RAY of New York. The gentleman ought not to say that—

Mr. TALBERT. I can not help saying it.

Mr. RAY of New York. Because if the gentleman reads the report carefully he will see that the facts justify the action proposed. We do not propose to grant pensions to mothers of soldiers unless they come strictly within the rule laid down. They must be poor; they must have lost their support by reason of the death of the person upon whom they were dependent, and that person must have had a good record in the Army; must have contracted a disease there.

And, as I say, the party seeking relief must be old and poor and needy and in danger of the poorhouse. We make a wide distinction between the cases where death resulted from service and those where it did not. Gentlemen should recognize and maintain the distinction and aid the committee in its action. The widow who lost her husband by reason of disability incurred in service gets \$12 per month; the poor and dependent widow who

has lost her husband not from a service disability only gets \$8 per month.

Mr. TALBERT. The committee state in their report that his death is not traceable by any means to disabilities received while in the service of his country.

Mr. RAY of New York. Why, my dear friend, if his death had been due to disease contracted in the service, then the Pension Bureau could have given the \$12 a month.

Mr. TALBERT. And this is an appeal court from the Pension Bureau?

Mr. RAY of New York. Oh, no; this is a peculiar case. The facts are peculiar. Such a case does not arise very often. It is meritorious and exceptional. Now see what we do say:

Recognition of this mother in her old age and poverty may encourage patriotism, but this must not be regarded as a precedent unless the facts make a case equally meritorious.

Now, when you quote that report put those words in and we shall be perfectly satisfied.

The CHAIRMAN. Will the gentleman from Minnesota state his amendment?

A MEMBER. Withdraw it.

Mr. FLETCHER. No; I will try it on once.

Mr. RAY of New York. If the gentleman wants to come here and delay action, let him do it. If he wants to be inconsistent, or try to be, let him do it. He simply stands in the way of granting these pensions, and I want to inform him now that no such action as that can go through this House without a quorum. [Applause.]

Mr. FLETCHER. Mr. Chairman, I think the remarks of the gentleman are very unjust. I have been here almost every night this session, trying to urge forward pension claims. I have never attempted to delay a pension claim in this Congress in the past five years. I made the motion to make this \$12, because I believed the poor old woman ought to have it.

The CHAIRMAN. The question is whether the committee amendment shall be amended by striking out the word "eight" and inserting the word "twelve."

The amendment proposed by Mr. FLETCHER was rejected.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MICHAEL MEEHAN.

The next business on the Private Calendar was the bill (H. R. 9593) to increase the pension of Michael Meehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Meehan, late private, Company A, One hundred and seventh New York Volunteers, and pay him a pension at the rate of \$50 per month in lieu of the pension he is now receiving.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 3, strike out the word "fifty" and insert in lieu thereof the word "thirty."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EMER H. ALDRICH.

The next business on the Private Calendar was the bill (H. R. 9801) granting an increase of pension to Emer H. Aldrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emer H. Aldrich, late private Company B, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of the pension he is now receiving.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 3 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LOUIS HIRSCH.

The next business on the Private Calendar was the bill (H. R. 5403) to increase the pension of Louis Hirsch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Louis Hirsch, late second lieutenant, United States Volunteers, on the pension roll at the rate of \$30 per month, in lieu of his present pension of \$12 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 5, after the word "roll," insert the words "and pay him a pension."

In line 6 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Strike out all of line 7.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HERMAN DELLIT.

The next business on the Private Calendar was the bill (H. R. 2157) granting a pension to Herman Dellit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of \$8 per month, subject otherwise to the limitations and provisions of the pension laws, the name of Herman Dellit, late of Company G, Eighth United States Infantry.

Mr. BRUCKER. Mr. Chairman, I should like to hear the report read or a statement made with reference to that case. I want to know why it is limited to \$8 a month. It does seem to me that it is scarcely worth while to pass a bill carrying such a small amount.

The report (by Mr. BROMWELL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2157) granting a pension to Herman Dellit, have considered the same and report: The claimant was a private in Company G, Eighth United States Infantry, and served two terms of enlistment, covering the period from August 10, 1875, to August 9, 1882.

In an application for pension filed September 12, 1893, he alleged that while on duty in Arizona, Utah, and Nevada he incurred rheumatism, fever and ague, injury of left eye, and rupture.

The records of the War Department show that during his term of service he was treated for malarial fever, disease of eyes, and rheumatism, and his claim on account of those disabilities was approved by the board of review at the Pension Bureau, but the medical referee declined to fix a rating, declaring that a pensionable disability from those causes did not exist.

So much of the claim as relates to rupture was disallowed on the ground of no record, and claimant had stated his inability to furnish the required proof of origin in service and line of duty. There is, however, sufficient proof on file to warrant your committee in recommending a rating commensurate with the degree of disability existing as the result of the rupture.

The claimant declares that he incurred the rupture at Fort Halleck, Nev., in 1890, by a box of arms which he was unloading falling upon him. He swears, however, that he is unable to find any officer or enlisted man who is conversant with the facts, and hence can not satisfy the requirements of the Pension Office as to the origin of said disability. He does, however, furnish the testimony of two of his neighbors to show that he has complained of rupture, as well as of his other alleged ailments, ever since his discharge from the service.

The medical examinations show an inguinal hernia of right side, although the testimony of physicians who have treated him is to the effect that the rupture is really a double one. The hospital record shows treatment for venereal disease as well as for the other diseases referred to above as being matters of record, but the last board of examining surgeons state that they did not find in this examination any evidence of past or present vicious habits, and claimant denies that he ever had venereal disease.

In the judgment of your committee the service and disabilities shown in this case merit a small pension, and the passage of the bill is recommended.

A similar bill was favorably reported by your committee in the Fifty-fourth Congress, but failed to be reached on the Calendar for action.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LUCINDA BOOTH.

The next business on the Private Calendar was the bill (H. R. 2694) to increase the pension now paid to Mrs. Lucinda Booth, widow of Wiley Booth, a soldier of the war of 1812.

Mr. LOUDENSLAGER. Mr. Chairman, I ask unanimous consent that the bill S. 4533, which is identically the same bill as this, be considered in place of the House bill.

Mr. TALBERT. Is that the bill of the gentleman from Georgia [Mr. BARTLETT]?

Mr. BARTLETT. Yes.

The CHAIRMAN. Unanimous consent is asked that the bill S. 4533 be considered in place of House bill 2694. Is there objection?

There was no objection.

The bill (S. 4533) to increase the pension of Lucinda Booth was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Booth, the widow of Wiley Booth, a soldier of the war of 1812, and to pay her a pension at the rate of \$30 per month, in lieu of the pension she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. LOUDENSLAGER. Now, Mr. Chairman, I move that the bill H. R. 2694 be laid aside to be reported to the House with the recommendation that it lie upon the table.

There was no objection, and it was so ordered.

ABNER ABERCROMBIE.

The next business on the Private Calendar was the bill (S. 692) granting a pension to Abner Abercrombie.

Mr. BARTLETT. Mr. Chairman, if the chairman of the Committee on Invalid Pensions will remember, that bill ought to be withdrawn.

Mr. LOUDENSLAGER. I ask that that bill be laid aside with the recommendation that it do lie upon the table.

Mr. BARTLETT. That bill passed the last Congress and it was thought that it had received a pocket veto, and on the 15th of March, on the assembling of this Congress, I reintroduced it, but it turned out that the President had not vetoed it, and it became a law. The man is now getting his pension. I think permission should be granted to withdraw it.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it lie on the table.

GEORGE W. PALMER.

The next business on the Private Calendar was the bill (S. 125) granting an increase of pension to George W. Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Palmer, late a private of Company B, Tenth Regiment United States Infantry, at the rate of \$24 per month, in lieu of the pension he is now receiving.

The following amendment recommended by the Committee on Pensions was read, and agreed to:

In line 7 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM HENRY WOODWARD.

The next business on the Private Calendar was the bill (H. R. 3297) to remove the charge of desertion from the record of William Henry Woodward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the military record of William Henry Woodward, as private in Battery L, Fourth Regiment United States Artillery, and grant to said William Henry Woodward an honorable discharge.

The following amendment recommended by the Committee on Military Affairs was read:

In line 8, after the word "discharge," add the words "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. LOVE. Let the report be read upon that bill, Mr. Chairman.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 3297) entitled "A bill to remove the charge of desertion from the military record of William Henry Woodward," report the same back to the House with the recommendation that it do pass, with the following amendment:

Line 8, after the word "discharge," add "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

It appears from the records of the War Department that this soldier was enrolled and mustered into service November 10, 1862, as a private in Battery L, Fourth United States Artillery, to serve balance of term of volunteer service; was discharged on February 2, 1864, by reenlistment, reenlisted in same battery on February 3, 1864; and he is reported as deserting December 4, 1865, and never having returned to his command.

The statement of the soldier, corroborated by the evidence of a number of reputable citizens who knew him prior to enlistment and after he had returned from the Army, shows that along in the fall of 1865, while his battery was stationed at Richmond, Va., said Woodward was in bad condition physically, caused by being overheated while working in Richmond Arsenal. On account of his sickness he received a furlough and went to his home.

At the expiration of his furlough he was still ill, and obtained an extension of his furlough for thirty days through the proper channel. At the expiration of this furlough he returned to his command, which was soon ordered to Fort Delaware. His ill health continuing, his sergeant permitted him to leave for home and passed him through the lines to Wilmington, in company with himself.

The soldier returned to his home, and the evidence of his brothers, sisters, parents, and neighbors shows that he was very ill for a long time, requiring medical attendance, so that he was never again fit for military duty. The physicians who attended him during his sickness are both dead, but your committee have been furnished with a large amount of evidence, under oath, showing that the soldier was physically incapacitated for further military service.

Inasmuch as Woodward served in the Army for considerably over three years and until long after the war had closed, and as there is nothing of record to show that he intended to shirk his duty or willfully desert his command, but that, on the contrary, he was prevented from completing the term of his second enlistment by reason of disabilities contracted in the service and in line of duty, which have made him practically a physical wreck and unable to perform but little manual labor, and as his reputation as a citizen is excellent, your committee recommend that this bill, which will relieve him of the stigma resting on his name, be passed as amended.

Mr. TALBERT. How many times did this soldier enlist?

Mr. BABCOCK. Twice. He served something over three years.

Mr. TALBERT. Do you know whether he received any bounty for the second enlistment?

Mr. BABCOCK. I am not advised as to that. I think not, but I can not state positively.

Mr. LOVE. Is there any evidence outside of his own family as to his condition?

Mr. BABCOCK. Oh, yes; numerous affidavits have been filed before the committee, as the report states.

Mr. BRUCKER. I do not desire to oppose the passage of this bill. It seems to be a meritorious one, but it does strike me that there are members of the House who are more highly favored than others in the matter of getting favorable reports from the Committee on Military Affairs. Since I have been a member of this House I have had a report on one case from that committee. I notice that the gentleman from Wisconsin [Mr. BABCOCK] has been fortunate enough to have two of these cases upon the Calendar this evening.

Now, I am not opposed to the passage of this bill and shall interpose no objection to it, but I have fifteen or twenty bills pending before this committee, and have been there time after time and day

after day urging that they report some of these cases. They tell me that they have to pass them around. I have had one report, and, as I say, I notice that the gentleman from Wisconsin is fortunate enough to have two of his cases on the Calendar in one evening.

Mr. BABCOCK. Those are the only two bills that I have introduced that have ever been reported by the Committee on Military Affairs since I have been in Congress, according to my recollection.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JEREMIAH HACKETT.

The next business on the Private Calendar was the bill (H. R. 2267) to increase the pension of Jeremiah Hackett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jeremiah Hackett, private, Company C, Fourth Regiment of Massachusetts Heavy Artillery, and pay him a pension of \$50 per month in lieu of that he now receives.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Hackett," insert the word "late."

In line 6, after the word "pension," insert the words "at the rate."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In line 7 strike out the word "that" and insert in lieu thereof the words "the pension."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ROBERT FLETCHER.

The next business on the Private Calendar was the bill (H. R. 4001) granting a pension to Robert Fletcher.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Robert Fletcher, late of Company A, First Michigan Sharpshooters, at the rate of \$24 per month.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "and," insert the word "he."

In lines 4 and 5 strike out the words "of the United States" and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws."

In line 6, after the word "Sharpshooters," insert "and pay him a pension."

At the end of line 7 add the words "in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Robert Fletcher."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARY M. WALRATH.

The next business on the Private Calendar was the bill (H. R. 6714) granting a pension to Mary M. Walrath.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Mary M. Walrath, widow of Ezra L. Walrath, late Lieutenant-colonel of the One hundred and fifteenth Regiment of New York Volunteer Infantry, and to pay her a pension at the rate of \$30 per month from and after the passage of this act, such pension to be in lieu of the pension she is now receiving.

The committee amendments were read, as follows:

In lines 4 and 5 strike out the words "of the United States."

In line 8 strike out "thirty" and insert in lieu thereof "twenty-four."

In lines 9 and 10 strike out the words "from and after the passage of this act, such pension to be."

At the end of line 10 add the words "same to be paid to the duly appointed committee of her person and estate."

Amend the title so it will read: "A bill granting an increase of pension to Mary M. Walrath."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY A. CAULFIELD.

The next business on the Private Calendar was the bill (H. R. 1045) granting a pension to Mary A. Caulfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll, subject to the statutes and limitations of the pension laws, the name of Mary A. Caulfield, widow of Thomas Caulfield, alias Thomas McDonough, late of Second Battery, Massachusetts Light Artillery.

The amendments recommended by the committee were read, as follows:

In line 4, before the word "directed," insert the words "authorized and."

In line 4 strike out the word "statutes" and insert the word "provisions" in lieu thereof.

At the end of line 7 add the words "and pay her a pension at the rate of \$8 per month."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

WILLIAM J. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 3722) granting a pension to William J. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Williams, late a private in Company G, Sixth Delaware Infantry Volunteers, and pay him a pension of \$8 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "pension," insert the words "at the rate."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

PAUL CARR.

The next business on the Private Calendar was the bill (S. 1539) granting a pension to Paul Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Carr, late of the U. S. S. *Princeton* and of the *New Ironsides*, and to pay him a pension at the rate of \$30 a month from and after the passage of this act.

The committee amendments were read, as follows:

In line 7 strike out the word "to."

Strike out from lines 8 and 9 the following: "from and after the passage of this act," and insert in lieu thereof the following: "in lieu of the pension he is now receiving, the same to be paid to his duly appointed guardian."

Amend the title so as to read: "An act granting an increase of pension to Paul Carr."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELLEN STACK.

The next business on the Private Calendar was the bill (H. R. 4200) granting an increase of pension to Ellen Stack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Stack, widow of James Stack, late second lieutenant Company E, One hundred and sixty-second Regiment New York Volunteers, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

In line 9 strike out "twenty-five" and insert "fifteen."

Amend the title so as to read: "A bill granting an increase of pension to Ellen Stack."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN DOEBLER.

The next business on the Private Calendar was the bill (H. R. 247) granting an increase of pension to John Doebler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John Doebler, late captain of Company A, One hundred and twenty-sixth Pennsylvania Volunteer Infantry, and pay him a pension of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "pension," strike out the words "of thirty" and insert in lieu thereof the words "at the rate of twenty-five."

At end of line 7 insert the words "in lieu of the pension he is now receiving."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARY H. HARBOUR.

The next business on the Private Calendar was the bill (H. R. 7010) for the relief of Mrs. Mary H. Harbour.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Mary H. Harbour, widow of Samuel B. Harbour, a soldier in the Mexican war, upon the pension roll at the rate of \$8 per month.

An amendment recommended by the committee was read, as follows:

Amend the title so as to read: "A bill granting a pension to Mrs. Mary H. Harbour."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRIETTA FOWLER.

The next business on the Private Calendar was the bill (H. R. 3598) granting a pension to Henrietta Fowler.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Henrietta Fowler, widow of Jesse Fowler, late of the Georgia Volunteers in the Indian war of 1836, and pay her a pension rated at \$30 per month.

An amendment recommended by the committee was read, as follows:

Strike out the word "twenty," in line 7, and substitute therefor the word "eight;" so as to conform, in the matter of rating, to the provisions of the general law.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARY A. PINKSTON.

The next business on the Private Calendar was the bill (H. R. 9141) granting a pension to Mrs. Mary A. Pinkston.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mrs. A. Pinkston, the widow of F. C. Pinkston, who served in the Creek war, and pay her a pension of \$8 per month.

The amendments recommended by the committee were read, as follows:

Correct the claimant's name so as to read "Mrs. A. A. Pinkston." In line 6, after the word "war," insert "as a private in Captain Ashurst's company of Alabama Volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

CORDELIA CHENEY.

The next business on the Private Calendar was the bill (H. R. 5153) granting a pension to Mrs. Cordelia Cheney, of Vermont.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Cordelia Cheney, widow of Nelson Cheney, deceased, late a member of Company K, Eighth Regiment Vermont Volunteers, and grant her a pension of \$12 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 5 strike out "Mrs."

In line 7 strike out the word "grant" and insert in lieu thereof the word "pay."

In line 7, after the word "pension," insert the words "at the rate."

Strike out all after the word "month," in line 8.

Amend the title so it will read: "A bill granting a pension to Cordelia Cheney."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

Mr. CLARDY. Mr. Chairman, I want to make a request of the chairman of the Committee on Invalid Pensions. I request him to ask the committee to rise and let us pass these bills that we have been over.

Mr. MIERS of Indiana. We shall have plenty of time to do that in the House in the daytime. Let us do it some other day. We may not get another Friday night.

Mr. CLARDY. We may not get another Private Calendar day, and can not pass them except upon Private Calendar day. We took up nearly two hours to-day.

Mr. MIERS of Indiana. Yes; but we adjourned immediately afterwards; there was no other business done.

ELIZA J. MEAD.

The next business on the Private Calendar was the bill (H. R. 2860) for the relief of Eliza J. Mead, widow of James W. Mead.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to pay to Eliza J. Mead, widow of James W. Mead, late third assistant engineer U. S. S. *Dumbarton*, a pension at the rate of \$10 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the words "pay to" and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of."

In line 6, after the word "Dumbarton," insert the words "and pay her."

Strike out line 7.

Amend the title so as to read: "A bill granting a pension to Eliza J. Mead."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ROBERT LITZINGER.

The next business on the Private Calendar was the bill (H. R. 10135) to increase the pension of Robert Litzinger.

Mr. RAY of New York. Without taking time to read that bill, I desire to state that the gentleman from Pennsylvania [Mr. Hicks] who introduced it, informs me that the beneficiary named in the bill is dead. For this reason I move that the bill be laid

aside to be reported to the House with a recommendation that it lie on the table.

The CHAIRMAN. In the absence of objection, that order will be made.

There was no objection.

ELLEN WRIGHT.

The next business on the Private Calendar was the bill (H. R. 312) for the relief of Ellen Wright, hospital nurse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place upon the pension roll of the Bureau of Pensions the name of Ellen Wright, at the rate of \$20 per month, as hospital nurse in 1862 and 1863 in the hospitals in and about Washington, D. C.

Mr. TALBERT. I should like to hear the report in this case. The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 312) granting a pension to Ellen Wright, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to pension at \$12 per month Ellen Wright, of New Bedford, Mass.

Ellen Wright served as a nurse in hospitals in and around Washington, D. C., some four or five months, during which service she contracted malaria, on account of which she alleges she had to leave the service. She has no title to pension under existing law, but she alleges that her health has ever since been poor in consequence of the malaria so contracted, and evidence filed with the committee shows that she suffered with malarial chills and fever for a year after her return from the service. It is also shown that she or her husband have no property or income, are over 60 years of age, and her husband is a cripple as the result of an accident.

Claimant is shown by medical evidence to be totally incapacitated for manual labor.

Your committee are of the opinion that the women who actually served as nurses during the late war of the rebellion, and who are now old and poor, are entitled to a reasonable pension.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 4 strike out the words "of the Bureau of Pensions."
In line 5 strike out the words "at the rate of \$20 per month as" and insert in lieu thereof the words "who served as a"
At the end of line 8 add the words "and pay her a pension at the rate of \$12 per month."

Amend the title so it will read: "A bill granting a pension to Ellen Wright."

Mr. TALBERT. I desire to ask the gentleman from New York whether he would regard the passage of this bill as a wise precedent? The report states that this woman has no pensionable status under the law.

Mr. RAY of New York. Simply because she did not serve as a nurse under any authority recognized by the War Department. There is a general law pensioning army nurses; but it specifies that to be entitled to a pension the person must have been employed by certain recognized authorities. Now, in some cases where nurses were employed the regimental or brigade or division commanders did not stop to get the consent of the proper authorities. They were in too much of a hurry. These women were, however, employed, and went in and worked four months as nurses. But simply because of the technical defect in their employment, they are not within the terms of the general law. Therefore, in perhaps fifteen or twenty such cases, special bills have been passed granting pensions. The nurses for whom these bills provide are just as much entitled to pensions as those who draw it under the general law, for they performed the same service.

Mr. LOVE. Is the amount of pension proposed in this bill the same as that uniformly given?

Mr. RAY of New York. Yes; this is the same amount allowed by the general law. If there were no general law, the action proposed in this case would, of course, be unwise.

The amendments proposed by the committee and stated in the report were adopted.

The bill as amended was laid aside to be reported favorably to the House.

CLARA R. RODGERS.

The next business on the Private Calendar was the bill (S. 2341) granting a pension to Clara R. Rodgers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara R. Rodgers, widow of Robert Edwin Rodgers, late major Fourth Ohio Cavalry, and pay her a pension at the rate of \$25 per month.

The bill was laid aside to be reported favorably to the House.

MARY L. PAGE.

The next business on the Private Calendar was the bill (S. 3515) granting an increase of pension to Mary L. Page.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Page, widow of William Page, late of Company I, Eighty-third Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of the pension she is now receiving.

The bill was laid aside to be reported favorably to the House.

JESSE O. DAVY.

The next business on the Private Calendar was the bill (S. 2112) granting a pension to Jesse O. Davy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse O. Davy, a private in Company B, Fifty-ninth Ohio Volunteer Infantry, at the rate of \$15 per month.

The amendment reported by the committee was read, and agreed to, as follows:

In line 7, after the word "Infantry," insert the words "and pay him a pension."

The bill as amended was laid aside to be reported favorably to the House.

JOHN A. WHITMAN.

The next business on the Private Calendar was the bill (H. R. 7583) for the relief of John A. Whitman, a blind soldier.

The bill was read, as follows:

Whereas it appears from the sworn evidence of reputable witnesses that the said soldier lost his eyesight and became totally blind on the 24th day of September, 1861, by the premature discharge of a cannon while he with the citizens of Stillwater, Saratoga County, N. Y., were assembled to do honor to the memory of General Garfield, late President of the United States, who had been cruelly murdered by the hand of an assassin; Therefore,

Be it enacted, etc., That his the said soldier's pension shall be increased from \$12 to \$50 per month, and that the honorable Commissioner of Pensions is hereby authorized and directed to place the name of John A. Whitman on the pension roll of the United States at said rate of \$50 per month.

Sec. 2. That this act shall take effect immediately.

The amendments reported by the committee were read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Whitman, late of Company D, Sixty-ninth New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month, in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John A. Whitman."

Mr. TALBERT. In the report which I have before me it is stated:

This bill as amended proposes to increase from \$12 to \$24 per month the pension.

Mr. RAY of New York. That is what the amendment does.

Mr. TALBERT. Here is another case where the pension of a soldier is proposed to be increased solely on account of an accident which happened eighteen or twenty years after the war. The report states in regard to this pensioner that—

While engaged in firing a cannon at a celebration both his eyes were destroyed by the premature discharge, and since that time he has been totally blind.

Mr. RAY of New York. The pension is granted not solely but partially on that account.

Mr. TALBERT. It seems to me, Mr. Chairman, the committee are proposing in this case to follow up the precedent which the gentleman said was not a wise one and which he desired should not be considered as a precedent.

Mr. RAY of New York. The other was the case of a lady, and this is the case of a soldier.

Mr. TALBERT. Well, they are analogous.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

REBECCA E. KUTZ.

The next business on the Private Calendar was the bill (S. 2114) granting a pension to Rebecca E. Kutz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca E. Kutz, dependent mother of George F. Kutz, late of Company F, Seventeenth Ohio Veteran Volunteer Infantry.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

At the end of line 8 add the following:

"And pay her a pension at the rate of \$12 a month."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY H. PRESTON.

The next business on the Private Calendar was the bill (H. R. 9310) granting an increase of pension to Henry H. Preston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Preston, late sergeant, Company H, Sixth Regiment New York Veteran Volunteer Cavalry, and pay him a pension of \$50 per month in lieu of that he is now receiving.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 8 strike out the words "of fifty" and insert in lieu thereof the words "at the rate of thirty-six."

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH GRIFFITH.

The next business on the Private Calendar was the bill (H. R. 9866) granting a pension to Joseph Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph Griffith, father of John H. Griffith, late of Company F, Eastern Shore Maryland Infantry, and pay him a pension at the rate of \$3 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 5, before the word "father," insert the word "dependent."
In line 6, after the capital letter "F," insert the word "First."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. SUSAN N. SESSFORD.

The next business on the Private Calendar was the bill (S. 1090) to pension Mrs. Susan M. Sessford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan M. Sessford, the dependent mother of Thomas J. Martin, who died June 8, 1896, and who at the time of his death was receiving a pension from the Government under certificate No. 598945, and that she be paid at the rate of \$12 per month.

The following amendments recommended by the committee were read, and agreed to:

Strike out all of line 7 after the word "Martin."

Also strike out all of lines 8, 9, and 10.

From line 11 strike out "five, and that she be paid" and insert in lieu thereof the following: "late of Company D, Second Battalion, District of Columbia Infantry, and pay her a pension."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA E. WARNER.

The next business on the Private Calendar was the bill (S. 4004) granting a pension to Julia E. Warner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia E. Warner, widow of the late Hans B. Warner, of Company G, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension of \$12 per month.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

In line 5 strike out the words "the late."

In line 8, after the word "pension," insert the words "at the rate."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ISABELLA CROSS.

The next business on the Private Calendar was the bill (H. R. 8180) granting a pension to Isabella Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll the name of Isabella Cross, late nurse, United States Volunteers, at the rate of \$12 per month, to take effect on and after the passage of this act.

The following amendments recommended by the Committee on Invalid Pensions were read, and agreed to:

After the word "roll," in line 4, insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Volunteers," insert "and pay her a pension."

Strike out all after the word "month," in line 6.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN S. GATES.

The next business on the Private Calendar was the bill (H. R. 6944) to pension John S. Gates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Gates, late a private of Company G, One hundred and second Pennsylvania Infantry Volunteers, at \$12 per month.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 7, after the word "Volunteers," strike out the word "at" and insert in lieu thereof the words "and pay him a pension at the rate of."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES E. MANN.

The next business on the Private Calendar was the bill (S. 2247) granting a pension to Charles E. Mann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Mann, late sergeant of Company H, Second Regiment of Massachusetts Volunteers, at the rate of \$6 per month.

The following amendment recommended by the Committee on Invalid Pensions was read, and agreed to:

In line 7, after the word "Volunteers," insert the words "and pay him a pension."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELI STAIRS.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 7375) to correct the military record of Eli Stairs. It is No. 831 on the Calendar.

Mr. LOUDENSLAGER. Who introduced it?

Mr. ROBBINS. I did.

The CHAIRMAN. The gentleman from Pennsylvania asks to take up, out of its order, Calendar No., 831. Is there objection?

Mr. RAY of New York. What bill is it?

Mr. ROBBINS. Calendar No., 831.

Mr. RAY of New York. What is it about?

Mr. ROBBINS. It is to correct the military record of Eli Stairs.

Mr. RAY of New York. Is it to remove a charge of desertion?

Mr. ROBBINS. No, it is to correct a military record.

Mr. RAY of New York. I raise the point of order that we have no jurisdiction of it at this session.

Mr. CLARDY. Regular order.

The CHAIRMAN. In the opinion of the Chair, the point of order is well taken.

THEODORE W. COBIA.

The next business on the Private Calendar was the bill (H. R. 6645) to increase the pension of Theodore W. Cobia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to increase the pension of Theodore W. Cobia, who served in Colonel Gordon's regiment of South Carolina Volunteers in the Florida war of 1836, and that he be paid a pension of \$12 a month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JORDAN THOMAS.

The next business on the Private Calendar was the bill (H. R. 8862) granting an increase of pension to Jordan Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jordan Thomas, late of Company H, Third Regiment of Kentucky Volunteer Infantry, in the war with Mexico, upon the pension roll of the United States, with an increase pension of \$25 per month in lieu of any pension that he is now receiving.

The following amendment recommended by the Committee on Pensions was read, and agreed to:

In line 7 strike out the word "twenty-five" and insert in lieu thereof the word "eighteen."

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WESLEY VAN OVER.

The next business on the Private Calendar was the bill (H. R. 1778) for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Wesley Van Over, late of Company C, One hundred and ninth New York Infantry Volunteers, and to grant him an honorable discharge from such organization and remove the charge of desertion standing against him as a member thereof.

The following amendment recommended by the Committee on Military Affairs was read:

Insert at the end of the bill:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. LOVE. I should like to have the gentleman explain that.

Mr. RAY of New York. This man was a good soldier and he had a good record. The bill is reported by the gentleman from Wisconsin [Mr. GRIFFIN]. If he were here he could make a more extended explanation of the case. This man went home because he was sick, and could not get back before the war ended. I wish to say that I have been here ten years and this is the first bill of this character which I have ever presented or pressed. I have had a great many such cases presented to me, but this is the first one of sufficient merit to lead me to introduce it and press it for the consideration of the committee. I have two others, but the War Department has already acted in one of them, and action here will be unnecessary.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

BLANCHE E. BARLOW.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to take up out of its order the bill (S. 3350) granting an increase of pension to Blanche E. Barlow, No. 855 on the Calendar. I hope there will be no objection to it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to take up Senate bill 3350 out of its order. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche E. Barlow, widow of the late A. C. Barlow, surgeon, Fourth West Virginia Volunteer Infantry and Sixty-second Ohio Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of the pension she is now receiving.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JUNIUS ALEXANDER.

Mr. MIERS of Indiana. Mr. Chairman, I ask unanimous consent to go back and take up the bill (H. R. 7362) to grant a pension to Junius Alexander.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Junius Alexander, late a private in Company F, First Regiment United States Colored Troops, and pay him a pension of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 7 strike out "of twenty" and insert "at the rate of twelve."

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN W. MAJORS.

Mr. CLARDY. Mr. Chairman, I have been here continually for many months and never have asked a favor of the House. I now ask unanimous consent to take up and pass the bill (H. R. 3487) for the increase of the pension of John W. Majors. He is a blind man, his wife is blind, his family is destitute, and we only ask to give him \$24 a month.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Majors, late private in Company B, Third Regiment Indiana Cavalry, and Company H, Thirteenth Regiment Indiana Cavalry, and pay him a pension of \$24 per month in lieu of the pension he is now receiving.

An amendment recommended by the committee was read, as follows:

In line 8, after the word "pension," insert the words "at the rate."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

Mr. RAY of New York. Mr. Chairman, I move that the committee now rise and report the bills favorably to the House, and those that are to be recommended to lie on the table to lie on the table.

The motion was agreed to.

The committee accordingly rose; and Mr. LACEY having taken the chair as Speaker pro tempore, Mr. CRUMPACKER, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills of the House and Senate, and directed him to report that the following House bills, with amendments, do pass:

H. R. 1219. A bill granting an honorable discharge to W. G. Neeley, of Canyon City, Colo.;

H. R. 8728. A bill granting a pension to Juliette J. Harrow, widow of Gen. William Harrow;

H. R. 5102. A bill granting an increase of pension to Edson Sullivan;

H. R. 8567. A bill to remove the charge of desertion against Gardner Dodge;

H. R. 6930. A bill for the relief of and to correct the military record of Jacob Covert;

H. R. 6625. A bill for the relief of George B. Stone;

H. R. 5762. A bill granting a pension to Joel W. Gibson;

H. R. 6162. A bill removing the charge of desertion from the record of Robert V. Hancock;

H. R. 4253. A bill granting an honorable discharge to Thomas West;

H. R. 1973. A bill for the relief of Frances P. Trumbull, widow of Matthew Trumbull;

H. R. 638. A bill for the relief of George W. Dunning;

H. R. 4283. A bill for the relief of William B. Murray, of South Pittsburg, Marion County, Tenn.;

H. R. 5385. A bill granting a pension to A. C. Litchfield;

H. R. 6931. A bill granting a pension to Taylor McFarland;

H. R. 990. A bill to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry;

H. R. 4315. A bill to increase the pension of George D. Phiney;

H. R. 8037. A bill granting a pension to Lizzie Waltz;

H. R. 9187. A bill to pension Missouri B. Ross;

H. R. 8624. A bill granting a pension to Pauline Robbins, of Sandusky, Sauk County, Wis.;

H. R. 8266. A bill to pension Mrs. Ann Gibbons;

H. R. 3271. A bill to increase the pension of Mrs. Rebecca S. Foster;

H. R. 2981. A bill granting an increase of pension to James W. Jackson;

H. R. 258. A bill to pension Margaret Wilber, of Blair, Nebr.;

H. R. 9593. A bill to increase the pension of Michael Meehan;

H. R. 9801. A bill granting an increase of pension to Emer H. Aldrich;

H. R. 5402. A bill to increase the pension of Louis Hirsch;

H. R. 3297. A bill to remove the charge of desertion from the military record of William Henry Woodward;

H. R. 2267. A bill to increase the pension of Jeremiah Hackett;

H. R. 4001. A bill granting a pension to Robert Fletcher;

H. R. 6714. A bill granting a pension to Mary M. Walrath;

H. R. 1045. A bill granting a pension to Mary A. Caulfield.

H. R. 4200. A bill granting a pension to Ellen Stack.

H. R. 247. A bill granting an increase of pension to John Doeblor;

H. R. 7010. A bill for the relief of Mary H. Harbour;

H. R. 3598. A bill granting a pension to Henrietta Fowler;

H. R. 9141. A bill granting a pension to Mrs. A. Pinkston;

H. R. 5153. A bill granting a pension to Mrs. Cordelia Cheney, of Lunenburg, Vt.;

H. R. 2869. A bill for the relief of Eliza J. Mead, widow of James W. Mead;

H. R. 312. A bill for the relief of Ellen Wright, hospital nurse;

H. R. 7583. A bill for the relief of John A. Whitman, a blind soldier;

H. R. 9310. A bill granting an increase of pension to Harry H. Preston;

H. R. 9866. A bill granting a pension to Joseph Griffith;

H. R. 8180. A bill granting a pension to Isabella Cross;

H. R. 6944. A bill to pension John F. Gates;

H. R. 8862. A bill granting an increase of pension to Jordan Thomas;

H. R. 1778. A bill for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry;

H. R. 7362. A bill to grant a pension to Junius Alexander; and

H. R. 3487. A bill for increase of pension of John W. Majors.

And that the following Senate bills with amendments do pass:

S. 3474. An act granting a pension to John C. Brown;

S. 949. An act granting a pension to Levi R. Long;

S. 166. An act granting an increase of pension to Samuel A. Smith;

S. 156. An act to increase the pension of Capt. John H. Mullen;

S. 2219. An act granting a pension to Thomas Madden;

S. 4533. An act to increase the pension of Lucinda Booth;

S. 125. An act granting an increase of pension to George W. Palmer;

S. 8722. An act granting a pension to William J. Williams;

S. 1539. An act granting a pension to Paul Carr;

S. 2112. An act granting a pension to Jesse O. Davy;

S. 2114. An act granting a pension to Rebecca E. Kutz;

S. 1090. An act to pension Mrs. Susan M. Sessford;

S. 4004. An act granting a pension to Julia E. Warner; and

S. 2247. An act granting a pension to Charles E. Mann.

And that the following House bills without amendments do pass:

H. R. 5992. A bill granting a pension to Mrs. Mary A. Freeman;

H. R. 2157. A bill granting a pension to Herman Dellit; and

H. R. 6645. A bill to increase the pension of Theodore W. Cobia.

And that the following Senate bills without amendment do pass:

S. 4451. An act granting a pension to Nancy Barger;

S. 2588. An act increasing the pension of Corissanda L. McGuire;

S. 1475. An act granting an increase of pension to Elijah N. Parkhurst;

S. 484. An act granting an increase of pension to Carlton W. Muzzy;

S. 2541. An act granting a pension to Clara R. Rodgers;

S. 3515. An act granting an increase of pension to Mary L. Page;

S. 3350. An act granting an increase of pension to Blanche E. Barlow;

And that the following bills do lie on the table:

S. 1353. An act for the increase of pension of Farnham J. Eastman;

H. R. 2694. A bill to increase the pension now paid Mrs. Lucinda Booth, widow of Wiley Booth, a soldier of the war of 1812;

S. 693. An act granting a pension to Abner Abercrombie; and H. R. 10185. A bill to increase the pension of Robert Litzinger. Mr. RAY of New York. I now move, Mr. Speaker, that the House adjourn until Monday next at 12 o'clock.

The SPEAKER pro tempore. The hour of 10.30 o'clock having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of the General Land Office relating to the extending of certain provisions of the land law to Alaska—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Treasury, requesting an appropriation for a refund of a fine levied on the British steamer *Costa Rican*—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10474) for the extension of Eleventh street NW., reported the same with amendment, accompanied by a report (No. 1488); which said bill and report were referred to the House Calendar.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10477) to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11, 1896, reported the same without amendment, accompanied by a report (No. 1499); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 10550) to enable volunteer soldiers during the war with Spain to vote at Congressional elections, reported the same with amendment, accompanied by a report (No. 1508); which said bill and report were referred to the House Calendar.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10476) to authorize telegraph and telephone companies to construct and maintain lines and offices in the Indian Territory, reported the same with amendment, accompanied by a report (No. 1508); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians, reported the same without amendment, accompanied by a report (No. 1504); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5924) to correct the naval record of Martin U. Singhl, reported the same with amendment, accompanied by a report (No. 1485); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2087) to authorize the Secretary of the Navy to remove the charge of desertion as to Thomas Dunn, reported the same with amendment, accompanied by a report (No. 1487); which said bill and report were referred to the Private Calendar.

Mr. RAY of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10158) granting a pension to Mary A. Taylor, reported the same with amendment, accompanied by a report (No. 1489); which said bill and report were referred to the Private Calendar.

Mr. STURTEVANT, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4547) granting a

pension to Eli M. Couch, reported the same with amendment, accompanied by a report (No. 1490); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9293) to pension Mary E. Robinson, formerly Hollenbach, reported the same with amendment, accompanied by a report (No. 1491); which said bill and report were referred to the Private Calendar.

Mr. BOTKIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2617) granting a pension to Mrs. Mary E. Sessions, of Guilford, Vt., reported the same with amendment, accompanied by a report (No. 1492); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2026) to pension Sarah A. Halter, reported the same with amendment, accompanied by a report (No. 1493); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4446) granting a pension to Ellen Charlton, reported the same with amendment, accompanied by a report (No. 1494); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9018) granting a pension to Justus Townsend, late acting assistant surgeon, United States Army, reported the same with amendment, accompanied by a report (No. 1495); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3806) granting pension to Elam Allen, late of Company E, Thirty-third Iowa Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 1496); which said bill and report were referred to the Private Calendar.

Mr. HURLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8732) for the relief of Henry O. Morse, reported the same without amendment, accompanied by a report (No. 1497); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8306) amending chapter 294, entitled "An act to correct the naval record of James Fay and grant him an honorable discharge," approved August 13, 1894, reported the same without amendment, accompanied by a report (No. 1500); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 914) removing the charge of desertion against Charles Sweet, reported the same with amendment, accompanied by a report (No. 1501); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. HURLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1365) authorizing the Secretary of the Navy to procure and present a suitable medal to John Coyle, reported the same adversely, accompanied by a report (No. 1488); which said bill and report were laid on the table.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1290) for the relief of Mrs. S. E. Edwards, reported the same adversely, accompanied by a report (No. 1498); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 10574) to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: A bill (H. R. 10575) for the relief of certain veterans who have been pensioned under the laws of the United States—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A joint resolution (H. Res. 274) for the improvement of the harbor at Racine, Wis.—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. Res. 275) providing for the improvement of the harbor at Kenasha, Wis.—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: A resolution (House Res. No. 310) relative to the consideration of Senate amendments to House bill No. 10100, entitled "A bill to provide ways and means to meet war expenditures"—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 10576) for the relief of William H. La Count—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10577) for payment of \$54 to V. Baldwin Johnson for 15 tons of coal—to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 10578) for the relief of Samuel M. Smith—to the Committee on Invalid Pensions.

By Mr. HOWE: A bill (H. R. 10579) removing the charge of desertion from the military record of Richard Parke—to the Committee on Military Affairs.

By Mr. LYBRAND: A bill (H. R. 10580) to amend the military record of Peter Trossell—to the Committee on Military Affairs.

By Mr. MARSH: A bill (H. R. 10581) to grant an honorable discharge to Frederick A. Noeller—to the Committee on Military Affairs.

Also, a bill (H. R. 10582) to grant a pension to Henry C. Huff—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 10583) for the relief of William Edward Bailey—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petitions of Gustave Fisher, Mrs. Annie McNamee, G. A. Kaercher, J. Curtrorn, and George P. Obert, all business firms of Philadelphia, Pa., tobacco and snuff manufacturers, protesting against additional tax on snuff, tobacco, etc., in stock—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petitions of S. H. Wheeler, D. W. McCrillis, and other citizens of Dexter and vicinity, State of Maine, against the passage of the so-called anti-scalping ticket bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri: Petitions of citizens' mass meetings of Center and Winfield, Mo., Christian Church, Baptist Church, and Young People's Baptist Union, of New London, Mo., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the Congregational Church of Elkhorn, Wis., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of the Epworth League of Darlington, Wis., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on the Judiciary.

By Mr. ELLIS: Petitions of the Missionary Society of the First Presbyterian Church, the Woman's Christian Temperance Union, Charity Lodge, Pacific Lodge, Seaside Lodge, and Astoria Lodge, Ancient Order of United Workmen, Anchor Council, No. 556, and 45 citizens, all of Astoria, Oreg., in favor of the bill to protect State anti-cigarette laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Missionary Society of the First Presbyterian Church, the Woman's Christian Temperance Union, and sundry societies and citizens of Astoria, Oreg., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ERMENTROUT: Petition of members of the United States Military Railroad Construction Corps, for pension—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of the Button Workers' Protective Union of Muscatine, Iowa, asking for the passage of House bill No. 6092, for the protection of free labor against convict labor—to the Committee on Labor.

By Mr. HINRICHSSEN: Resolution of Irish-American Societies in Philadelphia, Pa., in opposition to the so-called "Anglo-Saxon alliance"—to the Committee on Foreign Affairs.

By Mr. LANHAM: Petition of the executive committee of the Cattle Raisers' Association of Texas, in reference to Senate bill No. 3354, to amend an act entitled "An act to regulate commerce," approved February 4, 1897, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. MCCORMICK: Petition of sundry citizens of Phillipsburg, Kans., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of W. H. Coolbaugh and M. J. Coolbaugh, jr., remonstrating against the adoption of Schedule B of the war-revenue bill placing a tax on proprietary medicines—to the Committee on Ways and Means.

Also, petitions of the Presbyterian, Baptist, and Methodist Episcopal churches of Simpson, Kans.; Young People's Society of

Christian Endeavor of the Christian, Congregational, and Methodist churches of Kensington, Kans., and Shiloh Woman's Christian Temperance Union, of Beloit, Kans., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Shiloh Woman's Christian Temperance Union, of Beloit, Kans., praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petitions of the Baptist, Congregational, Presbyterian, and Methodist Episcopal churches of Simpson, Kans.; Young People's Society of Christian Endeavor of the Christian, Congregational, and Methodist churches of Kensington, Kans., and Shiloh Woman's Christian Temperance Union, of Beloit, Kans., favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of merchants of San Antonio, Tex., against the retroactive clause in the revenue bill affecting stocks on hand—to the Committee on Ways and Means.

Also, resolution of the executive committee of the Cattle Raisers' Association of Texas, urging the passage of Senate bill No. 3354, relating to extension of authority granted Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska: Petition of Mrs. H. M. Pendleton, president of the Otoe County Woman's Christian Temperance Union, State of Nebraska, urging the prohibition of the sale of intoxicating liquors at Chickamauga Park—to the Committee on Military Affairs.

SENATE.

SATURDAY, June 4, 1898.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

On motion of Mr. TELLER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

WAR DEPARTMENT DEFICIENCY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate in the deficiency appropriation for public printing and binding for the War Department for the current fiscal year, and to remain available until expended, \$100,000, the sum being made necessary by the second call of the President for 75,000 additional troops; which was read.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills:

A bill (S. 104) to increase the pension of Lucretia C. Waring;

A bill (S. 1181) granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased;

A bill (S. 1118) granting an increase of pension to Mary E. Chamberlain;

A bill (S. 1472) granting an increase of pension to Bettie Hord Brown;

A bill (S. 1451) granting an increase of pension to Gen. Halbert E. Paine;

A bill (S. 3553) granting a pension to Bvt. Lieut. Col. Amos Webster; and

A bill (S. 3660) granting a pension to Thomas Edsall.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 360) for the relief of Robert McFarland;

A bill (H. R. 727) granting a pension to Olive H. South;

A bill (H. R. 795) granting an increase of pension to William Henry Smith;

A bill (H. R. 900) granting an increase of pension to Lucy D. Heady;

A bill (H. R. 1520) granting an increase of pension to William H. H. Nevitt;

A bill (H. R. 1712) granting an increase of pension to Joel H. Hollowell;

A bill (H. R. 3081) granting an increase of pension to Michael J. Fogarty;

A bill (H. R. 3164) granting a pension to Alden B. Thompson, of Farmvale, Hamilton County, Nebr.;

A bill (H. R. 8190) granting an honorable discharge to John H. Smith;

A bill (H. R. 3565) to grant a pension to Theresa Bonnavau;

A bill (H. R. 3612) to increase the pension of Thomas D. Porter;

A bill (H. R. 4251) granting a pension to Margaret Thomas;

A bill (H. R. 4274) granting an increase of pension to James S. Chapman;

A bill (H. R. 4484) granting a pension to Miriam V. Kenny;

A bill (H. R. 4607) granting an honorable discharge to Charles Miller;

A bill (H. R. 4811) granting a pension to Jane E. Zink;

A bill (H. R. 4916) granting a pension to Virginia C. Fleanor;

A bill (H. R. 5054) granting a pension to Rachel J. Comer;

A bill (H. R. 5069) to pension Jacob N. Atherton;

A bill (H. R. 5707) for the removal of the charge of desertion against William Mellicott, alias William Reed, late of Company G, Eighth Regiment Tennessee Cavalry Volunteers, and legalizing his service in Company E, Eleventh Regiment Tennessee Cavalry Volunteers;

A bill (H. R. 6064) granting a pension to Mary A. Watts;

A bill (H. R. 6317) to remove charge of desertion against Alexander McKee;

A bill (H. R. 6482) granting a pension to Herbert W. Leach;

A bill (H. R. 6525) granting a pension to Mary Ann Sullivan;

A bill (H. R. 6718) for the relief of Samuel Racey;

A bill (H. R. 6841) granting an increase of pension to James C. Hervey;

A bill (H. R. 7306) granting an increase of pension to Samuel H. Beckwith;

A bill (H. R. 7506) granting a pension to Susan E. Fielder;

A bill (H. R. 7696) granting an increase of pension to William Christenberry;

A bill (H. R. 7841) granting an increase of pension to George S. Walton;

A bill (H. R. 7844) to increase the pension of Mary Broggan;

A bill (H. R. 7989) granting an increase of pension to Annie J. Bassett;

A bill (H. R. 8286) granting an increase of pension to Alphonzo O. Drake;

A bill (H. R. 8670) granting a pension to Pryor Perkins;

A bill (H. R. 8724) granting a pension to Addie L. Ballou;

A bill (H. R. 8854) to correct the military record of William Hazelbeck, of Portsmouth, Ohio;

A bill (H. R. 9322) granting a pension to Mary C. Gardheffner;

A bill (H. R. 9755) granting a pension to Matilda Waedel;

A bill (H. R. 9765) to increase the pension of John N. Wiley.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present memorials from the Chamber of Commerce of San Francisco, the Board of Trade, the Produce Exchange, the Merchants' Association, and other kindred organizations, remonstrating against the reciprocity treaty which has been recently negotiated with France. The memorials are in the form of telegrams, and I ask that they be referred to the Committee on Foreign Relations and printed in the RECORD.

Mr. TELLER. I suggest to the Senator from California to have them printed as a document.

Mr. PERKINS. The memorials are very brief.

Mr. TELLER. It would be better to have them printed as a document rather than in the RECORD.

Mr. PERKINS. I prefer to have them in the RECORD.

Mr. TELLER. Very well; I shall not object.

There being no objection, the memorials were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

[Telegram.]

SAN FRANCISCO, CAL., June 2, 1898.

To Hon. GEORGE C. PERKINS and MEMBERS CALIFORNIA DELEGATION IN CONGRESS,

Washington, D. C.:

At a conference meeting of the undersigned organizations the following resolutions were adopted:

Whereas the President has issued a proclamation extending to France the benefits of the reduced tariff rates, as provided for in section 111 of the present tariff law, in consideration of certain concessions to American products; and

Whereas it appears that by some oversight on the part of Congress the meaning and intention of said section 111 can not be clearly understood without construing it in harmony with article 296 of Schedule H, which distinguishes between natural and fortified wines; and

Whereas it can not have been the intention of either Congress or the President to admit foreign alcoholic compounds at a less rate of duty than the internal-revenue tax on similar compounds made in this country; and

Whereas it appears that under the proposed new arrangement with France compounds of cheap alcohol made to imitate wines with a strength of 24 per cent of spirit, or nearly half the strength of proof spirits, may be imported at a duty of 35 cents per gallon and be used by rectifiers to compound with spirits taxed in this country at \$1.10 per proof gallon, thereby reducing our public revenue and giving an advantage to foreign trade over domestic producers, besides demoralizing the pure-wine industry;

Resolved, That the attention of our Senators and Representatives in Congress be called to this danger menacing our public revenues and threatening our local industries, and that they be requested to urge the President to so modify his arrangement with France, by amendment thereof, or by regula-

tions and instructions to collectors of customs, that the reduced rate of 35 per cent on still wines shall apply only to wines containing 14 per cent or less of alcohol, and that the principle shall be recognized that no foreign goods containing alcohol shall pay a less rate of duty than the tax imposed by the internal laws on domestic spirits and compounds thereof.

Resolved, That in any arrangement with France for reciprocal purposes the benefits of the same should be limited to the genuine products of France, and should not be extended to German, Spanish, and other foreign goods imported through French ports, where they are suffered to be treated in imitation of genuine French products.

Resolved, That these resolutions be telegraphed at once to our Senators and Representatives in Congress, with request for immediate action.

San Francisco Chamber Commerce; San Francisco Merchants' Association; San Francisco State Board Trade; California State Board Trade; California Wine Makers' Corporation; San Francisco Produce Exchange; Pacific Hardware and Metal Association; Wholesale Shoe Manufacturers; Wholesale Grocers; Manufacturers and Producers' Association, by A. Sharboro, president.

[Telegram.]

SAN FRANCISCO, CAL., June 2, 1898.

To Hon. GEO. C. PERKINS and MEMBERS CALIFORNIA DELEGATION IN CONGRESS,

Washington, D. C.:

Meeting wine dealers and producers held to-day. Pending further consideration as to other points, it is our belief that Government will recognize that error has been committed in not constraining section 3 of tariff act, in connection with article 296, Schedule H, so as to limit 35-cent rate to still wines containing 14 per cent or less of alcohol. You will remember that in 1894 representatives, importers, and native producers submitted to Treasury Department proofs that if any goods containing alcohol were admitted at less duty than internal-revenue tax, the door would be open to importation of artificial compounds of cheap potato and beet-root spirits to imitate wines for use of rectifiers of spirits, thereby defrauding and reducing our internal revenue. Deputy Commissioner Wilson is familiar with this question and can explain necessity of having limitation included in President's proclamation. Please submit this to Senator WHITE and California Representatives and ask for united action.

HENRY J. CROCKER,

President California Wine Makers' Corporation.

CHARLES A. WETMORE,

F. A. WEST,

Sweet Wine Association.

Mr. CULLOM presented a memorial of the National Woman's Christian Temperance Union, remonstrating against the sale of intoxicating liquors in any form in prohibition or local-option territory; which was referred to the Committee on Education and Labor.

He also presented a petition of T. J. Potter Lodge, No. 6, of Aurora, Ill., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

He also presented petitions of the Board of Trade of Chicago, and of Waltham Grange, No. 584, Patrons of Husbandry, of Waltham, all in the State of Illinois, and of the Cattle Raisers' Association of Texas, praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which were referred to the Committee on Interstate Commerce.

Mr. MILLS presented a petition of the Cattle Raisers' Association of Texas, praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of merchants and business men of San Antonio, Tex., remonstrating against the proposed internal-revenue tax being made retroactive; which were ordered to lie on the table.

Mr. TURLEY presented a petition of the Woman's Christian Temperance Union of Deerlodge, Tenn., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. PERKINS from the Committee on Naval Affairs, to whom was referred the bill (S. 3701) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom were referred the bill (S. 2930) to establish building lines on minor streets in the District of Columbia and the bill (S. 2108) to amend section 4 of the act of Congress entitled "An act relating to the supreme court of the District of Columbia," approved June 21, 1870, and for other purposes, to report them adversely, and to move their indefinite postponement, the Senate having already passed upon the same subject in two House bills.

The PRESIDENT pro tempore. The bills will be postponed indefinitely.

DESTRUCTION OF THE BATTLE SHIP MAINE.

Mr. CHANDLER. From the Committee on Naval Affairs I present a report as to the action of the committee upon the resolution instructing the committee to investigate the destruction

of the U. S. S. *Maine*, which, after making certain recitals, asks that the committee may be discharged from the further consideration of the subject. I do not ask to have the committee discharged by vote this morning, but that the report may be printed; and I shall ask to have it taken up hereafter.

The PRESIDENT pro tempore. The report will be printed and lie on the table.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 4709) for the relief of A. G. White, postmaster at Beaver, Pa.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MONEY introduced a bill (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN introduced a bill (S. 4711) to prescribe and regulate the powers and duties of the President of the United States in the government of countries annexed to the United States or occupied by the order of the President during the pendency of a war with a foreign power; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. QUAY introduced a bill (S. 4712) designating Titusville, Pa., a subport of entry in the customs district of Erie, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LODGE introduced a joint resolution (S. R. 173) for the relief of Richard J. Steedman, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 878) for the restoration of the annuities of the Sisseton and Wahpeton bands of Sioux Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HAWLEY submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Military Affairs, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the following act and joint resolution:

An act (S. 1115) for the relief of the legal representatives of John Roach, deceased; and

The joint resolution (S. R. 163) authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4699) to provide an American register for the steamship *China*.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1709) granting an increase of pension to Nancy G. Allabach;

A bill (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes;

A bill (S. 4169) granting an increase of pension to Simeon Stevens;

A bill (S. 4491) granting an increase of pension to Susan D. Yates;

A bill (S. 4554) to authorize the establishment of post-offices at military posts or camps;

A bill (S. 4579) to remove the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States; and

A bill (H. R. 10525) authorizing certain life-saving stations to be opened and manned during June and July, 1898.

WAR REVENUE BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the revenue bill.

The motion was agreed to; and the Senate, as in Committee of

the Whole, resumed the consideration of the bill (H. R. 10100) to provide ways and means to meet war expenditures.

The PRESIDENT pro tempore. There is nothing pending.

Mr. ALLISON. Then I hope the bill will be reported to the Senate.

Mr. MILLS. I have an amendment that I wish to offer.

Mr. JONES of Arkansas. Is there a quorum present?

The PRESIDENT pro tempore. Does the Senator from Arkansas suggest that there is no quorum?

Mr. CULLOM and others. Oh, no!

Mr. ALLISON. A quorum is present, I think.

Mr. JONES of Arkansas. I withdraw the suggestion, but I do not want to have amendments that are pending here cut off in that style.

Mr. ALLISON. The Chair announced that there was no amendment pending.

Mr. JONES of Arkansas. There are a number of amendments to be offered, which have been presented to the Senate and are in print, and they ought to be disposed of.

Mr. ALLISON. Why are they not offered?

Mr. JONES of Arkansas. I presume because the gentlemen are not in the Senate Chamber at this moment.

Mr. MILLS. I will remove the difficulty by offering an amendment now.

Mr. MASON. Mr. President, I have a very important amendment, which I wish to present to a reasonably full Senate. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Fairbanks,	Mason,	Pritchard,
Allen,	Faulkner,	Mills,	Quay,
Allison,	Frye,	Mitchell,	Sewell,
Baker,	Gallinger,	Money,	Spooner,
Berry,	Hale,	Morgan,	Stewart,
Burrows,	Hansbrough,	Morrill,	Sullivan,
Butler,	Harris,	Nelson,	Teller,
Carier,	Holifield,	Perkins,	Turley,
Chandler,	Jones, Ark.	Pettigrew,	Turpie,
Clay,	Lindsay,	Pettus,	White.
Cullom,	McLaurin,	Platt, Conn.	
Deboe,	McMillan,	Platt, N. Y.	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is a quorum present.

Mr. MORGAN. I offer an amendment to the bill and ask that it be read at the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following—

Mr. ALLISON. Where?

Mr. MORGAN. To come in at the end of the bill.

The PRESIDENT pro tempore. Does the Senator from Alabama name any place where he desires to have the amendment inserted?

Mr. MORGAN. It is to come in at the end of the bill. The sections are not numbered.

Mr. ALLISON. I suggest to the Senator from Alabama to insert it just before the last section of the bill, stating when the act will take effect.

Mr. MORGAN. Very good.

The SECRETARY. It is proposed to insert before the last section of the bill the following additional sections:

SEC. —. That the Secretary of the Treasury is required to proceed with the assessment and collection of taxes imposed by sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 of the "Act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894.

SEC. —. That if the Secretary of the Treasury omits or refuses to proceed with the assessment and collection of any of the taxes imposed by any of the sections of said act of 1894, that are hereinbefore mentioned by their numbers, it shall be the duty of the Attorney-General of the United States to institute proceedings in a circuit court of the United States against the Secretary of the Treasury to compel him to perform the duties, in that behalf, that are imposed upon him by this act. And if the Attorney-General shall omit or refuse to institute such proceeding on the application, in writing, of any person who is liable to pay any tax imposed by this act, such person is authorized to institute such proceedings in any circuit court of the United States, in the name of the United States of America, to compel the Secretary of the Treasury to execute the mandate of this act; and an appeal to the Supreme Court of the United States may be taken by the unsuccessful party in such proceeding, which shall be advanced upon the docket of said court and heard with all convenient speed. No costs shall be taxed against the petitioner in any such proceeding, and no such proceeding shall abate in consequence of the death or resignation of the Secretary of the Treasury, but the same shall be revived, on motion, against his successor in office.

Mr. MORGAN. Mr. President, it will be observed from the second of the sections that I have offered as an amendment to this bill that I have attempted to provide with particularity to give a full opportunity to have the question that it presents settled by the Supreme Court of the United States, recognizing, in the state of doubt and uncertainty about the former decision of the Supreme Court of the United States on the income tax, and the disputes which are rife in the country over that subject, and the grave and immense interests which are involved in it, that any movement we might make for the enforcement of the collection of the income tax would necessarily be referred to the Supreme Court for final decision as soon as possible.

So in the first section it is made the duty of the Secretary of the

Treasury to enforce the collection under the eleven sections, or any of them, under which taxes are now due to the United States; and in the event of his failure or refusal to do so, the second section provides that the Attorney-General of the United States shall institute proceedings in the name of the United States to compel him to perform that duty; and in the event the Attorney-General might refuse or omit to do it, that any person who is a taxpayer in the United States shall have the right, in the name of the United States, to proceed in any circuit court of the United States to compel the Secretary of the Treasury to perform the duty enjoined by this act. From the decision of the tribunal, when made, the party that is unsuccessful shall have the right of appeal to the Supreme Court of the United States, and that cause shall be advanced upon the docket and decided with all convenient speed.

It also provides that no costs shall be imposed upon the petitioner, the party moving, for any part of the proceedings in the cause; in other words, that the Government of the United States will assume the costs of the entire proceeding. This will be obviously just, because the party who would present this case and press it in the name of the United States Government would be acting in behalf of the whole body of the taxpayers of the country, and it would be hard upon him that he should have to sustain any part of the costs of such proceedings; and it is the plain duty of the United States at once to have such questions as are presented in the amendment disposed of immediately.

At the close of the last extra session of Congress, when the Dingley bill was on its final passage, I called the attention of the Senate, particularly of the Senator from Iowa [Mr. ALLISON], to the fact that in the repealing clauses of the Dingley bill sections 1 to 24 were repealed, and then later some other sections were repealed, but it left eleven sections unrepealed by the Dingley bill which had been enacted into law under the Wilson Act. Those eleven sections covered the whole subject of the levy, assessment, and machinery for the collection of the income tax.

When the Republican party, then in charge of the Government in every department of it, having a majority here and a majority in the House and also having the President seated in the Executive chair, came to revise the entire tariff system and tax system of the United States, they purposely omitted the repeal of those eleven sections that were found in the Wilson Act, which are known as the income-tax provisions of that act. I called attention to the fact at the time of the final passage of the Dingley bill that the Republican party, being thus in power, had declined to attack the income-tax laws by a direct movement for their repeal, and they declined to take any ground to the effect that the Supreme Court decision had expunged those eleven sections from the statute, and they left the subject not open merely, but by repealing twenty-four sections preceding these eleven sections of the Wilson law there was an express affirmation of legislative consent and sanction to their continuance upon the statute book as valid measures of statutory enactment.

There could not have been, without the use of express words, a more certain determination on the part of Congress that we would leave those sections unrepealed, and that they were therefore revived, inasmuch as we repealed all the other sections in the Wilson Act, so that the Dingley bill stands to-day as a reenactment, not merely on the question of technical parliamentary procedure, but as a reenactment by clear intentment of the Congress of the United States of those sections of the Wilson Act which comprise the income-tax law.

So I act upon this case to-day, Mr. President, in the presentation of this amendment, just as I would if no such decision of the Supreme Court had ever been made, for no reference is made anywhere to the idea that these eleven sections are considered as being operative or inoperative in virtue of the fact that the Supreme Court had passed upon them in any way whatever, either to affirm or to disaffirm them. So I assume, and I think I shall be able to establish that I assume it not only as a legislative fact and a legal situation, but as one that is proper to be assumed in view of the opinions of the Supreme Court upon these eleven sections, that they are in force and that it is our duty to compel the Secretary of the Treasury to proceed to collect the taxes under those eleven sections.

The Secretary of the Treasury, since the decision in these cases, which I will presently refer to, has omitted and declined—I could not say that he had refused, because I do not know that the question has been presented directly to him by any demand from any person, but he has omitted and declined—to take any proceedings at all for the collection of the taxes under the income laws, that, as I contend, and as I think I can show, are now in full force upon the statute book.

I have regarded the action of the Administration on that subject as being entirely unsatisfactory, for, to say the least of it, the Administration owed to the people of the country and to the Congress of the United States, who had left this legislation in the shape that we now find it, the duty of making the question for the decision of the Supreme Court, at least upon those parts of tax-

ation in the Wilson law that were not touched by the decision of the Supreme Court. That is very clear.

There is perhaps no incident in American history which shows the determination of the Republican party and of this Administration more clearly always to avail themselves of any excuse that is possible for doubling up the taxes upon the people of the United States engaged in industries and for excusing those people of the United States who out of those industries have managed to accumulate very vast wealth. The attitude of the Republican party toward the people upon the face of the proceedings that I have referred to, and in view of the fact that the Secretary of the Treasury has taken no steps at all to proceed with the collection of the taxes, is very distinct and very undeniable that they intend to find excuses in every direction they can possibly find them for the exonerated of the wealthier classes of the United States, those who have accumulations of property and wealth in various forms, from the burdens of taxation.

Now, Mr. President, as we are in a state of war, and as it is alleged, and doubtless it is true, that we have a necessity for raising money in large sums by increase of taxation, as well, perhaps, as in other ways, there can be no excuse left to Congress if we refuse to make this question and have it pressed.

It has been said to me in a private way by gentlemen for whose opinion I have the most profound respect that perhaps it would be unwise at this time, and considering the present composition of the Supreme Court of the United States, for us to press this question. In reply to that I say we have the affirmative action now of both the great political parties of the United States in Congress in favor of the legislation contained in the Wilson law on the subject of income tax.

The Democratic party by its active advocacy of those provisions, while they were not able to persuade the President they then had in power as their leader to approve and sign the bill, did get him into such a state of mental paralysis as that he did not dare to veto it; and after having done that, and having made all the pressure that they could to distribute the burden of taxation justly and equally amongst the people of the United States, a political issue was made upon the provisions and principles of the Wilson bill in respect to taxation upon imports. But the Republican party in the great campaign which resulted in the election of Mr. McKinley to the Presidency studiously avoided making any issue with the Democratic party upon the subject of the income tax, and they left it under that cloud which had been cast over it by the decision of the Supreme Court, taking shelter in that convenient way, until they came to the point of time when it became necessary for them to make a legislative expression and to commit themselves in the face of the American people upon the question whether that tax should be repealed or whether it had been abrogated by the decision of the Supreme Court of the United States.

Then pressing that issue as one of the leading features—as the very leading feature—of the present Administration upon the question of tariff taxation, and coming to pass the Dingley bill, which was intended to be a thorough revision, modification, and repeal of all existing laws on the subject of taxation, when the very able Committee on Finance came to consider the proposition as to whether the income tax had been abrogated, they made no expression on the subject. They gave no sign, they uttered no word, to indicate what their opinion was upon that question. When it came to the proposition of legislative action to sweep out all existing tariff and internal taxation by the power of legislative repeal, they still remained silent and inactive, but they took extreme care to repeal 24 sections of the act preceding the 11 sections covering the income tax, and left those to stand there.

Attention was called to it. They were challenged to say whether or not they meant to repeal those eleven sections and there was still no utterance. But the sections were left in the statute book, and they are there now. They have not been removed, and some of them have not been even modified by the decision of the Supreme Court.

The friends whom I consulted in regard to the propriety of bringing up this question at this time thought I had better defer it until such time as the Supreme Court could undergo some process of reorganization through the agency of the political parties in the United States; in other words, that the people must stay and suffer under the supposition that the Supreme Court had entirely eviscerated the eleven sections until we could find through political agencies some relief in the personnel of the Supreme Court that might promise us a fair consideration of this question; for I think there are very few men in America to-day who feel that this question has had really a fair consideration.

Certainly it has not had the fair consideration that was given to the legal-tender question by the Supreme Court, for a decision was made by the majority of the court that the Treasury notes of the United States were not a legal tender for the payment of private debts, and within a few months thereafter, when the court had been reorganized, there was a decision pronounced to the contrary, and that stands as the law to-day. The second decision of the

Supreme Court, which overruled the first, that was several months in advance of it in point of time, stands to-day as the admitted law of the United States in every department and in every judicial tribunal in this whole country. Nobody now disputes, and it seems that scarcely any person desires to dispute, the validity and the propriety of that second decision of the Supreme Court of the United States, that the Treasury notes of the United States which are mentioned as being legal-tender notes have their full operation and effect in that direction.

Now, the same fairness of treatment upon this very much greater question of the income tax might lead us, sir—I hope it will lead us; I dare say I believe that it must lead us—into such revision of the decision of the Supreme Court on the income tax as will place this great, necessary, sovereign power of government in the hands of Congress to be used according to their just discretion in distributing equally the burdens of taxation over all places and all people in the United States.

I did not think, Mr. President, that there was any better occasion for presenting this question than in a time of war, because I observe that in some of the great dissenting opinions which were expressed in the case upon the income tax the judges referred with solicitude and earnest argumentation and even importunity in their discussions with each other of this great question to the fact that when the country got into a state of war we might find ourselves in a condition where that decision would prove the wreck of the Republic.

Now, sir, it is not too much to assert to-day that if the war we are conducting with Spain, a comparatively weak power, was a war with Great Britain we should not only find it necessary to resort to income taxation to get the means for carrying on the Government, but, sir, the people would rise above that Supreme Court and they would have it even at the expense of the apparent revolution of the system of government under which we are abiding.

I refer to that, Mr. President, not in any threatening sense, but I refer to it as a calamity that might easily overtake us, which was predicted by Justice Harlan particularly and by Justice Brown in their adverse opinions, and which now makes it incumbent upon the Congress of the United States, as representatives of our people, while war is on and while the emergency is imminent and the necessity great, to take this question up and consider it.

I suppose it will not be asserted, Mr. President, against the attitude I take here to-day that the question I am presenting is not germane to this bill, for while we are raising revenues by new forms of taxation, and by the issue of bonds, and by the recoinage, perhaps, of the silver bullion that is in the Treasury, it is of the utmost importance that we should ascertain whether there are any taxes due under the existing laws of the United States that ought to be collected. It is a demand upon our moral courage that we should bring this question to the front and decide it, and that we should say to the people of this country either that these taxes are collectible, or else that they are not collectible because the laws have been destroyed by the decision of the Supreme Court.

One of the strong arguments that was made in favor of the legal-tender decision by which Treasury notes are now substituted for gold and silver coin in the payment of debts was the fact that the legal-tender paper money had its origin in a time of war, and it called upon the war-making power and the money-borrowing power for its support, the Government of the United States finding it necessary in that terrible emergency to resort to every power that it possessed, direct or inferential, for the purpose of trying to get the ways and means to conduct that conflict of civil war.

Now we have war upon us, and we have the right to appeal to the same power and to all the inferences of power that were appealed to in all of our former wars, beginning with the war of 1812 and coming on down to the war of the rebellion. We have the right, and it is our duty in this emergency, to appeal to all of these powers and to assert them and to leave it to the Supreme Court of the United States to say whether or not they will uphold and sustain the hands of Congress and the hands of the people in providing proper ways and means for the conduct of a great national war.

So I think the time is opportune; more than that, I think it is incumbent upon us now to pass on this question, and I think I can show, Mr. President, as to parts of the taxation embraced in those sections of the income tax in the Wilson bill that the Supreme Court decision does not present any impediment whatever as to some of the taxes that are contained in those sections of the Wilson bill and were reaffirmed in the Dingley bill, and there is a large field of operation under those sections for the collection of the tax that has not been touched by the decision of the Supreme Court.

Sir, I accord to the decision of the Supreme Court full faith and credit; and while I dissent from it in my own mind and judgment absolutely, and while I think that it is utterly unsustainable in reason or upon precedent, while I think it was a cruel destruction

of that great doctrine of stare decisis, which ought always to be maintained in favor of the general welfare, I pay loyal obedience to that decision so long as it is a decision; but in casting my mind over the great number of cases in which the Supreme Court of the United States have held that they would not abide by former conclusions and in the recent cases of the legal tender and in this case itself—when I cast my eye over that vast number of cases, I see, Mr. President, that there is not only room to hope that the Supreme Court may change its opinion, but I believe there is an absolute certainty that if we present the question now in the presence of this war and of the necessity which it creates, that court will find reasons for changing their opinion upon that question and that they will hold that that income tax, which nobody has disapproved as a law and as a method of taxation—I say nobody; very few—is valid and they will find reasons for saying that these laws are valid and ought to be enforced.

I accord to every man on that bench the full right to change his opinion whenever his conscience admonishes him that it ought to be done. I admire the courage, I may say the heroism, of a man who may change his opinion upon a great question of national importance like this, being influenced, as I have no doubt all of the judges on that bench were influenced, by conscientious convictions.

In that form, Mr. President, it becomes a still greater public calamity if any mistake was made, if there was any cutting down by virtue of that decision of the true and legitimate constitutional powers of Congress connected with this great subject of national taxation—

Mr. BUTLER. May I ask the Senator a question at this point?

The PRESIDENT pro tempore. Does the Senator from Alabama yield?

Mr. MORGAN. Yes.

Mr. BUTLER. I should like to ask a question for information. The decision of the court, as I understand it, does not declare that the income tax is unconstitutional, but the effect of the decision is that the income tax is a direct tax, and, if levied and collected, must be apportioned among the States?

Mr. MORGAN. That is right.

Mr. BUTLER. Now, Mr. President, I should like to ask the Senator from Alabama if he thinks it would be possible for the Secretary of the Treasury, in view of that decision, to construe this amendment, if it be adopted, as being simply a direction to him to proceed to collect the tax by apportionment?

Mr. SPOONER. He can not apportion.

Mr. MORGAN. The Secretary of the Treasury can not apportion. The apportionment must be made by act of Congress. If Congress should apportion the tax, it would be all well enough; but they find that difficulty in the way, and of course they would stand upon it.

Mr. BUTLER. I understand that, but I wanted to know if the Senator thinks that his amendment, if adopted, would amount to the same thing as the reenactment of the income-tax law, and would be as positive as if it contained an instruction to proceed to collect the tax by the rule of uniformity. I want to be sure that the whole question will be reviewed by the court.

Mr. MORGAN. Yes. Perhaps I would not state it exactly in that language, but that is the substance of the situation.

Before I undertake to show from these two decisions that there are subjects of taxation contained in those sections of the Wilson bill that have not been abrogated, I wish to state very briefly—and I do it, Mr. President, at the risk of worrying the Senate, but as a matter of justice to my own convictions, which are not very recent—I wish to state very briefly a ground upon which this taxation can be entirely sustained, which was not referred to in the decision of the Supreme Court—a plain, palpable, obvious, constitutional ground.

That, Mr. President, I am aware is rather a rash expression for any man to utter in the presence of the Supreme Court of the United States and of this Senate; but the plainest mind when it sees the truth is always inspired with the conviction that by stating it there are other minds that will adopt it without prejudice and that it will have its way at last and it will triumph over error, because the human heart and the human mind are so organized that they espouse the truth whenever their passions are not aroused; they espouse it as the guide of mankind and of nations. I therefore rely upon it confidently.

The Supreme Court could not get along with this decision and reach the conclusion that they did without overruling a series of cases, not one of which looked in the direction of this last decision—not one—or gave it any countenance at all; which cases had been the law of the United States for a hundred years, and had been acted upon by all the political parties in time of peace and in time of war, and particularly were acted upon and reestablished in the enactment under which an income tax was levied for the purpose of carrying on the late civil war.

The Supreme Court held the attitude toward the people of the United States and the world of overruling all of these decisions

and all of these acts of Congress, enacted for peace and for war, in order that they might establish the proposition that the tax laid in the Wilson bill in the eleven sections I have referred to, which are numbered in the amendment I now offer, was not applicable or could not be enforced because it did not contain the feature of Congressional apportionment amongst the States. That is the only ground that they took, as the Senator from North Carolina [Mr. BUTLER] has suggested. They did not deny that an income tax per se or inherently was a constitutional provision or assert that it had any suspicion of infirmity.

They merely held that the tax could not be enforced under the Constitution of the United States unless Congress provided for its apportionment amongst the States.

One would naturally say in thinking of a subject of this kind, first of all, that the tax in question must be one that is capable of being apportioned between the States in some just and proper sense. If it is what is called a direct tax—that is to say, tax upon the property or a tax upon the man or a capitation tax or a tax upon anything connected with a man in the nature of ownership or proprietorship—it must be capable of being apportioned among the States. They found that those taxes were direct taxes, at least those that were concerned or involved in the case that was at the bar of the court at the time the decision was made, and that they were capable of being apportioned among the States according to numbers, because they are derived in part from the use of personal and real property. The syllogism is difficult and the conclusion is not logical.

It is hard to find any injury a State could suffer because taxes that it is not required to pay are not apportioned according to numbers.

The question in this case is that of apportionment, first, in reference to the possibility of making an apportionment when we consider the subject-matter that is being taxed; and next, the historical question as to what that apportionment related to at the time that that feature was put into the Constitution of the United States.

That question of apportionment had reference, of course, when it was being put into that Constitution, to some great event, some great and agitating condition which was attempted to be settled and arranged by the provision of the organic law of the United States; and when we cast our eyes back over the history of the United States at that period and ascertain from the contemporaneous facts and also from the language of the different portions of the Constitution that there was a great national political question up for determination, which related to apportionment of taxation and representation, we naturally turn to that point, to that question, to ascertain whether this doctrine or this requirement of apportionment which was put into the Constitution did not have reference to that great fact.

What was it? The Constitution of the United States provided for the extermination of the slave trade, which should cease in 1820. It provided for certain rights in favor of the slaveholding States, based upon the fact that the slaveholders regarded property in human beings as being constitutionally right and morally right, but that the men who were included in this species of proprietorship or property were chattels—they might be sold and disposed of as horses, as cattle, or as anything else, for that was the law of slavery.

The question sprang up in the convention which framed the Constitution as to the right of representation in the popular branch of Congress. In order to make that question very clear and to settle it upon foundations that were admitted to be just by those engaged in that great political controversy, a regular census was ordained to be taken every ten years, and that was put into the Constitution.

In any other country of which I have knowledge the taking of a census is a mere ascertainment of the strength of the nation or country in population; but in the United States it is made the basis of representation, so that when we come to ascertain how many Representatives a State may have in the popular branch of Congress—each State being entitled, of course, to two Senators without reference to size or population—it was provided that the census returns should be the basis of apportionment.

Here was a great constitutional feature, an underlying feature, having reference to the continued progress of growth and power in the United States and the distribution of the political power among the several States of the American Union. The distribution of political power among the States according to the number of their inhabitants is a vital feature in our federation. The union of the States could not have existed, nor can it be preserved, without this constitutional provision. Compared with this, the just distribution of the burdens of taxation is a question of minor importance. It was associated with representation in the Constitution as a means of giving protection to slavery.

The taking of a census, therefore, was a matter of the greatest possible moment, for it was to be the measure for all time to come of the right and basis of representation amongst the States in the House of Representatives. Of course the census included all

human beings in ascertaining the aggregate of population, and naturally it would include all human beings in ascertaining the basis of representation; but the slaveholding States insisted that all their slaves should be counted in the basis of representation, and the Northern States insisted that none of them should be counted, because they were chattels, and were not regarded and treated by the Southern States or the Southern people, in a political sense, as being human beings. This controversy originated in these conditions. It was a fierce and eventful controversy, and upon its settlement depended the establishment of this Union upon the foundation of this great Constitution. It was settled; and how was it settled? It was settled by a compromise agreement that three-fifths of the negro population should be computed in the basis of political representation.

That was the settlement of this great conflict between the North and the South, originating in the very cradle of the Confederacy before the United States Government under the present Constitution had been established or could be established, and forcing its way into the Constitution that was "to establish a more perfect Union." In that way the question of representation was settled by apportionment among the States, under which apportionment all of the white people were to be counted in the basis of representation, and three-fifths of the negroes, and none of the Indians who were not taxed. That was the situation, that was the controversy, and that was the plan of settlement.

At that period of time the Government of the United States had no very great foreign commerce; it could not then rely for revenues upon imports to any great extent; and it was found to be necessary, in the opinion of the wise ordainers of that Constitution, that a system of direct taxation, virtually acknowledged and enforced during the period of the Confederation by making tax assessments upon the States that were to be continued under the Constitution of the United States under the form of direct taxation of the people, instead of their indirect taxation through State assessments.

Then the Northern men asked the question: "If there is to be taxation such as existed under the Confederation, what are we going to do with the negroes, who are chattels—are they to be the subjects of a capitation tax or any other form of direct taxation?" The Southern men said, "No; they are not subject to capitation tax, because they are chattels." The Northern men said they were subject, because they were counted at three-fifths in the basis of representation in the House of Representatives.

This difficulty was settled by arranging that direct taxation and representation in the House of Representatives should be apportioned among the States in a certain proportion. Three-fifths of the negroes were to be counted and all of the white people, both in representation and direct taxation; the negroes as taxable chattels to the extent of three-fifths of their numbers and all other persons, except Indians not taxed, were counted as citizens subject to direct taxation by Congress without requiring the States to collect the taxes.

Now, we know how it was that this question of apportionment and direct taxation came to be united in the language of the Constitution, as follows:

Article I, section 3, clause 1. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

It is a very simple history, and a very plain proposition, and there is no historian who can justly refer that language in the Constitution to any other great event. The statement of it, Mr. President, in the text I have read, is quite sufficient to make argument unnecessary on that point.

That was the occasion for the uniting of taxation and apportionment, and that, Mr. President, was the cause of the ordination in the Constitution of the United States that direct taxes and representation should be apportioned among the States according to numbers. If there had been no division of races in this country, if there had not been a large representation of a slave race in this country, who then were the cause of extreme solicitude among all the patriots who had just passed through the Revolutionary war, that language never would have found its way into the Constitution of the United States, and it would never have been considered at all appropriate or at all necessary that any provision should be made for the apportionment of direct taxation among the different States by act of Congress, according to numbers, for the reason that numbers would have had very little influence upon the subject of the equality of taxation or upon the income that might be derived from it.

It would be a natural, just, and uniform method of taxation that we should tax the people at large, leaving the distribution of the burdens of taxation, according to their wealth and their numbers, as Providence might have opened the way to them in the acquisition of property.

The Southern States have a large population that held the dual

relation of persons and property to be dealt with both in representation and taxation, and that peculiar condition was provided for by a special provision in the Constitution, which I have just quoted. When slavery no longer existed, the reason for that provision ceased. It became obsolete, and would be so held as to any statute on the books; but we are not left to that argument to establish its disappearance from our Constitution. It has been superseded by a repugnant amendment of the Constitution, and it stands repealed by votes of the States which adopted the fourteenth amendment of the Constitution.

Mr. HOAR. Will the Senator allow me to ask him a question? The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. MORGAN. I do.

Mr. HOAR. I do not wish so much to ask the Senator a question as to ask him to state as a part of his remarks his view. The Senator's argument is certainly one of the most interesting and instructive contributions to this great question which has ever been made—I am inclined to think the most interesting and instructive contribution to the debate that has ever been made, so far as I know—and I wish to inquire whether he thinks that early doctrine, which I believe has been entertained by all the judges in former times and lately, that the land tax is a direct tax is sound?

Mr. MORGAN. That a tax upon land is a direct tax?

Mr. HOAR. Yes; and if a tax upon land be a direct tax, how does the Senator reconcile that proposition with the doctrine he is now suggesting?

Mr. MORGAN. I am not stating a doctrine, Mr. President; I am stating the facts of history, and stating them, not with a view of maintaining any particular theory of the construction of the Constitution as it might have been heretofore construed, but to take the instrument up as it is to-day, and the facts as they exist to-day, and to show that the cause for inserting these words into the original text of the Constitution has disappeared, and with their disappearance, in the wisdom of some very great man—I do not know who he was; I wish I did, that I might now express on this floor my admiration for his wisdom—the occasion having disappeared, he saw that the apportionment of direct taxation was no longer necessary to the purposes of justice. He saw that it was necessary, when we were amending the Constitution of the United States, to follow up the abolition of slavery, and when we got to the second clause of the fourteenth amendment, to provide for that changed condition, and it was provided for by striking the words "direct taxes" from the text of the Constitution.

Mr. HOAR. My question, if the Senator will pardon me, was this: I understand the Senator's argument in substance—it is a very powerful one, indeed—to be that the direct tax, being a tax upon persons, was adjusted with reference to population in the same way as the right to vote is adjusted, to wit, all the persons, including Indians not taxed, were counted per capita. Then, in regard to the slaves, it was a compromise between the Northern idea that they ought to be counted according to numbers and the Southern idea that they ought to be treated as property or chattels, and that that explains the language of the Constitution; but that state of things having gone by, the object sought to be secured by the old constitutional provision has become not a practical one, because all the negroes now are free.

That is a very interesting suggestion and contribution, and a novelty so far as I am aware, perhaps not with the Senator himself, but it is of great interest. Now, I want to know how the Senator reconciles that theory, whether as a matter of history or as a matter of constitutional interpretation, with the conceded doctrine—conceded by everybody—that a land tax is a direct tax, and so is to be laid according to population, as prescribed in the old Constitution. If that be true, is the Senator's suggestion true, or is that a mistake, and have all the judges and writers been mistaken in that particular?

Mr. MORGAN. Mr. President, that is a very disputed question, although the Senator from Massachusetts seems to think it is a pretty well settled one—perhaps it is in the generality of opinion among the members of the bar of the United States—as to whether a tax on land is a direct tax within the meaning of the Constitution. It is direct, of course, in one sense, because it is imposed directly on property, but not more direct than the tax upon whisky or the tax upon tobacco, which is called an excise tax, that no one ever thought of taxing in proportion to the population of the States, respectively. It is, in fact, a tax on property. A direct tax, as the words were understood in connection with the then recent history of the taxation of the people for national purposes through State laws, may have meant, and, in my opinion, did mean, a tax levied upon the people directly by act of Congress, and did not relate to the nature, uses, quality, or condition of the property to be taxed.

Mr. HOAR. That is an excise tax.

Mr. MORGAN. Yet it is direct. I do not understand that the words "direct tax" in the Constitution have a certain specific

meaning relating to the subject of taxation, but that the expression is rather a synonym for the other words which are used in connection with it; the other words being "capitation or other direct tax." When you say "capitation or other direct tax," you mean capitation or some other tax that is directly upon the persons, perhaps, and not upon the land; and you might argue that very rationally; but I am not now engaged in trying to account for the literal definition of the different words in this section. I wish to ascertain their meaning in the connection in which they are found.

I am trying to present what I conceive to be a very important historical fact, or a statement of a series of facts, to show that the people of the United States, when they came to rectify their Constitution after the civil war had ended and after all men became free, abolished the apportionment feature of the old Constitution except as to the basis of representation. If I show that, Mr. President, then my point is established. If I show that in the fourteenth amendment the apportionment feature of the original text of the Constitution in the third clause of the second section of the first article is abolished, repealed, or eliminated by amendment, as it relates to direct taxes, then there is no reason remaining, and I think none can be suggested rationally, for contending that taxes, whether they are direct or indirect, shall be apportioned according to numbers among the States, but that representation alone is now left to be so apportioned. All taxes, direct or indirect, when they are not levied upon specific classes of property or people, but are levied at large upon the people, their earnings, their incomes, or their property, adjust themselves amongst the different States and become as equal as it is possible for human laws to create equality of taxation.

One has only to read the two in connection to see that this second section of the fourteenth amendment does necessarily amend and repeal the apportionment that is provided in the text of the Constitution.

Representatives—

Says the fourteenth amendment—

shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, exclusive of Indians not taxed.

That is the organic law of the United States to-day, and if there is any text in the original Constitution of the United States that is in conflict with it, that text is necessarily eliminated, removed, repealed. That is the law of all statutes, organic or legislative. In the Constitution as it was originally adopted, changes in the text have been made by the substitution of other language relating to the same subject, such as the alteration of the method of choosing electors for President and Vice-President. In such cases the latest amendment supersedes the former provision by substituting a different text, which operates as a repeal of the original text without any declaration to that effect. I will read that language again, and then I will ask a question.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Is there a court in Christendom that would hold, upon that language, that there is any requirement for the apportionment of direct taxes? Take that as a statement of the original organic law, and I hold, and anybody would be obliged to hold, that it did not bring up the question of apportionment of taxation, because apportionment is not mentioned in it except with reference to Representatives, but in the original text of the Constitution apportionment is associated not merely with Representatives but also with direct taxation. Says the original text of the Constitution: "Representatives and direct taxes shall be apportioned." Says the fourteenth amendment, "Representatives shall be apportioned," leaving out "direct taxes."

Now, either those words have no meaning at all in the fourteenth amendment, or else they do extirpate from the text of the original Constitution the words "direct taxes." More than that, Mr. President, they extirpate all the language of the old Constitution that is changed in the fourteenth amendment.

There is but one possible chance to get out of this category, and that is that the fourteenth amendment did not expressly repeal the following clause, as it did expressly repeal the clause which I have just cited, being the fourth clause of the ninth section of the first article of the Constitution. I will read it:

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

The Supreme Court have planted their decision upon that clause, just as if that clause had not been necessarily repealed by the clause I read from the fourteenth amendment, being the second clause of that amendment. I wish to say that this clause which I have just read, and I will repeat it—

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken—

refers to "the census or enumeration hereinbefore directed to be

taken." It makes reference to a part of the Constitution preceding it which has been repealed, and, of course, if the part to which it makes reference has been repealed, the part which contains the reference is no longer in force. The part of "the census or enumeration hereinbefore directed to be taken" that relates to apportionment of taxes has no longer any force, and the reference made to it in the original text of the Constitution does not keep it in force after that text has been amended by striking out "direct taxes."

Mr. MILLS. May I suggest to the Senator from Alabama, in connection with his argument, that if that clause of the original Constitution is still in force, a capitation tax levied by Congress, or a poll tax, as we say in the States, must be levied upon three-fifths of the negro population?

Mr. MORGAN. As a matter of course; and not upon the other two-fifths.

Mr. MILLS. Very well. Before the war, when the negroes were property, the owner of the property could pay on three-fifths of his negroes, but now you take five independent negroes, who are not property at all, and if a capitation tax is levied, it must be levied according to three-fifths. Who is to determine which three of the negroes are to pay taxes and which two shall be exempt?

Mr. MORGAN. I am very much obliged to the Senator from Texas for the reduction ad absurdum he has presented here. It is absolutely impossible to answer that suggestion. This clause on which the Supreme Court rests its decision went with the first, necessarily. Otherwise the Constitution is left in inextricable confusion. It does require that only three-fifths of the negroes shall be taxed, leaving two-fifths entirely untaxed. I do not think I need go any further with this for the purpose I have in view, which is merely to show, if I can, to my own constituents and to the American people, as far as they are disposed to pay any attention to my observations, the reason for the faith that is in me, that the decision of the Supreme Court, omitting notice of these great historical facts and paying no attention to the fact that the fourteenth amendment repealed the third clause of the second section of the first article of the Constitution, has left the question where we, as a duty that we owe to ourselves and to posterity, must bring it up for readjudication. That is my point.

That is the object of my amendment, to get the subject before the Supreme Court for readjudication. When it gets there I can not doubt, unless I can doubt the justice of those great judges, that they will see that this question of apportionment of direct taxes amongst the people of the different States is no longer a question in the United States, that it has been settled by constitutional amendment. That is as far as I care to go in this matter, and I have made these observations for the purpose of showing the necessity of having the subject again brought before the Supreme Court for further examination, and if there were nothing else in this case but what I have gone over, it seems to me obvious that the Senate can scarcely refuse to have this question tested again, in view of the fact that we are driven to such extremities as we are now of increasing taxation and borrowing money in order to carry on the war with Spain.

Now, I turn to the decision itself. I have a complaint to make about the decision that any lawyer in the United States will appreciate, I think. It is a just complaint. The Supreme Court of the United States, having the ultimate power, which is the last and highest assertion of sovereignty, of deciding upon the validity of acts of Congress and the impropriety or invalidity of acts of the executive Government, holds such an attitude of supremacy—I might say dominion—over the destiny of these people and their rights that it becomes incumbent upon that court to forbear to stretch its authority by means of its own rulings. If there be one offense which it is possible that court could commit higher than all the balance of the crimes which could be committed by the other departments of the Government of the United States, it would be an attempt on their part to arbitrarily stretch their authority.

It is a uniform rule of all judicial procedure that no question is decided by any court in any judgment it may render that is not an issue in the cause, for the judgment of a court upon a particular right or a class of rights that are put in issue, although they may not have been the subject-matter of the particular suit, is so overwhelming in its conclusive effect that any of the rights which fall within the category of that particular right that was decided in the particular cause, afterwards being asserted in court, becomes *res adjudicata*, although it was not actually presented on the pleadings of the case. It becomes very necessary, not only as a matter of practice or convenience, but as a matter of safety to the people of the United States, that every court, and more especially the Supreme Court of the United States, should confine its decision to the questions involved in the case at bar and not attempt after deciding the case at bar, to give a wide sweep to the decision in order to cover other cases and other rights that were not in controversy before it.

Sir, if the Supreme Court of the United States can make pretext of deciding a particular cause and after it has decided that partic-

ular issue sweep out and announce that the effect of its decision is to decide and put an end to other controversies not in issue before the court, there can scarcely be thought of a more dangerous and disastrous usurpation of power over the people than that. That is what was done in this case.

The question in this case, and the only one, was whether the income of certain corporations was liable to tax under the Wilson law, and the objection to it was that the Wilson law did not apportion the taxes so levied amongst the States. That is the whole case. A tax was laid under the Wilson law upon the income of certain classes of corporations, and in the bill of equity which was filed before a judge of the circuit court of the United States for an injunction, the stockholder who filed the bill said that his company was about to make payment of taxes under the Wilson Act levied upon the income of the corporation, but that the income of the corporation was derived from the use of personal property and real property, and that it was a direct tax, because to tax the income of personal and real estate is the same thing as to tax the property itself, and the Wilson Act not having made an apportionment of the taxation among the States, that he had a right to the injunction.

That case was brought before the Supreme Court of the United States on appeal (the injunction had been refused in the court below), and for the nonce it was decided by a court equally divided in opinion, four on one side and four on the other, which meant an affirmance of the judgment of the court below. At all events, the decree of the divided court sustained the constitutionality of the income tax on those corporations in the Wilson bill.

Thereupon there was a rehearing granted in that cause, and one of the judges, Judge Jackson, of Tennessee, who had not sat in the case before, appeared in the Supreme Court and took part in the final hearing of the case, and the outcome of it was, at the end of their consultations, that there were four judges in favor of maintaining the constitutionality, or the propriety I may call it, as the Senator from North Carolina [Mr. BUTLER] very properly suggests, of such a system of taxation and five against it.

In the meantime, of course, one judge had changed his opinion. Who he was we do not know, nor do I think it is to the interest of the Republic that we should make an inquiry of that kind, for that judge doubtless did it in the exercise of a pure conscience; I think not of a right mind, because I do not think a very right-minded judge—one who is properly informed as to the necessity, at least, of the rule of stare decisis upon great questions of this kind—would have ventured to have overruled the opinion of Chief Justice Marshall and other judges which had stood unimpeached for a hundred years. It was a very rash venture. There must have been a very great pressure on his conscience to do that, and I give him credit for a conscience which could put him in antagonism to Chief Justice Marshall and most of the lawyers of the United States, and cause him to reverse his opinion inside of a month. I give him great credit for it. He was a heroic man. At the same time, I do not think he was a wise man.

I have stated the case that was decided, and the Chief Justice of the Supreme Court of the United States rendered the last decision, October term, 1894. The judgment of the court on the rehearing and the decree of the court in that case was:

The decrees hereinbefore entered in this court will be vacated; the decrees below will be reversed and the cases remanded, with instructions to grant the relief prayed.

The relief prayed was an injunction against the collection of taxes upon the income of a particular corporation derived from personal and real property. That was the whole of it. They were not content to stop there, however, but they did what is very rarely done in any opinion of the Supreme Court. They summed up in syllabi what they conceived to be the effect of their decision, and instead of stopping upon the point they decided and the case they decided, they undertook to spread it over eleven sections of this law, which contain provisions that were utter strangers to the question of a corporation tax. What do they say?—

Our conclusions may, therefore, be summed up as follows:

First. We adhere to the opinion already announced, that, taxes on real estate being indisputably direct taxes, taxes on the rents or income of real estate are equally direct taxes.

That is the first point.

A tax on a distillery, or on the whisky made from corn raised on the ground where the distillery is worked, would be equally a direct tax, because it is levied upon income produced upon the real estate; but this is held to be an excise tax. A plain and sincere mind fails to perceive any sound reason for these nice distinctions. If the States were included in this constitutional inhibition against all direct taxation, they would necessarily perish for want of revenue; but it is held that this inhibition only applies to Congress. Why? Not because the tax is in its nature direct, but because it is directly levied by Congress upon the people, and because Congress, it is alleged, is prohibited from taxing the people directly, except upon the plan of apportionment among the States.

We are of opinion that taxes on personal property or on the income of personal property are likewise direct taxes.

If that is true, a license tax on sales of whisky or beer, or on their manufacture, when graded by the quantity sold, is a direct tax on personal property. Yet no one doubts that such a tax is constitutional if it is described in the statute as an excise tax.

That covered the case at bar. That decided it.

Third. The tax imposed by sections 27 to 37, inclusive—

When there was but a clause of one of these sections involved—the tax on corporations—

Third. The tax imposed by sections 27 to 37, inclusive, of the act of 1894, so far as it falls on the income of real estate and of personal property, being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void because not apportioned according to representation, all those sections, constituting one entire scheme of taxation, are necessarily invalid.

This tax, "so far as it falls on the income of real estate and of personal property" is held to be "unconstitutional and void." The part of it, if there is such a part, that is "the income" of skill or genius, not falling upon real or personal property, seems to remain taxable. You can not tax the canvas or the paint of a great picture, but the skill of the artist may be taxed. But there is no end of absurd dilemmas to grow out of this mistaken idea of the definition of direct taxation by Congress.

There comes to view the imperial spread of this usurpation on the part of that highest court of justice of the United States. There they left the case, left the text, their own judgment, and with a hand of tyrannic usurpation attempted to enlarge and extend the decision over eleven sections of this law containing taxes that have no relation to corporations or real property. That I dissent from as a Senator of the United States. I resent and deny and I denounce lawless use of the power of the Supreme Court of the United States to leave the issue presented in the particular case and, after they have decided that, undertake to spread the decision over eleven sections of an act of Congress which contain provisions entirely foreign to the case they decided. There, sir, is a demand upon the manhood of Congress—something greater than that.

There is a demand upon the conscience of Congress that they shall respond to the obligation they took when they were seated in this Chamber and in the other House, that they would protect and preserve the Constitution of the United States against all violation. And, sir, when the Supreme Court of the United States attempts, as it has done most indisputably, to spread its power over thirteen sections of a great law that the Democratic party enacted and the Republican party would not repeal in the Dingley Act, they committed against the Constitution of this country and the dignity and authority of Congress an aggression that we ought not to submit to with quietude, but whenever the occasion presents we ought to call their attention respectfully to the situation and demand that they shall again consider this matter, and that they shall confine their decision to the case at bar and to the questions put in issue by the parties to the suit.

In that connection I will proceed to read parts of this act to show the Senate of the United States that many things are taxed under these sections, from 27 to 37, inclusive, eleven sections, which were not considered or heard of upon the record in the case in which the decision was pronounced, and which has operated to create such a frown upon further legislative action, such an admonition to the Congress of the United States that it seems that all parties, Republican and Democrat and Populist, have been driven from the consideration of this subject as if it were under some tabu, as if we had no right to reconsider on our part, as they reconsidered on their part, the enactments which were made in the Wilson Act.

If they are right, it is a duty of respect and honor which we owe to the Supreme Court of the United States that we should repeal this action and denounce it as being unconstitutional. But, instead of that, when the opportunity was presented for its repeal in the Dingley bill, the Republican party of this country passed it over sub silentio; not, however, without their notice being called to it. I called their attention to it on the floor of the Senate. And it is left to stand for what it is worth; and what is it worth if we allow that action of Congress, matured in two Congresses and upon two great bills, both affirming the validity of the income tax, to stand as a dead letter on the statutes, because it has been denounced in that part of this opinion which is clearly obiter dictum, which was not involved in the case they decided, and which they had no right to denounce? Here is the particular section under which this controversy arose:

That from and after the 1st day of January, 1895, and until the 1st day of January, 1900, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and every person residing therein, whether said gains, profits, or income be derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax of 2 per cent on the amount so derived over and above \$4,000, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in

the United States by persons residing without the United States. And the tax herein provided for shall be assessed by the Commissioner of Internal Revenue and collected and paid upon the gains, profits, and income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying said tax.

Under the provision of another section, section 29, in regard to the manner of assessment, it was enacted:

The net profits or income of all corporations, companies, or associations shall include the amounts paid to shareholders, or carried to the account of any fund, or used for construction, enlargement of plant, or any other expenditure or investment paid from the net annual profits made or acquired by said corporations, companies, or associations.

Now I want to read some of the other provisions here, or rather to call attention to certain parts of them:

SEC. 23. There shall be levied, collected, and paid—

Recollect that if there were no other part of this statute upon the books except this, it is a perfect law and could be fully executed without reference to any other law. It is separable from all the other sections and parts of this act, as a complete act of Congress, and is in no way dependent upon them for interpretation or the machinery of execution.

It is as correct and true to say that sections 1 to 24 are unconstitutional because they are included in the same act with sections 27 to 37 as it is to say that section 29 is unconstitutional because it is associated in the same act with section 27.

In section 30 salaries of officers are taxed upon the gross amount of income above \$4,000 per annum. I will read it:

That there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of \$4,000 per annum, a tax of 2 per cent on the excess above the said \$4,000; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 2 per cent; and the pay roll, receipts, or account of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment.

This tax is collected, an excise, or duty, by the official who pays the salary, and has no possible relation to income from real or personal property, yet that is held to be unconstitutional only because it is found in the same act with an income tax on incomes derived from corporations, but in a different section of the act.

To illustrate this perfectly, I will take the case of a Senator of the United States who goes to Mr. Nixon's office for the purpose of drawing his pay, monthly, or as often as he wants to, if there is anything due to him. It is made the duty of the Financial Clerk of the Senate to take the tax out of his pay for that month and to account for it. There is a complete system of assessment and collection or imposition of the tax within that section. It is perfectly complete. Yet this tax is held to be unconstitutional by the Supreme Court. It is an interesting question whether we will so vote.

Now, let me ask what has that got to do with the income of corporations, whether on realty or personalty? Why did the Supreme Court stretch its jurisdiction to abolish that tax, along with the others, when the question of liability to taxation of the salary of an officer was not before it? Nobody argued it, and the court had no right to make a decision upon it. That tax, Mr. President, stands unrepealed and unassailed except by this carefully drawn obiter dictum, which is put in the form of a syllabus at the end of that decision.

If I were speaking of an ordinary tribunal I should be greatly tempted to indulge in denunciation about this ukase of the Supreme Court. There is many a judge in the world who has been questioned by the bar in a very serious way for trying to expand his jurisdiction and decide questions that were not before the court. If there is any one duty above another that a judge owes to the country and to the law, it is that he shall confine himself to the decision of the issues presented in the causes brought before him. There was no issue presented here as to a tax upon a Senator's salary, yet that tax is held to be unconstitutional. And so you may go through the different sections of this act. I use the one I refer to only for illustration. There is tax after tax now standing upon the statute book wholly unaffected by the decision of the Supreme Court, but forbidden to be collected by that court because it is associated, in a separate section of the statute, with a tax that is held to be unconstitutional.

Mr. President, I have presented the main propositions I wish to state without going over the whole of these eleven sections of the Wilson law, to show that other important features are not in the least affected by the judgments of the Supreme Court. I will not unnecessarily take up the time of the Senate. Why do we refuse now to demand of the Secretary of the Treasury that he shall collect these taxes, so far as they are not affected by the decision of the Supreme Court in the particular case? I do not mean in so far as they are not affected by that syllabus, for that is a stretch of authority that undertakes to blot out eleven sections of the law, when they were making a decision upon a single clause of a single section, the balance of the sections containing matter

wholly foreign to the questions that were decided by the Supreme Court on the rehearing.

Is it not, then, our duty to pass this amendment, and to require the Secretary of the Treasury to "proceed to collect these taxes?" If he regards that decision of the Supreme Court as rendering the whole of these sections unconstitutional, and that Congress is imposing upon him a duty which we have no right to impose—that is to say, that you are making an unconstitutional demand upon him—we should turn to the Attorney-General and say: "If the Secretary of the Treasury refuses or omits to collect these taxes, you must mandamus him before a circuit court of the United States and compel him to do it."

This amendment permits the taxpayer, who has rights because he is a taxpayer under the enactment we are now considering, in the name and by the authority of the United States, to institute a proceeding in any circuit court of the United States, and he shall be exempt from costs in doing so; and there is a further provision that the court shall give judgment upon that petition; and if judgment is against the petitioner, he shall have the right of appeal, and the cause shall go upon the Supreme Court docket, and it shall be advanced and decided without undue delay—"with convenient speed" is the language of the amendment.

Now, Mr. President, I am not speaking upon a question foreign to this bill. I am merely asking that the Senate of the United States shall proceed to execute a law that was put upon the statute book after due consideration, and after its reconsideration on the passage of the Dingley bill it was not repealed, but was expressly exempted out of the repealing clauses of that statute, and is not in conflict with the decision of the Supreme Court of the United States.

Having stated my reason for insisting on this amendment, I leave the subject to the judgment of the Senate, but I call for the yeas and nays upon the adoption of the amendment.

It is being demonstrated under the requirements of a war with one of the oldest monarchies of the world that the opinion of a single judge against an indispensable sovereign power of this Republic has crippled the resources of the country to be derived through taxations, until the Government is forced into the market as a borrower to protect and defend the flag of the country. That opinion of a single judge, after being expressed for and against this sovereign power on two occasions within a month, finally settled down in hostility to the decisions of the same court pronounced by the greatest jurists the world has produced, that have stood for a century.

The result, couched in the edict of an obiter dictum, is a terrible trial to the patience of the country. The people are looking to Congress to rectify this departure from the settled law, and to the Supreme Court to reconsider this obstruction to public justice. Let us take up the task, Mr. President, and do our whole duty to the country.

The PRESIDENT pro tempore. The Senator from Alabama on this amendment asks for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I ask that the amendment be read for the information of the Senate.

Mr. ALDRICH. The amendment has been read two or three times in the hearing of the Senate. It is a very long one.

Mr. BACON. I do not care about its appearing in the RECORD again, but I desire to have it read for information.

Mr. ALDRICH. I did not know but that the Senator might have been present one of the several times when it was read.

Mr. BACON. I was not present.

The Secretary proceeded to read Mr. MORGAN's amendment.

Mr. BACON. As I have had a copy of the printed amendment handed me, I will withdraw the request.

Mr. MONEY. I ask that the amendment be read. I have not a copy of it, and I have not heard it read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert, before the last section in the bill, the following additional sections:

SEC. —. That the Secretary of the Treasury is required to proceed with the assessment and collection of taxes imposed by sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 of the "Act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894.

SEC. —. That if the Secretary of the Treasury omits or refuses to proceed with the assessment and collection of any of the taxes imposed by any of the sections of said act of 1894, that are hereinbefore mentioned by their numbers, it shall be the duty of the Attorney-General of the United States to institute proceedings in a circuit court of the United States against the Secretary of the Treasury to compel him to perform the duties, in that behalf, that are imposed upon him by this act. And if the Attorney-General shall omit or refuse to institute such proceeding on the application, in writing, of any person who is liable to pay any tax imposed by this act, such person is authorized to institute such proceedings in any circuit court of the United States, in the name of the United States of America, to compel the Secretary of the Treasury to execute the mandates of this act; and an appeal to the Supreme Court of the United States may be taken by the unsuccessful party in such proceeding, which shall be advanced upon the docket of said court and heard with all convenient speed. No costs shall be taxed against the petitioner in any such proceeding, and no such proceeding shall abate in con-

sequence of the death or resignation of the Secretary of the Treasury, but the same shall be revived, on motion, against his successor in office.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. He is not present. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I would vote "yea" if he were present.

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. TURNER]. The Senator from Vermont [Mr. PROCTOR], who is paired with the Senator from Florida [Mr. MALLORY], is absent, and it has been suggested that we transfer our pairs, so that the Senator from Washington [Mr. TURNER] will stand paired with the Senator from Vermont [Mr. PROCTOR]. I will therefore vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY]. He not being present, I withhold my vote.

Mr. GORMAN. I understand that the Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. VEST].

Mr. CULLOM. I heard the Senator from Missouri [Mr. VEST] announce another pair, so that I shall observe my general pair with the senior Senator from Delaware.

Mr. MONEY. I wish to announce that my colleague [Mr. SULLIVAN] is paired with the junior Senator from Illinois [Mr. MASON]. If my colleague were present, he would vote "yea."

Mr. MALLORY. My pair having been transferred, as announced by the Senator from Wyoming [Mr. WARREN], I vote "yea."

The result was announced—yeas 35, nays 38; as follows:

YEAS—35.

Allen,	Daniel,	Martin,	Rawlins,
Bacon,	Faulkner,	Mills,	Roach,
Bate,	Harris,	Mitchell,	Stewart,
Berry,	Heitfeld,	Money,	Teller,
Butler,	Jones, Ark.	Morgan,	Tillman,
Cannon,	Lindsay,	Murphy,	Turley,
Chilton,	McLaurin,	Pasco,	Turpie,
Clay,	Mallory,	Pettigrew,	White,
Cockrell,	Mantlo,	Pettus,	

NAYS—38.

Aldrich,	Foraker,	Lodge,	Shoup,
Allison,	Frye,	McBride,	Spooner,
Barrows,	Gallinger,	McMillan,	Thurston,
Caffery,	Gear,	Morrill,	Warren,
Carter,	Gorman,	Perkins,	Wellington,
Clark,	Hale,	Platt, Conn.	Wetmore,
Davis,	Hanna,	Platt, N. Y.	Wilson,
Deboe,	Hansbrough,	Pritchard,	Wolcott,
Elkins,	Hawley,	Quay,	
Fairbanks,	Hoar,	Sewell,	

NOT VOTING—16.

Baker,	Jones, Nev.	Mason,	Smith,
Chandler,	Kennedy,	Nelson,	Sullivan,
Cullom,	Kyle,	Penrose,	Turner,
Gray,	McEnery,	Proctor,	Vest,

So Mr. MORGAN's amendment was rejected.

Mr. TURLEY. If no amendment is now pending, I offer one at this time.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The amendment is in order. The amendment submitted by the Senator from Tennessee will be read.

Mr. TURLEY. I will state that the amendment is printed. The part on the third page is left out, as it has been already incorporated in the bill. The amendment as I now offer it comprises merely the first and second pages of the print which I send to the desk.

The SECRETARY. After line 25, page 60, insert:

That every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, sleeping car, canal, steamboat, ship, barge, canal boat, or other vessel engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States from one State or Territory of the United States to any other State or Territory, or to or from any State or Territory of the United States and the District of Columbia, and every person, firm, company, or corporation carrying on or doing an express business from one State or Territory of the United States to any other State or Territory of the United States, or to or from any State or Territory and the District of Columbia, shall be subject to and pay a special annual excise tax equivalent to one-fourth of 1 per cent of the gross receipts derived by said person, firm, company, or corporation from passengers, freight, mails, or express matter so carried from one State or Territory of the United States to any other State or Territory of the United States, or to or from any State or Territory and the District of Columbia; and such tax shall be rated for the transportation of persons, freight, mails, or express matter from a port or place within the United States through a foreign territory to a port or place within the United States and not within the same State or Territory, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freights, mails, or express matter.

That from every person, firm, company, or corporation owning or possessing or having the care or management of any telegraphic or telephone line

by which telegraphic or telephone dispatches or messages are received or transmitted shall be subject to and pay a special annual excise tax of one-fourth of 1 per cent on the gross amount of all receipts of such person, firm, company, or corporation for the transmission of dispatches and messages from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia.

Mr. TURLEY. Mr. President, the object of the amendment is to place the excise tax on revenues derived from interstate commerce. The course of the discussion here has developed, what is well known to us, of course, that this is a source of revenue which is exclusively within the reach of the General Government and which the States can not reach. It is a kind of taxation that the General Government alone can exercise. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. WARREN (when his name was called). I desire to announce the same arrangement of transfers of pairs has been made as I before stated. I am paired with the Senator from Washington [Mr. TURNER]. I transfer that pair to the Senator from Vermont [Mr. PROCTOR], so that the Senator from Florida [Mr. MALLORY] and myself can vote. I vote "nay."

The roll call was concluded.

Mr. MALLORY. I vote "yea."

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY]. If he were here, he would vote as I will vote. I therefore take the liberty of voting. I vote "nay."

Mr. MONEY. I desire to announce that my colleague [Mr. SULLIVAN] is paired with the junior Senator from Illinois [Mr. MASON]. If present, my colleague would vote "yea."

The result was announced—yeas 34, nays 38; as follows:

YEAS—34.

Allen,	Faulkner,	Martin,	Rosch,
Bacon,	Gorman,	Miller,	Stewart,
Bate,	Harris,	Money,	Teller,
Berry,	Heitfeld,	Morgan,	Tillman,
Butler,	Jonas, Ark.	Murphy,	Turley,
Cannon,	Jonas, Nev.	Pasco,	Turpie,
Chilton,	McLaurin,	Pettigrow,	White.
Clay,	Mallory,	Pettus,	
Daniel,	Mantie,	Rawlins,	

NAYS—38.

Aldrich,	Fairbanks,	Lodge,	Shoup,
Allison,	Foraker,	McBride,	Spooner,
Burrows,	Frye,	McMillan,	Thurston,
Caffery,	Gallinger,	Morrill,	Warren,
Carter,	Gear,	Perkins,	Wellington,
Clark,	Hanna,	Platt, Conn.	Westmore,
Cullom,	Hansbrough,	Platt, N. Y.	Wilson,
Davis,	Hawley,	Pritchard,	Wolcott.
Deboe,	Hoar,	Quay,	
Elkins,	Lindsay,	Sewell,	

NOT VOTING—17.

Baker,	Kennedy,	Nelson,	Turner,
Chandler,	Kyle,	Penrose,	Vest.
Cockrell,	McEnery,	Proctor,	
Gray,	Mason,	Smith,	
Hale,	Mitchell,	Sullivan,	

So Mr. TURLEY's amendment was rejected.

Mr. COCKRELL subsequently said: Mr. President, when the vote was taken on the previous amendment, known as the Turley amendment, I was in the room of the Committee on Appropriations engaged in considering the urgent deficiency appropriation bill. I aimed to get into the Senate Chamber before the vote was announced, but when I arrived here the vote had already been announced. The senior Senator from Iowa [Mr. ALLISON] doubtless supposed I had voted, and so there was no announcement made that I was paired, and it does not appear that I was either paired or voted. I wish to say that if I had been present I should have voted "yea," though it would have made no difference in the result.

Mr. WHITE. Mr. President, I offer the amendment of which I gave notice on Thursday last, though I have slightly modified it in the particulars which I will state after it has been read.

The PRESIDING OFFICER. The amendment submitted by the Senator from California will be stated.

The SECRETARY. On page 61, at the end of line 14, it is proposed to insert:

Every person, firm, company, or corporation owning or possessing or having the care or management of sleeping cars operated upon any railroad shall pay an annual excise tax equivalent to one-quarter of 1 per cent on the gross amount of all receipts of said person, firm, company, or corporation derived from such ownership, possession, care, management, or operation of such sleeping cars, and a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of said persons, firms, companies, or corporations to the collector of the district in which any such person, firm, company, or corporation may be located or

transact such business; such return shall be verified under oath by the person making the same, or, in the case of corporations, by the president or chief officer thereof. Any person or officer failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable in a penalty of not less than \$1,000 and not exceeding \$10,000 for each failure or refusal to make return as aforesaid or for each and every false or fraudulent return.

Mr. WHITE. Mr. President, the only change made in the amendment as printed is the insertion after the word "corporation," in line 6 of such proposed amendment, of the words "derived from such ownership, possession, care, management, or operation of such sleeping cars."

This amendment was inserted because it was represented, and I have no doubt correctly, that there were railroads having their own sleeping cars, and in that event the phraseology would tax the entire receipts of such railroads regardless of the sleeping-car business. There is no desire to injure those companies in any respect, and so this amendment has been offered as now suggested.

I suppose Senators who have thought it proper to vote for a reasonable tax upon the refining of oil and sugar will have no difficulty in voting for a most reasonable tax upon this business.

The sleeping-car business of the United States is not a charitable business. It is not conducted upon those broad philanthropic lines which have heretofore appealed to so many Senators in this Chamber, and which have justified them in so far as their own consciences are concerned in voting against placing a particle of taxation upon those agencies. The sleeping-car business of the United States is a business with which the traveling public is quite familiar, and that traveling public is thoroughly well satisfied that the sleeping-car business can stand a little tax.

While it might not be well to impose it upon them in time of peace, while it might not be proper as a contribution to our revenues in the most elaborate way when we have no war, yet when the country is threatened, it is thought, perhaps, they may, without serious injury to themselves, pay a reasonable amount of taxes; nor is it thought that this imposition will interfere with the consumer, whose unhappy state and whose danger has aroused the feeling care and the enthusiastic sentiments of gentlemen upon the other side of the Chamber, for be it remembered that all these votes, Mr. President—and there are many of them which have been cast here—against placing any of the burdens of taxation upon the great interests of the United States are so cast because those who have cast those votes have felt for the consumer. The institutions themselves are not particularly thought of, but it is because of the consumer that we have refused to assess any of these taxes upon these very large institutions with two exceptions.

Mr. President, the consumer will not have to pay this tax. I do not think it likely that it will be so extensive that even those palace-car companies operating lines across the continent will ask much more than their present rates. They are now extravagantly high; notoriously so. Railroads sometimes engage in mutual competition with each other; we have cut rates occasionally in railroad travel; and the railroads suffer greatly for the time being and often lose money; but the palace-car companies go on in the same old way, levying their large tolls all the time; and with the exception of the elaborate outlay which they make in the way of compensation to their porters, it is not thought that any extravagant charges have been imposed upon them. [Laughter.]

Mr. President, if it is possible for us for a moment to do that which is absolutely just and right, let us put on this tax. The only criticism that can be made upon my amendment is that the tax is not large enough, that it ought to be greater; but I know there are Senators here who feel that a quarter of 1 per cent is the limit, and who think that anything higher would be oppressive. In deference to that sentiment, I have made the suggestion contained in this amendment.

I do not think it likely that these cars will suspend operations if we impose this tax; and while we think so much about the consumer, when we are reflecting upon the passage of this amendment let us ask ourselves whether all we have done in this bill is in the interest of the consumer.

I have heretofore referred, and I will not repeat it, to the onerousness of the taxation that is almost direct—if not technically so, then actually—upon a large portion of the toilers of the United States. We have not shed any tears for the consumer when we have been levying taxes upon tobacco and beer. We have wept not; on the contrary, we have been disposed to smile. [Laughter.] But in this particular instance, when the palace-car companies of the United States are to be asked to pay something, we are told: "Well, it would be a good thing if we could make these great institutions pay something, but we can not; they will lay it upon some one else, and therefore while we feel these are the most oppressive monopolies in the world, and while we would like to get at them and want to get at them, we can not get at them, and we refuse to levy a tax upon them because it will hurt some one else."

There may be people—of course outside—who will doubt the sincerity of these statements, but those of us who are here know that they are sincere, and, Mr. President, when I see these large

institutions escaping taxation by the action of the majority here. I do not wonder at what uncharitable people abroad say about anti-election promises. For myself, Mr. President, I have been anxious to defend Senators and parties from that charge, and I have been defending them from that charge, but I confess that my ability to defend them is greatly lessened—and I am sorry for it—by their peculiar attitude upon this floor. I wish they would aid me in making the defense.

Mr. MONEY. I should like to ask the Senator from California a question. I ask him if he does not believe that instead of taxing the sleeping-car companies we would get more money by taxing the gross receipts of the porters on the sleeping cars? [Laughter.]

Mr. ALDRICH. Mr. President, in the section of country from which I come the sleeping-car business is done by the railroad companies, and I see no very good reason why this portion of their business should be taxed and the other portions of their business should not be taxed. The New York and New Haven road, on the line of which I live, runs and maintains its own sleeping cars. This bill proposes, or did propose originally, to tax that company on all of its gross receipts for all purposes on account of the fact that they are presumed to run sleeping cars in competition with some other company who might run them if they did not. I understand the Senator from California has arranged his amendment so that the companies will only pay on that portion of their gross receipts.

Can the Senator tell me any reason in morals or ethics or business why that portion of the receipts of that company should be taxed and the other portion not taxed? If the Senator has some feeling against any particular company, or if he thinks that their charges are too high and he thinks Congress has the power to regulate the charges of sleeping-car companies, would it not be better, more direct, more explicit, and give more relief to the suffering people of California and elsewhere if we should undertake to regulate those charges and make them reasonable, if they are now unreasonable, instead of trying to tax every railroad company in the United States which is presumed to put sleeping cars upon its lines and not attempt to tax any other thing?

Mr. PASCO. I am entirely in sympathy with the Senator from California, but I do not think he has carried his amendment nearly far enough. These companies get large revenues from their day service as well as from their night service, and I see no reason why the amendment should be limited to sleeping cars. I ask the Senator if there is any objection to extending it so as to include also palace cars? That can be done with a very slight amendment to the amendment, and I suggest to him that proper words be inserted so as to cover the palace cars as well as the sleeping cars. If he will accept that amendment, I shall be very glad, and in my judgment it will strengthen his amendment.

Mr. WILSON. Mr. President, I am very much constrained myself to vote for this amendment. In a measure I agree with the honorable Senator from California [Mr. WHITE] that this tax, if imposed, would be a tax upon those who can afford to pay it. I can not, however, agree with the apparent, in tone at least, doxology of the Senator from California in his very mild and even tender criticism in regard to the votes that the majority gave here yesterday respecting the tax on what he is pleased to call the great patriot corporations of the country, namely, the oil trust, the sugar trust, or whatever it may be.

I desire to say, Mr. President, that I voted for the amendment to which he refers. I am willing to take such criticism as may be proper, but I am not willing to place, for illustration, one-fourth per cent tax upon sugar, and give those gentlemen who control that article absolutely, however unjust it may be, the right and power to raise the price of sugar 1 cent to the consumer, nearly three times the amount they themselves are taxed, and the same on oil. The Senator from California knows that when he was a boy the consumer of oil paid 50 cents a gallon for it, and to-day it is only 8 cents at retail, and less than 4 cents at wholesale; and now they control the output of it absolutely and can raise the price, and you would only tax the consumer. No one knows better than the talented Senator from California, with his large experience upon the Finance Committee, that that is true; and yet he rises here and makes some farewell criticism of Senators who do not seem to agree with him upon that subject.

I am willing to go and try to reach those who can afford to pay the taxation, but I am not willing to tax what I believe would be taxing the consumer four times as much as the Government would receive if the law imposed that tax.

Mr. WHITE. I appreciate the sincerity of the motive of my friend from Washington [Mr. WILSON], but I think perhaps he has been overconfident in the statements of some of his colleagues. I think the amendment as it is now drawn will cover the subject quite fully.

So far as the remarks of the Senator from Rhode Island [Mr. ALDRICH] go, I will say to that Senator that I think we ought to go much further than we have gone; but the trouble is that we never find that Senator in our company when we make any move-

ment at all in the direction of taxation on those who can afford to pay. The Senator from Rhode Island makes no movement in that direction, and then, when he has voted down amendments covering these great interests, he generally criticizes us because we do not include them.

I have no feeling against these corporations except that they ought to pay something. The difference between the Senator from Rhode Island and myself is that he thinks they ought to pay nothing. There is the essential feature of this matter. The Democratic party, if this is to be a party issue, can afford to stand upon its votes cast here; but it is not a party issue, and ought not to be made so in any way whatever.

Here is a proposition that all the political parties had in their platforms, and they have all asserted that they agree upon it. We all concur in saying that trusts ought to be controlled in some way, and it appears to me, notwithstanding the strong feeling on this matter, that even the Senator from Rhode Island ought to vote for this amendment. Certainly it was not introduced by me with the idea of making any special criticism upon any interest or any party or any individual. I introduced it because I thought it was absolutely just. I am satisfied it does not go far enough; but, so far as it goes, it has met the approval of the majority of Senators in this Chamber.

Mr. ALDRICH. I do not intend to go into any argument as to the reasons why I am opposed to the tax on the gross receipts either of corporations or of individuals. I have very strong reasons which convince me that that kind of taxation is not necessary, is not just, is not equitable, is not proper, and should not be adopted by the Congress of the United States. In this bill, as the Senator perfectly well knows, those of us sitting on this side of the Chamber are in favor of taxing material things and the sale of material things.

We are putting a stamp tax upon the manufacture and sale of beer, upon the manufacture and sale of tobacco, upon certain instruments, certain transactions, and certain sales of manufactures and proprietary medicines; and we have got nothing else in this bill except taxes of that kind, which, as the Senator from Colorado said the other day, enforce themselves. We are opposed to putting anything else into this bill, especially putting into it doubtful provisions, which may or may not hereafter be sustained by the Supreme Court.

Mr. BACON. Mr. President, I desire simply to say a word in response to a statement made by the Senator from Rhode Island [Mr. ALDRICH] when he was formerly upon the floor, to the effect that the sleeping-car business is part of the railroad business. I do not think that can be sustained either as a legal or as a practical proposition.

The sleeping-car business is a distinct and separate business, so recognized by the courts, and is practically so in its operations. It is true that some railroad companies do their own sleeping-car business, but it is equally true that some railroad companies do their own express business. That does not make the sleeping-car business any more a legitimate part of the ordinary railroad business than does it make the express business a part of the railroad business; and the sleeping-car business is as distinct in its character, and in the practical operation of it, from the ordinary railroad business as is the express business.

We know the fact, Mr. President, that as to the very large preponderance of this business, it is done by companies which have no connection with the railroad companies whatever, except that they have contracts with the railroad companies. I know the fact that not only the sleeping-car business is conducted by separate companies, but that there is a portion of it that is conducted by the sleeping-car companies in copartnership with the railroad companies. I know the fact that there are many railroad companies which have contracts with the sleeping-car companies by which the ownership of the cars is in the railroad company or in the other. That does not control the question as to whether it is a railroad business or a sleeping-car business.

There is a regular contract between them by which the operation of the sleeping-car business upon a railroad is one in which losses and profits are divided. On the other hand, there are a great many contracts in which the railroad company not only allows to the sleeping-car company all the revenue derived from the sale of accommodations upon those cars, but the railroad companies pay as high as 3 cents a mile for every mile traveled over that road by any of the cars of the company. Then, as stated by the Senator, there are other cases in which the business is done altogether by the railroad company, but when the railroad company does it, it is not doing it as part of its own business.

But, Mr. President, the particular suggestion which I rose to make was this, and I think it may possibly appeal even to the Senator from Rhode Island. When the question came to be taken upon the amendment which proposed to tax the gross receipts of railroad corporations, it was urged in opposition to that proposed tax that the railroads, independently of that, would pay a very large stamp tax, and that that was a sufficient burden upon them;

but we are here presented with the fact that if the amendment proposed by the Senator from California [Mr. WHITE] is not adopted this very large business in this country, amounting to very many millions of dollars, will practically go without paying any part of this tax whatever, or without sharing with the balance of the business of the country in the burdens of this war.

What have they to do under this bill? What tax, as the bill now stands, will they be called upon to pay? They do not give bills of lading; they do not issue receipts; and if there is a single element in this bill which will reach sleeping-car companies, with their immense revenues and with their immense profits, I should like the Senator from Rhode Island to point it out. I think, Mr. President, that that suggestion is sufficient to control the action of the Senate regardless of party.

Mr. CULLOM. Let me ask the Senator, what difference does it make? Here is a merchant, say, doing a large business, probably as large a business as any car-building company. He pays the stamp tax in all of the transactions and contracts which he makes, and the Pullman Car Company or any other car company does the same thing.

Mr. BACON. But their business is not of such a character that they have any stamp tax to pay.

Mr. CULLOM. Why not? They are making contracts; they are issuing all kinds of orders, and making payments just as any other business men are doing; they are paying just as much taxes as other business men ordinarily pay, and the amount they pay depends upon the amount of business they do. That is one of the beauties of the stamp tax. When we have a stamp tax a man who issues checks or who makes contracts in carrying on his business is continually paying a tax because he is doing that business. The same rule applies to the manufacturer of sleeping cars, or what not, which applies to any other business.

Mr. BACON. We are not speaking of the manufacturer of cars. I have no doubt the very large corporation engaged in this business which has its home in the State of the Senator, and which does probably nine-tenths of all the sleeping-car business in this country, would think it a very beautiful arrangement if we should allow the tax to remain as it is here.

But the point to which I desire to call the attention of the Senate is that in the ordinary business of the sleeping-car companies—which is in selling berths and chairs and other accommodations similar to the hotel business—for instance, on a sleeping-car route there is no provision in this bill which would touch any part of that business. If there is, I ask the Senator to tell me what it is?

Mr. President, this business amounts, as I say, to very many millions of dollars a year, and it is one of the luxuries for which the public are content to pay very high prices. I say they are content to do it, but that is the more reason why they should pay a legitimate part of this immense war tax which is to be levied and collected.

I challenge the Senator to show in what particular the special company which I have in mind, which has its home in his State, upon the immense millions which it collects from the traveling public, will pay one single cent of stamp duty under this bill; what particular obligations issued by them, either in distributing their accommodations or in receiving money for them, they will have to put any stamps upon?

Mr. CULLOM. I admit that a conductor upon a sleeping car running upon a railroad does not take a receipt and put a stamp on the receipt which he would issue, if he had to issue one to a passenger upon the train, but there are various contracts made between the sleeping-car companies and the railroad companies which carry the car, and in that way they will be paying the ordinary stamp tax.

Mr. BACON. Does the Senator from Illinois know something about those contracts? I happen to know something about them. The sleeping-car company will make one contract with the railroad company for ten or fifteen years, and that is to have one little stamp put on it every ten or fifteen years. It is a contract with one great system, which will control several thousand miles of railroad; and the contracts which the sleeping-car companies will make in the course of the year can be numbered on the fingers of two hands.

I speak with some degree of knowledge about the matter, and I have, of course, no desire to oppress these companies or that anything shall be done to oppress them, but I do think they ought to pay a part of the legitimate portion of the tax which is being levied upon the business of this country; and I do think that while it is true that the railroad companies, even in the absence of the gross-receipts tax which was proposed, will still pay a very large tax, it is equally true, that in the absence of the proposed tax, under this proposed amendment the sleeping-car companies upon their main business will not pay a dollar—I speak generally when I say dollar—certainly they will pay very little.

Mr. LINDSAY. Mr. President, I think this is a very proper tax. It is not a tax upon commerce at all in the popular sense of commerce. It is a tax upon a luxury, and the same principle ap-

plies here which applies to the tax on beer, the tax on tobacco, and the tax on distilled spirits.

I shall vote for this tax with great pleasure. I hope it may not be shifted by these companies upon those who enjoy the benefits of paying two or three prices for the privilege of sleeping on a sleeping car. But if it be so, still the tax will be shifted by the company upon those who voluntarily pay the price for the luxury.

I thought it was very proper to tax the sugar trust and the coal-oil trust. One of those is a practical monopoly, because it has succeeded in controlling the transportation of coal oil into every portion of the United States. The other is a monopoly made so by a State statute and assisted by an act of Congress.

I was very sorry that my friend, when he introduced an amendment to tax the sugar trust, did not connect with it a proposition to take from the sugar trust the statutory advantage of the differential tax. I was sorry, also, that my friend did not include a tax on the white-pine trust; and I was sorry, also, that he did not take away some part of the profit that the consumer has to pay to the fruit raisers on the Pacific coast and in the State of Florida; and I was especially sorry, as he is such a friend of the consumer, that he did not propose to extend his tax to the borax trust, which has its habitation, I believe, on the far side of the Rocky Mountains. I am not going to offer to amend. As long as my friend confines his taxes to trusts and monopolies, I am with him; and if he chooses to put the borax trust or the borax monopoly and the fruit trust and the white-pine trust in the category of those who shall be taxed, I shall take great pleasure in voting for the amendment.

Mr. ALDRICH. Mr. President, in the community in which I live, provincial though it may be of course, the railroad company which serves the people builds its own sleeping cars and its own chair cars, and it runs them and collects pay for them as a part of the railroad business. It is just as much a part of the railroad business as the transportation of passengers in other cars or the transportation of freight.

Now, what I suggest is, that there can be no good reason, in my judgment, why this part of its business should be selected to pay a tax upon gross receipts.

Mr. CULLOM. If the Senator from Rhode Island will allow me, suppose that an outside company should furnish the railroad company with cars, would that make any difference in the principle?

Mr. ALDRICH. I think not. The selection of this business for taxation must be on account of one or two things, it seems to me—either, in the opinion of Senators who vote for it, that it is an illegitimate or improper business, or that it is unduly profitable; that the people who are engaged in it are making too much money.

I would suggest to the Senator from California that if he desires to tax sleeping-car tickets by a stamp tax, then he would offer an amendment which would be in consonance with the other provisions of this bill, and it seems to me it would be very much more just and more defensible than the picking out of one part of the business of a railroad company and making it pay on the gross receipts of that and not taxing the remaining portion of it.

Mr. GALLINGER. Mr. President, I have, while the discussion has been going on, drafted an amendment which I think will cover the precise point suggested by the Senator from Rhode Island. It may not be a proper amendment; it was hurriedly written, but I will read it. I will say that if the proposition now before the Senate is voted down, unless some other Senator offers an amendment, I will offer mine. It reads as follows:

That from and after the 1st day of July, 1898, a stamp tax of one-fourth of 1 cent shall be levied and collected on every seat sold in a palace car and on every berth sold in a sleeping car, the stamp to be affixed to the receipt given for each seat or berth so sold.

Mr. WILSON. We have not been able to hear the Senator's amendment.

Mr. GALLINGER. I will read it again:

That from and after the 1st day of July, 1898, a stamp tax of one-fourth of 1 cent shall be levied and collected on every seat sold in a palace car and on every berth sold in a sleeping car, the stamp to be affixed to the receipt given for each seat or berth so sold.

Mr. BACON. I would ask the Senator from New Hampshire if he recollects the fact that in imposing a stamp tax upon medicine you put it at a quarter of 1 cent on a package worth 5 cents? Now, one-quarter—

Mr. DANIEL (to Mr. GALLINGER). Make it a cent.

Mr. GALLINGER. I suggest to the Senator that we make it a half cent.

Mr. BACON. A cent is not too much.

Mr. GALLINGER. That is agreeable to me.

Mr. TILLMAN. Make it 5 cents.

Mr. GALLINGER. Oh, no! I will modify my amendment when I offer it so as to make it 1 cent instead of one-quarter of a cent. I give notice of the amendment.

Mr. JONES of Arkansas. Mr. President, when this bill was reported from the committee there was a provision that there should be a stamp tax put on messages sent by telegraph. The

provision as it came from the committee would have required the sender of a message in every instance to attach the stamp to the message. I moved that those words be stricken out, so that it should be a tax upon the telegraph company, and not a tax on the patrons of the telegraph company.

Mr. ALDRICH. I think there is no objection to that.

Mr. JONES of Arkansas. In this bill from beginning to end the effort seems to have been to levy taxes upon those who patronize these institutions and to allow the men who own them, the men who have the capital in them, the business engaged in them, to go scot-free and pay no taxes whatever. This is another measure of the same kind, which proposes to make the passengers on sleeping cars, in addition to the onerous burden they bear now, pay this stamp tax, instead of making the companies pay it.

Mr. GALLINGER. I was about to observe that I think the point made by the Senator from Arkansas is not very well taken. The seats are never sold, so far as I know, for less than 25 cents, and from that up to two or three or ten or twenty dollars, according to the distance traveled. I never purchased one certainly for less than 25 cents, however short the distance was. It seems to me if the companies are required to put on a 1-cent stamp they will not charge 26 cents, but that the company will actually pay the 1 cent. I offer this as a substitute for the amendment offered by the Senator from California, to go in on page 53, after line 16.

Mr. JONES of Arkansas. I should like to ask the Senator a question. Does he propose that the company shall affix the stamp?

Mr. GALLINGER. Certainly. The company shall affix it when the receipt is given to the passenger.

The PRESIDENT pro tempore. Is the Senate ready for the question?

Mr. WHITE. I ask that the amendment to the amendment may be stated.

The PRESIDENT pro tempore. The amendment to the amendment will again be stated.

The Secretary read as follows:

That from and after the 1st day of July, 1898, a stamp tax of 1 cent shall be levied and collected on every seat sold in a palace car and on every berth sold in a sleeping car, the stamp to be affixed to the receipt given for each seat or berth so sold.

Mr. JONES of Arkansas. There is no provision that the company shall do it.

Mr. WHITE. I should much prefer to have the amendment offered by me voted upon as it stands. However, that is a mere matter of courtesy.

I wish to make a remark. I do not think the stamp provision will be effective at all. It merely holds out the "word of promise to our ear and breaks it to our hope." I wish to say that I do not design to interfere with the railroad referred to by the distinguished Senator from Rhode Island [Mr. ALDRICH] or any other special railroad; but if it is true, as stated by the Senator from Georgia, that this is a railroad business, and the Senator from Rhode Island takes that position, then of course as the bill now stands there is a manifest discrimination so far as the sleeping-car monopoly is concerned.

I do not know exactly why my friend the Senator from Kentucky [Mr. LINDSAY] has referred to the borax business and the fruit industry to-day. Neither of them is involved in this bill nor would action as to them be harmonious in this connection. I have not attempted in this brief amendment to reach all the monopolies of the United States. I well understood that I could not do that, for I could not get votes enough to come anywhere near passing the bill, and I am taking them up as nearly as I can seriatim. I do not know how much good fortune I may have as I go along, but I shall be very glad to vote for the taxing of any monopoly that my friend the Senator from Kentucky may refer to.

Mr. ALDRICH. I would suggest to the Senator from California that he accept the amendment, modified so that there can be no question that the company will put on the stamp.

Mr. JONES of Arkansas. In addition to there being no provision that the company shall pay the tax, this is practically no tax at all. It is proposed to put a tax of 1 cent on a 25-cent ticket. You buy a sleeping-car ticket to California, and whatever it may cost, 1 cent goes on it, which will be practically no tax. As a rule the tickets cost not less than \$2 or \$3. This small tax amounts to nothing—1 cent on \$5.

Mr. ALDRICH. If the Senator will stop a moment and consider the arithmetical side of this question he will find that it is putting on a larger tax than that proposed by the Senator from California. One cent a ticket is equivalent, according to my idea, to a much larger sum. One cent is a quarter of 1 per cent on how much, I should like to ask the Senator from Arkansas?

Mr. JONES of Arkansas. The Senator started out to give me arithmetical information.

Mr. ALDRICH. It is one-quarter of 1 per cent on \$4. Does the Senator think that the average cost of a sleeping-car ticket in

the United States is \$4? It certainly is not. This is putting a higher tax upon these companies than the quarter of 1 per cent on their gross receipts.

Mr. WHITE. I do not agree with the Senator from Rhode Island that this is putting on a larger tax. I suppose he supports the amendment with that view, and I naturally suppose the support it will receive from Senators who have been voting against a tax on gross receipts will be largely based upon the proposition that it will take more from the sleeping-car companies than the amendment which I propose.

Mr. President, I do not think that the person who buys a ticket will ever escape paying anything that involves putting a stamp upon the ticket. I think there is no question about that. As to the average cost of these tickets I have made no inquiry. Of course for a long distance, such a distance as from Chicago to California, the charge is \$15.50 for a half section, \$31 for a whole, and \$59 for a drawing-room. Those, of course, are not the most prominent or usual cases where the distances are shorter, but I think the \$5 charge will be found exceedingly frequent throughout the country generally. The reason why a stamp tax is preferred by these large institutions is because they will not have to pay it.

Now, as I said before, everyone knows that Pullman charges are up to the limit, and a great many people prefer to go through the trials of a night in an ordinary seat than to pay the very excessive charge.

Mr. CULLOM rose.

Mr. WHITE. But I will say to the Senator from Illinois, representing a State wherein one of the largest of these institutions is located, they might possibly get even on the public by reducing the bills of fare and taking off chicken à la Marengo and Boston baked beans.

Mr. CULLOM. Will the Senator allow me to make a suggestion? The Senator seems to think that the public will have to pay the cost of the stamp, if the stamp provision is adopted instead of making the company pay so much per cent on the gross earnings. My judgment, from observation, is that it will be exactly the contrary. For instance, take a bank. I once had a little experience with a bank, and came very near having trouble about not having a stamp on every check.

The truth was that the bank took the checks without the stamps and put the stamps on, paid them itself; and that will be the case if this stamp is provided for to be put upon tickets. The railroad company or the sleeping-car company will provide the ticket with the stamp and the public will not pay a cent more for it, in my judgment, while if you make the company pay upon the gross earnings, when probably the company is not making a cent more than enough to pay expenses, you will find that the charge will be paid by the public instead of by the company.

Mr. WHITE. I do not know what became of the bank with which the Senator from Illinois dealt.

Mr. CULLOM. It is running yet.

Mr. WHITE. If it did business on that basis, it must have gone into solvency or changed management. If the Senator from Illinois imagines that when we send a telegram we will not be compelled to pay a tax upon it, he is mistaken. He says it is a matter of judgment. But in the case of the sleeping-car companies, above all others, it is certain we will have to pay the tax. They are in a position to make us do it. There is no competition usually with reference to them, and we have to deal with them and are in a position where we can not very well avoid it, and where they have the legal right to do it, they will do it.

The amendment proposed by me will compel them to pay the money into the Treasury of the United States, and it seems to me it is the only direct, certain, and proper method of getting at the subject.

Mr. GALLINGER. I have amended my proposed amendment to the amendment and ask that it may be read. I think the Senator from California will be satisfied that as I have modified it the company will have to pay the stamp tax.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. As a substitute for the amendment of Mr. WHITE it is proposed to insert, after line 14, on page 61:

That from and after the 1st day of July, 1898, a stamp tax of 1 cent shall be levied and collected on every seat sold in a palace or parlor car and on every berth sold in a sleeping car, the stamp to be affixed to the ticket and paid by the company issuing the same.

Mr. ELKINS. That is more comprehensive than the Senator started out with. That would include every seat, I take it, for which a ticket is sold.

Mr. GALLINGER. No; only in a parlor or sleeping car.

Mr. CAFFERY. Mr. President, I consider the stamp-tax amendment proposed by the Senator from New Hampshire as a very good one, and I will support it. I have admired the playful humor of my friend the Senator from California [Mr. WHITE] in attributing to those who did not vote for a tax upon the gross receipts of corporations the philanthropic idea of not destroying

their scanty store; but the Senator does not suppose that that playful mood of his will be taken by anybody as serious. It is not—I know in my own case it is not—because I do not desire to tax corporations that I voted against the tax on gross receipts of corporations. A number of us have expressed our views on that point, and those views were that we had no right under the decision of the court to tax gross receipts of corporations any more than to tax the net income of corporations.

Besides that, some of us had the folly, I suppose, of thinking, particularly after the explanation of those in charge of the bill, that this was a tax upon a franchise granted by the State. It was distinctly averred to be a tax upon the occupation of being a corporation, and some of us, perhaps in our ignorance, thought that that subject-matter of taxation lay solely within the purview of the State power.

Now, I shall vote cheerfully for a tax upon these sleeping-car companies. I believe it is the universal consensus of opinion that the charges of the sleeping-car companies, if not extortionate, are at least excessive, and while some may urge or argue that it is a luxury to travel upon them, it is more frequently than otherwise a necessity, especially in the case of persons undertaking long journeys.

I do not want to evoke the specter of the dead past and refer to the attitude of my friend upon the matter of borax, but I submit to him that he ought not to attribute to us who are earnest, perhaps stupidly so, in the matter of opposition to the tax of one-fourth of 1 per cent upon the gross receipts of railroads any sort of desire to benefit these overgrown corporations.

Mr. WHITE. The borax question to which my friend refers is a matter of his own imagination. I can not understand exactly what he means by his remarks, for I have certainly no knowledge of the existence of facts upon which he can base anything of the kind. But since the Senator from Louisiana has actually agreed that he will vote for a tax upon a monopoly, I will accept the amendment proposed by the Senator from New Hampshire, gladly accompanying my friend the Senator from Louisiana. [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from California as modified.

The amendment as modified was agreed to.

Mr. MILLS. I offer an amendment to come in as an additional section.

The SECRETARY. It is proposed to insert as an additional section the following:

SEC. — That on and after the 30th day of June, 1898, and until the 30th day of June, 1900, in lieu of the duties now imposed by law on the dutiable articles imported from foreign countries, there shall be levied, collected, and paid on such dutiable articles 75 per cent of the several duties and rates of duty now imposed by law upon said articles severally, it being the intent of this section to reduce existing duties on said articles 25 per cent of such duties.

Mr. MILLS. Mr. President, I fully recognize the fact that we are engaged in a foreign war. I fully appreciate the responsibilities which that changed condition imposes upon Congress. In common with every other member of Congress in both of its branches I know that the Government must have more money to meet the excessive expenditures required by a vigorous prosecution of the war.

Mr. President, there are two ways to obtain revenue, one by reducing the rates of taxation and the other by increasing the rates of taxation. I propose that which is the least burdensome to the people of the United States, that we shall first increase the revenues of the Government by reducing the burdens of taxation, and when we shall have exhausted that expedient, then, if more revenues are required, that we shall raise them by an equitable distribution of the taxing power by increased rates of taxation by excise.

Every gentleman in my presence knows that our duties now are beyond the revenue standard. They were not laid for the purpose of raising revenue. They were laid to prevent the raising of revenue, to prohibit imports from coming into this country, in order that our domestic producers should have the protection that would follow from that prohibition.

Mr. President, in 1873, after our civil war was over, during which high duties had been imposed in order to meet the requirements of that condition, we began to reduce duties. The amendment which I have offered is in the exact language of one of the laws that followed the peace that came after the war was over, reducing duties. That duty was reduced 10 per cent, a horizontal reduction, and this is a proposed horizontal reduction of 25 per cent.

In 1873 the value of the dutiable imports coming into the United States was \$579,000,000. They brought revenue to the Government amounting to \$312,000,000 at 36 per cent. From 1873 to the present time we have been increasing duties to prevent the increase of revenues and to prevent the increase of trade until today, as the result of the last experiment on that subject made eleven months ago, we have received \$136,000,000 for eleven

months, and at the rate of customs collections this, our present tariff, will produce about \$146,000,000 during the fiscal year.

If we had the same rates, 36 instead of 47 per cent, as we have to-day, let down the duties, let the goods come in, let the people get them cheaper, we would have at the same ratio about \$360,000,000 as revenue from our imports. Our population has increased 80 per cent since 1873. Imports increasing in the same proportion, our taxes on articles going into consumption and all other things being equal, the same tax on the same article would bring to the Government 80 per cent more revenue, and it would bring over \$1,000,000,000 to-day instead of \$579,000,000. Instead of that, Mr. President, the dutiable imports by existing law coming into the United States when the fiscal year ends will be but a little over \$300,000,000.

Now, suppose we make the change which I have offered in this amendment, and which would be a reduction to about 36 per cent, just about the tariff rate of 1873. Imports will come into the country and our revenues will increase in the first year more, a good deal more, than has been estimated by my friend the distinguished Senator from Iowa who has charge of this bill. He estimated that the receipts from customs would be \$180,000,000 in the next year. The chairman of the committee in the other House estimated \$200,000,000 under this bill. It will not be either. It will be about \$160,000,000.

With the ordinary increase of population, the same rates of duty standing, the same imports and exports, the same production of agriculture, and all these things moving along in the same way, the increase of the revenue would be from about \$146,000,000, which it will be this year, to about \$160,000,000. Why can we not reduce the taxation, let our people consume these necessary articles cheaper, and get a hundred or a hundred and fifty million dollars more revenue in order to carry on this war?

Mr. ALLEN. What is it now?

Mr. MILLS. I do not remember what it is, but the customs collections up to the present time are \$136,000,000. It will be about \$146,000,000, at the ordinary daily receipts as they have been coming in, with about three hundred and ten or fifteen or twenty million dollars of dutiable imports for the year.

Mr. President, as I said, our friends all know that these rates of duty were not put on for revenue purposes. We all know that when the then chairman of the committee, now the distinguished Chief Magistrate of the nation, reported the bill, he stated that the rates were beyond the revenue standard; that the revenues would not be so great. It was done for the very purpose of preventing revenues from coming in, and it did do it. The revenues ran down enormously. Last year we piled up the rates still higher. We have exercised the legislative authority in order to prevent revenues from coming into the Treasury.

I say the very first door is open to us as patriots in this war, while we are piling on duties, taxes, and excises and taxing the same poor people that are taxed to death already. The first and best way to get larger revenue is by reducing the duties which we have placed upon these goods, and let them come into this country and pay revenues toward the support of the Government.

Mr. President, this is all I care to say on the amendment. Of course I do not expect that the amendment will be adopted, because the bill has not been gotten up as a patriotic measure. It has not been intended to distribute taxation equally. It is a partisan measure from top to bottom. Instead of making some sacrifices on the part of the beneficiaries of this protective policy in time of war, they pile up the taxes on tobacco and on other things that are taxed already, and the poor people are paying the taxes, and the poor people are going to fight the battles of the country, while the protected monopolies are going, in time of war, to hold their grapples on the necks of the people and extort from their pockets the last dollar they can.

Mr. ALLEN. Mr. President, I wish to call attention to an article appearing in the New York Commercial of June 1 in line with the remarks of the Senator from Texas. The article is entitled, "What Dingleyism is doing." I shall read it without any extended comments:

The striking feature in foreign commerce for the current fiscal year about to end promises to be the marked decrease in the importation of manufactures into the United States. The Commercial a few days ago referred to the gratifying increase in our exports, in which manufacturing as well as other industries played so prominent a part.

The figures relating to imports are even more interesting, showing as they do not only that there has been a decrease for the ten months ended April 30, 1898, of approximately \$90,000,000, but that this decrease is in no small sense due to a falling off in imports of manufactured articles, the figures for 1897 being \$27,397,568, as against \$15,296,697 this year—a decrease of over \$12,000,000 worth of manufactured goods. It is interesting to notice where the principal falling off occurs. Taking the figures of exports of manufactured articles from the United Kingdom alone to this country we find that in the four months ending April, 1897, the import of cotton piece goods was 26,699,400 yards, while this year for the current four months it has fallen to 20,820,000 yards.

In jute manufactures the figures for the same time were 68,573,000 yards in 1897 and only 31,491,800 in 1898, showing the remarkable decrease of over 50 per cent. Linen piece goods likewise show a falling off, from 42,289,200 yards

in 1897 to 85,418,500 in 1898, while imports of woolen and worsted tissues have dropped from 26,685,900 yards in the first four months of 1897 to 8,540,900 in the corresponding four months of this year.

A marked falling off is also noticed in carpets, chemicals, earthen and chinaware, haberdashery and millinery, woolen and worsted yarns, and many other articles, the only noticeable increase being in silk manufactures, from 336,532 yards to 333,915, and in linen yarns from 238,100 pounds to 556,000. Even in hardware, the astounding decrease is noticed from \$44,165 to \$33,749 worth of goods.

Interesting as the figures are, they are especially suggestive of the beneficial effect upon the home market and the upbuilding of our manufactures that Dingleyism is working. Fewer imports—

And this is the portion of the article to which I desire to call especial attention:

Fewer imports, it is true, may mean a falling off in revenue to that extent, but a larger home market means more work and more money of our own.

I call attention to this because it is an open and flagrant confession that imports are falling off and that revenues are dropping off correspondingly as a consequence. This journal seems to think it is a thing upon which we should congratulate ourselves, that our imports are so small, that a deficit of something like over \$60,000,000 exists in our revenues at this time.

I heartily concur with the idea expressed by the Senator from Texas, that if we would reduce our rate of tariff duties we would receive a larger sum of money in the aggregate and be able to supply the present deficit without increasing taxation in any other direction.

I regard this article as possessing significance, coming from a journal like this and expressing, as it does, the astonishing fact that a deficit in the revenues is a thing upon which the country should congratulate itself, because the American manufacturers will be able to make more money for themselves.

Mr. MILLS. I ask for the yeas and nays upon agreeing to the amendment.

The yeas and nays were ordered.

Mr. LINDSAY. Before the vote is taken, I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Insert as an additional section the following:

SEC. — That on and after the 30th day of June, 1898, and until the 30th day of June, 1900, in lieu of the duties now imposed by law on the dutiable articles imported from foreign countries, there shall be levied, collected, and paid on such dutiable articles 75 per cent of the several duties and rates of duty now imposed by law upon said articles severally, it being the intent of this section to reduce existing duties on said articles 25 per cent of such duties.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired on this question with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. TURNER]. While I believe that if present he would vote on the same side of this question as I would, I am not certain of it, and therefore I withhold my vote.

The roll call was concluded.

Mr. PETTUS. I desire to know if the Senator from Massachusetts [Mr. HOAR] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. PETTUS. I am paired with that Senator, and withhold my vote.

Mr. MANTLE (after having voted in the negative). I wish to inquire if the Senator from Virginia [Mr. MARTIN] has voted?

The PRESIDENT pro tempore. The Chair is informed that the junior Senator from Virginia has not voted.

Mr. MANTLE. I have a general pair with that Senator, and I therefore withdraw my vote.

Mr. WELLINGTON (after having voted in the negative). I desire to inquire if the Senator from North Carolina [Mr. BUTLER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WELLINGTON. I am paired with that Senator, and therefore withdraw my vote.

Mr. SEWELL (after having voted in the negative). I desire to be informed if the Senator from Wisconsin [Mr. MITCHELL] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SEWELL. He was in the Chamber just now.

Mr. QUAY (after having voted in the negative). I should be glad to be informed whether the Senator from Alabama [Mr. MORGAN] is recorded.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. QUAY. Then I am compelled to withdraw my vote, being paired with that Senator.

Mr. HANSBROUGH (after having voted in the negative). I ask if the senior Senator from Virginia [Mr. DANIEL] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANSBROUGH. Then I withdraw my vote, as I am paired with that Senator.

The result was announced—yeas 25, nays 41; as follows:

YEAS—25.			
Allen,	Clay,	Mills,	Tillman,
Bacon,	Cockrell,	Money,	Turley,
Bate,	Faulkner,	Murphy,	Turpie,
Berry,	Harris,	Pasco,	White,
Caffery,	Jones, Ark.	Rawlins,	
Cannon,	Lindsay,	Roach,	
Chilton,	McLaurin,	Sullivan,	
NAYS—41.			
Aldrich,	Foraker,	McEnery,	Shoup,
Allison,	Frye,	McMillan,	Spooner,
Burrows,	Gallinger,	Mason,	Stewart,
Carter,	Gear,	Morrill,	Teller,
Chandler,	Hale,	Nelson,	Thurston,
Clark,	Hanna,	Perkins,	Wetmore,
Cullom,	Hawley,	Pettigrew,	Wilson,
Davis,	Jones, Nev.	Platt, Conn.	Wolcott,
Deboe,	Kyle,	Platt, N. Y.	
Elkins,	Lodge,	Pritchard,	
Fairbanks,	McBride,	Sewell,	
NOT VOTING—23.			
Baker,	Heitfeld,	Mitchell,	Smith,
Butler,	Hoar,	Morgan,	Turner,
Daniel,	Kenney,	Penrose,	Vest,
Gorman,	Mallory,	Pettus,	Warren,
Gray,	Mantle,	Proctor,	Wellington,
Hansbrough,	Martin,	Quay,	

So Mr. MILLS's amendment was rejected.

Mr. MASON. Mr. President, I desire now to ask for a vote upon the amendment which I have explained to the Senate. As several Senators were then absent, I will just take one minute to explain it for the benefit of all. It is to prevent the adulteration of flour and treats adulterated flour as the present statutes of the United States treat oleomargarine, or artificial butter. If any Senators desire to see samples of the adulterants that are used, I have them here, and I have the analysis. This one [exhibiting], which is common in use, is known as "mineraline flour." It is ground clay, 95 per cent of which is not soluble even in acid. I have not yet been able to put in the RECORD the advertisement or circular letter which accompanies this class of adulterants, and I desire that Senators may hear how common it is to use this ground clay in the manufacture of flour. I will read the letter. It is as follows:

[The York Manufacturing Company, paints and wood fillers, 113 and 114 Fayetteville street.]

GREENSBORO, N. C., May 7, 1898.

GENTLEMEN: We invite your attention to our mineraline, which is without a doubt the greatest existing discovery.

There is no flour-mill man who can afford not to use it, for several reasons.

I wish Senators to understand that we have the analysis here from one of the best chemists in this country, showing that it is simply ground clay. I want to show the recommendations that go with it as it is sent to the flour mills. The letter proceeds:

Your flour will be much whiter and nicer. It does not injure the flour in any way, is not at all injurious to the health, and by using mineraline you realize a margin of from \$400 to \$1,000 on each carload you use.

To secure a low freight rate we mark it as "ship stuff."

We can furnish you mineraline free on board cars, your station, for high-grade flour at \$20 per ton, for medium-grade flour at \$16 per ton, for bread meal at \$12 per ton, and for feed meal at \$8 per ton.

For a high-grade flour use 15 per cent mineraline, for medium-grade flour use 12 per cent mineraline, for bread meal use 12 per cent mineraline, and for feed meal use 18 per cent mineraline.

We furnish all our customers with a mixer free of charge. This machine will distribute completely any proportion desired, and costs nothing to attach.

All you have to do is to bore a hole in your elevator pipe, clamp on the machine, attach a cord to run it, fill up the hopper, and set the feed to the proportion desired.

Inclosed find sample of our mineraline for medium-grade flour.

You can not afford to let your competitor beat you in both quality and margin. We would be glad to hear from you.

Very truly, yours,

THE YORK MANUFACTURING COMPANY,
By M. H. K.

Messrs. FISHER & MILLER, Huntingdon, Pa.

That sample has been analyzed, as I said, and the analysis is before the Senate and is a part of the records before the Ways and Means Committee of the House.

The next common adulterant is known as the barytes flour, or ground rock. I have samples of both and evidence conclusive that they are being used to add to the whiteness and to the weight of flour. The other adulterant which is most commonly used is the refuse of corn, known as corn flour, with all of the gluten and sugar extracted, bleached, as has been testified to by witnesses before the committee, with sulphuric acid. I showed a

sample of that to the Senate, and also showed by a simple test, by applying it to litmus paper, that it contained sulphuric acid.

The Committee on Manufactures has adopted in the amendment the law applicable to oleomargarine, that it shall be stamped simply for what it is. If any gentleman shall say that it is a kind of tax not contemplated, there is a complete answer that it provides simply for a 1-cent stamp on 50 pounds or any part thereof—4 cents on a barrel of flour. It provides for a stamp tax, exactly the kind that is contemplated in this proposed law.

If the question is raised as to its not being a legal and constitutional thing to do, I shall take the time of the Senate, in answer, to read the opinion of the Supreme Court of the United States in the oleomargarine cases.

It is said by some that we ought to make it a separate bill. This is the one chance. It must be in a revenue bill. The practical application and the common-sense application is that you can not regulate in so safe and sure a way and at the same time produce revenue enough from the adulterated article as under the plan proposed by this amendment. A revenue bill can not originate in the Senate. The amendment simply provides a definition for this mixed flour. If it becomes a law, it will prohibit the use of rock and clay, because it compels the marking upon the outside of the package of the ingredients. It may be that what is known as mineraline is not deleterious to health. If not, then the gentlemen who make it ought not to be unwilling to have it marked for what it is.

I do not think that the amendment has been reported in full to the Senate. I think I have stated all I care to state, unless some one can give me some reason why he thinks it ought not to become a law. If any good reason can be given, I shall be glad to hear it.

Mr. WILSON. Will the Senator permit me?

Mr. MASON. Certainly.

Mr. WILSON. I should like to ask the Senator if it is not within the power of the several States to enact similar statutes in regard to this matter and to impose a penalty for the adulteration of flour?

Mr. MASON. There is no doubt that the States have certain police powers the same as they have as to the manufacturers of oleomargarine; but the Senator well understands that an article may be manufactured in one State and sold in another, whereby the people are defrauded and cheated. The men who have blended and mixed flour, which is made in my State, may possibly sell it in the State represented by the Senator who has just spoken. The object of the amendment is to protect the inhabitants of one State against the fraud of the inhabitants of other States. That is the policy which was adopted by the Congress of the United States in the Forty-ninth Congress, and which was approved and sustained by the Supreme Court of the United States.

Mr. WILSON. That was a separate bill, was it not?

Mr. MASON. That was a separate bill, and this is a separate bill which is offered now as an amendment to this revenue bill, and the Senator certainly ought not to object to the merits of the amendment if it is germane to the pending bill. The bill provides for a stamp tax, and that is what we are asking for in this amendment. It is a separate section, and made a different section, but it is absolutely germane and certainly can not be objected to by anyone who favors such legislation.

There are 70,000,000 people in this country who want wheat flour, and they are entitled to have what they buy as flour marked for what it is. Seventy-five or 80 per cent of the flour now put upon the market is adulterated. This gives a fair opportunity, or at least it gives notice to the people that they will get that which they want to buy and which they are paying for.

The Supreme Court said in one sentence, which I should like to read:

The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is, by preventing its sale for what it is not.

I propose when they sell ground clay that they shall sell it for ground clay, and when they sell corn flour, from which the gluten has been extracted, for wheat flour, it shall be sold for what it really is, and not for wheat flour. The Supreme Court further say:

Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which in fact is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may have become the subject of trade in different parts of the country?

Under this amendment there is no tax upon corn flour and there is no tax upon wheat flour. It simply requires a 4-cent stamp upon a barrel of flour which masquerades as wheat flour when, as a matter of fact, it may consist of refuse from the factory of the glucose trust, and clay and ground rock.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Illinois will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. —. That for the purposes of this act the words "mixed flour" shall be understood to mean the food product made from wheat, and mixed, blended, or compounded with ground corn or other foreign substances, or with the manufactured product of any other grain than wheat.

SEC. —. That special taxes are imposed as follows: Manufacturers of mixed flour shall pay \$10. Every person who manufactures mixed flour for sale shall be deemed a manufacturer of mixed flour. Every person who packs, repacks, or mixes flour for sale so as to accomplish the product designated as mixed flour under this act shall also be deemed a manufacturer of mixed flour. Sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons upon whom they are imposed. Every person who carries on the business of manufacturer of mixed flour without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than \$10 and not more than \$5,000.

SEC. —. That all mixed flour shall be packed by the manufacturer thereof in barrels, bags, or other packages not before used for that purpose, and each package containing mixed flour shall be plainly marked, stamped, or branded "Mixed flour," together with the true weight of such package, the names of the ingredients contained therein, the name of the manufacturer or packer, and the place where manufactured or packed. That all sales and consignments of mixed flour shall be in the original packages; and every person knowingly selling or offering to sell, delivering or offering to deliver, any mixed flour in any other than marked, stamped, or branded packages, as required by this act, or who packs in any package or packages any mixed flour in any manner contrary to law, or who falsely marks, stamps, or brands any package or packages, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$500 and be imprisoned not more than one year.

SEC. —. That every manufacturer of mixed flour shall securely affix, by pasting on each package containing mixed flour manufactured by him, a label, on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words:

"NOTICE: The manufacturer of the mixed flour herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again, or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

Every manufacturer of mixed flour failing or neglecting to affix such label to any package containing mixed flour manufactured by him or packed, repacked, sold, or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined not less than one nor more than fifty dollars for each package in respect to which such offense is committed.

SEC. —. That upon all mixed flour which shall be manufactured and sold or removed for consumption or use there shall be assessed and collected a tax of 1 cent for each 50 pounds or fraction thereof contained in any package, to be paid by the manufacturer, packer, or repacker of the same. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws covering the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

SEC. —. That whenever any person sells or removes for sale or consumption any mixed flour upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid and to make an assessment therefor, and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. —. That all mixed flour imported from foreign countries shall, in addition to any import duties imposed on the same, pay an internal-revenue tax of 1 cent for every 50 pounds or fraction thereof contained in any package, such tax to be represented by coupon stamps; and the packages containing such imported mixed flour shall be marked, stamped, and branded and labeled in the same manner as mixed flour made, packed, or repacked in the United States.

SEC. —. That every person who sells or offers for sale any imported mixed flour not put up in packages stamped as provided by this act shall for each offense be fined not less than \$5 nor more than \$5,000, and be imprisoned not less than six months nor more than two years.

SEC. —. That every person who knowingly purchases or receives for sale any mixed flour which has not been branded or stamped according to law shall be liable to a penalty of not less than one nor more than fifty dollars for each such offense.

SEC. —. That whenever any stamped package containing mixed flour is empty it shall be the duty of the person in whose hands it is to destroy utterly the stamps thereon, and any person willfully neglecting or refusing to do so shall for each offense be fined not exceeding \$50. Any revenue officer may destroy any emptied mixed-flour package upon which the tax-paid stamp is found; and all packages of mixed flour subject to tax under this act that shall be found without stamps or marks as herein provided shall be forfeited to the United States.

SEC. —. That it shall be the duty of every person who shall manufacture, pack, repack, sell, or offer for sale, who shall export to a foreign country mixed flour, to brand upon every barrel, bag, or other package containing such article the words "Mixed flour" in plain roman letters not less than one-half inch square.

SEC. —. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

SEC. —. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act.

SEC. —. That this act shall go into effect on the ninetieth day after its passage; and all packages containing mixed flour found on the premises of any person on or after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under this act, and shall be taxed and have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act. And for the purpose of securing the affixing of the marks, stamps, and brands required by this act, the mixed flour shall be regarded as having been manufactured or sold or removed from the manufactory for consumption or use on or after the date this act takes effect; and such mixed flour on hand at the time of the taking effect of this act may be marked, stamped, branded, and labeled under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury.

SEC. —. That the word "person" contained in this act shall mean and include any person, firm, or corporation; and that the word "manufacturer" of mixed flour under this act shall mean and include any manufacturer, packer, or repacker of mixed flour, or any packer, repacker, or mixer of flour

who thereby accomplishes the product designated as mixed flour under this act.

The PRESIDENT pro tempore. The question is on the adoption of the amendment. [Putting the question.] The "noes" appear to prevail.

Mr. MASON. I ask for the yeas and nays on the amendment. I should like to have a roll call.

The yeas and nays were ordered.

Mr. MASON. I desire to say that there is one part of the proposed amendment which ought to be perfected before it is voted upon; and that is in regard to the time of its going into effect. I will ask unanimous consent to strike out the section which fixes the time when the provision shall go into effect.

The PRESIDENT pro tempore. That can be done in the Senate, the Chair will inform the Senator.

Mr. GALLINGER. Before the roll is called, I desire to ask the Senator from Illinois a question. I was given a sample of what is said to be a by-product of glucose. It was stated to me that in the manufacture of this product sulphuric acid was used and that it was not extracted, and that this piece of litmus paper, which I suppose was first made moist and then subjected to that material, turned this color [exhibiting] for the reason that there was free sulphuric acid in its preparation. If that be so, it is a very serious matter and appeals to me more strongly than any other suggestion the Senator has made; yet I hold in my hand here a document issued by the Glucose Sugar Refining Company, of Chicago, in which Mr. Magnus Swenson, who signs himself "Secretary and manager Walburn-Swenson Company; formerly chemist University of Wisconsin; agent United States Department of Agriculture, etc.," says:

I am thoroughly familiar with the various processes employed by your company in the manufacture of starch from Indian corn, and hereby certify that no sulphuric acid is used in its manufacture.

What I wanted to ask the Senator was, What proof he has that sulphuric acid is actually used and what proof he has that the change in this litmus paper is caused by the presence there of sulphuric acid? The Senator knows probably that other chemical ingredients besides sulphuric acid will change litmus paper from its natural color to a color substantially the same as the litmus paper I now hold in my hand.

Mr. MASON. Mr. President, the Senator will remember that I stated that so far as the adulteration of what is called corn flour is concerned, I have no positive proof that it is deleterious to health. I called attention to, and I inserted in my remarks, an affidavit which was produced by a gentleman before the Ways and Means Committee of the other House and published as part of their record. Following that affidavit was the certificate of a large number of persons that the gentleman who had made the affidavit is a reputable citizen.

That affidavit states that refuse from the glucose factory where he works is used. He drew a picture of it; and it is illustrated and inserted as part of my remarks. That refuse, which is called corn flour, is not properly called corn flour, because under the analysis it is not disputed that all of the life-giving properties are extracted except starch, if that be a life-giving property. It is put into large vats and sulphuric acid is run through it; and a picture of the vats is given, and a statement is made under oath as to how it is manufactured. That was done, as I remember, at St. Louis. My proposition is, whether it is deleterious to health or not, corn flour ought not to be permitted to be sold to the people of this country as wheat flour.

Mr. GALLINGER. That is right.

Mr. MASON. And whether the gentleman who makes the statement to which I have referred states truly, or whether he misstates, or whether the man who made the affidavit before the Ways and Means Committee testified falsely or not—whichever one is right or wrong—there ought to be no objection to a man paying 4 cents tax on a barrel of corn flour when he seeks to sell it for wheat flour, which contains 15 or 20 per cent of a cheaper article, whether it be prejudicial to health or not.

The test showing the change of color in the paper was made by a gentleman who is a member of the House of Representatives, and there is no objection to giving his name—Mr. COX. He states to me in the Senate Chamber that he has made this test himself, after reading the affidavit that there was sulphuric acid in this flour. He simply put a small amount of it on the paper and then moistened it, and the discoloration was clear to his mind. Whether he has had any scientific training upon the subject I do not know, but he says it was clear to his mind. I simply stated—and gave the source of my authority—that he gave it as his opinion that the article contained sulphuric acid; but whether it does or not, whether it is healthful or not, as the Supreme Court say in regard to the sale of oleomargarine, if a man wants to sell lard, let him sell it for lard; if he wants to sell tallow, let him sell it for tallow. That has been the adopted policy of this Government, and it has been sustained by the Supreme Court.

I say to the Senate of the United States now—and I hope you

will hear me for one minute—that this is the last opportunity you will have for a long time to come to give to the people of this country notice of the kind of flour they are eating. Is it not fair to the millers of the country who grind wheat and sell it for wheat flour, is it not fair to the consumers of the country, and is it not true that it is owing to the mixing of this adulterated flour that our export trade has fallen off?

Mr. BURROWS. Will the Senator allow me to suggest that I am informed from a source that is entirely reliable that a measure is being considered in another place covering this whole subject embraced in his amendment, and that it is about to be reported to another body, and will probably be acted on at an early date?

In this connection, I suggest that while I am earnestly in favor of the proposition embraced in the Senator's amendment, yet, so far as I am concerned, I shall vote against it in this connection, because I think it has no place on this bill. It is not necessarily a revenue proposition. The bill under consideration is a purely revenue measure; and if you begin to load it down with propositions of this kind, we shall never reach a conclusion.

I beg the Senator to withdraw the proposition. It would probably receive the support of the Senate presented as a separate proposition, but on this measure it certainly has, in my judgment, no legitimate place.

Mr. MASON. Mr. President, at last I have found one Senator who gives some reason why the distinguished Christian tradesmen of this country should be permitted to sell corn and clay for wheat flour. The reason is that the Senator has been informed that somewhere, some time, and somehow the question is being settled as a separate bill. It has been considered in that body as long as it has been considered here. The bill which I introduced in this body was introduced in one other body at the same time. If it is not a revenue measure, the Supreme Court does not know what it is talking about. That court sustained an exactly similar bill, to manage and control the business of oleomargarine, upon the ground that it was a revenue measure and that it was within the legal, constitutional power of Congress to regulate the subject.

More than that, Mr. President, I have not only made this proposition in the form of a revenue measure, but I have made it a revenue measure in the way of a stamp tax, from which the Senators upon the committee have so loudly contended that they were going to raise a large amount of revenue.

Who can it hurt if we let the people know whether they are buying wheat flour or clay or ground rock? The men who make this ground rock and sell it for flour, the men who make ground clay and sell it for flour, and the men who use the refuse of the sugar-trust factories and sell it for wheat flour are the only persons who can be injured by this amendment.

Name anyone else who will be injured by it. It can only be the man who is masquerading skimmed milk for cream, the man who is putting upon the public something that is not fair and honest to the consumer, the man who can hide within a barrel of flour 30 or 40 per cent of clay rock, that will not dissolve or digest in the stomach, as testified to by the gentlemen whose testimony I have read before the Senate, and I am to be told now, at this moment, after having adopted the stamp-tax theory, which was approved by this committee, that we must allow these men to continue to sell to the people and to the soldiers of the country hard-tack made of clay and ground glass and half-ground clay and ground stone to fight the Spaniards on because, forsooth, it is to be considered in a separate bill in some other body!

The amendment I have offered is a legitimate and germane amendment to this bill, and I hope the Senate of the United States will, at least in the passage of this bill, give the people some chance to defend themselves against the class of persons who are known as the glucose trust, who sell millions of pounds of their worthless products by fraud and by deceit, and get them into the stomachs of the people and take the money out of the pockets of the people by a clear case of confidence game, not only injuring the health and morals of the community, but destroying the business of the millers who are willing to buy wheat in the open market, grind it in an honest mill, and sell it for what it is.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. BATE. Will the Chair kindly state the parliamentary status of the motion? Is it a motion to lay the amendment upon the table or upon the adoption of the amendment?

The PRESIDENT pro tempore. The question is upon the adoption of the amendment submitted by the Senator from Illinois [Mr. MASON].

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR], and therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BURROWS (after having voted in the negative). I am paired with the Senator from Louisiana [Mr. CAFFERY]. In his absence I will withdraw my vote.

The result was announced—yeas 41, nays 29; as follows:

YEAS—41.

Allen, Bacon, Baker, Berry, Butler, Cannon, Carter, Chandler, Cockrell, Davis, Elkins,	Fairbanks, Foraker, Gallinger, Harris, Heitfeld, Jones, Nev. Kyle, Lodge, McBride, McMillan, Mantle,	Martin, Mason, Mitchell, Money, Morgan, Nelson, Perkins, Pettigrew, Platt, N. Y. Quay, Rawlins,	Roach, Shoup, Spooner, Stewart, Teller, Thurston, Tillman, Wilson.
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NAYS—29.

Aldrich, Allison, Bate, Chilton, Clark, Clay, Cullom, Deboe,	Frye, Gear, Gorman, Hale, Hanna, Hawley, Jones, Ark. Lindsay,	McEnery, Mills, Morrill, Pasco, Platt, Conn. Sewell, Sullivan, Turley,	Turpie, Vest, Wellington, Wetmore, White.
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NOT VOTING—19.

Burrows, Caffery, Daniel, Faulkner, Gray,	Hansbrough, Hoar, Kenney, McLaurin, Mallory,	Murphy, Penrose, Pettus, Pritchard, Proctor,	Smith, Turner, Warren, Wolcott.
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So Mr. MASON's amendment was agreed to.

Mr. PETTIGREW. I offer an amendment to come in right after the bond provision.

The SECRETARY. It is proposed to insert the following:

That all that portion of section 3 of chapter 15 of the laws of the second session of the Forty-third Congress, approved January 14, 1875, which authorizes the Secretary of the Treasury to issue, sell, and dispose of the bonds of the United States for any purpose whatever, be, and the same is hereby, repealed.

Mr. PETTIGREW. Mr. President, this amendment is intended to repeal the provisions of the act of 1875 under which during the last Administration over \$250,000,000 of bonds were issued. I believe that the construction placed upon this law by that Administration was an incorrect one—that no such authority exists, and that the bonds issued were issued without authority of law and therefore void. It seems to me that under these circumstances, in view of the fact that this belief is entertained by very many people, in view of the fact that doubt is cast upon these securities, it is best to repeal the law and prevent the issue of further securities under it.

I doubt if we shall ever have another President of the United States who would pursue the course, in many respects, pursued by the last President, and I certainly hope we never shall have. Yet, in view of the fact that sufficient pressure was brought upon him many times to violate acts of Congress, many times to violate his oath of office, many times to pursue a course which was a disgrace to a free country and a free people, in view of the fact that he was twice elected, the danger still exists, and therefore it seems to me expedient and proper that all semblance of power to place a bonded indebtedness upon the people of the United States should be taken away. Congress, which represents directly the people of this country, can be trusted when it is necessary to incur a bonded debt. No lingering, continued authority should be granted.

No power to place upon this country a debt without limit should ever be conferred upon the Executive or any branch of the Government. It is contrary to the theory and genius of our institutions. Therefore it seems to me exceedingly proper at this time that we should take away all chance to exercise such power and all excuse for it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. BATE and Mr. STEWART. Let the amendment be stated.

The Secretary again stated the amendment.

Mr. STEWART. I suggest to the Senator from South Dakota that it seems to me we might put it in more definite shape, saying that no bonds shall be issued except as herein provided for.

Mr. COCKRELL. That is the only law which does it.

Mr. ALDRICH. That is the only law which authorizes it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. PETTIGREW and Mr. MILLS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I again announce my pair with the senior Senator from Virginia [Mr. DANIEL].

Mr. MALLORY (when his name was called). I am paired with

the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. Otherwise I should vote "yea."

The roll call having been concluded, the result was announced—yeas 31, nays 43; as follows:

YEAS—31.

Allen, Bacon, Bate, Berry, Butler, Cannon, Chilton, Clay,	Cockrell, Harris, Heitfeld, Jones, Ark. Jones, Nev. McEnery, Mantle, Martin,	Mills, Money, Morgan, Pasco, Pettigrew, Pettus, Rawlins, Roach,	Stewart, Sullivan, Teller, Tillman, Turley, Turpie, White.
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NAYS—43.

Aldrich, Allison, Burrows, Caffery, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins,	Fairbanks, Foraker, Frye, Gallinger, Gear, Gorman, Hale, Hanna, Hawley, Hoar, Kyle,	Lindsay, Lodge, McBride, McMillan, Mason, Mitchell, Morrill, Murphy, Nelson, Perkins, Platt, Conn.	Platt, N. Y. Quay, Sewell, Shoup, Spooner, Thurston, Wellington, Wetmore, Wilson, Wolcott.
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NOT VOTING—15.

Baker, Daniel, Faulkner, Gray,	Hansbrough, Kenney, McLaurin, Mallory,	Penrose, Pritchard, Proctor, Smith,	Turner, Vest, Warren.
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So Mr. PETTIGREW's amendment was rejected.

Mr. ALLEN. I offer an amendment to be inserted as a new section.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That none of the bonds or certificates of indebtedness issued under or by virtue of the provisions of this act shall be used as a basis for the issuance of national-bank currency or national-bank notes, nor shall the Secretary of the Treasury hereafter have authority to, or increase the gold reserve by the sale of bonds under this or any prior act of Congress unless the necessity therefor has been first declared to exist by special act or resolution of Congress; that as long as the Secretary of the Treasury shall pursue the policy or practice of redeeming legal-tender notes of the United States exclusively in gold coin it shall be the duty of any national bank having outstanding national-bank notes or currency to redeem the same exclusively in gold coin of standard weight and fineness whenever the same are presented at its counter in the sum of \$50 or more, and a failure of any such national bank to so redeem its outstanding national-bank notes or currency in the sums aforesaid shall forfeit its right to issue any further or additional bank notes or currency, and on proof to the Comptroller of the Currency that any such national bank has refused to make such redemption, he shall take such steps as may be necessary to prevent any further issuance of national-bank notes or currency by such bank.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. ALLEN. On that I should like to have a yeas-and-nay vote. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the junior Senator from Washington [Mr. TURNER]. Mr. WILSON (when his name was called). I have a general pair with the senior Senator from Florida [Mr. PASCO]. If he were present, he would vote "yea," and I should vote "nay."

The roll call was concluded.

Mr. TILLMAN. I desire to announce the pair of my colleague [Mr. McLAURIN] with the Senator from North Carolina [Mr. PRITCHARD].

The result was announced—yeas 27, nays 42; as follows:

YEAS—27.

Allen, Bacon, Bate, Berry, Butler, Cannon, Chilton,	Clay, Cockrell, Harris, Heitfeld, Jones, Ark. Jones, Nev. McEnery,	Mantle, Mills, Money, Morgan, Pettigrew, Roach, Stewart,	Sullivan, Teller, Tillman, Turley, Turpie, White.
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NAYS—42.

Aldrich, Allison, Burrows, Caffery, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins,	Fairbanks, Foraker, Frye, Gallinger, Gear, Gorman, Hale, Hanna, Hawley, Hoar, Kyle,	Lindsay, Lodge, McBride, McMillan, Mason, Mitchell, Morrill, Murphy, Nelson, Perkins, Platt, Conn.	Platt, N. Y. Quay, Sewell, Shoup, Spooner, Thurston, Wellington, Wetmore, Wolcott.
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NOT VOTING—30.

Baker,
Daniel,
Faulkner,
Gray,
Hansbrough,

Kenney,
McLaurin,
Mallory,
Martin,
Pasco,

Penrose,
Pettus,
Pritchard,
Proctor,
Rawlins,

Smith,
Turner,
West,
Warren,
Wilson.

So Mr. ALLEN's amendment was rejected.

Mr. ALLEN. I offer an amendment which I send to the desk as a proviso to the last section, authorizing the issuance of bonds and certificates of indebtedness.

The SECRETARY. As a proviso to section 28 of the bill, it is proposed to insert:

Provided, That except as in this act provided the Secretary of the Treasury shall not hereafter have authority to issue any bond or interest-bearing obligation of the United States unless theretofore specially authorized to do so by special act or resolution of Congress.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was rejected.

Mr. CHILTON. I send to the desk an amendment which I offer.

The SECRETARY. After line 20, page 56, it is proposed to insert:

OTHER PROPRIETARY PREPARATIONS.

For and upon every packet, box, bottle, pot, phial, or other inclosure containing any articles, substances, preparations, or compounds, except food products and preparations otherwise provided for in this act, that are made and sold or removed for sale under patent right, trade-mark, or any name or designation not open to general use.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of 5 cents, one-fourth of 1 cent.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 5 cents and shall not exceed, at the retail price or value, the sum of 10 cents, one-half of 1 cent.

Where each packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents and shall not exceed the retail price or value of 25 cents, 1 cent.

Where each packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 25 cents and shall not exceed the retail price or value of 50 cents, 2 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 50 cents and shall not exceed the retail price or value of 75 cents, 3 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 75 cents and shall not exceed the retail price or value of \$1, 4 cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of \$1, for each and every 50 cents or fractional part thereof over and above the \$1, as before mentioned, an additional 2 cents.

Mr. CHILTON. Mr. President, it will take a few moments only to explain the nature of this amendment. I hope it will be adopted by vote of Senators on both sides. Under the bill as already framed proprietary medicinal preparations are taxed. Perfumery is taxed also. It has seemed to me that we ought to reach by this bill another large class of preparations such as Sapolio, Pearline, Diamond Dyes, stove polish, shoe polish, and articles of that kind. They are sold at a certain fixed price, say 10 cents or 25 cents or 50 cents for the box or package.

The manufacturers of such articles have made immense fortunes in the last few years. The profits in this line of trade must be very considerable. I do not think that matters of this kind ought to be decided upon any narrow ground, and I ask Senators for a good reason why the druggist should be singled out to bear the burden of a stamp tax, while the man who makes Sapolio or any other preparation which he sells under a name which the public have not the right to use should go scot-free.

I will explain briefly in detail the amendment I propose:

For and upon every packet, box, bottle, pot, phial, or other inclosure containing any articles, substances, preparations, or compounds, except food products—

The exception will let out canned vegetables, fruits, oysters, fish, beef, and all articles of that kind. After exempting food products the amendment continues—

and preparations otherwise provided for in this act, that are made and sold or removed for sale under patent right, trade-mark, or any name or designation not open to general use.

Then follows the amount of the stamp tax at the same rate as that fixed on perfumery and patent medicines. I have no desire to detain the Senate, and with this explanation, which I think should commend this amendment favorably to gentlemen on all sides, I will ask that a vote be had upon it.

Mr. ALDRICH. Mr. President, possibly some of the articles mentioned by the Senator from Texas should be subjected to a stamp tax, but the trouble with this amendment is that nobody can tell to what extent it will be carried, or what its scope will be, as to what articles will be covered. For instance, articles of common laundry soap or of ink or of manufactures like steel pens and an infinite variety of articles would be covered by the description contained in the amendment of the Senator from Texas, and just what would be covered by food products it is impossible to say; because just what are food products?

For instance, would an article like baking powder, which is used in the preparation of food, be construed by the Treasury Department to be a food product? I agree that some of these proprietary articles could be taxed, but the committee found extreme

difficulty in preparing an amendment that would cover articles which clearly ought to be taxed and not tax the great variety of articles which the Senate would by unanimous vote determine should not be taxed.

Mr. CHILTON. Just one word. The criticism of the Senator from Rhode Island is entirely unjustifiable. There is no ambiguity whatever in this amendment. Baking powder will clearly not be taxed, because it is a food product. All things which enter into the composition of the food of the people will escape. Why should not steel pens or bottles of ink, if they are made under a name or designation not open to public use, pay a small tax? Why should not stove polish or shoe polish be subject to a tax if it is made under a proprietary name or designation?

Remember, too, that the tax is very small. If the article is sold at retail for less than 5 cents, the tax is only one-fourth of 1 cent. If it is sold at from 5 to 10 cents, the tax is one-half of 1 cent. If it is sold for more than 10 cents and less than 25 cents, the tax is but 1 cent.

The difficulties which have been suggested by the Senator from Rhode Island are purely imaginary. Food products are clearly exempted by this amendment. He might as properly argue that the other parts of this bill which provide that medicinal preparations shall be taxed is open to the charge of ambiguity. What are medicinal preparations? Every clause of this bill can be subjected to strained criticism. The difficulty which the Senator from Rhode Island suggests is purely fantastic.

The phrase "food products" would include everything that is used for food, such as coffee, tea, oysters, fish, beef, tomatoes, beans, and all sorts of fruits and vegetables. Even baking powder would be included under the term food products. There is no difficulty whatever in arriving at the true construction of the terms of exception.

We ought not to discriminate against those persons who manufacture medicines or perfumery in this country and relieve everybody else from the operation of the stamp tax. If there be any way of levying a tax which will not fall on the consumer, it is by levying it on these proprietary articles which have their price fixed upon the bottle or package. It is difficult in such case for the manufacturer to raise his price to the ordinary purchasers in the daily trade.

The manufacturer of proprietary articles, such as Diamond Dyes, for example, have made great fortunes in their business. The other lines of manufacture covered by this amendment are notoriously profitable. Why should they not be subjected to the same inconvenience and to the same contribution to the expenses of our present emergency as those who make patent medicines or perfumery? I see no difficulty whatever in administering this amendment, and I ask for a yea-and-nay vote on the proposition.

Mr. ALDRICH. Mr. President, just another word. The Senate should remember that at the present time all the infinite variety of manufactures in the United States, or substantially all, are sold under some proprietary trade-mark. It would cover nine-tenths of the manufactures of iron and steel. Every pen-knife which is sold under a trade-mark or a distinctive name, every anvil, every locomotive, every article or thing in our infinite variety of manufactures, would be covered by this provision as it stands, or is likely to be covered by it.

Mr. BACON. The Senator will permit me to suggest that the phraseology of this amendment limits the tax upon articles in inclosures of some kind.

Mr. ALDRICH. What is an inclosure? It is ambiguous.

Mr. CHILTON. The Senator asks what is an inclosure. You might as well say that the provision in another part of the bill about patent medicines, where the word "inclosure" is used, is ambiguous.

Mr. ALDRICH. A penknife in a box would be an inclosure. There is nothing that is not sold in an inclosure of some kind or other. All articles are packed and sold in inclosures. A piece of cotton cloth sold under a trade-mark would have to pay a tax under this provision. There is nothing in our infinite variety of manufactures which would not be or likely to be subject to tax under the provision of the Senator's amendment.

Mr. PLATT of Connecticut. Would the Senator tax a pair of shoes in a box?

Mr. CHILTON. I will wait until Senators get through, and then I will explain the amendment.

Mr. PLATT of Connecticut. I should like to inquire whether the Senator would require a stamp to be put on a box containing a pair of shoes or on every tin can containing paints for farmers to use? You can extend it indefinitely. There are ten thousand articles the Senator's amendment would tax or about which there would be a question whether they should be taxed under this provision.

Mr. CHILTON. Mr. President, perhaps I should say nothing further, but I do not like for the case to rest upon the hypercriticism which has been offered by the Senator from Rhode Island and the Senator from Connecticut. The Senator talks about a

knife. That would not be taxed. Why? Because it is not sold in a package at retail.

Mr. PLATT of Connecticut. Yes, it is.

Mr. CHILTON. Not in a package at retail. They put up, say, a dozen knives in one package, and they are sold separately at retail. But suppose it is true that knives are sometimes sold at retail in separate boxes. In such a case could not the knife well bear a small tax? The language is "packet, bottle, pot, vial, or other inclosure." This is precisely the language used in that part of the bill which the Senators from Rhode Island and Connecticut have supported in the clauses about medicines and perfumery, and they now profess to see in it something vague.

Then take paints. This tax is very small at best. If paints are sold under a proprietary name and in a box or packet, they should be taxed. The paint manufacturers who have built up a reputation for a particular brand of goods, and are thereby enabled to secure a special profit from the public, can well afford to contribute a small sum to support the war which their country is now waging with the Government of Spain.

Mr. President, let us throw off all evasion. If we do not want to tax these things, let us come out boldly and say so, but do not conjure up difficulties which have no foundation in reality.

I ask for a vote by yeas and nays upon the amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Texas [Mr. CHILTON], upon which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from South Carolina [Mr. McLAURIN], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 41, nays 31; as follows:

YEAS—41.

Allen,	Gallinger,	Mitchell,	Stewart,
Bacon,	Gorman,	Money,	Sullivan,
Bate,	Harris,	Morgan,	Teller,
Berry,	Heitfeld,	Murphy,	Tillman,
Butler,	Jones, Ark.	Nelson,	Turley,
Caffery,	Jones, Nev.	Pasco,	Turpie,
Cannon,	Lindsay,	Perkins,	Vest,
Chilton,	McNery,	Pettigrew,	White,
Clay,	Mantle,	Pettus,	
Cockrell,	Martin,	Rawlins,	
Daniel,	Mills,	Reach,	

NAYS—31.

Aldrich,	Elkins,	Hoar,	Quay,
Allison,	Fairbanks,	Kyle,	Sewell,
Barrows,	Fryer,	Lodge,	Spooner,
Chandler,	Frye,	McBride,	Thurston,
Clark,	Gear,	McMillan,	Wellington,
Cullom,	Hale,	Morrill,	Wetmore,
Davis,	Hanna,	Platt, Conn.	Wilson,
Deboe,	Hawley,	Platt, N. Y.	

NOT VOTING—17.

Baker,	Kennedy,	Pritchard,	Warren,
Carter,	McLaurin,	Proctor,	Wolcott,
Faulkner,	Mallory,	Shoup,	
Gray,	Mason,	Smith,	
Hansbrough,	Penrose,	Turner,	

So Mr. CHILTON's amendment was agreed to.

Mr. LINDSAY. I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Insert between lines 9 and 10, on page 41, the following proviso:

Provided, That no stamp tax shall be required on any bundle or package of newspapers wholly or partially printed and intended for general circulation and weighing not more than 100 pounds.

Mr. ALLEN. That is in substance the amendment I handed to the Senator from Iowa a few moments ago.

The purpose of this amendment is to relieve newspapers intended for general circulation and reading from all forms of taxation. This particular amendment is designed more especially to reach and benefit the country newspapers. As is well known, the great majority of those papers use what are known as ready prints, one side of which is published at a central place and sent by express to the country offices, where the other side is printed. It strikes me at least that the country press, having a greater struggle for an existence than even the metropolitan press, should be placed upon terms of equality with the metropolitan press. I understand that bundles of papers sent out by the daily press will not be taxed under this bill; that they will be free absolutely from taxation; whereas every sheet of paper used by the country press will be taxed at the rate of 1 cent a pound.

Mr. ALLISON. The provision as proposed by the committee does tax bundles of newspapers as other bundles are taxed.

Mr. PLATT of Connecticut. When sent by express.

Mr. ALLISON. When sent by express or by freight. The committee had before it the representatives of the newspapers, who, under a misapprehension of the construction of the provision, made some criticism; but when they understood the situation as respects newspapers they were satisfied.

The amendment makes an exception which ought not to be made, I think, in the regard suggested by the Senator from Nebraska. If the country newspapers have a portion of the paper printed in one place and the remaining portion in another they can send now by mail their papers at the rate of a cent a pound under the post-office law. If they circulate their papers in the country in which they publish the paper, they send them absolutely free of postage. A bundle of papers weighing 100 pounds, as suggested by this amendment, would pay only 1 cent under the extreme construction of the law, and it seems to me it is not worth while to make an exemption of that character.

Mr. ALLEN. The Senator, I think, does not put this matter in its true light. He says that the committee had before it representatives of the press, but I do not understand the Senator to claim that any representatives of what is known as the ready-print press appeared before the committee.

Mr. ALLISON. Certainly not, because in any event the bill can not operate harshly upon any country newspapers. A cent upon a bundle weighing 100 pounds, even if transported by express, is all that can be charged, and if they transport it by means of the United States mails, they can transport it at the rate of a cent a pound.

Mr. ALLEN. It would be a dollar a week for every ordinary country newspaper.

Mr. ALLISON. It is the way most of them transport their newspapers now.

Mr. JONES of Arkansas. If the Senator will permit me, I think there is a misunderstanding between the Senator from Nebraska and the Senator from Iowa in one respect. To exempt the ready prints that are sent in bundles and bulk from the ready-print houses to the newspapers from the payment of this tax is the one point. I understood the Senator from Iowa to be arguing the proposition as to whether the papers were going out to be sent to subscribers. One proposition is quite different from the other.

Mr. ALLISON. I may not understand the amendment. I only heard it read at the desk. Perhaps I did not gather its meaning. But if I understand the Senator from Nebraska, he proposes that white paper half printed sent from one city to another by express, not weighing more than 100 pounds, shall be exempt from the tax.

Mr. ALLEN. That is my proposition.

Mr. JONES of Arkansas. Yes; that is it.

Mr. ALLISON. I say that matter can be sent by mail at the rate of a cent a pound, which is as cheap as the express company carries it, and then it will pay to the Post-Office Department that amount.

Mr. STEWART. I do not understand that it can be sent by mail except from the publication office. It can not be sent from one printing establishment to another in the mail.

Mr. ALLISON. Certainly—

Mr. ALLEN. There is no mail bag that would hold any one of these ordinary bundles.

Mr. STEWART. It can not be done.

Mr. ALLISON. Then I will waive that point. Here is a bundle of newspapers weighing 100 pounds to be sent, if you please, from Omaha to Fremont.

Mr. STEWART. To another newspaper office, to be distributed from there.

Mr. ALLISON. To be sent to the publishers from one publishing office to another part of the publishing office.

Mr. STEWART. You can not do that under the law. They are very particular and it can not be done.

Mr. ALLISON. Very well. It is to be sent by express?

Mr. STEWART. Yes.

Mr. ALLISON. Can anyone tell me why that bundle should be exempt when every other thing that is sent by express, if it only weighs an ounce or 2 ounces, shall pay a cent under the bill? I do not think there is any reason why there should be this exemption. Therefore I hope the Senator from Nebraska will not press the amendment.

Mr. ALLEN. I think I can offer a sufficient reason. I do not believe in taxing newspapers, or books, or magazines at all. I believe there should be the freest and most unrestricted circulation of newspapers and other means of intelligence. It is well known to the Senator from Iowa, as a man of large experience and one who has lived in the West a great many years of his life, that the great struggle of the Western press is with the country press, not with the daily press in the cities. Now, should any tax, however light it may be, be placed upon the circulation of the country press and by that means restrict and cripple it, for that is the effect of it?

Mr. ALLISON. Then I think the Senator's amendment should

go much further. It should exempt from the operation of the tax all white paper used by newspapers. Certainly there is no reason for exempting paper half printed upon any more than there is for exempting white paper, if the paper is used by country newspapers. Why not exempt from the operation of the law all express matter carried to them or from them?

Mr. ALLEN. I will go to the extent of exempting all white paper, or partially printed paper, that may be actually used for newspaper purposes. I do not think there should be the slightest restriction in the way of taxation placed upon the dissemination of knowledge. Mr. President, this can only be regarded as a direct thrust and blow at the country press, an attempt to stifle or destroy it.

Mr. ALDRICH. The Senator from Nebraska has spoken several times of the country press. Does his amendment apply to the country press alone?

Mr. ALLEN. No; my speech is not quite as broad as the amendment; but I am speaking about that particular branch of the press that reaches the masses of the people. We know, as a matter of fact, that the papers published in the cities, especially the daily papers, do not reach the masses of the people. The contents may reach them after a time in the form of weeklies and semiweeklies. The press upon which the masses depend is the weekly press, and it is not only weekly in its publication, but many times weakly in a financial sense. No tax or exaction should be placed upon that press that will curtail its circulation or impede it in the slightest degree. It is the only source of information that stands between thousands of citizens and the government, State and national.

Mr. President, I do not think it has been the policy of the United States heretofore to tax the means of intelligence and the dissemination of knowledge among the people, and I hope the Senator from Iowa will accept the amendment.

Mr. WOLCOTT. Mr. President, the amendment which the Senator from Nebraska seeks to have incorporated upon this measure does not, in my opinion, affect in the slightest degree the country press. The newspapers and serial publications of the United States use the mails of the United States at an expense of a cent a pound, until (and this statement can not be reiterated too often) 65 per cent of the expenses of the mail service of the United States is expended on second-class mail matter, which brings but 3 per cent of the revenue. No weekly newspaper, no country newspaper, ever uses the express companies under any circumstances whatsoever. They invariably use the post-office, and the post-office alone.

The express companies only come in competition with the post-office upon certain daily newspapers where there are fast trains. By sending the papers in packages to news agents in the different towns they can get from half an hour to an hour ahead of the post-office; and for that reason, and that reason alone, they use them. The post-office charges 1 cent a pound. The express companies, like everybody else more or less afraid of the newspapers, gives those daily newspapers a rate of half a cent a pound. They rush down just before the time of the leaving of the trains with a number of parcels and throw them in the cars of the express companies, and they are taken to the destination of the news agents along the line.

We have taken a great deal of pains to investigate just how many of these packages are sent in the whole United States by all four of the express companies in a whole year. It amounts for every newspaper in the United States to the enormous sum of 6,000,000 packages, the total revenue for which, from all newspapers of the United States, will be \$60,000 to the Government, and it is the imposition of this tax of \$60,000 of which these associations complain.

Mr. President, there is a reasonable complaint which some of the reputable newspapers make—for there are some that are reputable. They claim that the delay necessary in affixing a number of stamps to the separate packages would not give them time between the delivery of the package and the carrying of it to its destination to enable them to get down in time. But under the provisions of the section, which are very reasonable in their character, the receipt may be handed by the express company afterwards, or it is but a moment's trouble, if there are fifty-five different packages, to put 55 cents on a receipt and hand it back. It does not take any longer than it takes to sign a name.

There is nothing serious at all in the imposition of the charge. The only complaint I have heard made has been the complaint that the time necessary in affixing the stamp is so great that they do not want to have the necessity imposed upon them to pay this tax.

If the tax is uniform, there is no reason in the world why a lot of newspapers should not pay a cent a hundred pounds, especially when you find that \$60,000 is all that all of them can pay. If we wanted to raise a more substantial tax and reach the sum that some of the members of the Senate think we ought to have from the bill, \$300,000,000 a year, the most equitable tax we could levy would be a tax upon the circulation of newspapers, and to save

espionage we should make it a condition that the daily statements of their circulation should be accepted by the officer of the law as conclusive evidence of the number of copies they had sold. Such a tax would bring us at least \$100,000,000 a year.

Mr. President, there is a letter, which was sent to one of our colleagues in the Senate and handed to me as a member of the committee, in which the suggestion was made by the proprietor of that great newspaper, the New York Journal, that if this tax of 1 cent is imposed on newspapers, he would have to raise the price of his newspaper, and he pays only his proportion of \$60,000 annually! Why, Mr. President, he spends more than that in red ink; and the news that has been disseminated during the months since this war began and the share these newspapers have had in its creation ought at least to make them willing to pay their share of this burden.

There are newspapers and newspapers. All of us remember the time when the daily press—and there are many such publications now—was an educator in the household; but gradually there has sprung up this line of newspapers, to which sensation is everything and the truth absolutely nothing; who attract all sorts of publications and cartoons, which can help nobody, but which can always tear down, for slander, however nameless or however unworthy, may always destroy. Such publications have had much to do with bringing about the condition of affairs which now exists.

I do think, Mr. President, that it would be rather beneath contempt for the Congress of the United States to say that all the newspapers of the United States could not pay \$60,000 a year toward carrying on this war.

Mr. ALDRICH. Mr. President, a committee of very intelligent gentlemen, representing the press of the United States officially, explained to the Senator from Iowa [Mr. ALLISON] and myself the workings of their system of delivering newspapers and asked for our interpretation of the provisions of the bill as it now stands. The chairman of that committee, who publishes a large newspaper in the city of Cincinnati, said:

We publish an afternoon paper and we want to send our paper to our customers in Kentucky. We send to the station of the Kentucky Central Railroad, or whatever railroad it may be, addressed to the railroad, a bundle containing 100 smaller bundles, which are put into the baggage car of that company, and by the baggagemaster distributed along the road.

Those gentlemen asked us how we would construe the provision of this bill as it stands as to how many stamps they would have to put on that bundle. We said that as it was a single shipment of papers only one stamp would be required, as there was no obligation assumed on the part of the railroad company to deliver those newspapers anywhere. That bundle would be marked, for instance, "Kentucky Central Line," and sent and delivered to the baggagemaster. He could easily give his receipt for the reception of that one single package, and for the payment of 1 cent the newspapers would be taken, without any general or special obligation on the part of the railroad company or the express company, to be distributed by it being thrown upon the railroad platform, and those gentlemen would only have to pay 1 cent.

In justice to those gentlemen, I will say that the objection was not so much to the amount to be paid as it was to the time that would be required in getting a large number of receipts to cover the smaller packages inclosed in this large bundle, that a longer time would be required than an afternoon newspaper could afford, and that they were in great haste to get their papers on the fast trains.

Those gentlemen said, if that was the construction to be put upon the bill—and it seemed to them that it was certainly a proper construction—they had no fault to find with the provision and would cheerfully pay the tax which is imposed by it.

Mr. BUTLER. Mr. President, the chairman of the Committee on Post-Offices and Post-Roads [Mr. WOLCOTT], in his remarks a few moments ago, thought proper to call attention to the fact that the newspapers of the country were carried by the Post-Office Department for 1 cent a pound, and he stated that that was the cause of the deficit in the Post-Office Department. He further stated that this fact could not be iterated and reiterated too often. I suppose he meant that therein was the keynote and the sole cause of the deficit in the Post-Office Department, and that it was the patriotic duty of Senators to continue to iterate and reiterate that statement and call attention to the cause of the deficit.

Mr. President, the fact is that the same newspapers are carried by the express companies for one-half cent a pound. If the express companies can carry this second-class matter for one-half cent a pound, why is it that the Post-Office Department can not make a profit by carrying them at 1 cent a pound? That is a fact which ought to be iterated and reiterated, and which can not be spoken of too often.

The trouble is, as has been shown in this Chamber a number of times, that we pay between 5 and 6 cents a pound to the transportation companies for the carriage of second-class matter, for which we charge 1 cent. But why do we pay 5 or 6 cents a pound for transporting this matter when the express companies, who pay

40 per cent of their business to the railroads, can carry it for one-half cent a pound? When the express companies charge one-half cent a pound, 40 per cent of that amount goes to the railroad companies and only 60 per cent to the express companies. That is, the railroads get one-fifth of a cent a pound on newspapers when carried by express.

For the very same matter on the same train the Government is charged by the railroads 5 and 6 cents a pound. That is a fact which the chairman of the Committee on Post-Offices and Post-Roads ought to have spoken of; and it is a fact that can not be iterated and reiterated too often by those who represent the interests of the Government, and who want to increase the efficiency of the Post-Office Department instead of crippling it.

Mr. President, this is the cause of the deficit. The truth ought to be told. The Government and the public are being robbed in the interests of the railroads and the express companies.

I would not have referred to this matter at this time had not the chairman of the committee gone out of his way to make a statement which, in my judgment, grossly misrepresents the facts.

Mr. President, we have been told many times during the last month about the great offense or crime of certain newspapers in bringing on this war against Spain. I have heard it since this war began and before. The Senator from Colorado [Mr. Wolcott] has just aired again his grievance against these papers. I do not stand here now as the champion of any newspaper, but I have heard it said again and again that certain newspapers were the cause of this war, and then I have heard those newspapers reflected upon and criticised and called "yellow journals."

Mr. President, if those newspapers are the cause of the war, is it anything to their discredit? Do not the facts justify the war? Did not these so-called "yellow journals" first give us the facts? When those who are criticising those newspapers as "yellow journals" were trying to excuse Spain, and lay the blame upon Captain Sigstee and the officers of our own Navy, it was the "yellow journals" who were telling the truth. Those papers were the only ones that were giving us the facts. They were ahead of the President and the War and Navy Departments of our Government. They were ridiculed and denounced; they were accused of being liars and slanderers, but they were unearthing the facts, and it may be that we never should have gotten the truth otherwise. I do not charge that; but they were in the field first, and they did tell the truth. When the Navy Department was insisting that the destruction of the Maine was from an internal explosion, it was these papers that told us the shocking truths about the conditions in Cuba, when certain powerful agencies were trying to suppress the truth. This is a righteous war; and if the so-called "yellow journals" are responsible for it, it is greatly to their credit. It is a proof of their Americanism.

If they are responsible for the war, it was because they called to our attention and to the attention of the country the fact that the *Maine* was blown up and our brave sailors murdered by treachery in a friendly harbor; and that, too, at a time when, I am sorry to say, some Senators were denying the truth as a libel on Spain.

Mr. President, those so-called "yellow journals" may have their faults, but it seems that it was not until they unearthed the truth about the horrible butchery and starvation in Cuba and the blackest treachery in the destruction of the *Maine* that they became odious to a certain class of persons who have been attacking them ever since. Yes, there is journalism and journalism, and some of it may be yellow; and there is oratory and oratory, and some of that, too, may be yellow.

Mr. LINDSAY. Mr. President, this provision affecting the stamp tax upon goods transported by express companies requires that a receipt or other evidence shall be used for each shipment. The Senator from Rhode Island says that he and the Senator from Iowa assured the newspaper people that that meant that all the bundles sent out at any one time over a particular railroad might be included in a general bundle, and that the express agent might open that one bundle and distribute the several bundles contained in it along the road at the points of their particular destination.

Mr. ALDRICH. I made no such general statement as the Senator from Kentucky seems to think. I stated that under the conditions which I described in detail, in my opinion, clearly one stamp would be sufficient, because it would be a single shipment. A Cincinnati newspaper publisher, for instance, sends to the Kentucky Central Line a bundle of newspapers marked "Kentucky Central Line." They receive it, and they will have to give only one receipt, because it would be only one shipment.

If they were sending to forty or fifty people and the company were to become responsible for the delivery to those forty or fifty people, then undoubtedly forty or fifty stamps would have to be placed upon the bundles; but in the case to which I have referred—which was the case described by those gentlemen, and which is the usual case, and that which covers all their shipments substantially—I am myself satisfied that my construction of the law that only one stamp would be required is the correct one.

Mr. LINDSAY. The Kentucky Central line is not a newspaper agency. The Kentucky Central Line is a railroad transportation company carrying express matter for an express company. If the papers shipped from Cincinnati by that line go to Lexington, and they stop at Paris, at Cynthiana, at Falmouth, and at all intermediate points, do I understand the Senator to say that these fifteen or twenty packages intended to be distributed along the line of that railway may be inclosed in one general package, directed to the Kentucky Central Railway, and then distributed by the express agent and treated only as one bundle?

Mr. ALDRICH. Unquestionably, if the railroad or express company assume no responsibility for their delivery. The papers are received by the express company into the baggage car of the company without any obligation and without any mark stating where they are going. It seems to me, under those circumstances, that there can be no doubt but that would be the construction.

Mr. LINDSAY. If that be true, then the express company can receive any other matter in the same way. For instance, a shipment of goods over that line on any particular train to be distributed at a half dozen points may be included in one bundle and have only one stamp, and the express company may undertake to distribute it in the same way.

Mr. ALLISON. Will the Senator yield to me a moment?

Mr. LINDSAY. Yes.

Mr. ALLISON. The Senator is a good lawyer and understands the language of statutes very well.

Mr. LINDSAY. I only want to get at the interpretation.

Mr. ALLISON. I will ask the Senator to interpret it himself, and that is what I rose for. Beginning in line 20, on page 41, I ask the Senator to interpret this phraseology:

It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation or person whose occupation is to act as such, to issue to the shipper or consignee, or his agent, or person tendering goods for transportation, a bill of lading, etc.

The consignor is the newspaper publisher or company. Who is the consignee if it is not the carrier itself, under the situation as explained by the Senator from Rhode Island? Here is a shipment addressed to the Kentucky Central Railroad Company, if you choose, by the consignor.

That company is the consignee or the person to whom this bill of lading is issued. That bill of lading, manifest, or whatever you term it, must have a stamp upon it. Now, where is the provision of this bill which requires that company to issue a bill of lading on its own responsibility, except the responsibility involved in the receiving of that shipment of newspapers? I can see no possible way by which the construction that is given by the Senator from Rhode Island can be evaded or avoided. The consignor or the shipper is the newspaper company, and the person to whom it is shipped is the railroad company.

Mr. ALDRICH. I would suggest to my colleague on the committee that they could give no other bill of lading than that, because the newspapers are delivered to the railroad company all in one bundle and have no other mark except "The Kentucky Central Railroad."

Mr. LINDSAY. That is a very ingenious method of stating the proposition; but the railroad company is not the consignee at all.

Mr. ALLISON. Who is, then?

Mr. LINDSAY. The railroad company is the carrier, and the party to whom the goods are shipped is the consignee.

Mr. ALLISON. They are not shipped to anybody.

Mr. LINDSAY. They are shipped to somebody. Let us see—

Mr. ALLISON. The newspaper people said they were not.

Mr. LINDSAY. Let us see if they are not. A package is put up for a news dealer in Lexington, a package for a news dealer at Cynthiana, or Paris, or Falmouth, and they are all put into one general bundle. That general bundle is directed to the railroad company. The railroad company is not the consignee. Nothing is shipped to the railroad company. The goods are delivered to the railroad company to be carried by the railroad company to the various consignees and delivered to them. If the railroad company undertakes to put all these bundles in one and to issue only one receipt, and then open that bundle and deliver out to half a dozen persons, the railroad company will be defrauding the revenue and will be liable under this bill to be punished therefor.

The truth is that each shipment is to be evidenced by a receipt. The bill says:

It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation or person whose occupation is to act as such, to issue to the shipper or consignee, or his agent, or person tendering goods for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, etc.

A shipment 20 miles out is not a shipment to another point 40 miles out, nor a shipment to another point 60 miles out, nor a shipment to another point 100 miles out. Each one of these shipments is a different shipment, and you can not disguise the fact.

If the newspaper people have gone away from Washington satisfied with these representations, then they are resting upon a false hope, because no court will ever concede the act to mean any such thing as that.

Mr. WOLCOTT. Will the Senator permit me to say that I entirely agree with him in his construction of the law? I desire to say, also, as it may possibly influence his argument, that though there may be sixty or more packages of newspapers in one bundle, yet under the contention which is made they would only pay a tax of 1 cent, instead of a tax being paid upon each particular package as a separate shipment.

Mr. ALDRICH. Suppose a large dry goods house in Cincinnati desires to send to Paris, or to any point upon the Kentucky Central Railroad, a large number of bundles to be delivered either by a local express company or by their own agent, and puts them all into one package, would it be an evasion of the law, or would there be any defrauding on the part of the railroad company if they only affixed one stamp to the bill of lading or receipt given for the shipment?

Mr. LINDSAY. If a merchant in Cincinnati desires to ship to his own agent in Paris—

Mr. ALDRICH. That is exactly what the newspaper proprietor does. The railroad company is its own agent. They get nothing for the distribution. They do it for the public good, I suppose, or some other patriotic purpose, but they get nothing for this delivery, and they are not responsible for it. They are acting for themselves instead of being anybody else's agent.

Mr. LINDSAY. But if the railroad company or the express company, as the agent of the shipper, should do that, it would be a clear and palpable evasion of the law. You can not convert the carrier into an agent in order to escape the payment of this stamp duty. If you can do that for the benefit of the newspapers, then the merchant can convert the carrier into his agent, and he can ship sixty packages of the most valuable goods in his establishment to be delivered at sixty points along the line of the railroad and pay only one stamp. The law was not intended to enable anybody to take such an advantage as that.

Mr. ALDRICH. Does the Senator from Kentucky seriously argue that a newspaper proprietor or anybody else would deliver goods to an express company or a railroad company, and, in order to save a cent, relieve that railroad company of responsibility for the carriage of the goods?

Mr. LINDSAY. I am only commenting upon your interpretation of the statute which you have yourself drawn, and I am attempting to show that the interpretation is palpably wrong. If the newspapers ought to be relieved at all, let us relieve them by an express exemption, rather than by a forced interpretation, which no court will ever accept.

Mr. ALLISON. Then I hope the Senator will amend his proposition. This hundred pounds is an absolute exemption. Let him amend the proposition without limitation, and let us take a vote upon it. I am willing to take the sense of the Senate upon that.

Mr. LINDSAY. I do not want to make it without limitation.

Mr. ALLISON. I do not wish to disturb the Senator; but the amendment proposed by the Senator operates to absolutely exempt newspapers. If that is the sense of the Senate, I am perfectly willing that it shall go into the bill as proposed.

Mr. LINDSAY. There is one other point I desire to turn my attention to, and that is the point made by the Senator from Colorado, that the United States mail will carry all these papers very much cheaper than they can be carried by express, but that the newspapers resort to the express companies.

Mr. BACON. It is cheaper by the express companies.

Mr. LINDSAY. It is cheaper to the express companies, but not cheaper to the United States. The cheapness is to the shipper. I understand that the shipper can ship all such goods as those at a cent a pound, and that that is cheaper than it would be by express, but that they resort to the express in order to save time.

I have understood all the while about this class of mail matter that it costs the Government three or four times as much to carry it as the postage amounts to. Then, if we will so arrange this stamp tax as to take away the advantage of shipping by the express companies, if we will take away the advantage of saving time by an onerous and annoying stamp tax, we will force all these matters into the United States mail, and where we get \$1 for carrying it, we will expend \$3. If we have got this much out of the mail, and thereby save to the extent these newspapers are shipped by the express companies, it seems to me we ought not to drive it back, and thereby incur this unnecessary burden so far as the mail carriage is concerned.

Mr. HAWLEY. Mr. President, I am not so anxious to save a penny here or there by taxing the newspapers. The press of the country, in my judgment, is willing to take its fair share of the burden; but I do beg Senators not to compel the newspapers to go into the mails in all these cases, for the result of it will be very considerable delay in the reception of the morning papers in all the towns within a hundred miles of the office of publication. The newspapers can frequently get the rapid express train an hour or two hours before the mail train goes out, and they do not like to lose subscribers, as they inevitably would in this way.

I say I do not care so much about the penny or two of taxation, but I do most seriously object to delaying the big bundle by requiring it to be opened and a penny stamp, or something of that sort, stuck on each one of the separate packages and a voucher taken for it. Anybody can see in a moment when a wagon goes down, as it does very frequently, on a run to meet one of these trains—I speak of what I have seen and helped to do—it can not stop then, and it can not start any earlier, as there are certain hours for going to press and certain work to be done. An edition is got out exactly at 4 o'clock for a variety of reasons. They can not spend ten minutes pasting and taking receipts and all that sort of thing. It is done like lightning.

Mr. TILLMAN. Mr. President, this discussion has called my attention to the possibility of the misconstruction of the meaning of the word "shipment" in the second line on page 42 of the pending bill, and I should like to have the interpretation of the Senator in charge of the bill of that one word. I will read it and explain why I ask it:

Express and freight: It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation, or person whose occupation is to act as such, to issue to the shipper or consignor, or his agent, or person tendering goods for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation.

Now, in my country we are shipping peaches, or will begin next week, and those peaches are packed in crates, say six baskets, and they are bundled into the refrigerator car until the carload is made up. Does the word "shipment" mean that a bill of lading shall be given to the shipper for the entire shipment at one time, one receipt, or to give a separate bill of lading for each package?

Mr. WOLCOTT. One for the whole shipment.

Mr. TILLMAN. For the carload?

Mr. WOLCOTT. One cent.

Mr. TILLMAN. At one time, one bill of lading suffices.

Mr. ALDRICH. Yes; 1 cent.

Mr. TILLMAN. I wanted to know because of the interpretation which the Senator from Kentucky has applied to newspapers, where the railroad receives a package of newspapers and distributes them along the line itself.

Mr. WOLCOTT. If it is a hundred carloads of coal, it is 1 cent; if it is one box, it is 1 cent; large or small, whatever the shipment may be, it is 1 cent.

Mr. LINDSAY. If it is all consigned to the same person at the same place?

Mr. WOLCOTT. Certainly.

Mr. LINDSAY. But if a carload of peaches is consigned to fifty different people living at different places, then each separate shipment will have to pay the stamp tax and take a separate receipt for it.

Mr. ALLEN. Mr. President, I do not think there can be any doubt about the rule of law which will apply to a case of this kind. If the newspaper puts up a lot of packages of papers to be delivered at the same place but to different individuals, or to be delivered at different places to different individuals, and all those packages are put into one big package, there can not be the slightest doubt, under the language employed in the pending bill, that each one of the separate packages would have to be stamped, for the railroad company is not the consignee any more than the Senator from Colorado or the Senator from Montana would be the consignee were I to ship to him for the use and benefit and to be delivered to the Senator from Illinois or the Senator from Iowa certain packages. In every one of those cases in law the consignee would be the real party in interest and the person receiving it for distribution would be the agent, respectively, of those parties, and I do not believe there is a court in the land that would hold to the contrary. In fact, the precedents are that way.

Mr. President, I placed my objection to this upon an altogether broader ground. I do not believe it good policy in a Government sustained by popular suffrage, and whose foundation rests upon popular intelligence, to impose a tax upon any of the means of conveying intelligence or useful information. You virtually lay a tax upon education. You might as well say that every child in the land who is compelled to have a schoolbook, and every individual who reads any book, must pay a tax upon the schoolbook or upon the work to be read. I believe everything in the form of newspapers and magazines, in their different forms, should escape taxation.

I understand, and we all realize the fact, that newspapers and books are exactly like men. Some are good, some are bad; some are useful, some are harmful; but a man is not required to read yellow literature unless he wants to. He is not required to read a poor book, an indifferent book, unless he desires to, any more than he is compelled to associate with a bad man. He has his choice of literature to read. It is the absolute freedom, not the license, but the absolute, dignified, unrestricted freedom of the press of the country, including the daily and weekly papers and the serials, upon which the safety of our country depends; and

however much we may deprecate, as at time we do, the unwarranted license of bad men who control newspapers, that is no argument that we should place a restriction upon papers calculated to convey useful information to the masses of the people.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. LINDSAY].

Mr. SPOONER. Let it be reported.

The SECRETARY. It is proposed to insert, after the words "one cent," in line 7, page 42, of the reprint, the following proviso:

Provided, That no stamp tax shall be required on any bundle or package of newspapers wholly or partially printed and intended for general circulation and weighing not more than 100 pounds.

Mr. LINDSAY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS].

Mr. GORMAN (when Mr. GRAY's name was called). I was requested to announce a pair between the Senator from Delaware [Mr. GRAY] and the Senator from Missouri [Mr. VEST].

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], who appears to be absent. I therefore withhold my vote.

Mr. PETTUS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Illinois [Mr. MASON].

The roll call was concluded.

Mr. McLAURIN (after having voted in the affirmative). I am paired with the Senator from North Carolina [Mr. PRITCHARD], and wish to withdraw my vote.

Mr. MALLORY. I desire again to announce my pair with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

The result was announced—yeas 47, nays 31; as follows:

YEAS—47.

Allen,	Daniel,	Martin,	Rosch,
Bacon,	Foraker,	Mason,	Shoup,
Baker,	Gallinger,	Mills,	Spooner,
Bate,	Gorman,	Mitchell,	Stewart,
Berry,	Hansbrough,	Money,	Teller,
Butler,	Harris,	Morgan,	Thurston,
Caffery,	Hawley,	Murphy,	Tillman,
Cannon,	Heitfeld,	Nelson,	Turley,
Chandler,	Lindsay,	Pasco,	Turpie,
Clay,	McBride,	Perkins,	White,
Cockrell,	McEnery,	Pettus,	Wilson,
Cullom,	Mantie,	Rawlins,	

NAYS—31.

Aldrich,	Frye,	McMillan,	Wellington,
Allison,	Gear,	Morrill,	Westmore,
Carter,	Hale,	Pettigrew,	Wolcott,
Davis,	Hoar,	Platt, Conn.	
Deboe,	Kyle,	Platt, N. Y.	
Fairbanks,	Lodge,	Quay,	

NOT VOTING—21.

Barrows,	Hanna,	Penrose,	Turner,
Chilton,	Jones, Ark.	Pritchard,	Vest,
Clark,	Jones, Nev.	Proctor,	Warren,
Elkins,	Kenney,	Sewell,	
Faulkner,	McLaurin,	Smith,	
Gray,	Mallory,	Sullivan,	

So Mr. LINDSAY's amendment was agreed to.

Mr. ALLEN. I offer what I send to the desk as a separate section.

The SECRETARY. It is proposed to insert as an additional section the following:

An annual tax of 1 per cent on the assessed value thereof is hereby imposed on all yachts owned or used by citizens of the United States or in the waters of the United States.

The amendment was rejected.

Mr. TILLMAN. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert as an additional section the following:

That on and after the — day of —, 1898, there shall be levied, collected, and paid on the following articles imported from foreign countries the following duties, namely:

On teas of all kinds, 15 cents per pound.

Mr. GEAR. I move to strike out "15" and insert "10." I think the proposed rate of tariff is too high.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment of the Senator from South Carolina as amended.

Mr. ALLEN and Mr. NELSON called for the yeas and nays, and they were ordered.

Mr. HOAR. Let the amendment be stated again.

The Secretary again read the amendment, as follows:

That on and after the — day of —, 1898, there shall be levied, collected, and paid on the following articles imported from foreign countries the following duties, namely:

On teas of all kinds, 10 cents per pound.

Mr. WHITE. I suggest that there should be a date inserted in the amendment. I suggest to the Senator the 1st of July.

Mr. TILLMAN. Any day. I thought it would go into effect on the day when the law itself went into effect.

Mr. COCKRELL. No date is necessary.

Mr. TILLMAN. Say the 1st of July.

Mr. COCKRELL. Let it be from the passage of the act.

The PRESIDENT pro tempore. The amendment will be modified as indicated.

The SECRETARY. It is proposed to fill the blank by inserting "the 1st day of July."

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], but I am told that he is in favor of the amendment and I will therefore vote. I vote "yea."

The roll call was concluded.

Mr. WILSON. I have a general pair with the senior Senator from Florida [Mr. PASCO]. The question has come up rather suddenly, and I am not advised how he would vote on this question.

Mr. WARREN. I am paired with the Senator from Washington [Mr. TURNER]. I am informed that he would probably vote "nay" if he were here. As I should vote "yea," I withhold my vote under the circumstances.

Mr. SULLIVAN. I am paired with the junior Senator from Illinois [Mr. MASON]. If he were present, I should vote "yea."

The result was announced—yeas 38, nays 32; as follows:

YEAS—38.

Butler,	Gorman,	Mitchell,	Stewart,
Caffery,	Harris,	Money,	Teller,
Cannon,	Heitfeld,	Morgan,	Tillman,
Carter,	Jones, Ark.	Murphy,	Turley,
Chandler,	Jones, Nev.	Perkins,	Vest,
Chilton,	Kyle,	Pettus,	Westmore,
Cockrell,	Lindsay,	Pritchard,	White,
Elkins,	McBride,	Rawlins,	Wolcott,
Foraker,	McLaurin,	Rosch,	
Gear,	Mills,	Sewell,	

NAYS—32.

Allen,	Clay,	Hanna,	Pettigrew,
Allison,	Cullom,	Hansbrough,	Platt, Conn.
Bacon,	Daniel,	Hawley,	Platt, N. Y.
Baker,	Davis,	Hoar,	Quay,
Bate,	Deboe,	Lodge,	Shoup,
Berry,	Fairbanks,	McMillan,	Spooner,
Barrows,	Frye,	Morrill,	Turpie,
Clark,	Gallinger,	Nelson,	Wellington,

NOT VOTING—19.

Aldrich,	McEnery,	Pasco,	Thurston,
Faulkner,	Mallory,	Penrose,	Turner,
Gray,	Mantie,	Proctor,	Warren,
Hale,	Martin,	Smith,	Wilson,
Kenney,	Mason,	Sullivan,	

So Mr. TILLMAN's amendment as amended was agreed to.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 70, after line 4, insert:

Every contract, combination in the form of a trust, or association or corporation whose effect is to restrict the quantity of production or increase the price of any article, or any conspiracy in restraint of trade, shall be deemed a trust within the provisions of this act.

There shall be levied, collected, and paid a tax of 5 per cent upon the value of all articles manufactured by a trust as above described.

The Secretary of the Treasury shall make all the necessary rules and regulations to carry out the provisions of this act, and the tax shall be collected by the Secretary of the Treasury; and any person connected with or in the employ of any trust as herein described, who shall sell any article, the property of said trust, upon which the tax has not been paid, shall be fined not less than \$1,000 nor more than \$5,000, and be imprisoned for not less than one nor more than five years.

And all goods sold without the payment of tax as herein provided shall be seized and sold, and the proceeds of such sale turned into the Treasury of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. PETTIGREW. Mr. President, of course the object of my amendment is not so much to obtain revenue as to destroy trusts. Trusts have grown up covering almost every article of manufacture in this country, combinations in restraint of trade for the purpose of fixing the price, with the object of plundering the consumer. We have undertaken to reach two of these organizations by placing a tax of one-fourth of 1 per cent upon the manufacturers and refiners of sugar and oil, but the imposition of that tax is not sufficient to affect those two great combinations.

One-fourth of 1 per cent upon the products of the sugar trust will be a tax of about \$400,000, and about one hundredth of 1 per cent per pound upon sugar, while we give them a discriminating duty of more than one-tenth of a cent upon all refined sugar. Therefore the tax which we have already levied against the sugar

trust amounts to nothing. It does not even encourage the independent refiner. It accomplishes no purpose except to secure \$400,000 of revenue.

If the burden which I propose, 2 cents a pound, does not dissolve the trust, it at least gives an opportunity to the independent refiner to compete with them in the market. In my opinion it will dissolve and destroy the trust and restore again competition in this trade. The fundamental principle of our civilization is based upon competition, and when that is destroyed the ultimate result of our civilization must be either plutocracy or socialism. In the past every nation that has gone down has gone down because the result has been plutocracy. If we are to continue these trade combinations which destroy absolutely the very fundamental law of our civilization, the choice with us must be that which I believe we already have, the continuance of plutocracy or absolute socialism. I am in favor of neither, but I am in favor of socialism before I am in favor of plutocracy.

Mr. CHANDLER. Mr. President, is the amendment of the Senator from South Dakota amendable?

The PRESIDENT pro tempore. It is.

Mr. CHANDLER. Then I offer the following as an addition to the amendment.

Mr. PETTIGREW. Mr. President—

The PRESIDENT pro tempore. The Senator from New Hampshire moves to amend the amendment.

Mr. PETTIGREW. I have not yielded the floor.

The PRESIDENT pro tempore. The Chair begs the Senator's pardon; he thought the Senator had yielded the floor.

Mr. CHANDLER. I beg the Senator's pardon, too. I have been listening attentively to him, and I am not willing to interrupt any flow of eloquence in which he may be engaged, but I had certainly supposed he had concluded.

Mr. PETTIGREW. I have not yielded the floor.

Mr. CHANDLER. Will the Senator allow my amendment to be read?

Mr. PETTIGREW. Mr. President, a 2 per cent tax upon the gross product of the sugar trust will yield a revenue of \$3,200,000, which is certainly not a burdensome tax. I believe it would drive the sugar trust out of existence. I hope it would drive it out of existence; I hope it would destroy it; but in proportion to their profits, Mr. President, it is not a burdensome tax. In the testimony before the committee three or four years ago, perhaps two years ago, there is the evidence of Mr. Havemeyer, which I shall read. The Senator from Nebraska [Mr. ALLEN] asked him the following question:

And what difference does it make for the consumers in this country in a year, in your judgment?

Mr. HAVEMEYER. It has been in three years past three-eighths of a cent more on every pound they ate, as against doing business at a loss.

Senator ALLEN. And that would be about how much, in round numbers?

Mr. HAVEMEYER. It is a large sum in the aggregate.

Senator ALLEN. How many millions?

Mr. HAVEMEYER. I should say it was close to \$25,000,000 in three years.

In other words, as a result of the combination, as a result of the trust in sugar, they were able in three years to take \$25,000,000 out of the pockets of the people of this country. My amendment would impose a tax upon the trust of \$3,200,000 a year.

I know that those who argue whenever we try to put a tax upon corporations that it must come out of the consumers say that this trust will immediately add the same to the price. But, Mr. President, there are independent refineries, and more will be built, and it will give them a chance to compete. Although they may raise the price somewhat, I do not believe they can raise it to an extent which will make the consumer pay more than a small proportion of this tax.

Mr. CHANDLER. Will the Senator allow me a moment?

Mr. PETTIGREW. I yield to the Senator from New Hampshire.

Mr. CHANDLER. The difficulty with me, sympathizing with the general purposes of the Senator, is to know how the assessors of these taxes can ascertain whether the merchandise, the personal property, to be taxed is the subject of a trust or the result of a trust. That is the difficulty. When we pass a law that directs our Treasury officials to collect a tax, the duty which they have to perform must be plain and specific. It must not be indefinite. The duty that is imposed upon them must not be impossible of execution. Now, how can they tell whether the property which they are expected to collect the tax upon is a trust property or is not a trust property? That is what troubles me. I shall be glad to have the Senator explain it.

Mr. PETTIGREW. Well, Mr. President, there are two arguments always used when we do not want to tax a corporation or a trust. One is that the tax will be placed by the corporations upon the consumer. The other is that we are legislating so that we shall have a lawsuit. We anticipate a lawsuit. In fact, the Standard Oil trust have already said that they will not pay the tax of one-fourth of 1 per cent; that it is unconstitutional. Although they divided in dividends, I understand, \$31,000,000 last year, still they insist that they will not pay even the \$400,000 which

would be their share of the tax under the amendment already adopted. Is it any reason for refusing to impose this tax because we fear some court will refuse to enforce it?

If the Senator from New Hampshire is satisfied with that argument, I am not. If the provision which I have presented does not to his mind accomplish the object, then I shall be very glad to have him present an amendment which will perfect it in that particular.

Mr. CHANDLER. I am willing to try it, and therefore I offer my amendment to be added to that of the Senator from South Dakota.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield the floor?

Mr. PETTIGREW. I yield the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment to the amendment, which will be read:

The SECRETARY. Add at the end of the amendment the following:

And in addition to the foregoing there shall be imposed on the annual income of all plutocrats an excise duty of 2 per cent.

Mr. PETTIGREW. I should like to hear the Senator from New Hampshire explain that amendment.

Mr. CHANDLER. We will let the Treasury officials do the best they can. They shall ascertain what articles of commerce are dealt in by trusts, and they shall tax them. They shall ascertain as well as they can who are plutocrats and what their income is, and they shall tax that 2 per cent. Now, they shall do the best they can, and if the courts stop them they lose so much money, and we must borrow it until we can impose a tax that will raise the money.

I am perfectly willing, Mr. President, if my amendment is adopted, to vote for the proposition of the Senator from South Dakota and let the tax collector and the courts fight it out. If we get some money, it will be so much. If we do not get any money, somehow or other the money that is necessary to win military victories over the Kingdom of Spain will be forthcoming; Senators need not fear.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW].

Mr. PETTIGREW. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The Secretary again read Mr. PETTIGREW's amendment.

Mr. HOAR. Mr. President, I desire simply to point out that this amendment punishes the innocent purchaser of all the sugar or any other article manufactured by a trust in this country. It punishes the innocent purchaser by seizing and selling at the Government expense the article which they have innocently purchased. I think it is the most unjust proposition toward innocent people, whom the Senator wishes to protect, that can be possibly devised.

Mr. PETTIGREW. I move to amend the amendment by making it one and a half per cent instead of 2 per cent.

The SECRETARY. Amend the amendment by striking out the word "five" in the sixth line and inserting "one and one-half," so as to read:

Every contract, combination in the form of a trust, or association or corporation whose effect is to restrict the quantity of production or increase the price of any article, or any conspiracy in restraint of trade, shall be deemed a trust within the provisions of this act.

There shall be levied, collected, and paid a tax of 1½ per cent upon the value of all articles manufactured by a trust as above described.

The Secretary of the Treasury shall make all the necessary rules and regulations to carry out the provisions of this act, and the tax shall be collected by the Secretary of the Treasury; and any person connected with or in the employ of any trust as herein described, who shall sell any article, the property of said trust, upon which the tax has not been paid, shall be fined not less than \$1,000 nor more than \$5,000, and be imprisoned for not less than one nor more than five years.

And all goods sold without the payment of tax as herein provided shall be seized and sold, and the proceeds of such sale turned into the Treasury of the United States.

Mr. BACON. I should like to ask a question. We now have upon the statute books a law which makes trusts unlawful. If we should now tax them, would we not make them lawful?

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW].

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Illinois [Mr. MASON].

Mr. WARREN (when his name was called). I announce my pair with the junior Senator from Washington [Mr. TURNER]. The roll call having been concluded, the result was announced—years 24, nays 45; as follows:

YEAS—24.			
Allen,	Chilton,	McEnery,	Rawlins,
Bate,	Clay,	McLaurin,	Roach,
Berry,	Cockrell,	Money,	Teller,
Butler,	Harris,	Pasco,	Turley,
Cannon,	Heitfeld,	Pettigrew,	Turpie,
Chandler,	Jones, Ark.	Pettus,	White,

NAYS—45.			
Aldrich,	Foraker,	Lindsay,	Shoup,
Allison,	Frye,	Lodge,	Spooner,
Bacon,	Gallinger,	McBride,	Stewart,
Burrows,	Gear,	McMillan,	Tillman,
Caffery,	Gorman,	Morgan,	Vest,
Carter,	Hale,	Nelson,	Wellington,
Cullom,	Hanna,	Perkins,	Wetmore,
Daniel,	Hansbrough,	Platt, Conn.	Wilson,
Davis,	Hawley,	Platt, N. Y.	Wolcott,
Deboe,	Hoar,	Pritchard,	
Elkins,	Jones, Nev.	Quay,	
Fairbanks,	Kyle,	Sewell,	

NOT VOTING—20.

Baker,	Mallory,	Mitchell,	Smith,
Clark,	Mantle,	Morrill,	Sullivan,
Faulkner,	Martin,	Murphy,	Thurston,
Gray,	Mason,	Penrose,	Turner,
Kenney,	Mills,	Proctor,	Warren,

So Mr. PETTIGREW's amendment was rejected.

Mr. DANIEL. I offer the amendment which I send to the desk, to come in on page 60, after line 25.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Virginia will be stated.

The SECRETARY. It is proposed to insert on page 60, after line 25, the following:

SEC. — Every person, firm, company, association, or corporation in the United States doing business for profit, and whose gross annual receipts on such business shall not exceed \$10,000, shall pay an annual license tax of \$1, and if the gross annual receipts in such business exceed \$10,000 and are less than \$100,000 shall pay an annual license tax of \$10. If the gross annual receipts of such person, firm, company, association, or corporation exceed \$100,000, such person, firm, company, association, or corporation shall pay an annual license tax equivalent to one fourth of 1 per cent of such gross receipts in excess of \$100,000; *Provided*, That this section shall not apply to banks nor to any other person, firm, company, association, or corporation that is subjected to excise tax under sections 1, 2, and 3 of this act, nor to religious, educational, benevolent, eleemosynary, or cemetery corporations; municipal or other public corporations; fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations, and dependents of such members; building and loan associations which make loans only to their shareholders; nor shall corporations which buy and sell raw or unmanufactured domestic agricultural products be required to pay any tax with respect to such dealings except as otherwise provided in Schedule A of this act.

Mr. DANIEL. I will briefly explain the amendment. It has been framed to meet the objections which have been made in the course of the debate in the Senate. It does not discriminate between corporations, persons, or firms. It taxes all equally. It has been framed also to meet the objection that we are singling out certain corporations. If that amendment were adopted, I should move to strike out those which have been singled out.

This applies to everybody, everywhere, and to all businesses; it is a distinctively diffusive tax, spreading all through the country to all classes of people, small in amount, and it will enable us to relieve the excessive taxation to some degree which has been placed through the agency of stamps upon the druggists of the country and perhaps some of those that are to be placed on documents and other matters, where it would be peculiarly annoying. There is no exemption whatsoever, but the provision is such that the small and struggling corporations and the small and the struggling people may not feel the heavy hand of taxation.

There is a scale of tax, first, only of \$1 up to \$10,000 of receipts and \$10 up to \$100,000, and then those who are taxed above are not taxed on the hundred thousand dollars. So I think the amendment meets the various phases of objection which have been urged in the Senate.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Virginia [Mr. DANIEL].

The amendment was rejected.

Mr. ALLEN. In line 10, on page 49 of the reprint of the bill, before the word "fire" in parenthesis, I move to strike out the word "and;" and after the word "fire" to insert "except farmers' purely local cooperative companies and associations."

That is, I will say to the Senator from Iowa, simply to conform to the fire-insurance features of this bill, to the amendment made the other day. The proposed amendment is in similar language.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In line 10, on page 49 of the reprint of the bill, it is proposed to strike out the word "and" before the word "fire;" after the word "fire" to insert a semicolon instead of a

colon, and then to insert "except farmers' purely local cooperative companies and associations."

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Nebraska [Mr. ALLEN], which has been read.

The amendment was agreed to.

Mr. ALLEN. I offer what I send to the desk as an independent section.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. It is proposed to insert the following as an independent section:

SEC. — That so much of the act of August 27, A. D. 1894, entitled "An act to reduce taxation, provide revenue for the Government, and for other purposes," as relates to the levying and collection of an income tax be, and the same is hereby revived and reenacted; and it is hereby made the duty of the Secretary of the Treasury to collect the income tax therein imposed, beginning with the fiscal year commencing the 1st day of July, 1898; and all provisions of said act necessary and proper to carry out the purpose hereof and to administer said law are hereby revived and reenacted.

The amendment was rejected.

Mr. ALLEN. I offer another amendment, which I send to the desk, to come in as an independent section.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. It is proposed to insert as an independent section the following:

SEC. — That the Secretary of the Treasury is authorized and empowered to issue, in exchange for coin, or to pay for salaries and other dues from the United States, noninterest-bearing Treasury notes of a less denomination than \$50, payable on demand by the assistant treasurers of the United States at Philadelphia, New York, and Boston, not exceeding in amount \$200,000,000, which Treasury notes shall be a full legal tender for all debts, public and private, to the same extent and in the same manner as Treasury notes now in existence.

The amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendment to be offered, the bill will be reported to the Senate.

Mr. BACON. Mr. President, I do not know under the liberal rule generally recognized by the Senate whether I would now be permitted to offer an amendment which I desire to offer. It would be irregular, I recognize, of course, after the amendment which was changed upon the suggestion of the Senator from Texas.

Mr. ALDRICH. The Senator had better wait until the bill is reported to the Senate. It will be in the Senate in a moment.

Mr. BACON. Of course, I can do that, if desired.

Mr. ALDRICH. I think that will be better.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the amendments be voted upon in bulk?

Several SENATORS. Yes.

The PRESIDENT pro tempore. If there be no objection, the amendments made as in Committee of the Whole will be regarded as concurred in. The Chair hears no objection, and the amendments are concurred in. The bill is now in the Senate and open to amendment.

Mr. BUTLER. I desire to offer a substitute for section 28, providing for the issue of bonds.

Mr. ALDRICH. I believe that amendment has been read. If so, I suggest that we vote on it without having any further reading of it.

Mr. PETTIGREW. Let the amendment be read.

Mr. ALDRICH. I think the amendment has been read, and I suggest that we vote on it without any further reading.

Mr. CHANDLER. Senators may have changed their minds since the amendment was read the first time, and certainly it ought to be read before it is finally voted upon.

Mr. ALDRICH. I have no doubt it will be read before it is finally adopted.

Mr. CHANDLER. The Senator from Rhode Island will concede the fact that this bill ought not to be passed hastily, and no proposition which the Senator from Rhode Island presents ought to be voted on without being read at the time it is voted on.

Mr. ALDRICH. I am not making any proposition myself.

Mr. CHANDLER. I call for the reading of the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

Mr. JONES of Arkansas. The Senator from North Carolina, as I understand, proposes a substitute for section 28.

Mr. BUTLER. Yes, for section 28.

Mr. JONES of Arkansas. I desire to move to amend section 28. I presume the amendment I propose to section 28 ought to be voted on before the substitute is voted on.

The PRESIDENT pro tempore. The Senator's amendment will be first in order.

Mr. JONES of Arkansas. I move to strike out, in line 19, on page 76 of the reprint bill, the words "after ten years from the date of their issue;" so that these bonds will be payable at the option of the Government at any time.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. It is proposed to amend, in section 28, page 76, line 19, after the words "United States," by striking out the words "after ten years from the date of their issue."

Mr. JONES of Arkansas. The effect of this amendment is to make the bonds payable at the option of the Government at any time after they are issued, instead of being payable ten years after date. By the provision as it stands now the bonds are payable after ten years from their date, at the pleasure of the Government, and finally payable in twenty years. This amendment will make them payable at the pleasure of the Government at any time after their issue; so that the Government will not be compelled to wait ten years before paying these bonds, or be compelled to buy them at a premium. I ask for the yeas and nays on the amendment.

Mr. MORGAN. Mr. President, there is another view of this case, on the motion of the Senator from Arkansas to strike out the provision for the payment after a period of ten years, that it will disturb the business of the national banks very seriously if they can not make a permanent investment in these bonds so as to carry on their operations. I think, inasmuch as we are here for the accommodation of the national banks, when this bill is to be passed upon their demand, the Senator from Arkansas, perhaps, had better look around and see what effect it is going to have on them.

Mr. JONES of Arkansas. We will consider that afterwards.

Mr. MORGAN. I will vote for the amendment upon the ground that it will prevent the national banks, or have some tendency to prevent the national banks, from absorbing these bonds when they get them in their vaults or in their hands, and commence their banking operations upon them. If we can call them within four or five years instead of ten years, the Democracy of the United States will be very diligent in order to call them in, and in order to get rid of the incubus this bill is about to put on us, and let the people of the United States get free from this bonded indebtedness that is now being imposed upon them.

Mr. ALDRICH. Mr. President, there are two sufficient reasons why the amendment of the Senator from Arkansas should not prevail. In the first place, between now and the expiration of ten years' time there will be bonds expiring bearing a higher rate of interest, which must be paid by the Government, or should be paid, consulting its own interests, and which will absorb any possible surplus funds we may have within that period. The second reason is that these bonds can not be sold, probably, at par unless they have a certain definite time to run.

Mr. TELLER. Oh, yes, they can.

Mr. JONES of Arkansas. If the Government has the option to pay these bonds, it is not bound to pay them unless it is to the interest of the Government to do so. But what this provision will guard against is the sale of these bonds at par, which will be done as soon as this bill passes; and if the Government undertakes to pay one of them, it will have to pay 120 or 125 to get it. This will give the Government the option to buy these bonds at any time it pleases.

I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BUTLER. I should like to ask the Senator from Arkansas, to save time, to insert in his amendment, in line 18, in place of the word "coin," the words "lawful money." This is to be a popular loan, and there is no question about the patriotism of the people and their willingness to take the bonds.

Mr. JONES of Arkansas. I think it better that it should remain as it is. The Senator from North Carolina and I believe in paying these bonds in coin; I do, at any rate; and I believe coin ought to be the money of the United States—gold and silver.

Mr. STEWART. I would suggest that there will be no difficulty in selling these bonds at par if they are made receivable for Government dues. After the vote is taken, on the amendment I shall offer an amendment making them receivable for Government dues. There will be no difficulty about their being at par then.

The PRESIDENT pro tempore. The Secretary will call the roll on the amendment proposed by the Senator from Arkansas [Mr. JONES].

The Secretary proceeded to call the roll.

Mr. GORMAN (when Mr. FAULKNER's name was called). I have been requested by the Senator from West Virginia [Mr. FAULKNER] to announce his pair on this vote with the Senator from Washington [Mr. TURNER]. If the Senator from West Virginia were here, he would vote "nay."

Mr. MALLORY (when his name was called). I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired on this vote with the Senator from Delaware [Mr. GRAY]. He would vote "nay" and I should vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER].

Mr. WILSON (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. PASCO]. If present, he would vote "yea" and I should vote "nay."

The roll call having been concluded, the result was announced—yeas 31, nays 42; as follows:

YEAS—31.

Allen,	Cockrell,	Martin,	Stewart,
Bacon,	Daniel,	Mills,	Sullivan,
Bate,	Harris,	Money,	Teller,
Berry,	Helfeld,	Morgan,	Tillman,
Butler,	Jones, Ark.	Pettigrew,	Turley,
Cannon,	McEnery,	Pettus,	Turpie,
Chilton,	McLaurin,	Rawlins,	White,
Clay,	Mantle,	Roach,	

NAYS—42.

Aldrich,	Fairbanks,	Lindsay,	Pritchard,
Allison,	Foraker,	Lodge,	Quay,
Baker,	Frye,	McBride,	Sewell,
Burrows,	Gear,	McMillan,	Shoup,
Caffery,	Gorman,	Mason,	Spooner,
Carter,	Hale,	Morrill,	Thurston,
Chandler,	Hanna,	Murphy,	Wellington,
Clark,	Hansbrough,	Nelson,	Wetmore,
Davis,	Hawley,	Perkins,	Wolcott,
Deboe,	Hoar,	Platt, Conn.	
Elkins,	Kyle,	Platt, N. Y.	

NOT VOTING—16.

Cullom,	Jones, Nev.	Pasco,	Turner,
Faulkner,	Kenney,	Penrose,	Vest,
Gallinger,	Mallory,	Proctor,	Warren,
Gray,	Mitchell,	Smith,	Wilson,

So the amendment of Mr. JONES of Arkansas was rejected.

Mr. JONES of Arkansas. I move, in line 19, page 76, to strike out "ten" and insert "three;" so as to make the bonds payable three years after date of issuance, at the option of the Government, and on that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, he would vote "nay" and I should vote "yea."

The roll call was concluded.

Mr. PASCO (after having voted in the affirmative). I see that the Senator from Washington [Mr. WILSON] is not present. I am paired with him, and therefore withdraw my vote.

The result was announced—yeas 31, nays 42; as follows:

YEAS—31.

Allen,	Cockrell,	Martin,	Stewart,
Bacon,	Harris,	Mills,	Sullivan,
Bate,	Helfeld,	Money,	Teller,
Berry,	Jones, Ark.	Morgan,	Tillman,
Butler,	Jones, Nev.	Pettigrew,	Turley,
Cannon,	McEnery,	Pettus,	Turpie,
Chilton,	McLaurin,	Rawlins,	White,
Clay,	Mantle,	Roach,	

NAYS—42.

Aldrich,	Elkins,	Hoar,	Platt, N. Y.
Allison,	Fairbanks,	Kyle,	Pritchard,
Baker,	Foraker,	Lindsay,	Sewell,
Burrows,	Frye,	Lodge,	Shoup,
Caffery,	Gallinger,	McBride,	Spooner,
Carter,	Gear,	McMillan,	Thurston,
Chandler,	Gorman,	Morrill,	Wellington,
Clark,	Hale,	Murphy,	Wetmore,
Cullom,	Hanna,	Nelson,	Wolcott,
Davis,	Hansbrough,	Perkins,	
Deboe,	Hawley,	Platt, Conn.	

NOT VOTING—16.

Daniel,	Mallory,	Penrose,	Turner,
Faulkner,	Mason,	Proctor,	Vest,
Gray,	Mitchell,	Quay,	Warren,
Kenney,	Pasco,	Smith,	Wilson,

So the amendment of Mr. JONES of Arkansas was rejected.

Mr. JONES of Arkansas. Mr. President, yesterday when the Senate adopted an amendment providing for the coinage of the silver in the Treasury, offered by the Senator from Colorado [Mr. WOLCOTT], I gave notice that I should offer the provision which had been reported by the committee on the same subject, to take the place of it. After consultation with gentlemen associated with me on the committee, and others, I have concluded that I will not make the proposition, in view of the fact that the amendment of the Senator from Colorado provides for the coinage of all the silver in the Treasury.

The PRESIDENT pro tempore. The question before the Senate is on the amendment offered by the Senator from North Carolina.

Mr. CANNON. I ask the Senator from North Carolina to withhold his amendment until I can offer an amendment and get action on it.

The PRESIDENT pro tempore. Is the amendment to that portion of the bill which the Senator from North Carolina proposes to strike out? If so, it is in order now.

Mr. CANNON. I move to strike out, on page 77, beginning in line 9, all after the word "allotted" to the end thereof, as follows:

And a sum not exceeding one-half of 1 per cent of the amount of the bonds herein authorized is hereby appropriated to pay the expense of preparing, advertising, issuing, and disposing of the same.

Under the proposal to issue \$300,000,000 of bonds there is a direct appropriation of one and a half million dollars. If the proposition of the House to issue \$500,000,000 of bonds should obtain in conference, there would be a direct appropriation of two and a half million dollars made absolutely, and it is impossible to conceive of an expenditure of so vast a sum in the preparation and issuance of bonds by the Treasury Department. It seems to me that the reason for striking out this clause is self-evident without argument. The appropriation of two and a half million dollars or one and a half million dollars for any such purpose is absurd upon its face.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. ALDRICH. I ask that it may be stated again.

The SECRETARY. After the word "allotted," in line 9, page 77, it is proposed to strike out the remainder of the section, as follows:

And a sum not exceeding one-half of 1 per cent of the amount of the bonds herein authorized is hereby appropriated to pay the expense of preparing, advertising, issuing, and disposing of the same.

Mr. CHANDLER. I ask the Secretary to read lines 5 and 6.

The Secretary read as follows:

That such bonds and certificates shall be issued at par, no commissions shall be allowed thereon.

Mr. ALLISON. I think a quarter of 1 per cent would be ample.

Mr. TELLER. One-eighth is ample.

Mr. ALLISON. I suggest to the Senator to allow something in the way of expenses for the disposal of the bonds.

Mr. CANNON. I think no amount is necessary. The Treasury Department has under its control ample facilities for the printing of the bonds. There is no direct appropriation at this time necessary for that purpose, and the bonds can all be placed among the people of the United States absolutely without expense, as can be ascertained by public correspondence by any Senator present. The Senator from Iowa [Mr. GEAR] sitting at my left suggests to me that the bonds can not be sent by express without expense. I have in my possession a letter from the Adams Express Company, directed to myself, which is as follows:

Replying to your inquiry of May 8: Understanding that it was the desire of the Government to solicit subscriptions to the new loan from all classes in all sections of the country, we tendered the Secretary of the Treasury the services of our agencies for that purpose, and we are informed that those services will be accepted.

We have communicated to the other express companies our action and have little doubt that they will display their patriotism in a similar manner.

I have in my possession a letter from the National Park Bank, of New York, tendering its free services to the Government for the placing of these bonds among the people. I have in my possession a letter from the New York Bank Note Company, showing that the expense of issuing 500,000 separate bonds by private concerns would be less than \$100,000. It would appear that no appropriation whatever is necessary. It occurs to me that it is unwise at this time to place a floating amount, one and a half millions or two and a half millions, \$750,000 or one and a quarter million dollars, at the disposal of the Treasury Department.

Mr. JONES of Arkansas. Mr. President, in connection with what has just been stated by the Senator from Utah, I wish to call attention to an editorial in a recent issue of the New York Commercial. It is only a few lines, and I desire to read it. The absurdity of the proposition to provide a fund of a million and a half or two million and a half dollars for advertising these bonds, it seems to me, is shown when I read this paragraph:

Numbers of national banks have been applying to the Comptroller of the Currency in advance to have bank notes printed for them in anticipation of purchasing war bonds, by deposit of which the new notes will be secured. Charles G. Dawes, Comptroller of the Currency, said last week that the Bureau of Printing and Engraving was actively printing bank notes in anticipation of the demand. The applications have come from all sections of the country and the understanding is pretty general that bonds will eventually be issued.

This was a week ago.

Some of the local banks have been making arrangements to take bonds for themselves or their correspondents, and there have been shipments of currency to this city intended to pay for bonds. It was pointed out yesterday by a local bank officer that out-of-town banks will fare better by sending in their applications for bonds direct to Washington than by subscribing for them through their New York correspondents, as the loan is to be a popular one, which it will be the intention of the Government to have taken in all parts of the country.

So it seems that advertisement is not necessary.

Mr. ALLISON. There will be more or less expense, but certainly not one-half of 1 per cent. I agree with the Senator from Utah that this amount is larger than necessary; but it is in the discretion of the Secretary. However, I believe myself that these

bonds will be taken by the people of the United States and that whatever expense is necessary for printing the bonds can be paid out of another fund, and therefore I am entirely content that the amendment of the Senator from Utah shall be adopted.

Mr. MORGAN. The article from the New York paper which the Senator from Arkansas has just read contains a statement of facts that no gentleman in this country has yet ventured to deny. I read that same paper here yesterday or the day before.

Mr. JONES of Arkansas. The Senator called my attention to it nearly a week ago.

Mr. MORGAN. I called the Senator's attention to it nearly a week ago, as he states. Some person here in the Senate knows whether it is true or whether it is not true. The paper has asserted, and it is a very important statement, that these banks have swarmed in with their orders upon the Printing Bureau of the United States to have all their notes prepared in time to avail themselves of this issue of bonds. I have on two or three occasions, to-day and yesterday, made some observations on that subject which I think the Senate thought were unjustified, perhaps a little impatient criticism on my part; but it is a solemn fact, Mr. President, that these notes are now prepared and ready for issue to take up all these bonds. That is why I say that part of this bill is framed on the demand of the national banks.

Mr. WOLCOTT. Will the Senator from Alabama permit me?

Mr. MORGAN. Certainly.

Mr. WOLCOTT. I am inclined to think that the editorial to which the Senator from Arkansas referred was published before the amendments reported from the committee, which perhaps may have been based more or less upon the statement of the Secretary of the Treasury that he did not think the people would take these bonds, and which absolutely required the Secretary of the Treasury to offer them generally everywhere at par, inviting bids and to accept bids first that are smallest in amount and the bids of individuals.

Mr. MORGAN. I am very glad that provision has been made, but the \$300,000,000 of bonds authorized under this act and the \$100,000,000 of interest-bearing Treasury notes, which are simply absurd on their face, will find their way into the national banks and are intended to find their way into the national banks. That is the purpose of the bill, and the national banks have no idea of relaxing their power over the Senate to permit them to do what ought to have been done for the war instead of furnishing an opportunity to the national banks for a great speculation in handling the war funds.

Now, sir, I have characterized this on this floor, and I intend to stand by the characterization until somebody brings proof that I am mistaken about the facts which have been here asserted.

The PRESIDENT pro tempore. The amendment is agreed to without objection. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. BUTLER].

Mr. PETTIGREW. Let us have the amendment read.

The PRESIDENT pro tempore. The Chair is informed that the amendment has been read. Does the Senator desire to have it read again? It is a very long amendment.

Mr. CHANDLER. I desired that it might be read, but the Senator from North Carolina has concluded to briefly state exactly what it is, and therefore, in order to expedite the business of the session, I hope that the reading may be omitted and that the Senator may briefly state what his amendment is, so that we shall all understand it.

Mr. JONES of Arkansas. That is right.

The amendment proposed by Mr. BUTLER is as follows:

Sec. —. That there be, and is hereby, established a system of postal savings banks, to be under the direction and supervision of the Postmaster-General and the Secretary of the Treasury in conformity to the provisions of this act.

Sec. —. That each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General, in his discretion, may from time to time designate, are hereby declared to be postal savings bank offices to receive deposits and invest for or repay the same to the depositors or their legal representatives, as hereinafter provided: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings banks only at the money-order offices of the first, second, and third classes, then extend the system as rapidly as practicable to all other post-offices named above.

Sec. —. That any person, including married women and minors (unless the parents or guardians of the latter shall file a written protest), may deposit and open an account at any one of such offices. Deposits of married women, or from a single woman who may afterwards marry, shall be kept as her sole and separate property, same as if she were single; and such deposit shall not be subject to the control nor be liable for the debts of her husband. Deposits may be made by husbands, payable to their wives or any member of their family. Parents may accumulate a fund for their growing children by depositing a sum of money for each, to be paid at some specified date or when each child becomes of age.

Sec. —. That at least \$1 or a larger amount in multiples of 10 cents must be deposited before an account is opened with the person depositing the same, but 10 cents or multiples of the same may be deposited and credited in pass book after such account has been opened: *Provided*, That no one shall be permitted to deposit more than \$1,000 for the first month and not more than \$200 in any one calendar month thereafter: *And provided further*, That in order that smaller amounts may be saved to be deposited, any person may purchase from any such office, for 1 cent, a postal savings card, on which may be attached especially prepared adhesive stamps, to be known as "postal

savings stamps," and when the stamps so attached amount to \$1 or a larger amount in multiples of 10 cents, including the 1-cent postal savings card, may be presented to any such office as a deposit for opening an account; or when the stamps attached amount to 10 cents or any multiple of 10 cents, including the 1-cent postal savings card, it may be presented to the office where such person has an account as a deposit, but no stamps other than the specially prepared postal savings stamps shall be accepted as a deposit; and when such card and stamps thereon attached are redeemed by any postmaster he shall cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of the denomination of 1 cent, 4 cents, 5 cents, and 10 cents, and keep them on sale at every postal savings bank office; and every such postal savings bank office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual business hours of the town or locality where such bank is located, or between such specific hours as the Postmaster-General may direct, and as late as 9 o'clock p. m. on at least two evenings in each week.

SEC. — That the postmaster of any such office shall upon the receipt of any such deposit for opening an account deliver to the depositor a postal savings bank pass book, which shall bear the name of the person for whom the deposit is made and such other memoranda as may be necessary to identify the same, as well as the signature or mark of the depositor, in which pass book the postmaster shall at the time enter the amount and date of the deposit, and the entry shall be attested by him in such manner and under such regulations as the Postmaster-General may direct, and every succeeding deposit shall be entered and certified in like manner; and every such deposit shall upon the day of such receipt be reported by the postmaster to the Postmaster-General, and the acknowledgment of the Postmaster-General, signified by the officer whom he shall appoint or designate for that purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of the claim of the depositor to the repayment of the deposit on demand with any interest that may have been allowed and entered, or may have accrued; and until such acknowledgment is received the entry by the proper officer in the deposit pass book shall be conclusive evidence of title as respects the deposit made; and it shall be the duty of every depositor to see that he receives such acknowledgment. If he does not receive the acknowledgment within twenty days of the time for making his deposit with the postmaster, it shall be the duty of the depositor to notify the Postmaster-General of such fact, and to demand from the Postmaster-General the acknowledgment due him. In case a depositor shall lose his pass book, he may secure a duplicate of the same upon application to the Postmaster-General, upon the payment of a charge to be fixed by the Postmaster-General by general regulation, but in lieu of payment of cost of same it may be charged to the account of such depositor.

SEC. — That interest at the rate of 2 per cent per annum shall be computed, allowed, and entered in the pass book to the credit of each depositor once in each year, and shall be added to and become a part of the principal money; but such interest shall not be computed or allowed on any amount less than \$1 or some multiple thereof, and not commence until the first day of the calendar month next following the day of such deposit, or when deposits of a less amount shall have amounted to the total of \$1, and shall cease on the first day of the calendar month in which such deposit is withdrawn. *Provided*, That if any deposit shall exceed \$500 in any one year that no interest shall be allowed on that part of the deposit in excess of the \$500, exclusive of accumulated interest, and that interest shall never be allowed on any amount to the credit of any one person in excess of \$1,000, exclusive of accumulated interest.

SEC. — That every depositor shall forward his deposit pass book to the Postmaster-General, in an envelope free of postage, which will be furnished him at the postal savings bank office, once in each year, on or within thirty days after the anniversary of the first deposit made, for examination and entry of amount of interest found due.

SEC. — That on demand of the depositor or party legally authorized to claim on account of a depositor, made in such form and manner as shall be prescribed by the Postmaster-General, for repayment of any deposit or any part thereof, the Postmaster-General shall draw a check on the Treasury for the amount, or may issue an order or warrant on any postal-savings bank office, payable to the depositor, and forward the same to the depositor forthwith, and such check may be cashed at any postal-savings bank office; but an order or warrant shall be cashed only at the office on which it is drawn: *Provided*, That when the deposit has been made by a trustee for another the application must be signed by both of such parties, or the survivor, or the executor, or the administrator of the survivor representing said party; *And provided further*, That when a deposit has been made by a minor under 15 years of age the application shall also be signed by the parent or guardian, if such party shall have filed a written request or notice to that effect.

SEC. — That no sum of money deposited under this act shall, while in the hands of any postmaster, or while in the course of transmission to or from the Postmaster-General, or while in the possession of the United States, at any time be liable to demand, attachment, seizure, or detention under any legal process against the depositor thereof.

SEC. — That the postmasters and other officers of the post-office engaged in the receipt or payment of deposits shall not disclose the name of any depositor, or the amount deposited or withdrawn, except to the Postmaster-General or to such of his officers as are appointed to assist in carrying into operation the provisions of this act, or to such other person or persons as the Postmaster-General may by general regulations or special order direct.

SEC. — That all moneys received for deposit under this act shall be forwarded to the Postmaster-General, or to such United States depository as he may designate, as often as once each week, and daily from such offices as he may designate; and all moneys so forwarded shall be paid into the Treasury and shall be credited to an account to be called "The post-office savings bank" account; and all sums withdrawn on account of depositors or for other purposes shall be charged to such account. The Postmaster-General may, with the advice and approval of the Secretary of the Treasury, designate such United States depositories as may be convenient for the postal savings bank offices and for the Treasury, where deposits provided for by this act may be forwarded by postmasters.

SEC. — That the Secretary of the Treasury is hereby authorized and directed to invest such postal savings bank funds, in excess of what shall be deemed by him and the Postmaster-General necessary to keep on hand as reserve for redemption purposes and for expenses of administering this act, and in excess of what may be needed to carry on the war with Spain, in United States bonds, as far as possible to do so, and realize a profit for the postal savings bank fund; and he is further authorized to invest any funds that he may not be able to so invest in State bonds under same limitations, or to loan to banker or approved depositories within the States where such postal deposits are made, upon such security and under such rules and regulations as he may prescribe, at a rate of interest that will yield a profit for the postal savings bank fund, and all such postal savings deposits are hereby declared preferred claims against the banks holding the same, and against any persons who have become bound as security therefor: *Provided*, That the Secretary of the Treasury, instead of investing or loaning such funds in the manner provided above, may turn the same, or any part of the same, into the general fund of the Treasury when, in his judgment, the condition of the Treasury demands it.

SEC. — That the banks receiving deposits of postal savings funds, as provided in this act, shall keep separate and distinct accounts of all receipts and payments; and the balance sheets of such accounts, from the 1st of January to the 31st of December in each year, inclusive, and for any shorter period, if the same be required, shall be filed with the Secretary of the Treasury and Postmaster-General and laid before Congress not later than the 31st day of January in each year.

SEC. — That the Postmaster-General, with the consent and approval of the Secretary of the Treasury, if he shall deem it wise and necessary for the better working of the postal savings bank system, may designate certain post-offices of the first class as subdepositories, which, for a certain area, may be directed and required to perform, under rules and regulations, certain duties of the Post-Office Department in the postal savings bank work, such as receiving daily reports and remittances from the postal savings bank offices within a given area, and receipting for the same, repaying to depositors upon proper demand, and such additional duties as may be found necessary or expedient to facilitate the administration of this system; and the postmasters at subdepositories shall, at the end of every calendar month, or more frequently if required, make reports to the Secretary of the Treasury of all postal savings funds as shall have been received by them during the preceding month, or shorter period, from the receiving offices, and amounts disbursed upon demand of depositors, and at the same time furnish copies of said reports to the Postmaster-General, together with any further detailed report he may require; and also transmit said moneys, not disbursed, to the Secretary of the Treasury or such banks or approved depositories as the Secretary of the Treasury may designate, in conformity to the terms and provisions of section 11 of this act.

SEC. — That any depositor having standing to his credit for three months the sum of \$10 or more may make application to the Postmaster-General that United States bonds be issued to him in lieu of such deposit; thereupon the amount specified by the applicant, being in \$10 or multiple thereof, shall be transferred to the general fund of the Treasury, and bonds of the denomination of ten, fifty, or one hundred dollars each shall be issued to the depositor in lieu thereof at his option, one ten-dollar bond for each \$10, or one fifty-dollar bond for each \$50, or one one-hundred-dollar bond for each \$100 so transferred. All such bonds shall be due and payable in any lawful money of the United States on or before twenty years from date at the option of the Government, or upon demand of holder after six months' notice; shall be dated July 1 or January 1 of the year issued, and shall bear interest at the rate of 2 1/2 per cent per annum, which interest shall become due and payable on the 30th day of June of each year; and such bonds shall be known as United States Postal Savings Bonds, and the words "United States Postal Savings Bonds" shall be printed upon the face of each of said bonds. And the holder of such bonds may deposit the same with the Post-Office Department at Washington for safe-keeping and take the Postmaster-General's receipt for the same: *Provided*, That not more than \$1,000 face value of such bonds shall be issued to any one depositor in any one year. That the Secretary of the Treasury shall cause to be prepared the various denominations of United States postal savings bonds that may be required.

SEC. — That the Postmaster-General may in his discretion, or shall, upon the request of the Secretary of the Treasury, require an additional bond of any postmaster of a postal savings bank office or subdepository, provided such bond shall not be excessive or unreasonable in amount.

SEC. — That the Postmaster-General, with the consent and approval of the Secretary of the Treasury, shall make the necessary regulations and prepare the necessary instructions for carrying this act into effect, including regulations regarding the deposits and withdrawal of deposits by minors and trustees, and the final disposition of deposits of deceased persons, and such regulations and instructions shall be binding on all persons to the same extent as if such regulations formed part of this act, and the Postmaster-General may, with the approval of the Secretary of the Treasury, change such regulations from time to time as may be found necessary to secure the best administration of this act; and the Postmaster-General shall transmit to Congress on the first day of each session a copy of all regulations made and in force and of all changes made subsequent to his last report, and the reasons for such changes.

SEC. — That the Postmaster-General shall cause to be prepared and printed all necessary books and blanks required to carry this act into effect.

SEC. — That the Postmaster-General shall, as soon as practicable after the end of each month, make a report to the Secretary of the Treasury of all moneys received and paid during the preceding month, and the total amount of deposits at the end of each month, and such report shall be published by the Secretary as soon after the close of the month as is practicable. The Postmaster-General shall make an annual report of the total amount of deposits received and repaid to depositors, or invested for them, and the total amount due depositors for each year ending June 30, with the classification of depositors and the amount deposited, drawn out, and the amount due each class, and a statement of expenses incurred; also a copy of all regulations made and in force and of all changes made in regulations since his last report, and the reasons for such changes, and such other particulars and recommendations as he shall deem necessary. Such annual report shall be transmitted to Congress upon the first day of each regular session.

SEC. — That there is hereby created the office of Fifth Assistant Postmaster-General, and such officer shall be appointed in the same manner in which the other Assistant Postmaster-Generals are appointed, and with the same salary. The duties of such officer shall be, under the direction and subject to the supervision of the Postmaster-General, to take charge of and conduct all the business of the Post-Office Department pertaining to postal savings banks. And it is hereby made the duty of the Secretary of the Treasury to designate such officer or officers and subdivisions of his Department as may be necessary to take charge of and conduct the business of the Treasury Department pertaining to postal savings banks.

SEC. — That the provisions of the several statutes relating to the larceny, embezzlement, or misappropriation of the postal funds, money-order funds, postage stamps, stamped envelopes, or postal cards, and to the forging or counterfeiting of postage stamps, the stamps printed upon stamped envelopes or postal cards, or the dies, plates, or engravings used in the manufacture of the same, be, and they are hereby, extended, including the punishment prescribed therefor, and made applicable to the commission of similar crimes in connection with the postal savings system hereby established.

SEC. — That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated to carry this act into effect and operation, and that the expenses of administering this act shall be paid out of the money received under the operation thereof.

Mr. BUTLER. The Senate has decided to borrow money to carry on the war instead of raising it by taxation. The bond section of this bill, which the Republicans and Gold Democrats have joined in putting into this bill, professes on its face to be a popular loan; but it is not. The bankers will get the bonds. The masses of the people will have no chance to buy them. The substitute which I offer for this bond section is absolutely a popular loan. If we are to borrow money to carry on the war, then let us

borrow it from the people, if they are willing to loan it to the Government.

My substitute goes further. It provides for borrowing this money at 2 per cent instead of at 3 per cent. My substitute is what is known as the postal savings banks system. It is not in the shape that I would offer it as a complete independent measure, but it is specially prepared for the purpose of raising money for this war. The substitute provides that the money raised through the post-offices by deposits from the people shall be used for carrying on the war, or so much of it as may be necessary, and then the machinery is provided, as is provided in all other countries that have postal savings banks system, for the disposition of the remainder.

Mr. President, every time that this proposition to establish depositories at the post-offices in the United States to give the people an opportunity to deposit their small earnings—every time such a proposition has been before Congress we have been met with the objection that the Government would not be able to use the enormous amount of money that the people would deposit with the Government at the low rate of 2 per cent. The most serious objection, the objection that it has been the most difficult to meet, has been the one that it would raise more money than the Government could use or invest. I have had it thrown at me and figures quoted to show that Great Britain to-day has \$550,000,000 raised by her postal savings bank system, and it was said if Great Britain raised \$550,000,000 by that means, that in this country more than twice that amount would be deposited by the people and we would be flooded with money at 2 per cent.

Mr. President, there is not a person opposed to this system who will dare to say that this arrangement will not raise more money year by year than this bond provision provides for. It will raise it from the people from every post-office in the United States. The people who have their little earnings in their stockings stand to-day ready to chip it in and let the Government have the use of it at 2 per cent. The Senator from Illinois [Mr. MASON] stated in the Committee on Post-Offices and Post-Roads two or three weeks ago that there would be \$1,000,000 deposited under this system in his city of Chicago on the first day that the postal savings bank system was put into operation.

Mr. President, this would truly be a popular loan. It would raise the money necessary for the war. It would raise more money than is necessary for the war, and besides, it would give to the masses of the people the benefits of the system which have been so admirably set forth by Postmaster-General Gary in his annual report. He argued the question from the great advantages that would come to our citizenship, how it would be conducive to patriotism and better citizenship, how it would teach our people to become money savers as well as money makers.

But, Mr. President, if that argument were not good, there is now a reason for the establishment of this system to allow the people to contribute their money, through the post-offices, to the Government to carry on this war. The people will loan all the money necessary under this system. The Treasury would be benefited, because the Government would get the money at a lower rate of interest. The people would be benefited, for they would get interest instead of being taxed to pay interest to capitalists. If we are to borrow money, why pay 3 per cent when we can get it at 2 per cent? This amendment is a saving of 1 per cent on every dollar borrowed. That is a saving of \$3,000,000 a year. Besides, the interest the Government pays it will pay directly to the people in every quarter of the country, not only in every State and in every county and in every township, but at every post-office.

France has carried a greater debt per capita than any other people in the world, and at the same time prospered as no other people have ever prospered. She did it by borrowing her money from her own people. Half of the burden of a national debt is removed if the debt is held by the masses of the people and the interest is paid out so that it is broadly circulated and not concentrated at the money centers. A debt of a thousand million dollars would not be half so burdensome on the Government with the interest paid to the masses of the people as a concentrated debt of half the amount at the same interest. So we not only have the advantage of a lower rate of interest, but we have the advantage of the interest that is paid being distributed and diffused.

Mr. President, I hope the Senate will unanimously adopt this amendment; but if it does not, at some time in the near future I will discuss at some length and in detail the proposition to establish a permanent system of the postal savings banks. I hope that the Committee on Post-Offices and Post-Roads will soon report such a bill. The committee has had under consideration now for over five months two bills, one introduced by the Senator from Illinois [Mr. MASON] and one by me.

The committee has made amendment after amendment and change after change, and what I offer this evening as a substitute to the bond provision is the sum total of the wisdom of our committee after five months' consideration. It is not the original bill that I offered; it is not the original bill that the Senator from Illi-

nois offered; but they are the provisions that have been changed and modified from week to week by the committee, composed of members of all parties. I had hoped that the bill would have been reported before now, so what I offer is not a crude piece of legislation. It has had up to this hour certainly more careful attention than the majority of bills that come before this body.

It has been framed not from a partisan standpoint, not from the standpoint of a person who looks upon it as a hobby or a pet measure; but it has been criticised and amended by a committee some of whom favor the proposition and some of whom oppose it. Amendment after amendment has been suggested by those opposed to the proposition, and many such amendments have been accepted because there was merit in them. So it is a carefully prepared plan for giving the people a chance to contribute their money and carry on this war, and to contribute it at a rate of 2 per cent interest.

If Congress will adopt this amendment, we will get all the money necessary at 2 per cent, and at the same time confer a blessing upon the masses of our people. Do we prefer to give the capitalist 3 per cent to giving the people 2 per cent?

If this amendment is voted down, that is what it will mean. It will mean more—that the real purpose of this bond issue is to give the national banks a chance to invest in these bonds at 3 per cent and then to issue their bank notes on the bonds and lend the notes to the people at from 6 to 12 per cent interest. Thus we see that such bank paper, based on these bonds, will cost the people from 9 to 15 per cent interest, and is not as good money as the greenbacks, which is Government money and which costs the people no interest.

That is why the Republicans and the Gold Democrats voted against greenbacks. They did it in the interest of the bankers.

I suppose they will vote against this amendment for the same reason.

Mr. KYLE. Mr. President, I wish to say just one word. For five years past I have had a bill before the Committee on Post-Offices and Post-Roads providing for the establishment of postal savings banks. At the beginning of the present session I reintroduced the bill, and it is now before that committee for consideration. I have for a number of years been a strong advocate of this proposition, and I believe it will prove to be ultimately one of the greatest blessings to the people of our country. But at the same time I believe it is very similar to a large number of amendments which have been offered to the bill, which have merit in them as independent propositions, but which are inopportune here. Therefore I shall vote against the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. BUTLER].

The amendment was rejected.

Mr. STEWART. I now desire to offer the amendment which was read some time ago, proposing to issue Treasury notes payable in one year and drawing interest not exceeding 3 per cent. The rate was 3 per cent, but it has been modified so as to draw interest not exceeding 3 per cent, and receivable for Government dues. This is the plan uniformly adopted previous to 1862. The original plan is said to have been drawn by Madison. It was started under his Administration. My amendment, except that it is adapted to the present occasion, does not vary in any particular from the bills that have been passed, one after another, of precisely the same character. It is no new language. It has been used and construed.

I do not ask to have the amendment read, but I think it is so important and so much more economical and satisfactory to raise money this way than by the issue of long-term bonds in the first instance that I shall ask for the yeas and nays on it. It is the plan adopted in the war of 1812 and in the Mexican war, and it prevented the accumulation of a large bonded debt. It kept the country practically out of debt. One of the great merits of the proposition is that it facilitates the payment of taxes, the notes being receivable for Government dues. There never has been any trouble about its operation, and its results have been most satisfactory. I will ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment which he has explained and on which he demands the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN rose.

Mr. STEWART. It is to supersede the two sections of the bond provision.

Mr. MANTLE. I wish to ask the Senator from Nevada what amount of paper he proposes to issue?

Mr. STEWART. Five hundred million dollars. That is in the discretion of the Secretary of the Treasury, however. That amount will cover the whole business.

Mr. COCKRELL. How much?

Mr. STEWART. Not exceeding \$500,000,000.

The PRESIDENT pro tempore. The roll will be called on agreeing to the amendment.

The Secretary proceeded to call the roll, and Mr. ALDRICH answered to his name.

Mr. ALLEN. I wish to move to lay the proposed amendment on the table. I make the motion because I can not and will not vote for any provision that has the feature of drawing interest attached to it one way or the other.

Mr. BATE. I desire that the amendment may be read to the Senate.

The PRESIDENT pro tempore. On the roll call the Senator from Rhode Island [Mr. ALDRICH] has already responded. It is too late to move to lay the amendment on the table, and the roll call will proceed.

Mr. BATE. Has the amendment been read to the Senate?

The PRESIDENT pro tempore. It has been read to the Senate.

Mr. BATE. I have not heard it read; and there are many Senators here in the same situation.

Mr. ALDRICH. It has been read.

Mr. BATE. It has not been read to-day. I want to hear it read.

Mr. ALLEN. I submit that the Senator from Rhode Island [Mr. ALDRICH] can not, when a Senator is on his feet, answer to his name for the purpose of cutting off any motion that may be made. I was on my feet long before the first name was called.

Mr. HALE. I suggest that by unanimous consent the Senator from Nebraska be allowed to move to lay the amendment on the table.

Mr. ALLEN. Now I move to lay the amendment on the table.

Mr. STEWART. Before I give unanimous consent—

Mr. HALE. The motion to lay on the table is not debatable.

Mr. STEWART. As several gentlemen have asked for the reading of the amendment, I would like to have it read in part. Some of it is administrative, and that part need not be read. I should like to have that portion read which strikes out the two sections, so that Senators can see what the provision is. Let enough of the amendment be read so that its meaning can be ascertained. Some of it is administrative, and that part need not be read.

Mr. HALE. That is, let enough of it be read so that we can see to vote against it.

Mr. STEWART. Of course the gentleman from Maine will vote against it. That is a foregone conclusion.

Mr. BATE. I do not know what the amendment is, because it has not been read to-day. When it was read, I do not know. I only know that it relates to the currency question, which is a very sensitive one. We want to know what we are going to vote upon. Five or six Senators around me desire to have it read, and I ask that it be read.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary proceeded to read Mr. STEWART'S amendment, which was to strike out sections 27 and 28 from the bill and insert:

SEC. —. That the Secretary of the Treasury be hereby authorized to cause Treasury notes, payable to bearer, for such sum or sums as the exigencies of the public service may require, but not to exceed at any time the amount of \$400,000,000, and of denominations of \$10 and multiples thereof, to be prepared, signed, and issued in the manner hereinafter provided.

SEC. —. That such Treasury notes shall be paid and redeemed by the United States at the Treasury thereof after the expiration of one year from the date of issue of such notes; from which dates until they shall be respectively paid and redeemed they shall bear such rate of interest as shall be expressed in such notes, which rate of interest shall be fixed by the Secretary of the Treasury at not exceeding 8 per cent per annum; *Provided*, That after the maturity of any of said notes interest thereon shall cease at the expiration of sixty days' notice of readiness to redeem and pay the same, which may at any time or times be given by the Secretary of the Treasury in one or more newspapers at the seat of government. The redemption and payment of said notes herein provided shall be made to the lawful holders thereof, respectively, upon presentment at the Treasury, and shall include the principal of each note and the interest which shall be due thereon. And for the payment and redemption of such notes at the time and times therein specified the faith of the United States is hereby solemnly pledged.

SEC. —. That such Treasury notes shall be prepared under the direction of the Secretary of the Treasury, and shall be signed in behalf of the United States by the Treasurer thereof, and countersigned by the Register of the Treasury. Each of these officers shall keep, in a book or books provided for the purpose, separate, full, and accurate accounts, showing the number, date, amount, and rate of interest of each Treasury note signed and countersigned by them respectively, and also similar accounts showing all such notes which may be paid, redeemed, and canceled, as the same may be returned; all which accounts shall be carefully preserved in the Treasury Department. And the Treasurer shall account quarterly for all such Treasury notes as shall have been countersigned by the Register and delivered to the Treasury for issue.

SEC. —. That the Secretary of the Treasury is hereby authorized, with the approval of the President, to cause such portion of said Treasury notes as may be deemed expedient to be issued by the Treasurer in payment of warrants in favor of public creditors or other persons lawfully entitled to payment, who may choose to receive such notes in payment at par; and the Secretary of the Treasury is hereby authorized, with the approval of the President, to issue the notes hereby authorized to be issued, at such rate of interest as may be offered by the lowest responsible bidder or bidders who may agree to take the said notes at par after public advertisement of not less than ten days in such papers as the President may direct; the said advertisement to propose to issue such notes at par to those who may offer to take the same at the lowest rate of interest. But in deciding upon these bids no frac-

tion shall be considered which may be less than one-fourth per cent per annum.

SEC. —. That said Treasury notes shall be transferable by delivery.

SEC. —. That said Treasury notes shall be received by the proper officers in payment of all duties and taxes laid by the authority of the United States, of all public lands sold by said authority, and of all debts to the United States, of any character whatever, which may be due and payable at the time when said Treasury notes may be offered in payment thereof; and upon every such payment credit shall be given for the amount of principal and interest due on the note or notes received in payment, on the day when the same shall have been received by such officer.

SEC. —. That every collector of the customs, receiver of public moneys, or other officer or agent of the United States who shall receive any Treasury note or notes in payment on account of the United States, shall take from the holder of such note or notes a receipt on the back of each, stating distinctly the date of such payment and the amount allowed on such note; and every such officer or agent shall keep regular and specific entries of all Treasury notes received in payment, showing the person from whom received, the number, date, and amount of principal and interest allowed on each and every Treasury note received in payment, which entries shall be delivered to the Treasury with the Treasury note or notes mentioned therein; and, if found correct, such officer or agent shall receive credit for the amount, as provided in the thirty-second section of this act.

SEC. —. That the Secretary of the Treasury be, and hereby is, authorized to make and issue from time to time such instructions, rules, and regulations to the several collectors, receivers, depositaries, and all others who may be required to receive such Treasury notes in behalf of, and as agents in any capacity for, the United States, as to the custody, disposal, canceling, and return of any such notes as may be paid to and received by them respectively, and as to the accounts and returns to be made to the Treasury Department of such receipts, as he may deem best calculated to promote the public convenience and security, and to protect the United States, as well as individuals, from fraud and loss.

SEC. —. That the Secretary of the Treasury be, and hereby is, authorized and directed to cause to be paid the principal and interest of such Treasury notes as may be issued under this act, at the time and times when, according to its provisions, the same should be paid. And said Secretary is further authorized to purchase said notes at par for the amount of principal and interest due thereon at the time of such purchase. And so much of any unappropriated money in the Treasury as may be necessary for the purpose is hereby appropriated for the payment of the principal and interest of said notes.

SEC. —. That it shall be the duty of the Secretary of the Treasury to cause a statement to be published monthly of the amount of Treasury notes issued and paid and redeemed under the provisions of this act, showing the balance outstanding each month.

SEC. —. That a sufficient amount of money necessary to carry out the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Before the reading was concluded,

Mr. BATE. The administrative part of the amendment I do not care to have read. I wanted to get at the principal point. I withdraw the request for its reading. The Secretary need not read any further for me.

Mr. CULLOM. That is right.

Mr. STEWART. It will be observed that I have modified the amendment so as to make the amount \$400,000,000, which is precisely the amount proposed to be authorized by the bill in other forms.

The PRESIDENT pro tempore. The Senator from Nebraska moves to lay the amendment of the Senator from Nevada on the table. [Putting the question.] The yeas appear to have it.

Mr. STEWART. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GORMAN (when Mr. GRAY'S name was called). The Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. VEST]. The Senator from Delaware would vote "yea," if present, and the Senator from Missouri would vote "nay."

Mr. MALLORY (when his name was called). I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. In his absence I withhold my vote. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER], and therefore withhold my vote.

The roll call was concluded.

Mr. GALLINGER (after having voted in the affirmative). I am paired with the senior Senator from Texas [Mr. MILLS]. I do not see him in his seat, and will therefore withdraw my vote.

Mr. WARREN. I had overlooked for the moment an arrangement whereby, upon the motions pertaining to this subject, the junior Senator from Washington [Mr. TURNER] would be paired with the senior Senator from West Virginia [Mr. FAULKNER]. I therefore announce that they are paired on this vote, and I vote "yea."

Mr. DANIEL (after having voted in the negative). I inquire if the Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DANIEL. Then I withdraw my vote, as I am paired with that Senator. If he were present, I should vote "nay."

Mr. BACON (after having voted in the affirmative). I desire that I may be permitted to say that I do not favor the class of issues provided for by this amendment, but I prefer them to the ordinary bonds.

Mr. ALDRICH. That is out of order.

Mr. BACON. I desire to change my vote. I vote "nay."
Mr. GALLINGER. I suggest to the Senator from Virginia [Mr. DANIEL] that we exchange our pairs. I am paired with the Senator from Texas [Mr. MILLS], and he is paired with the Senator from North Dakota [Mr. HANSBROUGH]. We will both be at liberty to vote, if that will be agreeable to him.

Mr. DANIEL. Very well.

Mr. GALLINGER. I vote "yea."

Mr. DANIEL. I vote "nay."

Mr. HANSBROUGH. I understand that my pair with the Senator from Virginia [Mr. DANIEL] has been transferred to another Senator, and so I withhold my vote. If at liberty to vote, I should vote "yea."

The result was announced—yeas 55, nays 18; as follows:

YEAS—55.

Aldrich,	Fairbanks,	McEnery,	Rawlins,
Allen,	Foraker,	McMillan,	Roach,
Allison,	Frye,	Mantle,	Sewell,
Baker,	Gallinger,	Mason,	Shoup,
Burrows,	Gear,	Mitchell,	Spooner,
Caffery,	Gorman,	Morrill,	Sullivan,
Cannon,	Hale,	Murphy,	Teller,
Carter,	Hanna,	Nelson,	Thurston,
Chandler,	Hawley,	Perkins,	Warren,
Clark,	Hoar,	Pettigrew,	Wellington,
Cullom,	Kyle,	Platt, Conn.	Westmore,
Davis,	Lindsay,	Platt, N. Y.	Wilson,
Deboe,	Lodge,	Pritchard,	Wolcott,
Elkins,	McBride,	Quay,	

NAYE—18.

Bacon,	Clay,	Money,	Turley,
Bate,	Daniel,	Pasco,	Turpie,
Berry,	Harris,	Pettus,	White,
Butler,	Heitfeld,	Stewart,	
Chilton,	McLaurin,	Tillman,	

NOT VOTING—10.

Cookrell,	Jones, Ark.	Martin,	Proctor,
Faulkner,	Jones, Nev.	Mills,	Smith,
Gray,	Kenney,	Morgan,	Turner,
Hansbrough,	Mallory,	Penrose,	Vest,

So the motion to lay Mr. STEWART'S amendment on the table was agreed to.

Mr. TURPIE. On behalf of the majority of the Committee on Finance, I offer the amendment which I send to the desk as a substitute for the sections providing for bonds.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out sections 27 and 28, and in lieu thereof to insert the following:

That the Secretary of the Treasury is hereby authorized and required to issue from time to time, as the exigencies of the public service may require, on the credit of the United States of America, \$150,000,000 of United States Treasury notes, or so much thereof as may be required, of the denominations of five, ten, twenty, and fifty dollars, or some multiple thereof, payable to bearer at the Treasury of the United States, redeemable at the pleasure of the United States at any time after one year from date of issue, on call after thirty days' public notice, and payable three years from date of issue, and bearing interest from date of issue at the rate of 2 per cent per annum, and such notes, when issued, shall be receivable in payment of all taxes, duties, debts, and demands of every kind due to the United States, and shall be issued at the par value thereof in payment of services, supplies, and debts for which the United States may become liable by reason of the existing war with Spain, and when returned to the Treasury shall be reissued to an equal amount, and said notes shall be exempt from taxation by or under State or municipal authority, and the Secretary of the Treasury may issue such notes at par to borrow money.

Mr. TURPIE. Mr. President, allow me to say very briefly that the amendment provides for the issue of \$150,000,000 of Treasury notes proper, bearing 2 per cent interest, redeemable in one year, at the pleasure of the Government, and running three as the extreme term of their tenure, to be used exclusively for the payment of war expenditures in the existing hostilities with Spain. They are not legal tender, and they are made only a tender for public debts and dues, and only receivable for those purposes. This we prefer to a bond issue.

We prefer the issue of the legal-tender notes in the first place, but the Senate has already expressed its opinion on that question; and though many of our friends were hostile to the issue of anything in the shape of legal tenders, we hope that some Senators who voted against the issue of legal tenders may vote for this amendment. It is certainly a proper, legitimate, and well-precedented use of the power of the Government in issuing its own credits under these forms.

Mr. HOAR. I desire to ask the Senator from Indiana whether I correctly understood his amendment when I understood it as providing that these notes are to be made receivable by the creditors of the Government for past obligations, whether they consent or not?

Mr. TURPIE. No; it says for supplies and services during the existing war.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Indiana [Mr. TURPIE].

Mr. TURPIE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. If he were present, I should vote "nay."

Mr. GORMAN (when Mr. GRAY'S name was called). The Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. VEST] on this question. The Senator from Delaware, if present, would vote "nay," and the Senator from Missouri would vote "yea."

Mr. MALLORY (when his name was called). I again announce my pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I announce the pair on this vote of the Senator from West Virginia [Mr. FAULKNER] with the junior Senator from Washington [Mr. TURNER], with whom I have a general pair; and I vote "nay."

The roll call was concluded.

Mr. QUAY (after having voted in the negative). I inquire whether the Senator from Alabama [Mr. MORGAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. QUAY. Then I will withdraw my vote, being paired with that Senator. If he were present, I should vote "nay."

The result was announced—yeas 28, nays 45; as follows:

YEAS—28.

Allen,	Clay,	McLaurin,	Roach,
Bacon,	Cockrell,	Mantle,	Stewart,
Bate,	Daniel,	Money,	Teller,
Berry,	Harris,	Pasco,	Tillman,
Butler,	Heitfeld,	Pettigrew,	Turley,
Cannon,	Jones, Ark.	Pettus,	Turpie,
Chilton,	McEnery,	Rawlins,	White,

NAYE—45.

Aldrich,	Fairbanks,	Lindsay,	Sewell,
Allison,	Foraker,	Lodge,	Shoup,
Baker,	Frye,	McBride,	Spooner,
Burrows,	Gear,	McMillan,	Thurston,
Caffery,	Gorman,	Mitchell,	Warren,
Carter,	Hale,	Morrill,	Wellington,
Chandler,	Hanna,	Murphy,	Westmore,
Clark,	Hansbrough,	Nelson,	Wilson,
Cullom,	Hawley,	Perkins,	Wolcott,
Davis,	Hoar,	Platt, Conn.	
Deboe,	Jones, Nev.	Platt, N. Y.	
Elkins,	Kyle,	Pritchard,	

NOT VOTING—10.

Faulkner,	Mallory,	Morgan,	Smith,
Gallinger,	Martin,	Penrose,	Sullivan,
Gray,	Mason,	Proctor,	Turner,
Kenney,	Mills,	Quay,	Vest,

So Mr. TURPIE'S amendment was rejected.

Mr. TURPIE. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 27, line 5, on page 75, before the word "expenditures," it is proposed to strike out "public;" and after the word "expenditures" to insert "on account of the existing war with Spain."

Mr. TURPIE. I appeal to the Senator from Iowa that this amendment ought to be made. The title of the bill is: "A bill to provide ways and means to meet war expenditures." Section 27 provides for the issue of \$100,000,000 of certificates, and enacts that the Secretary of the Treasury may pay them out "to meet public expenditures." All war expenditures are public expenditures, but all public expenditures are not war expenditures.

Mr. ALLISON. It was for the purpose of meeting that distinction that those words were inserted. The one hundred millions provided is an emergency loan for general purposes of public expenditure whenever there is a deficiency, and it was the intent and purpose that that distinction should be made.

I thank the Senator for making the suggestion he has, and I think the title of the bill ought to be amended by adding the words "and for other purposes."

Mr. TURPIE. Perhaps the Senate may, however, agree to amend the section in the way I have proposed, and then the title need not be changed. I think it is wrong at this time to enact a deficiency bill, and that is the effect of the language in section 27. It provides for \$100,000,000 to be paid out "to meet public expenditures." It is too early to enact a deficiency bill or to alter the regular method of establishing a deficiency bill by providing for expenditures. We on this side are perfectly willing to allow the issue of \$100,000,000 of certificates for war expenditures. My purpose is to make the appropriation plain and carry out the title of the bill, which I hope will not be changed. The certificate section should be confined, as the bond section is, to the payment of expenditures in the existing war against Spain. I call for the yeas and nays upon the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I again announce my pair with the Senator from Texas [Mr. MILLS]. If he were present, I should vote "nay."

Mr. MALLORY (when his name was called). I am paired with the junior Senator from Vermont [Mr. PROCTOR]. The Senator from New Hampshire [Mr. GALLINGER] is paired with the Senator from Texas [Mr. MILLS]. I propose that we exchange pairs.

Mr. GALLINGER. That is agreeable to me.

Mr. MALLORY. I vote "yea."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], who is absent from the Chamber.

Mr. TELLER (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM]. If he were present, he would vote "nay" and I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, he would vote "nay" and I should vote "yea."

Mr. WARREN (when his name was called). I again announce the transfer of my pair with the Senator from Washington [Mr. TURNER] to the Senator from West Virginia, and will vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 31, nays 44; as follows:

YEAS—31.

Allen,	Cockrell,	Mallory,	Rosch,
Bacon,	Daniel,	Mantle,	Stewart,
Bate,	Harris,	Martin,	Sullivan,
Berry,	Heitfeld,	Money,	Tillman,
Butler,	Jones, Ark.	Pasco,	Turley,
Cannon,	Jones, Nev.	Pettigrew,	Turpie,
Chilton,	McEnery,	Pettus,	White,
Clay,	McLaurin,	Rawlins,	

NAYS—44.

Aldrich,	Fairbanks,	Lindsay,	Platt, N. Y.
Allison,	Foraker,	Lodge,	Pritchard,
Baker,	Frye,	McBride,	Sewell,
Burrows,	Gallinger,	McMillan,	Shoup,
Caffery,	Gear,	Mason,	Spooner,
Carter,	Gorman,	Mitchell,	Thurston,
Chandler,	Hale,	Morrill,	Warren,
Clark,	Hanna,	Murphy,	Wellington,
Davis,	Hansbrough,	Nelson,	Wetmore,
Deboe,	Hawley,	Perkins,	Wilson,
Elkins,	Kyle,	Platt, Conn.	Wolcott.

NOT VOTING—14.

Cullom,	Kennedy,	Proctor,	Turner,
Faulkner,	Mills,	Quay,	Vest.
Gray,	Morgan,	Smith,	
Hoar,	Penrose,	Teller,	

So Mr. TURPIE's amendment was rejected.

Mr. BACON. I desire now, in accordance with the notice I gave, to offer an amendment to the amendment which was adopted by the Senate, offered by the Senator from Texas [Mr. CHILTON], in reference to taxes on proprietary preparations. The amendment which I propose is after the word "except," in line 3 of the amendment, to insert the words "commercial fertilizers."

Mr. CHILTON. I accept that.

Mr. ALDRICH. There will be a great many others that will have to be accepted.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. SEWELL. I simply desire to correct a mistake of one word in the bill. On page 48, line 20, the word "employees," where it should read "employees' relief associations," has been printed "employers."

The PRESIDENT pro tempore. The Chair is informed that in the original bill it is all right now.

Mr. ALLEN. I move to strike out the word "three," on page 75, in line 4 of section 27, and insert "two," so as to read "2 per cent per annum;" on the same page, in line 7, to strike out "fifty" and insert "twenty," so as to read "in denominations of \$20 or some multiple of that sum;" page 76, line 1, to strike out "one hundred" and insert "fifty," so as to read "\$50,000,000" instead of "\$100,000,000;" in the same line, after the word "that," to strike out "at least fifty millions" and insert "all," so as to read "that all of said certificates herein authorized shall be issued before any bonds," etc.; in section 28, on the same page, line 13, after the word "of," to strike out "three" and insert "two," so as to read "\$200,000,000" instead of "\$300,000,000;" after the word "in," on the same page, line 18, to insert "equal parts of gold and silver;" in line 31, same page, to strike out the word "quarterly," and before the word "coin," on the same page, line 21, to insert "equal parts of gold and silver;" in the same line to strike out the word "three" and insert "two," so as to read "2 per cent per annum."

Mr. President, this amendment accomplishes just three things, and submitted in this way it will not be understood without a brief word of explanation. It reduces the interest on the bonds and certificates of indebtedness to 2 per cent; it cuts down the

certificates of indebtedness to fifty millions instead of one hundred million dollars, the bonds to \$200,000,000 instead of \$300,000,000, and it makes the bonds and certificates redeemable in gold and silver both.

Mr. STEWART. I do not see but that the proposition of the Senator from Nebraska involves interest. I thought he would not vote for anything that involves interest.

Mr. ALLEN. I will not.

Mr. STEWART. You will not?

Mr. ALLEN. I will not.

Mr. STEWART. The proposition offered by the Senator from Indiana, which is precisely—

Mr. ALLEN. I voted to substitute an amendment providing for \$150,000,000 of 2 per cent greenbacks or Treasury notes for \$400,000,000 of 3 per cent interest-bearing bonds. Now, if the distinguished Senator who offered an amendment carrying 5 per cent—

Mr. STEWART. No; I did not.

Mr. ALLEN. You did yesterday.

Mr. STEWART. Well.

Mr. ALLEN. On \$300,000,000 of Treasury notes can find any consolation in that, I am willing he should.

Mr. STEWART. I do not want any consolation. I do not require consolation, but I undertake to say that the proposition of the Senator from Indiana was the same in character as mine. Mine was 3 per cent and his was 2 per cent, and that is the only difference.

Mr. ALLEN. Yours was \$350,000,000 more than his.

Mr. STEWART. But I thought it was the question of interest which bothered the Senator. I move to lay the amendment on the table, on the ground that it has interest in it.

Mr. ALLEN. Mr. President—

The PRESIDENT pro tempore. The motion is not debatable. The Senator from Nevada moves to lay the amendment on the table.

Mr. ALLEN. I want to make a request of the Senator from Nevada.

Mr. STEWART. I will stick to my motion.

Mr. ALLEN. Very well; I will get back at you some other time.

Mr. STEWART. Oh, yes.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada to lay on the table the amendment proposed by the Senator from Nebraska.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. I suggest to the Senator from Florida [Mr. MALLORY], who is paired with the Senator from Vermont [Mr. PROCTOR], that we exchange pairs.

Mr. MALLORY. Very well.

Mr. GALLINGER. I vote "yea."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. TELLER (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM]. If he were present, he would vote "yea" and I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

The roll call having been concluded, the result was announced—yeas 47, nays 20; as follows:

YEAS—47.

Aldrich,	Foraker,	Lindsay,	Platt, N. Y.
Allison,	Frye,	Lodge,	Pritchard,
Baker,	Gallinger,	McBride,	Sewell,
Burrows,	Gear,	McEnery,	Shoup,
Caffery,	Gorman,	McMillan,	Spooner,
Carter,	Hale,	Mantle,	Stewart,
Chandler,	Hanna,	Mitchell,	Thurston,
Clark,	Hansbrough,	Morrill,	Warren,
Davis,	Hawley,	Murphy,	Wellington,
Deboe,	Hoar,	Nelson,	Wetmore,
Elkins,	Jones, Nev.	Perkins,	Wilson,
Fairbanks,	Kyle,	Platt, Conn.	Wolcott.

NAYS—20.

Allen,	Cannon,	McLaurin,	Rosch,
Bacon,	Chilton,	Mallory,	Tillman,
Bate,	Clay,	Martin,	Turley,
Berry,	Cockrell,	Money,	Turpie,
Butler,	Daniel,	Rawlins,	White.

NOT VOTING—22.

Cullom,	Kennedy,	Pettigrew,	Teller,
Faulkner,	Mason,	Pettus,	Turner,
Gray,	Mills,	Proctor,	Vest,
Harris,	Morgan,	Quay,	Warren.
Heitfeld,	Pasco,	Smith,	
Jones, Ark.	Penrose,	Sullivan,	

So Mr. ALLEN's amendment was laid on the table.

Mr. DANIEL. I have an amendment to offer. It is the amendment that was offered by the Senator from New Hampshire [Mr.

GALLINGER]. I will state briefly that it is for the purpose of reducing the tax on proprietary articles one-half. There is no necessity to accumulate so heavy a tax upon one set of people.

The PRESIDENT pro tempore. The amendment will be read. The Secretary read as follows:

In line 9, page 54, strike out "one-fourth" and substitute "one-eighth."
In line 13, page 54, strike out "one-half" and substitute "one-fourth."
In line 17, page 54, strike out "one" and substitute "one-half."
In line 21, page 54, strike out "two" and substitute "one."
In line 25, page 54, strike out "three" and substitute "one and one-half."
In line 4, page 55, strike out "four" and substitute "two."
In line 9, page 55, strike out "two" and substitute "one."
In line 24, page 55, strike out "one-fourth" and substitute "one-eighth."
In line 3, page 56, strike out "one-half" and substitute "one-fourth."
In line 7, page 56, strike out "one" and substitute "one-half."
In line 11, page 56, strike out "two" and substitute "one."
In line 15, page 56, strike out "three" and substitute "one and one-half."
In line 19, page 56, strike out "four" and substitute "two."
In line 24, page 56, strike out "two" and substitute "one."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. BERRY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GORMAN (when Mr. FAULKNER's name was called). The Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Washington [Mr. TURNER]. If the Senator from West Virginia were present, he would vote "yea" on the passage of the bill.

Mr. GALLINGER (when his name was called). I will again announce my pair with the Senator from Texas [Mr. MILLS], and will ask the Senator from Florida [Mr. MALLORY] that we may make the same exchange of our pairs, so that we can both vote.

Mr. MALLORY. Very well.

Mr. GALLINGER. I vote "yea."

Mr. GORMAN (when Mr. GRAY's name was called). The Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. VEST]. If the Senator from Delaware were present, he would vote "yea."

Mr. CHILTON (when Mr. MILLS's name was called). My colleague [Mr. MILLS] requested me to state that if he were present, he would vote "nay." He is paired with the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. And that pair has been transferred to the Senator from Vermont [Mr. PROCTOR].

Mr. QUAY (when his name was called). I am paired with the senior Senator from Alabama [Mr. MORGAN]. I am not aware how he would vote upon this question. If he were present, I should vote "yea."

Mr. TELLER (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM]. If he were present, he would vote "yea" and I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. Otherwise I should vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from Washington [Mr. TURNER], but by special arrangement made with the Senator from West Virginia [Mr. FAULKNER], who wished to be recorded in favor of the bill, he will stand paired with the Senator from Washington and I will vote "yea."

The roll call having been concluded, the result was announced—yeas 48, nays 28; as follows:

YEAS—48.

Aldrich,	Foraker,	Lodge,	Platt, N. Y.
Allison,	Frye,	McBride,	Pritchard,
Baker,	Gallinger,	McEnery,	Sowell,
Burrows,	Gear,	McMillan,	Shoup,
Caffery,	Gorman,	Mantle,	Spooner,
Carter,	Hale,	Mason,	Thurston,
Chandler,	Hanna,	Mitchell,	Turpie,
Clark,	Hansbrough,	Morrill,	Warren,
Davis,	Hawley,	Murphy,	Wellington,
Deboe,	Hear,	Nelson,	Wetmore,
Elkins,	Kyle,	Perkins,	Wilson,
Fairbanks,	Lindsay,	Platt, Conn.	Wolcott.

NAYS—28.

Allen,	Clay,	McLaurin,	Rawlins,
Bacon,	Cockrell,	Mallory,	Roach,
Bate,	Daniel,	Martin,	Stewart,
Berry,	Harris,	Money,	Sullivan,
Butler,	Heitfeld,	Pasco,	Tillman,
Cannon,	Jones, Ark.	Pettigrew,	Turley,
Chilton,	Jones, Nev.	Pettus,	White.

NOT VOTING—13.

Cullom,
Faulkner,
Gray,
Kenney,

Mills,
Morgan,
Penrose,
Proctor,

Quay,
Smith,
Teller,
Turner,

Vest.

So the bill was passed.

Mr. ALLISON. I move to amend the title by inserting after the word "expenditures" the words "and for other purposes."

Mr. JONES of Arkansas. Would it not be more accurate to insert after the word "expenditures" the words "and to provide for the deficiencies under the Dingley bill?"

Mr. ALLISON. I think my amendment will cover the case.

Mr. JONES of Arkansas. It means the same thing.

The title was amended so as to read: "A bill to provide ways and means to meet war expenditures, and for other purposes."

Mr. ALLISON. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The PRESIDENT pro tempore. If there is no objection, the motion is agreed to.

Mr. ALLISON. I ask the Chair to appoint the conferees.

Mr. MASON. I understood that the suggestion by the Senator from Iowa was submitted for unanimous consent. I desire to object unless I am permitted to ask a question for information.

Mr. ALLISON. I made the motion. I did not ask unanimous consent.

Mr. MASON. Then before the motion is put, I desire to ask for information, if it is proper and in order—

The PRESIDENT pro tempore. Undoubtedly.

Mr. MASON. Will the amendments that have been adopted by the Senate of the United States have an opportunity to be voted on in the House of Representatives?

Mr. ALLISON. That, I take it for granted, will depend wholly upon the House of Representatives itself. Undoubtedly the House will have an opportunity of first considering the amendments.

Mr. CHANDLER. Why not give them a chance to adopt the amendments. Here is a very complete, a very symmetrical bill. It was a fairly good bill when it came from the House of Representatives. It has been improved, strengthened, and made a complete bill in the Senate. The House of Representatives may take a notion to adopt all the amendments.

Mr. ALLISON. I hope they will.

Mr. CHANDLER. Then the Senator from Iowa will be relieved from the necessity of entering into one of those long and painful conferences that take place so often between the conferees on the part of the House and the Senate, and the House of Representatives will then act on its own ideas and in accordance with its own convictions of duty.

I understand this to be an extraordinary motion, a motion that it is not necessary to make, and one that it is not customary to make. We have amended the bill in accordance with our convictions of duty and in accordance with our conviction as to what is for the public good; and I think we ought to send the amendments back to the House of Representatives and let them adopt them if they see fit without huddling the bill into a conference prematurely. I therefore hope the Senator from Iowa will withdraw his motion and let the bill take the ordinary course.

Mr. ALLISON. The motion that I make will not interfere in the slightest degree with the independent action of the House. There have been numerous occasions where the Senate has asked for a conference and the House has taken the Senate amendments into consideration. I entirely share with the Senator from New Hampshire in his hope that the House will agree to the amendments, and that, therefore, a conference will not be necessary.

Mr. CHANDLER. Then I ask the Senator from Iowa, why insist upon amendments that have been made in perfect good faith and ask a conference, assuming that there will be a difference between the House and Senate concerning the amendments, when there is no difference, so far as the Senator from Iowa knows?

Mr. ALLISON. It is the usual method when it is necessary to secure action upon a bill of this character.

Mr. CHANDLER. It is the usual method when legislation has reached the stage where it is to pass from the control of the two Houses of Congress into the hands of six Senators and Representatives. It is not a method that commends itself to the masses of the two Houses, in my judgment; it is not a method that commends itself to the people of the United States. I think that when the Senate has adopted all these amendments deliberately the House of Representatives ought to have an opportunity to adopt them if it sees fit, to reject such as it sees fit, and to ask for a conference as to the difference between the two Houses if it sees fit, without assuming that there must necessarily be a conference in which all these matters that have been discussed at such great length are to be finally settled by six men or a majority of that number.

Mr. ALLISON. The House can adopt every one of these amendments if it chooses.

Mr. ALLEN. I insist upon the observance of the rule here. The rule is that the bill must go to the House, and the request for a conference must come in a message from the House upon a disagreement to the amendments of the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa that the Senate request a conference on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. ALDRICH, and Mr. JONES of Arkansas were appointed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, June 6, 1898, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 4, 1898.

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that 5,000 copies of the war revenue bill as it shall pass the Senate be printed for the use of the House.

The motion was agreed to.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. PAYNE. I wish the gentleman from Maine would allow me to call up a bill from the Speaker's table.

Mr. DINGLEY. Very well; I withdraw my motion, Mr. Speaker.

Mr. LIVINGSTON. Does the gentleman withdraw it for this side, too?

Mr. HOPKINS. This is for the entire country; we think it is for your side as well as this side.

AMERICAN REGISTER FOR STEAMSHIP CHINA.

Mr. PAYNE. It is a bill to provide an American register for a steamship to transport troops to Manila.

Mr. LIVINGSTON. We will support you.

Mr. PAYNE. This is Senate bill 4699, to provide an American register for the steamship *China*. The Committee on Merchant Marine and Fisheries have reported a bill identical with this.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc. That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamship *China*, owned by the Pacific Mail Steamship Company, to be registered as a vessel of the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time.

Mr. UNDERWOOD. Will the gentleman allow me two minutes on this bill?

Mr. PAYNE. I will yield to the gentleman from Alabama two minutes.

Mr. UNDERWOOD. Mr. Speaker, in favoring this bill, I want to call the attention of the House to one or two facts. I think the time has come when the Committee on Merchant Marine and Fisheries ought not only to bring in a bill authorizing the American register to one of several vessels, but they ought to bring in a general law authorizing these ships, without special acts of Congress, to take an American register when the Government needs them. The situation of the Government is to-day in the Gulf of Mexico such that at Mobile, Ala., they are paying \$2.40 a ton for coal over the ship's rail, and at Port Tampa they are paying \$7.60 a ton for coal over the ship's rail, costing the difference to the United States Government of \$5.20 a ton. Why? Because we can not get any American ships there to carry the coal from Mobile to Port Tampa, and the Plant system will not take the coal over their road without charging exorbitant rates.

Mr. DINGLEY. That is caused by the war insurance, and nothing else affects it.

Mr. UNDERWOOD. No, it is not. I know to-day a contractor in Mobile, Ala., who can make a contract with a British ship to carry coal from Mobile to Tampa and put it in American bottoms at \$1 a ton, including the marine insurance and everything else, but under the laws of the United States we are not allowed to ship that coal in an English ship and sell it to the United States Government. I say the time has come to amend the law so as to protect the Government; not that I am complaining, but I wish to call attention to the fact that the United States Government is losing \$5.20 a ton on more than 50,000 tons of coal to-day.

Mr. DOCKERY. The gentleman from New York [Mr. PAYNE] will doubtless accept an amendment making this bill general. [Laughter.]

Mr. UNDERWOOD. Well, I do not wish to interfere with the gentleman's bill, but merely to call attention to the condition of things.

Mr. PAYNE. Mr. Speaker, I do not propose to go into an extended discussion of the shipping laws of the United States. They have resulted in giving us ample tonnage to do all the coasting trade of the country, without any sort of question whatever. The only reason of the high freights which the gentleman from Alabama mentions is the high cost of marine insurance. If this same English tramp steamer could carry coal in the coastwise trade under our present laws, then, instead of charging \$1 a ton, she would charge as much as the Plant system charges for carrying the same coal by rail.

Mr. UNDERWOOD. I will say to the gentleman that the facts are the same in regard to the carriage of other commodities to the Gulf. I know the rates there, because I am acquainted with the shipping business carried on.

Mr. PAYNE. I have no doubt there are many persons who would be glad to have us extend a privilege which no other civilized nation extends—allowing vessels of other flags to come in and do our coastwise trade.

Now, Mr. Speaker, I ask for a vote.

The question being taken, the bill was passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

PROTECTION OF HOMESTEAD SETTLERS ENTERING UNITED STATES SERVICE.

Mr. LACEY. Mr. Speaker, I desire to call up the Senate bill which was brought to the attention of the House yesterday, Senate bill No. 4676, for the protection of homestead settlers who enter the military or naval service of the United States in time of war.

The bill as heretofore published was again read.

Mr. DOCKERY. I presume the gentleman from Iowa [Mr. LACEY] is now ready to offer an amendment or substitute in compliance with the suggestion made yesterday.

Mr. LACEY. This is the same bill which we laid over yesterday in order to look up one feature connected with it; and if we enter upon the consideration of the bill, an amendment will be offered to meet the suggestion made yesterday by the gentleman from California [Mr. LOUD].

Mr. MORRIS. I have prepared an amendment.

Mr. LOUD. Mr. Speaker, I should like to offer one or two suggestions regarding this bill. I shall not object to its consideration; but I want to call the attention of the House to a condition that seems to exist. There is an insane desire apparently in the Departments and on the part of the great majority in Congress to enact special war legislation. Here is one of the instances: Yesterday a bill relating to homestead settlement was sought to be brought up by unanimous consent, without any investigation whatever upon the part of the Committee on Public Lands. Their attention was called to a defect in the bill; and now, after very casual investigation of the matter, they bring it up again.

Mr. Speaker, I do not believe that this bill, even with the amendment which is contemplated, will accomplish anything. If it can accomplish anything, it will only accomplish harm. A person who has entered upon a homestead does not by entering the Army to-day lose any rights which he might have under existing law, because a settler upon a homestead is still a settler so long as he maintains his residence upon that homestead. No person here can assume that any man loses a residence by reason of the fact of his going into the United States Army.

Mr. LACEY. Mr. Speaker, I wish to call the attention of the gentleman from California to the fact that the Land Office has already decided the question, and decided that a soldier in the existing war who leaves his homestead loses his residence and loses his homestead rights. The opinion of the Assistant Attorney-General for the Interior Department has been taken upon the question, and it has been affirmatively decided in the manner I have stated—decided on the 18th of last month.

Mr. LOUD. Permit me to say that if there has been any such decision it has been rendered upon a wholly hypothetical case, and I question whether the Attorney-General would render a decision upon the suggestion of any individual.

Mr. LACEY. I read the decision this morning.

Mr. LOUD. I do not care whether the Attorney-General has rendered such a decision or not, it can not stand before any court in this country. The mere assumption that a person loses his residence by reason of the fact that he has entered the United States service is too absurd for discussion before this body. If the Attorney-General has rendered such a decision upon some query of some gentleman, I should like to know what questions were involved.

Mr. MORRIS. Will the gentleman permit me a word?

Mr. LOUD. Certainly.

Mr. MORRIS. I introduced in this House a bill of similar import to the one now under consideration. I was prompted to do this by a letter from my home stating that men who were homestead settlers, and who had gone into the volunteer service, desired that this question should be settled. I gave some little examination to the existing law on the subject, and I was in some doubt whether or not the present law would cover the case. That law will be found in sections 2304 and 2305 of the Revised Statutes. But not being entirely satisfied upon the question, I waited upon the Assistant Attorney-General for the Interior Department and had an interview with him on the subject.

He took the letter which I brought him from one of my constituents and said he would look into the matter, and he asked me to call again. A day or two afterwards I did call, and he stated that he was satisfied the present law would not cover the case. He stated further that he thought the bill which I introduced would cover the case. Now, upon examination of the Senate bill I find it is practically and substantially the same as my own, with the exception that the Senate bill does not make any provision for men who may be wounded or disabled by reason of their service in the present war with Spain.

I think I can state positively to the gentleman from California that the law officers of the Interior Department are entirely satisfied that the legislation now proposed is necessary to cover the cases of homesteaders who go into the Army in the present war. Otherwise I should never have introduced the bill. I examined the matter carefully, not desiring to introduce any bill on the subject unless it was necessary.

Mr. LOUD. Mr. Speaker, as I said when I first took the floor, there seems to be an insane desire on the part of all the Departments, as well as a great many members of Congress, to introduce special war legislation. A few days ago we had a bill presented here from the Post-Office Department proposing such legislation; and, as you well know, Mr. Speaker, that Department has been persistently importuning members of this House to pass special war legislation.

Finally they did present a bill in a modified form, that I do not believe can inflict any injury, and to satisfy the Department that bill was passed. Now, a bill came up here yesterday which has been demonstrated to be dangerous in its character. This bill in its present shape, with the amendment which you propose to put on it, I believe to be still dangerous, because whether it includes past wars I am unable to determine. If it does include past wars, then it is going to give a privilege to men who have in days gone by received large land warrants and large land bounties for their services to the United States Government, and I think a measure of this kind should go to the Committee on Public Lands and lie there a day or two, until the chairman and that committee have had ample opportunity to investigate the law in all its bearings, and let us know just what this bill does mean, particularly when there is no haste about it.

If there ever should be any necessity, the necessity can not arise for many months. Nobody can come to harm by waiting a month. I do not believe there is any necessity for the bill. It may possibly be dangerous in some of its provisions. One hole was discovered in it yesterday. I think if the chairman will wait another twenty-four or forty-eight hours he possibly could prepare a bill that would not be dangerous in any of its provisions.

Mr. MORRIS. Will the gentleman from California again permit an interruption?

Mr. LOUD. Certainly.

Mr. MORRIS. I would say to the gentleman from California that this House bill has been before the Committee on Public Lands of this House for about three weeks, I think, and has been carefully considered by that committee.

Mr. LOUD. Why do you not pass that, then?

Mr. LACEY. Mr. Speaker, I should like to have the bill before the House, if there is no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LACEY. Now, I will say to my friend from California, the bill being before the House, that even without the limitation which the gentleman suggested yesterday this bill could not be dangerous. The gentleman from Minnesota [Mr. MORRIS] has, however, prepared an amendment embodying precisely the same limitation as the one which the gentleman from California had in his mind yesterday, but concerning which he was in some error as to the length of time.

The limitation is one year, not two, as stated by my friend yesterday. With that modification added to this bill it would provide that no man could get a homestead in less than one year's actual residence and cultivation, but he may have credit for the time that he serves in this war; or, if he shall be disabled by wounds, and his term of service thereby be cut short, that he shall have credit for his term of enlistment in this war, which is precisely the language of the act under which the soldiers of 1861 got the benefits of the homestead law.

Now, as to any "insane desire" to do something for the soldiers, so far as that is concerned, I think my friend is supersensitive. He thinks we had better wait until this war is over before we provide that these men shall not lose their homesteads. He thinks we should do that for fear that we might do something rash. This bill that was passed in the Senate was drawn in the Land Office. The bill which was reported and is upon the House Calendar, by the report of the Committee on Public Lands of the House, was drawn by the gentleman from Minnesota [Mr. MORRIS]. I think it is a good bill. I think, however, that in some respects the Senate bill is preferable. On the other hand, the provision of the gentleman's bill as to giving credit for the full term of enlistment where soldiers are discharged on account of wounds, etc., is a feature of the Morris bill which is better than the Senate bill, and the gentleman from Minnesota [Mr. MORRIS] will offer an amendment to include that. I think it ought to be included.

Now, in regard to the necessity for this legislation, this morning I read the decision of the Land Office on this identical question. The question was submitted to the Assistant Attorney-General for the Interior Department, and he affirmatively decided that soldiers can not enter the war with Spain and leave their homesteads and at the same time retain the benefit of their settlements. Now, that being the case, it certainly is an emergency matter that should be promptly disposed of, and I think in bringing it up we ought to be free from the imputation of having done it in order to seem superserviceable and excessively anxious in the interest of the new soldier as well as the old soldier. I think my friend from California [Mr. LOUD] does not do us justice when he makes that imputation.

Mr. LOUD. If the gentleman will yield to me right there, the gentleman seems to intimate that this bill is carefully guarded by investigation of a committee, and he states that this Senate bill was drawn in the Land Office and is much desired by that Department. Now, I ask, why do you not try to pass that bill through this House? It came here drawn, carefully guarded, as you say, by the Land Office. Why do you seek to modify it now?

Mr. LACEY. Well, for the reason that my friend is so much afraid that somebody serving two years in the Army might get credit for five years.

Mr. LOUD. Well, are not you afraid of it, too?

Mr. LACEY. I have been trying to accommodate my friend in the imaginary difficulties which confronted him yesterday. Theoretically, he is right, as a matter of law. Practically, nobody could get a homestead without living on it, when the law requires five years' residence and his enlistment is only for two years. But this war may last for five years. It may last for ten, and I am willing to yield to the suggestion made by the gentleman from California and put into this law the same provision that we have in the act in relation to the soldiers of 1861-1865. It is well enough to put it in. I do not see any objection to it, and I yield to the gentleman from Minnesota [Mr. MORRIS] to offer his amendment.

Mr. MORRIS. Mr. Speaker, I send to the Clerk's desk the amendment which I wish to offer.

Mr. LOUD (to Mr. LACEY). I would not do it unless I thought it ought to be done.

The amendment of Mr. MORRIS was read, as follows:

Insert at the end of line 4, page 2, after the word "service," the following: "Provided, That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: *Provided further*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements."

Mr. MORRIS. That amendment is in exact conformity—

Mr. SIMS. I should like to ask the gentleman from Iowa if he is serious when he says the present war may last ten years?

Mr. LACEY. Oh, anything may happen. I do not think it will last that long. I hope it will not last three months.

Mr. SIMS. I think it would be very encouraging to Spain to let her know that we thought that.

Mr. LACEY. It may not encourage them if they understand that we are going to reach the right end of it if it takes ten years. I think perhaps that suggestion would be well for the Spanish to understand.

I yield two minutes to the gentleman from Mississippi [Mr. LOVE].

Mr. LOVE. Mr. Speaker, I presented a case of this kind to the Secretary of the Interior, covering the very points that have been brought up by the gentlemen this morning, and I think from the experiences I had in that case that a bill of this kind is very essential and should pass. I received a letter from a constituent in Mississippi who had volunteered, and who had been living for a short time upon a homestead, had improved it, but had not resided there sufficiently long to prove his title to the property. He wrote to know what the result would be, for he had enlisted, and perhaps might stay in the Army and away from home until he would lose all claim to this little homestead upon which he had

settled. I presented the letter to the Secretary of the Interior, and he said that at present there was no law that would cover a case of that kind, and he referred me to the bill that was then pending in the Senate and is now before the House.

He said that unless that bill or some similar measure passed Congress there was no relief or protection for a man in a situation of that kind. Now, I should like to say to the gentleman from California [Mr. LOUD] that if there is any man in this country whom I should like to protect it is the poor man who is willing to leave his little homestead and family and go out and fight the battles of his country.

The gentleman states that there is no necessity for this law. The officials of the Land Office assert to the contrary. Now, the passage of such an act can certainly do no harm and may result in protecting the humble homesteads of many poor men who temporarily are absent in the Army and who can not afford to leave their unprotected families all alone on a tract of isolated woodland. Let us protect the homes of our soldiers during their absence.

In this particular instance the man said he could not leave his wife and one child on his little place; that he had to move them back to his mother's home, and it would be impossible for this little homestead to be occupied while he was in the war.

I submit to gentlemen on this floor if it is not altogether right and almost imperative that we should pass some legislation that will protect men in cases of this kind.

Mr. GAINES. I should like to ask the gentleman from Minnesota a question.

Mr. LACEY. I yield five minutes to the gentleman from North Dakota [Mr. JOHNSON].

Mr. GAINES. And then I should like to have the gentleman yield to me to enable me to ask the gentleman from Minnesota a question.

Mr. JOHNSON of North Dakota. Mr. Speaker, I believe that when this bill is understood, and the necessity for it is understood, there will be no real opposition to it.

The gentleman from California [Mr. LOUD] is laboring under a misapprehension in assuming that cases will not arise for months to come. Cases have arisen now. For instance, there are eighteen members of one company of soldiers who went from North Dakota who are homesteaders.

Mr. LOUD. If the gentleman will permit me, I did not assume that cases would not arise; but, notwithstanding the decision of the Assistant Attorney-General, I hold that no man loses his residence by reason of going into the Army.

Mr. JOHNSON of North Dakota. You are putting up your opinion against the opinion of the members of the Committee on Public Lands.

Mr. LOUD. Well, they are not very positive about it.

Mr. JOHNSON of North Dakota. And against the Attorney-General and others who have looked into the question. You may be right. If it were an open question, I should be inclined to hold with the gentleman from California, because his view looks reasonable; but here is doubt and uncertainty which we can remove. After all, the principal sufferings of any war are mental sufferings, uncertainty, distress, anguish as to distant friends and families.

It would be a great comfort to the homestead settlers now serving in the Army to know that Congress has by special act preserved their rights for them while they are absent in the service. The families of eighteen members of a company in my district are living on homesteads in this way. Now is the time when settlers are rushing into that country. Wherever there is a piece of unoccupied land they have a right under the laws to take it. Of course you gentlemen think of the law of residence as applied to your own cases, as you can leave home for three or six months and retain the right to vote; but the Land Department is much more strict than that in requiring actual residence on these lands. Absence from these lands, even for a day or a week, may forfeit the land.

Let me tell you the experience I had myself. I settled on a homestead on the 4th of April, 1884, and when I went there the snow was 8 feet deep. I shoveled out the snow, built a little board shanty, and lived there three weeks. When the snow melted, I found a lake around me covering nearly all my land. I could not live in a lake, so I moved my family onto the dry land in another township and stayed there for three weeks, until the water evaporated or ran away. As soon as it was dry enough to move my wife and babies back, I moved them back, and when I came to prove up, the United States Land Office deducted not only the three weeks I had actually resided there while the snow was melting, but also the three weeks I was absent on account of the flood, and made me go back in the dead of winter and live there six weeks longer before I could obtain title to my homestead.

The law requires that the residence shall be continuous, and from the fact that I was absent three weeks when I could not live there with my family in the water, they made me go back and suffer great hardships to make up the six weeks that they deducted.

Now, that is the way these laws are applied. If the family of one of these soldiers, by reason of flood, or fire, or sickness, should move into town, or move, as I did, just a few rods onto dry land, they would forfeit their rights. Now, we can remove from these soldiers the anxiety. We can remove from them the uncertainty by speaking positively and telling them that no man in the Army shall lose his homestead in this way.

It is not crazy to pass a bill of this kind and relieve the minds of these soldiers. The North Dakota troops have gone to Manila. They perhaps will not come home until the time is up that the law requires them to reside on their land. Let us send to them the cheering message that their wives and children need not necessarily live on their land; that they can move into town, or go to some of their neighbors, if necessary, and their homesteads will be safe. [Applause.]

Mr. LACEY. I now yield to the gentleman from Arkansas.

Mr. McRAE. Mr. Speaker, on May 26 last I introduced in the House a bill (H. R. 10493) identical with the pending Senate bill. I was moved to do this because of letters received from homestead settlers in my district who had enlisted as volunteers in the war with Spain. At first I believed, and I am not certain that it is not the correct interpretation of the law, as does the gentleman from California, that a settler who enlists in the Army is not legally absent from his claim.

I submitted the question to the Department, and while the Commissioner and the Secretary were both inclined to take that view of it, the law officers for that Department held that in view of the fact that the words of section 2304 of the Revised Statutes limit it to the war between the States, the war of the rebellion, that the law as it now stands would only apply to that war, and that the settlers on public lands who may now enlist in this and in future wars would violate that provision of the homestead law which requires actual and continuous residence of five years on the land.

If that is the correct interpretation of the law, then we ought to lose no time in passing this bill, for if settlers are absent six months they become liable to a contest, and he it said to the shame of Congress it has refused to repeal section 2 of the act of May 14, 1880, which offers a premium to contestants and gives them a preferred right for thirty days against the world for the cancellation of homestead entries that may be abandoned for six months, gives them a vested right to enter it, as it were. I have earnestly endeavored to have that unjust act repealed, but I have failed so far. There is no security to the brave men who have volunteered and are willing to risk their lives in the defense of our common country that their homes will be protected from the land sharks who thrive on technicalities, unless you pass this bill. We must make them feel certain that they are in no danger of being troubled in the least.

It will not do to say that the residence of the family is sufficient. In many cases the family will not remain on the land if the war continues very long. In other cases the settler has no family. He may be a young man preparing to take care of a family who is a settler and a soldier. If the settler is over 21 years of age, he can enter land without being the head of a family. Take the case of a young man 21 years old whose homestead is temporarily abandoned that he may serve his country as a soldier. It is rented or there is no one upon it. Shall he lose it?

This bill is intended to protect the homes of just such men. And so far as I am concerned, I hope we will say that no man shall initiate a contest against a soldier settler because he is absent in the service of his country, whether the absence be six months or longer. Now, the amendment suggested by the gentleman from Minnesota, providing for an actual residence for at least one year in order to entitle any settler to secure a patent is perhaps unnecessary in this case, because it is not likely that war will continue beyond four years.

But there can be no objection to it. I do not believe any settler ought to acquire a title to homestead land without actually establishing a home upon it and showing his good faith and purpose to maintain it by at least one year's residence and cultivation whether he has been in the Army or not. This bill is intended to protect and cover the rights of settlers who enlist in this war—men who had homes and who, since establishing them, have enlisted in defense of their country. You can not very well adapt the act of June 8, 1872, to such cases, and gentlemen should not confuse the two classes of cases.

That act was an effort to give soldiers who had performed military services and who might homestead lands rights not accorded to other settlers. It was passed long after the war to which it applied had ceased. The homestead act itself was not passed until May 30, 1863, long after the war had been commenced. There is a vast difference between the two classes of soldiers. And the conditions which now confront us are not at all like those which existed in 1872, so far as settlers are concerned. I hope there will be no objection to the passage of the bill. It is necessary in order to let the brave, patriotic homesteaders who

have enlisted in the Army understand that their homes shall be protected, so far as the title is concerned. To do less for them would be disgraceful and outrageous.

Mr. LEWIS of Washington. Did not the Committee on Public Lands prepare an amendatory act limiting this special homestead privilege to soldiers in active service; and will not that provision remain as law?

Mr. McRAE. I have no objection to the amendment proposed.

Mr. LEWIS of Washington. And consequently the objection of the gentleman from California [Mr. LOUD] is obviated by that amendment.

Mr. McRAE. That, I think, is true. This bill simply provides that—

In every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases hereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service.

If a settler has entered land and afterwards enters the military service, the purpose of this bill is that the period of his military service is to be construed as residence upon the land, and any man who may contest his entry for absence shall be required to allege and prove affirmatively that the settler's alleged absence was not due to his employment in the Army or Navy. It will not help the speculator, but will protect the honest settler from him.

Mr. MORRIS. Mr. Speaker, I wish to state that this amendment was offered in part to remedy the objection made yesterday by the gentleman from California. It follows the exact language of the Revised Statutes as they now exist in regard to homesteaders who were soldiers in the last war.

The other part of the amendment is intended to meet cases where a man has enlisted in the Army, and while the war is going on is either wounded or disabled in the service. It provides that the soldier in such cases shall have the benefit of his whole term of enlistment, no matter whether he is in the Army one month or three months or six months.

As to the necessity for this legislation, I will say in answer to what the gentleman from California has said, that no matter whether it be the law now or not that a soldier has the right to leave his homestead and enter the Army, this legislation is at least necessary to put that question at rest, and to prevent the homesteader from being subjected to the trouble and expense of a contest, and, more than that, to put his mind at rest while he is serving his country.

Mr. LACEY. I now call for a vote on the amendment.

The question being taken on the amendment, it was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote on the motion to adjourn,

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 10525. An act authorizing certain life-saving stations to be opened and manned during June and July, 1898.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1703. An act granting an increase of pension to Nancy G. Allabach;

S. 1910. An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes;

S. 4100. An act granting an increase of pension to Simeon Stevens;

S. 4401. An act granting an increase of pension to Susan D. Yates;

S. 4554. An act to authorize the establishment of post-offices at military posts or camps; and

S. 4578. An act to remove the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHOWALTER, for five days, on account of important business.

To Mr. STURTEVANT, indefinitely, on account of important business.

To Mr. FOWLER of North Carolina, indefinitely, on account of sickness.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 12 o'clock and 45 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate of appropriation for improving Elk River, Tennessee and Alabama—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for improving West Fork River, West Virginia—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10281) authorizing the Light-House Board to provide a steam whistle at Michigan City, Ind., reported the same without amendment, accompanied by a report (No. 1505); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10548) to provide an American register for the steamship *China*, reported the same without amendment, accompanied by a report (No. 1506); which said bill and report were referred to the House Calendar.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4073) to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect, reported the same with amendment, accompanied by a report (No. 1507); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SNOVER, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4048) granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation, in the State of Washington, reported the same with amendment, accompanied by a report (No. 1508); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 9308) for the survey of the harbor at Portwing, Wis., reported the same without amendment, accompanied by a report (No. 1509); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 10584) regulating the appointment of justices of the peace within and for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVENPORT: A bill (H. R. 10585) designating Titusville, Crawford County, Pa., a subport of entry in the customs collection district of Erie, Pa.—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. JOY: A bill (H. R. 10586) granting a pension to John Blattner—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10587) granting a pension to John Greer—to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 10588) granting an increase of pension to Henry Bullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10530) granting a pension to John McElheney—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 10590) granting pension to Harry S. Doss, late pilot of the United States ram *Lancaster*—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of Irish-American Societies in Philadelphia, Pa., in opposition to the so-called "Anglo-Saxon alliance"—to the Committee on Foreign Affairs.

Also, petitions of Miller Brothers, A. B. Cunningham & Co., and Munkenberg Brothers, all business firms of Philadelphia, Pa., tobacco and snuff manufacturers, protesting against additional tax on snuff, tobacco, etc., in stock—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of Typographical Union No. 80, of Kansas City, Mo., in favor of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Swedish Congregational Church of St. Louis, Mo., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. FITZPATRICK: Affidavits of J. M. Hall, Isaac Short, and Jemima Gretton, in support of the claim of B. L. Davis, of Johnson County, Ky., for pension—to the Committee on Invalid Pensions.

By Mr. JOY: Petition and affidavit of John Blattner, of St. Louis, Mo., to accompany House bill for his relief—to the Committee on Invalid Pensions.

By Mr. LITTLE: Petition of L. & E. Wertheimer and 6 other tobacco dealers, of Pine Bluff, Ark., protesting against the war-revenue tax on snuff and tobacco—to the Committee on Ways and Means.

By Mr. MAXWELL: Affidavit of Spencer S. Peake, to accompany House bill No. 8952, granting a pension to John C. Knapp—to the Committee on Invalid Pensions.

By Mr. MCALEER: Petition of Samson Lodge, No. 67, Knights of Pythias, of Philadelphia, Pa., indorsing House bill 6468, granting a lease of public land from the Government for the establishment of a national Pythian sanitarium at Hot Springs, Ark.—to the Committee on the Public Lands.

Also, protest of Irish-American citizens of Philadelphia, Pa., against any entangling alliance with England—to the Committee on Foreign Affairs.

By Mr. STARK: Petition of William Crosby & Son and 7 other business firms, of Ulysses, Nebr., protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

By Mr. SUTHERLAND: Petition of the Woman's Christian Temperance Union of Franklin, Nebr., asking for the passage of the bill to raise the age of protection for girls—to the Committee on the Judiciary.

Also, petition of the Epworth League of Indianola, Nebr., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Epworth League of Indianola, Nebr., favoring the enactment of legislation to protect State anti-cigarette laws and to forbid the interstate transmission of lottery messages by telegraph—to the Committee on the Judiciary.

SENATE.

MONDAY, June 6, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

MILITARY AND NAVAL DEFICIENCIES.

Mr. HALE. From the Committee on Appropriations I report back with amendments the bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

Mr. HALE. I ask that the formal reading be dispensed with and that the committee amendments be considered as they are reached.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, line 18, after the word "commanding," to strike out "general" and insert "officer;" and in the same line, after the

word "of," to insert "the United States military forces at;" so as to make the clause read:

CONTINGENCIES OF THE ARMY.

For contingent expenses of the Army, incident to the expedition to the Philippine Islands, to be expended under the direction of the commanding officer of the United States military forces at the Philippine Islands, in his discretion, for such purposes as he may deem best in the execution of his duties under the orders of the President, and for such objects as are not now appropriated for, to be available until expended, \$100,000.

The amendment was agreed to.

The next amendment was, on page 5, line 6, after the word "dollars," to insert:

PUBLIC PRINTING AND BINDING.

For printing and binding for the War Department and its bureaus, to be executed under the direction of the Public Printer and to remain available until expended, \$100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Navy Department emergency fund," on page 5, to strike out lines 9, 10, and 11, in the following words:

For emergency fund to meet contingencies that can not possibly be foreseen, but which constantly arise under existing conditions, \$10,000,000.

And in lieu thereof to insert:

For special necessities of the various naval squadrons; for the charter or purchase of suitable vessels; for the increase of small craft attached to the various squadrons, and for replacing such as may be lost or destroyed; for maintaining and destroying communication, and for obtaining information, \$10,000,000, of which sum not more than \$500,000 may be used to meet contingencies that can not be foreseen, but which constantly arise under existing conditions.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

QUARTERMASTER'S DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army, together with a draft of a bill providing for the better organization of the Quartermaster's Department, with a view to the proper transaction of the large volume of additional work placed upon the Department by the sudden increase of the regular and volunteer forces of the Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

LUCRETIA C. WARING.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 104) to increase the pension of Lucretia C. Waring, which was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL were appointed.

MARY E. CHAMBERLAIN.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1118) granting an increase of pension to Mary E. Chamberlain.

The amendments were, in line 8, after the word "pension," to insert the words "at the rate;" and in the same line, before the word "dollars," to strike out "forty" and insert "thirty."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

ADONIA HUARD.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1131) granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased, which was, in line 9, to strike out all after the word "her" to and including the word "thereto," in the same line, and to insert "a pension at the rate of \$8 per month."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

BETTIE HORD BROWN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1479) granting an increase of pension to Bettie Hord Brown, which was, in line 7, to strike out the word "allow" and insert the word "pay."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

HALBERT E. PAINE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1481) granting an increase of pension to Gen. Halbert E. Paine.

The amendments were, in line 6, after the word "of," to strike out "General;" in line 7, after the word "pension," to insert "at the rate;" and to amend the title so as to read: "An act granting an increase of pension to Halbert E. Paine."

Mr. GALLINGER. I move concurrence in the amendments of the House.

The motion was agreed to.

AMOS WEBSTER.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3553) granting a pension to Bvt. Lieut. Col. Amos Webster.

The amendments were, in line 8, after the word "Army," to insert "and pay him a pension;" and to amend the title so as to read: "An act granting a pension to Amos Webster."

Mr. GALLINGER. I move that the Senate concur in the amendments.

The motion was agreed to.

THOMAS EDSALL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3660) granting a pension to Thomas Edsall, which was, in line 7, to strike out the words "that he be paid" and insert "pay him."

Mr. GALLINGER. I move concurrence in the amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 360) for the relief of Robert McFarland;

A bill (H. R. 3190) granting an honorable discharge to John H. Smith;

A bill (H. R. 4607) granting an honorable discharge to Charles Miller;

A bill (H. R. 5707) for the removal of the charge of desertion against William Mellicott, alias William Reed, late of Company G, Eighth Regiment Tennessee Cavalry Volunteers, and legalizing his service in Company E, Eleventh Regiment Tennessee Cavalry Volunteers;

A bill (H. R. 6317) to remove charge of desertion against Alexander McKee;

A bill (H. R. 6718) for the relief of Samuel Racey; and

A bill (H. R. 8854) to correct the military record of William Hazelbeck, of Portsmouth, Ohio.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 727) granting a pension to Olive H. South;

A bill (H. R. 795) granting an increase of pension to William Henry Smith;

A bill (H. R. 909) granting an increase of pension to Lucy D. Heady;

A bill (H. R. 1529) granting an increase of pension to William H. H. Nevitt;

A bill (H. R. 1712) granting an increase of pension to Joel H. Hallowell;

A bill (H. R. 3081) granting an increase of pension to Michael J. Fogarty;

A bill (H. R. 3164) granting a pension to Alden B. Thompson, of Farmvale, Hamilton County, Nebr.;

A bill (H. R. 3565) to grant a pension to Theresa Bonnavau;

A bill (H. R. 3612) to increase the pension of Thomas D. Porter;

A bill (H. R. 4251) granting a pension to Margaret Thomas;

A bill (H. R. 4274) granting an increase of pension to James S. Chapman;

A bill (H. R. 4484) granting a pension to Miriam V. Kenny;

A bill (H. R. 4811) granting a pension to Jane E. Zink;

A bill (H. R. 4916) granting a pension to Virginia C. Fleanor;

A bill (H. R. 5054) granting a pension to Rachel J. Comer;

A bill (H. R. 5089) to pension Jacob N. Atherton;

A bill (H. R. 6064) granting a pension to Mary A. Watts;

A bill (H. R. 6482) granting a pension to Herbert W. Leach;

A bill (H. R. 6526) granting a pension to Mary Ann Sullivan;

A bill (H. R. 6841) granting an increase of pension to James O. Hervey;

A bill (H. R. 7306) granting an increase of pension to Samuel H. Beckwith;

A bill (H. R. 7506) granting a pension to Susan E. Fielder;

A bill (H. R. 7696) granting an increase of pension to William Christenberry;

A bill (H. R. 7841) granting an increase of pension to George S. Walton;

A bill (H. R. 7844) to increase the pension of Mary Brogan;

A bill (H. R. 7989) granting an increase of pension to Annie J. Bassett;

A bill (H. R. 8296) granting an increase of pension to Alphonzo O. Drake;

A bill (H. R. 8670) granting a pension to Pryor Perkins;

A bill (H. R. 8724) granting a pension to Addie L. Ballou;

A bill (H. R. 9822) granting a pension to Mary C. Gardheffner;

A bill (H. R. 9755) granting a pension to Matilda Waedel; and

A bill (H. R. 9765) to increase the pension of John N. Wiley.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of Web Pressmen's Union No. 3, of Boston, Mass., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Merchants and Manufacturers' Association of New York, praying for the annexation of the Hawaiian Islands; which was referred to the Committee on Foreign Relations.

Mr. MALLORY presented a petition of the National Fishery Congress held at Tampa, Fla., praying for the establishment of a national fish hatchery and laboratory at some central point on the shores of the Gulf of Mexico; which was referred to the Committee on Fisheries.

Mr. McMILLAN presented the memorial of O. E. Kewley, of Badaxe, Mich., and the memorial of Robert B. Honey, of Dexter, Mich., remonstrating against the adoption of Schedule B in the war-revenue bill, placing a tax on proprietary medicines; which were ordered to lie on the table.

He also presented a petition of sundry seamen of the Pacific Coast, praying for the passage of Senate bill No. 95, providing for the amelioration of existing conditions in the merchant marine; which was referred to the Committee on Commerce.

Mr. DAVIS presented a memorial of the Minnesota Homeopathic Association, remonstrating against any discretion being made in the appointment of surgeons in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of the so-called convict-labor bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Union No. 98, Cigar Makers' International Union, of St. Paul, Minn., remonstrating against the proposed increase of the tax on cigars; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Indiana Society, Sons of the American Revolution, praying for the purchase and preservation by the Government of old Fort Ticonderoga; which was referred to the Committee on Military Affairs.

Mr. TURPIE presented a petition of the Indiana Society, Sons of the American Revolution, praying for the purchase and maintenance of Fort Ticonderoga; which was referred to the Committee on Military Affairs.

He also presented the memorial of the Ferrin National Bank Company of Lafayette, Ind., remonstrating against the proposed tax on national-bank stock; which was ordered to lie on the table.

LIST OF DOCUMENTS ON SILVER QUESTION.

Mr. CHANDLER. I present a list of papers bearing upon the silver question printed by order of the Senate since 1893, which I ask may be printed as a document for the use of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The order is made.

REPORTS OF COMMITTEES.

Mr. PASCO. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4690) for the relief of certain homestead settlers in Florida, to report it without amendment. I ask leave of the Senate to file a written report a little later. It is not yet quite prepared.

The PRESIDENT pro tempore. The bill will be placed on the Calendar, and leave granted to file a written report hereafter.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 165) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (S. 4326) to regulate the sitting of the United States courts within the district of South Carolina, reported it without amendment, and submitted a report thereon.

Mr. MONEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss., reported it without amendment.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I present the report of the committee of conference on House bill 8428, and I ask that it be read. I shall be glad if the conference report can be considered now. There are a good many details in it.

The PRESIDENT pro tempore. The Senator from Iowa asks for the present consideration of the report. Is there objection?

Mr. CHANDLER. I object until it is read.

Mr. ALLISON. Oh, certainly; I only ask that it may be considered after it is read.

Mr. CHANDLER. The Chair is sometimes quick and Senators are precluded by unanimous-consent agreements which they do not intend to make.

Mr. ALLISON. I am requested by Senators around me to allow the report to be laid aside for a few moments until some further morning business is disposed of. I have no objection to that course.

COUNSEL IN PRIZE CASES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 4707) to provide for the compensation and expenses of special counsel for the Government in prize cases, to report it without amendment. I desire to have the bill immediately considered.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the Attorney-General to stipulate with and fix the compensation of any special counsel engaged by him on the part of the Government in any prize cause to which the United States may be a party or otherwise interested, and also to allow to such special counsel proper traveling and other expenses and disbursements incident to such employment; and the amount of such compensation and expenses, when so fixed and determined, shall be certified by the Attorney-General to the court in which such cause shall be pending, and be allowed and paid out of the proceeds of such prize.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROMOTIONS IN THE ARMY.

Mr. CARTER. I am instructed by the Committee on Military Affairs to report back favorably with an amendment the joint resolution (S. R. 172) for the relief of Richard J. Steedman, United States Army. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Military Affairs was to strike out all after the resolving clause and insert:

That during the existing war the President may, in his discretion, waive the one year suspension from promotion and forthwith order the reexamination provided in certain cases by the third proviso of section 8 of the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army, and to regulate promotions therein."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CARTER, the title was amended so as to read: "A joint resolution authorizing the President in his discretion to waive the one-year suspension from promotion, and to order reexamination of officers of the Army in certain cases."

HISTORY OF RED CROSS.

Mr. LODGE, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the History of the Red Cross, authorized to be prepared and printed under joint resolution of Congress, approved August 3, 1883, and thereafter printed under the direction of the Secretary of State, together with the report on America's relief expedition to Asia Minor, under the Red Cross, 65,000 copies, of which number 5,000 shall be for the use of the Senate, 10,000 for the House of Representatives, and 50,000 for the American National Red Cross, to be distributed by Miss Clara Barton, president. The copies herein provided for to be distributed by the president of the American National Red Cross shall be transmitted through the mails free of postage when contained in a wrapper bearing the following inscription: "Public Document. History of the Red Cross. Free."

BILLS INTRODUCED.

Mr. HAWLEY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 4713) relative to the Corps of Engineers of the Army;

A bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes; and

A bill (S. 4715) in reference to photographing any guns which would give the strength of any fortification of the United States.

Mr. McMILLAN introduced a bill (S. 4716) to incorporate the

National Congress of Mothers; which was read twice by its title, and referred to the Committee on the Library.

Mr. QUAY (by request) introduced a bill (S. 4717) authorizing the use of typewriting machines for the recording of deeds and other instruments of writing in the office of the recorder of deeds of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MASON (by request) introduced a bill (S. 4718) to provide pensions for freedmen, and so forth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4719) to give the franking privilege to the soldiers and sailors of the United States during the war with Spain; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR introduced a bill (S. 4720) for the relief of Benjamin S. Barnes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. PENROSE submitted an amendment relative to the claims of the William Cramp & Sons Ship and Engine Building Company, for damages and losses sustained by it by reason of the failure of the United States to promptly furnish the armor, armament, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

WAR REVENUE BILL.

On motion of Mr. COCKRELL, it was

Ordered, That 600 additional copies of H. R. 10100, as passed by the Senate, with Senate amendments numbered, be printed for the use of the Senate, to be sent to the Senate document room.

PAY OF STENOGRAPHER.

Mr. SHOUP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Territories to report testimony in relation to the necessity of a better government for Alaska be paid out of the contingent fund of the Senate.

HUGO O. LOEWI.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested to communicate to the Senate, if not in his opinion incompatible with the interests of the public service, all the papers relating to the claim of Hugo O. Loewi for his expulsion from Hayti, including the correspondence with the Haytian Government, the communications made by the said Loewi or his attorney to the Department of State, and also the papers printed in Document No. 186, Senate, Fifty-fifth Congress, second session, in chronological order.

COMMITTEE SERVICE.

Mr. PASCO, on his own motion, was excused from further service upon the Committee on Public Lands.

Mr. CHILTON was, on his own motion, excused from further service on the Committee on Improvement of the Mississippi River and its Tributaries.

Mr. COCKRELL. I am requested by the Senator from West Virginia [Mr. FAULKNER] to ask that he be relieved from further service on the Committee on Immigration.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

On motion of Mr. COCKRELL, Mr. SULLIVAN was appointed a member of the following-named committees:

On Civil Service and Retrenchment, on Immigration, on Improvement of the Mississippi River and its Tributaries, on Public Lands, to Establish the University of the United States, and on Additional Accommodations for the Library of Congress (Select).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 4676) for the protection of homestead settlers who enter the military or naval service of the United States in time of war in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10100) to provide ways and means to meet war expenditures, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DINGLEY, Mr. PAYNE, and Mr. BAILEY managers at the conference on the part of the House.

EDWARD STARR.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5006) to increase the pension of Edward Starr, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 7, relating to the amount named therein.

And that the House of Representatives recede from its disagreement to the amendment of the Senate to the words "at the rate" proposed to be inserted therein, and agree to the same.

J. H. GALLINGER,
JAMES H. KYLE,
Managers on the part of the Senate.
GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

The report was agreed to.

PETER CASTLE.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 438) granting an increase of pension to Peter Castle, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 7, disagreed to by the House of Representatives, and agree to a new amendment as follows: In lieu of the amount proposed to be inserted by said amendment insert "twenty;" and the Senate agree to the same.

And that the House of Representatives recede from its disagreement to the amendment of the Senate in line 8, and agree to the same.

J. H. GALLINGER,
GEORGE L. SHOUP,
RICHARD R. KENNEY,
Managers on the part of the Senate.
GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

The report was agreed to.

LOWELL H. HOPKINSON.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 378) granting a pension to Lowell H. Hopkinson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 8.
That the House of Representatives recede from its disagreement to the amendment of the Senate relating to the title of the bill, and agree to the same.

J. H. GALLINGER,
FRANK J. CANNON,
LUCIEN BAKER,
Managers on the part of the Senate.
GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

The report was agreed to.

CATHERINE CLIFFORD.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1801) granting an increase of pension to Catherine Clifford, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 7, disagreed to by the House of Representatives, and agree to a new amendment as follows: In lieu of the amount proposed to be inserted by said amendment insert "twenty-five;" and the Senate agree to the same.

And that the House of Representatives recede from its disagreement to the amendment of the Senate to the words "at the rate," in lines 6 and 7, and agree to the same.

J. H. GALLINGER,
H. C. HANSBROUGH,
W. N. ROACH,
Managers on the part of the Senate.
GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the following acts and joint resolution:

An act (S. 1883) for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted;

An act (S. 4108) granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington; and

A joint resolution (S. R. 148) providing for the printing of House Document No. 396, relating to the beet-sugar industry in the United States.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the conference report on the sundry civil appropriation bill may be now read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8428) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 23, 24, 25, 26, 27, 31, 32, 33, 35, 37, 39, 46, 47, 48, 54, 55, 56, 57, 59, 60, 62, 63, 68, 69, 93, 94, 105, 106, 107, 108, 129, 132, 143, 147, 148, 152, 156, 161, 163, 168, 170, 181, 215, 236, 238, 240, 249, and 251.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 10, 19, 28, 29, 30, 34, 36, 38, 40, 41, 42, 43, 44, 45, 49, 50, 51, 52, 53, 58, 61, 70, 72, 77, 78, 79, 80, 82, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 100, 102, 103, 104, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 131, 133, 139, 140, 141, 144, 151, 154, 155, 157, 158, 159, 160, 162, 167, 169, 170, 171, 172, 177, 191, 192, 193, 195, 196, 197, 198, 199, 201, 202, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 220, 223, 225, 226, 227, 229, 230, 231, 232, 234, 237, 241, 242, 243, 245, 246, 248, 252, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, and 270, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all after the word "Michigan," in lines 7 and 8 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert as a separate paragraph the following:

"That not exceeding \$100,000 of the foregoing sums for immigrant station, Ellis Island, New York, shall be paid from the immigrant fund."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For quarantine station, San Francisco, Cal.: For steam disinfecting boiler and baths for quarantine hulk *Omaha*, \$1,000; additions to disinfecting apparatus, \$2,500; bichloride tank and pipes, \$500; in all, \$3,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$425,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$600,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "and," insert the word "at;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, further, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$165,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500;" and on page 42 of the bill, in line 12, strike out the word "two" and insert in lieu thereof the word "one," and after line 13, insert as a separate paragraph the following:

"For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President by and with the advice and consent of the Senate, \$3,000, and for actual necessary expenses, not exceeding \$1,000; in all, \$4,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "As additional compensation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: On page 53 of the bill, at the end of line 15, insert the word "first;" and in line 1 of said amendment, after the word "and," insert the words "second, to surveying under;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That where, prior to January 1, 1898, the whole or any part of an odd-numbered section, in either the granted or the indemnity limits of the land grant to the Northern Pacific Railroad Company, to which the right of the grantee or its lawful successor is claimed to have attached by definite location or selection, has been purchased directly from the United States or settled upon or claimed in good faith by any qualified settler under color of title or claim of right under any law of the United States or any ruling of the Interior Department, and where purchaser, settler, or claimant refuses to transfer his entry as hereinafter provided, the railroad grantee or its successor in interest, upon a proper relinquishment thereof, shall be entitled to select in lieu of the land relinquished an equal quantity of public lands, surveyed or unsurveyed, not mineral or reserved, and not valuable for stone, iron, or coal, and free from valid adverse claim, or not occupied by settlers at the time of such selection, situated within any State or Territory into which such railroad grant extends, and patents shall issue for the land so selected as though it had been originally granted; but all selections of unsurveyed lands shall be of odd-numbered sections, to be identified by the survey when made, and patent therefor shall issue to and in the name of the corporation surrendering the lands before mentioned, and such patents shall not issue until after the survey: *Provided, however,* That the Secretary of the Interior shall from time to time ascertain and, as soon as conveniently may be done, cause to be prepared and delivered to the said railroad grantee or its successor in interest a list or lists of the several tracts which have been purchased or settled upon or occupied as aforesaid, and are now claimed by said purchasers or occupants, their heirs or assigns, according to the smallest Government subdivisions. And all right, title, and interest of the said railroad grantee or its successor in interest in and to any of such tracts which the said railroad grantee or its successor in interest may relinquish hereunder shall revert to the United States, and such tracts shall be treated, under the laws thereof, in the same manner as if no rights thereto had ever vested in the said railroad grantee, and all qualified persons who have occupied and may be on said lands as herein provided, or who have purchased said lands in good faith as aforesaid, their heirs and assigns, shall be permitted to prove their title to said lands according to law, as if said grant had never been made; and upon such relinquishment said Northern Pacific Railroad Company or its lawful successor in interest may proceed to select, in the manner hereinbefore provided, lands in lieu of those relinquished, and patents shall issue therefor: *Provided further,* That the railroad grantee or its successor in interest shall accept the said list or lists so to be made by the Secretary of the Interior as conclusive with respect to the particular lands to be relinquished by it, but it shall not be bound to relinquish lands sold or contracted by it or lands which it uses or needs for railroad purposes, or lands valuable for stone, iron, or coal: *And provided further,* That whenever any qualified settler shall in good faith make settlement in pursuance of existing law upon any odd-numbered sections of unsurveyed public lands within the said railroad grant to which the right of such railroad grantee or its successor in interest has attached, then upon proof thereof

satisfactory to the Secretary of the Interior, and a due relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said railroad grantee or its successor in interest, as hereinbefore provided, and patents shall issue therefor: And provided further, That nothing herein contained shall be construed as intended or having the effect to recognize the Northern Pacific Railway Company as the lawful successor of the Northern Pacific Railroad Company in the ownership of the lands granted by the United States to the Northern Pacific Railroad Company, under and by virtue of foreclosure proceedings against said Northern Pacific Railroad Company in the courts of the United States, but the legal question whether the said Northern Pacific Railway Company is such lawful successor of the said Northern Pacific Railroad Company, should the question be raised, shall be determined wholly without reference to the provisions of this act, and nothing in this act shall be construed as enlarging the quantity of land which the said Northern Pacific Railroad Company is entitled to under laws heretofore enacted: And provided further, That all qualified settlers, their heirs or assigns, who, prior to January 1, 1893, purchased or settled upon or claimed in good faith, under color of title or claim of right under any law of the United States or any ruling of the Interior Department, any part of an odd-numbered section in either the granted or indemnity limits of the land grant to the Northern Pacific Railroad Company to which the right of such grantee or its lawful successor is claimed to have attached by definite location or selection, may in lieu thereof transfer their claims to an equal quantity of public lands surveyed or unsurveyed, not mineral or reserved, and not valuable for stone, iron, or coal, and free from valid adverse claim, or not occupied by a settler at the time of such entry, situated in any State or Territory into which such railroad grant extends, and make proof therefor, as in other cases provided; and in making such proof credit shall be given for the period of their bona fide residence and amount of their improvements upon their respective claims in the said granted or indemnity limits of the land grant to the said Northern Pacific Railroad Company the same as if made upon the tract to which the transfer is made; and before the Secretary of the Interior shall cause to be prepared and delivered to said railroad grantee or its successor in interest any list or lists of the several tracts which have been purchased or settled upon or occupied, as hereinbefore provided, he shall notify the purchaser, settler, or claimant, his heirs or assigns, claiming against said railroad company, of his right to transfer his entry or claim, as herein provided, and shall give him or them option to take lieu lands for those claimed by him or them, or hold his claim and allow the said railroad company to do so under the terms of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$180,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$957,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$33,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "For," insert the words "protection of the Yosemite National Park, and the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment, after the word "years," insert the words "unless sooner evicted;" at the end of line 13, after the word "years," insert the words "unless sooner evicted;" and in line 17, after the word "Department," insert the words "and did not abandon said lands or procure title to other public lands under any law of the United States;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: At the end of said amendment insert the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: On page 60 of the bill, in line 8, strike out the word "seven" and insert in lieu thereof the word "eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$600,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For construction and repairs of buildings at the military post at Fort Meade, S. Dak., \$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For construction and repairs of buildings at the military post at Fort D. A. Russell, Wyo., \$30,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "permanent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: At the end of line 3 of said amendment insert the words "leave and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert as a separate paragraph the following:

"That the provision in the District of Columbia appropriation act for the fiscal year 1898 making an appropriation of \$30,000 for two isolating buildings to be constructed in the discretion of the Commissioners of the District of Columbia on the grounds of two hospitals, and to be operated as a part of such hospitals, is hereby repealed."

And the Senate to agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 13 of said amendment, and insert in lieu thereof the following: "and said board shall make a report of the progress of the work to the Secretary of War for transmission by him to Congress at the commencement of its next session, and submit in their report the probable and relative cost of various depths for said waterway, respectively, as follows: twenty-one and 30 feet, with a statement of the relative advantages thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$257,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "extended" and insert in lieu thereof the word "expanded;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "10,000 of which may be expended in the discretion of the Attorney-General;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "to be held;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the words "Weather Bureau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "legal representatives" and insert in lieu thereof the words "heirs at law;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 254, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "legal representatives" and insert in lieu thereof the words "heirs at law;" and the Senate agree to the same.

On amendments numbered 11, 13, 14, 15, 16, 17, 18, 20, 22, 64, 65, 73, 74, 75, 76, 97, 98, 99, 101, 122, 123, 124, 125, 126, 127, 140, 173, 180, 182, 183, 184, 185, 186, 187, 189, 190, 194, 221, 222, 224, 225, 239, 247, 271, and 272 the committee of conference has been unable to agree.

W. B. ALLISON,
EUGENE HALE,

A. P. GORMAN,

Managers on the part of the Senate.

J. G. CANNON,

JOSEPH D. SAYERS,

Managers on the part of the House.

Mr. PASCO. I should like to ask the Senator from Iowa if he desires to have the conference report acted upon to-day? There were nearly 300 amendments made to the bill by the Senate; a great many Senators were interested in different amendments, and from a hasty reading of the report it is impossible for some of us to tell what has been the fate of the amendments in which we are especially interested. If the Senator deems it important to go on with the bill to-day, I should like to ask him in reference to a few amendments in which my colleague and I are interested in behalf of our State; but it seems to me better to have the report printed and go over until to-morrow morning, which course, I think, would facilitate the adoption of the report. It was impossible to follow the hasty reading of the amendments at the desk.

Mr. ALLISON. It is important that the conference report should be considered to-day and passed upon at the earliest possible moment. There are a great many disagreements between the conferees, and it is important to have another conference. I think I can explain briefly the situation of the bill or any item in it about which the Senator may desire information.

Mr. PASCO. I will ask the Senator, then, with reference to amendment No. 10, being the appropriation for a post-office building at Jacksonville, Fla.

Mr. ALLISON. I believe the House conferees receded from their disagreement to amendment No. 10; so that that is agreed to.

Mr. PASCO. How about amendment No. 37, in regard to Hillsboro Inlet light station?

Mr. ALLISON. The Senate conferees agreed to recede from that amendment. I will say to the Senator that in reference to light house buildings and stations the conferees called before them the two secretaries of the Light-House Board. The House disagreed, practically, to all our amendments on that subject, and there were a great number of them. The conferees finally agreed to call before them the two secretaries and to ask them to state which stations were the most important, and from the statement we would make up our report respecting the amendments inserted by the Senate. Whilst those two secretaries said that this light-house was important, and very important, yet it was not so important as some others.

Mr. PASCO. That light station has been recommended year after year in the Book of Estimates by the Light-House Board.

Mr. ALLISON. It has been, and it is undoubtedly a very important light. I think there was substantial assent on the part of the House conferees that next winter they would provide for that light. The Senator will see that the House conferees receded from all the important lights which the Light-House Board said were of the most urgent importance now.

Mr. PASCO. It should be remembered that this light is on the southeastern coast of Florida, and at the present time, while the War Department is very much interested there, it seems to me to be of very great importance that that light should be provided for.

Mr. ALLISON. That argument was used with the House conferees; but on account of the large amount involved for light-houses, that was one of the few that were stricken out.

Mr. PASCO. May I ask the Senator about amendment No. 70, relating to lights on the Indian River?

Mr. ALLISON. Amendment No. 70, relating to lights on the Indian River, is included.

Mr. PASCO. That is very satisfactory. I am glad to hear that.

Now, I will ask about one other amendment, and then I shall not burden the Senator with any more questions. I wish to inquire as to what has been done with the amendment providing revenue steamers for service in the Gulf of Mexico—amendment No. 75.

Mr. ALLISON. The House refused to agree to the Senate amendment as to the two light-house tenders and the two revenue steamers. Those two items have been carried into disagreement and will go into another conference.

Mr. PASCO. I thank the Senator for his information.

Mr. WILSON. I desire, if the Senator from Iowa will permit me, to ask one or two questions, in order that I may have information concerning certain amendments. On page 18 three amendments were adopted by the Senate for light stations at Point No Point, at Point Brown, and at Battery Point, in the State of Washington. I should like to inquire of the Senator what disposition was made of those amendments? I could not understand from the reading of the conference report.

Mr. ALLISON. The answer that I have to make to the Senator from Washington is substantially the one I made to the Senator from Florida [Mr. PASCO]. Respecting the three lights to which the Senator has referred, we called the two secretaries of the Light-House Board before us and asked them to state which of those was most important, and they said that amendment No. 58, relating to Point No Point light station, was the most important of the three, and the House receded from their disagreement to that amendment and the Senate receded from the other two amendments.

Mr. WILSON. With all respect to the information which those gentlemen have—and of course they have considerable—I am inclined to the opinion that Battery Point is a great deal the most dangerous place, and that a light there should have been provided for. But, as it seems that one of the three has been agreed to, I hope that next winter an appropriation will be made for the other two.

In regard to amendment No. 99, on page 50, my colleague [Mr. TURNER], who happens to be away from the Senate at this time, offered that amendment for the establishment of a fish-hatchery station in the State of Washington.

Mr. ALLISON. I would say to the Senator from Washington that the House conferees were very conservative on the matter of fish hatcheries and would agree to none of the new hatcheries which were proposed; but we have carried them all into disagreement, so that that matter has not been finally disposed of.

Mr. WILSON. There is one other item about which I have no doubt the Senator will be able to furnish some information. I inquire what is the situation in regard to the forest-reservation amendment?

Mr. ALLISON. I am sorry to give the Senator the information that that amendment is also in disagreement, the House conferees not consenting to our provision; but we, of course, would not give it up.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

The report was agreed to.

Mr. ALLISON. I move that the Senate still further insist upon its amendments which are in disagreement between the two Houses, and ask for a further conference with the House of Representatives upon them.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

THE INDIAN TERRITORY.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes.

Mr. PETTUS. I ask for the consideration of Calendar No. 1072.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield?

Mr. PETTIGREW. I think I shall decline to yield at this time. I wish to go on with the bill to which I have referred a little while and see what progress we can make with it.

The PRESIDENT pro tempore. The Senator from South Dakota declines to yield. The question is on the motion of the Senator from South Dakota to take up the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PETTIGREW. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the amendments of the Committee on Indian Affairs be acted upon as they are reached in the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and that order will be made.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Indian Affairs was, on page 2, after line 2, to strike out sections 3, 4, 5, 6, 7, and 8, as follows:

SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may unlawfully and forcibly enter upon lands and tenements and detain the same, and also those who, having originally made a lawful and peaceable entry upon lands and tenements, unlawfully and by force hold the same beyond the legal period, and also those who claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that an unlawful and forcible entry has been made or that the said lands and tenements are held by force, or that the same, after lawful or peaceable entry, are held unlawfully, or that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the court, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: *Provided always*, That a person in possession of agricultural lands, holding the possession thereof under an agreement, lease, or improvement contract, with either of said nations or tribes, or any citizen thereof, executed prior to January 1, 1898, may, in defense of said action, show that he is and has been in peaceable possession of such lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such person should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue, and such judgment shall become a lien upon the improvements situated thereon.

SEC. 4. That all persons who have heretofore made improvements on lands belonging to any one of the said tribes of Indians, claiming rights of citizenship, whose claims have been decided adversely under the act of Congress approved June 10, 1893, shall have possession thereof until and including December 31, 1898; and may, prior to that time, sell or dispose of the same to any member of the tribe owning the land who desires to take the same in his allotment: *Provided*, That this section shall not apply to improvements which have been appraised and paid for, or payment tendered by the Cherokee Nation under the agreement with the United States approved by Congress March 3, 1893.

SEC. 5. That before any action by any tribe or person shall be commenced under section 3 of this act it shall be the duty of the party bringing the same to notify the adverse party to leave the premises for the possession of which the action is about to be brought, which notice shall be served at least thirty days before commencing the action by leaving a written copy with the defendant, or, if he can not be found, by leaving the same at his last known place of residence or business with any person occupying the premises over the age of 12 years, or, if his residence or business address can not be ascertained, by leaving the same with any person over the age of 12 years upon the premises sought to be recovered and described in said notice; and if there be no person with whom said notice can be left, then by posting same on the premises.

SEC. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as practicable, describe the premises so entered upon or detained, and shall set forth either an unlawful and forcible entry and detention or an unlawful and forcible detention after a peaceful entry, or a detention without the consent of the person bringing said suit or the tribe, by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit.

SEC. 7. That the court in granting a continuance of any case, particularly under section 3, may, in its discretion, require the party applying therefor to give an undertaking to the adverse party, with good and sufficient securities, to be approved by the judge of the court, conditioned for the payment of all damages and costs and defraying the rent which may accrue if judgment be rendered against him.

SEC. 8. That when a judgment for restitution shall be entered by the court the clerk shall, at the request of the plaintiff or his attorney, issue a writ of execution thereon, which shall command the proper officer of the court to cause the defendant or defendants to be forthwith removed and ejected from the premises and the plaintiff given complete and undisturbed possession of the same. The writ shall also command the said officer to levy upon the property of the defendant or defendants subject to execution, and also collect therefrom the costs of the action and all accruing costs in the service of the writ. Said writ shall be executed within thirty days.

The amendment was agreed to.

The next amendment was, on page 6, line 17, after the word "ordinances," to insert "for the preservation of the peace and health;" so as to make the section read:

SEC. 9. That the jurisdiction of the court and municipal authority of the city of Fort Smith for police purposes in the State of Arkansas is hereby

extended over all that strip of land in the Indian Territory lying and being situate between the corporate limits of the said city of Fort Smith and the Arkansas and Poteau rivers, and extending up the said Poteau River to the mouth of Mill Creek; and all the laws and ordinances for the preservation of the peace and health of said city, as far as the same are applicable, are hereby put in force therein: *Provided*, That no charge or tax shall ever be made or levied by said city against said land or the tribe or nation to whom it belongs.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to strike out section 10, as follows:

Sec. 10. That all actions for restitution, ejectment, and possession of real property under this act must be commenced by the service of a summons within two years after the passage of this act, where the wrongful entry, detention, and possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful entry, detention, and possession committed since the passage of this act must be commenced within two years after the cause of action accrued. And nothing in this act shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the act of Congress passed May 2, 1890 (26 U. S. Stats., page 85).

The amendment was agreed to.

The next amendment was, on page 7, section 11, line 20, before the word "oil," to strike out the word "valuable;" so as to read:

But all oil, coal, asphalt, and mineral deposits in the lands of any tribe are reserved to such tribe, etc.

The amendment was agreed to.

The next amendment was, on page 8, section 11, line 10, after the word "approval," to strike out the following:

Provided, That allotments herein provided for shall not impair any vested legal rights heretofore granted by Congress. But parties asserting rights under this proviso may bring their suits in the United States courts in the Indian Territory to hear and determine their legal rights, if any; and parties to said suits shall have the right of appeal as in other cases: *Provided further*, That said suit shall be instituted within six months after the allotment of any lands affecting alleged grants, and not operate to delay or hinder the execution of this act or the making of allotments herein provided for; nor shall any court have or exercise jurisdiction thereunder, by injunction or otherwise, to so suspend or delay the execution of this act or the making of allotments thereunder; nor shall this act be deemed or construed as a recognition of any claims made or asserted by any railway company to any land grant whatever.

The amendment was agreed to.

The next amendment was, on page 9, line 3, after the word "*Provided*," to strike out "*further*;" so as to read:

Provided, That whenever it shall appear that any member of a tribe is in possession of lands, etc.

The amendment was agreed to.

The next amendment was, on page 10, section 11, line 1, after the word "cities," to insert "heretofore incorporated or;" so as to read:

Provided further, That all towns and cities heretofore incorporated or incorporated under the provisions of this act are hereby authorized to secure, by condemnation or otherwise, all the lands actually necessary for public improvements, regardless of tribal lines; and when the same can not be secured otherwise than by condemnation, then the same may be acquired as provided in sections 907 and 912, inclusive, of Mansfield's Digest of the Statutes of Arkansas.

Mr. PETTIGREW. On page 9, section 11, line 23, after the word "nontransferable," I move to insert "until after full title is acquired." I wish to say that this amendment and other amendments to be proposed by me are offered on behalf of the Committee on Indian Affairs.

Mr. MORGAN. It occurs to me that that amendment would come in better after the word "nontaxable," in line 24.

Mr. PETTIGREW. There are two other amendments to lines 23 and 24.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. PETTIGREW. On page 9, section 11, line 24, after the word "contracted," I move to insert "prior thereto."

The amendment was agreed to.

Mr. PETTIGREW. On page 9, section 11, after the word "nontaxable," I move to insert "while so held."

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will read the proviso as it has been amended.

The SECRETARY. As amended the proviso reads:

Provided further, That the lands allotted shall be nontransferable until after full title is acquired, and shall be liable for no obligations contracted prior thereto by the allottee, and shall be nontaxable while so held.

Mr. MORGAN. I wish to inquire of the chairman of the committee what sort of corporation this language in the amendment refers to—"towns and cities heretofore incorporated." Does that language relate to incorporations granted by the United States Government or by the Indian tribes?

Mr. PETTIGREW. I will say that there are quite a number of cities in the Indian Territory which have been incorporated under the provisions of the laws of Arkansas, and it is for the purpose of providing for those that the language to which the Senator refers is inserted in the provision.

Mr. MORGAN. They are, therefore, incorporated under the laws of the United States, inasmuch as we have adopted the laws of Arkansas to control those people in that Territory.

Mr. PETTIGREW. Yes.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 13, on page 11, line 1, before the word "mineral," to insert "other;" so as to read:

Lessees shall pay on each oil, coal, asphalt, or other mineral claim at the rate of \$100 per annum, in advance, for the first and second years; \$300 per annum, in advance, for the third and fourth years, and \$500, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made.

The amendment was agreed to.

The next Amendment was, on page 11, line 1, before the word "mineral," to insert the word "other;" so as to read:

Lessees shall pay on each oil, coal, asphalt, or other mineral claim at the rate of \$100 per annum.

The amendment was agreed to.

The next amendment was, on page 11, line 23, after the word "begin," to strike out the proviso, as follows:

Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been acquired with the consent or authority of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to the rate of royalty and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases.

The amendment was agreed to.

The next amendment was, on page 12, line 23, after the word "improvements," to insert "and in renewing any lease the rights of lessees who have made subleases shall be protected;" so as to make the proviso read:

And provided further, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits, by lessees or their assigns, which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvement of such leases, and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements, and in renewing any lease the rights of lessees who have made subleases shall be protected.

Mr. MORGAN. Mr. President, the last part of the section which has just been read, including the amendment proposed by the committee, presents for the attention and consideration of the Senate a very serious constitutional question. Persons who have acquired leasehold rights to coal, and I suspect also in regard to oil, in these nations, particularly in the Choctaw Nation, have been operating these mines for a number of years. They have opened up the mines and they have shipped out vast amounts of coal to Texas and other places, very excellent coal, I am informed; in fact, I have seen it. The contracts to which I especially refer were made with the Choctaw Nation. The Choctaw Nation was regarded and has all the time been regarded by the United States as a political entity, not as a State, not as a Territory, but as an Indian tribe with rightful powers of local self-government. Those tribes have gone on and they have made contracts with various persons, very large and important contracts, for the leasing of these coal mines.

As I understand this bill, although it does not expressly so state, the necessary effect of it is to destroy those contracts. No provision is made in the bill for their running until the end of the lease or to protect them in any way at all. That brings up the question whether or not within the United States of America, in any part of it, whether in a Territory organized under the laws and Constitution of the country or a tribal government organized by statute or under permission of statutes and by treaties, the Constitution of the United States does not stand in all such places in its full vigor for the protection of all the rights of every person who is an inhabitant of the United States, or even if he is a foreigner and is denizen here?

I am perfectly prepared to vote for the distribution of the lands amongst the native Indians in these various tribes, but in doing that I am voting to execute a trust which grows out of the patents to lands which have been made to these different tribes, which grows out of the treaties they have made with us upon which the patents were issued, and also out of the statutes under which we have conveyed the right, title, and interest of every kind and character of the United States as a Government in those lands to these Indian tribes. But it follows, as I have heretofore tried to explain to the Senate at a previous session of this body, that the title thus granted to these Indian tribes has been granted to them as tribes and by their name, and granted in fee simple for the benefit of the tribe of Indians. It is not for the benefit of any tribal government that might be organized there, evidently, but for the benefit of the Indians who belong to the tribe, who have the rightful political relation with the tribes which entitles them to participate in the advantages that arise under the laws in their favor.

The title being conveyed to the Indian tribes and those tribes not being recognized by the Government of the United States as

being a political sovereignty, such as a State is, for instance, but as being a subordinate political establishment authorized by law, without any sovereign power, the supreme title to this land did not pass by these deeds to that tribe, that government, but they were made trustees by being named in the patent and in the statutes and in the treaties to hold the legal title of these lands subject to such uses and trusts as would grow naturally out of this conveyance in favor of the real beneficiaries thereunder. Now, that I understand to be the real legal situation here.

This being so, it follows that some sovereign power must have the disposal of these uses, trusts, advantages, and benefits in favor of these individual Indians, and it is also true that nothing less than that sort of sovereignty which can hold these lands in absolute right and in every right can have the power to execute this trust; that is to say, the Indian tribes have not the power to execute this trust, because they are in no sense a sovereign power. The Government of the United States, therefore, must have the power to execute this trust, because it is a sovereign, and it is the only sovereign whose laws and Constitution extend over that territory.

I can very well understand that the Congress of the United States has the right to execute that trust, and that that right was necessarily reserved over these lands in the conveyances which were made, although they purport to be conveyances in absolute fee simple. The point is, Mr. President, that the grantee in these conveyances, in order to execute the trust, must be a sovereign (I mean if the grantee can execute the trust according to his own will and pleasure), and the Indian tribes not being sovereign, they can not execute this trust according to their own will and pleasure, but they must execute it in subordination to the supreme sovereign rights of the Government of the United States.

Therefore, the Government of the United States is the proper authority for the disposal of these lands, the rightful owner of the lands in trust for the purpose of distributing them among the cestui que trust; and it makes no difference what disposition may have been made of these lands by any private conveyances among the Indians, or by prescription, or in any other way under any Indian statute or the constitution—for they have constitutions—by either of those tribes, the trust remains still unexecuted and within the grasp of the sovereign power of the United States. That is the situation in regard to the lands, and as far as this bill goes in that direction I approve it. I do not know that I approve all of its provisions, but I approve the power that is being exerted here as being a lawful power in the distribution of these lands among the tribes.

But we see that a question of contract, for instance, between a white man, a citizen of the United States, and one of these Indian tribes which had the right to the temporary occupancy of these lands is quite a different matter. That contract is valid in law. It was never a nullity, and no court would ever hold that it was a nullity. I do not know what decisions have been made about it; I have not looked that up at all; but as to a lease made by the Choctaw tribe of Indians to a railroad company or to certain persons of a coal mine, with the right to work it, under which lease various improvements have been made, which has stood for many years, no court I think has held or would hold that such a lease was void, that it was a nullity, that we can disregard it in our legislation.

It is a valid contract between that Indian tribe and the leasees, whoever they may be. I suppose they are not vendees, for I think no sale has ever been made. The mining of coal, etc., has been carried on, as I understand it, entirely under leases, but those contracts between the white people of this country, citizens of the United States, and these tribes for the occupancy and working of such mines are valid in law. If that is true, the Congress has no right to tear them up, no right to destroy them.

But as I understand the pending bill it does destroy them entirely and in fact proceeds to the extent of attempting to prohibit the courts from giving any recognition to the validity of these contracts. I understand that to be the necessary effect of the legislation which we are now considering, and I should like to hear this subject explained by the chairman of the committee or by any member of the committee who will be able to set me right about it if I am in error.

If the bill does go to that extent, then we are entering upon ground here that looks to me to be very dangerous, and we have probably violated one of the provisions of the Constitution of the United States which above others is said to be sacred, that valid contracts of every kind shall be inviolable by act of Congress or by judicial decision or in any other way.

It seems to me that the committee ought to put in here some provision that all the leases which exist, granted by the Indian tribes, shall continue to exist until they expire according to their terms; or, say, all leases that existed on a certain day, for instance the 1st day of January, 1898, so as to prevent any fraudulent combinations to get leases just now or while the bill is under consideration. Say, "All the leases that existed on the 1st day of Janu-

ary, 1898, shall continue to operate according to their legal effect and terms until they have expired." I make these remarks in order to obtain from the committee a statement of what they intend to do about the matter.

Mr. BATE. Mr. President, I wish it would be agreeable for Senators who have the bill in charge to postpone its consideration until to-morrow. All last week you know we were engaged day and night. This is a bill of very great importance, especially to the Indian tribes. There are one or two or three delegations here, one or two of whom have had interviews with me and have called my attention to the bill. I asked them not to disturb me about it until after the war revenue bill, with which we got through Saturday night, was disposed of, and here this morning, Monday morning, even probably without a vote, while I was out of the Chamber, this bill was called up.

I have just been notified and came in. There are some amendments which I wish to offer. I wish to examine the bill. I hope I am not asking too much. Let it come up to-morrow or next day or any day we may set, so that I may have time to confer with the delegations of Indians who have been to see me touching this matter. I want to see justice done them. If it is all right, I will have nothing to say, but I have not had an opportunity to examine the bill as I wish to examine it.

Mr. PETTIGREW. I could not hear what was said by the Senator from Tennessee.

Mr. BATE. I said I hoped it would be agreeable to the Senator having the bill in charge to allow it to go over until to-morrow, that we may look further into it. There are some delegations of Indians here, and I, in part at least, caused them to take no steps in the matter until after we got through with the bill which was under consideration last week, which occupied the entire time of the Senate during the day and partly at night; and I was surprised this morning myself when I learned that the bill had been taken up. I had no notice of any such movement. I was not entitled to any special notice, and I am not complaining of the Senator in that respect. There are a great many things which I think ought to be corrected. It is a House bill which has been here for some time, it is true, but that is no reason why we should not give it due consideration. We should consider it fairly and justly, in order to see that proper legislation takes place touching these Indians and their tribes.

Mr. PETTIGREW. Mr. President, the Committee on Indian Affairs are unanimous, I think, in regard to this bill as reported; they have considered it for a long time, and I think we had better go along to-day and see how far we may progress with it. I do not think I shall press it to a final vote to-day.

I will say, in regard to the matter mentioned by the Senator from Alabama, that we aimed in the bill to allot the use, not the title of the land belonging to these tribes. I think, under the treaty and all arrangements made with these Indians, we have not only the right, but that it is the duty on the part of the Congress to see that the use of these lands is enjoyed by the members of the tribes.

We do not undertake to give title. There are some agreements which have been made by three of the tribes which we submit for ratification. If they accept those agreements, then the title is allotted under the agreements made by our commissioners and the tribes. But the bill itself as it came from the House, as we report it, only undertakes to allot the use to the tribes.

As to leases, I have this to say: We have aimed to make void these leases, for the reason that vast areas, in some instances a hundred thousand acres—a hundred and fifty thousand acres—have been fenced in and occupied and sublet by members of the tribes to individuals, and the real Indian whom we undertake to protect by this legislation is deprived of the enjoyment of his property, and the lease money goes to enriching men who are really white men and not Indians.

Further than that, we understand that since January great numbers of leases have been made, and during the last year after these agreements were made great numbers of leases embracing vast areas of lands were made to individuals and for unlimited lengths of time for the very purpose of defeating the object of this legislation and depriving the Indians of all benefits and all use of their property. What we undertake to accomplish is to divide the land among the individual Indians per capita, to divide the use of it among the people who are entitled to it. We aim to disturb no vested right that the Indian may have, but we are trying to oust the people who have gained possession of those lands and are depriving the Indians of their property. It is well known that those tribal governments are corrupt; it is well known that nearly all the property of the tribes heretofore has been absorbed by a few, and it is for the purpose of remedying those evils that we have undertaken this legislation.

Mr. JONES of Arkansas. Mr. President, I sincerely hope that the Senate will consider the pending bill at this time. In December last the Committee on Indian Affairs of the Senate and the Committee on Indian Affairs on the part of the House appointed

a subcommittee to take up the question of undertaking to put the so-called Curtis bill in a shape satisfactory to both bodies. We have absolutely devoted weeks to the discussion of the different sections of the bill, to consultations with representatives of all the tribes and of representatives of the white people who are settled in that country. We have heard every argument that could be made on the part of any interest and on every side. We have given days and nights to the consideration of the bill. We have gone carefully through it. We have weighed everything as carefully as we could.

The Committee on Indian Affairs of the Senate have been constantly looking into every detail of this business, and if the Committee on Indian Affairs are capable of doing anything in connection with the bill at all; if they are capable of understanding what ought to be done, they understood when they made this report what should be done. This bill has been here for some time; it has been reported from the Committee on Indian Affairs, and I believe that, as reported by the committee, it is as near just what it ought to be as it is possible to make it.

Mr. BATE. Mr. President, all that may be true, but I think those who desire it ought to have an opportunity to look into the bill more carefully and agree with the committee, if it is proper that we should. We already hear objection made to it by the Senator from Alabama, even involving a constitutional question, if I understand him. Notwithstanding the great labor which has been given to it by the Committee on Indian Affairs, and notwithstanding the report they have made here, it seems to me the measure involves so much and has come up so suddenly, without premonition, so far as I heard, that it should go over for a day or so. It was not set for to-day; it was not called regularly on the Calendar to-day; it was not reached, but was just taken up by application upon the part, I suppose, of one of the Senators who wish to see it brought up and action taken upon it. So it has been brought up without any objection. Had I been in the Chamber at the time I should have objected for the present at least. That is all I have to say. I can not help myself.

Mr. MORGAN. Mr. President, the remarks which I submitted to the Senate a moment ago relate not to the lease of lands amongst the Indians between themselves, but to leases of coal mines to railroad companies and to other persons who are not members or citizens of the Indian tribe, but are citizens of the United States. What I suggested was that we should inquire whether or not in our legislation we are violating a contract which a citizen of the United States has a right to insist upon. There must be a difference between the rights of citizens of the United States and the rights of the citizens of the respective nations in respect to these lands, because the United States, which, as I have insisted, and I believe nobody is going to dispute it, has the sovereignty to execute this trust, has the right at any time at all, of course, to cut off any arrangement which is at all embarrassing in the way of the execution of the trust, unless we are confronted by the protection that is given in the Constitution to contracts between these Indian tribes and persons who are not members of the Indian tribes.

I wish also to suggest the question, and it is a very important one, whether or not the making of leases of coal mines and leases of lands has not been against the public policy of the United States, or perhaps even against the prohibition of statutes of the United States, in dealing with these tribal reservations? It seems to me that any arrangement by the tribe with its own citizens or with persons residing within the territory which would embarrass at all the execution of the powers of the Government in executing the trust must necessarily fall under the ban of disapproval, because it violates the public policy of the United States. We have not heretofore taken hold of this subject in virtue of the powers we now claim to exercise. We have permitted the Indian tribes to go on and exercise a jurisdiction over these lands, both by legislation and in every way, just as if they were the full, absolute owners, and as if the titles or rights they might confer by lease or otherwise would be entitled to full respect under the Constitution of the United States. That is what we have done.

For the first time we are taking hold of this question now in virtue of the sovereign and supreme right of the United States to control it, and I grant that whatever we find in the way of that full and complete control in the execution of this trust we have a right to cut off, we have a right to disregard. But I am not satisfied that when an American citizen—a railroad company, for instance—has made a contract with one of these tribes for the lease of a coal mine the contract is not protected by the Constitution of the United States; I am not satisfied that that contract falls within the category of the arrangements which I say we have tolerated heretofore, and which we have a right to cut off in the exercise of our sovereign power of disposing of these lands and making allotments and other dispositions of the lands.

It was my apprehension upon that question which caused me to take the floor on this subject, because I do not want to put in this act a provision which will draw in question its constitutionality.

I suggested to the committee that some language might be used in this statute which would prevent any such result, such as I have indicated; that in the leases which may be existing in regard to coal mines and asphalt mines and oil wells and the like of that, contracts of leases should be permitted to continue in operation until they had expired. It is very plain that by doing this you get rid of a series of very important and embarrassing, if not dangerous, questions to the bill itself.

Now, as for lands that have been leased there, I know from the history which has been brought to my attention as a member of the committee, and also from personal observation, that there have been very great outrages committed by the tribal governments in suffering the extension of leases of pasturage lands and other lands in the hands of private individuals to cover an enormous area, and thereby destroying the value of the whole inheritance, if I may call it such, that comes to the Indians through the title the Government of the United States has granted to the tribes. As between the Indians and their government and as between the persons claiming under that government the agricultural lands of these tribes, I am satisfied we have the right and that it is our duty to interfere now and to execute this trust without reference to the large holdings people have upon those lands.

We are compelled, Mr. President, to take hold of this matter in apparently a very severe way in order to execute justice in behalf of the different individuals of the Indian tribes and to do for every man, as far as may be, justly and equitably what a guardian with the discretionary power for the administration of an estate in the hands of several minor children would do, in the spirit of justice and equity to all concerned. It is a very troublesome task. I know the Dawes Commission and a great number of persons, including the Committee on Indian Affairs of the Senate and House of Representatives, have had this broad, difficult question to consider, and I am in favor of any fair adjustment of it that can be devised; but in making the adjustment of it I think we ought to be very cautious not to violate the Constitution of our country by condemning by an act of legislation contracts that are really valid under the law.

I will take occasion to say about this matter now while I am upon the floor that I think it is a very high duty incumbent upon the Congress of the United States that any question we may decide by this vigorous legislation, if I may not call it harsh legislation, ought to be open to appeal to the Supreme Court of the United States. I want these Indian tribes satisfied when we get through with this matter that they have had the benefit of the judicial power of the United States, exercised in its highest function, in the disposal of these lands and all of the matters that are couched in this lengthy and very important bill.

I would not turn an Indian, or, in fact, any person who was interested in those lands, away from his resort to the Supreme Court of the United States to settle any question that arises under this act and under our laws and our treaties heretofore made with the Indians. The necessary predicate of all this distribution of lands, for instance, includes the question of tribal citizenship. Tribal citizenship has been regulated, necessarily and properly, by the laws of the tribes themselves, rather than by the laws of the United States. When we ascertain the persons who are to be entitled, for instance, under the distribution of these lands, we must resort to the laws of the Five Civilized Tribes and to their treaties to ascertain who are the persons who are entitled to participate in the distribution of this great area of land, a very important and a very valuable body of land.

Now, upon questions of citizenship, which include the right to these lands, there ought to be an appeal to the Supreme Court of the United States. I doubt very much the constitutionality of any law that cuts off a man from the right of appeal to the Constitution of the United States when that right of appeal includes the proper construction of the Constitution and laws of the United States and the treaties, as we call them, with these civilized tribes.

Upon the subject of the treaties and the effect they might have in deciding the question of the right of appeal to the Supreme Court of the United States there arises another embarrassing difficulty. Until 1871 from the foundation of the Government, although the different Indian tribes were included within our borders and were subject to the supreme jurisdiction of the Government of the United States, we made treaties with them pro forma, and those treaties were made by their selected negotiators with our men who were appointed for that purpose, and they were brought under the treaty-making power before the Senate of the United States and were here confirmed. A great number of them were confirmed without reference to any statute of the United States at all.

Now, all of those treaties are treaties with the United States, and were so regarded by the Government of the United States, because they were in the form of treaties; and they were matured and ratified, and ratifications were exchanged under the treaty powers conferred upon the President and the Senate under the Constitution of the United States. But in 1871 we changed that.

We then declared by statute that thereafter no treaty with an Indian tribe should be referred to the Senate of the United States, as it would be in the case of a treaty with a foreign power.

In the passage of that act we disestablished every Indian tribal government in the United States in respect of its having the slightest power to enter into a negotiation with the United States, and we treated them as subject powers, tenants at will really, of the country that they might occupy at the time. We have traveled them about over the country under different contract arrangements, having adopted, as we did after we had destroyed the right of making treaties, the policy of making contracts to which the majority of the male members of any tribe should give their assent; and if they did not give their assent, the contract was not considered as being subject to the ratification of the United States. But where they did give their consent, then we stand in the attitude, since 1871, of dealing with these people upon the basis of a simple contract, not upon the treaty basis.

So far as the Cherokees and all of the other Five Civilized Tribes are concerned, the treaties under which they acquired title to the land were treaties that were ratified by the Senate of the United States in due form prior to 1871, and they are just as obligatory upon the Government of the United States as if they were treaties with foreign powers, for we accepted those powers of the Constitution as being the criterion and the foundation of the right of those Indians to make the treaties.

Now, that being so, and all of the rights they held under these treaties or in respect of them being treaty rights, it occurs to me that we have here no power or authority to deprive those people of taking up to the Supreme Court of the United States any question for its final adjudication, any more than we have the right to cut off a citizen of the United States or any other person from taking such an appeal under a treaty made with a foreign power.

Mr. CHANDLER. I do not wish to do anything discourteous, but I feel that the remarks of the Senator ought to be listened to by a quorum of the Senate, in order that they may be intelligently comprehended.

Mr. MORGAN. I hope the Senator will forbear. My discussion of this matter to-day is intended to be with the committee really.

Mr. CHANDLER. The Senator knows a speech does not make so great an impression when there are a few Senators here as when the seats of Senators are full.

Mr. MORGAN. I am very much obliged to the Senator for his desire to have my remarks heard by more Senators than are present at this moment, but the questions I am discussing are intended really for the consideration of the committee more than the Senate at large, thinking, of course, naturally and properly, that the Senate will be very much inclined to follow the recommendations of the committee, for it is an able committee and they have given a great deal of attention to the subject. What I am trying to do is only to ascertain whether we are not in this bill doing some things that perhaps we have no right to do, and as a member of the committee I feel great interest and concern about it.

I was arguing the question whether a right of appeal to the Supreme Court of the United States ought to be given in this bill upon every question; for instance, I will say, a question of the citizenship of the person who is entitled to distribution of these lands under our law as we are about to enact it, and then the question of the nature of the title that the Indians hold in this property, whether it is, as I suppose, a title held by the tribe but in the name of the tribe in trust for the benefit of the membership of the tribe, and the question how far by the action of the tribe through its constitution, for they have constitutions, and legislation, for they have printed laws, these rights have been affected by their constitution and their legislation.

That is an important question, which ought to come to the Supreme Court of the United States; but the fundamental question concerned in the distribution of the property is, of course, the question of citizenship in the tribe, and upon all questions relating to the citizenship of a person in the tribe, where the decision is adverse to his citizenship, or even, perhaps, in some cases where it affirms his right, an appeal ought to be allowed to the Supreme Court of the United States.

This subject is not new with me, Mr. President. On various occasions in the last seven or eight years, whenever this matter came up, I have always advocated that our legislation should include the right of appeal to the Supreme Court of the United States. I am satisfied now that unless we do include it we shall give great dissatisfaction, and perhaps we shall have our laws broken up by a decision of the Supreme Court of the United States made in some collateral case that will go up there.

The point upon which I am trying to fasten the attention of the committee at this moment of time is this: The Supreme Court of the United States have the constitutional power and jurisdiction to hear appeals on all matters that concern the construction of the Constitution and laws of the United States and treaties made in pursuance thereof.

Then, of course, we know that, historically speaking, if not legally also, these five tribes hold their land under treaties which expressly convey to them the title, and they were so careful about having the title perfect in their own way of understanding what a perfect title was that they put in some of the early treaties the provision that the title should stand while grass grew and water ran, so that it should be permanent. At the same time they coupled with that title a condition that if the Indian tribes should ever abandon the country, then the title should revert to the United States, and there is an ultimate reversion in fee to the United States upon that condition subsequent.

But the point I am discussing and trying to impress upon the minds of such Senators as are present is that, having treated with these Indians in the exercise of the treaty power and in the form prescribed by the Constitution, laws, and rules governing the making and ratification of treaties and the exchange of ratification, these Indians hold their title under those treaties. They also hold them under express statutes of the United States. They also hold them under letters patent which have been issued to the tribes and delivered into their hands.

Now, here we find that the laws of the United States and the treaties of the United States are concerned in these questions, and that we can not possibly avoid these questions being raised in some collateral way in cases that will go the Supreme Court of the United States. Inasmuch as we can not avoid having those questions decided, inasmuch as any man having a cause of action that he is concerned in which relates to any of those lands or rights or privileges can have it decided, we ought to provide in the bill, in some systematic, general way, for the hearing of appeals, defining as far as we can the subject-matter upon which the appeal shall operate. In that way we shall give satisfaction to the Indians, and certainly greater satisfaction to ourselves, for I for one feel that in dealing with a subject of such delicacy it is necessary to my own personal satisfaction in legislating upon these questions that I should know the Supreme Court of the United States can come along and rectify any errors we may make in a judicial determination of the rights of these people.

The PRESIDING OFFICER (Mr. PASCO in the chair.) The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. CARTER and Mr. PETTIGREW addressed the Chair.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Frye,	McMillan,	Platt, Conn.
Bacon,	Gallinger,	Mallory,	Rawlins,
Bate,	Gorman,	Mantle,	Roch,
Berry,	Hanna,	Mills,	Shoup,
Burrows,	Hansbrough,	Money,	Stewart,
Caflery,	Harris,	Morgan,	Sullivan,
Cannon,	Hawley,	Morrill,	Thurston,
Carter,	Heitfeld,	Murphy,	Tillman,
Chandler,	Hoar,	Nelson,	Turpie,
Clay,	Jones, Ark.	Pasco,	Wetmore,
Cockrell,	Lindsay,	Perkins,	Wilson,
Deboe,	McEnery,	Pettigrew,	
Fairbanks,	McLaurin,	Pettus,	

The PRESIDING OFFICER. It appears from the roll call that there are fifty Senators present. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4699) to provide an American register for the steamship *China*; and it was thereupon signed by the President pro tempore.

HOMESTEAD SETTLERS.

The PRESIDING OFFICER (Mr. PASCO) laid before the Senate the amendment of the House of Representatives to the bill (S. 4676) for the protection of homestead settlers to enter the military or naval service of the United States in time of war.

The amendment of the House was, on page 2, line 4, after the word "service," to insert the following proviso:

Provided, That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: Provided further, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

Mr. HANSBROUGH. I move that the Senate concur in the amendment of the House.
The motion was agreed to.

THE INDIAN TERRITORY.

Mr. PETTIGREW. I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with House bill 8581, which has been under consideration.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. CARTER. Mr. President, it will be borne in mind that the census bill has been deferred from time to time on account of pressing legislation of general public importance. The session of Congress is now drawing to a close, and the Committee on Census, together with all persons taking a direct interest in the proposed census legislation, feel constrained, through a sense of duty, to procure consideration for the bill without further delay.

I think it would be as well to proceed with the consideration of the unfinished business to-day and allow the bill which has been considered during the morning hour to be taken up immediately after the conclusion of the morning business to-morrow. If the consideration given to that bill at that time is such as to indicate that it can be concluded within a reasonable time after the close of the morning hour to-morrow, I shall feel inclined to yield for that purpose. But to have the census bill, which is of general and pressing importance, set aside now for the consideration of any bill of which I have any knowledge that is of a local character, is something to which I can not consent.

Mr. CHANDLER. Has the census bill, the pending bill, been read through?

Mr. CARTER. It has not yet been read. The pending bill was reported from the committee on the 9th of May, and takes the place of the bill formerly considered.

Mr. PETTIGREW. With the understanding, then, that House bill 8581 shall be taken up immediately after the routine morning business to-morrow and that we shall proceed with it to its conclusion, I will not press the request for to-day.

Mr. CHANDLER. I have no objection to the bill being taken up and proceeded with until 2 o'clock, but that an agreement shall now be made to consider the Senator's bill until it is finished I should not be willing to consent to. I have had occasion almost to criticize the Senator from Montana, the chairman of the Census Committee, for the indulgence which he has extended to Senators in connection with other bills, allowing the census bill to be crowded off from day to day and from week to week, until now, at last, it has its day in court again. I feel constrained to object to any arrangement which will supersede the census bill by any other bill. I have no objection, if the Senator from South Dakota can get his bill through before 2 o'clock to-morrow, but I do not consent to the request as he made it.

Mr. CARTER. I think the Senator from South Dakota understands the arrangement suggested, that if it shall be quite apparent that a short extension of time after 2 o'clock will result in the conclusion of the consideration of the bill he has in charge, the committee will yield for that purpose.

Mr. PETTIGREW. Then I ask unanimous consent that House bill 8581 be taken up immediately after the conclusion of the morning business to-morrow.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that House bill 8581, which the Senate has been considering this morning, may be taken up to-morrow morning immediately after the conclusion of the morning business. Is there objection? The Chair hears none, and it is so ordered.

TWELFTH AND SUBSEQUENT CENSUSES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses; which was read.

Mr. CHILTON. I offer an amendment to come in at the end of section 2 of the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be stated.

Mr. CARTER. I suggest that the committee have a few amendments to offer.

Mr. CHILTON. Then I withhold my amendment.

Mr. COCKRELL. I should like to hear some explanation of the bill before it is passed upon.

Mr. PLATT of Connecticut. Can not we have the amendment read which has been submitted by the Senator from Texas [Mr. CHILTON], so that we may know what is coming?

The PRESIDENT pro tempore. The amendment submitted by the Senator from Texas will be stated.

The SECRETARY. At the end of section 2, it is proposed to insert:

That nothing herein contained shall be construed to establish a Census Bureau permanent beyond the Twelfth Census.

Mr. CARTER. Mr. President, in March, 1897, Senate bill No. 94, entitled "A bill to provide for taking the Twelfth and subsequent censuses," was introduced. That bill contemplated the organization of a census bureau, to be charged, as a first duty, with the preparation of a general plan for the enlightenment, if not the guidance, of Congress in the enactment of necessary laws for future census work.

Through the means provided by that bill it was confidently believed by many that the thoughtful consideration by experienced statisticians and students of census history of all the questions involved would prove of great practical value to Congress in illuminating with the light of experience and aiding with technical skill the legislative mind in the discharge of an important constitutional obligation. In due season the bill was reported and taken up for consideration, but all efforts to confine debate to the legitimate scope of the bill proved futile. The Senate was obviously determined to proceed directly to the consideration of the provisions requisite for the perfection of a complete census law, without employing any such preliminary or tentative measure as that proposed.

Admonished by the temper of the Senate and the expressed views of Senators, the committee addressed itself to the task of preparing a general bill, and the result of the effort is embodied in Senate bill No. 4545, to which I now invite the attention of the Senate. Before referring to the details of the bill I feel it my duty to call the attention of the Senate to the supreme importance of enacting the law for taking the Twelfth Census at this session of Congress. I the more gravely fear delay and dread its consequences because in the past one hundred and ten years Congress has invariably put off needful census legislation until the eleventh hour, thereby admitting only of meager, but always costly, preparation for an exacting task, in the prompt and accurate performance whereof the present and all future generations must be deeply concerned.

I am at a loss to account for the procrastinating disposition shown by Congress at all times in the past in dealing with this important matter. Tardy legislation can not but result in hasty and imperfect preparation by the director and the supervisors prior to the commencement of the actual work of enumeration. Imperfect organization not only hinders and delays the work, but it increases the cost, and at the same time diminishes the value of the reports.

I would rather harbor the belief that the reluctance Congress has always shown to passing timely laws for census taking has arisen from some other cause than indifference to the subject. Slight reflection will suffice to arouse us to a realization of the overwhelming importance of this question.

A census is as old as our civilization. The collation of data and the weighing of ascertained facts must always constitute an essential prerequisite to legislative enactments designed to justly influence or properly control the destinies of a free people. When by divine right the king was the state, and the state existed for the king, details relating to the humble life of the individual subject were of trifling moment beyond the requirements of military service and taxpaying power. From the dawn of history to the middle of the last century each succeeding dynasty sought an understanding of the condition of the people as a basis of war levies and tax collections, with the distribution of political favors as an incident.

From a religious custom the census developed into a military factor, and finally, as the individual man emerged from the mass of mankind to assert his inalienable right to life, liberty, and the pursuit of happiness, the demand for specific information concerning the subjects or citizens and their affairs became indispensable to the intelligent conduct of government. From the mere inspection of fighting forces attention was directed to the sources from whence they sprung—the body of the people.

Our Government was the first of all the nations to provide in its fundamental law for an enumeration of the people as the basis of representation and consequently as an elementary principle of the Government itself. Knowledge which a census alone can reveal is indispensable to intelligent legislation for a free people. Where the people are the source of power, ignorance of their numbers and condition is equivalent to ignorance of the very foundation of the Government.

The census gives to the legislator the facts and figures which enable him to pass over the domain of speculation and to base laws upon ascertained data with approximate scientific precision. Our territory is so extensive, our population so mixed, and our interests so diversified that the decennial census assumes greater importance with each succeeding decade, not only as disclosing the proper basis of representation, but as a guide for legislation and a safeguard against the injustice and favoritism which invariably spring from ignorance and provincialism. The scope of the census has been increased in response to a just demand.

In the beginning enumeration of the population seemed sufficient, but as the country expanded and our social, industrial, and

commercial life became more complex, additional statistical data became more and more necessary to a correct understanding of the forces and conditions to be controlled and dealt with by the executive, legislative, and judicial departments of the Government organized under the Constitution.

In conformity with sound logic and clearly disclosed necessity a liberal and scientific construction was in due time given to the decennial-enumeration clause of the Constitution, so that as early as 1810 results other than a mere enumeration of the population were sought.

However, the law of 1790 continued substantially in force until 1850. By the law enacted that year a census board was established, consisting of the Secretary of State, the Attorney-General, and the Postmaster-General, but the original, crude, and unsatisfactory system of making the inquiries through the United States marshals and their deputies was continued. The machinery provided by that and all laws preceding it was so ill-suited to the purpose that efforts to secure even an accurate enumeration of the population were not fruitful of felicitous results.

Statistical matter relating to other topics only reached the dignity of fair approximations, and of course deductions drawn from such data could but be regarded as generalities. Gradually the temper of the country and the spirit of the age demanded not only wider scope but more accurate figures. In obedience to that demand the law of March 3, 1870, was passed to provide for taking the Tenth and subsequent censuses. That law established a Census Office in the Department of the Interior, under the direction of the head of the Department, and provided for the appointment of a Superintendent of Census. The act to provide for taking the Eleventh and subsequent censuses, approved March 1, 1880, did not differ materially from the act of 1870.

Under the last two acts the census was extended far beyond the limits prescribed or contemplated by any previous law of Congress. The measure of the extension can be most readily discerned by reference to the fact that in 1870 there were only four volumes of census reports, whereas in 1880 twenty-two volumes were published, and the reports of the census of 1890 will be found in twenty-five bound volumes. All reports of the nine censuses up to and including 1870 had been issued in twenty-three volumes. Zeal for elaboration pressed beyond the bounds of wisdom. The circumscribed limits from which escape was sought yielded to a scheme theoretically commendable, but so extensive in scope as to deprive it of much practical value because of the long and apparently unavoidable delay in the publication of the complete reports.

The last of the reports of the census of 1880 was published in 1888, and the present year has brought forth the last volume of the census of 1890.

That the laws of 1870 and of 1880 marked a most pronounced advance in census legislation is conceded by everyone.

The census of 1880, indeed, may be said to have been the beginning of census statistics, designed to meet the growing demand for statistics affording information relative to economic and sociological questions, as distinguished from the purely political purposes of the population enumeration. This census devoted a large proportion of space to historical and descriptive records of the growth and development of national industries, as a starting point and basis for future statistics and, in this direction, has not been excelled by any similar work of any government.

The Eleventh Census covered much the same lines of investigation and required about the same number of volumes for the presentation of the results, but was far more statistical in character, with greater wealth of detail in the matter presented and more comprehensive analysis of the results.

The reputation of the administrative officers of these two censuses, at home and abroad, well illustrates the assertion of the evangelist that "A prophet is not without honor, save in his own country," for foreign governments and statisticians have expressed nothing but commendation for the scope and statistical treatment of the subjects of investigation in both.

While the value of the census results in a statistical sense is undoubted, the rapid increase in population, expansion of industrial development, and changing conditions in this country are so great and diverse that the delay in presentation of the final results of previous censuses has been such as to deprive them of much of their usefulness. This delay can not be charged to the administration of the Census Office so much as to defects in or lack of legislation under which the census has been taken.

Experience has, however, cast just criticism upon both laws. The main objection in each case was to the intolerable and apparently unavoidable delay in publishing the reports. Then again it has been said the reports were too voluminous; that the words and figures were so expanded that simple facts were measurably concealed from ordinary view, but while many criticisms have been offered to the Tenth and Eleventh censuses, I think it may be fairly assumed that both would have given satisfaction to the country had the reports been more promptly issued.

One of the chief causes of the deplorable delay of which complaint has been made must be ascribed to the uniform tardiness of Congress in making proper legislative provision for each census in due season to allow reasonable time for necessary preparatory work. By reference to the legislation for the Eleventh Census, we become informed of the trend of our legislative history on this subject from the beginning. The act providing for that herculean undertaking was not approved until March 1, 1880. This allowed but fifteen months for the appointment of a Superintendent and the organization of the Bureau, together with the appointment of an army of supervisors, special agents, and enumerators, fully equipped and prepared to execute the purpose of the law with accuracy and dispatch.

It is conceded by all persons who had any experience with the Eleventh Census that the time allowed for this preparatory work was insufficient. To make the matter worse, on the 23d of February, 1890, that is, about one hundred days before the work of enumeration commenced, an act of Congress was approved making it the duty of the Superintendent of the Census, in addition to duties assigned to him by law, to ascertain the number of persons cultivating their own farms, the number living in their own homes, the number hiring farms and hiring homes, the number of farms and homes that were mortgaged, the amount of the mortgage debt, the value of the property mortgaged, whether the mortgage was in whole or in part for purchase money or for other purpose, and the rates of interest paid upon mortgage loans.

This act involved a change in schedules that had been prepared and printed ready for distribution to the enumerators. The cost of paper and the printing thus became a total loss and the Superintendent found himself, within about one hundred days of the time for the enumeration, confronted with the task of preparing 25,000,000 new schedules and having them printed and properly distributed.

On the 19th of March, 1890, an act was passed authorizing the Superintendent of the Census to pay special agents in Alaska a necessary per diem allowance for expenses, subsistence, and transportation.

On the 23d of the same month an act was passed finally settling the amount to be paid the supervisors. Another act was passed relative to compensation on the 3d of April. On the 21st of May an act was passed extending mail facilities to the Census Bureau. On August 14, two and a half months after the time fixed for the enumeration, an act was approved amending section 17 of the census law so as to require the Superintendent to obtain from the owners, proprietors, or managers of every unincorporated express company the same class of facts which by said section he was obligated to require and obtain from the owners, proprietors, or managers of every incorporated express company.

Again, as late as July 6, 1892, Congress amended sections 15 and 17 of the census law, so that the Superintendent was thereby required to obtain from every incorporated and unincorporated company, firm, association, or person engaged in any productive industry the information called for and specified in the general and special schedules approved by the Secretary of the Interior, thus contemplating the acquisition of information from certain corporations, firms, and persons as late as July, 1892.

It is therefore obvious that the work of tabulating certain schedules could not have been commenced until more than two years after the day fixed for the enumeration, by which time the tabulations should have been entirely finished. It rests with Congress to avoid the expensive and in every way unfortunate consequences experienced with the census of 1890 through the insufficient time allowed for the organization of the Bureau, with its army of clerks, supervisors, and enumerators.

This much-desired end can only be facilitated by the passage of the census bill at the present session of Congress.

The improvement sought can, however, be only partially effected by legislation affording greater time for the work preceding the enumeration. If the general line of statistics collected at the Tenth and Eleventh Censuses is to be preserved—and it is not thought probable that Congress will be willing to abandon the valuable statistics in which the basis for comparisons and measures of progress has already been laid, except in certain minor details—some essentially different plan or system of dealing with the matter must be adopted which will avoid the difficulties attending their preparation in the past. These difficulties arose largely from the fact that the whole of the investigations related to the same period, were prosecuted simultaneously, and the amount of material collected was too vast to be expeditiously disposed of by any organization possible under the laws as then existing.

When it is considered that the time required for the preparation of the reports of the Tenth Census from the date of organization of the office to the transmittal of the final proof of the last volume to the Public Printer was nine years and two months, and the corresponding time for the work of the Eleventh Census was eight years and three months, it will be seen that the work was practically continuous, although nominally temporary and with

all the disadvantages of a temporary organization. It therefore seemed advisable to adopt the alternative feature of continuous work and to separate the statistics into two classes, one to contain the inquiries inseparable from the census enumeration and to classify and define these as constituting the "census," concentrating the work of the office and the most capable of the force upon these subjects, which are those specified in section 24 of the bill.

In their simplified form and with no other work on hand to complicate or retard their prosecution, these subjects may be concluded in a space of time impossible under previous conditions.

Under the plan of operation contemplated by the bill the miscellaneous statistics provided for in section 25 will be taken up after the disposition of the census proper, or at such a time as will in no wise delay the publication of the same, which will again permit the employment of the most efficient force in their preparation, with the additional advantage of allowing such statistics to be brought up to a later date, thereby giving them a greatly increased value.

This separation of the statistics provided for into the two classes described is absolutely essential to any plan which has the necessary improvement in statistical work in view, and the benefits arising therefrom will be even much greater in the future.

The pending bill seeks to reduce the number of census reports and to secure their prompt publication, without eliminating from the inquiries any subject of general interest on which necessary information can only be gained by a house to house canvass of the whole country.

The committee hopes to expedite the publication of the reports, first, by the passage of the bill at the present session of Congress, so as to allow much-needed time for the proper organization of the Bureau and due preparation for the work; second, by limiting the scope of the census proper to four topics, namely, population, mortality and vital statistics, agriculture, and manufacturing; third, by providing for the payment of enumerators' accounts on certificates signed by the supervisors, instead of holding up the schedules in the Census Office from two to six months while computing amounts due the enumerators; fourth, by increasing the force of supervisors; fifth, by omitting certain branches of investigation upon which statistics are published in other departments.

The general subjects reported upon at the Eleventh Census which are not contemplated by this bill, together with their estimated cost (exclusive of printing and binding), are the following:

Real estate and farm and home mortgages	\$1,500,000
Indians	125,000
Transportation	175,000
Surviving soldiers, sailors, and widows	100,000
Insurance	60,000
Mineral industries	210,000
Fish and fisheries	150,000
Education	25,000
Irrigation	20,000
Total	2,985,000

Mr. PLATT of Connecticut. May I inquire whether that is merely the cost for printing, or does it include the gathering of statistics and printing both?

Mr. CARTER. This estimate is exclusive of the cost of printing and binding and relates wholly to the cost of collating the statistics.

Mr. PLATT of Connecticut. And there is another large cost for the printing?

Mr. CARTER. The printing and binding and distribution will probably add at least 25 per cent, making the total amount three and a half million to four million dollars.

The elimination of these inquiries disposes largely of the possible duplication of work by the Census and other offices or departments by relegating to them the whole field of investigation in such cases.

It has been argued that all statistical matter relating to the various Departments of the Government and those subjects coming within the special jurisdiction of each could be most advantageously acquired through the agency of a separate bureau. Slight investigation, however, will disclose the fact that the statistics published by the various Departments are in most cases merely incidental, the work of collating and tabulating the statistics being necessary to the determination of questions growing out of or constantly arising from the conduct of the business of such Departments. This work would continue in the Departments irrespective of any independent statistical bureau, the only expense attending the conveyance of the information contained in the tabulated statements to the public being the cost of printing and publication.

For instance, the Bureau of Statistics of the Treasury Department publishes monthly and annual reports of a statistical nature and of great value, relative to exports and imports, immigration, coinage, currency, national banks, clearing-house transactions,

etc., but the data are obtained wholly from the reports of officials of the Treasury Department. The Bureau of Statistics may be said to be the "bookkeeping" branch of the Treasury Department, and essentially necessary thereto, but there is no collection of original data as in the census work, and not a point of similarity in their methods.

Other bureaus and Departments publish reports containing statistics secured in prosecuting the work for which they are maintained, some of which have been partly included in the census investigations, and in order to avoid the possible charge of duplicating work, and thereby duplicating expenditures, the subjects mentioned above have been omitted from the inquiries imposed on the Census Office by this bill. For this reason the subject of transportation may well be left to the Commissioner of Railroads and the Interstate Commerce Commission.

The Geological Survey collects statistics and facts concerning our mineral resources as a part of its general work, and the results of the investigations and computations made are published annually by that Bureau. The Fish Commissioner is constantly engaged in collecting facts and figures relating to fish and fisheries. The Bureau of Education is the efficient agency for the collection of all needful information on the subject of general education, information concerning school attendance and illiteracy only being dependent upon the house-to-house canvass conducted by the census, and these are retained in the population schedule.

All facts and figures relating to irrigation should be collected jointly perhaps by the Department of Agriculture and the Geological Survey.

The decennial census should not be burdened with the acquisition of information concerning insurance, as all facts relating to that subject may be obtained from State reports and private publications, which are published from year to year. The Bureau of Indian Affairs publishes annual bulletins, without any particular expense to the Government, showing the number and condition of the Indians. The population schedule will furnish all necessary information as to the number and distribution of the Indians, with the sociological data required for the population in general.

If the Census Office is established as contemplated by this bill, and its operations meet with the success anticipated, it is possible that in the future some consolidation of the statistical work now done by other Departments may prove practicable and wise; but the working of the office under the system proposed should have a practical test, without any complications that can be avoided.

This bill retains the basic inquiry concerning ownership of farms and homes, but eliminates certain details relating to indebtedness and the motives of men in creating incumbrance upon their property. This last-named feature, with the amounts and rates of interest, is said to have cost over \$500,000 in 1890, besides retarding the publication of the census reports. The real-estate mortgage investigation and report of 1890 cost about \$1,000,000.

Before passing from that subject, I wish to illustrate the practical difficulties encountered under the law of 1890, covering so vast a field and calling for information on so many details. In the case, for instance, of the subdivision of manufactures, take the electrical industry. I have made and have here a partial showing of the schedules directed to that one particular subject. The first schedule relating to electricity which the enumerator was expected to carry about with him, or the special agent, as the case might be, was entitled "preliminary schedule," and comprised five pages, with questions appearing in the text on each page.

Mr. CHANDLER. Are we to understand the Senator from Montana as saying that all the schedules which he now has in his hand contain only inquiries which the enumerators who took the population of the census were bound to make?

Mr. CARTER. In a general way the manufacturing statistics were gathered by special agents. However, in rural districts, where persons were found conducting operations with electrical power, as electric lighting, street railways, the moving of mill machinery by electricity, the enumerator was the person who would have to carry this bundle of special schedules and seek to find the information.

Mr. CHANDLER. The point I want to get at is whether an enumerator at his first visit to a village house or a farmhouse was expected to go through all those inquiries at one time, on his first and only visit, or could he make inquiries at other times and on other visits? How many inquiries under the last census did the enumerators make when they first appeared at the homes of the people and how many will they make under the bill as it is proposed by the committee?

Mr. CARTER. Under the law of 1890 the enumerator carried, when traveling through the rural districts where every form of industrial life was in some measure represented and where no record was kept of mortality or vital statistics, the thirteen schedules here presented. Under the pending bill the enumerator will carry in such a section of country but four schedules, the first relating to population and social statistics, the second relating to

mortality and vital statistics, the third relating to agriculture, and the fourth statistics of manufactures.

In 1890 the enumerator had, in addition to the schedules which will be required to be carried and filled out under the pending bill, a special schedule relating to surviving soldiers, sailors, marines, and widows, etc.; a supplemental schedule, statistics of insanity; supplemental schedule No. 2, statistics of feeble-mindedness and idiocy; supplemental schedule No. 3, statistics of the deaf; supplemental schedule No. 4, statistics of the blind; supplemental schedule No. 5, statistics of persons diseased or physically defective. In passing, it may be said of all the schedules relating to defects and delinquencies in the individuals or the misfortunes of the families the enumerators were not, as a rule, successful in securing any reliable information. Supplemental schedule No. 6 related to statistics of benevolence; supplemental schedule No. 7, to statistics of crime; supplemental schedule No. 8, to statistics of pauperism.

Now the enumerator in the rural district was required to carry these thirteen schedules. In addition, where there was any electrical work to be inquired into, he would carry this bunch of schedules I have in my hand and which I was proceeding to recapitulate when the Senator from New Hampshire propounded his inquiry. This is not a complete exhibition of the schedules relating to electricity. Let me say here that of the hundreds of special schedules that were issued no one has been able to get a complete collection. None seems now available.

Mr. COCKRELL. Let me ask the Senator what has become of them.

Mr. CARTER. That is one of the misfortunes connected with the temporary census office. The force was largely discharged; these blanks were filed away, boxed up, scattered from one place to another throughout the city where Congress provides storage for all papers and documents, and I am informed by the clerk in charge of what is left of that census that he has been industriously working for some time to get a complete set of the general and special schedules of the Eleventh Census, and hopes to succeed ultimately, but that he has been unsuccessful thus far.

Now, the second schedule relating to electricity was known as Special Schedule No. 15. The enumerator carried in that special schedule a pamphlet of 43 pages in addition to the first one of 5 pages; Special Schedule No. 15 A, a pamphlet of 10 pages; Special Schedule No. 15 B, a pamphlet of 5 pages.

Mr. CULLOM. In the last census?

Mr. CARTER. I am speaking of the inquiries propounded on the one question of electricity.

Mr. CULLOM. In what census?

Mr. CARTER. In the census of 1890, Special schedule No. 15 C, a pamphlet of 23 pages; another, No. 15 C, special schedule on electricity, 4 pages; another, special schedule on the same subject, 3 pages. Thus I might go on to enumerate until we would ascertain that of the large pages of these schedules we would reach probably 250 pages propounding interrogatories to individuals and companies relating to the subject of electricity.

The special agent who prepared the interrogatories is a thoroughly skillful man; he is a competent man; he probably had too much information on the subject of electricity; he knew how to ask too many questions.

However, it must be borne in mind that the entire work of the preparation of all these schedules and of the entire machinery of the census was completed within the period of fifteen months. Therefore it was that the Superintendent of the Census was compelled to employ the most competent man he could find and let him prepare these schedules and have them printed without the possibility of having a supervision by a board of experts for the purpose of cutting down this class of schedules, prepared by a thoroughly skilled person, but an entirely impracticable person upon census work.

It is hoped that if this bill passes at the present session of Congress there will be sufficient time allowed for the preparation of each schedule by an expert and the submission of that schedule to a board of experts, to the end that the schedules may be reduced to simple form and the work thus concentrated in the hands of an agent brought into an intelligible and workmanlike shape.

The schedule of population and social statistics under the pending bill will be reduced to 15 questions instead of 25 under the act of 1890 as applied to each individual, and as applied to families only 4 interrogatories will be required as against 5 propounded in connection with the last census.

The schedule relating to mortality will be much more simple, and the questions will in general be reduced from 18 to 13.

The agricultural schedule may be reduced more than one-half without omitting any of the data compiled in 1890. Of 256 inquiries embraced in the agricultural schedule of 1890, 130 were not utilized in compilation.

I have here what is known as the agricultural schedule, prepared by very competent people, but in the preparation of the schedule the expert went into infinite detail for the purpose of

getting information on questions not of general importance, and in attempting to get such minute details of information he in some measure defeated the very purpose of the general inquiries on the subject.

For instance, we take barley. The first question was the area and the bushels. Then the enumerator was required to get the number of bushels sold and the dollars received for the bushels.

Take buckwheat. Get the acreage and the bushels, and then proceed to inquire into what was done with the buckwheat.

Take indian corn. The first proposition was to find the acreage, the number of bushels, and then the purpose was to get the average price that corn brought in that neighborhood, a line of statistics better obtainable from the general market reports issued in the various localities at different dates; but still the census enumerator was required to remain around the house and have the farmer figure this out. Most farmers, it was found, had not kept books. They found it difficult to tell just how many bushels of corn they had sold, just when they had sold it, and what price they had obtained.

Then we start in again upon the question of market gardens and small fruits. First we have the acreage of potatoes, the number of bushels sold. Sweet potatoes; the number of bushels sold, the number of bushels consumed at home. The enumerator was expected to remain around the farmhouse until he could ascertain the acreage of all vegetables. That would require a computation upon the size of the lettuce bed, the radish bed, the asparagus bed. Some of the enumerators undertook to figure up these details and got badly confused in their reports by getting down to the minor fractions. They got into the cranberry business, blackberries, strawberries, and other small fruits, total products of, in 1890. Now, the aggregate on these topics is the only inquiry we propose to have in this census. It is the last or final summing up of the questions, the total value of the products during the census year, or rather the year preceding it.

Vegetables and fruits for canning. This is another purpose for which vegetables and fruits must be considered, and we have in the schedules of 1890 a line of inquiries concerning beans, peas, green corn, tomatoes, and other vegetables, fruits, etc., used for canning purposes exclusively.

These infinite details encumbered the census of 1890 without adding to the general information; and let me say that these facts were never compiled. The enumerator was burdened with the making of the inquiries, the farmer was held up in the prosecution of his work long enough to attempt to figure them out, but when they reached the Census Office and the work was submitted to the practical test of compilation, it was found that the Census Bureau had sought too much information, and they were compelled to exclude the superfluous data from their compilations and tabulations for the purpose of general publication and utility.

This, Mr. President, is not stated in the way of criticism of the census management, because I believe, from personal observation of the work as conducted at the time and from an inspection of the census reports as published, that the census of 1890 was conducted under Superintendent Porter, considering all the circumstances, in a most masterful way. That is the judgment, I believe, of disinterested persons who have an interest in statistical matters the world over.

But Mr. Porter was not to blame for the elaborateness of detail in many of the schedules. The work cast upon him to be performed in a very brief period of time was beyond the possibility of performance by a single individual.

Now, Mr. President, we propose or hope that we shall attain through the early passage of this bill an ample time for the careful, judicious preparation of these schedules. The importance of it must be quite apparent when it is suggested that each one of these inquiries propounded uselessly cost the Government a considerable amount of money in the aggregate. It is desired to reduce the cost of the census work. One of the ways of reducing it is to ask only pertinent questions essential to elicit the desired information and by stopping there.

I presume that a competent man appointed as director would set about at once under the law to prepare the schedules. After a thoroughly competent expert had submitted his views in the form of a blank filled out with the requisite inquiries according to his conception, each schedule would then be submitted to a board of supervision; so that by this careful work of scrutinizing the compass of the schedules would be materially reduced without in any sense impairing the usefulness of the work when finally completed.

Now, under the pending bill, where the enumerator is operating in cities, where an accurate record is kept of mortality and vital statistics, and where the manufacturing statistics are to be collected by a special agent appointed for that purpose, the enumerator will have but the population schedule to carry, and in the rural districts throughout States where records are kept relating to mortality and vital statistics the enumerator will have at most but three schedules.

Mr. COCKRELL. What will they do? Under this bill, take an enumerator in an interior town where there are, say, a thousand inhabitants, and that will take in part of a country area; what will the enumerator have to do?

Mr. CARTER. The enumerator in a town enumerating for a district not embracing any farming country would have but three schedules, that is, the population schedule, the mortality and vital statistics schedule, and the schedule relating to manufactures. If in that town a record is kept by the authorities relating to mortality and vital statistics, then the enumerator would have but two schedules, to wit, that relating to population and that relating to manufactures. At most, in a rural district where the enumerator would encounter the agriculture interest, the manufacturing interest, the population question, of course, and likewise the mortality and vital statistics, he would have but four schedules to carry.

Mr. COCKRELL. Suppose there was mining in the district, how would those statistics be obtained?

Mr. CARTER. That is left to the Geological Survey. It is not included, nor is it intended to be included, in this bill or in the Twelfth Census. The Senator is well aware that there is published by the Geological Survey annually a most valuable publication entitled the Mineral Resources of the United States.

Mr. COCKRELL. Yes; that work has been published for years.

Mr. CARTER. That publication has been under the charge of a very efficient man, Dr. Day, for many years, and I do not think any combination of enumerators over the country can add aught to the value of Dr. Day's inquiries, made through the regular channels heretofore used.

Under the pending bill, where the enumerator is operating in cities where an accurate record is kept of mortality and vital statistics, and where the manufacturing statistics are to be collected by a special agent appointed for that purpose, the enumerator will have but the population schedule to carry; and in the rural districts, throughout States where records are kept relating to mortality and vital statistics, the enumerator will have at most but three schedules.

By comparing section 24 of the bill and section 17 of the act of 1890, the manner in which the work is sought to be simplified and improved by the pending measure will become apparent. Section 25 of the bill contemplates the collection of certain statistics through the Census Bureau after the completion and return of the enumeration work upon the schedules provided for in section 24.

This supplemental collection of miscellaneous statistics is intended to include the insane, feeble-minded, deaf, dumb, and blind (constituting what is called the "special classes"); facts relating to crime, pauperism, and benevolence, including prisoners, paupers, juvenile delinquents, and inmates of benevolent and reformatory institutions; to deaths and births in registration areas; social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to electric light and power, telephone and telegraph business, and transportation, including transportation by water, express business, and street railways. The collection of statistics authorized by section 25 shall be made at such time or times and in such manner as will not interfere with nor delay the rapid completion of the census reports provided for in section 24, and all reports issued in pursuance of the provisions of section 25 shall be designated "special reports of the Census Office."

It is believed that all necessary facts relating to the topics referred to may be collected from city, municipal, and other records including the records of private institutions, or through special agents employed for the purpose, independent of and without interfering with the regular decennial census, which contemplates the collection and publication of information concerning the subjects specified in section 24.

Section 25 contemplates continuous census work, subject of course to the direction and will of Congress. Inasmuch as the subjects specified in that section present matters of public interest on which the country demands information as accurate as possible, it is quite clear that the provision looking to a continuous census work must either be preserved in the bill or if the section contemplating such continuous work is eliminated, then extensive amendments must be made to section 24, thereby burdening the regular decennial census in the same manner the work of the decennial census was overloaded in 1880 and 1890.

The committee was unanimously of the opinion that the wiser and better plan would be to confine the decennial census to the narrow limits contemplated by section 24, and to leave as provided in section 25 to supplementary effort the collation of statistics on all subjects not dependent upon the house-to-house canvass for the acquisition of necessary data.

As I have attempted to point out, the actual difference in the time employed in the work of the Tenth and Eleventh Censuses under a temporary organization and that outlined for the next census as a permanent office is but very small, and this is entirely overbalanced by the superior advantages of the latter. The subjects of inquiry provided for in section 25 will require but a

small force, which may be selected from the most efficient, and the continuous work thus afforded will permit the maintenance of a thoroughly experienced and skillful staff, which in itself will insure economy and expedition.

Another feature of the bill merits attention in passing, because of some comments heretofore evoked on that subject, and that is the manner of appointing the census employees under the provisions of this bill. The work of the regular census corps—

Mr. COCKRELL. Before the Senator goes to that question I should like to ask him when the enumeration is to begin? I see on page 17, in lines 18 and 19, the language is:

The information collected shall relate exclusively to the fiscal year ending nearest the date set for the enumeration of the population.

On page 16, beginning in line 22, I find another reference to the date:

All questions as to quantity and value of crops shall relate to the year ending December 31 next preceding the enumeration.

The enumeration of the population will begin, I suppose, at some particular date. Heretofore, I believe in 1880 and 1890, it was on the 1st of June. I do not remember how it was in 1870. I do not see any provision in this bill fixing that.

Mr. CARTER. There is a provision fixing the date at which the enumeration shall begin, similar to the census of 1890, on the 1st of June. A difference is made with reference to manufactures and agriculture because it is believed, and was so believed by those who framed the bill in 1880 and likewise the bill of 1890, that a more accurate determination could be reached of the value of agricultural crops on the 1st of January, that being the close of the season for the farmers and they then having marketed their entire crop for the year.

It seems better to name the 1st of January and to confine inquiries to the preceding calendar year than to attempt to glean such data as of the 1st of June or the first of the fiscal year. The contrary is true with reference to manufacturing industries, for, as a rule, manufacturers close up accounts with the regular fiscal year.

Mr. PLATT of Connecticut. That is in section 13.

Mr. COCKRELL. Yes; that is as to the enumeration of the population.

Mr. CHANDLER. On page 9, line 8, the bill reads, "June 1 of the year in which the enumeration shall be made."

Mr. CARTER. June 1 is the date.

Mr. COCKRELL. Yes.

Mr. CARTER. Mr. President, this bill provides that the persons to be employed for the purpose of executing its provisions shall be appointed by the President as to the director and assistant director and supervisors of the census, and by the Secretary of the Interior, except as to certain laborers and others employed in the office under the director himself, after such examination as the director of the census may prescribe with the approval of the Secretary of the Interior.

It will be remembered that this identical proposition was presented as an amendment to the preliminary bill heretofore considered in the Senate, and it was at that time debated at some length. The committee have adhered to the position taken in the report of the amendment to the former bill; and, among other reasons, for the following: In the very nature of things the selection of the five experts, who are to constitute strong agencies in the hands of the director for the accomplishment of this work, should be made not only with reference to a high order of technical skill from the point of view of the skilled statistician, but likewise with reference to breadth of intelligence and general capacity to comprehend the machinery essential to carry on a work of this kind. I can conceive of a person of rare mathematical skill and capacity who would have little or no usefulness in connection with a machine of this kind, where organization and the saving of time constitute an essential feature of the case.

Then, Mr. President, as to the clerical force, it must be remembered that this work is one that will rapidly increase and again very rapidly decrease in so far as the clerical force is concerned. The director of the census, selected to supervise the entire work, will be primarily held responsible for its accomplishment in a manner satisfactory to the country and to the students of statistics the world over. Being so charged with responsibility, who can better prescribe or more intelligently supervise or provide the machinery for the supervision and the examination of the instruments he is to employ in the prosecution of the work with which he is to be intrusted? We never have attempted to secure the census force from civil-service certification. If we had I imagine that we would have to cite here to-day a most colossal failure upon the part of that organization to meet the requirements of the situation.

In the first place, after an individual living in California is certified and accepted by the director of the census as a proper person, such person will want some assurance of the continuance of the work. The director can not give such assurance. The individual selected for a thousand-dollar clerkship feels disinclined to

pay out the railroad fare necessary to come from California to Washington, and so we will have a correspondence going on for the purpose of giving assurance or the refusal to give assurance of continuous employment if the man will report at Washington for duty. In the meantime this work, in which time is of the very essence of the matter, must of necessity be neglected.

Again, Mr. President, the Civil Service Commission certifies three names to an executive officer, and the executive officer must select one of the three; or, I believe, in the first instance, he may return all and require another bunch of names; but the second time, I think, he is compelled to select one of the persons sent forward. How long a time will be required in this way of proceeding to select the census force that is to operate at most with its full vigor and in entire numerical strength for but a few months' time?

The committee believe that the director, charged with the responsibility of knowing the class of service to be performed and having all the facts before him, can prescribe an examination destined to be fully as accurate in ascertaining the qualifications of the individual and as efficient in every particular as the Civil Service Commission could prescribe for like purposes. We think this ought to be left with the director, subject, of course, as in this bill provided, to the supervision of the Secretary of the Interior.

Another feature of the bill, to which some attention has been called, seems to merit mention at this time. It has been charged—and, I have no doubt, with more or less justice—that the census work of the country has been at different times tainted by the interjection of political considerations into its management. Any person who would realize for a moment that the results to be obtained by a census are destined to effect for good or for ill the history of our country after all the existing parties shall have passed away would scarcely for the purpose of securing a job or distorting a figure undertake to make political considerations a controlling force in connection with this census work.

I believe that it is unwise for the Congress of the country primarily to believe or anticipate or indicate that political motives are to control in the taking of the census by prescribing in the law that they shall not control. The census law of 1890 made provision that political considerations should be of no weight.

Mr. PLATT of Connecticut. May I make an inquiry right there?

Mr. CARTER. Certainly.

Mr. PLATT of Connecticut. How long does the Senator suppose that the full complement of clerks will be required in the office of the director of the census?

Mr. CARTER. It is quite probable that the Senator from Maine [Mr. HALE] or the Senator from New Hampshire [Mr. CHANDLER] could give more accurate information on that point. My own information is that the full force would not be required any longer than from three to six months. I believe the force in 1890 was depleted at the expiration of six months.

Mr. PLATT of Connecticut. When taken under the civil-service rules, they would have to be discharged commencing at six months and running up to two years, perhaps.

Mr. CARTER. An indefinite time, running for two years. So the work, in so far as the great body of clerks is concerned, will be but temporary work, even if the bureau be made permanent. The number of employees will be limited after the decennial census work shall have been completed.

I desire in that behalf to suggest some figures which are quite instructive and cast some light upon the provisions of the pending bill. The regular office force, such as this bill provides for, over and above clerks of \$1,000 a year, consisted in 1890 of one Superintendent and a number of clerks, the total or aggregate being ninety-two, at an annual cost to the Government of \$163,865.

The force contemplated in this bill as the regular force of the office in normal times, during the work of preparation for the census, would be but 63 persons, or rather 61 persons, in view of an amendment I contemplate offering—61 persons, including the director, assistant director, the chief statistician, etc., at an annual cost of \$114,000, making a saving on the regular office force under the pending bill, while getting, I believe, a more efficient organization than that heretofore existing, of about \$50,000 per year.

By omitting in the law any reference to political considerations in the census work, it seems to me that the correct tone will be given to the legislation from the inception. I would prefer to put an Administration, Democratic, Republican, or Populist, upon its honor to prove true to the great essential and fundamental purpose of taking the census, rather than to attempt to hedge it about with little phrases in a law intended to prevent the interjection of partisanship into the work.

If we can not procure the services of a census director so devoted to the great statistical work which he is about to accomplish as to be insensible to any consideration which would in and of itself materially deteriorate the value of his work, we shall fail to procure the services of the proper man for that purpose.

In conclusion, Mr. President, I believe that by and through the pending bill the census work will be reduced in cost, presented in published form and in bound volumes more promptly, and yet each and every essential feature of the decennial census of 1890, and likewise that of 1890, be preserved in the future census reports.

Mr. COCKRELL. I want to call the attention of the Senator in charge of the bill to the question of the date of the appointments. In the first place the bill provides that—

The director of the census shall be appointed, as soon as practicable after the passage of this act, by the President, by and with the advice and consent of the Senate.

Then it goes on to provide for an assistant director, a force of statisticians, etc. Under the bill as it stands these officers would be appointed in June, 1898, and the actual work in the field will not begin for two years. I see no earthly reason why any of these officials should be appointed before the 1st day of January, 1899. I can not see that there is any reason why they shall be appointed seventeen months before the actual work begins. The amendment I am about to propose will certainly give ample time to enable them to do everything that is to be done, to make all the plans, all the schedules, and prepare all the blanks which have to be used, and get them into the hands of the supervisors and enumerators.

I move, in line 15, of section 2, on page 1, after the word "appointed," to strike out "as soon as practicable after the passage of this act," and after the word "shall," in line 2, on page 3, to insert "enter upon his duties January 1, 1899, and thereafter." I also move, after the word "shall," in line 6, on page 2, to insert "and enter upon his duties January 1, 1899, and thereafter;" so that that part of the bill would then read:

The director of the census shall be appointed by the President, by and with the advice and consent of the Senate, and shall enter upon his duties January 1, 1899, and thereafter shall receive an annual salary of \$5,000; and there shall also be an assistant director of the census, to be appointed in like manner, who shall be an experienced, practical statistician, and shall enter upon his duties January 1, 1899, and shall thereafter receive an annual salary of \$4,000.

Then, in the provision for the appointment of a chief clerk, statistician, disbursing clerk, experts, chiefs of divisions, etc., after the word "appointed," in line 19, I move to insert "on and after January 1, 1899, and thereafter," so that it will read that these officers are "to be appointed on and after January 1, 1899, and thereafter from time to time, as may be found necessary for the proper and prompt performance of the duties herein required to be undertaken."

Then, in line 31, after the words "and the," I move to strike out the words "director of the census" and insert "Secretary of the Interior;" so as to read:

And the Secretary of the Interior may appoint in the manner herein specified one captain of the watch, at a salary of \$840 per annum, two messengers, etc.

That will make the appointments begin on and after January 1, 1899. I think these amendments ought to be accepted. I believe the time named will be ample and that there is no occasion for having an organization prior to that date. That will give seventeen months from the 1st day of January until the actual work in the field.

Mr. HALE. That substitutes the Secretary of the Interior for the director of the census in all these small appointments?

Mr. COCKRELL. It makes that provision for all of them.

Mr. HALE. For all the small appointments under the bill?

Mr. COCKRELL. Practically for all.

The PRESIDING OFFICER (Mr. LODGE in the chair). The Chair understood the amendment of the Senator from Missouri, in line 23, to be that "the Secretary of the Interior may appoint."

Mr. COCKRELL. Yes; "on and after January 1, 1899."

Mr. CHANDLER. Mr. President, with reference to the last amendment proposed by the Senator from Missouri, I call attention to the fact that the director of the census is to "appoint in the manner hereinafter specified," and section 4 provides:

That the chief clerk, disbursing clerk, and the chief statisticians provided for in section 2 of this act, and all other employees authorized by this act below the assistant director of the census, shall, except as hereinbefore provided, be appointed by the Secretary of the Interior upon the recommendation of the Director of the Census.

Mr. COCKRELL. I have an amendment to offer at that point, but I have not come to that yet.

Mr. CHANDLER. I suppose the effect of the present provision is in accordance with the last motion of the Senator to amend the bill.

Mr. COCKRELL. No; I will tell the Senator very frankly why I want to secure the adoption of these amendments. I shall move to strike out, on page 4, line 1, the words "subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe" and to insert "after an examination and certification by the United States Civil Service Commission."

Mr. CHANDLER. I understood that that was the purpose of the Senator from Missouri—that was his second plan; but I want

to say a few words in reference to the limitation of time to January 1, 1899.

Mr. PLATT of Connecticut. If the Senator from New Hampshire will permit me, before he proceeds to that point I should like the Senator from Missouri to state what is the precise object of the amendments which he has proposed?

Mr. COCKRELL. The last one?

Mr. PLATT of Connecticut. Yes, and of all these numerous amendments.

Mr. COCKRELL. The amendments I have proposed are, first, to have these appointments made on and after January 1, 1899, not immediately. There is no occasion now for these officials; and if they were appointed now, it would be an unnecessary expense and an actual waste of money.

The amendments which I have offered limit the time of the appointments to begin on and after that date. The other amendment, to which the Senator from New Hampshire refers, is to place this force subject to civil-service examination. I have not that amendment prepared, for I had no idea the bill was going to come up to-day. My amendment will, when it is completed, make one change in the existing civil-service law requirements, and that is to change the present civil-service law so that the appointments shall not be required to be made from the various States in proportion to population. I am not certain that that provision of the law would be a wise one to apply in this case. If, when I examine the question a little more closely, I find that it is necessary, I will present a provision that the clerks can be taken and certified from an eligible list regardless of the States from which they come.

Mr. PLATT of Connecticut. How does the Senator propose to have the enumerators appointed?

Mr. COCKRELL. I shall hope that the supervisors and enumerators may be fairly distributed between the political parties. I shall certainly hope for that. I believe that has always been done. It was done in the census of 1880. I do not remember whether there was such a requirement in the law at that time or not, but I remember that we had in Missouri, I believe it was, seven supervisors of districts, and they were divided, the Republicans taking four and three were given to the Democrats, and I think the same policy was pursued in almost every other State; but whether that was by actual requirement of law or not I do not know. I do not remember whether there was any specific provision to that effect or whether there was any general rule; but I know that was the case so far as Missouri was concerned.

Mr. GEAR. That provision was not in the law.

Mr. COCKRELL. Then it was not by law, but simply by a regulation of the Interior Department.

Mr. GEAR. A regulation of the Department.

Mr. COCKRELL. At any rate, I know that no complaint was made in Missouri on that account as to the census of 1880.

Mr. CHANDLER. Mr. President, I hope the Senator from Missouri will not insist upon his first amendment, providing that the director of the census and the assistant director of the census shall not be appointed until January 1 next. If the provision as to the whole force as it now stands in the bill is unsatisfactory to the Senator, of course the Senator from Montana in charge of the bill will use his own discretion as to agreeing to a limitation of time as to some portion of this working force.

The clause as it stands, which is sufficient for me, Mr. President, is in lines 19, 20, and 21, on page 2:

To be appointed from time to time as may be found necessary for the proper and prompt performance of the duties herein required to be undertaken.

Now, there is an injunction upon the President and the director and the assistant director of the census and the Secretary of the Interior not to appoint this force of statisticians and clerks except as fast as they may be necessary. I submit to the Senator from Missouri that this discretion ought to be intrusted to the Secretary of the Interior and the director of the census. At any rate, I think it is desirable that the director and assistant director shall be appointed at the earliest practicable moment. The Senator from Montana has shown to the Senate the disadvantages of having too little preliminary preparation for the census, the disadvantage of having too little time in which to prepare the schedules, to outline the plan, and to get ready for the census; and I think the Senator from Montana convinced us that the census of 1890 was more bulky and more faulty because of the want of time for planning and preparing to take the census—

Mr. COCKRELL. Will the Senator from New Hampshire yield to me?

Mr. CHANDLER. At any rate, it is my opinion, based upon what little knowledge I have of the census, that if the director of the last census had had more time to prepare the census would have been better, more concise, and less expensive.

Mr. COCKRELL. I did not understand that the point was made by the distinguished Senator from Montana that the requirements in these schedules which were read were there by reason of

want of time to prepare them. I understood that it was because of defects in the law.

Mr. CHANDLER. No; I understood the Senator plainly to exhibit a vast plan, faulty in some respects, caused, as he stated, by want of time for preparation.

Mr. CARTER rose.

Mr. CHANDLER. The Senator from Montana can state it.

Mr. CARTER. Undoubtedly, if the Senator from Missouri will take the pains to look over the work—I have no doubt he has given it such time as he could—he will reach the conclusion at once that in each instance the man who prepared the schedules, whether the special agent or chief of division, or what not, was a person thoroughly conversant with the subject with which he was dealing. But the time for the preparation of all this work was so limited, being only fifteen months between the appointment of the director and the day of enumeration, that the director found it impossible to convene a board such as ought to have been convened under his personal supervision, not to add to, but to exclude from all of these proposed schedules superfluous matter. On account of the absence of time to take up each question separately and discuss it with sufficient care and to acquire the judgment of trained statisticians and persons of experience on the question, the director was compelled to accept the handiwork of the very best men he could find, with very trifling supervision, and to send the schedules forth to do their work.

Mr. COCKRELL. Mr. President—

Mr. CHANDLER. Will the Senator from Missouri allow me? He is a candid and fair man. If the Senator will look on page 16 he will see that the farm statistics as to the quantity and value of crops are to relate to the year ending December 31 next preceding the enumeration. That is to say, the farm statistics, unless I have my chronology wrong, are to begin next January.

Mr. COCKRELL. Oh, no.

Mr. CARTER. They are to be for the year beginning next January.

Mr. CHANDLER. They are to be for the year beginning next January. We want the statistics of farm products to begin the very day the Senator proposes to have the director of the census appointed.

Mr. COCKRELL. Do I understand that the Senator from New Hampshire, who must be a farmer, coming from a farming State, wants the office to commence taking the census of agricultural products for the calendar year 1899 on the 1st day of January, 1899, in midwinter, before a solitary thing has been done? How can you take the census of the products of that year until after the year has closed?

Mr. CHANDLER. There is the provision. The Senator from Montana will defend it. We are to get the farming statistics for the year ending December 31, 1899.

Mr. COCKRELL. Certainly, after the year has ended.

Mr. CHANDLER. I will state the point. We are, according to page 17, to get the special statistics there provided for the fiscal year which ends June 30, 1900. I think I am correct about that. The point is this: The statistics are not to be collected until the year has expired, but the preparation of the schedules, the notice to the farmers and the manufacturers of this country as to what statistics they are to be prepared to furnish to the enumerators and to the special agents, it is very desirable shall be issued at the earliest possible moment.

While personally I am entirely willing, if the Senator thinks he can not trust the executive officers to decide how much of this clerical force shall be appointed immediately, can not trust them to decide whether it is necessary or not, to have some amendment on that point, I am exceedingly anxious that the Senator from Missouri shall not oppose the immediate appointment of the director of the census, the assistant director of the census, the chief clerk, and the five chief statisticians, so that immediately, this very summer and fall, and prior to the 1st of January next, they may make progress in defining the points of inquiry which are to be made by the enumerators and statisticians in the field when they are appointed. I certainly hope, if the Senator wants to move any limitations at all, that he will move it only as to this general power to appoint clerks unlimitedly, and not delay the preparation for the census by preventing, if this bill shall become a law before we adjourn, for six long months the selection of the director of the census, the assistant director, and the five chief statisticians.

Mr. President, I have no practical knowledge on this subject; I only have what knowledge has come to me from investigation as once a member and chairman of the Committee on Census; but I am convinced that nothing is so important to a judicious and complete and economical census as that the director, the assistant director, and the five chief statisticians shall be appointed and begin their work at the earliest possible day. I have no sympathy with any desire on the part of anybody to get a vast clerical force under appointment and under pay prematurely. If the Senator from Missouri can prevent that by any reasonable amendment, I

hope he will do it; but I think it would be very injurious to pass this bill and then prevent the appointment of the director and assistant director and statisticians until the 1st day of next January; and I entreat the Senator from Missouri not to endeavor to delay this preliminary work which has been too long delayed already.

EXECUTIVE SESSION.

Mr. WHITE. If the Senator having charge of the bill has no objection, I should like to move an executive session.

Mr. CARTER. I wish the Senator from California would withhold the motion for a few moments to enable us to dispose of the amendment.

Mr. WHITE. There is some executive business to be transacted, and I understand the census bill can not be disposed of to-night. We have been here a good deal lately, and I think it would not be amiss probably at this time, twenty minutes after 4 o'clock, to move an executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 7, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 6, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be additional paymaster.

James B. Kenner, of Indiana.

The nomination of James B. McKenna, of Indiana, which was delivered to the Senate June 3, 1898, is hereby withdrawn.

To be commissary of subsistence with the rank of captain.

Warren C. Fairbanks, of Indiana.

The nomination of Warren Fairbanks, of Indiana, to the above-named office, which was delivered to the Senate June 3, 1898, is hereby withdrawn.

To be chief surgeons of divisions with the rank of major.

Capt. William H. Arthur, assistant surgeon, United States Army.

Capt. George E. Bushnell, assistant surgeon, United States Army.

Donald Maclean, of Michigan.

George B. Fowler, of New York.

To be brigade surgeons with the rank of major.

Capt. William C. Gorgas, assistant surgeon, United States Army.

Capt. Henry P. Birmingham, assistant surgeon, United States Army.

Capt. Marlborough C. Wyeth, assistant surgeon, United States Army.

Capt. Richard W. Johnson, assistant surgeon, United States Army.

Capt. Edward C. Carter, assistant surgeon, United States Army.

Capt. William O. Owen, assistant surgeon, United States Army.

Capt. Peter R. Egan, assistant surgeon, United States Army.

Capt. William J. Wakeman, assistant surgeon, United States Army.

Capt. William Stephenson, assistant surgeon, United States Army.

Capt. Adrian S. Polhemus, assistant surgeon, United States Army.

Capt. John L. Phillips, assistant surgeon, United States Army.

Capt. William C. Borden, assistant surgeon, United States Army.

Capt. Edgar A. Mearns, assistant surgeon, United States Army.

Capt. Guy L. Edie, assistant surgeon, United States Army.

Capt. William D. Crosby, assistant surgeon, United States Army.

Capt. William L. Kneeder, assistant surgeon, United States Army.

Capt. Charles M. Gandy, assistant surgeon, United States Army.

Capt. James E. Pilcher, assistant surgeon, United States Army.

Capt. Charles B. Ewing, assistant surgeon, United States Army.

Capt. Walter D. McCaw, assistant surgeon, United States Army.

Capt. Jefferson R. Kean, assistant surgeon, United States Army.

Capt. Henry I. Raymond, assistant surgeon, United States Army.

Capt. Francis J. Ives, assistant surgeon, United States Army.

Capt. William P. Kendall, assistant surgeon, United States Army.

Capt. Edward R. Morris, assistant surgeon, United States Army.

Capt. Henry S. T. Harris, assistant surgeon, United States Army.

Capt. William B. Danister, assistant surgeon, United States Army.

Capt. Paul Clendonin, assistant surgeon, United States Army.

Capt. Charles E. Woodruff, assistant surgeon, United States Army.

Capt. Eugene L. Swift, assistant surgeon, United States Army.

Capt. Paul Shillock, assistant surgeon, United States Army.

Capt. Ogden Rafferty, assistant surgeon, United States Army.

Capt. Charles F. Mason, assistant surgeon, United States Army.

Capt. James D. Glennan, assistant surgeon, United States Army.

Capt. Alfred E. Bradley, assistant surgeon, United States Army.

Capt. Philip G. Wales, assistant surgeon, United States Army.

Willis G. MacDonald, of New York.

Charles M. Drake, of Georgia.

Joseph K. Weaver, of Pennsylvania.

John Guiteras, of Pennsylvania.

Charles E. Ruth, of Iowa.

John W. Bayne, of the District of Columbia.

Milo B. Ward, of Missouri.

Schuyler C. Graves, of Michigan.

George T. Vaughan, of the Marine-Hospital Service.

Nathan S. Jarvis, of New York.

William Devine, of Massachusetts.

John C. Martin, of Ohio.

Peter D. MacNaughton, of Michigan.

Samuel T. Armstrong, acting assistant surgeon, United States Army.

John Patterson Dodge, of Ohio.

John R. McDill, of Wisconsin.

Samuel O. L. Potter, of California.

George A. Smith, of Iowa.

Arthur Snowden, of Virginia.

R. Stansbury Sutton, of Pennsylvania.

Frank Bruso, of New York.

To be commissary of subsistence with the rank of captain.

John P. Teagarden, of Pennsylvania.

To be chief quartermaster with the rank of major.

Morris E. Hutchins, of Kentucky.

UNITED STATES MARSHAL.

Fred A. Field, of Vermont, to be marshal of the United States for the district of Vermont, vice Emory S. Harris, whose term will expire June 24, 1898.

JUSTICE OF THE PEACE.

Charles S. Bundy, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington), his present term expiring June 13, 1898.

SUPERINTENDENT OF INDIAN SCHOOLS.

Miss Estelle Reel, of Cheyenne, Wyo., to be superintendent of Indian schools, vice William N. Hailmann, removed.

RECEIVER OF PUBLIC MONEYS.

Lucien E. Kellogg, of Chelan Falls, Wash., to be receiver of public moneys at Waterville, Wash., vice Albert G. Neal, removed.

COLLECTORS OF CUSTOMS.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina, to succeed Marion M. Hutson, whose term of office has expired by limitation.

John R. Tolbert, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, to succeed George D. Bryan, whose term of office has expired by limitation.

POSTMASTERS.

R. A. Edmonds, to be postmaster at Bakersfield, in the county of Kern and State of California, in the place of J. O. Miller, whose commission expired May 3, 1898.

John W. Jolls, to be postmaster at Middletown, in the county of Newcastle and State of Delaware, in the place of W. H. Moore, whose commission expired May 9, 1898.

Robert C. Boehm, to be postmaster at White Hall, in the county of Greene and State of Illinois, in the place of B. W. Greer, whose commission expires July 10, 1898.

Gus Michaelis, to be postmaster at Mound City, in the county of Pulaski and State of Illinois, in the place of H. G. Carter, resigned.

Charles S. Neeld, to be postmaster at Normal, in the county of McLean and State of Illinois, in the place of M. D. Brown, whose commission expired March 6, 1898.

William D. Smith, to be postmaster at Collinsville, in the county

of Madison and State of Illinois, in the place of J. W. Edmonson, whose commission expires July 10, 1898.

William Stickler, to be postmaster at Lexington, in the county of McLean and State of Illinois, in the place of C. P. Popejoy, whose commission expires July 19, 1898.

Cassius M. C. Weedman, to be postmaster at Farmer City, in the county of Dewitt and State of Illinois, in the place of J. H. Davidson, whose commission expired May 5, 1898.

John Q. Saint, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa, in the place of H. L. Getz, whose commission expires July 18, 1898.

Richard Waring, to be postmaster at Abilene, in the county of Dickinson and State of Kansas, in the place of B. L. Strother, whose commission expired February 27, 1898.

James A. Tomlinson, to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky, in the place of T. R. Phelps, whose commission expires June 16, 1898.

Charles F. Maxwell, to be postmaster at North Brookfield, in the county of Worcester and State of Massachusetts, in the place of Timothy Howard, removed.

Winthrop A. Hayes, to be postmaster at Rochester, in the county of Oakland and State of Michigan, in the place of C. A. Burr, whose commission expires July 10, 1898.

Elisha H. Carr, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire, in the place of E. C. Converse, whose commission expired May 4, 1898.

Eugene Lane, to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire, in the place of J. F. Bartlett, whose commission expired April 5, 1898.

Oscar Jeffery, to be postmaster at Washington, in the county of Warren and State of New Jersey, in the place of T. B. Dawes, whose commission expired March 15, 1898.

Warren F. Clock, to be postmaster at Islip, in the county of Suffolk and State of New York, in the place of C. T. Smith, whose commission expired May 15, 1898.

Robert Murray, to be postmaster at Warrensburg, in the county of Warren and State of New York, in the place of E. S. Crandall, whose commission expired May 9, 1898.

James T. Pickering, to be postmaster at Lancaster, in the county of Fairfield and State of Ohio, in the place of W. E. Newman, whose commission expires July 9, 1898.

Charles T. Raymer, to be postmaster at Collinwood, in the county of Cuyahoga and State of Ohio, in the place of C. L. Gilbreath, whose commission expires July 10, 1898.

Robert W. Bannatyne, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania, in the place of Charles M. Lee, whose commission expired March 19, 1898.

William B. Stoddard, to be postmaster at Montrose, in the county of Susquehanna and State of Pennsylvania, in the place of E. S. Warner, whose commission expired February 16, 1898.

Arthur W. Stedman, to be postmaster at Wakefield, in the county of Washington and State of Rhode Island, in the place of D. R. Southwick, jr., whose commission expired June 5, 1898.

William B. Brush, to be postmaster at Austin, in the county of Travis and State of Texas, in the place of G. B. Zimpelman, whose commission expired December 19, 1897.

S. H. Flanagan, to be postmaster at Longview, in the county of Gregg and State of Texas, in the place of T. E. Kennard, removed.

Alexander McCormick, to be postmaster at Berryville, in the county of Clarke and State of Virginia, in the place of J. O. Crown, whose commission expired October 28, 1897.

Bennie Johnson, to be postmaster at Cumberland, in the county of Barron and State of Wisconsin, in the place of W. C. Pease, whose commission expired June 1, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1898.

PROMOTIONS IN THE NAVY.

Capt. Frank Wildes, to be advanced five numbers, from No. 24 to No. 19, on the list of captains.

Capt. Joseph B. Coghlan, to be advanced six numbers, from No. 34 to No. 28, on the list of captains.

Capt. Charles V. Gridley, to be advanced six numbers, from No. 85 to No. 29, on the list of captains.

Capt. Nehemiah M. Dyer, to be advanced seven numbers, from No. 39 to 32, on the list of captains.

Capt. Benjamin P. Lamberton, to be advanced seven numbers, from No. 45 to No. 38, on the list of captains.

Commander Asa Walker, to be advanced nine numbers, from No. 87 to No. 28, on the list of commanders.

Commander Edward P. Wood, to be advanced ten numbers, from No. 71 to 61, on the list of commanders.

NAVY DEPARTMENT, Washington, May 29, 1898.

SIR: On the 15th instant the Department received from Rear-Admiral George Dewey, United States Navy, commander in chief of the United States naval force on the Asiatic station, the following telegram:

"I thank the President for my promotion. Forcibly recommend that

Commander Lamberton, chief of staff; Captain Wildes, the commander of the *Boston*; Coghlan, the commander of the *Raleigh*; Gridley, the commander of the *Olympia*; Dyer, the commander of the *Baltimore*; Commander Walker, the commander of the *Concord*; Wood, the commander of the *Petrel*, without whose aid I could have done nothing, each to be advanced ten numbers."

In this connection your attention is invited to the following provision of law contained in section 1506 of the Revised Statutes:

"Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism."

Careful consideration has been given to the foregoing recommendation of Rear Admiral Dewey, who thus generously shares with the principal officers under his command, including Captain Lamberton, his chief of staff, the well-earned credit for the glorious victory over the Spanish military and naval forces achieved by our fleet at Manila on the 1st instant; and I am of opinion that the exceptional character of this victory fully entitles these officers, in view of Rear Admiral Dewey's recommendation, to substantial recognition under the provision of law cited "for eminent and conspicuous conduct in battle."

In view, however, of the fact that the higher the rank of the officer advanced on the list the greater is the value of each number gained by him, I am of opinion that the files by which the officers named should be raised in rank may very properly be controlled by the places which they now occupy relatively on the Navy list, and that such number of files should be inverse to the present rank of those concerned. Moreover, it is to be remembered that Rear-Admiral Dewey, by his advancement to his present grade, gained but two numbers.

I have the honor, therefore, to recommend that the officers referred to in the dispatch herein set forth be nominated to the Senate for advancement in rank as follows: Capt. Frank Wildes, 5 numbers; Capt. Joseph H. Coghlan, 6 numbers; Capt. Charles V. Gridley, 6 numbers; Capt. Nehemiah M. Dyer, 7 numbers; Capt. Benjamin P. Lamberton, 7 numbers; Commander Asa Walker, 9 numbers, and Commander Edward P. Wood, 10 numbers.

If you concur with me in these recommendations, I will cause to be prepared and forwarded to you, for transmission to the Senate, the necessary nominations in the premises.

I have the honor to be, sir, very respectfully,

JOHN D. LONG, Secretary.

THE PRESIDENT.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-generals.

Col. John N. Andrews, Twelfth United States Infantry.

Leonard W. Colby, of Nebraska.

Roy Stone, of New York.

Col. Robert P. Hughes, Inspector-General United States Army.

Lieut. Col. John B. Babcock, assistant adjutant-general, United States Army.

Henry T. Douglas, of Maryland.

Harrison Gray Otis, of California.

To be additional paymasters.

Charles Albert Smylie, of New York.

William Monnaghan, of Ohio.

Manley B. Curry, of Georgia.

Joseph Stuart Wilkins, of the District of Columbia.

Michael F. Sheary, of New York.

Second Lieut. George W. Moses, Third United States Cavalry.

Frederick Bostwick, of New York.

James Canby, of Colorado.

Fred M. Rix, of Arkansas.

To be assistant adjutant-general with the rank of lieutenant-colonel.

Capt. William V. Richards, Sixteenth United States Infantry.

To be assistant adjutants-general with the rank of major.

Capt. Hunter Liggett, Fifth United States Infantry.

First Lieut. Henry T. Allen, Second United States Cavalry.

To be assistant adjutants-general with the rank of captain.

First Lieut. Charles D. Rhodes, Sixth United States Cavalry.

William Graves Bates, of New York.

Frederick M. Page, of Virginia.

Davis Elkins, of West Virginia, now first lieutenant First West Virginia Volunteer Infantry.

To be inspector-general with the rank of major.

David Vickers, of Idaho.

FIRST REGIMENT OF UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Capt. George W. Goethals, Corps of Engineers, United States Army.

To be majors.

First Lieut. John S. Sewell, Corps of Engineers, United States Army.

Louis Duncan, of Maryland.

James Dubose Ferguson, of the District of Columbia.

SECOND REGIMENT OF UNITED STATES VOLUNTEER ENGINEERS.

To be colonel.

Willard Young, of Utah, late captain Corps of Engineers, United States Army.

To be majors.

Richard H. Savage, of New York.

Edward L. Pinckard, of Alabama.

To be division engineer officers with the rank of major.

Capt. Joseph E. Kuhn, Corps of Engineers, United States Army.

First Lieut. Eugene W. Van C. Lucas, Corps of Engineers, United States Army.

To be commissaries of subsistence with the rank of major.

Robert Lee Longstreet, of Georgia.
Evelyn S. Garnett, of Arkansas.

FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

George Cole, of Connecticut.

To be surgeon with the rank of major.

Joseph M. Henry, of Pennsylvania.

To be assistant surgeons with the rank of first lieutenant.

Patrick J. McGrath, of the District of Columbia.
Clyde S. Ford, of West Virginia.

To be first lieutenants.

John Van Nees Philip, of the District of Columbia.

Benjamin Stark, jr., of Connecticut.

To be captain.

Osman Latrobe, of Maryland.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Sprague Winchester, of Mississippi.

To be first lieutenants.

Christian Briand, quartermaster-sergeant, Second United States Cavalry.

John W. Wright, of Tennessee.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

First Lieut. Andrew S. Rowan, Nineteenth United States Infantry.

To be first lieutenants.

Horace Vandeventer, of Tennessee.

Cary F. Spence, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

George T. Vaughan, of the Marine-Hospital Service.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be colonel.

Capt. Charles J. Crane, Twenty-fourth United States Infantry.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be colonel.

Capt. Jesse M. Leo, Ninth United States Infantry.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be chief commissaries of subsistence with the rank of major.

First Lieut. George T. Bartlett, Third United States Artillery.

John D. Black, of North Dakota.

Robert H. Fitzhugh, of Pennsylvania.

William M. Grinnell, of New York.

To be commissaries of subsistence with the rank of captain.

William Larrabee, jr., of Iowa.

Joseph B. Handy, of Delaware.

To be chief quartermasters with the rank of major.

Capt. George Ruhlen, assistant quartermaster, United States Army.

Capt. Edgar B. Robertson, Ninth United States Infantry.

To be assistant quartermasters with the rank of captain.

Charles M. Forrest, of the District of Columbia.

Second Lieut. Charles G. Sawtelle, jr., Second United States Cavalry.

Clyde D. V. Hunt, of Vermont.

First Lieut. John A. Perry, Eighth United States Infantry.

First Lieut. Alexander W. Perry, Ninth United States Cavalry.

James H. McMillan, of Michigan.

FOR APPOINTMENT IN THE SIGNAL CORPS.

To be captains.

Alexander D. B. Smead, of Pennsylvania.

Charles B. Hopburn, of the District of Columbia.

First Lieut. Charles C. Clark, Fifth United States Infantry.

Elmore A. McKenna, of Idaho.

Asbery W. Yancey, of Tennessee.

To be first lieutenants.

Henry G. Opdycke, of New Jersey.

Hugh Haddow, jr., of New Jersey.

To be second lieutenants.

Williamson S. Wright, of Indiana.

McKee Dunn McKee, of New York.

Frederick M. Jones, first-class sergeant, United States Signal Corps.

Max Wagner, of Massachusetts.

Henry W. Stamford, sergeant, United States Signal Corps.

COLLECTORS OF CUSTOMS.

Mayer Hahn, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina.

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio.

MARSHAL.

Dewey C. Bailey, of Colorado, to be marshal of the United States for the district of Colorado.

UNITED STATES ATTORNEY.

Henry Terrell, of Texas, to be attorney of the United States for the western district of Texas.

POSTMASTERS.

George P. Dustan, to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire.

Joseph A. Leggett, to be postmaster at Troy, in the county of Rensselaer and State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, June 6, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

VOTING BY SOLDIERS AT CONGRESSIONAL ELECTIONS.

Mr. LACEY. I move to suspend the rules and pass the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That immediately upon the reading of the Journal on Tuesday, June 7, 1898, it shall be in order to call up House bill No. 10550 and consider the same.

Several MEMBERS. What is the bill?

Mr. LACEY. This is a bill providing for holding Congressional elections—

Mr. McMILLIN. I demand a second, in order that we may have an explanation.

Mr. LACEY. I ask unanimous consent that a second may be considered as ordered.

Mr. McMILLIN. I have no objection to that.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] asks unanimous consent that a second be considered as ordered. [A pause.] The Chair hears no objection.

Mr. LACEY. The title of the bill is as follows:

A bill to enable volunteer soldiers during the war with Spain to vote at Congressional elections.

The resolution I have submitted provides only that the bill be set down specially for to-morrow morning. I call for a vote.

The SPEAKER. The question is on agreeing—

Mr. BAILEY. What is the proposition?

Mr. LACEY. It is merely to set this bill down for consideration to-morrow morning, without any limitation whatever. The resolution leaves it open for consideration and amendment.

Mr. BAILEY. The motion is not to pass it now?

Mr. LACEY. No, sir.

Mr. BAILEY. I have no objection.

Mr. LACEY. We regard the bill as too important to be voted upon without giving opportunity for discussion and amendment.

Mr. BARTLETT. This is simply a request for the assignment of the bill for consideration to-morrow.

Mr. LACEY. For consideration to-morrow, immediately after the reading of the Journal.

The question being taken, the motion of Mr. LACEY to suspend the rules and adopt the resolution was agreed to (two-thirds voting in favor thereof).

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 10100) to provide ways and means to meet war expenditures, had insisted upon its amendments, had requested a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. ALLISON, Mr. ALDRICH, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House of Representatives that the President had approved and signed bills of the following titles:

- On June 1, 1898:
H. R. 4372. An act concerning carriers engaged in interstate commerce and their employees.
- On June 2, 1898:
H. R. 9604. An act to grant a right of way to the village of Flan-dreau, S. Dak.
- On June 3, 1898:
H. R. 4456. An act for the relief of Joseph R. Findley.
- On June 4, 1898:
H. Res. 150. Joint resolution directing the Secretary of War to submit plans and estimates for the improvement of Tampa Bay, Florida, from Port Tampa to its mouth, in the Gulf of Mexico;
H. R. 8949. An act granting additional powers to railroad companies operating lines in the Indian Territory;
H. R. 9815. An act appointing commissioners to revise the statutes relating to trade and other marks and trade and commercial names;
H. R. 3663. An act granting a pension to George Barnes;
H. R. 864. An act granting a pension to Maria E. Hess;
H. R. 5245. An act granting a pension to Florence N. Waldron;
H. R. 8636. An act granting an increase of pension to John X. Griffith;
H. R. 164. An act granting an increase of pension to John P. Thomas;
H. R. 9210. An act granting an increase of pension to George H. Baldwin;
H. R. 3953. An act granting an increase of pension to Calvin P. Lynn; and
H. R. 8834. An act granting a pension to John B. Hays.

CLASSIFICATION OF LETTERS PATENT, ETC.

Mr. HICKS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office.

The bill was read.

Mr. DOCKERY. Mr. Speaker, I demand a second on this bill.

Mr. DINGLEY. Mr. Speaker, I ask the gentleman to withdraw that, to allow a report from the Committee on Rules.

Mr. DALZELL. Mr. Speaker, I desire to make a privileged report.

Mr. HICKS. I trust the gentleman will not take me off my feet. This is an important matter.

Mr. DALZELL. I trust my colleague will allow this matter to come up.

Mr. DINGLEY. The other matter can be reached in a short time.

Mr. CANNON. This matter that the gentleman is moving in will take at least an hour and a half before it can be disposed of.

Mr. DOCKERY. Undoubtedly; forty minutes and a roll call.

Mr. DALZELL. We desire to have this matter presented so that the revenue bill can go to conference.

Mr. DOCKERY. I have no objection.

Mr. HICKS. Will this take any time?

Mr. DALZELL. I hope not. It will not take more than forty minutes, anyway.

Mr. CANNON. It does not make any difference whether it takes time or not. I suppose that the bill which the gentleman from Pennsylvania [Mr. HICKS] has in his charge probably could wait on the revenue bill.

Mr. DALZELL. The purpose of this report is to send the war revenue bill to conference immediately.

Mr. HICKS. I will give way, then.

THE WAR REVENUE BILL.

Mr. DALZELL. Mr. Speaker, I present the following report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House, No. 810, have had the same under consideration and report the same with the recommendation that it be agreed to:

"Resolved, That upon the adoption of this resolution it shall be in order to move to nonconcur in gross in the Senate amendments to House bill No. 10100, entitled 'An act to provide ways and means to meet war expenditures,' and agree to a committee of conference, asked for by the Senate, on the disagreeing votes of the two Houses; and the House shall, without further delay, proceed to vote upon said motion; and if the said motion prevail a committee of conference shall be appointed, without instructions."

Mr. DALZELL. Mr. Speaker, I move the adoption of the report, and on that I ask for the previous question.

Mr. BAILEY. A parliamentary inquiry, Mr. Speaker. If the motion for the previous question prevails, there will then be twenty minutes on a side?

Mr. DALZELL. Certainly.

The SPEAKER. There will then be twenty minutes on a side. The previous question was ordered.

The SPEAKER. Twenty minutes are allotted to the gentleman from Pennsylvania [Mr. DALZELL] and twenty to the gentleman from Texas [Mr. BAILEY].

Mr. DALZELL. Mr. Speaker, it seems to me hardly necessary that I should occupy any of the time of the House in explaining this rule. It is identical in terms with the rule under which the tariff bill at the last session was sent to conference. The evident purpose of the rule is to save time. Instead of sending this House bill with the Senate amendments to the Committee on Ways and Means and having them report it back again and having it discussed, the purpose of the rule is to send it at once to conference. It seems to me I am safe in saying that I voice the sentiments of both sides of the House when I say that the utmost expedition ought to be used in getting this war measure disposed of. Millions are being paid out of the Treasury every day, and millions more are being called for, and it seems to me that it is the desire of all parties, both in Congress and out of Congress, and of the executive department as well, that whatever revenues are to be provided for shall be provided for quickly.

I reserve the balance of my time.

Mr. BARTLETT. If this rule is adopted and the bill, with the amendments put upon it by the Senate, is sent to conference, then there will be no opportunity on the part of those who desire to vote for particular amendments separately to do so, but they will have to be voted on as a whole on the report of the conference committee. That is the rule, as I understand it.

Mr. DALZELL. That is true.

Mr. BARTLETT. So if this rule is adopted there will be no opportunity afforded to the House to vote upon any one of the Senate amendments separately.

Mr. DALZELL. No opportunity at this particular time. Of course it is within the discretion of the House to adopt or reject any conference report.

Mr. BARTLETT. I understand that; but when will there be an opportunity to vote upon any one amendment that the House may desire to vote upon?

Mr. DALZELL. I can not assure my friend that there will be any opportunity at all. The House, of course, at a particular time can reject any conference report and can instruct its conferees. But I will say to my friend that there are very few amendments to this bill of any substantial character that the House has not already had an opportunity to discuss.

Mr. LEWIS of Washington. Will there be any opportunity to vote upon the seigniorage amendment?

Mr. DALZELL. The House has already discussed that amendment and voted upon it.

Mr. LEWIS of Washington. Will we be permitted, under your rules, to vote upon that amendment separately?

Mr. DALZELL. Not on that or any other separate amendment at this time.

Mr. LEWIS of Washington. You include the seigniorage amendment in your statement.

Mr. DALZELL. Certainly. I reserve the balance of my time.

Mr. HOPKINS. You can get a vote on any amendment by voting down this resolution.

Mr. BAILEY. The case to-day is not on all fours with the tariff bill to which the gentleman from Pennsylvania [Mr. DALZELL] has referred. That bill, like all such, was strictly a party measure, and there is great force in the line of reasoning which contends that, inasmuch as a party must be held responsible for all tariff measures, they should be formulated by the party. I myself strongly sympathize with that view. I have even brought myself to doubt if the opposite party, perhaps, ought not to desire or attempt to divide the responsibility with the party in power for a strictly partisan tariff measure.

But conceding the full force of that view, still it does not apply to this particular case. This is not, or at least it ought not to be, in any sense a party measure. This is an effort to provide the Government with the money to meet a great emergency. That the emergency exists we all recognize; that it must be met we all concede, and we all desire to meet it in the best possible way. We differ only as to the means which ought to be employed in raising that money, and I believe it just and fair to afford the House and to afford every member of it the most ample opportunity to vote his own individual opinion. There is no need for this precipitous action.

The gentleman from Pennsylvania [Mr. DALZELL], unwittingly no doubt, greatly overstates the case when he says that there is a daily demand for millions of dollars and that the demand is growing. The expenses of the war will not reach a million dollars a day; and there are now more than \$90,000,000 in the Treasury, over and above the hundred million dollars reserved for the redemption of United States notes and Treasury notes. With this \$197,000,000 in the Treasury, \$97,000,000 of it available for ordinary and extraordinary expenditures, there can be no need for any great haste in this legislation.

Certainly there is no need that justifies the denial on the part of the majority of the opportunity and the right of the minority

to vote upon these amendments in their order: To illustrate the hardship of the rule, there are many of those amendments which I desire to support and which, if submitted to the House as a House, or to the House in Committee of the Whole, I should cheerfully support; and yet, when the gentleman from Maine [Mr. DINGLEY] proposes his motion to nonconcur in all of the amendments, although I do not believe that motion ought to prevail as to some of them, I shall not be in a position to vote my real convictions, because if I vote "no" on the motion to nonconcur and that motion is negatived, the effect of it is to concur, and the effect of a concurrence would be to pass the bill as it came from the Senate.

Now, I myself do not desire to pass the bill in that shape, and yet I would vote for very many of the amendments adopted by the Senate if, after having improved the bill by adopting those amendments, I could still vote against it if upon its final passage I did not think it sufficiently meritorious to command my vote. The House ought to be afforded an opportunity to vote for the amendments that it thinks good and to vote against the amendments that it thinks bad. After having adjusted the good and the bad, or rather after having separated them, voting some up and the others down, then the House ought to be permitted to express its final judgment on the final passage of the bill.

But under this rule, if it is adopted, the House is compelled either to vote for them all or against them all—compelled to take the bad in order to get the good, or else compelled to reject the good in order to escape the bad.

Mr. Speaker, this is all I desire to say. I yield five minutes to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Speaker, the gentlemen on this side of the House are opposed to this rule because they are satisfied that it deprives this House of an opportunity to express its sense and judgment on the 213 amendments added to this bill in the Senate.

Now, this is a proposition to raise from one hundred and fifty to two hundred million dollars. The Senate has added at least \$80,000,000 of additional taxes to this bill since it left this House. If this rule passes, what is the effect of it? This bill then goes to a conference committee. That conference committee makes a report to this House, and then the members of this House must reject or adopt that report as a whole. There are 213 propositions here to raise additional taxes. Now, I take it to be but right and proper that the sense of this House should be tested on every one of those propositions. The gentleman says it will expedite the passage of this bill to pass this rule.

Now, I believe this bill can be passed much quicker if these gentlemen will give the House the right to vote and discuss these propositions. How are bills passed through here? You gave two days for the discussion of this bill when first introduced. This time was consumed in discussion and prevented an opportunity to vote on the various propositions. After it has passed it comes back here and you do not give the House an opportunity to vote on these various amendments. Now, if this rule is defeated, a motion can be made to concur or nonconcur in the 213 amendments added on by the Senate. It is more important to that side of the House than it is to this side of the House to have that privilege of having a separate vote on these important and far-reaching amendments. You have fifty-odd majority in this House. We have no power and no authority given us by the people to concur or nonconcur in any of these amendments, but that side of the House can vote on these amendments separately and pass or defeat them.

There are amendments in the bill in which I am interested. There is a Senate amendment that eliminates the retroactive feature of taxation as applied to tobacco and its products. I am anxious to test the sense of the House on that proposition. I believe if the House had an opportunity to vote on it it would concur in the Senate amendment eliminating that feature of the bill, but under this rule I would not have the opportunity to test the sense of the House. Why? Because if this rule passes, it goes to a conference committee, and that committee has had no opportunity to get the sense of the House as to whether they should concur or nonconcur with that provision, and so the conferees, having no opportunity to know what the sense of the House is, what the judgment of the House is, simply represent their own individual views, their own convictions, and their own ideas.

I say we should have a separate vote to test the sense of the House upon all of these important amendments, dispose of them, and then send the bill to conference only upon such amendments added in the Senate as the House does not see proper to concur in.

Now, I can see some excuse that a tariff bill requiring this method of procedure should be followed. If you destroy some features of a tariff bill it destroys the whole schedule, the whole scheme on which the bill has been built up. Possibly a tariff bill could not properly be passed without using such a rule. But this is simply a scheme of taxation, taxing thousands of separate articles, and the elimination of one would not injure any schedule or any features of the bill.

Take the feature of taxing the sugar trust and the Standard Oil

Company, put on by the Senate. I say this House should have an opportunity to vote as to whether they concur in that amendment of the Senate. I say of the 213 amendments you have no opportunity to get the sense of the House unless you defeat this rule, and then a motion to concur or nonconcur in the Senate amendments will be in order, and the sense of the House can be taken. It would not take over a week or ten days to discuss it and vote upon it. I say the time would be well spent if the representatives of the people could have an opportunity to give their judgment, their convictions, their ideas upon a vast tax bill like this. I want to say to both sides of the House—

Mr. STEELE. Will the gentleman allow me a question right here?

Mr. SWANSON. Yes.

Mr. STEELE. I want to ask the gentleman if he seriously believes that if the House should enter upon the discussion of this bill in the way he proposes he thinks it would get through by December?

Mr. SWANSON. I do. We could discuss these important amendments and test the sense of the House on them in three or four days. That time would give us an opportunity to discuss and vote upon the most important amendments that the sense of the House ought to be tested on.

There has grown up in this House, both on the Democratic side when it was in power and upon the Republican side, more upon the Republican side, a disposition to deprive the House of Representatives of the opportunity to test its sense and judgment upon important propositions separately. Now, I know whenever you have a tariff bill here and Senate amendments come over no opportunity, not even for two or three days, is given for discussion or vote on the amendments. Now, on the other side of the Capitol, it is true, they spend fruitless time in talking; they are too slow, and they have adopted no rules that will force them to a vote. We have amended the rules in this House so we can force the House to come to a vote. Now, the rule is being perverted for the purposes of depriving the House of voting and expressing its sense on important amendments.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. BAILEY. I yield now the balance of my time to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I concur in the opinion that the best way that this House can spend a little of the time that is before it is in considering in the House separately the different amendments that have been offered by the Senate, and therefore I am not able to bring myself to believe that to adopt this rule is wise and the best way to dispose of the measure. There is a disposition all over the country, there is a disposition on the part of all the members of all the parties in this House, to provide whatever revenue is necessary to carry on the war we are now engaged in. But gentlemen differ very widely as to how that revenue should be raised. The Senate has adopted 213 amendments to the bill, and some of them are very important. And we all know that with that number of amendments, varying in magnitude and importance as widely as can be conceived, from the coinage of the silver that is now on hand down to the change of punctuation points, it will be utterly impossible on a general conference report, submitted to the House and to be voted on as an entirety, ever to get the sense of the House on these separate propositions.

I object to this method of dealing with it, because when it comes to the adoption of the conference report, it being an entirety, there will not be a member on the floor that will not be compelled to vote for many things that he does not want to support, if he votes for the adoption of the conference report, or to vote against many things he would prefer to support, if he votes against its adoption.

To illustrate, here is a proposition to coin the silver we have and utilize the seigniorage that will provide \$42,000,000 additional money. If we coin the silver that has been purchased we utilize thereby the seigniorage. I am strongly for that amendment, believing, as I do, that it is a wise thing to do.

What is the objection to giving this House the opportunity to express itself on that question, and, if we concur in it, shorten the work of the conference and reduce the complexities of the report that they will finally make? Is it proposed to submit that to the conference and kill it there? Again, the Senate has put an amendment in the bill providing that the tax on tobacco shall not be retroactive. That is very important and should be adopted. Great injustice will be done to those engaged in that trade—a trade from which we get a very large revenue now, and are to get a still larger revenue—if that amendment is not adopted. Why not have an opportunity to vote upon that? Vote down this rule and let us adopt that also. And so I might illustrate with other amendments that the bill contains as it comes from the Senate.

You will remember, Mr. Speaker, that when the bill passed the House there was a great diversity of opinion as to the issuing of the \$500,000,000 of bonds. I believe the Senate has reduced the

number that is to be issued. The people are about to have an immense bond debt saddled on them. Why may we not relieve the complication of the bill by taking a separate vote on that proposition? I am averse to dealing with the bill in the way proposed by this rule because it deprives the House of having an opportunity of expressing its sense on these different measures. And we know that a fruitful means of defeating meritorious provisions in a complicated bill is to jumble them up in conference and lose them on the final report, which must be adopted as an entirety or rejected as an entirety.

There are other reasons why the course I have urged should be taken; but I will not occupy further the time of the House. What I have said illustrates sufficiently the position of those of us who do not regard the course proposed in this resolution as a proper method of procedure.

In addition to that, it is within the memory of all of us that, as suggested to me by my colleague [Mr. GAINES], this bill as passed by the House was never amply discussed, or at least ample opportunity was never given for amendments under the five-minute rule. We were cut off from the full consideration of the bill by way of amendment, and we ought not now to be deprived of this last opportunity to adopt those amendments already adopted by the Senate which we may consider meritorious. Surely there is no pressing necessity to justify a hasty and careless consideration of a bill so important and far-reaching.

The SPEAKER. The gentleman from Texas has one minute remaining.

Mr. DALZELL. How much time have I?

The SPEAKER. Seventeen minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, the rule which has been reported by the Committee on Rules is identically the same as that which was reported in the case of the tariff bill of 1897, and substantially the same as that reported in the case of the tariff bill of 1894. It has been found by experience that with a large number of amendments upon a complicated bill like a tariff bill or a war revenue measure the best results are obtained by sending the bill immediately to conference, and this practice has prevailed even with reference to appropriation bills.

Two hundred and thirteen amendments to this bill have been adopted by the Senate. The Senate has been considering the bill for five weeks, with only ninety Senators to participate in the discussion. If the House, with its numerous membership, should enter upon the discussion of the various amendments to this bill in the same manner and with the same latitude that the Senate has entered upon it, we should probably find ourselves, as has been suggested by the gentleman from Pennsylvania [Mr. DALZELL], discussing various amendments or other propositions three months hence—having reached no result.

A large number of these amendments are such as will require care in their consideration and arrangement, and it has been found by experience that this can be secured with much more desirable results in the conference committee than otherwise. It has always been found that the moment we enter upon the discussion here of controverted amendments in large numbers the time is occupied upon two or three amendments and the great body of the amendments are not reached.

If it should prove in this case that there are some controverted questions upon which the House has not already expressed its opinion, then from the very nature of the case, unless there should be a prompt agreement of the conferees, those particular important controverted points would be brought back for the consideration of the House. But for the present it has been thought best to follow the practice that has prevailed on both sides of the House, when either party had a majority, of sending the bill and amendments at once to conference. Experience has shown that the best results can be obtained by continuing that course of action.

Many amendments have been adopted by the Senate that are not germane to the bill, that have not the slightest reference to a war revenue measure. Those amendments would not have been in order, if offered originally in this House. But above all it must be borne in mind that this is a bill to provide ways and means for war expenditures. Five weeks have elapsed since this bill went to the Senate.

The war has been going on from day to day, and large expenditures have already been incurred, while others are in sight to a far greater extent than can be covered by any existing sources of revenue. Larger expenditures are at hand, and in such an exigency as this, with a war upon us, it is incumbent upon this House to take the shortest road to secure results that will provide ways and means to meet war expenditures.

I hope, therefore, that the same rule which has been found desirable and effective in the past, securing as it did the best results not only in 1894, but also in 1897, may be followed now by the House, and that this bill may be immediately put in conference. Then, if there should arise points of disagreement on which it may be necessary for us to come back to the House and to the

Senate, proper discussion may be had thereon. For the present, in order that all these details may be eliminated and vital matters, if there are still disagreeing votes upon them, may be reached, I trust the rule which has been reported by the Committee on Rules will be agreed to, and prompt measures taken to provide ways and means to meet war expenditures.

The question being taken on agreeing to the resolution, there were on a division (called for by Mr. BAILEY)—ayes 106, nays 90.

Mr. BAILEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 106, answered "present" 7, not voting 104; as follows:

YEAS—137.

Alexander,	Dayton,	Landis,	Royce,
Babcock,	Dingley,	Linney,	Russell,
Baker, Md.	Dolliver,	Littauer,	Shannon,
Barham,	Eddy,	Loud,	Shattuc,
Barney,	Ellis,	Lovering,	Shelden,
Barrows,	Fenton,	Low,	Sherman,
Bartholdt,	Fletcher,	Lybrand,	Smith, Ill.
Belden,	Fowler, N. J.	McCall,	Snover,
Belford,	Gilson,	McCleary,	Sperry,
Bishop,	Gillett, Mass.	McDonald,	Steele,
Booze,	Graff,	McIntire,	Stevens, Minn.
Boutelle, Me.	Griffin,	Mahany,	Stewart, N. J.
Brewster,	Grosvenor,	Mann,	Stewart, Wis.
Broderick,	Grow,	Marsh,	Stone, C. W.
Bromwell,	Hager,	Mercer,	Stone, W. A.
Brownlow,	Harmer,	Miller,	Sulloway,
Burleigh,	Hawley,	Mills,	Towney,
Burton,	Heatwole,	Minor,	Taylor, Ohio
Cannon,	Hemenway,	Moody,	Tongue,
Capron,	Henderson,	Morris,	Updegraff,
Clark, Iowa,	Henry, Conn.	Mudd,	Van Voorhis,
Cochrane, N. Y.	Henry, Ind.	Northway,	Wadsworth,
Coddling,	Hepburn,	Olmsted,	Walker, Va.
Connell,	Hicks,	Otjen,	Wanger,
Cooper, Wis.	Hilborn,	Parker, N. J.	Ward,
Cousins,	Hill,	Payne,	Warner,
Crump,	Hitt,	Pearce, Mo.	Weaver,
Crumpacker,	Hopkins,	Pearson,	White, Ill.
Curtis, Iowa,	Jenkins,	Perkins,	White, N. C.
Curtis, Kans.	Johnson, Ind.	Pitney,	Wise,
Dalzell,	Johnson, N. Dak.	Powers,	Yost,
Danford,	Kerr,	Prince,	Young,
Davenport,	Ketcham,	Pugh,	
Davidson, Wis.	Kirkpatrick,	Ray,	
Davison, Ky.	Lacey,	Reeves,	

NAYS—106.

Adamson,	De Graffenreid,	Lester,	Robertson, La.
Bailey,	De Vries,	Lewis, Ga.	Robinson, Ind.
Baird,	Dinamore,	Lewis, Wash.	Sayers,
Baker, Ill.	Dockery,	Little,	Shafroth,
Ball,	Fitzgerald,	Livingston,	Shuford,
Bankhead,	Fleming,	Lloyd,	Simpson,
Barlow,	Fox,	Love,	Sims,
Bartlett,	Greene,	McClellan,	Skinner,
Berry,	Griffith,	McCormick,	Stallings,
Bland,	Griggs,	McCulloch,	Stark,
Bodine,	Gunn,	McDowell,	Stephens, Tex.
Brantley,	Handy,	McMillin,	Stokes,
Brenner, Ohio	Hartman,	McRae,	Strowd, N. C.
Brewer,	Hay,	Maddox,	Sulzer,
Broussard,	Henry, Miss.	Maguire,	Sutherland,
Brucker,	Henry, Tex.	Marshall,	Swanson,
Brundidge,	Hinrichsen,	Martin,	Talbot,
Burke,	Howard, Ga.	Maxwell,	Taylor, Ala.
Carmack,	Hunter,	Meekison,	Terry,
Castle,	Jones, Va.	Moon,	Vandiver,
Clardy,	Jones, Wash.	Norton, Ohio	Vincent,
Clark, Mo.	Kelley,	Ogden,	Wheeler, Ky.
Clayton,	Kitchin,	Osborne,	Williams, Miss.
Cooney,	Kieberg,	Rhea,	Wilson,
Cowherd,	Knowles,	Richardson,	Zenor.
Cummings,	Lamb,	Ridgely,	
De Armond,	Lanham,	Rixey,	

ANSWERED "PRESENT"—7.

Clarke, N. H.	Meyer, La.	Otey,	Slayden.
McAleer,	Norton, S. C.	Settle,	

NOT VOTING—104.

Acheson,	Colson,	Howard, Ala.	Quigg,
Adams,	Connolly,	Howe,	Robb,
Aldrich,	Cooper, Tex.	Howell,	Robbins,
Allen,	Corliss,	Hull,	Sauerhering,
Arnold,	Cox,	Hurley,	Showalter,
Barber,	Cranford,	Jett,	Smith, Ky.
Barrett,	Davey,	Joy,	Smith, S. W.
Beach,	Davis,	King,	Smith, Wm. Alden
Belknap,	Dorr,	Knox,	Southard,
Bell,	Dorner,	Kulp,	Southwick,
Bennet, Pa.	Driggs,	Latimer,	Spalding,
Bennet,	Elliott,	Lawrence,	Sparkman,
Benton,	Ernestrout,	Lentz,	Sprague,
Bingham,	Evans,	Lorimer,	Strait,
Botkin,	Faris,	Loudenslager,	Strode, Nebr.
Boutell, Ill.	Fischer,	McEwan,	Sturtevant,
Bradley,	Fitzpatrick,	Mahon,	Tate,
Brosius,	Footo,	Mesick,	Thorp,
Brown,	Foss,	Miers, Ind.	Todd,
Brumm,	Fowler, N. C.	Mitchell,	Underwood,
Bull,	Gaines,	Newlands,	Vehslage,
Butler,	Gardner,	Odell,	Walker, Mass.
Campbell,	Gillet, N. Y.	Overstreet,	Weymouth,
Catchings,	Grout,	Packer, Pa.	Wheeler, Ala.
Chickering,	Hamilton,	Peters,	Wilber,
Cochran, Mo.	Hooker,	Pierce, Tenn.	Williams, Pa.

So the resolution was agreed to.

Mr. STOKES. Mr. Speaker, my colleague, Mr. LATIMER, is

confined to his room by sickness. I ask that he be excused. If he were present, he would vote "no."

There was no objection.

Mr. RICHARDSON. My colleague, Mr. PIERCE of Tennessee, is detained at home by illness in his family. He asks to be excused. There was no objection.

Mr. MEYER of Louisiana. I desire to withdraw my vote. I am paired with the gentleman from Ohio, Mr. SOUTHARD. If he were present, I should vote "no."

Mr. LANHAM. I ask that the gentleman from Florida, Mr. DAVIS, be excused on account of sickness in his family.

There was no objection.

Mr. MCALEER. I am paired with the gentleman from Massachusetts, Mr. KNOX. If he were present, he would vote "aye," and I should vote "no."

Mr. DRIGGS (having previously voted in the negative). I desire to withdraw my vote. I have a permanent pair with the gentleman from West Virginia, Mr. DORR, and he is not here. I voted without knowledge of that fact.

Mr. CLARKE of New Hampshire. I am paired with the gentleman from Tennessee, Mr. CARMACK. I voted in the affirmative, and I desire to withdraw my vote and answer "present."

Mr. RIDGELY. I wish to state in behalf of my colleague, Mr. BOTKIN, that he is unavoidably detained by serious illness in his family. If he were here, he would vote "no."

The SPEAKER. The gentleman asks that his colleague, Mr. BOTKIN, be excused on account of sickness in his family. Is there objection?

There was no objection.

Mr. PAYNE. I ask that my colleague, Mr. QUIGG, who is absent on account of sickness, be excused. If he were here, he would vote "aye."

The SPEAKER. The gentleman asks that his colleague, Mr. QUIGG, be excused on account of illness. Is there objection?

There was no objection.

Mr. LOW. I ask that my colleague, Mr. MITCHELL, be excused on account of sickness.

There was no objection.

Mr. McMILLIN. I desire to know if the gentleman from Iowa, Mr. HENDERSON, has voted?

The SPEAKER. He has.

Mr. McMILLIN. Then I will let my vote stand. I did not know whether he voted or not.

Mr. WHEELER of Kentucky. Has the gentleman from California, Mr. HILBORN, voted?

The SPEAKER. He has.

Mr. WHEELER of Kentucky. Then I will let my vote stand.

Mr. BROMWELL. I ask that my colleague, Mr. BROWN, be excused on account of sickness.

There was no objection.

Mr. SHERMAN. I ask that my colleague, Mr. QUIGG, be excused on account of sickness. He would have voted "aye" if he had been here.

The SPEAKER. The excuse has been granted already.

The Clerk announced the following pairs:

Until further notice:

Mr. OVERSTREET with Mr. MIERS of Indiana.

Mr. SHOWALTER with Mr. NORTON of South Carolina.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. BELKNAP with Mr. JETT.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. BARRETT with Mr. LENTZ.

Mr. HOOKER with Mr. CATCHINGS.

Mr. LOUDENSLAGER with Mr. BENTON.

Mr. SAUERHERING with Mr. UNDERWOOD.

Mr. QUIGG with Mr. CRANFORD.

Mr. EVANS with Mr. SETTLE.

Mr. SOUTHARD with Mr. MEYER of Louisiana.

Mr. ALDRICH with Mr. ALLEN.

Mr. FOSS with Mr. COOPER of Texas.

Mr. MESICK with Mr. TATE.

Mr. DOVERNER with Mr. SPARKMAN.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. KULP with Mr. DAVEY.

Mr. FARIS with Mr. PETERS.

Mr. McEWAN with Mr. VEHLAGE.

Mr. DORR with Mr. DRIGGS.

Mr. HOWELL with Mr. FITZPATRICK.

Mr. BRUMM with Mr. CAMPBELL.

Mr. KNOX with Mr. MCALEER.

Mr. MITCHELL with Mr. BENNER of Pennsylvania.

Mr. FOOTE with Mr. ROBB.

Mr. MAHON with Mr. OTEY.

Mr. CORLIES with Mr. TODD.

Mr. ARNOLD with Mr. COX.

Mr. CLARKE of New Hampshire with Mr. CARMACK.

Mr. BENNETT with Mr. GAINES.

For this day:

Mr. BOUTELL of Illinois with Mr. BENTON.

Mr. WEYMOUTH with Mr. SMITH of Kentucky.

Mr. JOY with Mr. PIERCE of Tennessee.

Mr. HOWE with Mr. ELLIOTT.

Mr. CHICKERING with Mr. COCHRAN of Missouri.

Mr. ACHESON with Mr. KING.

Mr. SPALDING with Mr. DAVIS.

Mr. STRODE of Nebraska with Mr. LATIMER.

The result of the vote was announced as above recorded.

Mr. DINGLEY. Mr. Speaker, I move that the House nonconcur in the Senate amendments in gross to the bill (H. R. 10100) to provide ways and means to meet war expenditures, and agree to the conference asked for by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

Accordingly the House nonconcurred in the amendments of the Senate and agreed to the conference asked for; and the Speaker appointed as conferees on the part of the House Mr. DINGLEY, Mr. PAYNE, and Mr. BAILEY.

CLASSIFICATION OF LETTERS PATENT, ETC.

Mr. HICKS. Mr. Speaker, I now renew my motion to suspend the rules and pass the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications of the Patent Office.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of determining with more readiness and accuracy the novelty of inventions for which applications for letters patent are or may be filed in the United States Patent Office, and to prevent the issuance of letters patent of the United States for inventions which are not new, the Commissioner of Patents is hereby authorized and directed to revise and perfect the classification, by subjects-matter, of all letters patent and printed publications in the United States Patent Office which constitute the field of search in the examination as to the novelty of invention for which applications for patents are or may be filed.

Sec. 2. That for the purpose of enabling the Commissioner of Patents to carry out the provisions of this act the Secretary of the Interior is hereby authorized to appoint from time to time, in the manner already provided for by law, such additional number of principal examiners, assistant examiners, first-class clerks, copyists, laborers, assistant messengers, and messenger boys as he may deem necessary: *Provided, however,* That the whole number of additional employees shall not exceed 3 principal examiners, 2 first assistant examiners, 2 second assistant examiners, 6 third assistant examiners, 5 fourth assistant examiners, 4 first-class clerks, 4 copyists, 6 laborers, 6 assistant messengers, and 6 messenger boys; that the annual expenses for this additional force shall not exceed the sum of \$32,880.

The SPEAKER. The question is on suspending the rules and passing the bill which has just been read.

Mr. BLAND. Mr. Speaker, I demand a second.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The question is on suspending the rules and passing the bill; and the gentleman from Pennsylvania [Mr. HICKS] is entitled to twenty minutes and the gentleman from Missouri [Mr. BLAND] is entitled to twenty minutes.

Mr. HICKS. Mr. Speaker, I offer the following committee amendment—

The SPEAKER. The gentleman can not offer an amendment.

Mr. HICKS. It is to correct the amount in the bill.

The SPEAKER. No amendment can be offered except by unanimous consent.

Mr. HICKS. Well, I have no doubt the House will agree to my amendments if they can be heard.

Mr. WHEELER of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER of Kentucky. No amendment will be in order until the House has agreed to consider the measure?

The SPEAKER. No amendment will be in order at any time under this motion except by unanimous consent.

Mr. WHEELER of Kentucky. Well, as I understand it, the House has not yet agreed to suspend the rules and consider the bill.

The SPEAKER. The motion is to suspend the rules and pass the bill as presented to the House, and no amendment is in order except by unanimous consent.

Mr. HICKS. I presented the bill with the amendment. This is the bill that I asked to have read. I will not insist on the amendment, however.

The SPEAKER. Was the bill read with the amendment?

Mr. HICKS. No, sir.

Mr. DOCKERY. It was not.

The SPEAKER. Then the question will have to be taken on the bill as it stands, unless the amendment is adopted by unanimous consent.

Mr. HICKS. I ask unanimous consent that the amendment be considered as read.

Mr. BLAND. I shall object to any amendment at this stage.

Mr. HICKS. The amendment is a reduction of the appropriation. Otherwise there is no change in the bill.

Mr. BLAND. I understood that the amendment increased the appropriation.

Mr. HICKS. It reduces it from \$62,000 to \$47,000.

Mr. BLAND. Well, I have no objection to that. If that is the only thing in the amendment, I shall not object.

Mr. HICKS. That is all.

The SPEAKER. The Clerk will report the amendment that is offered, and then the Chair will ask for unanimous consent.

The Clerk read as follows:

Strike out, in line 14, page 2, after the word "of," the words "sixty-two" and insert in lieu thereof the words "forty-seven;" and in line 17 strike out "eight" and insert "one."

Mr. DOCKERY. I suppose the gentleman is aiming to get his bill in harmony with the regulations of the Patent Office.

Mr. HICKS. It reduces the amount to \$47,180, the actual amount needed; that is all.

Mr. CANNON. Is this a Senate bill?

Mr. HICKS. Yes, sir. It is, however, similar to House bill 7062, except it does not require quite so large a force nor quite so much money.

Mr. CANNON. And the gentleman seeks to pass a Senate bill under suspension.

Mr. STEELE. He seeks to amend the Senate bill by reducing the amount.

Mr. CANNON. I ask if this is a Senate bill that the gentleman is seeking to pass?

Mr. HICKS. It is.

Mr. CANNON. I do not care about the matter being sent to conference. If it passes, it seems to me it had better pass as it is; and if it is defeated, it had better be defeated as it is.

The SPEAKER. Does the gentleman object to the amendment?

Mr. CANNON. Yes. If this is a House bill, I have no objection to the modification; but if it be a Senate bill, I object.

Mr. HICKS. This is a Senate bill. I merely want to correct the amount stated in it as the appropriation, which in the pending measure is \$62,880, when in fact it should be but \$47,180.

Mr. CANNON. Oh, yes; it is a Trojan horse, and would go to conference. We will have this bill passed or not passed as it is.

Mr. DOCKERY. I think we had better fight it out right here as it is.

The SPEAKER. Objection is made.

Mr. BLAND. Let us hear what the gentleman from Pennsylvania has to say.

The SPEAKER. The question before the House is as to the suspension of the rules and passing the Senate bill as reported to the House. On that question the gentleman from Pennsylvania [Mr. HICKS] has thirty minutes, and the gentleman from Missouri [Mr. BLAND] has thirty minutes, and the gentleman from Pennsylvania is recognized.

Mr. HICKS. Mr. Speaker, it is a well-known fact to every member of this House that has acquainted himself with the business of the Interior Department that the Patent Office is the only branch of that part of the Government that pays its expenses. It has been impossible, Mr. Speaker, for the Patent Office, with the force at command, to keep pace with the increased work of examination of applications and the arrangement, perfection, and classification of the sources of information necessary to determine the originality of alleged inventions. There has been but little, if any, increase in the force of examiners and assistant examiners since 1886. In that year the number was increased to 188. The number now is 200. The number of applications for patents in 1886 was 35,968. The number in 1897 was 35,613.

The number in 1897 was 47,905, an increase of 33 per cent in the work to be done and only 6 per cent of increase in the force to do the work. The consequence is that the Patent Office is over a year behind in the consideration to-day of applications being filed. The increase in the field of search is enormous each year. Since 1883 more than 20,000 patents have been issued by the Government annually. In 1890 the number was 26,000. The pressing need now is for a more perfect arrangement of patents and applications, and references of all kinds, in the Patent Office. The amount paid into the Treasury last year was \$252,798.58 over and above all expenses. The small amount asked for of money is but a little over \$47,000. The demand is pressing.

I hold in my hand letters from over 100 manufacturers in the country that have asked that this matter be considered and this force be increased. The fact that this is a Senate bill, introduced by Senator PLATT of Connecticut, who has for many years given patent legislation special and personal attention, should so commend itself to this House that this bill should pass without even a division. The distinguished Senator so ably sets forth the reasons for the passage of the bill that I commend the report to be read carefully, after which I am confident the bill must meet with the favor of two-thirds of the members of this House. Hon. C. H. Duell, the Commissioner of Patents, and Hon. C. N. Bliss, Secretary of the Interior, both unite in letters recommending the prompt

enactment of the measure. I herewith submit the same and ask that the same be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, March 13, 1898.

MY DEAR MR. SECRETARY: Referring to my conversations with you relative to an increased force for this office, I wish to report that Senator O. H. PLATT, at my suggestion, introduced the bill in the form of an amendment to the sundry civil appropriation bill. I had a hearing before that committee yesterday. Every member of the committee present admitted the urgent necessity for the relief we asked for, but doubted the advisability of putting it into that appropriation. Upon their suggestion Senator PLATT yesterday afternoon introduced the bill as Senate bill 4168.

I wish you would send to Senator O. H. PLATT at the earliest possible moment your approval of the measure. The passage of the bill would without doubt result in the earlier issue of patents and enable a more complete and thorough examination to be made, thereby preventing the issue of many worthless patents. The public would be the gainers by this, and manufacturers and inventors certainly would be greatly assisted and pleased, because they would have their applications passed to issue in better form and at an earlier date.

In 1886 there were 188 examiners in this office, and at the present time there are 200. The number of applications received in 1886 was 35,968; in 1897 the number was 47,905. There was, as you will see, an increase in work of about 33 per cent, while the increase in force is only 6 per cent. Each examiner in 1897 did at least 17 per cent more work than in 1886.

These are a few of the reasons which lead me to ask you to make the endorsement as strong as possible.

I remain, very respectfully, yours,

C. H. DUELL, Commissioner.

Hon. C. N. Bliss,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1898.

SIR: I transmit herewith a copy of a communication of even date from the Commissioner of Patents in relation to Senate bill 4168, Fifty-fifth Congress, second session, "for revising and perfecting the classification of letters patent and printed publications in the Patent Office."

This measure was strongly advocated by the late Commissioner, Benjamin Butterworth, and is equally as strongly approved of by the present Commissioner of Patents, Duell.

The condition of the work in the Patent Office is such that relief in some form must be provided. The present force of the examining corps is, I am advised, inadequate to perform the current work of examinations, so that they could hardly be expected, in addition to their regular work, to engage in making classifications of patents and publications of the Patent Office.

In view of the present condition of the finances of the country, I have been loath to recommend appropriations for any material increase in the clerical force of the Department, but in this instance the demand of the public business is such as to warrant me in departing from such rule so far as the Patent Office is concerned. This measure will afford the Patent Office the relief desired, and I urge upon the committee its favorable consideration.

Very respectfully,

C. N. BLISS, Secretary.

Hon. O. H. PLATT,
Chairman Committee on Patents, United States Senate.

Mr. HICKS. No additional argument is needed to prove the necessity for the immediate enactment of this very necessary measure, that will bring relief to hundreds of inventors residing in all parts of the country, who are now justly complaining of the delay attending the proper transaction of their business.

The Committee on Patents, of which I have the honor of being chairman, unanimously agreed that the desired increase of force was needed, and authorized the reporting of the bill. I most earnestly ask that the measure meet with no factions opposition, and that in the interests of the public service we promptly pass the bill. I now yield to the gentleman from Massachusetts, my colleague of the committee [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, I prefer that the gentlemen on the other side use some of their time before I proceed.

Mr. ROBINSON of Indiana. I understand that under the procedure of the House the gentleman is unable to offer an amendment cutting down the appropriation, so we must vote on the appropriation that is in the bill.

Mr. HICKS. It calls for an appropriation of \$47,180, but by an error in the Senate bill it was made sixty-odd thousand. If we pass the Senate bill, there will not be over \$47,180 paid out. Gentlemen need not worry about injustice being done. The Patent Office has been so well and economically managed in the past that no fears need be indulged in that the record of past years will now be departed from.

Mr. ROBINSON of Indiana. But we are asked to vote for sixty-odd thousand when only forty-seven thousand is needed.

Mr. HICKS. We shall not expend the \$47,180 if it is not needed. The Commissioner of Patents can, I assure the House, be depended upon to do his duty, and will strictly follow the duties imposed upon him by this bill. No good reason can be urged as to why the bill shall not pass.

Mr. BLAND. Mr. Speaker, I yield twenty minutes to my colleague [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, this is not a proposition to appropriate \$62,000 nor \$47,000. It is a proposition involving a liability of not less than \$325,000. That is the statement of the case, and I can prove it. I regret that the gentleman from Pennsylvania [Mr. BINGHAM], who had prepared himself fully to expose this bill to the House, is not present, but he is absent to-day by necessity. It is true that the bill as it now stands carries

\$16,000 in round numbers more than the Patent Office asks for. But this is an annual appropriation only. According to the Deputy Commissioner of Patents, this work will require not less than five years. Sixty-four thousand dollars a year for five years, making a total minimum cost of \$320,000.

I desire the members of the House to understand this bill, because this is an "old soldier," as familiar to me as the face of my honored friend from Iowa [Mr. HEPBURN]. It has been bobbing up here constantly and with unbecoming regularity for the last ten years. It was here pressed by the last Commissioner of Patents. It is here pressed by the present Commissioner of Patents. It has behind it a lobby, and I do not use the term in any offensive sense. It is here backed by every patent attorney in this city. It is a bill the benefit of which primarily is divided equally between the patent attorneys of this city and the inventors. It is not a bill to bring up the business of the Patent Office, and I challenge that statement to the attention of the House.

This bill is to inaugurate a new classification in the Patent Office. From the time the Patent Office was organized until now patents have been issued and classified according to "use." The attorneys now want an additional classification according to "structure," and that is provided for by the first section of this bill. I desire members to understand that this is not a bill to bring up the work of the Patent Office. It is not a bill to carry on the existing classification, but is a bill involving at least an expenditure of \$325,000.

Mr. HOPKINS. I want to ask the gentleman a question.

Mr. DOCKERY. Certainly.

Mr. HOPKINS. You say that the new classification will not bring up the business of the Patent Office. How do you know that?

Mr. DOCKERY. I say this is not a bill to bring it up under the existing classification.

Mr. HOPKINS. Can you not facilitate the business of the Patent Office under a new classification and benefit the public at the same time?

Mr. DOCKERY. I have only a few minutes.

Mr. HOPKINS. But we will give you more.

Mr. DOCKERY. Well, if I can have an hour—

Mr. HOPKINS. We will give you more time if the gentleman will answer my question.

Mr. DOCKERY. I will ask unanimous consent for forty minutes. This is a very important bill and carries a large appropriation; and I ask unanimous consent that each side have forty minutes.

Mr. HOPKINS. Wait a minute; perhaps we shall not need it.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the time for debate be extended to forty minutes on a side.

Mr. HOPKINS. One moment, Mr. Speaker; I would like to have the gentleman answer my question first.

Mr. DOCKERY. Do you object?

Mr. HOPKINS. No, I do not; but I want the gentleman to answer my question.

Mr. DOCKERY. I will answer your question.

Mr. HOPKINS. If the gentleman will answer my question I do not object.

Mr. BELDEN. I object.

Mr. HOPKINS. Let the gentleman answer my question just the same. I will give him the time.

Mr. DOCKERY. The gentleman has no time to give. He is very generous with something that is not his. [Laughter.]

Now, Mr. Speaker, I wish the gentleman from Pennsylvania [Mr. BINGHAM] were here. This is in substance an old provision which has been offered on appropriation bills, and with which the gentleman from Pennsylvania and the chairman of the Committee on Appropriations, as well as myself, are familiar. Substantially this work was inaugurated in 1882—not exactly this same work—by an appropriation of \$10,000. That legislation authorized an abridgment of patents. The next year \$50,000 was appropriated. Then Congress, confronted with the possible liability estimated at from \$800,000 to a million under that classification, abandoned it after \$50,000 had been expended upon it.

As I have said, this bill does not provide for exactly that classification, but it authorizes a classification according to structure, which will cost, according to testimony, not less than \$325,000.

Now, what is the excuse for this proposition? It is said the office desires this new classification to bring up the business; and the excuse is the litigation in the courts arising out of the granting of improper patents. The fact is, Mr. Speaker, that every patent of importance—every one that carries any value—goes into the courts for adjudication. I care not how you may classify patents, if a patent is valuable, somebody will be standing around to insist that the patent infringes upon some right of his and ready to institute a lawsuit, so that valuable patents issued by the Government have gone into the courts for adjudication. And they will still go there under this classification; they will continue

to go there for all time so long as patents are valuable. There is no escape from it.

All other governments issue patents practically without examination. But these gentlemen, these patent attorneys, who have been swarming around the rooms of the Committee on Appropriations for ten long years—and I do not blame the patent attorneys for this; if I were a patent attorney, I would be in favor of this bill—come here saying that the Patent Office pays a large amount of revenue into the Treasury and therefore the force should be enlarged. Yet during the last ten years we have given that office an increased appropriation of \$68,000 in round numbers, and in the present legislative appropriation bill we have embodied an increase of 13 clerks at a cost of about \$16,000.

The gentleman from Pennsylvania [Mr. HICKS] makes this plea in favor of the bill. But other governments make no such claim. In England the patentee is required to pay an annuity into the treasury. All the patents there are sources of income to the Government. I have here a list officially prepared of the different governments which thus impose a charge upon patentees so as to assist in maintaining the government.

But the gentleman has said that because the Patent Office has a surplus of income as compared with outlay, therefore we should supply the office with unnecessary force. The argument is misleading and fallacious.

Now I will yield to the gentleman from Illinois [Mr. CANNON]; but before doing so, I wish to state the case again.

This is not a bill to bring up the back work under the existing classification. It is a bill to provide a new classification. This proposition has been rejected by every House of Representatives for ten long years. It was rejected by the House of Representatives when we had \$100,000,000 of surplus in the Treasury. It was rejected by the House of Representatives when there was no necessity for laying additional taxation. It was rejected by the House of Representatives when there was no proposition pending to issue bonds to carry on a war with Spain.

But at the present time, with the war fever rampant against Spain and against the Treasury also, these patent attorneys press this bill for consideration, when we have just now sent to conference a bill that authorizes the issue of \$500,000,000 of bonds and \$100,000,000 of tax certificates, and which carries perhaps \$200,000,000 of direct taxes.

Mr. Speaker, the time may come when it may be wise to institute this new classification, but I suggest to gentlemen on both sides of this Chamber—

Mr. LIVINGSTON. When will that time come?

Mr. DOCKERY. It will not come, my friend, until "this cruel war is over." It will not come while taxes are being levied upon the people—

Mr. LIVINGSTON. What has that to do with it?

Mr. DOCKERY. It has this to do with it, that your people and my people are compelled to pay these taxes, and taxation is being increased in order to carry on the war to successful completion; but I hope we shall not increase taxation for the benefit of inventors and of patent attorneys in the city of Washington. I yield now to the gentleman from Illinois [Mr. CANNON].

The SPEAKER pro tempore. The gentleman from Missouri has eleven minutes remaining.

Mr. DOCKERY. I suggest that the other side occupy some of their time before I yield to the gentleman from Illinois.

Mr. HICKS. I yield three minutes to my friend from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this is a very plain and practical question. The gentleman from Missouri [Mr. DOCKERY] has not presented it to the House from the standpoint from which it ought to be presented. He has undertaken to appeal to the prejudices of members by references to the war and to taxation, which have nothing whatever to do with this question. The simple question is this: Is the public served at the present time as it ought to be served by the Patent Office? There is not a man on the floor of this House who has had any connection with the business of that office who will not confess that it is almost impossible to get business attended to there now in due time and with that dispatch to which applicants for patents are entitled.

Mr. DOCKERY. I deny it.

Mr. LIVINGSTON. Well, I do not care what you deny. I state what is the fact as shown by the records and reports of the Patent Office, as well as certified to by the officials of that office from the highest to the lowest. I know it is so, because I go there from week to week and from month to month endeavoring to get matters affecting my constituents attended to. And the business can not now be done.

Now, the whole practical question is this: Is the public now served in the transaction of the business of that office as it should be served? If not, can the work be properly done with a reasonable outlay of money, which will not fall as a burden upon the shoulders of the taxpayers of the country; for that office during the last year has paid into the Treasury \$252,000 more than it costs

the Government to run the business. The increase of business in that Department has been 88 per cent (a fact of which the gentleman from Missouri takes no cognizance), while the increase in the force of the Patent Office has been only 6 per cent.

Now, any schoolboy 10 years old can draw from that proposition the deduction that the people—your constituency and mine—can not be properly served in view of that large ratio of increase in the business and the small ratio of increase in the force to attend to the business.

Where does the gentleman from Missouri stand in his denial? He can not deny those facts and figures. I repeat that last year the Patent Office turned into the Treasury of the United States \$252,798.50 more than it cost the Government to prosecute all the business in that department. Yet the gentleman talks about the taxation upon the people, when in fact that department of the Government is a source of absolute revenue.

[Here the hammer fell.]

Mr. HICKS. I yield the residue of my time to the gentleman from Massachusetts [Mr. LOVERING], a member of the committee.

Mr. LOVERING. Mr. Speaker, I should be very glad if the gentlemen on the other side would say now all that they have to say on this subject.

Mr. DOCKERY. I ask the gentleman whether he intends to use all the remaining time on his side?

Mr. LOVERING. I intend to use it or apportion it.

Mr. DOCKERY. I would be glad, then, if the gentleman would apportion a part of his time now.

Mr. LOVERING. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. Thirteen minutes and a half.

Mr. LOVERING. Then I will proceed for a few moments.

Mr. Speaker, the necessity for this measure must be obvious to anyone who has given any attention to the subject. For many years I have been doing business with the Patent Office, and I am familiar with its methods. I know also something of the disadvantages under which it is now working. And I tell you, sir, that the patent system of the United States is to-day in danger of breaking down. It is the best patent system known in the world. It has been adopted as a model by the whole world. But, Mr. Speaker, it has come to a point where it is losing much of its usefulness. Any individual carrying on his business on the plan on which the Government is now carrying on the business of the Patent Office would soon fall into the hands of his creditors, and very properly, too. The fact is that the office is overwhelmed, deluged with work.

There can be no doubt of this. There is no need of making any misrepresentation upon this point. It is well known that during the last year there has been an increase of 2,000 applications. There are 14,000 applications waiting to be examined, and the present force is insufficient to do the work. Who suffers by this? What does it mean? It means, in the first place, a loss of revenue to the Government, because for every dollar paid out under this bill two dollars additional will come back, and the revenue for next year will be that much larger than the present revenue.

Mr. HANDY. Will the gentleman allow me to ask him a question for information?

Mr. LOVERING. Certainly.

Mr. HANDY. Will the clerks provided for by this act be used to transact current business, or will they be used in the work of making a reclassification?

Mr. LOVERING. I want to say upon this point that this matter of classification is misunderstood. There is a classification now. The only trouble is that they are obliged to devote so much time to getting this work out of the way that they can not keep up the work of classification as they ought. It is a classification not only of the patents of this country, but of all the countries of the world; and unless they can have the use of those patents they can not grant a valid patent. And I want to say about these clerks to be employed that this is the only department of the Government to-day in which the clerks are any of them employed overtime. They work up to 5 o'clock every day.

Mr. HANDY. I did not understand the gentleman to tell me whether these additional clerks were to be used in current work or whether they were to be used on a new work—that of entering upon a reclassification.

Mr. LOVERING. The present examiners are used for both.

Mr. HANDY. But these new examiners; how will they be used?

Mr. LOVERING. These clerks will be used for both—for bringing up arrears of work and for making a classification. The work has got to go on together. I would like to have the bill read differently from what it does in this respect, but it will answer every purpose as it is.

Mr. HANDY. The bill itself seems to indicate that the clerks will be put at a new work—at the work of revising for reclassification by subject-matter.

Mr. LOVERING. This is not a new system; and if the gentleman will not interrupt me, I will answer him further on.

Mr. HANDY. I will not, of course, interrupt the gentleman without his consent.

Mr. DOCKERY. Will the gentleman allow a question?

Mr. LOVERING. If the gentleman will please excuse me, my time is exceedingly limited and I have a great deal of ground to go over in a very few minutes. I can not yield.

Mr. DOCKERY. If it is not a new subject-matter, why do you say so in your bill?

Mr. LOVERING. Furthermore, I wish to say that this means a loss to the public. The public is more interested in this than anybody; more, even, than the patentees. Much has been said here about the lawyers of Washington. I never heard of the lawyers of Washington in relation to this matter before to-day.

I have been familiar with the necessity for this bill for years, and this is the first time I have ever heard that there was a lobby in connection with the matter. I have never seen a lobbyist and do not know of one.

Now, it has been said that the Patent Office grants monopolies. Well, suppose it does. What do you want your examiners for? You want the examiners to limit those monopolies as much as possible. It is to guard the public interest quite as much as it is to guard the interests of inventors that this thing is asked for, and I say that while every possible public right should be safeguarded, every possible encouragement should be given to inventors. Our courts are now overcrowded with work that should have been done in the Patent Office before.

A great deal has been said about working this force overtime, making them do more work. Why, Mr. Speaker, they are worked harder than any other people in the service of the United States Government to-day, and they turn in more money to the Treasury than any business department in the service. As has been said, they turned in over \$252,000 last year over and above paying for everything in connection with the work. The Patent Office has in the United States Treasury to-day \$5,000,000, which has been paid in since 1836, over and above all the expenses of the office. Then, more than all that, they have paid for building that part of the Patent Office which they occupy themselves.

I reserve the balance of my time.

Mr. DOCKERY. I yield the balance of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. CANNON. And how much on the other side?

The SPEAKER pro tempore. Seven and a half on the other side.

Mr. CANNON. Mr. Speaker, I will only use a part of the nine minutes, and I do ask for attention for three or four minutes.

I am proud of the Patent Office of the United States. I want it to be efficient. It is not to me a question of expenditure, provided it is a necessary expenditure and a proper expenditure at this time.

Now, I want to be entirely frank with the House, and to say that I am not a patent expert; but, in my judgment, this enactment should not be made at this time for the following reasons:

First, the legislative bill for the coming year, prepared by the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Pennsylvania [Mr. BINGHAM], substantially makes an increase of clerical force of \$16,000 in the Patent Office. Now, if you pass this bill, you have no place to put these additional employees unless you lease additional buildings. Now, it is not proper to do that, because, knowing of this crowded condition in the Patent Office, we have, under the lead of the Committee on Appropriations, legislated to put the Post-Office Department in the new building on the Avenue, and by the 1st of December the Land Office will go out of the Interior Department, and that room will be turned over to the Patent Office.

Then for the first time you would have room for this increase of force if it is wise to make it. They are now crowded in there almost like rabbits in a burrow, and this is totally unavailable unless you go outside and rent additional buildings, which is not an apt thing to do, and furnish them for the period between now and December. Now, so much for that.

Some gentlemen say that great revenues are derived from the Patent Office. Why, when somebody wants to appropriate something for New York, they say all the revenues are collected from New York. And so on. There is nothing in that argument one way or the other. If there was not one cent of revenue from the Patent Office it is entitled to be properly maintained, and it is not entitled to be more than properly maintained.

Now, I was interested in the statement of the gentleman from Massachusetts [Mr. LOVERING], who said that we have the best patent system on earth. Well, I am glad to know that, and I think the gentleman has much of knowledge about it; but what does this bill do? Does it bring up the work? I think not. The gentleman from Pennsylvania [Mr. BINGHAM], from the great manufacturing city of Philadelphia, says not, in my conversations

with him. But it authorizes and directs these employees to revise and perfect the classification by subjects-matter. As the gentleman from Missouri [Mr. DOCKERY] says, since the foundation of the Patent Office it has been by use. It is a long work. Whether it ought to be entered on, whether we have room or not, I do not know. The gentleman from Pennsylvania [Mr. BINGHAM] says no, in his judgment. If it is necessary to enter upon it, let me say to the House that it is entirely competent to do so upon any legislative appropriation bill that we annually pass.

Now, for these reasons, and others that I have not time to state, without reference to whether this classification would be wise or not, it is not wise to enter upon this work until the Land Office gets out of the Interior Department into the old Post-Office building on the 1st of December next, at which time, when there will be more room for the Patent Office, we can take this matter up and act intelligently.

Mr. MAHANY. Will the gentleman permit a question before he takes his seat?

Mr. CANNON. All right.

Mr. MAHANY. Suppose we secure the room by December next, as the gentleman suggests, how will we have the force of clerks to occupy it unless we provide for them now?

Mr. CANNON. Oh, you can provide for it on any regular appropriation bill.

Mr. MAHANY. The gentleman knows that in all human probability that will not be done until next year.

Mr. CANNON. Oh, well, the next Congress meets in December.

Mr. MAHANY. Oh, no; this Congress meets in December.

Mr. CANNON. Yes, this Congress meets in December. There is no trouble about it. The truth of the matter is, I do not know where, but somewhere or other, this matter is being very industriously worked. I can always tell when a thing is being worked. [Laughter.]

I get letters from Illinois, letters from Minnesota and California, all just alike; generally the circular letters that were sent out, sometimes with the coupons torn off and sometimes not; and they call that public sentiment. I think if our friends in the Patent Office, or whoever is interested in this matter, will let us alone that we will properly care for this service with the aid of the Committee on Patents of the House and under the leadership of the gentleman from Pennsylvania [Mr. BINGHAM] who I am exceedingly sorry is not here to-day.

Mr. LOVE. What does the bill call for—what amount?

Mr. CANNON. The bill calls for \$64,000, but here is what I object to in the bill, as we have not room to put them in now: This force is authorized and directed to revise and perfect the classification by subjects-matter, a long work. It has heretofore been by use. It is not to bring up work, as shown on the face of the bill. The gentleman from Massachusetts [Mr. LOVERING] is candid enough to say that he wishes he could change this bill.

Mr. DOCKERY. I am glad the gentleman has made that clear. Some gentlemen seem to misunderstand it. They think the object of the bill is to bring up the work. I am glad the gentleman is stating the truth.

Mr. CANNON. The bill speaks for itself.

Mr. DOCKERY. The bill shows that it is not to bring up the work under the existing classification.

Mr. CANNON. I yield back my time to the gentleman.

Mr. DOCKERY. How much time remains on this side?

The SPEAKER pro tempore. The gentleman from Missouri has three minutes remaining.

Mr. DOCKERY. I hope gentlemen on the other side will use some of their time.

Mr. LOVERING. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] says this is an old bill, and he says he has been worked from time to time. I do not know who has worked the gentleman. Certainly no one has tried to work me, and my purpose is perfectly honest and businesslike in the matter. Commissioner Butterworth proposed this legislation a year ago, and it was his purpose to bring up the work of classification, which we are already doing, and to bring up the work of examination at the same time. It all goes together; it is a part of the same thing. It is of no use to try to separate it and misconstrue the purpose of the bill.

As for our having room, it is well known that there is room enough in another building which is not occupied, on G street in this city, belonging to the Government, where fifty additional examiners and clerks can be employed. And aside from that, now is the time to be doing this work, when we are about to move to our new quarters. Everyone will agree that it can be done both the tabulating and classifying, and better done, at such time than at any other, and everyone who knows anything about the work knows that it should be done at the earliest possible moment.

I want to say one other thing. A poor man can not to-day take out a patent and hold it. For what reason? Because it takes so long a time to have his claims examined and passed upon that he has to compromise his interests with some capitalist by either

selling out or giving a part to him before he can take out his patent. There are a good many cases that I could give as illustrations if I had the time. A great many patents, if they can not be taken out at once and exploited within three or four months, become worthless. As to the expense incurred by this bill being \$330,000, it is too absurd. It is as absurd as it would be to multiply the salaries of the members of the House by 5 and say that is what it costs to run the Government.

Mr. LIVINGSTON. Will the gentleman allow me a question right there?

Mr. LOVERING. Yes.

Mr. LIVINGSTON. Is it not true that it takes twelve to fifteen months to procure a patent unless some member of Congress goes there and gets it made a special case, and by that means delays ten or twelve others?

Mr. LOVERING. Yes; sometimes two years.

Mr. LIVINGSTON. Is it not true that if this appropriation is made it will bring up the work and the classification at the same time?

Mr. LOVERING. Yes; that is what I have said.

Mr. HITT. Is this a report by all of the committee?

Mr. LOVERING. It is; and the bill was passed by the Senate, and it was recommended by the Secretary of the Interior and the Commissioner of Patents and by everybody else who has had anything to do with patents. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. LOVERING. I reserve the balance of my time.

Mr. BLAND. Mr. Speaker, I do not profess to be an expert in this matter, but when I heard the bill read I saw there was an increase of officers to the number of about forty, and an appropriation of about \$60,000. I do not believe that we ought, under the circumstances, to largely increase this force, so that it will require the present appropriation of \$60,000; and what the future may bring forth no one can tell. How long this special organization shall exist we are not informed; whether the work is to be completed in twelve months or twelve years is not stated. When a force of this kind is once created, it is very difficult to get rid of it.

This morning we sent to conference a bill largely increasing the taxation of the people of this country, carrying \$300,000,000 of interest-bearing bonds for the purpose of procuring revenue, not only to carry on the war, but to pay the ordinary expenditures of the Government. I think these conditions behoove this House to be careful in what manner the expenditures of this Government are increased. We are in no condition now to enter upon new schemes of appropriation. The whole effort of Congress ought to be to retrench, reform, and revise the expenditures wherever it can be done, and certainly this proposition can wait. Since the gentleman from Illinois has informed us that it can not properly be performed without increasing or procuring new quarters and increased additional expenditure for rent, why not permit it to wait a few months? Why enter upon this expenditure at this time when it is not an emergency, when we are demanding appropriations here every day on the score of emergency. I hope, Mr. Speaker, that the bill will be defeated.

Mr. LOVERING. I now yield, Mr. Speaker, two minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, it is always easy to raise objections to any measure that you do not want to pass. This bill ought to pass. I say that without a very clear or definite knowledge as to the precise terms of the bill. Why do I say it? For this reason: The State of Connecticut is more interested in patents, in proportion to its population, than any other State in the Union. For that reason it has had as chairman of the Committee on Patents in the Senate a Senator from Connecticut. This bill was prepared by Senator PLATT of Connecticut with his full knowledge of the work and necessities of the Patent Office. I have that confidence in him, in his integrity, his economical ideas, his knowledge of the work of the Patent Office, that induces me to vote for this bill as it stands; and I shall do so. [Applause.]

Mr. LOVERING. I now yield two minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, the object of this bill is to put the Patent Office in a condition so that the business there will be expedited, so that the applicants for patents may have their applications examined into and passed upon while there is some use for them. It is asked by the Bureau which for years and years have turned a surplus annually into the Treasury of more than a half million dollars. It is no raid upon the Treasury, as the gentleman from Missouri [Mr. DOCKERY] would indicate, but it is rather a proposition which will cost directly a small increase of the appropriation, or rather lessen the surplus turned into the Treasury by the office, but which will in the end increase the revenue, because in the expenditure of this appropriation more patents will be granted and larger fees will be received.

Now, Mr. Speaker, we have a case in point illustrating the results to be obtained by a rearrangement of the records of the Government. Down in the War Department is a bureau known as the Record and Pension Division. Gentlemen will remember that but a dozen years ago or less it required from six months to a year to obtain an answer in reference to the record of a soldier of the Revolutionary war or any other of our wars. We made provision for the reclassification of the records of that Bureau, and as a result to-day we have this fact, that instead of waiting from six months to a year to get an answer to an inquiry in reference to the record of any soldier, we invariably get that answer within twenty-four hours.

And, Mr. Speaker, while such is the promptitude with which answers are received, while such is the expedition of business there, it is also a fact that this improvement has been accomplished with an enormous saving to the Government. I have here a letter from Colonel Ainsworth, the chief of that division, in which he says that by the rearrangement of those records it is not only possible for him to make replies at once satisfactory and full, but that there has been a saving to the Government this year of \$425,000.

Mr. DOCKERY. I know the gentleman from New York would not do injustice to the House by making anything except an accurate statement—

The SPEAKER. The time for debate has expired.

The question being taken on suspending the rules and passing the bill, there were on a division—ayes 99, noes 51; less than two-thirds voting in the affirmative.

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 58, answered "present" 9, not voting 138; as follows:

YEAS—154.

Alexander,	Davison, Ky.	Linney,	Russell,
Babcock,	De Vries,	Littauer,	Shannon,
Baker, Md.	Dolliver,	Livingston,	Shattuc,
Ball,	Driggs,	Lovering,	Shelden,
Bankhead,	Ellis,	Lybrand,	Sherman,
Barney,	Fleming,	McAlear,	Skinner,
Barrows,	Fowler, N. J.	McCall,	Smith, Ill.
Bartholdt,	Gibson,	McCleary,	Smith, S. W.
Bartlett,	Gillet, N. Y.	McCulloch,	Snover,
Belden,	Gillett, Mass.	McDonald,	Sperry,
Belford,	Graff,	McIntire,	Stark,
Benner, Pa.	Griffin,	Maddox,	Steele,
Booze,	Grosvenor,	Maguire,	Stevens, Minn.
Boutelle, Me.	Hager,	Mahany,	Stewart, N. J.
Brenner, Ohio	Harmer,	Marshall,	Stewart, Wis.
Brewster,	Hawley,	Maxwell,	Sulloway
Broderick,	Heatwole,	Mercer,	Sulzer,
Bromwell,	Henderson,	Meyer, La.	Sutherland,
Brownlow,	Henry, Conn.	Miller,	Swanson,
Brucker,	Hepburn,	Mills,	Tawney,
Burlingame,	Hicks,	Moody,	Taylor, Ohio
Burton,	Hilborn,	Morris,	Taylor, Ala.
Capron,	Hill,	Mudd,	Tongue,
Clardy,	Hinrichsen,	Northway,	Updegraff,
Clark, Iowa	Hitt,	Norton, Ohio	Van Voorhis,
Clark, Mo.	Hopkins,	Olmsted,	Wadsworth,
Cochrane, N. Y.	Hunter,	Otjen,	Walker, Va.
Coddling,	Hurley,	Parker, N. J.	Ward,
Connell,	Jenkins,	Payne,	Warner,
Cooper, Wis.	Johnson, N. Dak.	Pearce, Mo.	Weaver,
Cousins,	Jones, Wash.	Pearson,	Weymouth,
Crump,	Kerr,	Perkins,	White, Ill.
Cummings,	Ketcham,	Pittman,	White, N. C.
Curtis, Iowa	Kirkpatrick,	Powers,	Wise,
Curtis, Kans.	Knox,	Prince,	Yost,
Dalzell,	Lacey,	Pugh,	Young,
Danford,	Lester,	Ray,	Zenor.
Davenport,	Lewis, Ga.	Reeves,	
Davidson, Wis.	Lewis, Wash.	Royce,	

NAYS—58.

Baker, Ill.	Dockery,	Knowles,	Shuford,
Bland,	Fox,	Lanham,	Simpson,
Botkin,	Greene,	Lloyd,	Sims,
Brantley,	Griffith,	Love,	Slayden,
Brundidge,	Grow,	McDowell,	Stephens, Tex.
Burke,	Handy,	McMillin,	Stokes,
Cannon,	Hay,	Meekison,	Strowd, N. C.
Castle,	Hemenway,	Moon,	Terry,
Clayton,	Henry, Ind.	Osborne,	Vandiver,
Connolly,	Henry, Miss.	Rhea,	Vincent,
Cooney,	Howard, Ga.	Richardson,	Wheeler, Ky.
Cowherd,	Jones, Va.	Ridgely,	Williams, Miss.
Crumpacker,	Kelley,	Rixey,	Wilson.
De Armond,	Kitchin,	Robinson, Ind.	
De Graffenreid,	Kieberg,	Sayers,	

ANSWERED "PRESENT"—9.

Adamson,	Gaines,	McClellan,	Otey,
Carmack,	Griggs,	Norton, S. C.	Settle.
Dinsmore,			

NOT VOTING—133.

Acheson,	Barrett,	Boutell, Ill.	Catchings,
Adams,	Beach,	Bradley,	Chickering,
Aldrich,	Belknap,	Brewer,	Clarke, N. H.
Allen,	Bell,	Brosius,	Cochran, Mo.
Arnold,	Bennett,	Broussard,	Colson,
Bailey,	Benton,	Brown,	Cooper, Tex.
Baird,	Berry,	Brumm,	Corlies,
Barber,	Bingham,	Bull,	Cox,
Barham,	Bishop,	Butler,	Cranford,
Barlow,	Bodine,	Campbell,	Davey,

Davis,	Hooker,	Mann,	Southwick,
Dayton,	Howard, Ala.	Marsh,	Spalding,
Dingley,	Howe,	Martin,	Sparkman,
Dorr,	Howell,	Mesick,	Sprague,
Dovener,	Hull,	Miers, Ind.	Stallings,
Eddy,	Jett,	Minor,	Stone, C. W.
Elliott,	Johnson, Ind.	Mitchell,	Stone, W. A.
Ermentrout,	Joy,	Newlands,	Strait,
Evans,	King,	Odell,	Strode, Nebr.
Faris,	Kulp,	Ogden,	Sturtevant,
Fenton,	Lamb,	Overstreet,	Talbert,
Fischer,	Landis,	Packer, Pa.	Tate,
Fitzgerald,	Latimer,	Peters,	Thorp,
Fitzpatrick,	Lawrence,	Pierce, Tenn.	Todd,
Fletcher,	Lentz,	Quigg,	Underwood,
Foote,	Little,	Robb,	Vehalaga,
Foss,	Lorimer,	Robbins,	Walker, Mass.
Fowler, N. C.	Loud,	Robertson, La.	Wanger,
Gardner,	Loudenslager,	Sauerharing,	Wheeler, Ala.
Grout,	Low,	Shafroth,	Wilber,
Gunn,	McCormick,	Showalter,	Williams, Pa.
Hamilton,	McKean,	Smith, Ky.	
Hartman,	McRae,	Smith, Wm. Alden	
Henry, Tex.	Mahon,	Southard,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. MANN with Mr. JETT.

Mr. WILLIAM A. STONE with Mr. MCCLELLAN.

Mr. WANGER with Mr. ADAMSON.

For this day:

Mr. HAMILTON with Mr. BRADLEY.

Mr. WM. ALDEN SMITH with Mr. ROBERTSON of Louisiana.

Mr. DINGLEY with Mr. BAILEY.

On this vote:

Mr. FLETCHER with Mr. LOW.

Mr. MCCLELLAN. Mr. Speaker, I have a general pair with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. As he is absent, I withdraw my vote, and wish to be recorded "present."

Mr. GRIGGS. I am paired with the gentleman from Illinois, Mr. BOUTELL. I desire to withdraw my vote.

The result of the vote was announced as above stated.

Mr. WADSWORTH. I move that the House do now adjourn.

The motion was rejected.

RIGHT OF WAY THROUGH COLVILLE INDIAN RESERVATION.

Mr. JONES of Washington. I move to suspend the rules and pass the bill (S. 448) granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation in the State of Washington.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the Kettle River Valley Railway Company, a corporation organized under the laws of the State of Washington, a right of way for a railroad, to the extent of 100 feet on each side of the center line thereof, across the said north half of the said Colville Indian Reservation, and also a right of way to the extent of 100 feet on each side of the center line of any branches of said line, commencing at a point on the line of the Spokane Falls and Northern Railway, in Stevens County, Wash., crossing the Columbia River, and running thence westerly and northwesterly by the most feasible route through the north half of said reservation, said line or branches to connect at one or more points on the international boundary line with any road organized under the laws of the Dominion of Canada or Province of British Columbia, together with all the rights granted to railroads by the act of Congress entitled "An act granting to railroads a right of way through the public lands of the United States," approved March 3, 1875. And for the purpose of this grant and the construction of said railway all the provisions of said act are hereby declared to be applicable thereto to the same extent as though the lands in said reservation were open to settlement and sale.

SEC. 2. That any damages or injuries occasioned to private property, whether the same be a vested or inchoate right to the property injured, whether the same belong to a white man or an Indian, shall be ascertained, and compensation made therefor in accordance with the laws of Washington relating to the exercise of eminent domain or the taking of private property for public use.

The SPEAKER. Is the motion to suspend the rules seconded?

Mr. JONES of Washington. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. JONES of Washington. Mr. Speaker, this is a bill to which there can be no reasonable objection. It simply grants a right of way (which it is more than probable might be secured as the result of a lawsuit) through a portion of what used to be the Colville Indian Reservation. The north half of that reservation, so called, was restored to the public domain by an act of July 2, 1892, for all purposes excepting that until the President issued a proclamation no white man might take up a farm there under the homestead act. But as the administrative officers of the Government have questioned whether that land was restored to the public domain to such an extent that a railroad might be constructed through there without the assent of Congress, I ask that this bill be passed. The construction of this railroad can not injuriously affect any part of the Union and is of vital importance to all the Pacific Northwest.

Mr. LEWIS of Washington. And it carries no appropriation.

Mr. JONES of Washington. No appropriation whatever.

Mr. HANDY. I notice by this bill that all the rights granted to railroads by the act of Congress entitled "An act granting to railroads a right of way through the public lands of the United States," approved March 3, 1875, are given to this railroad.

Mr. JONES of Washington. Yes, sir.

Mr. HANDY. Will the gentleman please explain what the rights thus granted to this railroad are?

Mr. JONES of Washington. They are the rights granted under the general law, authorizing any railroad company to construct its line through any part of the public domain; authorizing the road to take a certain width of land, to construct turn-outs, bridges, depots, and things of that sort.

Mr. HANDY. How much land would be granted for such purposes?

Mr. JONES of Washington. One hundred feet on each side of the center line of the right of way.

Mr. HANDY. And nothing in addition?

Mr. JONES of Washington. Nothing in addition.

The question being taken on the motion to suspend the rules and pass the bill, it was decided in the affirmative, two-thirds voting in favor thereof.

ELECTION CONTEST—FIRST DISTRICT OF LOUISIANA.

Mr. OLMSTED. I am directed by the Committee on Elections No. 2 to present a report in the contested-election case of Joseph Gazin vs. Adolph Meyer, from the First Congressional district of Louisiana.

The SPEAKER. Does the gentleman desire immediate action upon this report?

Mr. OLMSTED. Yes, sir; and also upon another which I send to the desk.

The SPEAKER. The one just presented must be first disposed of. The Clerk will read the resolution reported by the committee.

The Clerk read as follows:

Resolved, That Joseph Gazin was not elected to the Fifty-fifth Congress from the First Congressional district of the State of Louisiana, and is not entitled to a seat therein.

The resolution was agreed to.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

Mr. OLMSTED. Now, Mr. Speaker, I present two other resolutions in the contested-election case of Armand Romain vs. Adolph Meyer.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED], from the same committee, presents the following resolutions which the Clerk will report.

The Clerk read as follows:

Resolved, That Armand Romain was not elected to the Fifty-fifth Congress from the First Congressional district of the State of Louisiana, and is not entitled to a seat therein.

Resolved, That Adolph Meyer was elected to the Fifty-fifth Congress from the First Congressional district of the State of Louisiana, and is entitled to a seat therein.

Mr. OLMSTED. Mr. Speaker, I move the adoption of the resolutions.

The resolutions were agreed to.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

AGREEMENT WITH THE SEMINOLE INDIANS.

Mr. CURTIS of Kansas. Mr. Speaker, on behalf of the Committee on Indian Affairs, I move to suspend the rules and pass the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.

The bill was read, as follows:

Whereas an agreement was made by Henry L. Dawes, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Needles, the commission of the United States to the Five Civilized Tribes, and Allison L. Aylesworth, secretary, John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, Thomas Factor, Seminole commission, A. J. Brown, secretary, on the part of the Seminole Nation of Indians on December 16, 1897, as follows:

AGREEMENT BETWEEN THE UNITED STATES COMMISSIONERS TO NEGOTIATE WITH THE FIVE CIVILIZED TRIBES AND THE COMMISSIONERS ON THE PART OF THE SEMINOLE NATION.

This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the government of the Seminole Nation in Indian Territory, of the second part, entered into on behalf of said government by its commission, duly appointed and authorized thereunto, viz, John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, and Thomas Factor;

Witnesseth, That in consideration of the mutual undertakings herein contained, it is agreed as follows:

All lands belonging to the Seminole tribe of Indians shall be divided into three classes, designated as first, second, and third class; the first class to be appraised at \$5, the second class at \$2.50, and the third class at \$1.25 per acre, and the same shall be divided among the members of the tribe so that each shall have an equal share thereof in value, so far as may be, the location and fertility of the soil considered; giving to each the right to select his allotment so as to include any improvements thereon, owned by him at the time; and each allottee shall have the sole right of occupancy of the land so

allotted to him, during the existence of the present tribal government, and until the members of said tribe shall have become citizens of the United States. Such allotments shall be made under the direction and supervision of the Commission to the Five Civilized Tribes in connection with a representative appointed by the tribal government; and the chairman of said commission shall execute and deliver to each allottee a certificate describing therein the land allotted to him.

All contracts for sale, disposition, or encumbrance of any part of any allotment made prior to date of patent shall be void.

Any allottee may lease his allotment for any period not exceeding six years, the contract therefor to be executed in triplicate upon printed blanks provided by the tribal government, and before the same shall become effective it shall be approved by the principal chief and a copy filed in the office of the clerk of the United States court at Wewoka.

No lease of any coal, mineral, coal oil, or natural gas within said nation shall be valid unless made with the tribal government, by and with the consent of the allottee and approved by the Secretary of the Interior.

Should there be discovered on any allotment any coal, mineral, coal oil, or natural gas, and the same should be operated so as to produce royalty, one-half of such royalty shall be paid to such allottee and the remaining half into the tribal treasury until extinguishment of tribal government, and the latter shall be used for the purpose of equalizing the value of allotments; and if the same be insufficient therefor, any other funds belonging to the tribe, upon extinguishment of tribal government, may be used for such purpose, so that each allotment may be made equal in value as aforesaid.

The town site of Wewoka shall be controlled and disposed of according to the provisions of an act of the general council of the Seminole Nation, approved April 23, 1897, relative thereto; and on extinguishment of the tribal government, deeds of conveyance shall issue to owners of lots as herein provided for allottees; and all lots remaining unsold at that time may be sold in such manner as may be prescribed by the Secretary of the Interior.

Five hundred thousand dollars of the funds belonging to the Seminoles, now held by the United States, shall be set apart as a permanent school fund for the education of children of the members of said tribe, and shall be held by the United States at 5 per cent interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka academies and the district schools of the Seminole people; and there shall be selected and excepted from allotment 330 acres of land for each of said academies and 30 acres each for eight district schools in the Seminole country.

There shall also be excepted from allotment one-half acre for the use and occupancy of each of twenty-four churches, including those already existing and such others as may hereafter be established in the Seminole country, by and with consent of the general council of the nation; but should any part of same, at any time, cease to be used for church purposes, such part shall at once revert to the Seminole people and be added to the lands set apart for the use of said district schools.

One acre in each township shall be excepted from allotment and the same may be purchased by the United States upon which to establish schools for the education of children of noncitizens when deemed expedient.

When the tribal government shall cease to exist the principal chief last elected by said tribe shall execute, under his hand and the seal of the nation, and deliver to each allottee a deed conveying to him all the right, title, and interest of the said nation and the members thereof in and to the lands so allotted to him, and the Secretary of the Interior shall approve such deed, and the same shall thereupon operate as relinquishment of the right, title, and interest of the United States in and to the land embraced in said conveyance, and as a guarantee by the United States of the title of said lands to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to an interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of 40 acres, which shall, by the terms of the deed, be made inalienable and nontaxable as a homestead in perpetuity.

All moneys belonging to the Seminoles remaining after equalizing the value of allotments as herein provided and reserving said sum of \$500,000 for school fund shall be paid per capita to the members of said tribe in three equal installments, the first to be made as soon as convenient after allotment and extinguishment of tribal government, and the others at one and two years, respectively. Such payments shall be made by a person appointed by the Secretary of the Interior, who shall prescribe the amount of and approve the bond to be given by such person; and strict account shall be given to the Secretary of the Interior for such disbursements.

The loyal Seminole claim shall be submitted to the United States Senate, which shall make final determination of same, and, if sustained, shall provide for payment thereof within two years from date hereof.

There shall hereafter be held at the town of Wewoka, the present capital of the Seminole Nation, regular terms of the United States courts at other points in the judicial district of which the Seminole Nation is a part.

The United States agrees to maintain strict laws in the Seminole country against the introduction, sale, barter, or giving away of intoxicants of any kind or quality.

This agreement shall in no wise affect the provisions of existing treaties between the Seminole Nation and the United States, except in so far as it is inconsistent therewith.

The United States courts now existing, or that may hereafter be created, in Indian Territory shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate owned by the Seminoles, and to try all persons charged with homicide, embezzlement, bribery, and embracery hereafter committed in the Seminole country, without reference to race or citizenship of the persons charged with such crime; and any citizen or officer of said nation charged with any such crime, if convicted, shall be punished as if he were a citizen or officer of the United States, and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

When this agreement is ratified by the Seminole Nation and the United States the same shall serve to repeal all the provisions of the act of Congress approved June 7, 1897, in any manner affecting the proceedings of the general council of the Seminole Nation.

It being known that the Seminole Reservation is insufficient for allotments for the use of the Seminole people, upon which they, as citizens, holding in severally, may reasonably and adequately maintain their families, the United States will make effort to purchase from the Creek Nation, at \$1.25 per acre, 200,000 acres of land, immediately adjoining the eastern boundary of the Seminole Reservation and lying between the North Fork and South Fork of the Canadian River, in trust for and to be conveyed by proper patent by the United States to the Seminole Indians, upon said sum of \$1.25 per acre being reimbursed to the United States by said Seminole Indians; the same to be allotted as herein provided for lands now owned by the Seminoles.

This agreement shall be binding on the United States when ratified by Congress and on the Seminole people when ratified by the general council of the Seminole Nation.

In witness whereof the said commissioners have hereunto affixed their names at Muskogee, Ind. T., this 16th day of December, A. D. 1897.

HENRY L. DAWES,
TAMM BIXBY,
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES,
Commission to the Five Civilized Tribes.
ALLISON L. AYLESWORTH,
Secretary.

JOHN F. BROWN,
OKCHAH HARJO,
WILLIAM CULLY,
K. N. KINKEHEE,
THOMAS WEST,
THOMAS FACTOR,
Seminole Commission.
A. J. BROWN, *Secretary.*

Therefore,

Be it enacted, etc. That the same be, and is hereby, ratified and confirmed, and all laws and parts of laws inconsistent therewith are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. LITTLE. I demand a second, and ask unanimous consent that it be considered as ordered.

The SPEAKER. The gentleman from Arkansas demands a second, and asks unanimous consent that it be considered as ordered.

Mr. CANNON. Is the gentleman opposed to the bill?

Mr. LITTLE. No.

Mr. CANNON. Somebody ought to demand a second who at least wants to inquire about it to see whether the bill ought to pass.

Mr. LITTLE. I am perfectly willing that the gentleman from Illinois [Mr. CANNON] shall demand it.

The SPEAKER. The gentleman from Illinois, then, demands a second.

Mr. CURTIS of Kansas. I ask unanimous consent that the second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas is entitled to twenty minutes and the gentleman from Illinois to twenty minutes.

Mr. CURTIS of Kansas. Mr. Speaker, this is an act to ratify the agreement made by the Dawes Commission with the Seminole tribe of Indians. As this House knows, the Dawes Commission has been in existence for about five years. That commission entered into an agreement with the Creeks, which was not accepted. They entered into a treaty with the Chickasaws and Choctaws which was rejected by the Chickasaw Nation. The Cherokees refused to treat with them. The Seminoles entered into this agreement, which has been ratified by the tribe. There are 2,739 Seminoles. They own 375,000 acres of land.

They have in the United States Treasury \$2,070,000 in money to their credit. This agreement provides that the lands of the Seminoles shall be divided into three classes, which shall be appraised at \$5, \$3.50, and \$1.25 per acre, to be divided among the members of the tribe, each to have an equal share in value. The allottees are given the right to occupy the land during the existence of the tribal government.

There is a prohibition against the sale or contract for sale of any part of the land prior to the issuance of patents, but an allottee may lease his allotment for a term not exceeding six years. Mineral lands can not be leased without the consent of the Secretary of the Interior. There is one town in the nation, and lots in that town are to be disposed of under the town-site law, enacted by the general council of the Seminole Nation, approved April 23, 1897. The sum of \$500,000 of their funds is to be set aside as a permanent school fund for the education of the children of the members of the tribe. There are twenty-four churches in the nation, and one-half acre is set aside for each.

There are 28 district schools, and the 80 acres are set aside for each. There are 2 academies, which will receive 320 acres each. One acre in each township is excepted from allotment for school purposes, which may be bought by the United States for the purpose of establishing schools for noncitizens of the tribe. When the tribal government ceases, deeds are to be given to each member of the tribe for 40 acres for a homestead, which shall be inalienable and nontaxable. The money of the tribe is to be distributed among its members in three equal installments, the first as soon as allotments are made and the tribal government is extinguished and the others in one and two years.

The loyal Seminole claim, which amounts to \$163,888.95, is to be submitted to the Senate of the United States for final determination. Regular terms of the United States court are to be held at Wewoka, and the United States is to strictly enforce the laws against the introduction of intoxicating liquors into the country. The United States courts are given exclusive jurisdiction in certain cases, which are described on page 6 of the bill. The law of 1897, which took away the jurisdiction of the Indian courts and

certain rights of the general council of the Seminole Nation, is repealed, and this law is to take its place. The United States agrees to make an effort to buy 200,000 acres of land from the Creek Indians at \$1.25 an acre, but the same is to be paid for out of the money of the Seminole tribe of Indians.

It seemed to your committee that after having paid out from thirty to forty thousand dollars a year for the Dawes Commission, and that commission having entered into this agreement, and it being the only one that had been ratified by the tribe, that it was the duty of your committee, there being no serious objection, to report it and ask for its ratification.

That is all I desire to say on the bill, unless some gentleman desires to ask some questions about it, and I reserve the balance of my time.

Mr. CANNON. I should be glad to ask the gentleman a question or two. I do not know whether I am for his bill or not. I have never read this agreement until this minute, following the Clerk as he read it. I notice that it is provided that the loyal Seminole claim shall be submitted to the United States Senate, which shall make final determination of the same, and, if sustained, shall provide for the payment thereof within two years from date hereof.

Mr. CURTIS of Kansas. That ought to be "thereof."

Mr. CANNON. "Thereof" or "hereof," whichever it is. That seems to make the Senate a board of arbitrators to pass upon this claim. Now, does not the gentleman think that this agreement ought to be modified? Should there not be some legislation to limit that claim?

Mr. CURTIS of Kansas. I will say to the gentleman that it was the opinion of the subcommittee having charge of this bill, a subcommittee composed of three members of the Senate and five members of the House, that the claim should be referred to a joint committee of the House and Senate, but that provision was at last stricken out and not agreed to by the House committee; but in the passage of this bill by the Senate the clause was left as agreed to between the Dawes Commission and the Seminole tribe of Indians.

The loyal Seminole claim is based upon the fourth article of the treaty of March 21, 1866. There was a commission appointed to investigate it. They investigated and reported on this claim, and \$50,000 of it was paid. That leaves a balance of \$163,888.95.

Mr. CANNON. Does not my friend think there ought to be some guard placed upon that matter? I am not familiar with it, but what is there to prevent the claim being presented before the Senate alone and established for one million or two million dollars or any other sum?

Mr. CURTIS of Kansas. The loyal Seminole claim is known, and the amount of it is known. It is a matter of record. It has been passed upon. There has been a finding, and part of it has been paid, as shown by a letter I have from the Commissioner of Indian Affairs, which is as follows:

WASHINGTON, April 13, 1898.

SIR: In compliance with your request of the 11th instant to be furnished with a statement of the amount of awards made to loyal Seminoles on account of losses sustained during the war of the rebellion, in accordance with the fourth article of the treaty of March 21, 1866, showing also balance due on such account after the payment of \$50,000 made thereon, as provided also by the treaty above referred to, I have to state that the aggregate of claims filed with the commission amounted to \$216,351.20. The amount allowed on said claims was \$213,888.95 and the amount paid thereon was \$50,000, leaving an unpaid balance of \$163,888.95.

Very respectfully,

W. A. JONES, Commissioner.

It was my judgment that both the House and Senate should pass upon this claim, but the importance of getting this measure through at this time was so great that, so far as I was concerned, I was perfectly willing to waive that judgment.

Mr. CANNON. Does not the gentleman think that the bill might be amended so as to limit the amount?

Mr. CURTIS of Kansas. I am perfectly willing, so far as I am concerned.

Mr. CANNON. If my friend would put in an amendment so that it would read "not exceeding \$167,000," I should be very glad, and should feel very much safer.

Mr. CURTIS of Kansas. I ask unanimous consent that that section be amended so as to read:

That the loyal Seminole claim, not to exceed \$163,888.95, shall be submitted to the United States Senate, which shall make final determination of the same, etc.

That is the amount reported by the Commissioner of Indian Affairs as the balance unpaid upon this claim.

Mr. CANNON. Fifty thousand dollars of that has been paid. Mr. CURTIS of Kansas. No; the aggregate of claims filed with the commission amounted to \$216,351.20. The amount allowed was \$213,888.95. The amount paid was \$50,000.

Mr. CANNON. If the gentleman will modify his motion in that respect, I shall be very glad.

Mr. CURTIS of Kansas. I ask unanimous consent that that amendment be inserted.

The SPEAKER. The gentleman from Kansas [Mr. CURTIS]

asks unanimous consent to modify his proposition. The gentleman had better reduce his amendment to writing.

Mr. CANNON. While the amendment is being prepared let me ask the gentleman another question.

Mr. CURTIS of Kansas. Certainly.

Mr. CANNON. How much do I understand is held in the Treasury as a trust fund for the Seminoles?

Mr. CURTIS of Kansas. Two million and seventy thousand dollars.

Mr. CANNON. Now, \$500,000 of that is to be retained, as I understand?

Mr. CURTIS of Kansas. Retained as a permanent school fund.

Mr. CANNON. And the balance of it is to be paid out and divided among these Indians?

Mr. CURTIS of Kansas. After the allotments are made and the tribal government is extinguished, it is to be divided and paid out among the members of the tribe per capita.

Mr. CANNON. Then it is something of a bid to the Indians to discontinue the tribal government, or are they compelled to discontinue their tribal government by this agreement?

Mr. CURTIS of Kansas. I think not. The Seminole tribe entered into this agreement, and the Dawes Commission had less trouble with it than any other of the Five Tribes, and it has been ratified by the tribe.

Mr. CANNON. When do they disband the tribal relations?

Mr. CURTIS of Kansas. As soon as the allotments are made.

Mr. CANNON. It depends on the Indians?

Mr. CURTIS of Kansas. Certainly.

Mr. CANNON. This would be an incentive for them to do away with the tribal relations?

Mr. CURTIS of Kansas. They are drawing 5 per cent interest on the fund, and have been for years, and have not been over anxious to have it paid.

Mr. CANNON. On page 6, and at the top of page 7, it seems that the United States binds itself to purchase from the Creek Nation 200,000 acres at \$1.25 an acre for the Seminoles, which is to be reimbursed to the United States by said Seminole Indians.

Mr. CURTIS of Kansas. To be paid for out of the money in the Treasury. The United States simply agrees to make an effort to purchase that number of acres from the Creek Indians, and when purchased is to be paid for out of the money of the Seminoles now in the Treasury.

Mr. CANNON. I wish my friend would amend his bill to make it so provide. It says that the United States are to be reimbursed by the Seminole Indians. Now, the other provision that this trust fund is to be paid to them per capita seems to conflict with what my friend now says.

Mr. SHERMAN. There is nothing in that.

Mr. CANNON. If there is nothing in it, I do not want it modified.

Mr. CURTIS of Kansas. It was and is the intention that the land be paid for out of the trust fund now in the Treasury, but as far as I am concerned, I am willing to have the agreement amended, so there can be no question about it.

Mr. CANNON. All I want is to render it certain. Now, my friend provides in the bill that 40 acres allotted to each Indian shall be held as an allotment in perpetuity, inalienable and non-taxable. Does that take pretty much all the land on the reservation?

Mr. CURTIS of Kansas. They have 375,000 acres, and the purchase of 200,000 more makes about 575,000 acres of land. It will take about 100,000 acres of land to allot them 40 acres each.

Mr. CANNON. The burden of the government is to be thrown upon—

Mr. CURTIS of Kansas. About 470,000 acres of land. But the gentleman should remember that in the original treaty with this nation it is agreed that these lands shall be their permanent home.

Mr. CANNON. I want to ask my friend a little further. On page 6, what is the effect of the following words on the top of the page:

This agreement shall in no wise affect the provision of existing treaties between the Seminole Nation and the United States, except in so far as it is inconsistent therewith.

Mr. CURTIS of Kansas. Their general council has certain rights under the old treaties. It may enact certain laws which are to be enforced by the Indian court, and it has a right to provide for the running of their government, etc.

Mr. CANNON. All of that is to disappear when you dissolve the tribal relations?

Mr. CURTIS of Kansas. Yes; but until that time they are to have the right of passing laws, and their courts are to have limited jurisdiction. The following provision shows the extent of the jurisdiction of the United States courts:

The United States courts now existing, or that may hereafter be created, in Indian Territory shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate owned by the Seminoles, and to try all persons charged with homicide, embezzlement, bribery, and embracery hereafter committed in the Seminole country

without reference to race or citizenship of the persons charged with such crime; and any citizen or officer of said nation charged with any such crime, if convicted, shall be punished as if he were a citizen or officer of the United States, and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

Mr. CANNON. Now, I want to ask whether this provision that the treaties between the Seminole Nation and the United States are not to be affected—I am not familiar with them—whether there are provisions in those treaties that would put a burden upon the Treasury of the United States after the trust funds are paid?

Mr. CURTIS of Kansas. There is nothing that I know of.

Mr. CANNON. Well, the gentleman knows about the treaties.

Mr. CURTIS of Kansas. I have read the treaties, and it is my recollection that there is nothing of the kind.

Mr. CANNON. It seems to me it would be desirable, at as early a day as practicable, that the tribal relations should cease in the Indian Territory, and they should begin to get ready to hustle and make their way like other people. Does my friend expect under a ratification of this agreement that that time is to arrive pretty soon?

Mr. CURTIS of Kansas. This agreement is one of the first steps in that direction. The Dawes Commission was appointed for the purpose of entering into agreements with the Five Civilized Tribes to get them to give up their tribal governments and take their lands in severalty. They made a treaty with the Seminoles and they have ratified it. A general bill has passed the House, and has been reported to the Senate, to change the conditions in the Indian Territory. It is being discussed in the Senate to-day. The committee thought this tribe ought to be favored some because it had ratified the agreement made with the Dawes Commission.

Mr. CANNON. I have now, Mr. Speaker, used all the time I wish. If any other gentleman wishes any of it I will yield to him.

Mr. CURTIS of Kansas. Mr. Speaker, I ask to have the motion further modified by inserting the other amendment suggested by the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The Clerk will report the modifications which the gentleman from Kansas asks.

The Clerk read as follows:

Insert after the word "claim," in line 23, page 5, the words "not exceeding the sum of \$163,888.95."

After the word "Indians," in line 4, page 7, insert "out of the funds of said Indians now in the Treasury of the United States."

On page 8, after the word "confirmed," insert the words "as herein amended."

The SPEAKER. Is there objection to the amendments which have been reported? [After a pause.] The Chairs hears none, and they will be incorporated in the bill.

The rules were suspended; and two-thirds having voted in the affirmative, the bill as amended was passed.

CODE OF CRIMINAL PROCEDURE FOR THE DISTRICT OF ALASKA.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8571) to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for said District, with amendments reported by the Committee on the Revision of the Laws.

The SPEAKER. Is there objection? [After a pause.] There is none.

Mr. DOCKERY. I should like to know what this bill is.

Mr. WARNER. It provides a criminal code and a code of procedure thereunder for the District of Alaska. It is substantially a codification of the laws of Oregon, now governing that Territory, with such laws of the United States as are applicable.

Mr. DOCKERY. I thought we passed a bill only two or three days ago to authorize the commission to make this codification.

Mr. WARNER. No; we passed a resolution a few days ago authorizing the existing commission to draw up a civil code. This is a criminal code, which had been already drawn up, and has been reported to the House.

Mr. DOCKERY. Is it reported pursuant to the requirements of law?

Mr. WARNER. Yes, sir. Judge Culberson, Judge Thompson, and Judge Botkin are the commissioners; and under the law they were required to submit their codification or revision to the Attorney-General, who has laid it before Congress. It has been referred to the Committee on the Revision of the Laws by the Speaker of the House, and has been reported back for passage with three amendments.

Mr. DOCKERY. Does this proposed code in any respect other than the three amendments change the existing law?

Mr. WARNER. Well, there may be some additional sections which are not embraced in the laws of Oregon or the general laws of the United States. I am not certain as to that.

Mr. DOCKERY. I do not propose to object to the bill. With the experience we have had to-day, it is just about as profitable to use time in reading this bill as in any other way. Indeed, I would rather have the time consumed in this manner.

Mr. WARNER. The governor of the Territory and all the law officers up there, and also the Attorney-General, recommend the passage of this bill, and say it is necessary it should be passed at once.

The SPEAKER. The Clerk will read the bill.

Mr. WARNER. I ask unanimous consent that the reading of the bill be dispensed with.

Mr. MAHANY. I suggest to the gentleman that he ask unanimous consent to have the bill printed in the RECORD, and allow consideration of the measure to go over until to-morrow. Then such members as are interested can inform themselves about the bill from the RECORD.

Mr. WARNER. I do not think that is necessary.

Mr. KNOX. This bill has already been printed, and there is an ample supply of copies. It is a very voluminous bill, and there does not seem to be any necessity for printing it in the RECORD.

Mr. LACEY. Can the gentleman point out the paragraphs in this bill which are new provisions of law? If those can be segregated from the parts which are purely codification, perhaps the consideration of the measure might not take much time.

Mr. MAHANY. The matter is of such importance that I shall have to object to dispensing with the reading of the bill.

The Clerk proceeded to read the bill.

Mr. KNOX (interrupting the reading). Mr. Speaker, I renew the request for unanimous consent to dispense with the further reading of the bill.

Mr. MAHANY. If the gentleman can point out briefly to the House the new provisions of law embraced in this codification, I will withdraw my objection.

Mr. MAXWELL. I shall object to going on with the consideration of this bill without its being read in full.

The Clerk resumed the reading.

Mr. MAHANY (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of this bill be dispensed with, that it be printed in the RECORD, and that its consideration be the first business in order to-morrow after the reading of the Journal.

Mr. DOCKERY. If I remember correctly, a special order has already been made for to-morrow immediately after the reading of the Journal. I think it very proper that we should hear this bill read.

Mr. GAINES. This is a very important matter. None of us have had a chance to read this bill. There is not a quorum present, and it does not seem proper that we should go on with its consideration now.

The SPEAKER. Objection is made to dispensing with the reading of the bill, and the reading will be resumed.

Mr. SHERMAN. I move that the House adjourn.

Mr. LEWIS of Washington. Before the motion of the gentleman from New York [Mr. SHERMAN] is pressed, I trust I may be allowed to submit an observation. [Cries of "Regular order!"]

The SPEAKER pro tempore (Mr. LACEY) put the question on the motion to adjourn and said: The ayes appear to have it.

Several MEMBERS. Division!

Mr. SHAFROTH. I make the point of order that the motion to adjourn is not in order pending the reading of the bill.

The SPEAKER pro tempore. It is too late to make that point now.

The question being taken on the motion to adjourn, it was agreed to, there being—ayes 49, noes 9.

ENROLLED BILL SIGNED.

Pending the announcement of the vote on the motion to adjourn, The SPEAKER announced his signature to an enrolled bill of the following title:

S. 4699. An act to provide an American register for the steamship China.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 8 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a favorable recommendation, a communication from the Quartermaster-General, together with a draft of a bill relating to the better organization of his Department, was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7890) to authorize the Secretary of the Treasury to adjust

and finally settle the claims of bona fide settlers on the so-called Des Moines River lands in the State of Iowa, reported the same with amendment, accompanied by a report (No. 1515); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY of Connecticut, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 509) granting an increase of pension to John H. Sanborn, reported the same without amendment, accompanied by a report (No. 1510); which said bill and report were referred to the Private Calendar.

Mr. WARNER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4399) granting a pension to Sarah Jordan, reported the same without amendment, accompanied by a report (No. 1511); which said bill and report were referred to the Private Calendar.

Mr. CASTLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2886) to increase the pension of Thaddeus M. Joy, reported the same without amendment, accompanied by a report (No. 1512); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3705) granting a pension to Catherine Childers, reported the same with amendment, accompanied by a report (No. 1513); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3693) granting an increase of pension to Leah L. Price, reported the same with amendment, accompanied by a report (No. 1514); which said bill and report were referred to the Private Calendar.

Mr. UPDEGRAFF, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3694) for the relief of Joseph Tousaint, alias Touzin, reported the same without amendment, accompanied by a report (No. 1517); which said bill and report were referred to the Private Calendar.

Mr. RAY of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1780) for the relief of Reuben H. Waters, reported the same with amendment, accompanied by a report (No. 1518); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1453) granting an increase of pension to Henry Wilson, reported the same without amendment, accompanied by a report (No. 1519); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MILLS: A bill (H. R. 10501) to enable the President to accord redress for certain judicial errors in courts-martial, and thereby to obtain reinforcements for exigencies of war—to the Committee on Naval Affairs.

By Mr. OLMSTED: A bill (H. R. 10592) for the recognition of the military service of the officers and enlisted men of certain State military organizations—to the Committee on Military Affairs.

By Mr. HINRICHSSEN: A concurrent resolution (House Con. Res. No. 36) authorizing the Secretary of War to supply each Senator, Representative, and Delegate of the Fifty-fifth Congress who has not already received the same, a copy of the Records of the Union and Confederate Armies—to the Committee on Printing.

By Mr. JENKINS: A joint resolution (H. Res. 277) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HARTMAN: A joint resolution (H. Res. 278) authorizing preparation and delivery of medals to Lieutenant Hobson and crew for gallant conduct June 4, 1898—to the Committee on Naval Affairs.

By Mr. MCCALL: A joint resolution (H. Res. 279) authorizing the President, in his discretion, to waive one year's suspension from promotion, and to order reexamination in certain cases—to the Committee on Military Affairs.

By Mr. HILBORN: A joint resolution (H. Res. 280) directing

the Secretary of War to prepare and submit plans and estimates of dredging the channel through the shoals in San Pablo Bay off Pinole Point, in California—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HARTMAN: A bill (H. R. 10598) for the relief of Ewell P. Drake—to the Committee on Claims.

Also, a bill (H. R. 10594) to remove charge of desertion against Calvin Goodenough—to the Committee on Military Affairs.

Also, a bill (H. R. 10595) granting a pension to Fiddlar White—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 10596) for the relief of the trustees of Enon Baptist Church, Chesterfield County, Va.—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 10597) for the relief of Peter Hiestand—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 10598) for the relief of Collin Adams, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10599) for the relief of L. D. Sugg, of Lincoln County, Tenn.—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 10600) granting a pension to Samuel A. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10601) granting an increase of pension to Charles W. Tilton—to the Committee on Pensions.

By Mr. VANDIVER: A bill (H. R. 10602) for the relief of L. W. Pritchett—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 10603) to pension Martha Loveland, widow of Robert S. Loveland, alias William H. Hamilton—to the Committee on Invalid Pensions.

By Mr. HILBORN: A bill (H. R. 10604) granting a pension to Elisha T. Bisbee—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 10605) to increase the pension of Annie Cusack—to the Committee on Invalid Pensions.

By Mr. McCALL: A joint resolution (H. Res. 276) for the relief of Richard R. Steedman, United States Army—to the Committee on Military Affairs.

By Mr. HILBORN: A joint resolution (H. Res. 281) to authorize the President to appoint as an assistant engineer in the Navy Ex-Naval Cadet David M. Berry—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petitions of Charles B. Costello and M. Fisher, of Philadelphia, Pa., protesting against additional tax on snuff, tobacco, etc., in stock—to the Committee on Ways and Means.

By Mr. BAKER of Illinois: Petition of B. F. Jackson & Co., of Indianapolis, Ind., remonstrating against the adoption of Schedule B of the war-revenue bill, placing a tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. CASTLE: Petition of the Woman's Christian Temperance Union of San Diego, Cal., praying for the enactment of legislation to substitute voluntary arbitration for railway strikes—to the Committee on Labor.

Also, petitions of the Fresno District Epworth League and Woman's Christian Temperance Union, of San Diego, Cal., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union of San Diego, Cal., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union of San Diego, Cal., praying for the enactment of legislation to forbid the interstate transmission of lottery messages by telegraph, the enactment of a Sunday-rest law, and to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. DOVENER: Petition of Ella Henderson and 35 other citizens of the State of West Virginia, for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. FARIS: Papers in support of House bill No. 8095, for the relief of William Cruse—to the Committee on Military Affairs.

Also, evidence in support of the claim of George W. Wiggle for

a pension, to accompany House bill No. 6678—to the Committee on Invalid Pensions.

By Mr. FENTON: Petition of Fisher & Streich and 10 other druggists of Portsmouth, Ohio, protesting against the taxation of proprietary articles in the war-revenue bill—to the Committee on Ways and Means.

Also, papers to accompany House bill No. 8346, granting a pension to John C. Sharp, of Company G, Seventh Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 9751, to remove the charge of desertion against John Martin—to the Committee on Military Affairs.

By Mr. GIBSON: Petition of the Woman's Christian Temperance Union of Deer Lodge, Tenn., favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. LACEY: Resolution of E. B. Townsend Post, Grand Army of the Republic, Bloomfield, Iowa, objecting to the erection of a monument to Albert Pike in the city of Washington, D. C.—to the Committee on the Library.

By Mr. NORTON of Ohio: Protests of George S. Yingling, of Tiffin, Ohio, and A. O. Suber, of Carey, Ohio, remonstrating against the proposed tax on life-insurance policies—to the Committee on Ways and Means.

Also, protests of L. H. Flocken, Marion, Ohio; T. P. Hurd & Sons, Clyde, Ohio; The C. Riester Company, Galion, Ohio, and A. Billhardt & Sons, Upper Sandusky, Ohio, in opposition to House bill No. 10100, known as the war-revenue bill—to the Committee on Ways and Means.

Also, petitions of the National Cash Register Company, of Dayton, Ohio, and the Globe Company, of Cincinnati, Ohio, in favor of the passage of House bill No. 7082 and Senate bill No. 4168, to increase the force in the Patent Office—to the Committee on Patents.

Also, resolution of Goshen Grange, No. 573, of Anglaize County, Ohio, asking for the issue of legal-tender notes for war purposes—to the Committee on Banking and Currency.

By Mr. SULLOWAY: Petitions of Ellen R. Robbins and 25 others; Mrs. Arthur E. Clarke, Annie V. Batchelder, and 14 others; Eva Dodge Walker and 13 others; Andrew N. Baker and 87 others; Belle R. Daniels and 18 others, favoring the passage of Senate bill No. 4194, for the protection of birds—to the Committee on Agriculture.

By Mr. SULZER: Resolutions of Irish National Club, of New York City, Edward O'Flaherty, president, in opposition to the so-called "Anglo-Saxon alliance"—to the Committee on Foreign Affairs.

By Mr. TODD: Petition of the Sterling Remedy Company, of Indiana Mineral Springs, Ind., protesting against certain provisions in House bill No. 10100, known as the war-revenue bill—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Coldwater, Mich., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the Woman's Christian Temperance Union of Coldwater, Mich., praying for the enactment of legislation prohibiting kinetoscope reproductions of prize fights in the District of Columbia and the Territories and the transmission by mail of newspaper descriptions of prize fights—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance unions of Kalamazoo and Coldwater, Mich., for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Christian Temperance Union of Coldwater, Mich., in favor of the passage of bills to forbid interstate transmission of lottery messages by telegraph and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

By Mr. TONGUE: Petitions of the Woman's Christian Temperance Union, Presbyterian Church, Methodist Episcopal Church, Sunday school board, Epworth League, Chapter No. 4558, and public school board, all of Cresswell, Oreg., for the passage of bills to forbid interstate transmission of lottery and other gambling matter by telegraph and to protect State anti-cigarette laws—to the Committee on the Judiciary.

Also, petitions of the Young People's Society of Christian Endeavor of the Presbyterian Church of Turner, Oreg., and the Methodist Episcopal churches of Stayton, Shaw, and Turner, Oreg., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petitions of citizens of Cresswell, Grants Pass, Bethany,

Turner, Shaw, Stayton, and Yamhill, State of Oregon, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Papers to accompany House bill for the relief of Martha Loveland—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, June 7, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

BUREAU OF ENGRAVING AND PRINTING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Bureau of Engraving and Printing submitting estimates for additional appropriations for the work of that Bureau; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CHIEF ORDNANCE OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, together with draft of a bill to provide chief ordnance officers for corps and division commanders, and recommending favorable consideration; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills:

A bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians; and

A bill (S. 4048) granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation, in the State of Washington.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of the so-called convict-labor bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry seamen of the Pacific Coast, praying for the enactment of legislation for the amelioration of existing conditions in the merchant marine; which was referred to the Committee on Commerce.

Mr. WARREN presented a petition of Rocky Mountain Division, No. 103, Brotherhood of Locomotive Engineers, of Laramie, Wyo., praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. WELLINGTON presented a petition of 105 citizens of Maryland, praying for the enactment of legislation to more effectually restrict immigration; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Berlin, Md., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented the petition of H. H. Cooper, secretary of the Philadelphia Annual Conference, and sundry other colored citizens of the United States, praying for the passage of Senate bill No. 2821, providing a national memorial home for the aged and infirm colored people of the United States; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of the Wholesale Liquor Dealers' Association, of St. Louis, Mo., remonstrating against the passage of House bill No. 10258, requiring stamps to be affixed by United States gaugers to packages containing from 1 to 5 gallons of spirits; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of 52 citizens of Pottstown, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army and Navy canteens, Soldiers' Homes, immigrant stations, and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Medical Society of York County, Pa., remonstrating against the passage of Senate bill No.

1063, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1618) to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 1271) granting a pension to Clara A. Short, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1908) granting an increase of pension to George W. Nevins;

A bill (S. 896) granting a pension to Mary J. Hill; and

A bill (S. 2096) for the relief of Susana Marion.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4701) granting an increase of pension to Charles W. Tilton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3532) granting a pension to J. K. Hager, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3534) granting a pension to Annie E. Joseph;

A bill (S. 3285) to increase the pension of Mary F. Hopkins;

A bill (S. 4661) granting a pension to Ella Hayne Agnew;

A bill (S. 606) granting a pension to William Conklin;

A bill (S. 2960) granting a pension to Amos H. Goodnow;

A bill (S. 3136) granting a pension to Dr. William O. Torrey;

A bill (S. 2068) granting a pension to John B. Ritzman;

A bill (S. 2064) granting a pension to Philetus M. Axtell;

A bill (S. 4612) granting a pension to Caroline L. Guild;

A bill (S. 1258) granting a pension to Owen Devine;

A bill (S. 4635) granting a pension to John B. Boggs, Olney, Ill.;

A bill (S. 2120) granting a pension to William A. P. Fellows; and

A bill (S. 3017) granting a pension to Charles Edwin Brown.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 4429) granting a pension to Jennie P. Stover, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4509) granting a pension to John H. Morrison, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2285) granting an increase of pension to Henry Hatch, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4622) granting a pension to John S. Beatty; and

A bill (S. 4132) to increase the pension of Herman Piel.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 168) granting a pension to W. P. Snowden, reported it with amendments, and submitted a report thereon.

Mr. GORMAN, from the Committee on Private Land Claims, to whom was referred the bill (H. R. 10200) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 13, 1891, and the act amendatory thereto, approved February 21, 1893, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 1831) granting an increase of pension to Mrs. Jane V. Davidson, reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 4655) granting an increase of pension to Richard L. Titsworth; and

A bill (S. 4246) increasing the pension of Margaret Love Sherrett.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4721) to enable the President to accord redress for certain judicial errors in courts-martial, and to obtain certain reinforcements thereby for exigencies of war; which was read twice by its title.

Mr. CULLOM. I am not conversant with the contents of the

bill, but I introduce it for consideration by the committee. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. QUAY introduced a bill (S. 4732) granting a pension to George Fetterman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 4733) for the relief of Mrs. A. M. Hollingsworth, of Ocean, Allegany County, State of Maryland; which was read twice by its title, and referred to the Committee on Claims.

Mr. ROACH introduced a bill (S. 4724) granting a pension to Francis R. May; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CANNON introduced a bill (S. 4725) granting a pension to Philander C. Burch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4726) granting a pension to Sarah A. Erb; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4727) granting a pension to Annette C. Sell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 4738) to change the time of holding the United States courts in the eastern district of North Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRYE introduced a bill (S. 4729) for the relief of John Emerson, late a private in Company I, Nineteenth Maine Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 4730) to increase the pension of Levi Moser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO (for Mr. HAWLEY) introduced a bill (S. 4731) to increase the force of the Ordnance Department; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. WELLINGTON submitted an amendment intended to be proposed by him to the bill (H. R. 7389) limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States or any Territory or the District of Columbia; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. ROACH submitted an amendment proposing to appropriate \$10,000 for the maintenance of the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, and to pay expenses incurred by them and their delegation to Washington, D. C., regarding their claim for unceded lands, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate numbered 1, 2, and 3 to the bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, agrees to the amendment of the Senate numbered 4 with certain amendments in which it requested the concurrence of the Senate, and had passed an amendment to the title, in which it also requested the concurrence of the Senate.

MILITARY AND NAVAL DEFICIENCIES.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the urgent deficiency appropriation bill.

The VICE-PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the bill indicated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES UNITED STATES, June 7, 1898.

Resolved, That the House agrees to the amendments of the Senate to the bill H. R. 10565, "An act making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898," numbered 1, 2, and 3.

Agrees to amendment numbered 4 with amendments as follows:

Page 6, after line 6, insert:

"PUBLIC PRINTING AND BINDING.

"For printing and binding for the Navy Department and its bureaus, to be executed under the direction of the Public Printer, \$20,000.

"TREASURY DEPARTMENT.

"ENGRAVING AND PRINTING.

"For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees other than plate printers and plate printers' assistants, to be expended under the direction of the Secretary of the Treasury, \$20,000.

For wages of plate printers, at piece rates, to be fixed by the Secretary of the Treasury, not to exceed the rate usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, to be expended under the direction of the Secretary of the Treasury, \$12,000.

"For engravers, printers, and other materials, except distinctive paper, and for miscellaneous expenses, to be expended under the direction of the Secretary of the Treasury, \$18,000."

Page 1, line 7, after "eight," insert:

"And for other purposes."

Amend the title so as to read: "An act making appropriations to supply deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, and for other purposes."

Mr. HALE. I move that the Senate agree to the House amendments. They are only small amendments, one for printing for the Navy Department, \$20,000, and three amendments for the Bureau of Engraving and Printing for work upon stamps, which the Department desires to do at once. There are letters from the Secretary covering all of the details of the transaction. I will state to the Senator from Maryland [Mr. GORMAN] that I consulted with the Senator from Missouri [Mr. COCKRELL], who read the documents. The Senator from Maryland was not then in.

Mr. GORMAN. I merely wish to say that I am aware that these appropriations must be made, but I do not believe it is proper or wise to pursue this sort of legislation. This urgent deficiency bill came here; such measures are coming constantly, almost weekly, and here are items inserted after the Senate acted upon the bill which were never considered in the original bill when it passed through the House or when it passed here. While they may be necessary in this case, I think the heads of Departments ought to take notice of the fact that it is not the proper way to legislate.

Mr. HALE. The Senator understands that these are not items put on in conference.

Mr. GORMAN. No; items put on by the House.

Mr. HALE. Put on by the House.

Mr. GORMAN. After we amended the bill.

Mr. HALE. After we amended it.

Mr. GORMAN. It is a very unusual thing for either House to put new items on an appropriation bill in that way.

Mr. HALE. As appropriation bills go back and forth, it is the undoubted right of either branch to put on amendments. Instead of sending the bill into conference, the House agreed to our amendments and then put on other amendments that had not come up—small matters, as I think clearly the House had a right to do. It is not exceeding authority. It is put on by one body in open session and sent over to this body in open session.

Mr. GORMAN. It is a very unusual proceeding, and while it may be a necessary one here, I think the heads of Departments which have these urgency matters before them ought to make the estimates, and they ought in the first instance to be included in the bill either in the House or in the Senate. I merely wish to call attention to the fact. I have no doubt the items are all right.

Mr. HALE. They are all right. I see what the Senator wants to get at and feel the force of it. The Senator will understand that under the present condition things are coming up almost every day which no Secretary can anticipate. These came up in reference to printing and in reference to work in the Bureau of Engraving and Printing, which are made necessary to get out the work on the stamps provided for in the revenue bill. They want to do it beforehand. The Senator will see it is a case of extreme necessity.

Mr. GORMAN. They ought to have looked forward to it when the bill was under consideration.

Mr. HALE. I move that the amendments of the House be concurred in.

The amendments were concurred in.

AGREEMENT WITH THE SEMINOLE INDIAN NATION.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.

Mr. JONES of Arkansas. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

COLVILLE INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4048) granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation, in the State of

Turner, Shaw, Stayton, and Yamhill, State of Oregon, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Papers to accompany House bill for the relief of Martha Loveland—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, June 7, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
The VICE-PRESIDENT resumed the chair.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

BUREAU OF ENGRAVING AND PRINTING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Bureau of Engraving and Printing submitting estimates for additional appropriations for the work of that Bureau; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

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PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of the so-called convict-labor bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry seamen of the Pacific Coast, praying for the enactment of legislation for the amelioration of existing conditions in the merchant marine; which was referred to the Committee on Commerce.

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Mr. COCKRELL presented a memorial of the Wholesale Liquor Dealers' Association, of St. Louis, Mo., remonstrating against the passage of House bill No. 10253, requiring stamps to be affixed by United States gaugers to packages containing from 1 to 5 gallons of spirits; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of 52 citizens of Pottstown, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army and Navy canteens, Soldiers' Homes, immigrant stations, and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Medical Society of York County, Pa., remonstrating against the passage of Senate bill No.

1063, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1618) to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 1271) granting a pension to Clara A. Short, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1909) granting an increase of pension to George W. Nevins;

A bill (S. 896) granting a pension to Mary J. Hill; and

A bill (S. 2086) for the relief of Susana Marion.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4701) granting an increase of pension to Charles W. Tilton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3532) granting a pension to J. K. Hager, reported it with an amendment, and submitted a report thereon.

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A bill (S. 3285) to increase the pension of Mary F. Hopkins;

A bill (S. 4661) granting a pension to Ella Hayne Agnew;

A bill (S. 606) granting a pension to William Conklin;

A bill (S. 2960) granting a pension to Amos H. Goodnow;

A bill (S. 3136) granting a pension to Dr. William O. Torrey;

A bill (S. 2968) granting a pension to John B. Ritzman;

A bill (S. 2964) granting a pension to Philetus M. Axtell;

A bill (S. 4612) granting a pension to Caroline L. Guild;

A bill (S. 1258) granting a pension to Owen Devine;

A bill (S. 4635) granting a pension to John B. Boggs, Olney, Ill.;

A bill (S. 3120) granting a pension to William A. P. Fellows; and

A bill (S. 3017) granting a pension to Charles Edwin Brown.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 4429) granting a pension to Jennie P. Stover, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4509) granting a pension to John H. Morrison, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2235) granting an increase of pension to Henry Hatch, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4622) granting a pension to John S. Beaty; and

A bill (S. 4132) to increase the pension of Herman Piel.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 168) granting a pension to W. P. Snowden, reported it with amendments, and submitted a report thereon.

Mr. GORMAN, from the Committee on Private Land Claims, to whom was referred the bill (H. R. 10290) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 13, 1891, and the act amendatory thereto, approved February 21, 1893, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 1831) granting an increase of pension to Mrs. Jane V. Davidson, reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 4655) granting an increase of pension to Richard L. Titsworth; and

A bill (S. 4246) increasing the pension of Margaret Love Skerrett.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4731) to enable the President to accord redress for certain judicial errors in courts-martial, and to obtain certain reinforcements thereby for exigencies of war; which was read twice by its title.

Mr. CULLOM. I am not conversant with the contents of the

bill, but I introduce it for consideration by the committee. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. QUAY introduced a bill (S. 4722) granting a pension to George Fetterman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 4723) for the relief of Mrs. A. M. Hollingsworth, of Ocean, Allegany County, State of Maryland; which was read twice by its title, and referred to the Committee on Claims.

Mr. ROACH introduced a bill (S. 4724) granting a pension to Francis R. May; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CANNON introduced a bill (S. 4725) granting a pension to Philander C. Burch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4726) granting a pension to Sarah A. Erb; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4727) granting a pension to Annette C. Sell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 4728) to change the time of holding the United States courts in the eastern district of North Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRYE introduced a bill (S. 4729) for the relief of John Emerson, late a private in Company I, Nineteenth Maine Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 4730) to increase the pension of Levi Moser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO (for Mr. HAWLEY) introduced a bill (S. 4731) to increase the force of the Ordnance Department; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. WELLINGTON submitted an amendment intended to be proposed by him to the bill (H. R. 7389) limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States or any Territory or the District of Columbia; which was referred to the Committee on Education and Labor, and ordered to be printed.

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A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate numbered 1, 2, and 3 to the bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, agrees to the amendment of the Senate numbered 4 with certain amendments in which it requested the concurrence of the Senate, and had passed an amendment to the title, in which it also requested the concurrence of the Senate.

MILITARY AND NAVAL DEFICIENCIES.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the urgent deficiency appropriation bill.

The VICE-PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the bill indicated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES UNITED STATES, June 7, 1898.

Resolved, That the House agrees to the amendments of the Senate to the bill H. R. 10565, "An act making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898," numbered 1, 2, and 3.

Agrees to amendment numbered 4 with amendments as follows:

Page 6, after line 6, insert:

"PUBLIC PRINTING AND BINDING.

"For printing and binding for the Navy Department and its bureaus, to be executed under the direction of the Public Printer, \$20,000.

"TREASURY DEPARTMENT.

"ENGRAVING AND PRINTING.

"For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees other than plate printers and plate printers' assistants, to be expended under the direction of the Secretary of the Treasury, \$20,000.

For wages of plate printers, at piece rates, to be fixed by the Secretary of the Treasury, not to exceed the rate usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, to be expended under the direction of the Secretary of the Treasury, \$12,000.

"For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, to be expended under the direction of the Secretary of the Treasury, \$18,000."

Page 1, line 7, after "eight," insert:

"And for other purposes."

Amend the title so as to read: "An act making appropriations to supply deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, and for other purposes."

Mr. HALE. I move that the Senate agree to the House amendments. They are only small amendments, one for printing for the Navy Department, \$20,000, and three amendments for the Bureau of Engraving and Printing for work upon stamps, which the Department desires to do at once. There are letters from the Secretary covering all of the details of the transaction. I will state to the Senator from Maryland [Mr. GORMAN] that I consulted with the Senator from Missouri [Mr. COCKRELL], who read the documents. The Senator from Maryland was not then in.

Mr. GORMAN. I merely wish to say that I am aware that these appropriations must be made, but I do not believe it is proper or wise to pursue this sort of legislation. This urgent deficiency bill came here; such measures are coming constantly, almost weekly, and here are items inserted after the Senate acted upon the bill which were never considered in the original bill when it passed through the House or when it passed here. While they may be necessary in this case, I think the heads of Departments ought to take notice of the fact that it is not the proper way to legislate.

Mr. HALE. The Senator understands that these are not items put on in conference.

Mr. GORMAN. No; items put on by the House.

Mr. HALE. Put on by the House.

Mr. GORMAN. After we amended the bill.

Mr. HALE. After we amended it.

Mr. GORMAN. It is a very unusual thing for either House to put new items on an appropriation bill in that way.

Mr. HALE. As appropriation bills go back and forth, it is the undoubted right of either branch to put on amendments. Instead of sending the bill into conference, the House agreed to our amendments and then put on other amendments that had not come up—small matters, as I think clearly the House had a right to do. It is not exceeding authority. It is put on by one body in open session and sent over to this body in open session.

Mr. GORMAN. It is a very unusual proceeding, and while it may be a necessary one here, I think the heads of Departments which have these urgency matters before them ought to make the estimates, and they ought in the first instance to be included in the bill either in the House or in the Senate. I merely wish to call attention to the fact. I have no doubt the items are all right.

Mr. HALE. They are all right. I see what the Senator wants to get at and feel the force of it. The Senator will understand that under the present condition things are coming up almost every day which no Secretary can anticipate. These came up in reference to printing and in reference to work in the Bureau of Engraving and Printing, which are made necessary to get out the work on the stamps provided for in the revenue bill. They want to do it beforehand. The Senator will see it is a case of extreme necessity.

Mr. GORMAN. They ought to have looked forward to it when the bill was under consideration.

Mr. HALE. I move that the amendments of the House be concurred in.

The amendments were concurred in.

AGREEMENT WITH THE SEMINOLE INDIAN NATION.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.

Mr. JONES of Arkansas. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

COLVILLE INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4048) granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation, in the State of

Washington, which was, on page 2, after line 12, to insert, as a new section, the following:

SEC. 2. That any damages or injuries occasioned to private property, whether the same be a vested or inchoate right to the property injured, whether the same belong to a white man or an Indian, shall be ascertained and compensation made therefor in accordance with the laws of Washington relating to the exercise of eminent domain or the taking of private property for public use.

Mr. WILSON. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the following acts:

An act (S. 4554) to authorize the establishment of post-offices at military posts or camps; and

An act (S. 4578) to remove the disability imposed by section 8 of the fourteenth amendment to the Constitution of the United States.

THE INDIAN TERRITORY.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. PETTIGREW. I ask to have House bill 8581 proceeded with.

Mr. QUAY. I wish to submit a conference report on the Post-Office appropriation bill.

Mr. PETTIGREW. The Senate gave unanimous consent yesterday that this bill should be the order of business immediately after the close of the routine business this morning, and such being the case, I feel that it is my duty to ask the Senate to continue with the bill in accordance with that unanimous agreement.

Mr. QUAY. I suppose if unanimous consent has been given I can not prevent the taking up of the bill, but I have two objections to proceeding further with its consideration after it is taken up. First, I desire to present the report of the committee of conference on the Post-Office appropriation bill, and second, I desire to look into this Indian bill. It will not require more than an hour's examination to satisfy me as to its provisions. My attention was first called to it when I was visited by a delegation of Cherokee Indians last night, and I am really not certain what ought to be done. I am certain, however, of two propositions—one that the amendment providing for the roll of Cherokee freedmen ought to go out, and that, I understand, will go out.

Mr. PETTIGREW. I shall move to strike out that provision.

Mr. JONES of Arkansas. It is impossible to hear on this side of the Chamber. I am very much interested in hearing what is going on upon the other side.

The VICE-PRESIDENT. The Senate will be in order, so that the Senator from Pennsylvania may be heard.

Mr. PETTIGREW. I should like to have the bill laid before the Senate, and then we will proceed to discuss it.

Mr. QUAY. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes.

Mr. QUAY. Then the provision for segregating 157,000 acres of land by the Delaware Indians should go out. I am not so clear about that as I am that the freedmen's roll amendment should be defeated. The Indians themselves allege that the entire bill should be defeated; that it was passed by the House over their heads and against their will and in contravention of treaties made with them. But the bill has been carefully prepared and the subject has been thoroughly examined by the Committee on Indian Affairs, who are undoubtedly impartial.

If the bill is constitutional, it may probably be better for the Indians that something of the sort should be enacted. As I have said, one of these amendments I will resist. I understand it is to be withdrawn. The other in regard to the Delaware Indians, I think, ought to go out. I should be glad if the Senator from South Dakota would allow an hour or two for the further examination of the bill.

Mr. PETTIGREW. I will say to the Senator from Pennsylvania that the committee investigated both those questions and came to the conclusion that both of them should go out of the bill.

Mr. QUAY. But they are put in the bill by the committee. They are Senate amendments.

Mr. PETTIGREW. No; the Delaware provision is a House provision, and the other was placed in the bill because we could reach it in conference if, after investigating it, we concluded it ought not to remain. That provision we now propose to strike out.

Mr. QUAY. I do not know that I shall resist the passage of the bill with these two provisions eliminated.

Mr. PETTIGREW. I think it will take us some time to dispose of the bill, and I should like to proceed with it.

Mr. QUAY. I think eliminating those two points there will not be much opposition to it, though I am not authorized or prepared to say so. I should like to examine the Delaware amendment before the bill passes.

Mr. PETTIGREW. We will reach it in conference.

Mr. QUAY. I shall have no control over the conference; I shall have no voice there.

Mr. HALE. Let those items be passed over.

Mr. PETTIGREW. We will pass over those items.

Mr. QUAY (to Mr. PETTIGREW). Do you wish me to suspend presenting the Post-Office conference report?

Mr. PETTIGREW. I should like to go on for a short time with the bill and see what progress we can make. I think it will take but a short time.

Mr. QUAY. The understanding is distinct in any event that those two points are conceded by the committee?

Mr. PETTIGREW. Yes, sir.

Mr. BATE. I could not understand what the motion of the Senator from Pennsylvania was.

Mr. PETTIGREW. No motion was made.

Mr. BATE. He made some suggestions, but I could not understand their full import.

Mr. PETTIGREW. I will state to the Senator from Tennessee that the Senator from Pennsylvania thought the two provisions should go out of the bill. One is in regard to the roll of freedmen in the Cherokee country. The committee are of the same opinion.

Mr. BATE. Well.

Mr. PETTIGREW. The other was the provision segregating 157,000 acres of land in the Cherokee country for the Delawares, which the Senator from Pennsylvania thinks should go out of the bill, and the committee concede that also.

Mr. BATE. That is on pages 28 and 29. Is that the provision?

Mr. PETTIGREW. I do not remember just on what pages of the bill. When we reach them, I shall move to strike them out.

Mr. BATE. Mr. President, I think the bill is wrong in many respects, but I do not want to throw any obstacle especially in the way of taking action upon it. I think it is in violation of all the treaties that have ever been made with the Indians by this Government, and it is overriding moral and legal obligations. I think the whole thing is wrong. I have the treaties here, which I can read if necessary, but they have heretofore been read and the case is understood to be as I state it.

That is my main objection to this bill. But the particular points that have just been made in reference to two provisions, one in regard to the freedmen and the other in regard to the Delaware Indians, ought, I think, to go out. I was hoping that the bill would go over until it could be thoroughly understood by the Senate. It is a very important measure, involving our moral obligations to those Indians, as well as our legal rights and the rights of the Indians and citizens in that Territory.

The question of allotment comes up and the bill indorses the action of the Dawes Commission. It takes away from those Indians the courts that they have had under treaties, and every right almost they have of a political and legal character has been denied them. The bill goes on to approve the action in the past in that regard. I think that Senators owe it to themselves to look into it and to see to it, because the course of the Government toward those Indians has certainly been a source of much repression, and justly so.

But I am not going to throw any obstacle in the way of those who have the bill in charge by any further delay. However, I think the consideration of the bill ought to be postponed, and that Senators should have time to study it. I shall not object to action, though the Senator from Alabama [Mr. MORGAN] would like to be here, for he has some points that he wants to make, and I see he is not in his seat.

The VICE-PRESIDENT. The next amendment of the committee will be read.

The next amendment of the Committee on Indian Affairs was, in section 13, page 12, line 23, after the word "improvements," to insert "and in renewing any lease the rights of lessees who have made subleases shall be protected;" and on page 13, line 1, after the word "Interior," to strike out the following additional provision:

Provided further, That nothing in this act shall apply to the collection of individual royalty on oil, coal, asphalt, and other mineral, under existing contracts, for the period of nine months after the passage of this act.

So as to read:

And in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements, and in renewing any lease the rights of lessees who have made subleases shall be protected. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 14, page 13, line 11, after the word "thereunder," to insert:

And the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, as provided in Mansfield's Digest.

So as to read:

SEC. 14. That the inhabitants of any city or town in said Territory having 200 or more residents therein may proceed, by petition to the United States court in the district in which such city or town is located, to have the same incorporated as provided in chapter 29 of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated thereunder; and the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, as provided in Mansfield's Digest, and such city or town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas.

The amendment was agreed to.

The next amendment was, in section 14, page 14, line 25, after the word "aggregate," to strike out "one" and insert "two," so as to read:

And the councils of such cities and towns, for the support of the same and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon such property, not to exceed in the aggregate 2 per cent of the assessed value thereof, in manner provided in chapter 129 of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

The amendment was agreed to.

The next amendment was, on page 16, to strike out section 15, in the following words:

SEC. 15. That the United States hereby consents and authorizes each of the Five Civilized Tribes to convey by deed in fee, to any city or town which is now or may hereafter be incorporated under the provisions of this act, the lands embraced within the limits of said corporation and upon which said city or town is located, upon such terms and for such price as shall be agreed upon between said tribes and said corporation, subject to the approval of the Secretary of the Interior. If any of the cities or towns herein referred to shall purchase the lands within the corporate limits of said city or town, the chief executive officer of said corporation is hereby authorized and directed to plat the ground thus purchased into blocks, lots, streets, and alleys, and dedicate to the public said streets, alleys, and grounds reserved for public use for parks and schools; and upon said plat being approved by and filed with the Secretary of the Interior, said Secretary shall appoint an officer who, in conjunction with a person to be chosen by the city or town council, shall appraise the lots embraced in said plat at their cash value, and separate and apart from any improvements that may be located upon the same; and should said appraisers be unable to agree upon the value, the judge of the United States court for the district in which the city or town is located shall select a third person, who is not interested in said town, to assist them, and the determination of a majority of such appraisers shall be conclusive; and any person having buildings upon any of the said lots may purchase the said lots at 50 per cent of the appraised value thereof; but if the person owning the buildings upon said lots shall not purchase said lots within six months after the appraisal, as herein provided, then said lots may be sold at public auction to the highest bidder, at a price not less than 50 per cent of the appraised value thereof; and if the price received shall exceed 50 per cent of the appraised value of such lots, the remainder shall be paid to the owner of the said improvements. Lots not occupied by any person may be sold at private sale at the appraised value, or at public auction at such times and places as shall be provided for, under such rules and regulations as the Secretary of the Interior may make. The purchase money for all lots sold by the city or town under the provisions of this act shall be made in four equal annual payments, the first payment to be made within ninety days after the purchase. The proceeds of the sales of said lots shall be applied, first, to the payment of the purchase price of the land on which said town or city or village is located, and after said payment is made all sums realized from the sale of said lots shall be deposited with the Secretary of the Treasury for the use and benefit of the public schools of said city or town, and be paid out as directed by the proper school officers, subject to the approval of the Secretary of the Interior. *Provided*, That until title shall be obtained under the provisions of this section the use of all vacant lots in cities and towns now or hereafter incorporated shall be disposed of upon such conditions as may be provided by the Secretary of the Interior: *Provided further*, That in surface the use of which is reserved to present coal operators shall be included such lots in towns as are occupied by lessees' houses, either occupied by said lessees' employees or as offices or warehouses: *Provided, however*, That in those town sites designated and laid out under the provisions of this act, where coal mines are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this act.

The next amendment was, on page 19, line 13, section 16, after the word "use," to insert "the same;" and in line 21, after the word "tribe," to strike out "whose allotment of lands may hereafter disclose oil, coal, asphalt, or other minerals from using the same for his, her, or their own use and benefit, or from disposing" and insert "to dispose;" so as to make the proviso read:

Provided, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him: *Provided further*, That nothing herein contained shall impair the rights of any member of a tribe to dispose of any timber contained on his, her, or their allotment.

The amendment was agreed to.

The next amendment was, on page 20, line 8, section 17, after the word "provided," to strike out:

And any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in

any manner inclosed, at the expiration of nine months after the passage of this act, shall be deemed guilty of a misdemeanor.

SEC. 18. That any person convicted of violating any of the provisions of sections 16 and 17 of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$100, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every \$2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense.

So as to make the section read:

SEC. 17. That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided. And the United States district attorneys in said Territory are required to see that the provisions of said sections are strictly enforced, and they shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same.

The amendment was agreed to.

The next amendment was, on page 21, line 4, section 19, after the word "made," to insert "by the United States;" in line 6, after the word "of," to strike out "all expenses incurred in transacting their business and of;" so as to make the section read:

SEC. 19. That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable to the payment of any previously contracted obligation.

The amendment was agreed to.

The next amendment was, on page 21, to strike out section 21, in the following words:

SEC. 21. That all rights of way granted to railroad corporations whose lines have heretofore been constructed and at the time of the passage of this act are being operated, and those granted by act of Congress which are now in the course of construction, or are hereafter constructed as provided in the act or acts of Congress granting the right, together with such lands as they were or are authorized to take or acquire for depot or rights of way, sidings, and freight or storage purposes, are hereby confirmed.

The amendment was agreed to.

The next amendment was, on page 23, beginning with line 1, to insert:

The roll of the freedmen of the Cherokee Nation made under the provisions of the decree entered of record in the Court of Claims of the United States February 6, 1894, in the case of Moses Whitmire, trustee of the freedmen of the Cherokee Nation, against the Cherokee Nation and the United States, is hereby confirmed, and the commission of the Five Civilized Tribes shall make a roll of said freedmen by adopting the aforesaid roll as made in the aforesaid case. And it shall add thereto the names of the descendants of all persons thereon born since May 3, 1894, and the names of all persons who applied before the commission that made the roll of freedmen in said case, and whose names were not placed upon either said roll or the rejected roll of freedmen made by said commission in said case, if in their judgment the evidence offered before said commission of the Five Civilized Tribes justifies their being made citizens of the Cherokee Nation in accordance with the provisions of the said decree, and the descendants of said persons born since May 3, 1894; and from the roll thus made the said commission shall expunge the names of all persons on said roll who have died since May 3, 1894, or who shall have abjured their citizenship in the Cherokee Nation; and the roll as thus made shall be the final and complete roll of the freedmen of the Cherokee Nation.

Mr. PETTIGREW. That is the amendment in regard to the Cherokee freedmen which I ask to have disagreed to.

The amendment was rejected.

The reading of the bill was continued to line 24, page 24.

Mr. PETTIGREW. I move to strike out, commencing in line 20, after the word "thereto," down to and including the word "them," in line 24.

The SECRETARY. After the word "thereto," in line 20, page 24, strike out the remainder of the paragraph, in the following words:

And if they find that such persons have removed to and in good faith become residents upon the lands in the Choctaw Nation, and are entitled to enrollment under said article, they shall place their names on the rolls made by them.

The amendment was agreed to.

Mr. PLATT of Connecticut. After the word "thereto," in line 20, I suggest to insert "and make report to the Secretary of the Interior;" so as to read:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1890, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Mr. PETTIGREW. Very well. I think that is right.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 25, line 17, section 22, after the word "treaty," to strike out "and a sufficient amount of land shall be reserved from allotment for their use under the provisions of said treaty in case it be found that they are entitled thereto;" in line 20, after the word "acres," to insert "of land, including their present residences and

improvements;" and in line 23, after the word "them," to strike out "until their rights under said treaty are determined;" so as to read:

It shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty; and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them.

The amendment was agreed to.

The next amendment was, on page 28, line 12, section 24, after the word "of," to strike out "any property of any kind" and insert "agricultural or grazing land;" so as to make the section read:

That all leases of agricultural or grazing land belonging to any tribe hereafter made by the tribe or any member thereof shall be absolutely void, and all leases heretofore so made shall terminate at the expiration of one year after the passage of this act unless herein otherwise expressly provided; but this shall not prevent individuals from leasing their allotments when made to them as provided in this act.

Mr. PETTIGREW. In line 13, page 28, section 24, after the word "tribe," I move to strike out the word "hereafter;" in line 14, after the word "made," to insert "after the 1st day of January, 1899;" in line 15, after the word "leases," to strike out "heretofore;" in the same line, after the word "made," to insert "prior to said date;" and in line 16, after the word "terminate," to strike out "at the expiration of one year after the passage of this act" and insert "on the 1st day of January, 1899;" so that the section will read:

That all leases of agricultural or grazing land belonging to any tribe made after the 1st day of January, 1899, by the tribe or any member thereof shall be absolutely void, and all leases made prior to said date shall terminate on the 1st day of January, 1899, unless herein otherwise expressly provided; but this shall not prevent individuals from leasing their allotments when made to them as provided in this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. I move to strike out section 26 and in lieu thereof to insert what I send to the desk.

The SECRETARY. It is proposed to strike out section 26, in the following words:

SEC. 26. That before any allotment shall be made of lands in the Cherokee Nation there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the 157,600 acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April 8, 1867, and the use and occupancy of 160 acres of said land shall be allotted to each registered Delaware Indian now living, and the remainder thereof shall be reserved to the descendants of deceased registered Delawares, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement.

And in lieu thereof to insert:

That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States within sixty days after the passage of this act against the Cherokee Nation for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April 8, 1867, or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same.

Mr. PLATT of Connecticut. Ought there to be a right of appeal to the Supreme Court in that case? I ask the Secretary to read the last part of the amendment.

The Secretary read as follows:

Or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same.

Mr. JONES of Arkansas. That seems to cover it all.

Mr. MORGAN. To what court is the right of appeal?

Mr. PLATT of Connecticut. There is nothing in the amendment—that is what I was speaking of—about the right of appeal, but that, I think, may be adjusted in conference.

Mr. MILLS. I suggest to amend by saying "the right of appeal to the Supreme Court."

Mr. PETTIGREW. I have no objection.

Mr. MORGAN. I should like to hear the amendment read again. The Secretary again read the amendment.

Mr. PLATT of Connecticut. I suggest that there be added the words "with right of appeal to the Supreme Court."

Mr. JONES of Arkansas. There is no objection to that clause.

Mr. MORGAN. "Right of appeal of either party to the Supreme Court."

Mr. PLATT of Connecticut. Yes; and if anything more is required, it can be adjusted in conference.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Insert at the end of the amendment:

And with right of appeal to either party to the Supreme Court.

Mr. PETTIGREW. I accept that as part of the amendment.

Mr. BATE. I should like to have it read again.

The Secretary read the amendment as modified.

Mr. BATE. That limits it to those two parties. I want a general appeal arising from all litigation that may occur under this act, and I shall offer an amendment of that kind.

The VICE-PRESIDENT. Does the Senator from Tennessee desire to have the amendment laid over?

Mr. BATE. Oh, no.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. PETTIGREW. I move a committee amendment, to come in right after section 27.

The SECRETARY. It is proposed to insert, on page 30, after line 16, as new sections, the following:

SEC. —. That the Secretary of the Interior is authorized to prevent any unlawful or wrongful use or occupation of tribal property in the Indian Territory, and may locate one Indian inspector in the Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law relating to affairs therein.

SEC. —. That on the 1st day of July, 1898, all tribal courts in the Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all parties to civil suits then pending in any such court may transfer same to the United States court in said Territory by filing with the clerk of the court the original papers in the suit or notice of the same duly verified as such by the party taking such transfer, and said court shall try and determine the same in all respects as if said suit had been originally instituted therein.

The amendment was agreed to.

Mr. PLATT of Connecticut. The adoption of the two sections which have just been read will require that the following sections be renumbered.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 29, after the amendment just adopted, to insert as a new section the following:

SEC. 28. That the following agreement, made by the Commission to the Five Civilized Tribes, between the Government of the United States and the governments of the Choctaw and Chickasaw tribes or nations of Indians on the 28d day of April, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect when ratified by a majority of the voters of both tribes voting thereon, according to their respective laws on the subject: *Provided*, That at the election to be held for such purpose all male members of each of said tribes, qualified to vote under his tribal laws, shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not; and if said agreement, as hereby amended, is accepted by said tribe or nation, the provisions of this act shall only apply to the said tribe or nation where the same does not conflict with the provisions of said agreement, but if said agreement is not accepted by said tribe or nation within six months after the passage of this act, then, in that event, this act shall be in full force and effect as to the same:

This agreement, by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald R. McKennon, Thomas B. Cabanis, and Alexander B. Montgomery, duly appointed and authorized thereunto, and the governments of the Choctaw and Chickasaw tribes or nations of Indians in the Indian Territory, respectively, of the second part, entered into in behalf of such Choctaw and Chickasaw governments, duly appointed and authorized thereunto, viz: Green McCurtain, J. R. Standley, N. B. Ainsworth, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams, in behalf of the Choctaw Tribe or Nation, and R. M. Harris, L. O. Lewis, Holmes Colbert, F. S. Mosely, M. V. Cheadle, E. L. Murray, William Perry, A. H. Colbert, and R. L. Boyd, in behalf of the Chickasaw Tribe or Nation.

ALLOTMENT OF LANDS.

Witnesseth, That in consideration of the mutual undertakings, herein contained, it is agreed as follows:

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes (except the Choctaw freedmen) so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

That all the lands set apart for town sites, and the strip of land lying between the city of Fort Smith, Ark., and the Arkansas and Poteau rivers, extending up said river to the mouth of Mill Creek; and 640 acres each, to include the buildings now occupied by the Jones Academy, Tuskegee Female Seminary, Wheelock Orphan Seminary, and Armstrong Orphan Academy, and 10 acres for the capitol building of the Choctaw Nation; 160 acres each, immediately contiguous to and including the buildings known as Bloomfield Academy, Lebanon Orphan Home, Harley Institute, Rock Academy, and Collins Institute, and 5 acres for the capitol building in the Chickasaw Nation, and the use of 1 acre of land for each church house now erected outside of the towns, and 80 acres of land each for J. S. Morrow, H. R. Schermerhorn, and the widow of R. S. Bell, who have been laboring as missionaries in the Choctaw and Chickasaw nations since the year 1866, with the same conditions and limitations as apply to lands allotted to the members of the Choctaw and Chickasaw nations, and to be located on lands not occupied by a Choctaw or a Chickasaw, and a reasonable amount of land, to be determined by the town-site commission, to include all court-houses and jails and other public buildings not hereinbefore provided for, shall be exempted from division. And all coal and asphalt in or under the lands allotted and reserved from allotment shall be reserved for the sole use of the members of the Choctaw and Chickasaw tribes, exclusive of freedmen: *Provided*, That where any coal or asphalt is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land by the lessee or party operating the same before operations begin. That in order to such equal division, the lands of the Choctaws and Chickasaws shall be graded and appraised so as to give to each member, so far as possible, an equal value of the land: *Provided further*, That the lands allotted to the Choctaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw tribe, so as to reduce the allotment to the Choctaws by the value of the same and not affect the value of the allotments to the Chickasaws.

That the said Choctaw freedmen who may be entitled to allotments of 40 acres each shall be entitled each to land equal in value to 40 acres of the average land of the two nations.

That in the appraisement of the lands to be allotted the Choctaw and Chickasaw tribes shall each have a representative, to be appointed by their respective executives, to cooperate with the Commission to the Five Civilized Tribes, or anyone making appraisements under the direction of the Secretary of the Interior in grading and appraising the lands preparatory to allotment. And the land shall be valued in the appraisement as if in its original condition, excluding the improvements thereon.

That the appraisement and allotment shall be made under the direction of the Secretary of the Interior, and shall begin as soon as the progress of the surveys, now being made by the United States Government, will admit.

That each member of the Choctaw and Chickasaw tribes, including Choctaw freedmen, shall, where it is possible, have the right to take his allotment on land the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment. In the case of minor children, allotments shall be selected for them by their father, mother, guardian, or the administrator having charge of their estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care taken that all persons entitled thereto have allotments made to them.

All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of 160 acres, for which he shall have a separate patent, and which shall be inalienable for twenty-one years from date of patent. This provision shall also apply to the Choctaw freedman to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation—one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of the patent.

That all contracts looking to the sale or incumbrance in any way of the land of an allottee, except the sale hereinafter provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the lands sold or leased.

That all controversies arising between the members of said tribes as to their right to have certain lands allotted to them shall be settled by the commission making the allotments.

That the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

That the United States shall survey and definitely mark and locate the ninety-eighth meridian of west longitude between Red and Canadian rivers before allotment of the lands herein provided for shall begin.

MEMBERS' TITLES TO LANDS.

That as soon as practicable, after the completion of said allotments, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall jointly execute, under their hands and the seals of the respective nations, and deliver to each of the said allottees patents conveying to him all the right, title, and interest of the Choctaws and Chickasaws in and to the land which shall have been allotted to him in conformity with the requirements of this agreement, excepting all coal and asphalt in or under said land. Said patents shall be framed in accordance with the provisions of this agreement, and shall embrace the land allotted to such patentee and no other land. The Secretary of the Interior of the United States shall annex to such patent his official certificate that is drawn in accordance with the provisions of this agreement; that it embraces the land allotted to such patentee and no other land, and that he approves said patent; and said certificate shall be operative as a relinquishment of all right, title, and interest of the United States in and to the land conveyed by said patents, and as a guaranty of the United States of title to and possession of the land so conveyed, and the acceptance of his patents by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the lands of the Choctaws and Chickasaws in accordance with the provisions of this agreement, and as a relinquishment of all his right, title, and interest in and to any and all parts thereof, except the land embraced in said patents, except also his interest in the proceeds of all lands, coal, and asphalt herein excepted from allotment.

That the United States shall provide by law for proper records of land titles in the territory occupied by the Choctaw and Chickasaw tribes.

RAILROADS.

The rights of way for railroads through the Choctaw and Chickasaw nations to be surveyed and set apart and platted to conform to the respective acts of Congress granting the same in cases where said rights of way are defined by such acts of Congress, but in cases where the acts of Congress do not define the same, then Congress is memorialized to definitely fix the width of said rights of way for station grounds and between stations, so that railroads now constructed through said nations shall have, as near as possible, uniform rights of way; and Congress is also requested to fix uniform rates of fare and freight for all railroads through the Choctaw and Chickasaw nations; branch railroads now constructed and not built according to acts of Congress to pay the same rates for rights of way and station grounds as main lines.

TOWN SITES.

It is further agreed that there shall be appointed a commission for each of the two nations. Each commission shall consist of one member, to be appointed by the executive of the tribe for which said commission is to act, who shall not be interested in town property other than his home, and one member of the commission to the Five Civilized Tribes, to be designated by the chairman thereof. Each of said commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said commission is appointed. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, and one with the principal chief or governor of the nation in which the town is located, and one with the Secretary of the Interior, to be approved by him before the same shall take effect. When said towns are so laid out, each lot on which permanent, substantial, and valuable improvements, other than fences, tillage, and temporary houses, have been made, shall be valued by the commission provided for the nation in which the town is located at the price a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon. The owner of the improvements on each lot shall have the right to buy the same at 62½ per cent of the said market value within sixty days from date of notice served on him that such lot is for sale, and if he purchases the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and

when the entire sum is paid shall be entitled to a patent for the same. In case the two members of the commission fail to agree as to the market value of any lot, they shall select a third person, who is not interested in town lots, who shall act with them to determine said value.

If such owner of the improvements on any lot fails within sixty days to purchase and make the first payment on same, such lot, with the improvements thereon, shall be sold at public auction to the highest bidder, under the direction of the aforesaid commission, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot shall be sold, less 62½ per cent of said appraised value of the lot, and shall pay the 62½ per cent of said appraised value into United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinafter provided. The commission shall have the right to reject any bid on such lot which they consider below its value.

All lots not so appraised shall be sold from time to time at public auction (after proper advertisement) by the commission for the nation in which the town is located, as may seem for the best interest of the nations and the proper development of each town, the purchase price to be paid in four installments as hereinafter provided for improved lots. The commission shall have the right to reject any bid for such lots which they consider below its value.

All the payments herein provided for shall be made under the direction of the Secretary of the Interior into the United States Treasury, a failure of sixty days to make any one payment to be a forfeiture of all payments made and all rights under the contract: *Provided*, That the purchaser of any lot shall have the option of paying the entire price of the lot before the same is due.

No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold, as herein provided, shall constitute a lien on same till the purchase price thereof has been fully paid to the nation.

The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof.

That no law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the Choctaw or Chickasaw constitutions or laws, or those of the United States, and all persons in such towns shall be subject to said laws, and the United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

That said commission shall be authorized to locate, within a suitable distance from each town site, not to exceed 5 acres to be used as a cemetery, and when any town has paid into the United States Treasury, to be part of the fund arising from the sale of town lots, \$10 per acre therefor, such town shall be entitled to a patent for the same as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes, the proceeds derived from such sales to be applied by the town government to the proper improvement and care of said cemetery.

That no charge or claim shall be made against the Choctaw or Chickasaw tribes by the United States for the expenses of surveying and platting the lands and town sites, or for grading, appraising, and allotting the lands, or for appraising and disposing of the town lots as herein provided.

That the land adjacent to Fort Smith and lands for court-houses, jails, and other public purposes excepted from allotment shall be disposed of in the same manner and for the same purposes as provided for town lots herein, but not till the Choctaw and Chickasaw councils shall direct such disposition to be made thereof, and said land adjacent thereto shall be placed under the jurisdiction of the city of Fort Smith, Ark., for police purposes.

There shall be set apart and exempted from appraisement and sale in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed 50 feet front and 100 feet deep for each church or parsonage: *Provided*, That such lots shall only be used for churches and parsonages, and when they ceased to be used shall revert to the members of the tribes to be disposed of as other town lots: *Provided further*, That these lots may be sold by the churches for which they are set apart if the purchase money therefor is invested in other lot or lots in the same town, to be used for the same purpose and with the same conditions and limitations.

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole; and no patent provided for in this agreement shall convey any title thereto. The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. Such coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees, who shall be appointed by the President of the United States, one on the recommendation of the principal chief of the Choctaw Nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years. Said trustees, or either of them, may, at any time, be removed by the President of the United States for good cause shown. They shall each give bond for the faithful performance of their duties, under such rules as may be prescribed by the Secretary of the Interior. Their salaries shall be fixed and paid by their respective nations.

All coal and asphalt mines in the two nations, whether now developed, or to be hereafter developed, shall be operated, and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

All contracts made by the national agents of the Choctaw and Chickasaw nations for operating coal and asphalt, with any person or corporation, which were, on April 23, 1897, being operated in good faith are hereby ratified and confirmed, and the lessees shall have the right to renew the same when they expire, subject to all the provisions of this act.

All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain such member or members' permission to operate coal or asphalt, are hereby declared void, but the rights of such persons or corporations thereunto shall continue unimpaired hereby, and shall be assured by new leases from such trustees, but such persons or corporations shall have prior right to lease the coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement.

All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under 600 acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be 15 cents per ton of 2,000 pounds on all coal mined, payable on the 25th day of the month next succeeding that in which it is mined. Royalty

on asphalt shall be 60 cents per ton on — asphalt, payable same as coal: *Provided*, That the legislatures of the Choctaw and Chickasaw nations may reduce such royalties when they deem it for their best interests to do so. No royalties shall be paid except into the United States Treasury as herein provided.

Lessees shall pay on each coal or asphalt claim at the rate of \$100 per annum, in advance, for the first and second years; \$200 per annum, in advance, for the third and fourth years; and \$300 for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated, and its production is in excess of such guaranteed annual advance payments, and all persons having coal leases must pay said annual advance payments on each claim whether developed or undeveloped: *Provided, however*, That should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance thereon shall then become and be the money and property of the Choctaw and Chickasaw nations.

In surface, the use of which is reserved to present coal operators, shall be included such lots in towns as are occupied by lessees' houses—either occupied by said lessees' employees or as offices or warehouses: *Provided, however*, That in those town sites designated and laid out under the provision of this agreement where coal leases are now being operated and coal is being mined there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the town-site board of appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines, and a sufficient amount for all buildings and machinery for mining purposes.

And *provided further*, That when the lessees shall cease to operate said mines, then and in that event the lots of land so reserved shall be disposed of by the coal trustees for the benefit of the Choctaw and Chickasaw tribes.

That whenever the members of the Choctaw and Chickasaw tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the tribes may direct.

It is further agreed that the United States courts now existing, or that may hereafter be created, in the Indian Territory shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, possession, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw tribes; and of all persons charged with homicide, embezzlement, bribery, and embezzlement hereafter committed in the territory of said tribes, without reference to race or citizenship of the person or persons charged with such crime; and any citizen or officer of the Choctaw or Chickasaw nations charged with such crime shall be tried, and, if convicted, punished as though he were a citizen or officer of the United States.

And sections 1636 to 1644, inclusive, entitled "Embezzlement," and sections 1711 to 1713, inclusive, entitled "Bribery and Embezzlement," of Mansfield's Digest of the laws of Arkansas, are hereby extended over and put in force in the Choctaw and Chickasaw nations; and the word "officer," where the same appears in said laws, shall include all officers of the Choctaw and Chickasaw governments; and the fifteenth section of the act of Congress, entitled "An act to establish United States courts in the Indian Territory, and for other purposes," approved March 1, 1890, limiting jurors to citizens of the United States, shall be held not to apply to United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw nations; and all members of the Choctaw and Chickasaw tribes, otherwise qualified, shall be competent jurors in said courts: *Provided*, That whenever a member of the Choctaw and Chickasaw nations is indicted for homicide, he may within thirty days after such indictment and his arrest thereon, and before the same is reached for trial, file with the clerk of the court in which he is indicted, his affidavit that he can not get a fair trial in said court; and it thereupon shall be the duty of the judge of said court to order a change of venue in such case to the United States district court for the western district of Arkansas, at Fort Smith, Ark., or to the United States district court for the eastern district of Texas, at Paris, Tex., always selecting the court that in his judgment is nearest or most convenient to the place where the crime charged in the indictment is supposed to have been committed, which courts shall have jurisdiction to try the case; and in all said civil suits said courts shall have full equity powers; and whenever it shall appear to said court, at any stage in the hearing of any case, that the tribe is in any way interested in the subject-matter in controversy, it shall have power to summon in said tribe and make the same a party to the suit and proceed therein in all respects as if such tribe were an original party thereto; but in no case shall suit be instituted against the tribal government without its consent.

It is further agreed that no act, ordinance, or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of the individuals, after allotment, or the moneys or other property of the tribe or citizens thereof (except appropriations for the regular and necessary expenses of the government of the respective tribes), or the rights of any persons to employ any kind of labor, or the rights of any persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the governor thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same. Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1893. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes.

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw nations shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to said Secretary.

SEC. 33. That the following sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely:

For arrears of interest at 5 per cent per annum from December 31, 1840, to June 30, 1889, on \$184,143.00 of the trust fund of the Chickasaw Nation erroneously

dropped from the books of the United States prior to December 31, 1840, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852, and for arrears of interest, at 5 per cent per annum, from March 11, 1850, to March 3, 1890, on \$50,021.49 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March 11, 1850, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852, \$538,520.54, to be placed to the credit of the Chickasaw Nation with the fund to which it properly belongs: *Provided*, That if there be any attorneys' fees to be paid out of same, on contract heretofore made and duly approved by the Secretary of the Interior, the same is authorized to be paid by him.

It is further agreed that the final decision of the courts of the United States in the case of the Choctaw Nation and the Chickasaw Nation against the United States and the Wichita and Affiliated Bands of Indians, now pending, when made, shall be conclusive as the basis of settlement as between the United States and said Choctaw and Chickasaw nations for the remaining lands in what is known as the "leased district," namely, the land lying between the ninety-eighth and one hundredth degrees of west longitude and between the Red and Canadian rivers, leased to the United States by the treaty of 1855, except that portion called the Cheyenne and Arapahoe country, heretofore acquired by the United States, and all final judgments rendered against said nations in any of the courts of the United States in favor of the United States or any citizen thereof shall first be paid out of any sum hereafter found due said Indians for any interest they may have in the so-called leased district.

It is further agreed that all of the funds invested in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws (freedmen excepted) per capita, to aid and assist them in improving their homes and lands.

It is further agreed that the Choctaws and Chickasaws, when their tribal governments cease, shall become possessed of all the rights and privileges of citizens of the United States.

ORPHAN LANDS.

It is further agreed that the Choctaw orphan lands in the State of Mississippi, yet unsold, shall be taken by the United States at \$1.25 per acre, and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office.

This agreement shall be binding on the United States when ratified by Congress and on each tribe or nation, party hereto, when ratified by the constituted authorities of that tribe or nation, according to their respective laws on the subject.

In witness whereof the said commissioners do hereunto affix their names at Atoka, Ind. T., this the 23d day of April, 1897.

R. M. HARRIS, Governor.
GREEN McCURTAIN, Principal Chief.
ISAAC O. LEWIS,
HOLMES COLBERT,
ROBERT L. MURRAY,
WILLIAM FERRY,
R. L. BOYD.

Chickasaw Commission.

J. S. STANDLEY,
N. B. AINSWORTH,
HEN HAMPTON,
WESLEY ANDERSON,
AMOS HENRY,
D. C. GARLAND.

Choctaw Commission.

FRANK C. ARMSTRONG,
Acting Chairman.
ARCHIBALD S. MCKENNON,
THOMAS B. CABANISS,
ALEXANDER B. MONTGOMERY,
Commission to the Five Civilized Tribes.
H. M. JACOWAY, Jr.,
Secretary, Five Tribes Commission.

SEC. 30. That the following agreement, made by the Commission to the Five Civilized Tribes, between the Government of the United States and the governments of the Muscogee, or Creek, tribes, or nations, of Indians, on the 27th day of September, 1897, as amended, is hereby ratified and confirmed, and the same shall be of full force and effect when ratified by the constituted authorities of that tribe, or nation, according to their respective laws on the subject; and if said agreement, as hereby amended, is accepted by said tribe, or nation, the provisions of this act shall only apply to the said tribe, or nation, where the same does not conflict with the provisions of said agreement; but if said agreement is not accepted by said tribe, or nation, within six months after the passage of this act, then in that event this act shall be in full force and effect as to the same:

This agreement, by and between the Government of the United States of the first part, entered into in its behalf by the commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Alexander B. Montgomery, and Tams Bixby, duly appointed and authorized thereunto, and the government of the Muscogee or Creek Nation in the Indian Territory of the second part, entered into in behalf of such Muscogee or Creek government, by its commission, duly appointed and authorized thereunto, via, Pleasant Porter, Joseph Mingo, David N. Hodge, George A. Alexander, Roland Brown, William A. Sapulpa, and Concharlie Mico.

Witnesseth, That in consideration of the mutual undertakings herein contained, it is agreed as follows:

GENERAL ALLOTMENT OF LAND.

1. There shall be allotted out of the lands owned by the Muscogee or Creek Indians in the Indian Territory to each citizen of said nation 160 acres of land. Each citizen shall have the right, so far as possible, to take his 160 acres so as to include the improvements which belong to him, but such improvements shall not be estimated in the value fixed on his allotment, provided any citizen may take any land not already selected by another; but if such land, under actual cultivation, has on it any lawful improvements, he shall pay the owner of said improvements for same, the value to be fixed by the commission appraising the land. In the case of a minor child, allotment shall be selected for him by his father, mother, guardian, or the administrator having charge of his estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care shall be taken that all persons entitled thereto shall have allotments made to them.

2. Each allotment shall be appraised at what would be its present value, if

unimproved, considering the fertility of the soil and its location, but excluding the improvements, and each allottee shall be charged with the value of his allotment in the future distribution of any funds of the nation arising from any source whatever, so that each member of the nation shall be made equal in the distribution of the lands and moneys belonging to the nation, provided that the minimum valuation to be placed upon any land in the said nation shall be \$1.25 per acre.

3. In the appraisal of the said allotment, said nation may have a representative to cooperate with a commission, or a United States officer, designated by the President of the United States, to make the appraisal. Appraisements and allotments shall be made under the direction of the Secretary of the Interior, and begin as soon as an authenticated roll of the citizens of the said nation has been made.

4. All controversies arising between the members of said nation as to their rights to have certain lands allotted to them shall be settled by the commission making allotments.

5. The United States shall put each allottee in unrestricted possession of his allotment and remove therefrom all persons objectionable to the allottee.

6. The excess of lands after allotment is completed, all funds derived from town sites, and all other funds accruing under the provisions of this agreement shall be used for the purpose of equalizing allotments, valued as herein provided, and if the same be found insufficient for such purpose, the deficiency shall be supplied from other funds of the nation upon dissolution of its tribal relations with the United States, in accordance with the purposes and intent of this agreement.

7. The residue of the lands not taken in allotments (town sites, railroad rights of way, school and other exemptions and donations excepted) shall be appraised by the Secretary of the Interior and sold, in tracts of not to exceed 160 acres to any one person, to the highest bidder, at public auction, for not less than the appraised value per acre, and the proceeds paid into the Treasury of the United States.

8. Patents to all lands sold shall be issued in the same manner as to allottees.

SPECIAL ALLOTMENTS.

9. There shall be allotted and patented 160 acres each to Mrs. A. E. W. Robertson and Mrs. H. F. Buckner (née Grayson) as special recognition of their services as missionaries among the people of the Creek Nation.

10. Harrell Institute, Henry Kendall College, and Nazareth Institute, in Muscogee, and Baptist University, near Muscogee, shall have free of charge, to be allotted and patented to said institutions or to the churches to which they belong, the grounds they now occupy, to be used for school purposes only and not to exceed 10 acres each.

RESERVATIONS.

11. The following lands shall be reserved from the general allotment heretofore provided:

All lands hereinafter set apart for town sites; all lands which shall be selected for town cemeteries by the town-site commission as hereinafter provided; all lands that may be occupied at the time allotment begins by railroad companies duly authorized by Congress as railroad rights of way; 160 acres at Okmulgee, to be laid off as a town, 1 acre of which, now occupied by the capitol building, being especially reserved for said public building; 1 acre for each church now located and used for purposes of worship outside of the towns, and sufficient land for burial purposes, where neighborhood burial grounds are now located; 160 acres each, to include the building sites now occupied, for the following educational institutions: Eufaula High School, Wealaka Mission, New Yaka Mission, Wetumpka Mission, Euchee Institute, Coweta Mission, Creek Orphan Home, Tallahassee Mission (colored), Pecan Creek Mission (colored), and Colored Orphan Home. Also, 4 acres each for the six court-houses now established.

TITLES.

12. As soon as practicable after the completion of said allotments the principal chief of the Muscogee or Creek Nation shall execute under his hand and the seal of said nation, and deliver to each of said allottees, a patent, conveying to him all the right, title, and interest of the said nation in and to the land which shall have been allotted to him in conformity with the requirements of this agreement. Said patents shall be framed in accordance with the provisions of this agreement and shall embrace the land allotted to such patentee and no other land. The Secretary of the Interior of the United States shall annex to said patent his official certificate that it is drawn in accordance with the provisions of this agreement; that it embraces the land allotted to such patentee and no other land, and that he approves said patent, and said certificate shall be operative as a relinquishment of all rights, title, and interest of the United States in and to the land conveyed by said patent and as a guaranty of the United States of title to and possession of the land so conveyed, and the acceptance of his patent by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the land of the said nation in accordance with the provisions of this agreement, and as a relinquishment of all his rights, title, and interest in and to any and all parts thereof, except the land embraced in said patent; except, also, his interest in the proceeds of all lands herein excepted from allotment.

13. The United States shall provide by law for proper record of land titles in the territory occupied by the said nation.

TOWN SITES.

14. There shall be appointed a commission, which shall consist of one member appointed by the executive of the Muscogee or Creek Nation, who shall not be interested in town property other than his home, and one member who shall be an officer of the United States, to be designated by the President of the United States. Said commission shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located. No town laid out and platted by said commission shall cover more than 4 square miles of territory.

15. When said towns are laid out, each lot on which substantial and valuable improvements have been made shall be valued by the commission at the price a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon.

16. In appraising the value of town lots, the number of inhabitants, the location and surrounding advantages of the town shall be considered.

17. The owner of the improvements on any lot shall have the right to buy the same at 50 per cent of the value within sixty days from the date of notice served on him that such lot is for sale, and if he purchase the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price and the balance in three equal annual payments, and when the entire sum is paid he shall be entitled to a patent for the same, to be made as herein provided for patents to allottees.

18. In any case where the two members of the commission fail to agree as to the value of any lot they shall select a third person, who shall be a citizen of said nation and who is not interested in town lots, who shall act with them to determine said value.

19. If the owner of the improvements on any lot fail within sixty days to purchase and make the first payment on the same, such lot, with the improvements thereon (said lot and the improvements thereon having been

theretofore properly appraised), shall be sold at public auction to the highest bidder, under the direction of said commission, at a price not less than the value of the lot and improvements, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot and the improvements thereon shall be sold, less 50 per cent of the said appraised value of the lot, and shall pay 50 per cent of said appraised value of the lot into the United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. Said commission shall have the right to reject a bid on any lot and the improvements thereon which it may consider below the real value.

20. All lots not having improvements thereon and not so appraised shall be sold by the commission from time to time at public auction, after proper advertisement, as may seem for the best interest of the said nation and the proper development of each town, the purchase price to be paid in four installments, as hereinbefore provided for improved lots.

21. All citizens or persons who have purchased the right of occupancy from parties in legal possession prior to the date of signing this agreement, holding lots or tracts of ground in towns, shall have the first right to purchase said lots or tracts upon the same terms and conditions as is provided for improved lots, provided said lots or tracts shall have been theretofore properly appraised, as hereinbefore provided for improved lots.

22. Said commission shall have the right to reject any bid for such lots or tracts which is considered by said commission below the fair value of the same.

23. Failure to make any one of the payments as heretofore provided for a period of sixty days shall work a forfeiture of all payments made and all rights under the contract; provided that the purchaser of any lot may pay full price before the same is due.

24. No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold as herein provided shall constitute a lien on the same until the purchase price thereof has been fully paid.

25. No law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the constitution or laws of said nation or of the United States, or in conflict with this agreement, and all persons in such towns shall be subject to such laws.

26. Said commission shall be authorized to locate a cemetery within a suitable distance from each town site, not to exceed 20 acres; and when any town shall have paid into the United States Treasury for the benefit of the said nation \$10 per acre therefor, such town shall be entitled to a patent for the same, as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes, the proceeds derived therefrom to be applied by the town government to the proper improvement and care of said cemetery.

27. No charge or claim shall be made against the Muscogee or Creek Nation by the United States for the expenses of surveying and platting the lands and town site, or for grading, appraising, and allotting the land, or for appraising and disposing of the town lots as herein provided.

28. There shall be set apart and exempted from appraisement and sale, in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed 50 feet front and 150 feet deep for each church and parsonage. Such lots shall be used only for churches and parsonages, and when they cease to be so used, shall revert to the members of the nation, to be disposed of as other town lots.

29. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, one with the executive of the nation, and one with the Secretary of the Interior, to be approved by him before the same shall take effect.

30. A settlement numbering at least 300 inhabitants, living within a radius of one-half mile at the time of the signing of this agreement, shall constitute a town within the meaning of this agreement. Congress may by law provide for the government of the said towns.

CLAIMS.

31. All claims, of whatever nature, including the "Loyal Creek Claim" made under article 4 of the treaty of 1866, and the "Self Emigration Claim," under article 12 of the treaty of 1866, which the Muscogee or Creek Nation, or individuals thereof, may have against the United States, or any claim which the United States may have against the said nation, shall be submitted to the Senate of the United States as a board of arbitration; and all such claims against the United States shall be presented within one year from the date hereof, and within two years from the date hereof the Senate of the United States shall make final determination of said claim; and in the event that any moneys are awarded to the Muscogee or Creek Nation, or individuals thereof, by the United States, provision shall be made for the immediate payment of the same by the United States.

JURISDICTION OF COURTS.

32. The United States courts now existing, or that may hereafter be created in the Indian Territory, shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate in the territory occupied by the Muscogee or Creek Nation, and to try all persons charged with homicide, embezzlement, bribery, and embezzlement hereafter committed in the territory of said nation, without reference to race or citizenship of the person or persons charged with any such crime; and any citizen or officer of said nation charged with any such crime shall be tried and, if convicted, punished as though he were a citizen or officer of the United States; and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

ENACTMENTS OF NATIONAL COUNCIL.

33. No act, ordinance, or resolution of the council of the Muscogee or Creek Nation in any manner affecting the land of the nation, or of individuals thereof (except appropriations for the regular and necessary expenses of the government of the said nation), or the rights of any person to employ any kind of labor, or the rights of any person who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such act, ordinance, or resolution passed by the council of said nation shall be approved by the executive thereof, it shall then be the duty of the national secretary of said nation to forward same to the President of the United States, duly certified and sealed, who shall, within thirty days after receipt thereof, approve or disapprove the same, and said act, ordinance, or resolution, when so approved, shall be published in at least two newspapers having a bona fide circulation throughout the territory occupied by said nation, and when disapproved shall be returned to the executive of said nation.

MISCELLANEOUS.

34. Neither the town lots nor the allotment of land of any citizen of the Muscogee or Creek Nation shall be subjected to any debt contracted by him prior to the date of his patent.

35. All payments herein provided for shall be made, under the direction of the Secretary of the Interior, into the United States Treasury, and shall be

for the benefit of the citizens of the Muscogee or Creek Nation. All payments hereafter to be made to the members of the said nation shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to the Secretary.

37. The United States agrees to maintain strict laws in the territory of said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

38. All citizens of said nation, when the tribal government shall cease, shall become possessed of all the rights and privileges of citizens of the United States.

39. This agreement shall in no wise affect the provisions of existing treaties between the Muscogee or Creek Nation and the United States, except in so far as it is inconsistent therewith.

40. This agreement shall be binding on the United States when ratified by Congress, and on the Muscogee or Creek Nation, party hereto, when ratified by the national council of said nation.

In witness whereof, the said commissioners do hereunto affix their names at Muscogee, Ind. T., this the 27th day of September, 1897.

HENRY L. DAWES, *Chairman.*
TAMS BIXBY, *Acting Chairman.*
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
A. B. MONTGOMERY,
Commission to the Five Civilized Tribes.
ALLISON L. AYLESWORTH,
Acting Secretary.
PLEASANT PORTER, *Chairman.*
JOSEPH MINGO,
DAVID M. HODGE,
GEORGE A. ALEXANDER,
ROLAND (his x mark) BROWN,
WILLIAM A. SAPULPA,
CONCHARTY (his x mark) MICCO,
Muscogee or Creek Commission.
J. H. LYNCH, *Secretary.*

Mr. PETTIGREW. I move to amend the amendment on page 29 by striking out lines 17, 18, and 19, except the word "the" at the end of line 19, and inserting what I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 29 it is proposed to amend the amendment reported by the committee by striking out lines 17, 18, and 19, except the word "the" at the end of line 19, as follows:

That the following agreement, made by the commission to the Five Civilized Tribes, between the Government of the United States and the governments of—

And insert:

That the following agreement, concluded by the United States commissioner and the commissioners representing—

So as to read:

That the following agreement, concluded by the United States commissioner and the commissioners representing the Choctaw and Chickasaw tribes or nations of Indians on the 23d day of April, 1897, etc.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. In lines 24 and 25, on page 29, I move to strike out from the committee amendment the words, "according to their respective laws on the subject."

The amendment to the amendment was agreed to.

Mr. PETTIGREW. On page 29, line 25 of the amendment, I offer the amendment which I send to the desk, to be inserted after the last word "that."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment after the last word "that," in line 25, on page 29, by inserting:

The respective executives of said tribes are hereby authorized and directed to make public proclamation that said amended agreement shall be voted on at their next election, or at any special election to be called by such executive for the purpose of voting on said agreement, and.

The amendment to the amendment was agreed to.

Mr. PETTUS. I desire to call the attention of the Senator in charge of this bill to the fact that the bill repeals these Indian laws and still goes on and refers to them and gives authority to act under them. For instance, section 27 repeals all Indian laws of every sort and description, and yet in section 28, after striking out some of the Indian laws, it provides that the Indians are qualified to vote under their tribal laws if they wish to vote. There is great confusion as to when the laws are out and when they are in.

Mr. JONES of Arkansas. Mr. President, the bill, beginning with section 28, provides for the submission of the agreement which has heretofore been made between the Dawes Commission and the Indian tribes and for a settlement of all of these difficulties. The bill before us, on page 28, looks to a disposition of all of these questions by the Government of the United States. The Indians have not ratified this agreement. Their agents made the agreement with the Dawes Commission, and this provision of section 28 is that in case they do ratify the agreement, then the terms of the agreement shall supersede the others and shall be enforced; but, if it is not ratified, then the provisions of the bill before section 28 shall become the law and be operative in that Territory. That reconciles the apparent discrepancy pointed out by the Senator from Alabama.

Mr. PETTUS. I can not see how the law is to be enforced. First, it is absolutely repealed, and then it is proposed to enforce it for various other purposes.

Mr. PETTIGREW. If the Senator will examine the bill, he will notice that section 27 does not go into force until the tribe ratifies the agreement which follows section 28, and therefore the laws will not be repealed if the Indians ratify the agreement.

Mr. PLATT of Connecticut. There is an amendment to be offered in line 11.

Mr. PETTIGREW. I move to amend the amendment of the committee by inserting, after the word "same," in line 11, on page 30, the words "which said amended agreement is as follows, to wit."

The amendment to the amendment was agreed to.

Mr. PETTIGREW. On page 31, line 9, of the amendment of the committee, I move to strike out the words "(except the Choctaw freedmen)."

Mr. PLATT of Connecticut. I will state that they are taken care of in another place.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. On page 33, line 1, of the committee amendment, after the word "Choctaw," I move to insert "and Chickasaw;" in line 3, after the word "Choctaw," to insert "and Chickasaw;" in line 4, after the word "Choctaws," to insert "and Chickasaws;" in the same line, after the word "same," to strike out "and not affect the value of the allotments to the Chickasaws;" and also in line 6, after the word "Choctaw," to insert the words "and Chickasaw."

Mr. PLATT of Connecticut. How will it then read?

The SECRETARY. The amendment as proposed to be amended, beginning in line 25, on page 32, will then read as follows:

Provided further, That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw and Chickasaw tribe so as to reduce the allotment to the Choctaws by the value of the same.

That the said Choctaw and Chickasaw freedmen who may be entitled to allotments of 40 acres each shall be entitled each to land equal in value to 40 acres of the average land of the two nations.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. In line 24, on page 33, of the amendment of the committee, after the word "Choctaw," I move to insert "and Chickasaw."

The amendment to the amendment was agreed to.

Mr. PETTIGREW. In line 17, on page 34, after the word "Choctaw," I move to amend the amendment of the committee by inserting "and Chickasaw."

The amendment to the amendment was agreed to.

The reading of the amendment was continued to the end of line 16, on page 44.

Mr. PETTIGREW. In line 12, page 44, I move to strike out the word "thereunto" and insert "thereunder."

The amendment to the amendment was agreed to.

The reading of the amendment was resumed and continued to the end of line 21, on page 45.

Mr. JONES of Arkansas. I suggest that it was agreed that the word "all" should be inserted in line 4, page 45, before the word "lessees."

Mr. PETTIGREW. I make that motion.

The SECRETARY. In line 4, page 45, before the word "lessees," it is proposed to insert "all;" so as to read "all lessees shall pay," etc.

The amendment to the amendment was agreed to.

The reading of the amendment was continued to the end of line 9, on page 50.

Mr. PLATT of Connecticut. I suggest that what is printed as section 39 ought to be stricken out.

Mr. PETTIGREW. If it is not objected to, I move that we pass over that part of the amendment until we finish the reading of the bill.

Mr. PLATT of Connecticut. From line 10, on page 50, to line 16, on page 51.

Mr. PETTIGREW. Yes; that is the only controverted question there is, I think.

Mr. JONES of Arkansas. At any rate, the word "Sec." and the figures "32" ought to go out.

Mr. PLATT of Connecticut. Yes.

Mr. PETTIGREW. I make that motion.

The SECRETARY. In line 10, page 50, it is proposed to strike out "Sec. 32."

The amendment to the amendment was agreed to.

The reading of the amendment was continued to the end of line 5, on page 53.

Mr. PETTIGREW. I move to strike out the paragraph at the top of page 53. We provide another way of ratifying the agreement.

The PRESIDING OFFICER (Mr. WARREN in the chair). The amendment will be stated.

The SECRETARY. At the top of page 53 it is proposed to strike out the following:

This agreement shall be binding on the United States when ratified by Congress and on each tribe or nation party hereto when ratified by the constituted authorities of that tribe or nation according to their respective laws on the subject.

The amendment to the amendment was agreed to.

The reading of the amendment was continued to the end of line 16, on page 54.

Mr. PETTIGREW. I move to strike out, on page 54, line 1, beginning with the word "following," all of line 1 after the first "the," all of line 2, and all of line 3 down to the last "the," and to insert in place of it "agreement concluded by the United States commissioners and the commissioners representing."

The SECRETARY. It is proposed, on page 54, line 1, to strike out "following agreement, made by the Commission to the Five Civilized Tribes, between the Government of the United States and the governments of," and insert "agreement concluded by the United States commissioners and the commissioners representing," so as to read:

That the agreement concluded by the United States commissioners and the commissioners representing the Muscogee or Creek tribes, etc.

The amendment to the amendment was agreed to.

The reading of the amendment was continued to line 16, on page 54.

Mr. PETTIGREW. I move to insert after the word "same," in line 16, the words "which agreement as amended is as follows, to wit," so as to read:

But if said agreement is not accepted by said tribe, or nation, within six months after the passage of this act, then in that event this act shall be in full force and effect as to the same; which agreement as amended is as follows, to wit.

The amendment to the amendment was agreed to.

The reading of the amendment was continued to line 9, on page 65.

TWELFTH AND SUBSEQUENT CENSUSES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. QUAY. I rise to a privileged question. I present the report of the committee of conference on the Post-Office appropriation bill and ask that it be read.

Mr. TURPIE. I offer an amendment to the pending bill.

Mr. QUAY. That will be in order after the conference report is disposed of.

Mr. TURPIE. At the end of line 13, on page 8, I move to insert:

But not more than two-thirds of the supervisors and enumerators provided for in this act shall be members of the same political party.

I ask the particular attention of the honorable Senator from Montana [Mr. CARTER] to the amendment.

The PRESIDING OFFICER. The amendment will be received in a moment, after the conference report is disposed of.

Mr. TURPIE. I did not know there was a conference report pending.

POST-OFFICE APPROPRIATION BILL.

Mr. QUAY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 14, 16, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 13, 15, 18, and 24, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "One hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "thirteen million eight hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For experimental rural free delivery, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, \$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Strike out the amended paragraph, lines 6 to 12, inclusive, page 6 of the bill, and insert in lieu thereof the following: "For rental or purchase of canceling machines, \$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "four hundred and twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And provided further, That hereafter the Vice-President, Members and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding 3 ounces in weight, upon official or departmental business."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the word "fifteen" inserted by said amendment insert the word "thirty;" and in line 7, page 12, of the bill, after the word "inspectors," insert the words "and clerks;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "postage," in line 5 thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"Sec. 5. That a commission consisting of the chairmen of the Committees on Post-Offices and Post-Roads of the Senate and House of Representatives and three members of the Senate, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter."

"Said commission is authorized to employ experts to aid in the work of inquiry and examination, also to employ a clerk and stenographer and such other clerical assistance as may be necessary, said experts and clerks to be paid such compensation as the said commission may deem just and reasonable."

"The Postmaster-General shall detail, from time to time, such officers and employees as may be requested by said commission in its investigation."

"For the purposes of the investigation, said commission is authorized to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission, and to sit during the recess of Congress."

"Said commission shall, on or before February 1, 1899, make report to Congress, which report shall embrace the testimony and evidence taken in the course of the investigation; also the conclusions reached by said commission on the several subjects examined and any recommendations said commission may see proper to make by bill or otherwise with the view of correcting any abuses or deficiencies that may be found to exist."

"The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission."

"Any vacancy occurring in the membership of said commission by resignation or otherwise shall be filled by the presiding officer of the Senate or House, respectively, according as the vacancy occurs in the Senate or House representation on said committee."

And the Senate agree to the same.

M. S. QUAY,
W. B. ALLISON,
R. F. PETTIGREW,
Managers on the part of the Senate.
E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

Mr. PLATT of Connecticut. I wish that the last amendment as agreed to may be read once more, the one about the commission.

Mr. QUAY. I will state before it is read, in explanation of the apparent changes—

Mr. PLATT of Connecticut. Perhaps the Senator will explain the matter.

Mr. QUAY. The subjects of the investigation are the subjects indicated in the Senate amendment originally. The machinery for the investigation is taken pretty nearly from the Loud resolution, which came over from the House. The only practical changes beyond those are that it is directed that the commission shall be appointed by the Presiding Officer of the Senate and the Speaker of the House.

Mr. PLATT of Connecticut. The commission is to consist of how many?

Mr. QUAY. It is to consist of the chairmen of the two Post-Office committees and three members of the Senate and three members of the House of Representatives.

Mr. GORMAN. Appointed by the presiding officer?

Mr. QUAY. They are to be appointed by the presiding officers of the two Houses, whereas the Senate amendment left them to be selected practically by the Senate and by the House. We also made a specific appropriation of \$20,000 for the expenses of the commission, it having been indicated to the committee of conference that the contingent fund of the Senate at least would not be sufficient.

Mr. LODGE. I should like to ask the Senator from Pennsylvania, in explaining the report, how the clause now stands in regard to canceling machines?

Mr. QUAY. The House conferees receded. It stands as passed by the Senate.

Mr. LODGE. That clause was stricken out?

Mr. QUAY. On the clause regarding population the House conferees receded and the proviso was withdrawn, and the proviso dependent on that clause was also stricken out.

Mr. PLATT of Connecticut. With regard to the commission,

I understand that it is to consist of four members on the part of the Senate and four on the part of the House.

Mr. QUAY. That is my recollection. Let the amendment be read.

Mr. PLATT of Connecticut. I think it had better be read.

Mr. GORMAN. Let it be read.

The Secretary read the first paragraph of section 5 from the conference report, as follows:

SEC. 5. That a commission consisting of the chairmen of the Committees on Post-Offices and Post-Roads of the Senate and House of Representatives and three members of the Senate, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter.

Mr. QUAY. The Loud resolution commences at this point, with the machinery.

The Secretary read the remainder of the section, as follows:

Said commission is authorized to employ experts to aid in the work of inquiry and examination; also to employ a clerk and stenographer and such other clerical assistance as may be necessary, said experts and clerks to be paid such compensation as the said commission may deem just and reasonable.

The Postmaster-General shall detail, from time to time, such officers and employees as may be requested by said commission in its investigation.

For the purposes of the investigation said commission is authorized to send for persons and papers, and through the chairman of the commission or the chairman of any subcommittee thereof to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission, and to sit during the recess of Congress.

Said commission shall, on or before February 1, 1899, make report to Congress, which report shall embrace the testimony and evidence taken in the course of the investigation; also the conclusions reached by said commission on the several subjects examined, and any recommendations said commission may see proper to make by bill or otherwise with the view of correcting any abuses or deficiencies that may be found to exist.

The sum of \$30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission.

Any vacancy occurring in the membership of said commission by resignation or otherwise shall be filled by the presiding officer of the Senate or House, respectively, according as the vacancy occurs in the Senate or House representation on said committee.

Mr. GORMAN. I should like to ask the Senator from Pennsylvania what provision was made as to free rural delivery. How does that provision stand?

Mr. QUAY. Rural free delivery is provided for by an appropriation of \$150,000, applied to experimental rural free delivery. It is practically what was reported by the subcommittee of the Senate Committee on Appropriations to the full committee except that the amount is reduced \$50,000. As it came from the House to the Senate the amount appropriated was \$300,000, according to my recollection. We reduced it to \$150,000 and provided that it should be experimental. We insert the word "experimental," so that it leaves it in the bill as a continuing experiment instead of an established factor in our postal system.

Mr. GORMAN. And that is an increase of \$100,000 over the present appropriation.

Mr. QUAY. Yes; over the appropriation of last year. But it is a reduction of 50 per cent upon the House appropriation.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

THE INDIAN TERRITORY.

Mr. PETTIGREW. I now ask that the existing order be temporarily laid aside, so that we may complete the consideration of House bill 8381, which we have been considering during the morning hour.

Mr. CARTER. I desire to inquire of the Senator from South Dakota about what length of time he anticipates will be consumed in the consideration of the bill?

Mr. PETTIGREW. About thirty minutes.

Mr. CARTER. I consent to laying the unfinished business, the census bill, aside not to exceed one hour.

Mr. PETTIGREW. That is satisfactory.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota [Mr. PETTIGREW], that the unfinished business be temporarily laid aside?

Mr. CARTER. Laid aside not to exceed one hour.

The PRESIDING OFFICER. Laid aside not to exceed one hour in order to continue the consideration of the bill (H. R. 8381) for the protection of the people of the Indian Territory, and for other purposes. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from South Dakota to the numbering of the subdivisions of the amended section which is pending. There is no subdivision No. 33, but there are two No. 34.

Mr. PETTIGREW. I think that is a matter not at all important. We can change the numbering in the original agreement.

I move to strike out subdivision No. 40, beginning in line 21, on page 67, as we provide another method of ratifying this agreement.

The PRESIDING OFFICER. The proposed amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out subdivision No. 40, on page 67, as follows:

40. This agreement shall be binding on the United States when ratified by Congress, and on the Muscogee or Creek Nation, party hereto, when ratified by the national council of said nation.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee as it has been amended.

The amendment as amended was agreed to, with the exception of the part reserved, beginning in line 10, on page 50.

Mr. BATE. I inquire if the reading of the bill has been concluded?

The PRESIDING OFFICER. The reading of the bill is concluded.

Mr. BATE. I have an amendment which I wish to propose, to come in after section 26, on page 29, which I send to the desk and ask to have read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, after section 26, it is proposed to insert:

That in all suits or proceedings under or growing out of this act, or in any manner arising therefrom, touching personal and property rights, there shall be a right of appeal to the Court of Claims, the circuit courts of appeal, and to the Supreme Court of the United States in favor of any party to such suit or proceeding under the rules and regulations governing appeals from inferior courts to circuit courts of appeal and to the Supreme Court of the United States.

Mr. PETTIGREW. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Tennessee.

The amendment was agreed to.

Mr. PETTIGREW. Now, I ask that we turn back to the paragraph on page 50, the only paragraph which has been passed over in considering the bill.

The Secretary read the portion of the amendment of the Committee on Indian Affairs which had been passed over, as follows:

SEC. 32. That the following sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely:

For arrears of interest at 5 per cent per annum, from December 31, 1840, to June 30, 1889, on \$184,143.00 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December 31, 1840, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1832, and for arrears of interest at 5 per cent per annum, from March 11, 1850, to March 8, 1890, on \$56,021.49 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March 11, 1850, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1832, \$558,520.54, to be placed to the credit of the Chickasaw Nation with the fund to which it properly belongs: *Provided*, That if there be any attorneys' fees to be paid out of same, on contract heretofore made and duly approved by the Secretary of the Interior, the same is authorized to be paid by him.

Mr. PLATT of Connecticut. Mr. President, I regret, first, that I felt myself compelled to differ with the majority of the committee with reference to this item, the only item, I believe, on which there has been any difference in the committee which has not been composed or reconciled. Second, I regret that I am obliged to present my objections to this item in a Senate so thin that if a vote were taken upon it, the Senate would have no idea whatever in relation to the subject discussed. This item is for the payment of a large amount of interest to the Chickasaw Nation of Indians.

Mr. QUAY. If the Senator will permit me to interrupt him, does he not think it better that this bill should go over until tomorrow, when the Senate will probably be full and we shall be able to act more intelligently upon it?

Mr. PLATT of Connecticut. I am entirely indifferent about that.

This item is for \$558,520.54, and it is the interest on a payment of principal which has been made to the Chickasaws of \$240,000. So that the interest is nearly three times as much as the principal sum, which was paid by Congress upon a claim made by the Chickasaws and submitted to Congress and provided for in an appropriation bill.

It would take more of the time of the Senate to explain the subject thoroughly than I feel that I should be justified in occupying, but I want to say right here in the outset that if this was put upon the ground of a donation to the Chickasaw tribe of Indians in order to secure from them the ratification of this agreement, I might not stand here to oppose; but it is opening the door, and if it is to be followed as a precedent it will cost the Government more than \$5,000,000 on these Indian claims where we have paid the principal by resolution of Congress, but have not paid the interest, and it is therefore that I deem it so important.

I deem it very important to secure the ratification of this agreement by the Chickasaws and Choctaws. I suppose that if they can get this claim, which they have been presenting for years,

agreed to be paid in that agreement, they will ratify the agreement; but, Mr. President, it is not right, in my judgment, that Congress should pay it, certainly upon any other ground than as a donation or bonus to secure the ratification of this agreement.

Under treaty away back in 1832, when these Indians lived east of the Mississippi River, they were to have their lands sold and they were to be transported to a home which they selected in the Indian Territory, and which was given to them there. The cost of transporting them was to be paid out of the amount which the Government should pay them for the land.

That account was audited by the Treasury Department, and the balance was placed to their credit in a fund which the United States agreed to keep for them and to pay them interest upon. Afterwards they claimed that the United States had allowed items for the expense of transporting them, for the services of the parties who transported them, and for various other matters which ought not to have been allowed, and that claim, formally made perhaps for the first time in 1856, was carried along until it went to the Court of Claims by a reference of the Interior Department in 1883. Then, in 1890 or 1891, \$240,000 was paid back to the Indians upon the finding of the Court of Claims under the Bowman Act.

There has never been any judgment in the Court of Claims. The case was referred to the Court of Claims under the Bowman Act, and the court found that it was exceedingly difficult to decide it after fifty years had elapsed; that the testimony was voluminous, though not satisfactory in quality; but they would do the best they could with the case, and they advised that \$240,000 be paid back to the Indians, they claiming that about \$600,000 should be paid back to them. The Secretary of the Interior followed that with a recommendation that it should be done, and the Committee on Appropriations accepted, say in 1890, a portion of it, and referred back the other portion to the Secretary of the Interior, who reported that he thought that ought to be paid, too; and in 1891—if I have the years aright—the balance was paid.

So that Congress has paid back to these Indians \$240,000, which they claim has been erroneously charged to them, and now they claim that they should have the interest upon this \$240,000 from the time when the first settlement was made by the Government and the items charged against their account, which the Court of Claims thought on the whole ought not to be paid.

To show what difficulty they had with this case—and I venture to say right here that if it had been a case between white men, there would never have been any advice that the Government should pay anything; but the Indians get treated better in the Court of Claims and in Congress than do the white people, and I do not know but it is right they should—the Court of Claims stated:

Fifty years have passed since the first of these expenditures was made, and the last was made some years before the treaty of 1852. Many important events have occurred since then; the country had been convulsed by civil war; the officers having charge of the emigration are dead, or at least are not obtainable; no fraud is alleged or shown on their part; the Indians were to some extent cognizant at the time of what took place; the evidence on either side is necessarily scanty in substance, however full in volume; there is a strong probability of honesty in every such transaction, and there is also an inevitable waste. These considerations, with others which will occur to anyone who scans this voluminous record, induce us to eliminate any prima facie presumption, and forbid us from throwing upon either side the onus of meeting such a presumption. In fact, at this late day to allow the claimants to rest on their exceptions and to require of the Government proof that each of the hundreds of small items in the accounts represents an honest, economical, and legal disbursement would produce an immediate final decision adverse to the defendants, while a demand upon the claimant for proof of a dishonest, extravagant, or illegal disbursement in each instance would throw them out of court at the outset, without substantial investigation into their rights.

Then the Court of Claims went to work, guessed at the amount, and allowed as interest about a third of what the Indians claimed they ought to have.

This case stands on entirely different ground from what it would if a case against the Government had been tried under circumstances where the evidence could be produced, and where, after hearing, a judgment had been rendered against the United States. Of course the Secretary of the Interior, after an advice of that sort by the Court of Claims, felt bound to recommend that those payments should be made. So much for the way in which the principal was paid, because that has a great deal to do with the question whether we ought to pay interest upon it.

I suggest, in the first place, that the way in which this principal sum was paid, it having been personally investigated by the Court of Claims under the circumstances which I have detailed and under the statement which they made, which shows that they could only arrive at a settlement of this question by guesswork, as it were; and secondly, upon the recommendation of the Secretary of the Interior, who felt—the facts having been reported to him by the Court of Claims and their advice having been given to him—that the Government ought to pay this, the payment of the principal under those circumstances furnishes no presumption that interest ought to be paid.

Mr. SPOONER. What is the amount?

Mr. PLATT of Connecticut. The principal was \$240,000 and the amount claimed for interest, and which is proposed to be paid by this bill, is \$584,000.

But there is more than that to the case, Mr. President. The question whether the Government should pay interest or not is always a question of equity, and is not a question of law. It is said that this money was diverted away back in 1835, or thereabouts, from a trust fund; that if it had not been diverted there would have been interest paid to these Indians all along on that fund up to the present time, and that when the Government, being a trustee, diverts money from a trust fund, of course it is bound to pay interest. That is the claim that is set up here in behalf of those Indians. But still, Mr. President, interest is a question of equity, and the Court of Claims treated this interest question to some extent in this case. They said if it was a case between individuals interest ought to be paid. I quote the language of the court:

We conclude from our examination of the case that the fund of the Chickasaw Nation should be credited with the sum of \$240,164.53. In an action between individuals interest also would be allowed, for the issue presented is one of unauthorized disbursement by a trustee of trust funds expressly stipulated to be held invested in interest-bearing securities.

I beg to say that the Court of Claims, as I read the treaty, state that pretty strong. The court continues:

We refrain, however, from expressing any opinion on this subject, as the question must necessarily be taken to the legislative department of the Government, which alone has power to grant relief, which will consider the equities of the case and which will decide whether it is one wherein the doctrine should be waived that, as the sovereign does no wrong and is ever ready and willing to pay just debts, the Government pays no interest.

There are some equities in this case which, as it seems to me, operate against any claim for the payment of this interest.

Mr. SPOONER. Will the Senator allow me to ask him a question for information, as he goes along?

Mr. PLATT of Connecticut. Certainly.

Mr. SPOONER. Was there a diversion of an interest-bearing trust fund by the Government?

Mr. PLATT of Connecticut. A portion of it was never put into the Treasury as a trust fund and interest paid upon it; that is to say, as to a portion of it these expenses were deducted—and the Indians say erroneously deducted—before the money went into the trust fund technically; and as to the others—

Mr. SPOONER. The money would have been invested in a trust fund if it had not been erroneously deducted?

Mr. PLATT of Connecticut. It would; but it never actually reached the condition of being a part of a fund as to which interest was paid, as a portion of it—\$56,000 of it—was taken out of the fund on which interest had been paid.

Mr. SPOONER. As a matter of equity between the Government and the Indians?

Mr. PLATT of Connecticut. I do not think that cuts any figure. The Government took this money and invested it in certain State stocks of the State of Arkansas, the State of Tennessee, and possibly of another State. As is well known, those States defaulted on the interest away back in 1863, and the Government has been paying that interest ever since to those Indians, as I hold, without any legal obligation to do so. A trustee is not bound to guarantee the investment which he makes, so long as he exercises sound discretion.

It is said by the attorneys who pressed this claim that the Government agreed to keep the money invested in stocks which should pay interest, but it did not. This was the language:

The funds thence resulting, after the necessary expenses of surveying and selling, and other advances which may be made, are repaid to the United States, shall from time to time be invested in some secure stocks, redeemable within a period of not more than twenty years; and the United States will cause the interest arising therefrom annually to be paid to the Chickasaws.

There is nothing special about the agreement and the treaty which the Government made with reference to guaranteeing the investment and paying interest which justifies the claim that the Government in this case was under any obligation which an ordinary trustee would not be under, and, as I have said, a trustee does not either in law or in equity guarantee the continued soundness of the security in which he makes the investment of a trust fund.

Mr. LINDSAY. Did the Government use this money for its own purposes while it was acting as trustee?

Mr. PLATT of Connecticut. No; I suppose not. The Government invested it, as I said, in certain State stocks and State bonds.

Mr. JONES of Arkansas. And took all those over for Government account and assumed the debt itself.

Mr. PLATT of Connecticut. I do not think so.

Mr. JONES of Arkansas. There is no doubt about it.

Mr. PLATT of Connecticut. I do not think so. I know that within a year or two we have made a settlement with the State of Arkansas; but I do not want to go back to that old settlement. I do not myself think much of the settlement.

Mr. FRYE. Nor does anybody else.

Mr. PLATT of Connecticut. But we made a settlement with the State of Arkansas in which they have accounted after a fashion in that settlement to the Government for the principal and the interest of the Arkansas bonds.

Mr. JONES of Arkansas. And the Government agreed to it.

Mr. PLATT of Connecticut. Yes; and the Government agreed to it, and the interest on that amounted to \$154,000, which the State of Arkansas has in some sense refunded to the United States within a year or two; but there were of Tennessee sizes \$202,800; there were of Tennessee five-and-a-halves \$66,666.66, and also \$104,000, the principal amounting to \$170,000. If anything has been paid on those, it has been paid since March 5, 1894. I do not think anything has been paid on them.

So, Mr. President, all along since 1862 the Government has assumed this investment, paid the interest to the Indians yearly, made good or were to make good to the fund the bonds which became worthless. In addition to all that, these Indians asked that we should pay them the interest on this doubtful claim away back to 1832, 1833, or 1834.

The Senator from Arkansas says that the State of Arkansas settled with the Government; that is to say, it has redeemed its bonds and the defaulted interest upon them; but one thing is very certain—the Government began to pay this interest when it was not receiving interest from these bonds, and as far back as 1862 appropriated for it every year, and nobody has reimbursed the Government for the interest upon the interest which it thus assumed and paid. If the Indians had claimed interest on a claim of this sort, running so far back into the past and adjudicated under the circumstances which I have mentioned, certainly the Government has a right to say that upon every payment for interest that it made to these Indians for the last thirty-five years there should be interest reckoned to-day upon the amount so paid out. There will be no claim that the State of Arkansas has done that or that the State of Tennessee has done it. There has been no reimbursement, as I understand it, by the State of Tennessee.

I said that the States began to default on these bonds in 1861. I find I was mistaken about it. The States defaulted on the bonds as far back as 1845, and in 1846 we first began to make the appropriations. The first one was "to make good the interest on investments in State stocks and bonds for various Indian tribes not yet paid by the States, to be reimbursed out of the interest when collected." That was \$66,000, and so we went on year after year appropriating every year large amounts of money until finally I think we made some general appropriation.

Since 1879 we have made ten annual appropriations from the Chickasaw trust fund for interest due the Chickasaw national fund. So, from 1845 up to the present date we have been paying the interest on this fund when we were not receiving it from the securities in which it had been invested, and in any settlement made by the State of Arkansas there has been no allowance to the Government for the interest upon the interest which the Government has thus paid out. Take the very first item, where the Government appropriated for interest which the States were not paying, in 1846, \$68,000. If you were to reckon the claim of the Government for interest upon that money the same as the Indians reckon their claim upon the Government for the interest on their trust fund, which they say was diverted, the Government would be entitled to two or three times the amount of the sum paid out in 1845 as interest.

Mr. President, I do not know that there is anything more to be said about this matter. The Senator from Arkansas and the chairman of the committee feel that the Government, by its action, is in some way pledged to the payment of this interest. I can not see it. It seems to me that a question whether we will pay interest on a claim must be a question of equity, and no matter if the interest arises by diversion of a trust fund or by failure to pay a debt when it is due and when we ought to pay it, it is always a question of equity, and in this case it seems to me the equities are overwhelmingly in favor of the Government. We will call the Arkansas bond question a settled one; but I venture to say, without having made any exact computation, that if the Government is to be made good for those bonds in which this was invested, and properly invested at the time, and upon which it has not received principal or interest, and is to be made good for interest upon the payments which it has advanced to these Indians, that they might have their interest year by year when the Government received no fund to turn over to them, there would be a very much larger claim on behalf of the Government as against this fund and against these Indians, equitably, than the amount which they set up here as claim for interest.

Mr. JONES of Arkansas. Mr. President, I will detain the Senate but a few moments. The facts in this case are so clear and so simple that they need no argument.

This is not a proposition to have the Government pay interest on a claim. In 1833 the Chickasaw Indians sold a large quantity of land east of the Mississippi River, and the Government got the money. By a treaty agreement made between the Chickasaws

and the Government at that time the money was to be kept in the Treasury of the United States as a trust fund and the Government was to pay interest at the rate of 5 per cent on it. A short time afterwards, only a few years afterwards, the Chickasaws began to complain that there were misappropriations of the trust fund; that amounts of it were being used to pay debts for which they were not liable, but were the debts of the Government of the United States. They failed to get a settlement of this matter until a treaty was made in 1852, which provided that this matter should be investigated and looked into.

The question whether the Government had used this trust fund improperly was left to the Court of Claims. The Indians claimed that a very large amount had been thus misappropriated. The Government contended that there had been none. The court found that \$240,000 had been thus used by the Government improperly. The Congress of the United States restored every dollar of that money to the trust fund. It was bearing interest before it was misappropriated; it has borne interest since it was restored, and in all conscience it must bear interest during the time the Government had the use of the money which it did not own and which belonged to the Chickasaw Nation.

Now, there was a part of this, as stated by the Senator from Connecticut, which had not gone distinctly into the trust fund at the time of the misappropriation; but, as was drawn out by the Senator from Wisconsin and as stated by the Senator from Connecticut, it would have been in the trust fund and would, by the express terms of the treaty have been bearing 5 per cent interest if it had not been so misappropriated; and for that reason even that part of it can not be considered in any sense interest on a claim. It is simply a proposition whether the Government of the United States will in good faith pay the interest which it solemnly agreed with these wards of the nation it would pay to them for their money which the Government has used during all this time.

The fact that the interest amounts to \$558,000 on a claim of \$240,000—the size of the sum—is merely a badge of the enormity of the wrong of which the Government is guilty in holding out the \$240,000 from the use of these Indians for so great a length of time. If it had been restored in one year the claim for interest would have been small, or if it had been restored in ten years it would have been infinitesimal compared with what it is now; but when they held this amount, some of it from 1835 or 1840 down to 1890, the Government certainly can not complain because its own stipulated interest at 5 per cent has accrued in that time to be a larger amount than the principal, and there is nothing wrong in it.

Mr. PETTIGREW. Is the amount now greater than would have been the sum that the Indians would have received if the Government had not misappropriated the money?

Mr. JONES of Arkansas. It is not.

Mr. PETTIGREW. And there is no compound interest?

Mr. JONES of Arkansas. There is not. It is simple interest all the time, and the Indians might have had the use of some of this identical money fifty years ago, and the Government would have been responsible for interest on it. The Government has failed to pay interest on interest. It has merely allowed simple interest for this trust fund which it had in its own hands all these years. I can not understand how any man can hesitate for a moment to recognize the justice and equity of this matter.

The Secretary of the Interior himself found in favor of the Indians. Hesitating somewhat about it, he referred the matter to the Court of Claims, and while the Court of Claims did not report in favor of all that the Indians claimed, or nearly all that the Indians claimed, that court, a court of the United States, did find that the money was due these people, and the Secretary so reported. It seems to me there should have been no hesitation to have provided at that time for the payment of the interest justly due on the trust fund.

These are the simple facts in the case, and I do not propose to discuss it any further.

Mr. PETTIGREW. Mr. President, I will state, in addition, that this claim has been recommended by the Secretary of the Interior very recently, and has been recommended by him every time it has been referred to him, four or five times. I agree with the statement of facts as made by the Senator from Arkansas. I do not regard this as an ordinary interest claim. I think the Congress has always refused to pay an ordinary interest claim. I know the Committee on Indian Affairs has always refused to recommend the payment of such claims, but in this case the money was in the hands of the Government as a trust fund and we diverted it.

We decided that we diverted it, and we afterwards paid the principal to these people. If we had not diverted it, each year we would have paid this interest up to the time when we paid the principal. The Indians would have got the money year by year, and not only had the use of it, but, if they chose, had the interest upon the interest which now we do not give them. It seems to me it is entirely different from an ordinary claim for interest and

is a most equitable claim. For that reason I voted to put it in the bill.

The PRESIDING OFFICER. The question is on agreeing to that part of the amendment on page 50, beginning with line 10, down to line 16, on page 51, which was passed over.

The amendment was agreed to.

Mr. MORGAN. I offer an amendment to come in after section 27.

The SECRETARY. Following the two additional sections which were inserted after section 27, it is proposed to insert:

Any person or corporation that is a party in any proceeding before any commission or court which involves a claim to any right or privilege arising under this act or to the right of citizenship in any tribe of Indians to which this act is applicable shall have the right to an appeal from the final ruling or judgment of such court or tribunal to the circuit court of appeals for the eighth circuit, and from such court to the Supreme Court of the United States, under the rules and regulations governing appeals in other cases.

Mr. PETTIGREW. I have no objection to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. BATE. Mr. President, before a vote is taken, I wish to enter my protest. I think it is doing a very marked injustice to the Five Civilized Tribes. They have rights that the Government of the United States guaranteed unto them. It has guaranteed unto them those rights in the most solemn and sacred manner by treaties, and this bill violates those treaties. We have for the last few years, especially since the establishment of the Dawes Commission, I think in every Congress, more or less violated the treaties. This, however, seems to be the consummation of it, the finality of it. Let me call attention to section 27, referred to by the Senator from Alabama [Mr. PETTUS]:

That on and after the passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory.

That sweeps all the laws of the Indians away, all their courts of justice, all their juries, all their local officers, and all the rights they have under the treaties which they have been given and guaranteed by the Government of the United States. Treaties which were entered into solemnly, which have been approved by the country, and which have lasted now ever since 1830 and 1835. Let me just read a line of one. I do not want to make a speech here. I know it will be useless. The treaty of 1835 provided:

But they—

The United States—

shall secure to the Cherokee Nation the right by their national councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them.

This is but a specimen of other treaties, and shows that in the very treaty itself we gave them the right to make their own laws, to govern themselves, to establish their courts, and to carry on their institutions, which they have done—their schools, their colleges, their churches, their hospitals, and everything required by social as well as political necessities. They have those institutions there, and they have them in fine style, sir, in acceptable form, and they are being conducted so as to be beyond just criticism.

Now, then, we go along and encroach upon them inch by inch, Congress after Congress, until at last you have got to the main redoubt, and here it is destroyed. It is swept away in the twenty-seventh section and is all gone. I for one, sir, desire to enter my protest against it from a high moral standpoint, as well as a legal and political standpoint; and when I have said that, I have said all I care to say, for I know no argument, no recitation of historic facts, the reading of solemn treaties, nor anything else, under existing conditions, will stop the passage by the Senate of this House bill.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the bill be printed as passed by the Senate, showing the amendments of the Senate and all in regular order.

Mr. PETTIGREW. I have no objection to that.

The motion was agreed to.

Mr. PETTIGREW. I move that the Senate request a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. JONES of Arkansas, and Mr. PLATT of Connecticut were appointed.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. CARTER. Let the unfinished business be proceeded with. The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. CARTER. I suggest to the Senator from Missouri the amendment which I send to the desk as meeting the objections urged by him yesterday afternoon to the first or second paragraph of the bill.

The PRESIDING OFFICER. The Chair is of opinion that there is an amendment pending offered by the Senator from Indiana.

Mr. CARTER. Then I withdraw the amendment for the time being.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana [Mr. TURPIE] will be stated.

The SECRETARY. At the end of line 13, on page 8, it is proposed to insert:

But not more than two-thirds of the supervisors and enumerators provided for in this act shall be members of the same political party.

Mr. TURPIE. Mr. President, I hope this amendment may be acceptable to the honorable Senator from Montana who has charge of the bill. Our census literature is very expensive and very voluminous. It ought, therefore, to be the most true, the most real, the most genuine in character. The people of the United States ought not to be placed in a position where they will have any suspicion that the computations were made for partisan purposes. The readers of the census ought to have the assurance that it is a true and authentic account of the matter presented; that it is true they ought to believe, and they ought to have no reason for believing otherwise. It will be a great reinforcement in the way of authenticity and veracity to have mixed appointments of the officers as provided in the amendment. I therefore hope the amendment will be agreed to.

Mr. CARTER. I have no objection to urge to the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. CARTER. After the word "act," in line 5, page 3, I move to insert what I send to the desk.

The SECRETARY. After the word "act," in line 5, page 3, it is proposed to insert:

Provided, That in addition to the director, assistant director, and five chief statisticians, not to exceed twenty-five persons shall be appointed in or in connection with the Census Office prior to January 1, 1899.

Mr. CHANDLER. Is that moved by the Senator from Missouri? Mr. COCKRELL. It is not. The Senator from Montana has not offered the other amendment about the disbursing clerk.

Mr. CARTER. I will state to the Senator from Missouri that certain members of the committee thought it unwise to offer the amendment contemplated relative to the disbursing officer which it was expected to offer at this point.

Mr. COCKRELL. I shall certainly move to strike that out. There is no earthly use for a paymaster to pay twenty-five or thirty men for a year or two.

Mr. CHANDLER. I ask to have the amendment stated again.

Mr. COCKRELL. Read the amendment again. Is it a proviso or an addition?

Mr. CARTER. It is a proviso.

The Secretary again stated the amendment.

Mr. CHANDLER. Twenty-five in addition?

Mr. CARTER. In addition to the director, assistant director, and five statisticians.

Mr. CHANDLER. That is 7, and 25 and 7 make 32.

Mr. CARTER. Thirty-two in all. That is the limit up to January 1, 1899.

Mr. CHANDLER. Not exceeding thirty-two in all prior to next January. I hope the Senator from Missouri will deem that generally satisfactory. I care nothing about the disbursing clerk, but it seems to me that that force will be necessary, and I am quite willing to agree that no more will be necessary.

Mr. COCKRELL. I think it is ample; and if they will go to work and do what they ought to do they can be usefully employed. I am satisfied of that. They can facilitate the rapid taking of the census very greatly if they will prepare all the necessary instructions and the blanks that will be required and let them be published. Let those in regard to agriculture be published in the agricultural journals and in newspapers throughout the country. They will all do that. As to statistics of mortality, etc., let them be published in the medical journals and go through the hands of all the doctors and surgeons in the country. A more perfect census can be taken if this is done, and I shall accept this in lieu of the amendment I offered.

Mr. CHANDLER. I am very glad the Senator does accept it. I desire to say to him that I have no doubt that all that will be required of the farmer can be stated on one page, in one circular,

and the farmers in that way can be notified what books of account it will be advisable for them to keep, beginning next January, for the year, and these instructions can be printed and circulated. A million of them would cost very little.

Mr. COCKRELL. They ought to be circulated and they ought to be printed in the papers.

Mr. CHANDLER. As the Senator says, they will be printed in the agricultural newspapers and various other journals. Then as to the manufacturing industries, an account of which is to be taken from July 1 of next year to July 1, 1900, there will be six months in which to give out the scheme for this, and very much will be gained by allowing this preparation to be made, which I am satisfied can be made with a force of thirty-two persons.

Mr. COCKRELL. I now move, on page 3, to strike out, after the amendment just inserted, the closing part of line 5, down to section 3. I believe it is.

Mr. CHANDLER. The whole of the remainder of the section. The SECRETARY. It is proposed to strike out, after the amendment just adopted, beginning with "the disbursing clerk," on page 3, line 5, down to and including the word "thereof," in line 16, and insert:

The disbursing clerk of the Department of the Interior is hereby authorized and directed, under the supervision of the Secretary of the Interior, to disburse all moneys now and hereafter appropriated as provided in this act for taking the Twelfth and subsequent censuses. Before entering upon his duties as said disbursing clerk, he shall give bond, additional to the bond already given by him as disbursing clerk of the Department of the Interior to the Secretary of the Treasury, in the sum of \$25,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bonds shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof. And that for and in consideration of the additional responsibilities and duties imposed upon him, and for the reason that he shall be required to give an additional bond in connection with this office, he shall receive an annual compensation of \$1,000 additional to that received by him as disbursing clerk of the Department of the Interior, the same to be paid from the appropriations herein and hereafter provided for taking the Twelfth and subsequent censuses.

Mr. COCKRELL. This clerk is the disbursing officer of the Interior Department, and is already a bonded officer, familiar with paying employees, and all that. He can keep the rolls and make these payments a great deal better, more promptly, and in every way with less difficulty in the adjustment of the accounts than any new disbursing officer, and it will be found to be safer in the end. I hope the amendment will be accepted.

Mr. FRYE. Neither would he have so many to pay as an army paymaster.

Mr. COCKRELL. No; not near so many.

Mr. CARTER. I have no warrant from the committee to authorize me to accept the amendment, but I suggest that the Chair take the sense of the Senate upon it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. COCKRELL. I move to strike out, in line 11, page 2, the words "one disbursing clerk."

The amendment was agreed to.

Mr. CARTER. I likewise suggest that the words "disbursing clerk," in line 21, page 2, be stricken out. I move that amendment.

The amendment was agreed to.

Mr. DAVIS. I should like to ask a question of the chairman of the committee, not perhaps relative to anything in particular under discussion. Is there any attempt made in this bill to provide that the census shall be published in full at any time during the decade for which it is taken? I was a member of the committee which framed the last census bill. We thought we had provided to that end. The years have rolled by. The publication is not yet fully completed, and in many respects the fruits of the last census are utterly useless for any practical purposes.

Mr. CARTER. I will state to the Senator from Minnesota that the more prompt publication of the census reports was a matter of serious consideration with the committee from the very inception of its work on this bill. In order to attain the end, and the very desirable end, suggested by the Senator from Minnesota, it will be observed that we confine the decennial census proper to inquiries concerning four subjects only, that is, population, vital statistics, mortality, manufactures and agriculture. It is believed that by thus confining the work to the limits to which such work may be confined in the acquisition of information by house to house canvass, we can secure the publication of the reports on these four subjects within two years at least from the date of the enumeration.

Mr. DAVIS. I am very glad to learn that the matter has been considered in that way. I became convinced during the progress of taking the last census that the fault in the preceding bill was the endeavor to cover too much ground and obtain statistics upon too many topics; that an infinite process of subdivision and

matter of a comparatively irrelevant character were provided for.

Mr. CHILTON. Mr. President, I have examined the pending bill carefully, and with one or two amendments, it seems to me it will become an admirably constructed measure. I for one desire to congratulate the members of the Senate Census Committee for the skill which they have displayed in preparing for the work of the next census. I think, as stated by the Senator from New Hampshire [Mr. CHANDLER] yesterday, and as explained by the Senator from Montana [Mr. CARTER] in his very able speech, that it is highly important that the foundations at least of the work of taking the Twelfth Census should be laid immediately. Much of the trouble which has been referred to by the Senator from Minnesota [Mr. DAVIS] arose from the delays and changes which took place after the plans for the last census had been carefully mapped out.

Many of the forms were thrown away after they were printed and new forms published. Certain new branches of inquiry were provided for by statute after all the main work of the census had been planned and to some extent entered upon. All this should be avoided in connection with the Twelfth Census. I believe that anyone who examines this bill and compares it with previous census bills is bound to be struck with the marked improvement which it exhibits.

Mr. CARTER. I move that on page 12, line 4, the word "or" be stricken out immediately preceding the word "interpreter," and after the word "interpreter" to insert "special agent or other employee."

The amendment was agreed to.

Mr. COCKRELL. In regard to the time which the census is to take, the Senator from Montana gave two years within which to publish it. I say this work can be done in a much shorter time, and it ought to be done in a much shorter time. We do not want the census books published eight and ten years after the date at which the information is obtained and the data given.

With proper arrangements and the assignment of competent officials we ought to have the returns of population and all connected with population, mortality, and all that in a very few months after the 1st day of June, 1900. I do hope that the Committee on the Census will see that in the administration of the work there is absolute promptness and celerity used by the officers and that they have everything prepared in advance, because they will be severely censured if they do not have them prepared and if we do not have the census taken at an earlier date than the last census, which is not yet published.

Mr. MONEY. I wish to ask the Senator in charge of the bill a question. My recollection is that in the last census the agents who compounded the special statistics used almost altogether foreign terms to express, for instance, space or measure, weight, coins, and so on. I ask the Senator from Montana if that is true or not, with a view of offering an amendment that everything submitted by the agents of the census shall be in the English language, and, as far as coins are concerned, in the American language. As a matter of fact, they load up things here with foreign terms that nobody understands. There is no man in the Senate who does not have to go to the dictionary to read one of them, and then has to go to it perhaps a dozen times before he gets through reading one article. As we are publishing the census reports for the benefit of the American people, I do not want anything published in a foreign tongue. I ask the Senator if he has any recollection whether that has been the custom heretofore?

Mr. CARTER. I believe the preparation of the schedules heretofore has been left to the discretion of the Director or the Superintendent of the Census, subject to supervision by the Secretary of the Interior. I am not aware of the unnecessary employment of foreign terms in connection with the preparation of the schedules. It is true that in the electrical work many new and very strange terms were employed of necessity, because the rapid development of knowledge on that subject really led to a system of piracy from all the languages, particularly the Greek language, which I believe contributed rather copiously to the technical terms required in that particular science.

Mr. MONEY. The Senator will pardon me; I did not allude to those terms which are purely technical, but I alluded to common terms. Take, for instance, hectoliter and all that sort of stuff used instead of the American terms or English terms; take francs, marks, groschen, and I do not know what else for dollar, and meters instead of yards and miles, and so on. I mean to say that whenever there is a term in the English language which may carry the idea we should provide that these agents are not to use any other. If they want to say so many hectoliters, or so many meters, or anything of that sort, let them put with it the same term in English, reduced to its English value.

Mr. CARTER. I think that unquestionably ought to obtain as the rule of action, and I have no doubt the director of the census would so prescribe the rule.

Mr. MONEY. I want to offer as an amendment "that all

terms expressing weight, measure, distance, or value shall be expressed in terms of the English language as spoken in this country." I allude now to that because we are using English pounds very frequently in the estimates and in the tables. I offer that amendment to the Senate because these books are published for the common American citizen to read, and he can not read them in a foreign tongue. I have found that these agents generally are very proud to display their knowledge of foreign terms by using them instead of the plain terms of their own language for their own people. I move that amendment.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Mississippi.

The SECRETARY. Insert at the proper place the following:

All terms expressing weight, measure, distance, or value shall be expressed in terms of the English language as spoken in this country.

Mr. MONEY. I ask the Senator from Montana if he will accept that amendment?

Mr. CARTER. I see no objection, if there is any real necessity existing for the amendment suggested by the Senator from Mississippi. I suggest that it be inserted after the word "reports," line 1, page 18.

The PRESIDING OFFICER. If there be no objection, the amendment as read will be inserted at the place indicated. The amendment is agreed to, in the absence of objection.

Mr. PASCO. Mr. President, if there is no other amendment pending, I wish to offer one:

I presume it is generally recognized that the first object of a census is with a view to the apportionment for the representation of the States in the House of Representatives, and there should be in every well-taken census some means of ascertaining all the facts necessary with reference to the qualification of voters, so as to be able to ascertain the exact number of voters and the number of any classes that may be excluded from representation, not only in every State, but in every county. I am not sure but that it ought to go further and give it in every division of a county. The last census that was taken was sadly deficient in this respect. During the past summer I entered upon some examination with reference to the last Presidential election and found a very great lack of proper information in the census of 1890. I hope that that will be avoided in the next census.

I have not had time to elaborate the amendment, but I have drawn one hastily. Perhaps some one who has given the subject more consideration than I have will be able to enlarge upon it, but I offer the following, which I ask the Secretary to read, and I suggest that it come in after the word "aforesaid," in line 10, on page 16.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Florida.

The SECRETARY. After the word "aforesaid," in line 10, page 16, insert:

There shall be a series of separate tables for each State, giving, by counties, the number of male persons below and above the age of 21 years, their color, whether native or foreign born, whether naturalized or not, and their literacy or illiteracy.

Mr. CARTER. The bill provides for this data with reference to counties.

Mr. PASCO. It does, but it makes no provision for arranging this information in tables by counties. I am not sure but that the amendment should go further and extend the tables so as to include the divisions of counties. However, the bill with the proposed amendment will be a great advance upon the last census, as that gave some of these details only by States, and it was of little or no value in making the investigations to find out the number of actual voters in each county or Congressional district.

Mr. CARTER. The bill provides as follows relative to the population schedule. I read from page 16, beginning at line 2:

The schedules relating to the population shall comprehend for each inhabitant the name, age, color, sex, conjugal condition, place of birth, and place of birth of parents, whether alien or naturalized, number of years in the United States, occupation, months employed, literacy, school attendance, and ownership of farms and homes.

I understand the Senator from Florida to desire by this amendment not to increase the information concerning the individuals.

Mr. PASCO. It is simply the arrangement of the desired information in tables by counties.

Mr. CARTER. I presume that probably could be accomplished in the course of tabulation. If, however, the operation of the amendment would lead to different geographical subdivisions of the census work from those that would be found advantageous in submitting territory to the jurisdiction of supervisors, it might lead to very great confusion in the work. For instance, we provide that not to exceed 300 supervisors shall be appointed. That will provide less than one supervisor for each Congressional district in the country. The enumeration districts or subdivisions shall comprise, as near as may be, 4,000 people.

The various districts over which the supervisors exercise control may not in all cases be advantageously adjusted to county lines. There may be, for instance, in the county of New York, there

unquestionably will be, a number of supervisors in the same county. If it were required that we adjust the work of the supervisors exclusively and arbitrarily within county lines so as to get this particular class of information, I imagine it might greatly embarrass and increase the work of the census.

Mr. PASCO. I think the Senator from Montana will find that such will not be the case, because the population always has been furnished by counties and also by divisions of counties.

Mr. CARTER. It is a matter of tabulation and compilation after the reports are brought to the office.

Mr. PASCO. But it will not interfere at all with the work of the field agents, by whatever name you call them. They will, in all probability, be appointed without dividing up the counties. During the last census there was one supervisor for the entire State of Florida, but the work was divided up among a number of under officials who made the enumeration by counties and the divisions of counties. The county is the basis for all these investigations, only in tabulating the results of the last census the county returns were not always fully given and some of the results were merely lumped together in the schedules by States.

It has been suggested to me that the amendment would more properly come in after the words "census reports," on the top of page 18. I leave that entirely to the discretion of the Senator from Montana.

Mr. CARTER. I rather think the amendment is properly placed in the bill in section 24; and inasmuch as possibly the amendment does not, as I apprehended it might, lead to a considerable increase of the work of the supervisors and enumerators, I suggest that it be allowed to go into the bill for consideration, with the understanding on the part of the Senator from Florida that it may be amended in such a manner as not to embarrass or materially retard the work.

Mr. PASCO. I should be perfectly willing to have it amended if it can be improved, but I beg of the Senator from Montana not to give it away.

Mr. CHANDLER. Mr. President, I do not like the assumption that every bill is going into conference. I take it for granted that the Senate will pass a bill which the House of Representatives will accept as we pass it, as the perfect work of the Senator from Montana and the Committee on the Census, to which I do not now belong, and which, of course, is their misfortune.

I do not understand that there can be any objection to the amendment of the Senator from Florida. The Senator from Montana will allow me to say that it can not be that there will be any division of the United States into districts which will divide counties; and if there is not, of course there can be tables made up showing the population statistics as to every county in the United States. Is there any doubt, I will ask the chairman, on that point?

Mr. CARTER. Unquestionably there may be. For instance, the county of Kings, in the State of New York, will be divided into a number of supervisors' districts, and it is possible that in the vast aggregation of people embraced in what is known as the Greater New York the supervisor's area will in some instances lap over county lines as a matter of ordinary convenience. I am not sure that that will occur, but I suggest that it is possible.

Mr. CHANDLER. I do not believe that will be found to be the case. I do not believe there will be any case where the statistics which may be taken can not be aggregated in counties, which is what the Senator from Florida desires. I can not conceive that under any system which will be adopted one county will be so put with another county that the returns can not be separated as to the statistics of population merely. I should suppose that even without this amendment the result which is sought by the Senator from Florida would be obtained by the enumerators and the director of the census.

Mr. COCKRELL. Will not the amendment encumber it very much? How was it taken in the last census?

Mr. CARTER. I am inclined to think that the identical information suggested by this amendment was furnished as the result of the work of the last census. I am so informed by the Senator from Massachusetts [Mr. LODGE], who has examined this particular matter.

Mr. LODGE. The population statistics are certainly divided by counties.

Mr. CHANDLER. That is what the Senator from Florida asks for.

Mr. LODGE. They are tabulated by counties in the present census.

Mr. PASCO. All these particulars are not given by counties.

Mr. LODGE. No, I think not all the particulars you ask for, but a great many of them.

Mr. PASCO. You will find that there is no way, in the last census, of ascertaining the number of voters in each county.

Mr. LODGE. That is perfectly true.

Mr. PASCO. This simply carries the table a little further.

Mr. LODGE. I think the sex and color are given.

Mr. PASCO. Yes; you will find an enumeration of the sex and color of the persons over 21 years of age.

Mr. LODGE. But those are arranged by counties, are they not?

Mr. PASCO. They are. But the other facts are not given, and I have made the table broad enough to cover all.

Mr. LODGE. I see.

Mr. PASCO. It will cost no more to make one in regard to all the details covered by the amendment, and it will give us all this information which is useful when such investigations are made. I understand that the amendment is agreed to.

The PRESIDING OFFICER. In the absence of objection, the amendment of the Senator from Florida is agreed to. The bill is still in Committee of the Whole and open to amendment.

Mr. COCKRELL. I hope it is there yet. The amendment that I offered yesterday is pending.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 4, line 1, after the word "census," it is proposed to strike out "subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe" and insert "after examination and certification by the Civil Service Commission."

Mr. COCKRELL. Mr. President, the words which I have moved to strike out were evidently intended to take the clerical force of the Census Office away from the operation of the civil-service law and to let the appointments be spoils appointments, pure, simple, and unadulterated.

There is no more reason why these employees should be exempted from civil-service examination than all the other employees of the Government. We have a general civil-service law and general regulations, and under those laws and regulations come all the appointments to fill vacancies in the Departments and all increases in the clerical force of the Departments. Now, why shall this force be exempted? Why shall they be appointed without examination or certification? There is no reason on earth for it, and I insist that the Committee on the Census is pursuing a course directly violative of the pledges of all political parties in their last national platforms.

I hope the Senator from Montana will accept the amendment I have offered. It is but just and right. If the Senator is determined to fight to take these offices from under the civil-service law, then I should like to know it. If the Senator will accept the amendment I have offered, it will end the controversy for the present.

Mr. CARTER. Mr. President, the committee placed this particular phraseology in the bill advisedly, placed it there because the committee believed—and in that belief I fully share—that for the census force, which is to be collected together quickly, employed for a short time, and then gradually disbanded, affording for the main body of census clerks on the average probably not to exceed six months' employment—that the civil-service method of selection would be faulty and unsatisfactory. The committee believed, and I believe, careful reflection and investigation will convince the Senate that the director, charged with the responsibility for the execution of this mighty task in a brief time, can and will prescribe a test of fitness more thoroughly adapted to disclose the proper qualifications of the clerks, special agents, and others, than can be or will be prescribed by the civil-service examination.

As suggested yesterday, for instance, three names are certified and one is selected. The one selected possibly will be found to reside at Los Angeles, in the State of California. Such person before accepting the appointment would desire to be assured of the continuance of the work for a definite period of time.

Mr. COCKRELL. Suppose he was assured that no such assurance could be given, he would not then be compelled to accept the appointment.

Mr. CARTER. Not at all; but this question of assurance and reassurance would consume time.

Mr. COCKRELL. Not at all.

Mr. CARTER. It would be almost as well to go out into the field to-day and say we will pick up the army of 200,000 men required in the present war by and through the agency of civil-service examination as to pick up this census force of from three to five thousand people to work a few months, discharge the duties required by law, and then go out into the body of the people again.

In 1890, notwithstanding the very brief time allowed for preparation, the census force became, through the method of selection devised, a most efficient force, and I doubt, Mr. President, whether, selected from the civil service in a general way, you could procure any more intelligent, efficient, or faithful people than operated under the census of 1890.

I think this bill should pass as it stands, Mr. President. In the first place, the work is temporary; in the second place, the character of the work is such as to require in many cases the exercise of personal judgment by the director in the selection of the agents, as well as in inspecting the manner in which the applicant for a place passes the examination.

I know that it is suggested, and that it will always be suggested, perhaps with justice in many cases, these appointments will become in some measure the prey of the spoilsman. I do hope in the taking of this census, upon which we are about to enter, that we will escape, by a course of conduct which will justify us in escaping, criticism on account of any partisanship displayed.

As I have heretofore taken occasion to suggest, this work will evolve results destined to affect for good or ill this country of ours after the parties that are here contending for supremacy shall have passed into oblivion.

The individual who for a pure partisan purpose would tamper with or attempt to pervert the statistical returns of the census for a temporary partisan advantage would be guilty of little less than a crime against his country.

We will expend in the taking of this census and in the compilation of the reports probably from ten to twelve million dollars. The people will surrender that money from the common treasury cheerfully, expecting to be compensated by and through the valuable information concerning the people and their affairs which the census will furnish; and to undertake to taint that information, to undertake to mislead future generations with reference to the facts for the purpose of getting A a job in preference to B, I think would be beneath the dignity of this Administration, and I hope it may never in the future be justly charged to any Administration that this census work drifted down into a mere hospital for old, jaded, and worn-out politicians. I would, however, as soon take the chances of partisan selection as to select from the civil service those people who have been rejected time and again by one Administration after another when their names were certified up for appointment.

There is a vast army of old, rejected people connected with this civil service scheme now here, and if we are forced to examine them—

Mr. LODGE. Their names all go off the list at the end of one year.

Mr. CARTER. And then they go right back again, and, like the poor, they are always with us.

Mr. LODGE. They have to pass an examination.

Mr. COCKRELL. After two certifications that ends them, as the Senator will see if he will look at the rules. There is no such accumulation of old, decrepit people on the list. None over 45 years old can go on the list, and after being certified a certain number of times they are cast away. They are civilly dead, so far as any appointment is concerned.

Mr. CARTER. But they are examined again and placed on the list, and their names certified to somebody else to reject them again. I am delighted to know that the Senator from Missouri has become such an ardent, as I know he is an able, champion of the present civil-service system. I do not wish for one moment to consume the time of the Senate in a controversy with the Senator from Missouri upon that point.

The Committee on the Census, after carefully deliberating upon the subject, determined that the individual charged with the performance of a herculean task in a limited time could select by and through his own method of examination from the body of the American people more effective and satisfactory servants for the performance of the task than he could get by being blindfolded and selecting through chance; and we believe it is better for the census, better for the country, that this provision in the bill should stand unamended and unimpaired.

Mr. LODGE. Mr. President, it was said yesterday in the debate that in order to get persons of high and broad intelligence and great organizing capacity we must not take them from competitive examinations.

Mr. CARTER. From such examinations alone.

Mr. LODGE. That apparently persons of high intelligence and great organizing capacity can not possibly meet the competition; the moment they undertake to meet the competition they are treated unfairly, and we do not get them.

Mr. CARTER. If the Senator will permit me, I am quite aware of the fact that he does not wish to treat the discussion unfairly. The statement made upon yesterday, to which the Senator refers, was that there were elements of character, points of industry and capacity, which an ordinary examination would not disclose. Those elements relating to the capacity of a person to organize a force were not disclosed by an ordinary examination absolutely essential in selecting the persons who are to control the census work.

Mr. LODGE. Mr. President, the great mass of the people employed in the census are clerks and copyists. Nine-tenths of them are nothing but clerks and copyists, who are required to perform the duties of clerks and copyists as they are now performed in the Government Departments. We have our Departments filled from civil-service certifications, and very excellent clerks we get. Nine-tenths of the work in the census does not differ at all from the ordinary departmental work. The few persons who have to be experts and in charge of divisions will of course be selected for

their peculiar capacity to do certain kinds of work, but the great mass can be taken perfectly well from the existing registers. They can be appointed from the registers as they stand to-day.

If it is seriously proposed that the director of the census shall conduct an examination of his own, you are making a fruitful cause of delay. He can prescribe now any form of examination he desires for the Civil Service Commission to carry out, and they will supply him with the clerks as soon as he calls for them. If he is himself to organize that whole system, if he is to get up his whole system of examinations, he will be obliged to do over again the work which is already done by the present Government machinery.

But, Mr. President, we talk here about character and high intelligence and all that. What is meant by this thing is that these clerks are to be appointed by ourselves and by the Members of the House of Representatives; in other words, we are to have the disposition of these clerical offices, or else we are to put them under a system of examination.

Mr. GEAR. May I make a suggestion to the Senator?

Mr. LODGE. Certainly.

Mr. GEAR. I wish to suggest that the clerks employed in the former census were examined by Mr. Porter, who was the Superintendent.

Mr. LODGE. Yes; and one great reason of delay was the political changes which caused the very inferior character of the work.

Mr. GEAR. I think that any person who was familiar with the work of the last census would say that the appointments were nonpartisan and fairly satisfactory. I heard the Senator from Missouri make that statement yesterday.

Mr. LODGE. I was in Congress at that time, and I saw something of the central office here. I know nothing about the offices outside. I think that the office here was a discredit to the Government of the United States.

Mr. GEAR. My own personal judgment is that Mr. Porter administered the affairs of that office with great ability.

Mr. LODGE. He administered it as well as any man could have administered it under the evil system that was forced upon him. I will take simply one witness. I have here a letter of Dr. John Shaw Billings, the greatest expert on vital statistics in the country, who is known to every Senator to whom I speak, and who had charge of the vital statistics of the Eleventh Census. Here is what he said:

The whole of my work in the census has been done in the face of great obstacles, owing to repeated changes of clerks for political reasons, etc., and I am tired of struggling with the most unpropitious circumstances which have surrounded the work.

That is the fair and disinterested testimony of a man who had no political object to serve, but to whom was committed one of the most important branches of the census. The testimony has been brought in here before—I am not going to go over it—of the effect on the last census of the system then employed.

Here we shall have to appoint a great body of clerks, most of them simply copyists and clerks doing the ordinary routine work of the Departments, and we have got a machinery here with quotas and registers all ready from which these people can be taken, and taken at once, without a moment's delay; and we have an arrangement here proposed in the bill "subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe."

That is the other system—that is, he is to appoint whom we recommend, and we and the Members of the other House are to run down there and spend our time in trying to get positions for people who can not stand the ordinary, simple examination required for clerks and copyists; and nothing could be simpler or more reasonable than that examination. In all the attacks made on the civil-service system, it has always been admitted that so far as the clerical force was concerned the examination was reasonable and proper.

Mr. GEAR. May I state to the Senator from Massachusetts that the examination laid down by Mr. Porter in the last census was a specific examination, an examination that was absolutely applicable to the position to which a man desired to be appointed, and no man was appointed who could not pass that examination?

Mr. LODGE. The Senator knows as well as I do that it was a pass examination and did not amount to anything.

Mr. GEAR. I can state to the Senator that it was as good if not a better examination than the ordinary civil-service examination.

Mr. LODGE. It was a pass examination, and worthless.

Mr. GEAR. It was an examination which simply pertained to the duties the man would be required to perform, and the Civil Service Commission only examine as to one thing.

Mr. LODGE. There is no secret about the duty required of these clerks and copyists. It does not require any great intelligence or any great knowledge of character, and there is nothing to prevent the persons appointed from being removed if they are

not competent. The plain English of it is whether these people shall be appointed by the director of the census after examination or whether we shall appoint them. If the director of the census is going to appoint these clerks, I have not a word to say. I am perfectly willing to leave the appointment of every clerk to the head of the bureau who is responsible or to the head of the Department, and if they were to appoint the clerks there would be no need of a civil-service examination.

Mr. GEAR. Will the Senator allow me?

Mr. LODGE. I should like to finish my sentence first.

Mr. GEAR. Very well.

Mr. LODGE. Every one of the chiefs of bureaus and heads of Departments is ambitious to have his bureau or Department well conducted. But that is not what this provision is for. It is to give us the opportunity to appoint these clerks; and we are not responsible for the conduct of the Department or the bureau. We are all anxious to help the people who come to us and want to be helped; and the man who is responsible for the work of the Department has to take them on our recommendation. Those are the two systems; and everybody knows that those are the two systems.

Mr. GEAR. May I suggest to the Senator, as it is a matter of history—and I am not making the statement solely on my own responsibility—that no appointment under the last census was ever made which did not receive the approval of the Superintendent of the Census? No appointment was made merely on a recommendation. Each applicant had to go before a board appointed by Mr. Porter, and had to stand a specific examination in regard to the duties that would be required of him. I know that to be so, for I recommended a man who did not pass the examination, and he was not appointed.

Mr. LODGE. Mr. President, those appointments were made largely on political recommendation. The examination was simply a pass examination. Men were appointed who were recommended. We all of us had that experience.

Mr. CHANDLER. Will the Senator from Massachusetts, as he has two or three times said that a pass examination is worthless, explain why it is that a pass examination is what he designates as worthless? I, perhaps, will admit, Mr. President, it is not so valuable as the civil-service examination; but that is very strong language to apply to a system of examination under which this Government was conducted for a hundred years and got on very well.

Mr. LODGE. When I say a pass examination is worthless, I do not mean to say it is worthless if it is properly conducted; where a man who does not pass with a certain percentage can not get in, like a college examination, for instance, which is a pass examination; but I mean the pass examination which was used in the Departments amounted to nothing. It was a mere form; and the man was taken who got through anyhow or in any degree, provided he had sufficient political backing.

Mr. CHANDLER. Mr. President, I beg leave to differ from the Senator. I am not opposed to the existing civil-service system, so far as it appertains to the clerks in the Departments; but having had some observation on the subject, I do not think that was the case. I do not think that the man who was appointed from political considerations always got through the examination or generally got through the examination or ever got through the examination if he was not qualified. Where there is such an examination made by competent clerks in the Departments, questions are put to the applicant which he is required to answer, and they are obliged to certify from those answers that he is competent.

I am not willing to allow to go unchallenged the statement of the Senator from Massachusetts that the examination which took place before the civil-service system was adopted was worthless, or that men passed, if they were appointed from political considerations or by reason of political recommendations, whether they were entitled to pass according to the merit of their examination or not. I believe the contrary to have been the case and that good clerks got into the Departments under the old system.

Mr. LODGE. Of course good clerks got into the Departments under the old system; but that is not the point, nor is the pass examination necessarily worthless. In my opinion—and it is a mere matter of opinion—the pass examination as used in the Departments amounts practically to very little. The only value of the competitive examination was that it prevented the abuses of the old system. There is no magic about a competitive examination.

The whole object of the thing is to provide some machinery other than appointments by Senators and Representatives, and if this provision in the bill stands as it is, all of these appointments will be thrown into our hands. If it is not left as it is, but the amendment of the Senator from Missouri is adopted, then clerks will be furnished from the ordinary civil-service registers and quotas, and they will go into the Census Office and do the work there just as well as the work is done in every one of the great Departments of the Government. We shall then be relieved from

what I think is at least a very unattractive kind of work and a very burdensome kind of work which we can not possibly escape if they are to be appointed as proposed by the bill.

It seems to me that it is to the interest of the public service to have a force in the Census Office, selected in this way, who would not be shifted and changed all the time. The clerks in the Census Office were shifted and changed even when the force was being decreased; when the clerks were going off the roll the shifting and changing was still kept up to make a place here and there for somebody who required a position, and we have the testimony of the Commissioner of Pensions before the Committee on Appropriations and the Committee on Civil Service. He testified that the worst clerks in his Bureau were the ones who had the most influence, because, as he very justly said, the good clerks do not seek influence and do not need it; but the people who are inferior clerks and ought not to be in the employment of the Government are the ones with enormous influence.

Mr. CARTER. Does that occur under the civil-service system?

Mr. LODGE. He referred to those who asked to be retained. Of course some poor clerks come in under the civil-service system. There is no magic about it. Poor clerks come in under any system; but he said the clerks who had the most influence, whether they came in under the old system or the new, were the poorest ones.

Now, we are proposing to construct a great department to run two or three years to furnish statistics of population upon which we apportion our representation, and we propose to fill it by political influence. It seems to me it would be a great deal better if we could get that body of clerks who will be engaged in that work out of politics and allow them to be appointed by the ordinary machinery which is sufficiently good to furnish us with clerks in all the great Departments. It is for that reason, Mr. President, that I hope the amendment of the Senator from Missouri will be adopted.

This is not a case where men can not be examined. There is no difficulty about examining a clerk. You can test a man's ability as a copyist; you can test his handwriting by this examination perfectly well. If he is not a good clerk he can be removed; there is nothing to keep him in office; but we do get a body of men who are selected by the people responsible for the operations of the office. In this case, however, as it is arranged here, we leave the director of the census to have a large body of clerks thrust upon him by a force that he can not resist, by men who are not responsible for the conduct of the office or the results of the census.

Mr. WILSON. Mr. President, I am almost persuaded to agree with the Senator from Massachusetts [Mr. LODGE], although we have widely differed in the past upon the method of conducting what is known as the civil service.

I am not, perhaps, as bad a spoilsman as the Senator from Massachusetts may think. I have been inclined to believe that perhaps the employees and clerks in the various Departments in Washington City might be very properly classified or placed under the civil-service regulations. The great trouble in this contest seems to be that a late President of the United States for three years and a half made all the appointments in the Departments that he could, and then promoted those persons, not so much upon their examinations as upon their punctuality and attendance, and then placed the classified service over them all. Now the Civil Service Commission control all of those, and they are endeavoring to grab almost everything else in sight, if I may use an expression of that character.

What I complain of is not that I will be perhaps annoyed by those seeking clerkships for the taking of the census, because I happened to be in Congress with my good friend from Massachusetts when the last census was taken, and, whether fortunately or unfortunately, I did not receive a single appointment in that Bureau. Perhaps that was due largely to the fact that my constituents were so far away from me that they could not get here. Be that as it may, I do not complain of it in the city of Washington, but what I do complain of is the method and manner of conducting the civil service in the several States.

I think that the Civil Service Commission is notoriously and grossly negligent. As the Senator says, the lists are already prepared. As I understood his language, it was that the lists are already prepared.

Mr. LODGE. If the Senator will allow me, I said the census force could easily be taken from the existing registers of clerks and copyists.

Mr. WILSON. Not one of those clerks has been examined in any way or in any manner for these special duties, but for ordinary clerkships. It so happened that a few days ago we desired a clerk in the land office in the State of Washington.

I had occasion to examine the papers, and in that examination I ascertained that not a single question of any kind or character was propounded which had any bearing whatever upon the duties he was to perform. I went carefully through all the papers to

see if he knew anything about a quarter section of land or townships or ranges or plats or anything of that character which might fit him for duties in a land office, and not a single question was propounded to him for that purpose. And yet, under this rule, under this species, I may say, of tyranny which has crept into our politics and into our daily life, I was compelled to take one of those clerks for that position.

So it is with Indian farmers. I had to have an Indian farmer the other day. It so happened, why I do not know, whether it is due to the fact that we have no examinations or whether our people do not pass, or whether they are not certified, that it became necessary to go into another State to secure an assistant farmer for the Tulalip Indian Reservation, and in the examination it was not proved or demonstrated that he had ever had anything to do with farming, or that he knew anything about sowing or reaping or harvesting or how to teach anybody to do anything of that kind, that he had ever plowed an acre of land in his life.

Mr. CHANDLER. What was he examined in?

Mr. WILSON. He was examined in arithmetic, geography, and that sort of thing. He was asked by and through what States the Ohio River flowed.

Mr. CULLOM. Did he answer it?

Mr. WILSON. No, sir. That is the character of it. We are spending thousands and thousands of dollars of the people's money every year, it is costing the people of the United States over \$500,000 to take these civil-service examinations, not one of whom is ever certified for appointment. Of course I want to elevate the service. I am not a spoilsman of the kind characterized by a late Senator in this body, Mr. Carl Schurz. I have profound respect for his opinions. I only want those things that my people want. I only want the people of my State to have that which belongs to them. I do not want to go outside. I feel they should have an opportunity. I feel that every man in this Republic should have an opportunity to serve his Government, whatever may be his station.

I feel that if he desires to be a blacksmith upon an Indian reservation he should have that opportunity, and if he knows how to take a piece of iron that is cold and put it into hot coals and form it into a horseshoe, he is competent to be a blacksmith upon the Indian reservation, notwithstanding he may not have passed one of these civil-service examinations upon geography and the lost tribes of Israel. Yet when we come to Washington, as was said with much force by the Senator who through a long series of years has been engaged in an earnest and sincere effort to elevate the civil service, those appointments ought to come from the classified service.

I do not want them to come from the list which these gentlemen down here have prepared in advance. I do not think anybody else does, and I think we had better get back possibly somewhat to the old-fashioned way. I rather apprehend that the government of Washington and the government of Jackson and the government of Lincoln are about as good as the government of Garfield or the government of McKinley or the government of Grover Cleveland. Therefore I say give them all an opportunity. I will not have anybody from the State of Washington in the bureau, because they will not go that far. We are too remote.

All we want is what is confined to the geographical area of that State, and we will try to get along with it. We do not want anybody here. I agree with the Senator, and I am glad to do it for once, that so far as most of these appointments in Washington are concerned, the Civil Service Commission controls them. It is not the Senate, not the House of Representatives, not the President of the United States, not the Secretary of the Interior, the Secretary of the Navy, or the Secretary of War, but just this commission. Whenever you want anything, you will walk up to them and they will ask you in their dreamy, sleepy way, "Have you passed an examination?"

Mr. LODGE. The Senator from Washington, of course, understands that this amendment applies only to clerks in the city of Washington. It does not include the enumerators and special agents employed in field work, who constitute the great mass.

Mr. CHANDLER obtained the floor.

Mr. TURPIE. Mr. President—

Mr. CHANDLER. I yield to the Senator from Indiana.

Mr. TURPIE. I am much obliged for the courtesy of the honorable Senator from New Hampshire [Mr. CHANDLER].

Mr. President, I am opposed to the amendment offered by the Senator from Missouri. I trust that the Census Bureau will not be put under the civil service in relation to appointments. The census has never been under the civil service. It has always been especially excluded from it, and certainly former censuses have shown at least an average of competency and an approach to perfection which I do not think would be aided or reinforced by putting this census under the conditions of the civil service. I had something to do officially with the last census, having served for some time as chairman of the Committee on the Census. I do not believe, with respect to the clerical work of that census, the

handling of cards, the making up of tables, the additions and the classifications, that any work was ever done better or more rapidly, that any work was ever done more swiftly and more in accordance with the instructions of the superior officers who superintended the labors of the Bureau.

That work was done by a large class of appointees who were, if I may so say, political selections. They were political in the sense that it rested upon the personal discretion of the Superintendent of the Census, now called the Director, and the joint judgment and discretion of Senators and Members of the other House in making those appointments. There were very few bad appointments made. When such an appointment was made, it was discovered within twenty-four or thirty-six hours and the party was dismissed from employment. The great mass of the work suffered nothing from such disappointments or from the few imperfect appointments that were made under that system.

Mr. President, I think it is a great deal to say that appointments of that kind are made by parties not responsible. Every Senator and every Member of the House is personally and officially responsible for the success of this census, as he was responsible for the success and perfection of the last census, and I do not think any of us would even make a recommendation for appointments prior to examination, even giving a person a chance for appointment, who was not known to us to be personally competent and in every way fit to discharge the duties, such as they were, of the position which he sought. That is one of the reasons why I vastly prefer that these appointments shall be made without the recommendation or action of the Civil Service Commission.

When we turn them over to the Civil Service Commission we lose our personal connection and interest in the work entirely. None of the appointees will be known to us. Nothing will be known of their character or position. The local apportionment of appointments into States will be totally lost sight of. The whole clerical force will be cast into the wheel of civil service and will be appointed by lot, without any respect to the State for which the work is to be done or the district for which the tabulations are to be made.

Mr. President, it is a very great assistance, it is a very great aid, even to the most competent director or superintendent of the census to have a clerk appointed from a State or district in which the classifications of the work are to be made, one who knows what the cities are, what the towns are, possibly what the leading manufactures are, who is there to correct mistakes, to correct exaggerations, and to supply deficiencies. He has that close intimate relation, connection, and acquaintance in all branches of the country's work which a person appointed merely by lot, a person appointed merely by accident never can have. And he never can have the opportunity of applying to the work that close acquaintance which a clerk appointed under the system of the last census had. That is one of the reasons why the Civil Service Commission in this instance ought to be excluded.

We shall get better clerical work, considering it as merely clerical, and we will have besides the fact that these laborers will have a personal relation to the location to which the labor is to apply and will have a personal and intimate acquaintance with the tabulations and classifications of the different States and districts for which the appointments under our system will be made. I therefore hope that the recommendation of the committee will be retained in the bill and that the amendment of the Senator from Missouri will be defeated.

Mr. GORMAN. I should like to ask the Senator from Indiana before he takes his seat whether there is any provision in the bill to prevent the appointees from being exclusively of one party?

Mr. TURPIE. Yes, sir; we inserted by agreement the provision which I had the honor to submit to the Senator from Maryland the other day.

Mr. GORMAN. Ah! I am very glad to hear it.

Mr. CHANDLER. Mr. President, my views upon the pending question are not very positive nor are they extreme. Therefore perhaps I ought not to discuss the subject. But inasmuch as I shall vote for the clause as reported by the committee, I take occasion to say a few words.

I had the honor to succeed as chairman of the Committee on the Census the senior Senator from Indiana [Mr. TURPIE], who has just addressed the Senate. When the time came to prepare a bill for the Twelfth Census, the Senator from Indiana insisted that the force to be appointed to conduct the inquiry should not be selected according to the ordinary civil-service rules.

The Senator avowed that he believed it to be a wise plan to have side by side here in Washington work going on conducted by one department or branch of the Government with a force selected according to civil-service rules, and in contrast work going on conducted by another department or branch the force of which should be made up in the old way and not according to civil-service rules. The Senator from Indiana having convinced me that such was a wise course, this bill as it was first reported to the Senate contained substantially the present provision. The

bill was afterwards recommitted in another Congress—the present Congress—to the new Committee on the Census, and from that committee it is now before this body for action.

Mr. President, I think it would be wise to try the experiment which the Senator from Indiana advocates, and to see whether the work of the next census, carried forward by an administrative and clerical force selected according to the discretion of the director of the census, with such examination of the employees as he may see fit to prescribe, will or will not compare favorably with the work done in the other Departments in Washington organized under civil-service rules. With this idea I shall vote for the proposition of the committee.

Mr. President, I am not against the system of selecting clerks according to civil-service rules. I had the honor to be connected with one of the Departments of this Government when the civil-service system was first put into operation, and being called upon to express my opinion a short time after the system had been in operation, I stated that it had worked favorably in furnishing the new clerks which were called for by the Department of which I had control, and that there were to be observed special benefits growing out of the relief which had been given to Senators and Members of Congress and to the heads of Departments from the importunities that pertain to the ordinary patronage system.

In that view I have ever since been willing to see the additions to the ordinary clerical force of the Department obtained from the Civil Service Commission. It is easy to examine and ascertain whether a particular man or woman is competent to do clerical work—desk work, work not technical, work not professional, work not scientific, but merely the clerical work which it is the function of four-fifths of the employees of the Government to perform. Therefore I did not think that the original civil-service system was a bad one. I do not think it is a bad one to-day, and I should not be willing to vote wholly to destroy it. But having said so much I am compelled further to say that I think the extensions of the system which have been made have been injudicious.

They have been calculated to injure the system in the estimation of the people of this country. There were two directions in which the authors of the system did not intend to have it extended. They did not intend to have it carried above the ordinary \$1,800 clerks, and they did not intend to have it carried below the lowest grade of clerks, neither above nor below the four classes of clerks; and yet in the progress of time, there being something fascinating about this notion of having a bureau in Washington to furnish the material for all the appointments under the Government, the commission has succeeded in elaborating a system of examinations under which not only the \$1,800 clerks, the highest grade of ordinary clerks, are to be supplied from competitive examinations conducted by the commission, but also the chiefs of divisions and the various chief clerks, going up until the Presidential appointees in the Departments are reached, who must be nominated to the Senate, are to be supplied by the Civil Service Commission. I think this extension is a mistake. I think it creates a system that will not long be tolerated by the people of the United States.

Again, it was a mistake to undertake to have the Civil Service Commission furnish technical employees of the Government, professional employees of the Government, men who must have special attainments for the work they are to do. When you undertake to examine a person to ascertain whether or not he understands, we will say, the working of steam machinery, or whether he understands astronomy, it is necessary to provide an examining board composed of experts in steam machinery or composed of experts in astronomy; otherwise the examination is a mere farce; and when you try to install in power in Washington a Civil Service Commission whose business it is to call into existence these technical boards to make these technical examinations, you have created a power that is above the executive government, that is above the Government itself, and you have extended upward into the realm of government the civil-service system much further than it was ever intended that it should be carried.

Mr. President, on the other hand, going downward, no such absurd rules were ever anticipated as those which the Civil Service Commission has prescribed. The law explicitly excluded laborers and workmen from appointment through the Civil Service Commission.

Mr. GALLINGER. Mechanics.

Mr. CHANDLER. "Laborers and workmen" is the expression of the statute, I think.

Mr. GALLINGER. Mechanics.

Mr. CHANDLER. My colleague says mechanics. If my colleague will examine the statute, I shall be glad to make my statement accurate on this point, but I think it was mere laborers and workmen. That reservation was a very proper one. It was not deemed necessary in order to determine whether a laborer, a man who was to do manual work in one of the Departments of this Government, was competent that he should be examined by a

civil-service board here in Washington or anywhere else. It was thought that the Secretary or Assistant Secretary or the head of a Department or bureau or office could find out whether a man was fit to drive a wagon or sweep a floor or do errands, and that it would not be necessary to have the power to appoint this class of servants taken away from them.

Yet the Civil Service Commission went on to classify various kinds of laborers. I can not give the various names which they gave to those laborers in order to avoid having them called mere laborers. Some of them they classified as messengers and assistant messengers. A messenger or assistant messenger is a laborer. He is nothing else. He is not required to have one particle of that knowledge which characterizes a clerk, except that he should have that knowledge which is required by law of every American citizen—the knowledge how to read and write.

They classified the messengers and assistant messengers. They found men driving carriages, and they said, "They are not laborers merely." So they made a class of drivers. They found watchmen guarding the various Departments, and they classified those laborers, who were acting as watchmen, and made them a class in the civil service; and finally, for fear that somebody should be left not appointed by this universal and magnificent power of the Civil Service Commission, they classified nearly everybody else as a "helper," so that helpers have to be so appointed; and, of course, a helper under the fraudulent classification is in fact nothing in the world but a mere laborer. Thus the Civil Service Commission went on its way both downward and upward until now there is almost no opportunity for admission to the civil service of this country under the National Government short of a Presidential appointment except through the omnipotent Civil Service Commission.

I have high respect, Mr. President, for the members of the commission. They are my personal friends. They are engaged in good work as a whole, but they have undertaken—such is the weakness of human nature—so to magnify their offices by grabbing above and grabbing below that if they keep on grabbing, sooner or later their whole structure of the civil-service system will be torn down by the American people. I wish to save the system—what there is valuable in it—and I do not wish to have it so abused that it will be destroyed utterly by such enemies of the scheme as my colleague from my own State and the Democrats of this country who will continue to be its enemies when they once outgrow their temporary spasm of pretended affection for the civil service.

Mr. GORMAN. I should like to ask the Senator from New Hampshire whether he would not prefer to conclude to-morrow.

Mr. CHANDLER. I prefer to conclude now.

Mr. GORMAN. We ought to have an executive session.

Mr. CHANDLER. I will not take a great while, and I prefer to go on now unless it would disoblige the Senator.

Mr. GORMAN. Oh, no.

Mr. CHANDLER. There is only one other point which I wish to present. I consider it an important one. Because we do not want the mere clerical force of this Government to become the football of politics, to be the subject of the arts of mere patronage, and therefore wish to sustain a rational civil-service system to be conducted by the Civil Service Commission, we ought to be careful not to establish too much caste and too many specially favored classes in the community. That is the tendency of the present system.

The country is now full of men who are in the service of the Government practically for life, who can not be reached for removal by any ordinary process. They are more powerful than Senators and Representatives in Congress. We are here for a little time, and then we return to the body of the people, but they go on forever, and you feel, Mr. President, every day in this Chamber the power and influence of these different classes or castes in the community.

There are the postal clerks on the cars. They constitute a body of very able young men engaged in the performance of a hazardous duty, for whom it has been my privilege to do some service. But, Mr. President, they constitute a class in the community who are holding their offices for life, and who sooner or later will have their life pensions either granted to them by the Government or established under a law of Congress from portions of their own salaries, which of course come out of the public Treasury.

There are the letter carriers in the cities. They constitute a vast class in the community, a popular body, a body of most excellent young men all over this country; but they are in office for life, and they can make and unmake Senators if they choose to do so.

So it is with the clerks in the post-offices. They constitute another powerful class. And, Mr. President, all through the civil service are growing up these bodies of men, who go on forever, and who in the course of time will have life pensions, as they become old and unfit to do the work of their calling.

Mr. President, if we establish these classes, if we keep in these

officials for life, when they grow old and are unfitted for any other work except work for the Government, we can not refuse to grant them pensions. Thus there is danger that we shall gradually change the whole theory and spirit of our Government, and make it one whose officials have life tenure instead of one whose officials are appointed from time to time, and after a suitable period go back to private life and mingle with the masses of the people.

But it was clearly not the intention of the framers of this republican government to create an aristocracy, to create any life officials whatever except in the Army and Navy.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. BACON. I wish to ask the Senator if the feature he is now commenting upon does not apply with equal force to the clerical part of the force in the Departments, which he in the former part of his remarks stated he thought should be under the Civil Service Commission? I am not speaking of the pension feature, in which I quite agree with him. I wish to know, however, if instead of limiting it to the particular class of employees he is speaking of, the criticism he is now making should not be extended so as to embrace all kinds of employees who are not under the Civil Service Commission?

Mr. CHANDLER. There is much to be said in support of the Senator's criticism. I would, however, be unwilling, I think, to reestablish the principle that the great mass of the clerical force of the Government, now reaching up to seventy or eighty or one hundred thousand, more or less, should be subject to the changes of party politics. I shall not undertake to say that; but I do say that nothing outside of that force, whether above the \$1,800 clerks and reaching up into this vast domain of important special employees, and nothing below the lowest clerk, reaching down into the messengers and laborers of the Government, should be included in the classified service, because of the tendency to build up castes and classes in a republican government.

Mr. President, because I am not willing to go too far in the direction of civil-service classification it must not be understood that I am willing to tear down the existing system. But the rule of the American Republic is rotation in office. I call the attention of the junior Senator from Massachusetts, who, having seen the evils of the patronage system, is an ardent advocate of civil-service reform, to a clause in the constitution of Massachusetts which shows the idea I have in mind:

In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

That is in Poore's Charters and Constitutions, constitution of Massachusetts, 1780, page 958, article 8, and I ask that the Secretary will read similar provisions in the constitutions of Pennsylvania, Vermont, and Virginia. The clauses from the constitutions of Massachusetts and Virginia show what were the notions of the great founders of the American Republic.

The Secretary read as follows:

Constitution of Pennsylvania, 1776, page 1541, Article VI:

"That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections."

Constitution of Vermont, 1777, page 1859, chapter 1, Article VII:

"That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections."

Constitution of Vermont, 1786, page 1868, chapter 1, Article VIII:

"That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, by their legal representatives, to enact laws for reducing their public officers to a private station, and for supplying their vacancies in a constitutional manner, by regular elections, at such periods as they may think proper."

Virginia bill of rights, 1776, page 1909, section 5:

"That the legislative and executive powers of the State should be separate and distinct from the judiciary, and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should at fixed periods be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all or any part of the former members to be again eligible or ineligible, as the law shall direct."

Mr. CHANDLER. Mr. President, there is the fundamental idea that prevailed with the framers of the Massachusetts constitution and the Virginia constitution and the Vermont constitution. The same idea is to be found to some extent in the other constitutions; so that it was intended that there should be in America very few life officials, as few as possible, because the idea was that when men continued long in office, they acquired a habit in some way of oppressing the people.

The doctrine of rotation in public office was thus distinctly expressed by the founders of this Republic. Mr. President, that is the true idea to-day. It is not the theory of the American people at this moment that outside of a limited clerical force, a body of clerks engaged in performing routine duties, there shall be any

life offices in this Republic except those of the Army and the Navy.

Mr. HOAR. And the judiciary.

Mr. CHANDLER. The senior Senator from Massachusetts suggests the judiciary. It was, it is true, the tendency of these same republican founders of the Constitution, acting in a conservative spirit, to have a judiciary appointed for life. That tendency is still observable, although in the Western States and the Southern States, more than in other sections, there has grown up the custom of electing or appointing judges for only a limited period of time. It is suggested to me that very few States have a life tenure for judges.

But on the whole I think that the sentiment of the American people to-day is exactly what it was when those constitutions were framed, and that among our civil-service reformers there is too great a tendency toward establishing aristocracies with life tenure in the United States. I take occasion in an humble way to warn the Civil Service Commission and the friends of genuine civil-service reform, who properly wish to keep the great body of the clerks of the Government under the existing system, that in seeking to extend the system upward until it reaches every appointee of the Federal Government who is not now required by the Constitution or law to be nominated to the Senate and confirmed by the Senate and to extend the system downward so as to take in substantially all the laborers of the Government they are making themselves the foes of real and genuine civil-service reform and making such blunders as will eventually bring their whole elaborate system to destruction.

Mr. WILSON. I wish to ask the Senator if it has not been his observation that the Civil Service Commission have been more interested in extending the service than in perfecting that which they already have?

Mr. CHANDLER. I do not want to say that. I have said that I respect the members of the commission. I do not think they are aware that in the extraordinary extensions upward and downward which they are making of their scheme they are absolutely undermining a system to which they are devoted, being, of course, themselves in office for life under the operations of their plans.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I should like to make a brief reply to the Senator from New Hampshire [Mr. CHANDLER], if it will not be disagreeable to the Senate. I shall not speak more than five or six minutes.

Mr. GORMAN. I withdraw the motion.

Mr. HOAR. Mr. President, I do not wish to engage in the general discussion. What needs to be said has been said with great clearness and force by my colleague [Mr. LODGE]. But as this matter has been discussed, especially by the Senator from New Hampshire, I wish merely to bear my testimony, as a person who well recollects the facts, to the intolerable abuse of the old system of appointments, which the system known as the civil-service reform has supplemented and terminated.

It was a condition of things which the founders of the Republic, to which my friend from New Hampshire alluded, would have looked upon with horror. There were many utterances of those men, notably Mr. Madison and Mr. Jefferson, to the effect that a President who should pursue the course which became the policy of all our Presidents in regard to the removal and appointment of officers for political purposes would be deserving of impeachment. The appointment of officers on political grounds solely and to have the appointments urged upon the appointing power because of the service of the candidate to the dominant political party became the system.

The appointments to the civil-service offices in this country were made political and rested upon the devotion of the persons appointed to the fortunes of powerful and unscrupulous political chieftains. Each prominent member of Congress in the Senate or the House had his band of devoted followers whom he expected should be rewarded at the public cost with public office, and the time which belonged to legislative duty was expended by members of the Senate and the House in visits to the Departments for the sake of getting offices every time there was a change in the Administration.

Mr. President, we have all of us felt the burden, and the welcome and honorable burden, one we are glad to bear and to carry, of presenting the desires of our fellow-citizens in the different States, eager and emulous to devote their lives to the military service of the country in the war, making their applications for commissions and to seize upon opportunities. Nobody begrudges it. Yet it is the duty which almost makes the ordinary devotion to our legislative duties impossible, as every Senator knows. After a vacation of three weeks I endeavored to get a meeting of the Judiciary Committee last Monday. Gentlemen came in just before the time of the session of the Senate, an hour or an hour and a half after the meeting was called, saying that they had been compelled to be in attendance at the Departments in the interest of the quota of their States in the war, and it had been impossible to attend to that duty.

I do not see how any person who remembers the shameful and degrading experience of former days can fail to be thankful that that condition of things is over. I happened, by mere accident, when searching for another matter ten minutes ago, since my colleague ended his remarks, to hit in an old scrapbook upon a debate which took place between myself and my colleague, Mr. Dawes, then the leader of the House of Representatives, just coming toward the close of his eighteen years' service there. It was before the civil-service reform movement began, and Mr. Dawes stated the existing facts.

There was a proposition which I made on an appropriation bill to admit women to an equal opportunity with men in the clerical service of the Government, and to provide that female clerks who had a less rate of compensation might be employed for such duties, at the discretion of the Department, as they were found equally able to perform. The amendment was defeated that year by reason of Mr. Dawes's opposition, who was chairman of the Appropriations Committee, but I secured the adoption of it in the next Congress. Now, here is what Mr. Dawes said. I will read two or three of the sentences uttered by Mr. Dawes upon the then existing condition. I read it as the testimony of the most experienced man, not specially a reformer by nature, but a conservative man, not likely to be welcoming new and Quixotic ideas. He said:

Now, my colleague, if he was not quite so fresh here, would know that the chief staple of influence at home with most of us is that we are backed up by those who bring in their accounts for services rendered, to be paid in the end by places under the Government. They are to be paid for in some way, and most generally are paid for in that way only.

He says women can not stand the competition of these hungry officeholders who are demanding payment from the Congressmen.

Mr. CHANDLER. In what year was that?

Mr. HOAR. That was in the year 1869 or 1870. I can find the date in a moment. I have no doubt it was in 1870, because Mr. Dawes in the next Congress was chairman of the Committee on Ways and Means. Then I interrupted:

Mr. HOAR. Does my colleague [Mr. Dawes] propose to say that fact is true in regard to himself or in regard to others?

Mr. DAWES. I do not stand here to say that I am any better than any other member on this floor. I have no idea that I am any better. I hope I am about as good as the average. But I have a single remark to make, and if my colleague thinks it is not true, it is because he has not mingled in the politics of the country as much as he will have done when he shall have occupied a place here with honor to himself and his constituents ten or fifteen years. Then, unless there comes a revival, a revolution, a moral reform in the politics of the country, he will know what is the chief staple of trade among little politicians all over this country. Then he will know the bills of accounts which are brought in against members. Then he will know why it was that the avenues to the Departments were, for a month succeeding the 4th of last March—

That was in March, 1860. Undoubtedly this was in the winter of 1869-70—

crowded with men who swarmed more thickly than did our soldiers when they returned from the war, and who were there claiming their reward at the hands of members of Congress—claiming their reward and "refusing to be comforted" unless they could go home with their commissions in their pockets as compensation for services they had rendered to members of Congress. If my colleague did not experience something of this last spring during the first month of his service here, then he has reason to thank God that he for one escaped that malaria which pervaded the atmosphere here and which was fatal to any such thing as independence of action or opinion in this House or in the other branch. We were made slaves to the vile politicians from all parts of the country, who came here at that time and who during the last few months have been clamoring for an increase of the salaries of those very offices which they crawled on their knees to obtain during the first month of this Administration. Gentlemen must bear in mind that it is against such competition women must contend if the salaries of their offices be increased in the manner proposed.

Mr. President, that was the testimony, uncontradicted by anybody in the House, of a moderate man, careful in his statements of a present fact, which everybody on both sides of the House knew to be the existing fact and not to be in the least exaggerated; and I affirm on my personal recollection that there is not a particle of exaggeration in that picture.

The politics of my own State, certainly as pure and upright as the average of States—I make no special claim in that respect for her—were debauched by the infamous principle "to the victors belong the spoils," which was at that time sapping and rotting the whole civil service of the country. It is that that the present policy and scheme have displaced—not perfect, nothing human in the way of political administration is perfect, but infinitely, a million-fold, preferable to what we escaped. It is from that that we have been rescued by the movement known as civil-service reform.

Mr. GORMAN. Mr. President—

Mr. GALLINGER. Mr. President, if the Senator from Maryland will permit me, before this matter passes from the Senate, I desire simply to state that I interrupted my colleague [Mr. CHANDLER] to say that the exemption in the civil-service law was of laborers and mechanics. My colleague said it was "laborers and workmen." I desire to say that my colleague was right and I was wrong. The words are "laborers and workmen."

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 8, 1898, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 7, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read, corrected, and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 10565. An act making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 104) to increase the pension of Lucretia C. Waring, had requested a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. GALLINGER, Mr. SHOUR, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1118. An act granting an increase of pension to Mary E. Chamberlain;

S. 1181. An act granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased;

S. 1472. An act granting an increase of pension to Bettie Hord Brown;

S. 1481. An act granting an increase of pension to Halbert E. Paine;

S. 3553. An act granting a pension to Bvt. Lieut. Col. Amos Webster;

S. 3660. An act granting a pension to Thomas Edsall; and

S. 4676. An act for the protection of homestead settlers who enter the military or naval service of the United States in time of war.

The message also announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4707. An act to provide for the compensation and expenses of special counsel for the Government in prize cases;

S. R. 172. Joint resolution authorizing the President in his discretion to waive the one-year suspension from promotion and to order reexamination of officers of the Army in certain cases; and

Concurrent resolution:

Resolved by the Senate (the House of Representatives concurring). That there be printed of the History of the Red Cross, authorized to be prepared and printed under joint resolution of Congress, approved August 2, 1883, and thereafter printed under the direction of the Secretary of State, together with the report on America's relief expedition to Asia Minor, under the Red Cross, 65,000 copies, of which number 5,000 shall be for the use of the Senate, 10,000 for the House of Representatives, and 50,000 for the American National Red Cross, to be distributed by Miss Clara Barton, president. The copies herein provided for to be distributed by the president of the American National Red Cross shall be transmitted through the mails free of postage when contained in a wrapper bearing the following inscription: "Public Document. History of the Red Cross. Free."

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 5006. An act to increase the pension of Edward Starr;

H. R. 4488. An act granting an increase of pension to Peter Castle;

H. R. 378. An act granting a pension to Lowell H. Hopkinson;

H. R. 1801. An act granting an increase of pension to Catherine Clifford; and

H. R. 8428. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes.

RETURN OF FLAGS TO STATE OF OHIO.

Mr. BROMWELL. I ask unanimous consent for the present consideration of the joint resolution (S. R. 95) instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc. That the Secretary of War be, and he is hereby, instructed to return to the State of Ohio the regimental flags of the Twenty-first, Fifty-eighth, and Sixtieth Regiments of Ohio Volunteer Infantry, upon request of the governor of said State.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. DOCKERY. Is the resolution in conformity with the usual practice?

Mr. BROMWELL. Entirely so.

Mr. CANNON. If this is to take no time, I make no objection. There being no objection, the House proceeded to the consideration of the joint resolution.

The following amendment, reported by the Committee on Military Affairs, was read, and agreed to:

Add to the bill the following:

"That the Secretary of War be, and is hereby, authorized and directed to turn over and deliver to the State of New York the flag now in his custody that was carried by the One hundred and thirteenth New York State Volunteer Infantry (Seventh Heavy Artillery), that was raised and enlisted in the United States service from the State of New York during the rebellion."

Amend the title so as to read: "Joint resolution instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry; also to restore to the State of New York the flag carried by the One hundred and thirteenth New York Volunteer Infantry."

The joint resolution as amended was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended as recommended by the committee.

There was no objection.

On motion of Mr. BROMWELL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

URGENT DEFICIENCY BILL.

Mr. CANNON. I rise to make a privileged motion. I desire to call up House bill No. 10565, making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898. This bill has just been returned from the Senate with amendments. I desire to submit the motion which I send to the desk to be read.

The Clerk read as follows:

That the House agree to the amendments of the Senate numbered 1, 2, and 3.

That the House agree to amendment numbered 4, with amendments as follows:

On page 6 of the bill, after line 6, insert the following:

"PUBLIC PRINTING AND BINDING.

"For printing and binding for the Navy Department and its bureaus, to be executed under the direction of the Public Printer, \$30,000.

"TREASURY DEPARTMENT.

"ENGRAVING AND PRINTING—

"For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees other than plate printers and plate printers' assistants, to be expended under the direction of the Secretary of the Treasury, \$30,000.

"For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, to be expended under the direction of the Secretary of the Treasury, \$12,000.

"For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, to be expended under the direction of the Secretary of the Treasury, \$18,000."

On page 1, after the word "ninety-eight," in line 7, insert the words "and for other purposes;" and amend the title so as to read as follows: "An act making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, and for other purposes."

Mr. CANNON. The motion which I make looks to the disposition of the Senate amendments. A part of my motion is to concur in the last amendment of the Senate with an amendment embracing two urgent items, which, if not adopted upon this bill and sent back to the Senate for its concurrence, would necessitate to-day the introduction of another urgency bill covering \$70,000.

The amendments of the Senate follow substantially the House bill, except that one of those amendments involves an appropriation of \$100,000 for printing for the War Department, which is immediately necessary.

Mr. SAYERS. Mr. Speaker, I think that the amendments proposed by the gentleman from Illinois [Mr. CANNON] are entirely proper and that they ought to be agreed to. They have had our careful examination.

Mr. CANNON. I move to concur in the Senate amendments with the amendments indicated in the paper which has just been read.

The SPEAKER. If there be no objection, the question will be put.

There was no objection.

The SPEAKER. Will the gentleman from Illinois state the motion?

Mr. CANNON. My motion is to concur in the Senate amendments with the amendments indicated in the paper which has just been read.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

EXAMINATION OF ARMY OFFICERS.

Mr. GRIFFIN. Mr. Speaker—
The SPEAKER. The gentleman from Wisconsin—
Mr. CANNON. Mr. Speaker, I desire to say to the gentleman from Wisconsin that unless he has something which will not take up much time—

Mr. LACEY. I do not think this will take two minutes.
Mr. GRIFFIN. I wish to advise the gentleman from Illinois that we do not anticipate that this will take three minutes. It is merely to suspend the operation of a certain provision of law.

Mr. CANNON. Well, with the understanding that it does not take time. It is not before the House, is it?

Mr. GRIFFIN. Not yet. I was recognized.

Mr. CANNON. Well, I have a conference report on the sundry civil bill that I want to dispose of as early as practicable, but I will not insist.

Mr. GRIFFIN. Mr. Speaker, by direction of the Committee on Military Affairs, I move to take from the Speaker's table Senate joint resolution No. 172, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 172) authorizing the President in his discretion to waive the one-year suspension from promotion and to order reexamination of officers of the Army in certain cases.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That during the existing war the President may, in his discretion, waive the one-year suspension from promotion and forthwith order the reexamination provided in certain cases by the third proviso of section 3 of the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DOCKERY. Reserving the right to object, we should like to have the report read.

The SPEAKER. The gentleman from Missouri reserves the right to object, pending the reading of the report.

Mr. GRIFFIN. I will say that there is no report accompanying this. It was reported in the Senate and passed yesterday, and comes over this morning. It has been considered by the Committee on Military Affairs of the House. I will say briefly that it provides for suspending the provision of the act of October, 1890, which requires a year to elapse after an officer has been examined for promotion before he can have a second examination. Now, as to those officers who were examined prior to the existing war, they are obliged to remain in that condition of suspension for a year before they can have another examination. In many cases that is doing a great injustice, in view of the fact that a large number of officers are being added to the line of the Army. In order that justice may be done them, this resolution provides for the suspension of that provision, and thereby they will be permitted to have another examination at any time that the Secretary of War or the President may order it. That is all there is to it.

Mr. STEELE. I will ask the gentleman if the War Department has recommended the passage of this measure?

Mr. GRIFFIN. It has.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. The question is on the third reading of the joint resolution.

Mr. RICHARDSON. I did not object to the consideration of this bill, but I desire to ask if there is a report accompanying it. Under the rules, there ought to be a report accompanying every bill. I was not exactly able to hear all that the gentleman said because of the conversation going on around me. I should like to have him again state some reason for the passage of this bill, and especially some emergent reason, if there is one, why it could not have waited until to-morrow, when we could have a printed report in the case.

Mr. GRIFFIN. Mr. Speaker, I will say that this bill was considered by the Committee on Military Affairs this morning.

Mr. RICHARDSON. But I understood you to say that no report had been made upon it.

Mr. GRIFFIN. There is no report made by that committee.

Mr. RICHARDSON. How do we know—

Mr. GRIFFIN. The committee authorized me to call it up from the Speaker's table when it came in from the Senate.

Mr. RICHARDSON. Without any report, though.

Mr. GRIFFIN. Now, I will say to the gentleman from Tennessee that the act of October, 1890, provides as follows:

Provided, That should the officer fail in the physical examination and be found incapacitated for service by reason of physical disability contracted in line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted.

The second clause of that proviso is the one to which this measure is directed, and it is as follows:

But if he shall fail for any other reason, he shall be suspended from promotion for one year, when he shall be reexamined, and in case of failure on such examination, he shall be honorably discharged, with one year's pay, from the Army.

Now, Mr. Speaker, as to officers who were examined four or five months ago, before this war was upon us, they are obliged to remain one year in a state of suspension before they can have another examination, whereas they may be able to-day to pass a creditable examination and retain their rank and their order of promotion. I say that that is a great injustice, and in view of the large number of officers who are being added to the Army these men should have a chance under that provision of law to be reexamined, and if they are not fitted for duty upon the second examination they will be retired permanently. That is all that this resolution proposes to do. It suspends the operation of the provision which requires a delay of one year.

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. GRIFFIN. Certainly.

Mr. SAYERS. First, the proposed measure applies only to officers of the Regular Army?

Mr. GRIFFIN. Yes.

Mr. SAYERS. Secondly, if the officer should fail upon his first examination, he will still remain in the service—

Mr. GRIFFIN. Yes; those hereafter examined.

Mr. SAYERS. Under the present law, will he remain in the service for a year?

Mr. GRIFFIN. Yes.

Mr. SAYERS. As other officers of the Army?

Mr. GRIFFIN. Certainly.

Mr. MARSH. It does not make any change in that.

Mr. HULL. It makes no change in that law.

Mr. GRIFFIN. No change whatever. It merely reduces the time within which they may have a reexamination.

Mr. DOCKERY. I do not propose to object to it, but I think this bill affords an opportunity for a lot of officers to be promoted. Possibly that is all right, but if I understand the bill that is the effect of it. We might as well understand that. Let us not pass the bill under a misapprehension.

Mr. HULL. I should like to ask the gentleman from Wisconsin [Mr. GRIFFIN] if it is not true that if the officer taking the reexamination is not promoted some other officer would be promoted, so that it makes no additional promotions. Is not that true?

Mr. GRIFFIN. That is true. That is a fact.

Mr. DOCKERY. I am not complaining of the bill at all, but I merely desired to know the facts about it.

Mr. CLARDY. Will the gentleman from Wisconsin allow me to ask him a question?

Mr. GRIFFIN. Certainly.

Mr. CLARDY. I should like to ask the gentleman if these examinations are not to be made at the instance of the Secretary of War or the President?

Mr. GRIFFIN. Yes.

Mr. CLARDY. The President or the Secretary of War must order the examination before it can be made?

Mr. GRIFFIN. The examinations are ordered by the President or the Secretary of War, certainly.

Mr. CLARDY. That is the provision of this bill which you propose now to pass?

Mr. GRIFFIN. Certainly. These examinations are conducted strictly according to existing law, with this difference, that the time is reduced from one year to a time which shall meet the pleasure of the President or the Secretary of War. It reduces the time, and that is all there is to it.

Mr. CLARDY. It simply gives the President or the Secretary of War authority to order a reexamination at once?

Mr. GRIFFIN. To order a reexamination at once, as the gentleman from Texas [Mr. SAYERS] has suggested. Mr. Speaker, I ask for a vote.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GRIFFIN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendment of the Senate numbered 4 to the bill (H. R. 10565) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4043)

granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation, in the State of Washington.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to call up a conference report on the sundry civil bill, and I ask that the reading of the conference report be omitted and that the statement of the House conferees be read.

[The conference report will be found in the Senate proceedings, page 6194 of the RECORD.]

The SPEAKER. The gentleman from Illinois asks that the reading of the conference report be omitted, and that the statement of the managers of the House be read. Is there objection?

Mr. MAXWELL. Mr. Speaker, I think the conference report ought to be read.

The SPEAKER. Objection is made.

Mr. CANNON. Who objects?

The SPEAKER. The gentleman from Nebraska.

Mr. CANNON. I think the gentleman from Nebraska does not understand the scope of the report. It is quite lengthy, and under the rule of the House the conferees on the part of the House are required to make a statement of the conference report, and it is the only intelligible paper to be read.

Mr. MAXWELL. All I ask, Mr. Speaker, is for a statement of the reasons.

The SPEAKER. Objection is withdrawn. The Clerk will read the statement.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year 1899 submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12: Appropriates for public buildings as proposed by the Senate, as follows: For completion of a one-story annex to the temporary post-office building at Chicago, \$20,000; for completion of immigrant station at Ellis Island, N. Y., \$134,150, with the requirement that \$100,000 of said sum shall be paid from the immigrant fund; \$2,500 for out-building for toilet-room purposes for post-office at Jacksonville, Fla.; repeals the law requiring sale of old post-office building in Detroit; and strikes out the appropriation of \$45,000 proposed by the Senate for necessary repairs to mint building at San Francisco, Cal.

On Nos. 19 and 21: Appropriates \$3,200 additional, as proposed by the Senate, for improvement of wharf and pier and for a contagious-disease hospital at the quarantine station at Tortugas, Fla., and \$3,700, instead of \$3,620, as proposed by the Senate, for quarantine station at San Francisco, Cal.

On No. 23: Appropriates \$100,000, as proposed by the House, instead of \$125,000, as proposed by the Senate, for heating apparatus for public buildings. On Nos. 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, relating to light-houses, beacons, and fog signals: Appropriates as proposed by the Senate, as follows: Sankaty light station, Massachusetts, \$500;

Plum Beach light and fog-signal station, Rhode Island, \$0,000; Hart Island fog-signal station, New York, \$2,500;

Hooper Island light and fog-signal station, Maryland, to cost not exceeding \$0,000, \$30,000;

Cape Fear light station, North Carolina, to cost not exceeding \$70,000, \$35,000;

Edmont Key light station, Florida, instead of \$2,000, as proposed by the House, \$3,500;

Red Fish Bar light station, Texas, \$5,000;

Grand Traverse light and fog-signal station, Michigan, \$5,500;

South Milwaukee light station, Wisconsin, \$7,500;

Tail Point light and fog-signal station, Wisconsin, \$7,500;

Depot for the Ninth light-house district, Michigan, \$15,000;

Toledo Harbor light and fog-signal station, Ohio, to cost not exceeding \$75,000, \$37,500;

Cheboygan river front range-light station, Michigan, \$1,750;

Lake St. Clair light and fog-signal station, Michigan, \$20,000;

Mud Lake light station, Michigan, \$3,500;

Head of St. Marys River range-lights, Michigan, \$1,000;

Depot for Eleventh light-house district, \$15,000;

Point no Point light station, Washington, \$6,000;

Relief light vessel for the Fourth and Fifth light-house districts, \$95,000; and strikes out the following appropriations proposed by the Senate:

Whitehead light and fog-signal station, Maine, \$3,400;

Boon Island light station, Maine, \$3,400;

Cape Elizabeth light station, Maine, \$2,000;

Pollock Rip light and fog-signal station, Massachusetts, to cost not exceeding \$80,000, \$40,000;

Hog Island light and fog-signal station, Rhode Island, \$35,000;

Cape May light station, New Jersey, \$4,000;

Point Brown beacon light and fog-signal station, Washington, \$6,000;

Battery Point light and fog-signal station, Washington, \$6,000;

Relief light vessel for the Twelfth and Thirteenth light-house districts, \$95,000;

Cape Lookout Shoals light vessel, North Carolina, \$95,000.

On Nos. 66, 67, 68, 69, and 70, relating to the Light-house Establishment: Appropriates \$425,000, instead of \$400,000 as proposed by the House and \$450,000 as proposed by the Senate, for supplies of light-houses; \$800,000, instead of \$675,000 as proposed by the House and \$650,000 as proposed by the Senate, for repairs of light-houses; strikes out the provision authorizing the construction of auxiliary structures at a cost not to exceed \$30,000; appropriates \$720,000, as proposed by the House, instead of \$730,000, as proposed by the Senate, for salaries of keepers of light-houses, and authorizes the lighting of Indian River, Florida, as proposed by the Senate.

On Nos. 71 and 72: Makes the appropriations for pay of crews and surfmen employed at life-saving stations available, as proposed by the Senate, for the Life-Saving Service building at the Omaha Exposition, and authorizes the establishment of a life-saving station at or near Nahant, Mass., as proposed by the Senate.

On No. 77: Appropriates \$2,000, as proposed by the Senate, for the purchase of eophones for the Revenue-Cutter Service.

On Nos. 78, 79, 80, and 81, relating to the Bureau of Engraving and Printing: Appropriates \$475,000, as proposed by the Senate, instead of \$455,000, as proposed by the House, for labor and expenses of engraving and printing, and \$575,000, as proposed by the Senate, instead of \$560,000, as proposed by the House, for wages of plate printers, and inserts the following provision:

"Provided further, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

On No. 82: Appropriates \$50,000, as proposed by the Senate, instead of \$45,000, as proposed by the House, for the Bureau of American Ethnology.

On Nos. 83 and 84: Appropriates \$165,000, instead of \$160,000 as proposed by the House and \$170,000 as proposed by the Senate, for preservation, etc., of collections in the National Museum, and limits amounts to be expended for drawings and illustrations to \$5,500, as proposed by the Senate, instead of \$3,500, as proposed by the House.

On No. 85: Appropriates \$65,000, as proposed by the Senate, instead of \$60,000, as proposed by the House, for the National Zoological Park.

On Nos. 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, and 96, relating to the Fish Commission: Appropriates for personal services at the respective stations as proposed by the Senate, and appropriates \$140,000, as proposed by the Senate, instead of \$132,500, as proposed by the House, for propagation of food fishes; strikes out the special appropriations proposed by the Senate for the stations at Leadville, Colo., and Woods Hole, Mass., and appropriates, as proposed by the Senate, \$4,818 for completion of the station at Erwin, Tenn., and \$1,390 for the purchase of additional land for said station.

On No. 100: Appropriates for the Interstate Commerce Commission in the terms proposed by the Senate.

On No. 107: Authorizes the purchase of books for the law library of the Internal Revenue Bureau, and limits the cost per annum of all books and periodicals for said Bureau to \$100.

On No. 108: Appropriates \$20,000, as proposed by the Senate, for expense of transporting minor coin to applicants therefor.

On No. 109: Limits, as proposed by the Senate, the jurisdiction of the Treasury Department over public buildings to those outside the District of Columbia and military reservations.

On Nos. 105, 106, 107, 108, and 109: Appropriates, as proposed by the House, for an inspector of furniture at \$2,500, and limits his expenses to not exceeding \$1,000 per annum, and provides for a general inspector under the direction of the Secretary of the Treasury, to be appointed by the President, at \$3,000 per annum and not exceeding \$1,000 for actual necessary expenses.

On Nos. 110 and 111: Appropriates \$20,000, as proposed by the Senate, instead of \$25,000, as proposed by the House, for operation of pneumatic tubes.

On No. 112: Authorizes, as proposed by the Senate, the payment of \$1,000 per annum to the collector of customs at Port Townsend, Wash., out of the appropriation for the enforcement of the Chinese exclusion act.

On No. 113: Appropriates \$1,000, as proposed by the Senate, for numbering and adding machines for the Treasury Department.

On No. 114: Authorizes, as proposed by the Senate, the Secretary of the Interior to exchange certain property owned by the United States at Meridian Hill, in the District of Columbia, for certain property in the subdivision called Woodley Park, for the purpose of opening Cathedral avenue in accordance with the highway extension plans.

On Nos. 115, 116, 117, and 118: Appropriates, as proposed by the Senate, as follows: To provide flags for the center of the Capitol, \$100; for cleaning and repairing works of art in the Capitol, \$1,500; for repairs and improvements to the heating and ventilating apparatus of the Senate, \$4,859; and authorizes the use of unexpended balance, \$2,173.54, of appropriation for ventilation of the Senate for a ventilating exhaust fan for the attic story near the Supreme Court, in the Capitol.

On Nos. 119, 120, and 121: Makes verbal corrections in the text of the bill, and appropriates, as proposed by the Senate, for salaries and commissions of registers and receivers of two additional land districts in Alaska.

On No. 123: Appropriates, as proposed by the Senate, \$1,000 for maps of public-land States.

On No. 129: Strikes out the provision inserted by the Senate with reference to the publication of monthly reports filed by the mineral-land commission.

On Nos. 130, 131, 132, and 133, relating to the survey of public lands: Inserts the provision proposed by the Senate as to surveying lands under land grants to the several States, said surveying to be secondary to the survey of townships occupied in whole or in part by actual settlers, etc.; and authorizes the payment of exceptional rates for surveying in the State of Nevada, as proposed by the Senate, and strikes out the limitation proposed by the Senate on the amount to be expended for examination of public surveys.

On No. 134: Inserts the provision with reference to the Northern Pacific Railroad Company, which is fully set forth in the conference report.

On Nos. 135, 136, 137, and 138: Appropriates in the aggregate for the work of the Geological Survey \$657,100, instead of \$641,100 as proposed by the House and \$673,100 as proposed by the Senate.

On Nos. 139 and 140: Authorizes, as proposed by the Senate, the use of \$1,000 for the purchase of books and periodicals for the Government Hospital for the Insane, and inserts the provision proposed by the Senate regulating the custody and disbursement of funds in the hands of the superintendent of the Government Hospital for the Insane by or for the use of patients.

On No. 141: Inserts the provision proposed by the Senate relating to the board of directors of the Columbian Institution for the Deaf and Dumb.

On Nos. 142, 143, 144, and 145: Appropriates in the aggregate \$33,000 for the Howard University, instead of \$35,000 as proposed by the House and \$35,100 as proposed by the Senate; and requires that not less than \$1,500 shall be used for normal instruction.

On Nos. 146 and 147: Appropriates \$4,000, as proposed by the Senate, instead of \$3,300, as proposed by the House, for the Yosemite National Park, and makes the appropriation available for protection as well as improvement.

On Nos. 147 and 148: Strikes out the appropriation proposed by the Senate

of \$4,000 for the Sequoia National Park, and \$2,000 for the General Grant National Park.

On No. 150: Appropriates \$25,000, as proposed by the Senate, for relief of the Des Moines River lands settlers.

On No. 151: Appropriates \$4,000, as proposed by the Senate, for a pedestal for a statue of Daniel Webster.

On Nos. 152, 153, 154, 155, 157, 158, 159, 160, and 161, relating to armories and arsenals: Makes appropriations as proposed by the Senate, as follows: At the Rock Island Arsenal, for machines for the manufacture of siege carriages, \$28,000, for extending electric-lighting plant, \$8,450, and for improving the water power, \$45,000; at the Frankfort Arsenal, \$2,400 for electric lighting and workshops; and at the Springfield Arsenal, \$3,000 for electric light and workshops; and strikes out the following appropriations proposed by the Senate: Twelve thousand five hundred dollars for new hospital building at the Rock Island Arsenal, and \$12,500 for office building at the Watertown Arsenal.

On No. 156: Strikes out the appropriation of \$1,800 proposed by the Senate for a dental pathologist for the Army Medical Museum.

On No. 162: Appropriates \$2,000, as proposed by the Senate, for paving E street through Judiciary Park.

On No. 163: Strikes out the appropriation of \$2,500 proposed by the Senate for a portrait of ex-President Cleveland.

On Nos. 164 and 165: Makes verbal corrections in text of the bill, and strikes out both House and Senate provisions concerning letting of contracts for electric lighting of certain parks and the Executive Mansion and Monument Grounds.

On No. 166: Strikes out the provision proposed by the Senate relative to the audit of accounts for telegraphic service.

On No. 167: Appropriates \$491,163.20, as proposed by the Senate, for pay of the two additional artillery regiments authorized by the act of March 8, 1898.

On Nos. 168, 169, 170, 171, 172, 173, 174, and 175, relating to military posts: Appropriates \$900,000, instead of \$420,000 as proposed by the House and \$920,000 as proposed by the Senate, for construction of buildings at and enlargement of military posts; authorizes the use of \$50,000 of said sum for purchase of building sites; limits the cost of buildings at one-battery posts to \$90,000, and for each additional battery to \$30,000; appropriates \$40,000 for the military post at Spokane, Wash., \$30,000 for the military post at Fort Meade, S. Dak., and \$30,000 for the military post at Fort D. A. Russell, Wyo., and reappropriates for the fiscal year 1899 the appropriation of \$40,000 made in 1898 for the military post at Bismarck, N. Dak.

On Nos. 176 and 177: Appropriates \$40,000, instead of \$95,000 as proposed by the House and \$50,000 as proposed by the Senate, for improvement of the Yellowstone National Park, and strikes out the specific provision proposed by the Senate for a wagon road in said park from Gardiner to the Golden Gate.

On No. 181: Appropriates \$60,000, as proposed by the House, instead of \$75,000, as proposed by the Senate, for the Gettysburg National Park.

On Nos. 182, 191, 192, and 193: Inserts the provision proposed by the Senate, diverting to specific objects appropriations for the Ohio, Mississippi, and Missouri rivers.

On Nos. 195 and 208: Appropriates, as proposed by the House, \$225,000 for the Deep Waterways Commission, with a provision that the board shall report to Congress at its next session the progress of the work, and shall submit in their final report the probable and relative cost of 21 feet and 30 feet depths of said waterways.

On Nos. 196 and 197: Makes a verbal correction in the text of the bill and appropriates \$1,000, as proposed by the Senate, for improving Oak Hill Cemetery, at Evansville, Ind.

On No. 198: Appropriates \$3,000, as proposed by the Senate, for the Antietam battlefield.

On Nos. 199 and 200: Appropriates, as proposed by the Senate, for isolating buildings for minor contagious diseases, as follows: For Providence Hospital, \$32,000, and for Garfield Memorial Hospital, \$33,000; and repeals the appropriation of \$30,000 made in 1897 for two isolating buildings in the District of Columbia.

On Nos. 201 and 202: Makes a verbal correction in the text of the bill, and appropriates \$1,800, as proposed by the Senate, instead of \$600 as proposed by the House, for rent for the offices of the Official Records of the Rebellion.

On Nos. 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, and 220, relating to the National Home for Disabled Volunteer Soldiers: Appropriates, as proposed by the Senate, for the Northwestern Branch at Milwaukee, \$3,000 additional; for the Eastern Branch at Togus, \$1,000 additional; for the Southern Branch at Hampton, Va., \$3,000 additional, and for the Western Branch at Leavenworth, Kans., \$13,000 additional, and strikes out the appropriation of \$22,500 proposed by the Senate for an additional barrack at said Branch; makes the appropriation of \$3,500 for quarters for women at the Pacific Branch at Santa Monica, Cal., available for alterations in the hospital buildings, and makes \$25,000 of the appropriation for current expenses at the Danville Branch immediately available.

On No. 223: Provides, as proposed by the Senate, that hereafter all supplies for the National Home for Disabled Volunteer Soldiers shall be purchased, shipped, and distributed as directed by the Board of Managers.

On No. 225: Appropriates \$500, as proposed by the Senate, for improvements in the office of the Register of Wills in the District of Columbia.

On Nos. 226, 227, and 228: Makes verbal corrections in the text of the bill, and appropriates \$10,000, instead of \$4,000 as proposed by the House and \$14,000 as proposed by the Senate, for punishing violations of the intercourse acts and frauds.

On No. 229: Makes available for the fiscal year 1899 the unexpended balance of the appropriation for 1898 for defense in Indian depredation claims.

On No. 230: Appropriates \$500, as proposed by the Senate, instead of \$1,000, as proposed by the House, for counsel for Mission Indians.

On No. 231: Requires, as proposed by the Senate, that the printing of the opinions of the Attorney-General shall be done in accordance with section 383 of the Revised Statutes.

On No. 232: Appropriates to pay the widow of the late Justice Samuel F. Miller, \$7,419.

On Nos. 234 and 235: Appropriates \$60,000, as proposed by the Senate, instead of \$50,000, as proposed by the House, for assistant district attorneys in special cases, and provides that \$10,000 of said sum may be expended in the discretion of the Attorney-General.

On No. 236: Strikes out the provision proposed by the Senate to pay clerks of courts in South Dakota, Montana, and Washington the same fees and compensation as provided by law to similar officers in Idaho, North Dakota, and Oregon.

On No. 237: Inserts the provision proposed by the Senate relative to the commission appointed by the President to revise and codify the criminal and penal laws of the United States.

On No. 238: Appropriates \$100,000 for rent of court rooms instead of \$90,000, as proposed by the Senate.

On No. 240: Appropriates \$215,000, as proposed by the House, instead of \$220,000, as proposed by the Senate, for miscellaneous expenses of United States courts.

On No. 241: Authorizes, as proposed by the Senate, the payment of the clerk to retired Justice Stephen J. Field during the months of December, January, and February last.

On Nos. 243, 243, 244, 245, and 246: Appropriates, as proposed by the Senate, \$473,150.25 for payment of the Bering Sea awards; \$5,000 for the International Industrial Conference, and \$2,000 for temporary typewriters and stenographers in the Department of State, and provides that the members of the Nicaragua Canal Commission shall receive such compensation and allowances as the Secretary of State, with the approval of the President, may deem proper, and that the Army engineer member of said commission shall receive the same pay and allowances as the other two members.

On Nos. 248, 249, and 250: Appropriates \$3,000, as proposed by the Senate, for repairs to buildings and grounds of the United States at Bismarck, N. Dak., and strikes out proposed reappropriation for fiber investigation in Department of Agriculture.

On No. 251: Strikes out the appropriation proposed by the Senate of \$25,000 for a new edition of Charters and Constitutions.

On Nos. 252, 253, 254, and 255: Appropriates, as proposed by the Senate, to pay \$5,000 to the heirs at law of the late Senators George and Harris, respectively, and provides for payment of a clerk to a Senator from October 3 to December 6 last.

On Nos. 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, and 270: Appropriates \$3,392,000, as proposed by the Senate, instead of \$2,992,000, as proposed by the House, for public printing and binding for Congress and the several Departments of the Government.

The committee of conference have been unable to agree upon the following amendments of the Senate:

No. 11, extending limit of cost of public building at St. Paul, Minn., by \$250,000;

No. 13, appropriating \$130,000 for public building at Annapolis, Md.;

No. 14, appropriating \$50,000 for public building at Butte, Mont.;

No. 15, appropriating \$37,350 for marine hospital at Chicago;

No. 16, appropriating \$8,000 for marine hospital at Cleveland, Ohio;

No. 17, appropriating \$18,625 for marine hospital at San Francisco;

No. 18, appropriating \$5,700 for quarantine station, Delaware Breakwater, Delaware;

No. 20, appropriating \$1,000 for quarantine station at San Diego, Cal.;

No. 23, appropriating \$30,000 for establishing a quarantine station at Astoria, Oreg.;

Nos. 64 and 65, appropriating \$35,000 each for a light-house tender for the Third Light-house district and one for the Great Lakes;

Nos. 73, 74, 75, 76, relating to the Revenue-Cutter Service, authorizing the appointment of a naval constructor for the Revenue-Cutter Service, the creation of a clothing fund, and the construction of two revenue cutters at \$45,000 each, for use at Boston and Philadelphia, respectively; two revenue cutters at \$160,000 each, one for service in the Gulf of Mexico and one for service at Charleston, S. C., and a revenue steamer, to cost \$250,000, for service in the vicinity of the Columbia River Bar, Pacific coast;

Nos. 97, 98, and 99, establishing fish-cultural stations in the States of North Carolina, Georgia, and Washington;

No. 101, appropriating \$19,398.95 to reimburse the Quandt Brewing Company;

Nos. 122 and 123, striking out the provision proposed by the House, that agents of the Land Office to prevent depredations upon public timber shall be selected by the Secretary of the Interior;

Nos. 124, 125, and 126, appropriating \$60,000, as proposed by the Senate, instead of \$75,000, as proposed by the House, for protection of forest reserves, and striking out the provision proposed by the House that forestry agents shall be designated by the Secretary of the Interior;

No. 127, suspending the Executive orders and proclamations relating to forest reserves;

No. 149, to pay certain Indians of the Seminole tribe for alleged outrages committed upon them;

No. 170, for improving the harbor of Wilmington and Christians River, Delaware;

No. 180, appropriating \$40,000 for additional land for the Chickamauga and Chattanooga National Park;

No. 182, appropriating \$125,000 for the improvement of Providence River and Narragansett Bay, Rhode Island;

No. 183, relating to the Bridgeport Harbor, Connecticut;

No. 184, relating to Oakland Harbor, California;

No. 185, relating to the protection of the Sacramento and Feather rivers, California;

No. 186, appropriating \$100,000 for improving Yaquina Bay, Oregon;

No. 187, relating to the improvement of the harbor at Coos Bay, Oregon;

No. 189, authorizing the construction of a high bridge across Rock River, on the line of the Illinois and Mississippi Canal, in Illinois;

No. 190, diverting \$6,000 of the appropriation for improving the harbor at Cleveland, Ohio, for the repair and extension of the levee on Muskingum River, at Zanesville, Ohio;

No. 194, appropriating \$30,000 for Mobile Harbor;

Nos. 221 and 222, authorizing the establishment of a sanitarium for disabled volunteer soldiers at Hot Springs, S. Dak., to cost \$100,000;

No. 224, appropriating \$15,000 to the heirs of those who were killed by an explosion at the torpedo station, Newport, R. I., in 1863;

No. 226, preventing payment of district attorneys appointed under section 767 and the act of February 27, 1897, beyond the period of the session of the Senate next succeeding the date of their appointment;

No. 239, for payment of expenses of district judges holding court outside of their districts;

No. 247, providing for the Paris Exposition;

No. 271, to acquire additional land for an addition to the Government Printing Office; and

No. 272, relating to the bringing of suits against the Government by officers of the United States.

The bill as it passed the House appropriated \$45,445,273.31.

As it passed the Senate it appropriated \$50,873,148.72, an increase of \$5,428,875.41.

By the action of the conference committee the House will accept \$2,537,940.48, and the Senate will recede from \$1,054,520 of said increase, leaving \$1,834,414.95 involved in the amendments upon which the conference committee have been unable to agree.

J. G. CANNON,

WM. A. STONE,

JOSEPH D. SAYERS,

Managers on the part of the House.

Mr. CANNON. Mr. Speaker, there is one matter of correction in the report that I desire to make. There is a reported agreement as to the Paris Exposition. It was not agreed to and I want to report that as a disagreement. The conference report is right, but the report made by the House managers, under the rule, is the one that should be corrected.

The SPEAKER. Without objection, the correction will be made.

Mr. CANNON. Now, Mr. Speaker, I move that the conference report be adopted.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman from Illinois, before the vote is taken, whether the Northern Pacific matter, the amendment offered by the gentleman from Arkansas [Mr. McRAE], was substantially accepted or not?

Mr. CANNON. There is an agreement touching the Northern Pacific grant. The gentleman from Iowa [Mr. LACEY], chairman of the Committee on Public Lands, and the member from Arkansas [Mr. McRAE], formerly on the Committee on Public Lands, but now on the Committee on Appropriations, took the matter into consideration and the House conferees followed their judgment about it, and we were able to make an agreement touching the Northern Pacific grant.

Mr. LACEY. One other question. Was there an agreement reached as to the forest-reserve matter?

Mr. CANNON. There was no agreement reached on the forest reserve. I will say to my friend that last winter, or at the last session of the last Congress, this whole matter of forest reserve was legislated about upon an appropriation bill on a Senate amendment. The matter was referred by the Committee on Appropriations informally to the Committee on Public Lands and legislation was agreed upon, and an agreement worked out, as we supposed, and as Congress supposed at that time, that would settle the whole matter touching forest reserves. The Committee on Appropriations in that matter followed the House Committee on Public Lands.

Now, then, the Senate amendment touching the forest reserves, as I understand it, practically repeals that legislation and annuls entirely the Executive order issued by the late Administration touching forest reserves.

Mr. LACEY. Being substantially the proposition of the Senate in the last session; they are going back to that same proposition.

Mr. CANNON. Yes.

Mr. SAYERS. This matter will come up afterwards. It has nothing to do with the motion to adopt this conference report?

Mr. CANNON. No; there is no agreement on that matter.

Mr. SHAFROTH. The legislation enacted in June, 1897, by the special session of this Congress did provide, it is true, for the forest acts to be performed, but there was only a suspension of these forest reserves for one year under the expectation and hope that the Interior Department would modify the line of this forest reserve, because in some of the States great outrage has been done by putting into forest reserve whole counties, towns, and farms, to the extent in one instance of 10,000 people. It seems to me that there ought to be some way to eliminate from the forest reserve such land, so that the people can have a proper local government.

Mr. CANNON. There is no agreement on the Senate amendment as to forest reserves. That matter is not involved in my motion to adopt the conference report. The gentleman is at liberty later on to make such motion as he may desire touching that matter.

Mr. LEWIS of Washington. Mr. Speaker, I desire to ask the gentleman—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. CANNON. Yes; I will hear what he has to say.

Mr. LEWIS of Washington. Does the gentleman's motion comprehend all the amendments suggested by the committee, or does it give an opportunity for the House to vote upon the Senate amendments separately?

Mr. CANNON. The conference report, if the gentleman has followed it, absolutely agrees to and settles the matters of differences between the House and the Senate, at a rough estimate, on three-quarters or four-fifths of the matters of difference. We have reported back matters that we were unable to agree to. Now, if the gentleman has any particular matter in his mind, I can tell him the situation of it.

Mr. LEWIS of Washington. I desire to know what disposition was made of the fish station on Puget Sound which was in the bill?

Mr. CANNON. There is a disagreement upon that.

Mr. BARTLETT. Will the gentleman from Illinois permit me a question?

Mr. CANNON. Certainly.

Mr. BARTLETT. There is a provision which the conferees of the House and the Senate disagree to—establishing a certain fish hatchery in Georgia. Is that embraced in the gentleman's motion?

Mr. CANNON. There is a disagreement as to the fish hatcheries in Georgia, one in North Carolina, and the one in Washington. They are not affected by my motion to adopt the conference report. Now, if there is no other matter, I move to adopt the

conference report on the amendments we have agreed to. Those that we have disagreed to will come up later.

The conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments specified, upon which there was no agreement, and agree to the request of the Senate for a further conference.

Mr. SAYERS. Mr. Speaker, there are several gentlemen on both sides of the Chamber who desire separate votes upon certain of the amendments, and it seems to me that we might expedite the passage of the bill by calling up the amendments serially.

Mr. CANNON. I will agree to that unless gentlemen are prepared to specify what amendments they want separate votes upon. Then they can have separate votes on those amendments, and the remainder can be disposed of together.

Mr. TAYLOR of Alabama. Mr. Speaker, I want a separate vote upon the Senate amendment 194.

Mr. MUDD. Mr. Speaker, if we are to have separate votes upon the several amendments, it seems to me that they ought to be taken up in their order.

The SPEAKER. They will be taken up in their order.

Mr. CANNON. I am quite content that the first amendment should be read.

The SPEAKER. The Clerk will report the first amendment. Amendment No. 11 was read, as follows:

For the post-office, court-house, and custom-house, St. Paul, Minn.: The limit of cost of building, including heating and ventilating apparatus, fire-proof vaults, elevators, and approaches, complete, is hereby extended \$250,000; and the Secretary of the Treasury is authorized to contract for the completion of said building as aforesaid, within said limit of cost, in accordance with amended plans of said building to be prepared by the Supervising Architect of the Treasury; and the Secretary of the Treasury is hereby directed to cause suitable accommodations to be provided in said building for all officials of the United States located in said city who are entitled to quarters in public buildings.

Mr. CANNON. I move that the House further insist on its disagreement to this amendment and agree to the conference asked by the Senate.

Mr. STEVENS of Minnesota rose.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. CANNON. Yes, sir.

Mr. STEVENS of Minnesota. I move that the House recede from its disagreement to this amendment and concur in it.

Mr. CANNON. I will make a brief statement, and then the gentleman can pursue what course he chooses. I will yield to him if he desires time.

The amendment to which he refers extends the limit of cost for the public building at St. Paul by \$250,000. About 1890 this public building was authorized, the cost not to exceed \$800,000. The work has progressed, but it has not been completed. Since this building was authorized there has been something of growth at St. Paul, as elsewhere throughout the Northwest, and this amendment is an effort to increase the limit of cost, as I have said, by \$250,000. The reasons for this proposed increase the gentleman from Minnesota can explain as he sees proper. There are several public-building items on this bill, some for an increase of the limit and two or three to authorize public buildings outright where there has never been any legislation touching the subject.

Now, if the gentleman desires to insist upon his motion that the House recede, I will yield to him. How much time does he desire?

Mr. STEVENS of Minnesota. Ten minutes, I think, will suffice.

Mr. CANNON. Well, I will yield the gentleman five minutes; and if he wants more time, I will give it to him.

Mr. STEVENS of Minnesota. I will hurry on; I have no desire to occupy time needlessly.

Mr. CANNON. All right.

Mr. STEVENS of Minnesota. Mr. Speaker, this amendment to increase the limit of cost of the St. Paul public building was adopted by the Senate, as stated by the chairman of the Committee on Appropriations, as an emergency amendment, designed to protect the property of the Government and to facilitate its business. The original appropriation was \$800,000, and the city of St. Paul at that time, as a condition of getting that appropriation, made a gift to this Government of a block of land situated in the center of the city and valued probably at a quarter of a million dollars.

The plan of that building was designed somewhat after the Washington post-office. It was hastily and crudely made, and not adapted to the business of the Government desired to be placed in that building. As the chairman of the Committee on Appropriations has stated, the business of the Government to be transacted in that building has grown very fast. As a consequence of this, numerous changes had to be made in the building; parts of it had to be torn out; other parts replaced; so that a very large amount of money has been wasted—practically wasted—in chang-

ing that building. And under the law as it stands, no further changes can be made. The result is that to-day the building not only can not be completed within the limit of cost, but even if completed would not be nearly sufficient for the wants of the Government.

The Treasury Department sent a special agent to St. Paul to investigate this matter. He made a report, which has been printed and is a part of Senate Document No. 141 of the present session. The Treasury Department also made a report in February last to the Senate, quite an elaborate report, embracing the results of considerable investigation and stating in detail the condition of this building. In addition to this, the Supervising Architect of the Treasury Department appeared before the Senate Committee on Appropriations and made quite an elaborate statement as to the condition of affairs. These different reports and this testimony state substantially this: That this building now is in such a condition that it can be finished at the cheapest possible expense and at the same time have an enlargement, without any waste to the Government; but if an attempt be made to finish the building under the present limit of cost, specifications would be made for only the cheapest kind of soft-wood finish; and even if this were done, there would not be sufficient funds on hand to finish the building.

Again, these reports state that there is not sufficient vault room in this building. Now, it should be remembered that this Federal building is not designed as a local building, but it is to accommodate, in the first place, the post-office of St. Paul, which has a revenue of about half a million dollars annually. It is to accommodate the United States Railway Mail Service of the tenth division, extending from the upper peninsula of Michigan away through the northern border to the Cascade Mountains, in the State of Washington.

It covers all the customs receipts of the State of Minnesota (there being but one customs district), except a small portion of the northeast border. It covers all the internal-revenue receipts, there being but one internal-revenue district of the State of Minnesota. It covers the United States circuit court of appeals for the eighth circuit, one of its sessions being held in St. Louis, the other in St. Paul. This business embraces all the States from Minnesota on the north to Arkansas on the south and Colorado on the west.

Of all this immense business—nearly one-third larger than that of any other circuit in the United States—one-half should be done in this building. It covers all the circuit court business of the State of Minnesota, there being but one judicial district in the State. It covers all the business of the district court. It covers also the weather bureau, the land office, and the surveyor-general, the surveys covering nearly 3,000,000 acres of our public lands.

It is to accommodate also the supervising inspector of steam vessels, both of the lakes and the river, extending west as far as Montana; the secret service, the civil service commission, the immigration bureau, the pension bureau, the United States engineering office, having jurisdiction of the improvement on the Upper Mississippi, extending down as far as Rock Island and covering all of the large reservoirs holding the immense bodies of water in the Upper Mississippi, designed to afford protection from floods; the agricultural bureau, the inspectors, and those engaged in microscopic work. Thus it will be seen that the business to be done in this building is immense.

Now, this report further shows that if this building were completed to-day there would be a deficiency of 8,546 square feet. So there is a necessity for an enlargement immediately. It further shows that the vault room in the local post-office department is insufficient to keep even the stamps. So that with half a million dollars of revenue derived from the local post-office, there is not room enough in the building to protect the stamps that afford this revenue.

Mr. CANNON. Will the gentleman allow me a question right there?

Mr. STEVENS of Minnesota. Certainly.

Mr. CANNON. Has the work on this building been commenced?

Mr. STEVENS of Minnesota. Oh, yes; the walls are up.

Mr. CANNON. Now, then, the limit of cost having been fixed in 1890 at \$800,000, I will ask my friend whether, under the plans which were adopted and in view of the work which has been done, this building can be completed for that sum?

Mr. STEVENS of Minnesota. No, sir; the Supervising Architect has informed the Senate Committee on Appropriations that it can not be completed even in the cheapest possible manner for that amount of money.

Mr. CANNON. That was my recollection. Then I will ask my friend further—he has full knowledge of the facts, and I know will answer frankly—whether, if this limit be not broken, the building will stand incomplete and unoccupied until it is broken?

Mr. STEVENS of Minnesota. I will answer that question frankly. I do not know. This would be the trouble: The building can not be completed for that amount of money, and if the

Department should proceed to let contracts for finishing the building as far as possible in view of the amount of money at its disposal, it could finish a part of the building in the cheapest kind of soft-wood finish, leaving a part of the building unfinished. It could not provide the needed vault room; it could not provide sufficient accommodations for the public service.

The result would be that the cheap finish would be worn out in a public building of this kind, and would have to be torn out and replaced; so that thus there would be a large waste of money which the Government might as well throw into the fire so far as any practical utility is concerned. So that it would seem to me to be good business policy that this building should be completed in the cheapest possible way at once, so that the rent which the Government is compelled to pay, which amounts to five or six thousand dollars a year, may be saved, while at the same time the building would last for a long term of years and accommodate the business.

Now, if this amendment is adopted, it carries no present appropriation. All it provides is that the limit of cost shall be fixed, that the plans may be changed, that these vaults may be enlarged, that additional floor space, aggregating about 15,000 feet, may be provided, and that would accommodate the business of the Government for about twenty years. That is what this amendment does. No money is appropriated by this amendment. It is designed that the most careful consideration shall be given to the changes, and that no more improvident construction shall be adopted, but that the changes shall be made as soon as possible and the money not made available until the appropriations for 1900 are made.

Mr. CANNON. Now, if my friend will allow me, I am quite content to say, concerning this Senate amendment, that St. Paul is a real city, with a real business, and it has a real necessity for a great public building. The country, the city, and the business are growing all the while. I want to say further that I have no doubt that if the Supervising Architect had made plans to make this building a substantial fireproof building, without something of ornamentation, \$800,000 would have made a first-class building; but from a revival of my recollection by the gentleman from Minnesota [Mr. STEVENS] and from a little investigation I have given along the same line while he was talking, I understand the condition to be that the Supervising Architect and his assistants have laid out a building, apt enough in itself if it had not exceeded the limit, that can not be completed except under the terms of the Senate amendment.

Now, it is not as bad a case as the Omaha case. That was the worst one I ever knew, except here in the city post-office in Washington. You will recollect that three or four years ago, with a law upon the statute books that no plans should be made that would exceed the limit of cost, they deliberately went to work and outside of the limit of cost changed the finish from stone to marble, on the request of three or four people, and while that was done in the teeth of the law by the Treasury Department, it made it absolutely necessary that we should appropriate \$200,000 in addition to the limit, as I recollect it. We did that. The same thing was done in the city post-office building here on the Avenue. We have broken the limit, and broken the limit because the Supervising Architect under the late Administration did not obey the law.

Now, there is the condition as I understand it, and it is for the House to say, as this building has been authorized, as the site has been donated, as the work is progressing and can not be finished, whether it is wise to break this limit. Your committee, acting for you, did not agree to this amendment because we felt it was a matter of which the House should be advised, when it could take such action as it saw proper. So far as I am concerned, I am ready for a vote.

Mr. OTJEN. How much will this increase the limit?

Mr. CANNON. Two hundred and fifty thousand dollars.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

The Clerk reported the next amendment, as follows:

For post-office at Annapolis, Md.: To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site, and to commence the construction of a fireproof post-office building thereon, in the city of Annapolis, Md., said site to contain at least 18,000 square feet of ground, and to leave an open space around the building to be erected thereon, including streets and alleys, of 40 feet, \$120,000.

Mr. CANNON. I move that the House further insist on its disagreement to this amendment.

Mr. MUDD. I move that the House recede and concur with an amendment which I send to the Clerk's desk. I believe that motion takes precedence.

The SPEAKER. The gentleman from Maryland moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

That the House recede from its disagreement to Senate amendment 13, and concur therein with the following amendment:

Strike out the words "to commence the construction of" and insert in

Now thereof the words "to construct;" strike out all after the word "Maryland" to the end of the paragraph, and insert in lieu thereof the words "one hundred thousand dollars;" strike out the word "post-office," in line 9, and "post-office building," in line 12, and insert in lieu thereof the words "public building for post-office and custom-house."

Mr. CANNON. I yield five minutes to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Speaker, the object of my motion is to provide an appropriation of \$100,000 for the purpose of constructing a building for the joint purposes of a post-office and custom-house in the city of Annapolis, Md. The amendment which I offer changes the proposition of the Senate in some respects, which I will explain. The Senate provided for an appropriation of \$120,000, and I will state here in that connection that if my information is correct, the proposition was adopted unanimously by the Senate.

The Senate proposition also provided certain minimum dimensions for the lot upon which the building should be erected. If the appropriation shall be reduced to \$100,000, it is possible that the provision for the dimensions of the site ought to be stricken out and that matter left entirely discretionary with the Treasury Department.

I have also changed the proposition in another and very material respect, in that I provide for the erection of a "public building" to serve both for a post-office and custom-house, instead of a "post-office building."

Now, Mr. Speaker, it seems to me that this is a meritorious proposition. A bill for the construction of a post-office building or a general public building in Annapolis has passed one House or the other, with the exception of the last two or three Congresses, in nearly every Congress for the last ten or fifteen years. In the Forty-ninth or Fiftieth Congress a bill for the same amount—if I am correctly informed—which I provide for here passed both the House and Senate, but was vetoed by President Cleveland.

I need not remind members that Annapolis is the capital of the State of Maryland. It was for a short time the capital of the United States. In addition to that, it is also a port of entry and has, or rather ought to have and wants to have, a custom-house. It is true that it is not a very large city, but I apprehend that there are but few, if any, of the capitals of the older States in the United States that have not public Federal buildings. As the House will remember, Annapolis is the seat of the Naval Academy. It has several colleges, academies, and seminaries. With the permanent population and this transient population and that of the outlying and contiguous country, not included in the census as a part of the total population of the city, I think I am safe in saying that the persons for whom postal facilities are necessarily provided number 20,000 or upward.

Now, the conferees reported against this proposition which was put on by the Senate, because, as I understand, they say, or they think, that this is not a post-office building year. If the city of Annapolis ought to have a public building, it is just as well that we should give it to her now as at any other time. My district and the capital of my State should not suffer because I and those interested with me may have been more vigilant than others, and have succeeded in having this appropriation put on in the Senate. I am not the only member of the House who has to go to the Senate occasionally to get consideration for propositions that we can not have considered here, because of the greater strictness of our rules.

I could not offer this amendment to the sundry civil bill in the House, as our rules would not allow it. It has been unanimously put on by the Senate, and I do not believe there is a member of this whole House who will say that the city of Annapolis ought not to have a public building for its post-office and custom-house jointly. I hope that the House will not turn down this proposition merely because it is offered in a year in which members generally can not get public-building bills considered. I hope that the House will manifest a broader and a better public spirit than that.

Mr. LITTLE. I should like to know if this bill has been reported by the House Committee on Public Buildings and Grounds?

Mr. MUDD. Not this year; but it has been reported in many Congresses previous to this, and the bill has never been submitted without being favorably reported and, if I am correctly informed, unanimously reported.

Mr. LITTLE. Can you state why the bill has not been reported at this session? We have been sitting now for a number of months.

Mr. MUDD. One of the reasons why it has not been reported is because it had not been offered in this Congress. The bill has not been introduced; and if you want to know why it was not introduced, I will answer that it was not introduced because it was well understood in the House that no such bill would be considered during this session.

Mr. LITTLE. Why did you assume that it would not be considered, and why was it not introduced?

Mr. MUDD. The gentleman has asked me a conundrum which

I hardly think I ought to be expected to answer. I hope the gentleman will throw himself upon the very intelligent judgment and wisdom of the unanimous Senate upon this proposition and not press questions of that kind as to why the House has not done certain things.

Mr. LITTLE. Has not the House an organized committee on this subject?

Mr. MUDD. I believe that goes without saying.

Mr. LITTLE. I should like to have a minute or two on this proposition.

Mr. CANNON. I will yield to the gentleman two minutes.

Mr. LITTLE. Mr. Speaker, I have no purpose to oppose the equities of the amendment in the interest of my friend's city; but I think that this House ought to be able to take care of itself for a little while. It is a matter of common knowledge in the House that the Committee on Public Buildings and Grounds has not had a business session during this session of Congress. There are to-day resting in that committee, I think I can safely say, fifty bills—I know I can say many bills—with just as much justice and necessity for them as there is for this measure. Why, there are comparatively great cities in this country without a custom-house and post-office building.

As a member of that committee I protest against this manner of proceeding. Every member of this House who represents a city that is entitled to a building of this character ought to have the right to be heard in the regular channels of legislation, and we ought not to be asked to adopt a bill as an amendment upon the sundry civil bill, a new proposition, when other members of the House have not taken advantage of that mode of procedure, if they could. Now, it is just simply a question whether the House is willing to treat itself in this sort of a way. It is not a question whether this building ought to be had or not.

I have no doubt it ought; but there are many in the same situation, and whenever the powers that rule this House agree that we have reached a time when the country can have these public buildings, I am ready and anxious that a reasonable number should be constructed, wherever they are necessary. But I do think that the House ought not to agree to this proposition. It ought not to put the members of the House in the position of passing a bill here for one public building when they themselves have had no opportunity to present their own measures. I protest against it, and I say that the House ought not to agree to it. It raises the question whether the other end of the Capitol is to do the legislating or not. We are met here with the statement that this bill has not been introduced in the House—and I know gentlemen who have introduced bills and who have sought to have them considered in the committee and have not been able to do so for six months.

A MEMBER. Six years.

Mr. LITTLE. Six years, as gentlemen around me suggest. I have been undertaking it myself, but I would not take advantage of this situation. I would not, in the face of the existing conditions, undertake to embarrass my associates here by pressing a bill in the Senate for a building in my district and thereby gain an unfair advantage over them. I believe when we undertake to legislate on that subject we ought to legislate in a legitimate channel; we ought to go to the committee and there secure from that committee a report; and when the majority of this House is willing to act we can do it, and if it is not willing to do it, we must abide our time. But that is no reason why we should submit to this piece of partial legislation in favor of one small city and neglect many larger cities in the United States.

Mr. HANDY. Will the gentleman allow me a question?

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Delaware?

Mr. LITTLE. I will.

Mr. HANDY. I understood the gentleman to say that he had no doubt this was a worthy amendment put on by the Senate?

Mr. LITTLE. I presume the building is needed.

Mr. HANDY. Then when you come to face the proposition you will concur in the Senate amendment. If you think it is worthy, would you vote against it because some bill touching the same general subject had been improperly kept from consideration?

Mr. LITTLE. I will answer my friend candidly. I would, especially under the conditions which surround us here. The House has a regular, organized committee for the consideration of these matters. It has many bills absolutely demanded by the necessities of the public service of the country—custom-houses, post-offices, and buildings of that character—and every one of them sleeps in the bosom of that committee, which has not had a meeting in this session of Congress.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. CANNON. I now yield to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, this is a matter in which I have no especial interest; but it seems to me that if the gentleman from

Arkansas had kept pace with past legislation in regard to public buildings he would have found that for years it has been the custom to authorize an appropriation for a public building at the capital of a State where there is no public building. I think each State has a public building except the State of Maryland.

Mr. LITTLE. Has the State of Utah any public building?

Mr. SAYERS. I expect so; we have been erecting a good many buildings in Utah. The gentleman from Utah can state as to that. If the State of Utah has not a public building it is because it has not been asked for. Now, the merit of this amendment lies in the fact that it is necessary. In the second place, the capital of Maryland is the only State capital, so far as I know, that has not a public building, and it has been the custom for years past to appropriate money for constructing one in capitals where there was none.

Mr. LEWIS of Washington. Will the gentleman allow me a question?

Mr. SAYERS. Yes.

Mr. LEWIS of Washington. I want to say that the State of Washington was denied one in 1890.

Mr. SAYERS. Has it not one now?

Mr. LEWIS of Washington. No.

Mr. SAYERS. Then probably the Senators from Washington have not asked for it.

Mr. LEWIS of Washington. They have been derelict in their duty.

Mr. SAYERS. Oh, no; I would not say that.

Mr. LEWIS of Washington. We have been denied what has been given to the capital of every other Western State.

Mr. CANNON. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the question now before the House, I think, very fairly illustrates the folly of our method of procedure in the selection of sites and the expenditure of public money for public buildings. In my humble judgment, there is no more wasteful, and there has been no more wasteful, exhibition of the expenditure of public money than in the erection of public buildings throughout the country. We always pay for more than we get, and we always get more than we need. We have fallen into the habit of spending thousands every year for the purpose of "architecture," for the purpose of "preserving art," for the purpose of "educating our people in art," with these abortions of art that are scattered all over the country, called public buildings. Instead of pursuing a sensible course, erecting a public building of utility, business buildings, we spend untold millions, or have, in trying to erect things of so-called beauty.

Now, this illustrates well the procedure. Here is a proposition to appropriate \$100,000 for the erection of a custom-house and post-office. I have before me a table showing a statement of the custom business for the fiscal year ending June 30, 1897. In the list I find Annapolis, Md., and not one dollar of customs revenue was collected at Annapolis in that fiscal year. That was last year; not a dollar. Yet the table shows that there were two persons employed there to collect that nil dollar, at a cost of about \$1,000 to the Government. Now, it may be that no customs were collected there because there was no custom-house in which to collect them. The gentleman ought to remember that when he makes his argument. Again, it is a town of perhaps 10,000 inhabitants. The gentleman says 20,000 with its suburbs. It has a post-office. They have a delivery system there, have they not?

Mr. MUDD. Yes.

Mr. HEPBURN. Wherever there is a delivery system, there is a removal of the necessity for spacious buildings for the post-office purposes, at least in part.

Now, let me represent, if I can, what would be an infinitely more sensible course for us to pursue. We have a building in the city of Chicago, an immense building at the present authorized cost of \$4,000,000. We are building that on a block of ground which I was informed a few days ago by a competent authority was worth \$6,000,000. We tore down a building to make room for the new one that has cost the Government of the United States more than four and a half million dollars, and upon which we put improvements in the form of a lean-to addition that four or five years ago cost \$250,000.

But for this building before it is completed, as every gentleman knows, with the railroading process and in the combinations that are made in regard to buildings of this kind, there will be an increase of appropriation, so that the Government will have invested in land and buildings \$12,000,000; and yet it is true, I think, that of the million or more of people in the city of Chicago not one in ten ever visits that building for any business purposes. I have been informed, and I have made diligent inquiry, that the cost of these magnificent modern buildings in the city of Chicago has been less than a million and a half dollars. No one of them has cost more than a million and a half dollars, and yet there are buildings there that will have a floor space largely exceeding that of the \$6,000,000 building when we have it completed.

How much better it would have been, how much better it would be, Mr. Speaker, if instead of lavishing our money in this ruthless way we were to build a better building than any of the modern buildings in the city of Chicago at a cost of a million and a half upon a quarter of the land, or at a total expenditure of \$3,000,000 for land and structure, and save the \$9,000,000 to the United States. If we want to lavish that money in expenditure, how much better it would be to take of that saving \$10,000 and build a \$10,000 building in 900 of the towns where there are second and third class offices. Instead of throwing away our money in abortive art, instead of giving these great advantages to a certain part of the cities, let us pursue the sensible course of building business buildings, such as business men would erect, and then we shall have the means of scattering all over this country visible monuments of the Government that we have in post-office buildings for all Presidential offices.

I think instead of this logrolling process, instead of these combinations that are made to give extravagant buildings to certain particular favored places, it would be wise to pursue the course of sensible business men, giving to every large city all that it needs in a business building and then let us use that surplus that we have saved in building these other erections all over the country. In that way the benefits would be distributed.

I insist that a comparatively commodious building is more of a necessity in second, third, and some fourth class post-offices than in some of the great cities. In the city of New York there are hundreds and thousands of men, I undertake to say, who have never visited the post-office or the custom-house in their lives. Such buildings in the large cities serve the convenience of comparatively few people, the greater number being accommodated in other ways.

What I have said now is not particularly in opposition to the proposition of my friend from Maryland [Mr. MUDD]; for if the policy urged upon us is to be pursued, I admit the force of much that he says, and that the capital of his State, with others, should be provided with public buildings. But my object is to make a mild protest against the resumption of this method of combining to get millions out of the Treasury of the United States for a few cities, leaving all the rest to wrestle with the proposition of postal facilities as they can. [Applause.]

Mr. CANNON. Mr. Speaker, I want to say a word further, and then I will ask for a vote.

There are on this bill two propositions for the construction of public buildings—one at Annapolis and the other at Butte, Mont. Now, I do not know that I care about discussing the general policy of the erection of public buildings. I concur in much that the gentleman from Iowa [Mr. HEPBURN] has said. I have nothing to say in defense of Chicago. I have abused that city in my mind very often; but it never did any good. [Laughter.] She kept on growing until she has nearly 2,000,000 people; and last year the customs revenues were over \$5,000,000, the postal revenues about the same amount, saying nothing of the internal-revenue collections, which, according to my recollection, were over \$10,000,000—ten or twelve million dollars.

The truth is that it is the great trading depot for the great West and Northwest. It is true, we had to tear down a building there and put up another; but I want to correct the notion of my friend here that the building now being erected is to cost more than \$4,000,000. It is the one great building—the only one within my knowledge—the plans for which are complete and the contracts for which are being made inside of the limitation. It will cost no more than \$4,000,000.

Mr. HEPBURN. I want to say to the gentleman that \$250,000 more than the estimate has already been expended in fixing the subfoundation.

Mr. CANNON. I say that the subfoundation and all of the structure will not cost to exceed \$4,000,000. I do not care about defending its merits or attacking its shortcomings; but I want to say to my friend that there are people in Illinois, in public life and out of public life, who have determined that this building shall not cost more than the amount authorized; and it will not, if I am reliably informed.

Now, touching the pending amendment, the amount proposed, as modified, is \$100,000 for a public building at Annapolis. Last year the postal revenues at Annapolis were \$10,000. How much of that amount was due to the immediate presence or vicinity of the Naval Academy I do not know. Annapolis is an old town. It is the capital of Maryland. But the great city, the commercial city, the business city of Maryland is, of course, Baltimore. Now, we have authorized over \$1,000,000 of expenditure for public buildings at Annapolis this session.

We are going to have a most magnificent outfit for the Naval Academy there—authorized upon the naval bill under the leadership of the chairman of the Naval Committee and the honored gentleman from New York. I am not here to discuss that matter. That is behind us, and the buildings which are to be erected are before us. It is not necessary that this sum of \$100,000 should be

expended this year to give employment to people living in Annapolis, because they are going to be quite well employed in the construction of the improvements connected with the Naval Academy.

My objection to this paragraph and the next one I will state. These are Senate amendments authorizing public buildings not now authorized by law. In the present condition of the Treasury it was the deliberately adopted policy of this House that this session of Congress should not be a public-building session. I have had to wait in regard to a public building at Joliet. That city has postal revenues amounting to fifty or sixty thousand dollars annually; it has a large population. A delegation from that city was down here and said to me, "Why, Mr. CANNON, there can be no trouble about Joliet getting a public building; you are chairman of the Committee on Appropriations, and you can get whatever you want." I said that I would have to take "pot luck" along with my brethren, and that even if this were a public-building session, the bare fact that I was chairman of the Committee on Appropriations was bond and security that Joliet could not get a public building.

Now, there are fifty or sixty or seventy-five gentlemen, vigorous representatives of cities where they need public buildings quite as much as they do at Annapolis, and, I dare say, as to most of them, a great deal more. Now, I want the House to act advisedly about this matter. If in our action on this amendment of the Senate and the next one in regard to public buildings we are to depart from the policy we have adopted, well and good. That is for the House to say. But if the House should vote down the motion of the gentleman from Maryland to concur with the Senate amendment, then I shall have every confidence when we go back into conference that the Senate will be compelled to recede, as the body which proposes legislation is always compelled to recede if the other body will not accept it. I ask for a vote.

Mr. MUDD. Will the gentleman yield to me a few moments?

Mr. CANNON. I have already yielded to the gentleman. I want to be just to him.

Mr. MUDD. Very well. If the gentleman declines to yield, I will move to strike out the last word and take the floor in my own right.

Mr. CANNON. I yield to my friend two minutes.

Mr. MUDD. Mr. Speaker, we are not asking this public building at Annapolis for the sake of giving employment to the people of that city. Nor should we be deprived of what are the just dues of the State of Maryland, as the gentleman from Illinois seems to argue, because the United States Government maintains a Naval Academy at that place.

Mr. Speaker, all the argument that has been made against this proposition is based upon the general objection to extravagance for post-office buildings. That should be no argument in this particular case. The gentleman from Texas has stated, and stated more strongly than I could, that, with the exception of two or three States recently admitted into the Union, there is no State in this country whose capital city has not a public Federal building. If we are entitled to an appropriation for such for post-office and custom-house purposes in the city of Annapolis, it is for the House to say whether \$100,000 is an extravagant appropriation for such a building as we ought to have.

The amendment provides for an iron, fireproof structure. We ought to have a satisfactory and suitable building or we ought to defer the construction of one until we can get such a building. If we can not have a good building, we ought not to have any. The propriety of this principle has been exemplified, Mr. Speaker, more strongly than in any other case of which I have knowledge in the case of the Naval Academy.

In that instance, in response to just such arguments as the gentleman from Iowa [Mr. HEPBURN] has been pleased to make here in opposition to this motion, the Government erected cheap structures for the Naval Academy, just such as the gentleman would advise us to erect now at Annapolis. The result has been that those buildings have become so worthless and insecure that we have been obliged to make large appropriations for the erection of new structures to take the place of those that have to a great extent been tumbling down, though erected in the last ten or fifteen years, because of the cheap and haphazard system of construction that some gentlemen seem to think it the part of wisdom to apply to public buildings in which they may happen to feel no especial concern.

There is no economy to the Government in cheap and carelessly constructed buildings. The State of Maryland ought not to be discriminated against in this matter. A measure of this kind, I repeat, has been reported time and time again unanimously, and has been acted on favorably by both Houses of Congress. There is no reason in the world why this proposition should be voted down except such as may be based upon the bald contention that my State ought not to have this building because other States and districts can not get their buildings at this session.

Mr. CANNON obtained the floor.

Mr. LITTLE. I rise to a parliamentary inquiry. I wish to

know whether it is in order to amend this amendment by a provision for an additional building.

The SPEAKER. At Annapolis?

Mr. LITTLE. No, sir; at another point.

Mr. CANNON. The gentleman might offer such an amendment as he wants, but I will be entirely frank, and say to him that I shall be compelled to make a point of order on it.

Mr. LITTLE. And I will be frank in saying to the gentleman that I think none of these buildings ought to be constructed in this way; but if we are to have them at certain points, then justice ought to be done to other places.

Mr. CANNON. There is great force in what the gentleman says.

Mr. LITTLE. If it is in order, I will offer my amendment.

The SPEAKER. Upon the statement of the gentleman, the Chair would say that his amendment would not be in order.

Mr. LITTLE. My proposition is for the construction of a building at another place.

Mr. CANNON. If the gentleman had offered his amendment, I should have been compelled to make a point of order against it.

Mr. LITTLE. I felt pretty sure of that.

Mr. CANNON. I now ask for a vote.

The question being taken on the motion of Mr. MUDD, that the House recede from its disagreement and concur in the Senate amendment, it was rejected; there being on a division (called for by Mr. MUDD)—ayes 26, noes 65.

The motion of Mr. CANNON that the House further insist upon its disagreement was agreed to.

Mr. HARTMAN. Is that amendment 13 or 14?

The SPEAKER. Thirteen.

Mr. HARTMAN. I want to be heard on amendment 14.

The SPEAKER. That has not yet been reported. It will be reported by the Clerk.

The Clerk read Senate amendment 14, as follows:

Page 4, after line 5, insert:

"To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site for a public building in the city of Butte, Mont., there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of \$50,000. Said site shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet. The appropriation herein made shall be available during this fiscal year for the purchase of said site."

Mr. CANNON. I move that the House further insist upon its disagreement.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the House further insist upon its disagreement.

Mr. HARTMAN. Mr. Speaker—

Mr. CANNON. Does the gentleman desire to submit a motion?

Mr. HARTMAN. I move to concur in the Senate amendment.

The SPEAKER. The gentleman moves to recede and concur.

Mr. CANNON. Now, does the gentleman desire to be heard?

Mr. HARTMAN. Very briefly.

Mr. CANNON. I will yield five minutes to the gentleman.

The SPEAKER. The gentleman from Montana is recognized for five minutes.

Mr. HARTMAN. Mr. Speaker, the proposition to construct a public building at the city of Butte naturally involves the inquiry as to what is the size of the town and the necessity for such a building. The town has about 40,000 inhabitants, and the record presented by the Post-Office Department shows that in 1881 the receipts from the post-office alone were \$3,738. In 1891 they had increased to \$35,618. The net receipts in 1881 were \$4,678. In 1891 they had increased to \$23,036, while for 1895 the receipts amounted to \$38,976.66.

In addition to the necessity of the post-office, requiring a public building, there is a United States court held at that place, and there is also a district for the collection of customs receipts. The United States marshal also has a suboffice at that place, and there are many requirements of the Government which demand the construction and maintenance of a Government building there. Of the \$2,700 per year that is paid for rent for the post-office alone in Butte, \$1,800, or two-thirds of it, is paid by the citizens of the town, only \$900 being paid by the Government of the United States.

There is a rapidly increasing business in the town, dependent largely upon the production of copper. Something like 120,000,000 pounds of copper were produced in that city in the year 1896. It has 5 railroads, and the railroad business for the year 1895 amounted to 3,000,000 tons. There are 15 churches; a \$100,000 public library, with \$50,000 worth of books; a \$140,000 court-house; 15 miles of electric street railroads, also a cable-car line; 6 smelters; 5 quartz mills, containing 350 stamps; 2 daily and 4 weekly newspapers; 1,500 patented mines; waterworks that cost \$1,500,000; 6 hospitals; 12 schoolhouses, most of them large and handsome brick structures, costing \$500,000; over 4,500 pupils and nearly 100 school-teachers; a city tax roll of \$15,000,000, with a county tax of \$22,000,000, and street improvements which have cost the city over

\$300,000; a splendid system of sewerage, and an electric-light system costing \$200,000.

It is probably the best business town on earth in proportion to its size. I do not think there is any question but what that is true.

Mr. BURKE. Does the gentleman state that there are six hospitals in the town?

Mr. HARTMAN. That is true.

Mr. BURKE. Six hospitals?

Mr. HARTMAN. That is true; and I will explain to the gentleman the necessity, because I understand the insidious purpose of the question. There are six hospitals there for this reason: Seven thousand men are employed in the mining industry. These men work beneath the surface of the earth, in shafts, tunnels, and all the underground work of the mines. It is a dangerous occupation for any man to be engaged in. I say it is a credit to the city that it has prepared hospitals for the care of men who are unfortunate enough to be injured in these works.

Mr. BURKE. I agree with the gentleman fully. I did not understand the situation.

Mr. HARTMAN. That is the situation. It is exclusively a mining town, the greatest mining town on earth, and the greatest business town on earth in proportion to its size.

Mr. Speaker, I realize that nothing that any man can say will carry this amendment. It is like talking to a jury the verdict of which is already made up. I move to concur, and I ask for a vote.

Mr. CANNON. I ask for a vote.

The SPEAKER. The gentleman from Montana moves to recede and concur.

The motion was rejected.

Mr. CANNON. I move that the House insist.

The question was taken; and on a division (demanded by Mr. HARTMAN) there were—ayes 53, noes 43.

Accordingly the motion of Mr. CANNON was agreed to.

Mr. CANNON. Now, Mr. Speaker, amendment 15 relates to the marine hospital at Chicago, 16 to the marine hospital at Cleveland, and 17 to the marine hospital at San Francisco. I should like to know if a separate vote is required on those.

Mr. BURTON. I should like to have a separate vote on amendment No. 16.

Mr. CANNON. It is quite evident that there are a good many of these amendments which will not require separate votes.

The SPEAKER. Is a separate vote required on any of the remaining amendments?

Mr. ADAMSON. I should like a separate vote on amendment No. 98.

Mr. STROWD of North Carolina. I should like a separate vote on No. 97.

Mr. TAYLOR of Alabama. And on 194.

Mr. HANDY. I should like a separate vote on amendment 176.

Mr. DE VRIES. And on amendments 127 and 185.

Mr. LEWIS of Washington. I desire a separate vote on 99 and a couple of others which are not numbered in the bill which I have in my hand. They refer to fog signals and light-houses.

The SPEAKER. Will the gentleman from Illinois [Mr. CANNON] give the numbers?

Mr. CANNON. I do not find them.

Mr. LEWIS of Washington. I think the numbers are 58, 59, and 60.

The SPEAKER. A separate vote is desired on amendments 58, 59, and 60.

Mr. BURTON. On Nos. 16 and 190 and the amendment to provide for a light-house tender on the Great Lakes. I am not able to give the number, as it is not printed in the bill as originally reported.

The SPEAKER. Will the gentleman from Illinois give the number?

Mr. CANNON. I am trying to find it.

Mr. TONGUE. I wish a separate vote on amendment 186.

Mr. ELLIS. And on No. 23.

The SPEAKER. Are there any other separate votes desired?

Mr. TAYLOR of Alabama. On 194.

Mr. CANNON. Sixty-five is the light-house amendment.

The SPEAKER. A separate vote is desired on that.

Mr. HILBORN. I wish a separate vote on amendment 184.

Mr. DOCKERY. I desire a separate vote on amendment 273.

The SPEAKER. Is that all?

Mr. CANNON. My colleague [Mr. PRINCE] wants a separate vote on 189.

Mr. LEWIS of Washington. Will the chairman of the committee [Mr. CANNON] allow me to ask him a question for information? I desire to ask if the gentleman desires the House to disagree to amendment 70, on page 27?

Mr. CANNON. What amendment is that—for the revenue cutter?

Mr. LEWIS of Washington. The revenue cutter.

Mr. CANNON. We recommend disagreement on the amendments relating to revenue cutters.

Mr. LEWIS of Washington. I desire a separate vote on No. 70.

Mr. CANNON. Is a separate vote desired on 99?

The SPEAKER. It has been requested.

Mr. CANNON. My colleague [Mr. WHITE of Illinois] wants a separate vote on 15.

The SPEAKER. The Chair will read the numbers of the amendments on which separate votes have been requested: 15, 10, 22, 58, 59, 60, 65, 70, 97, 98, 127, 176, 184.

Mr. LEWIS of Washington. And 99.

The SPEAKER. Also 127, 176, 184, 185, 186, 189, 190, 194, 273.

Mr. LEWIS of Washington. Is No. 99 included?

The SPEAKER. No. 99 has been included. The question is on insisting on the disagreement of the House to the other amendments.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the fifteenth amendment.

The Clerk read as follows:

For marine hospital at Chicago, Ill.: For invalid elevator, including dynamo, \$2,350; for new building for boiler and power plant, isolation ward, stable, and laundry, \$26,000; in all, \$27,350.

Mr. CANNON. I move that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is desired.

The Clerk read as follows:

For marine hospital at Cleveland, Ohio: For boiler house, stack, and new boilers, \$3,000.

Mr. BURTON. I move that the House recede and concur.

Mr. CANNON. I now yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, this is the oldest marine hospital on the Great Lakes. It was completed and opened in 1852. The immediate occasion for repairs upon it is that for a little more than twenty years it was leased to a private corporation for a hospital in the city of Cleveland—from 1875 until the 1st of April, 1896, when the Government took possession again. It was found after the twenty years' lease of the building it was in very bad repair. There is a special need of new boilers and a boiler house, and other repairs more extensive than those which could be carried on under the general appropriation.

In the official report of the Surgeon-General, on page 44, he states, speaking of the time when it was returned after the expiration of the lease, the 1st of April, 1896:

The building was found to be in very bad state of repair in all of its departments, and the Inspector from the Supervising Architect's Office was detailed to make an examination of its condition and report upon the improvements immediately necessary to place it in condition for occupancy, and his report places the estimated expenditure at \$3,000.

This is a small sum compared with the original cost, which was about \$120,000, but this expenditure is necessary to make the building convenient and suitable. I move that the House concur in the Senate amendment.

Mr. CANNON. Mr. Speaker, there are many appropriations that under proper conditions would be apt, and there are many that are absolutely necessary, and that is especially so in these war times. Now, the Marine-Hospital Service is a valuable service, but after examination and cross-examination of the chiefs of that service it will be seen that this bill carries a great increase in appropriations for the Marine-Hospital Service. Two or three times we were in consultation with the Surgeon-General and asked him again and again to revise his estimates from the standpoint of those absolutely necessary and those that were desirable and those that could wait.

Now, there are many appropriations that for the service are more necessary than this appropriation the gentleman asks to have adopted. That same thing is true of Chicago Marine Hospital. We have just voted to further insist upon our disagreement as to that. The truth is that both of these matters, at Chicago and Cleveland, can wait, and the service will not suffer by their waiting until we get through with the extraordinary expenditures we are now making.

Mr. BURTON. Mr. Speaker, I want to call the gentleman's attention to the fact that there is a vast difference between the Chicago hospital and the Cleveland hospital. In Chicago the greater part of the expense is for the new building—\$25,000 is for new construction—while this is for necessary repairs. There are about the same number of patients in the two hospitals from year to year.

Mr. CANNON. At all of these hospitals there is a general fund appropriated for repairs. Heretofore there has been appropriated for that general fund \$30,000 only, but we took the time into view, and when we made the appropriation for the repair of hospitals we increased it, the general fund, to \$50,000, almost doubled it, for

repairs. I will say to my friend that from that general fund absolute, necessary repairs can be made in Cleveland as well as at any other place. Now, Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Ohio to recede and concur.

The question was taken; and on a division (demanded by Mr. BURTON) there were—ayes 22, noes 41.

So the motion was disagreed to.

The SPEAKER. The question now is on the motion to insist.

The motion to insist was agreed to.

The Clerk read as follows:

For quarantine station, Astoria, Oreg.: For the establishment of a quarantine station at or near Astoria, Oreg., and for the maintenance of said station, \$80,000.

Mr. ELLIS. Mr. Speaker, I move that the House recede and concur.

In regard to this amendment I will say that this is substantially the embodiment of a bill that has already passed the Senate. It has been reported favorably to the House and is now on the House Calendar, having received the unanimous report of the Committee on Interstate and Foreign Commerce. The city of Astoria is near the mouth of the Columbia River. There is no quarantine station on the south until you reach San Francisco, and no one that can be reached on the north unless you go to the extreme northern limit of the State of Washington, pass through the Straits of Juan de Fuca, and go into Port Townsend. There is an immense amount of shipping carried on there, and it is one of the largest ports on the Pacific coast. I have had recently telegrams from ship owners there and letters as to the trouble they are put to about quarantine.

It is necessary, if they are put in quarantine, that they should go south to the quarantine station at San Francisco or else north to Port Townsend, and takes up much of their time and puts them to a great deal of trouble to meet the requirements of the law. This bill has the unanimous report of the Committee on Interstate and Foreign Commerce. In their report they say:

Your committee recommend the passage of the bill as amended.

The Secretary of the Treasury and the Surgeon-General of the Marine-Hospital Service have recommended the establishment of this station, both in the interest of commerce and the protection of the health of the people from the invasion of pestilential disease, and their communications were submitted to and printed with the report of the Senate upon said measure, to which reference is made.

The Secretary of the Treasury says:

I am of the opinion that a properly equipped quarantine station at or near Astoria, Oreg., is necessary to prevent the United States from the invasion of pestilential disease, and also in the interest of commerce, by furnishing necessary facilities for the prompt treatment and discharge from quarantine of vessels subject to such restraints.

The Supervising Surgeon-General Marine-Hospital Service says:

Reports received in this office show a marked increase in the commerce entering the Columbia River from foreign ports. Cholera, smallpox, and plague are almost constantly prevalent in the several ports of China and Japan, and to such an extent that this service has been compelled to station a sanitary inspector at the port of Yokohama, where all vessels from the Orient touch before proceeding to the United States. The constantly increasing and rapid communication between the Orient and the Pacific Coast, and the present prevalence of contagious diseases in the far East, make necessary greater vigilance with regard to the importation of infection than has ever before been exercised.

I earnestly recommend the passage of the bill in its amended form.

Respectfully, yours,

WALTER WYMAN,

Supervising Surgeon-General Marine-Hospital Service.

The Honorable SECRETARY OF THE TREASURY.

Now, I will say that it is no infrequent occurrence for vessels to come in infected with disease, and under the existing conditions it is necessary to send them south 700 or 800 miles or send them north 800 or 400 miles, subjecting them to great expense, great injury, as well as delay and trouble. In addition to this, the railroads are reached by a large number of passengers from ships landing there, and if any should be overlooked who have any contagious or pestilential disease, it would carry it broadcast through the land. I think this is a necessary provision, and it has the unqualified indorsement of the Department. There are large numbers of vessels coming from Japan and China and the countries of the Orient where they have contagious and pestilential diseases, and it is necessary that this country should be protected by a quarantine establishment such as is contemplated in this bill. I earnestly hope the House will recede and concur in this amendment.

Mr. TONGUE. Mr. Speaker, I want to say in addition to the remarks made by my colleague that the business of the Pacific coast with the Asiatic countries has increased to a remarkable extent during the last two or three years. In 1895, for the year ending June 30, the imports were \$3,906,840. For the fiscal year ending June 30, 1897, it had increased to \$11,934,433, nearly four times as much. The exports for the fiscal year ending June 30, 1895, were \$4,684,717. For the fiscal year ending June 30, 1897, they had increased to \$13,255,478.

These exports very largely consist of wheat and flour, and at the present rate of increase the exports to Asiatic countries will absorb

the surplus agricultural products of the Pacific coast. Our vessels are trading between those countries that are subject to contagious diseases, and it is necessary that we should guard against them. I think, Mr. Speaker, this amendment ought to pass, and I sincerely hope it will.

Mr. CANNON. One word, Mr. Speaker, and I am ready for a vote. The buildings for marine-hospital purposes, like public buildings, are authorized by law before they are in order upon appropriation bills. This has never been authorized. The Senate, however, puts on amendments with great facility—I am not criticising the Senate at all, but referring to it as a fact—and has put on this amendment for the quarantine station at or near Astoria.

I have no doubt it would be a good thing to have such stations at a dozen places on the Pacific coast and a dozen more on the Atlantic. But we can do very well without them this year. The fact that the proper committee has not pushed this matter, which was favorably reported, shows to my mind that it is not a crying necessity now. I think, with the facilities already provided, we shall be able to take care of all the disease that may come to the Pacific coast from Asia during the coming year. There is an epidemic fund of \$250,000; and we are going to report in the deficiency bill an appropriation of \$200,000 more, so as to be sure to have enough.

If trouble should break out on the Pacific coast, we would have this fund to resort to in addition to other provisions. It seems to me that as the station proposed in the amendment has not been authorized by legislation, the appropriation ought to wait until it is authorized. I ask for a vote.

The question being taken on the motion that the House recede from its disagreement to the Senate amendment and concur therein, it was agreed to; there being on a division (called for by Mr. ELLIS)—ayes 41, noes 30.

On motion of Mr. ELLIS, a motion to reconsider the vote just taken was laid on the table.

Amendment 65 was read, as follows:

Tender for the Great Lakes: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection on the Great Lakes, \$85,000.

Mr. BURTON. I move that the House recede from its disagreement to this amendment of the Senate and concur in it. Mr. Speaker, this light-house tender, to cost \$85,000, was recommended by the Light-House Board. The recommendation is to be found on page 187 of the annual letter of the Secretary of the Treasury. The statement is:

This tender is needed to take the place of an old iron screw steamer which has too little power to do the necessary work of the district.

I presume it will be unnecessary for me to make any remark upon the enormous increase of traffic upon the Great Lakes. Not only is the extent of that traffic almost beyond comprehension, but a more striking feature still is the constant increase in its volume and importance. So that any appropriations made for lights on the lakes or for the improvement of channels will be of very great benefit, not alone to that locality, but to the development of the resources of the whole country.

There is a peculiar reason why this amendment of the Senate should be adopted and this tender built. Several years ago a new system began to be in vogue for lighting on the Great Lakes, a system which has now in part superseded other kinds of lights. This system involves the use of gas buoys, which are much more economical in use and make it possible to have the lighting more elaborate than was formerly practicable.

The light-house tender at present used for the location of these buoys and for carrying supplies to them and for carrying supplies to the light-houses is utterly insufficient in the later part of the year, when the ice begins to gather; so that the danger of disaster during the latter part of the season is very much increased, because there are no facilities for properly maintaining that light-house service. For a considerable time private lights were maintained at private expense, simply because it was absolutely necessary that this should be done in order to make navigation safe in the autumn.

Again, these lights, with numerous stakes, are removed in the autumn and replaced in the spring, and in order to do this work well it is necessary that there should be a boat having greater power than the present tender. It is also true that the work will be done much more economically if a tender of a different quality—a tender of a larger size, greater power, and able to plow through the ice—should be substituted for the one now in use.

It seems to me that in view of this greatly increased traffic on the lakes, the greatly increased efficiency in the service, and the necessity of avoiding disasters which will otherwise arise, this amendment should be adopted and the appropriation made.

Mr. CANNON. Mr. Speaker, I want the attention of the House for about three minutes, and then I shall be ready for a vote.

There is no country on the earth, as I am informed, that has so good a light service as the United States. Now, this bill carries

the largest appropriation for the Light-House Establishment and the whole service that has been carried for twenty years.

The gentleman from Ohio [Mr. BURTON] desires to have built another light tender. There were two on the bill, one for the Atlantic coast and one for the lakes. We disagreed as to the one for the Atlantic coast, and now the gentleman moves to concur as to the lake tender. That provision I am perfectly sure can wait for another year, and ought to wait, and for this reason: There are already thirty-eight tenders in commission. We are getting along pretty well this year with that number, as we did last year; and we ought to get along with them for the coming fiscal year.

Mr. MAHANY. I know that the gentleman from Illinois is candid about these matters, notwithstanding his economic desire to keep down appropriations, and I will ask him whether it is not true that light-house facilities have by no means kept pace with the increasing lake traffic during the last twenty years?

Mr. CANNON. On the contrary, the light-house service on the lakes and on the Atlantic and Pacific coasts is the best on earth—

Mr. MAHANY. That does not answer my question. Has it kept pace with the growth of American lake commerce?

Mr. CANNON. I do not know what the gentleman means by "keeping pace." If we had a thousand million dollars' worth of commerce on the lakes this year which could be properly lighted at a given expense, and if we should have two thousand million dollars' worth of commerce next year, it would not imply that next year we should have double the lighting facilities, because the same lights, if sufficient in number, would suffice as well for two thousand million dollars' worth of commerce as for one thousand million dollars' worth.

Mr. MAHANY. But have they been "sufficient in number?"

Mr. CANNON. Well, the gentleman lives on the lake. He represents in part the commercial interests of the lake; I represent in part the great commercial interests of Illinois and the lake. I do not blame him; I do not blame myself; I do not blame any gentleman here for wanting good light service on the lakes. But I was trying to show wherein this service can wait another year for an additional light-house tender.

One other consideration, if I may be permitted. We have been investing in a good many ships lately. We have been buying them abroad.

Mr. MAHANY. All the more reason why we should have an improved light-house service to stimulate commerce, whose returns will contribute to meet these expenditures.

Mr. CANNON. Let me make my statement. With all respect to my friend from New York, we have been buying them abroad, all kinds of ships.

Mr. CUMMINGS. And sinking some of them.

Mr. CANNON. And lately we have undertaken the inner defense business and have appropriated \$3,000,000 for that purpose. We are buying up the tugs and all that kind of thing now. When this cruel war is over we shall have ships to throw at the birds for the Revenue-Cutter Service and for the service upon the lakes. I am in hopes the war will not last through this coming fiscal year. If it does last, we have got enough light-house tenders to perform that service for the coming year. If it does not last, we shall have more than enough ships, that are now engaged in doing something else, to take care of the light-house service and the Revenue-Cutter Service.

Mr. SIMPSON. Will the gentleman from Illinois permit an interruption?

Mr. CANNON. Certainly.

Mr. SIMPSON. I sailed on the lakes a good many years myself and know something about the conditions. I fear the gentleman from Ohio [Mr. BURTON] did not make it clear when he said that recently they have adopted a new system, and that is of lighting buoys. Take the harbor of Toledo, for example. They have to go a good many miles out there through a channel which is lighted by buoys on either side at night. It used to be that they could not go out of or into Toledo at night. The same thing was true of other harbors. Under the new system they light these buoys, so that vessels going into or coming out of these harbors can see the buoys on either side, let the night be ever so dark. This new system has doubled the work in connection with attending to these buoys and the lights on them. I think that is what the gentleman from Ohio [Mr. BURTON] has reference to.

Mr. BURTON. And the same thing is true in many other harbors all over the lakes.

Mr. CANNON. Now, let me see how completely I can answer the gentleman. The system of lighted buoys is being quite generally used. It is a very good system. I have no doubt, and cheaper than light-houses. But at Toledo, the very place the gentleman from Kansas talks about, this very bill provides for a \$75,000 light-house. So you can go from point to point, and at various points on the lakes you will find provision made for light-houses.

Mr. GROSVENOR. If the gentleman from Illinois will not feel it to be an interruption—

Mr. CANNON. I do not.

Mr. GROSVENOR. I will make a suggestion with regard to two or three of these matters.

Mr. CANNON. Very well.

Mr. GROSVENOR. Formerly the harbor of Toledo was not navigable in the night, as the gentleman from Kansas [Mr. SIMPSON] has said; but by a change in its channel, which is called the straight channel, we made an improvement by which the harbor could be entered by day or by night. Now, in order to have the benefit of the night traffic we must have additional buoys or additional lights in the harbor. The same is true of the Hay Lake Channel in the Sault River. Formerly vessels getting into Sault Ste. Marie later than a certain hour had to stay there over night. Now they travel at any time of night and all night. That condition requires more harbor lights and more buoys along the channel than were required before.

Mr. SIMPSON. And what the gentleman from Ohio [Mr. BURTON] has said is true, that late in the fall, when the ice begins to run, it often runs over these buoys and puts out those lights, and we want a tender that can run through the ice. It seems we have no light-house tender fit for that service now, and therefore we want one for that particular service.

Mr. CANNON. Each individual connected with the public service—unless he has exhaustively examined the whole subject—necessarily magnifies his specialty. Now, how about the gas buoys? The gentleman says that late in the season, when the ice forms, the water comes over, freezes them out, and puts out the lights. Why, they are taken up entirely during the winter season.

Mr. SIMPSON. If the gentleman will allow me, they are not taken up until after the 1st of December, and the season of navigation does not close until after the 1st of December.

Mr. CANNON. But when the season of navigation closes, or before it closes, late in the season, they are taken up.

Mr. SIMPSON. The ice begins to form in October on the lakes sometimes.

Mr. CANNON. Oh, well, this is not an appropriation for a boat to break the ice. It is an appropriation for a light-house tender.

Mr. SIMPSON. A light-house tender that can break the ice if it is necessary.

Mr. CANNON. Oh, no, it does not say that, and I do not understand that it freezes much in October on the lakes anyhow. But let that be as it may, I call the attention of my friend from Ohio again to the fact that here is a \$75,000 appropriation for a light-house at Toledo, on account of that straight channel. We had before us the officer in charge of the service, and examined him at great length. I tried to make him say that the gas buoys, being much less expensive than a light-house, would be sufficient at Toledo; but he stuck to it and said that he wanted a light-house, and here it is.

So you can go on from point to point, and I know that we are all glad now to have our various interests taken care of that we represent, directly and indirectly. But deliberately measuring my words, I do not believe that this service will suffer if we fail to build these light-house tenders or these five revenue cutters. A little later on they can be cared for quite well, from the service they can get from a great many ships that we believe will be relieved before a great while from other service.

Mr. BURTON. Has the gentleman from Illinois completed what he has to say?

Mr. CANNON. I will yield to the gentleman. I have the right to close.

Mr. BURTON. The gentleman from Kansas [Mr. SIMPSON] would like to be heard.

Mr. CANNON. I hope this will not be unnecessarily prolonged.

Mr. SIMPSON. If the gentleman will yield to me a couple of minutes—

Mr. CANNON. I will yield two minutes to the gentleman.

Mr. SIMPSON. Mr. Speaker, as I said before, I have had some experience on the lakes, and I know that the Government never has kept its appropriations for the light-house service up with the very rapid development and improvement of the harbors and the increase of commerce. There is no doubt of the fact which the gentleman from Ohio [Mr. BURTON] has mentioned, that this new system of lighted buoys in the channels requires a vessel suitable for that particular business. In the first place, it requires a boat of light draft, that can go into the shallow water where the buoys are located.

Buoys are located on the banks of the channel, and not in the channel. It requires a boat which can stand the ice that gathers on the lakes in the fall of the year. Anywhere above Lake Huron the ice begins to form in October. In the old days boats would not go to Lake Superior after October, but now they run very much later, and along the Sault River, which is now so completely buoyed and provided with these lights, the ice which is swept along by the swift current is very apt to carry these buoys out of their places, and this may result in the loss of ships and of a great deal of property.

Mr. CANNON. If my friend will allow me, how many light-house tenders are required now on the lakes?

Mr. SIMPSON. I have no information as to that.

Mr. CANNON. And how many are there on the lakes?

Mr. MAHANY. Not as many as are required, according to the testimony of the communities interested.

Mr. CANNON. I am asking if my friend from Kansas knows.

Mr. SIMPSON. I have not informed myself in regard to the number, but if, as is stated by the gentleman from Ohio [Mr. BURTON], there is no such boat as is now demanded for this work, why, certainly it ought to be built.

Mr. CANNON. My friend does not make that statement.

Mr. BURTON. There are at present on all the lakes only four light-house tenders.

Mr. SIMPSON. But those are unfitted for this new service. We need a boat for this new and particular service, a boat that can attend to these buoys and lights late in the season, after the ice forms. I think it a very necessary appropriation.

Mr. CANNON. Mr. Speaker, I simply want to call attention to the fact that this bill carries, for light-house, etc., \$552,000, the largest amount ever carried, and for the Light-House Establishment \$3,000,000, the largest amount ever carried. This bill has been liberally made up. I hope the gentleman's motion will not prevail.

Mr. BURTON. Is it not true that the increase in light-houses and lights makes it necessary to have more light-house tenders and other facilities to take care of them, and that the increase in light-houses is an argument for this appropriation rather than against it?

Mr. CANNON. Oh, we have got thirty-eight light-house tenders, and, in my judgment, they are quite sufficient. I will ask for a vote.

The SPEAKER pro tempore. The question is on the motion to recede and concur.

The question was taken; and on a division (demanded by Mr. BURTON) there were—ayes 33, noes 84.

Mr. BURTON. I ask for tellers.

Tellers were refused, 10 members, not a sufficient number, rising in support of the demand.

Accordingly the motion to recede and concur was lost.

Mr. CANNON. I move that the House further insist.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment on which a separate vote is desired.

The Clerk read as follows:

For constructing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on and in the vicinity of the Columbia River Bar, Pacific coast, and on Puget Sound, \$125,000; and the total cost of said revenue steamer, under a contract which is hereby authorized therefor, shall not exceed \$250,000.

Mr. CANNON. I move that the House further insist on its disagreement.

Mr. LEWIS of Washington. I move that the House recede and concur.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Washington, that the House recede and concur.

Mr. CANNON. I yield five minutes to the gentleman from Washington [Mr. LEWIS].

Mr. LEWIS of Washington. Mr. Speaker, I wish to inform the House that this is an item recommended not only by the Secretary of the Treasury, but by the under-Treasury officials, particularly by those who are located on Puget Sound. There is a special reason for this recommendation, which I state to the House and which, I am sure, will appeal to the business sense of the House. There is expected about \$30,000,000 of gold from Alaska between now and the 1st day of September. There is a very general fear prevailing throughout the coast that these vessels from Alaskan shores will not come down because they have no protection.

In the Associated Press dispatches sent out from the West we see it stated that the miners who come down from Alaska report that those holding gold would not trust the cargoes to the vessels because the United States had fully absorbed all of its protecting fleet for use in defense in our Spanish-American war. The Treasury Department reports that in the meantime vast smuggling goes on, exceeding the power of calculation or the ability to approximate; that it has been increasing with such rapidity that it is impossible to detect or prosecute them. The revenue cutters previously in existence there in the service have all been taken off and impressed into the general war service. There on Puget Sound is a greater need for revenue-cutter service than in any other part of the United States.

Now, this is recommended for the protection not only of vessels bringing down the gold from the Alaskan shores, but for the protection of commerce and to prevent smuggling. I am very anxious, Mr. Speaker, that this recommendation by the Treasury Department be coincided in, because the Treasury and the custom-house officials of Puget Sound have informed me that without some

revenue-cutter service they are wholly unable to compete with the smugglers or to defend the coast. It is impossible for me to add anything on my own authority that could strengthen this recommendation of the Department. Upon that recommendation the Senate put in this amendment, and I am unable to advise you of any condition of facts that will militate against the recommendation, or to say anything more in its favor. If the gentleman from Illinois has any such reasons, he will give them to the House.

Mr. CANNON. Mr. Speaker, I do not know that it is necessary to speak about this matter. Long before this \$250,000 ship to be built for a revenue-cutter service can be completed we all confidently expect the war will close, and then there will be a half a dozen vessels, if they were needed, that would be good enough for that service or the Revenue-Cutter Service anywhere.

The Revenue-Cutter Service is under the command of the Treasury for the purpose of helping to collect the revenue. The Revenue-Cutter Service, so far as smuggling is concerned, or so far as the service as a whole is concerned, was never so well carried on as it is now with the great number of ships policing the coast. I hope this amendment will not be adopted.

Mr. GAINES. Mr. Speaker, I desire to make an observation at this point. It seems to be cheaper to build our vessels that we use in the war than it is to go into the market and purchase them. As some evidence of that, I beg permission to read an editorial from the New York World of June 6, 1898:

"KIND-HEARTED" SPECIAL AGENTS.

The glorious exit of the *Merrimac* from the United States Navy should not distract attention from its anything but glorious entrance.

A year ago the *Merrimac*, then the Norwegian tramp steamer *Solveig*, was bought for \$48,000. She was rebuilt, and this brought her total cost up to \$192,000. She was offered to the Government early in April, but was rejected by the board on auxiliary cruisers.

Then she was sent to Baltimore, and at the request of a politician "special agents" from Washington came down and bought her for \$342,000.

Cost of <i>Merrimac</i>	\$192,000
Price the Government paid.....	342,000

The Government swindled out of..... 150,000

And she was selected as Cervera's cork out of all the fleet of transports because she was worthless to the Navy in every other way.

This is the most conspicuous but not the first public example of the business side of a "kind-hearted" war.

Mr. SIMPSON. Those are the boats they are going to throw at the birds?

Mr. GAINES. It seems in this case that we are the "birds" they throw money at in buying this vessel.

Mr. CANNON. Oh, the gentleman is so anxious to make a little partisan advantage and throw a stone at somebody that his words darken counsel. This is not a war ship. It is a proposition to build a revenue cutter when, in my judgment, we do not need it. The economist from Tennessee and the economist from Kansas—and God knows the gentleman from Kansas never got here in any other way except as a supposed representative of the economists; and he does not posture much in helping along with the appropriations for the business interests of the service, in my judgment—I yielded to the gentleman from Tennessee because I thought he wanted to talk upon the pending subject. I have no reply to make.

Mr. LEWIS of Washington. I hope these belligerencies will not affect the virtue or propriety of my amendment.

Mr. GAINES. It will never affect my esteem for the gentleman from Illinois.

The SPEAKER pro tempore (Mr. LACEY). The question is on the motion to recede and concur.

The motion was rejected.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Illinois to further insist.

The motion was agreed to.

The Clerk read as follows:

Page 36, after line 14, insert:

"For the establishment of a fish-cultural station in the State of North Carolina, purchase of site, construction of buildings and ponds, and equipment of same, \$15,000, or so much thereof as may be necessary: Provided, That not more than \$1,000 of said sum shall be used for the purchase of a suitable site for the purposes of said station."

Mr. STROWD of North Carolina. Mr. Speaker, I move that the House recede and concur. I ask that the document which I send to the Clerk's desk be read.

The Clerk read as follows:

UNITED STATES COMMISSION OF FISH AND FISHERIES,
Washington, D. C., March 15, 1898.

DEAR SIR: In response to your request of this date I inclose a copy of a letter written by Commissioner J. J. Brice relative to the establishment of a fish-cultural station in North Carolina. In view of the fact that fish-cultural operations on a large scale had been conducted on the Albemarle Sound by the United States Fish Commission and the commission of the State of North Carolina from 1874 to 1881, and as the steamer *Fish Hawk* had been utilized as a floating station in the same waters during the past spring, when 27,000,000 shad eggs were collected, it was not deemed necessary to make the usual preliminary investigation. There is no doubt but that a suitable site can be found at the head of the Albemarle Sound, not only for the propagation of the shad and striped bass (rock fish), but it is also hoped that the necessary

ponds for the cultivation of the basses and crappie will be provided in connection with the shad station. The fisheries of North Carolina are, as you well know, the most important in the South Atlantic region, and no other State in that section possesses such natural advantages for the prosecution of this important work.

Should a sufficient appropriation be made at the present session of Congress for the establishment of this station, there is no doubt that a site could be selected and the station gotten ready for active work by the spring of 1899. In considering the question of an appropriation for a station of this character it should be borne in mind that, in addition to the usual buildings, such as a hatchery, superintendent's residence, and ponds for bass and crappie, it will also be necessary to provide a suitable steam launch to be used in the collection and distribution of shad eggs.

Yours, respectfully,

GEO. M. BOWERS,
Commissioner.

HON. MARION BUTLER,
United States Senate, Washington, D. C.

UNITED STATES COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 8, 1898.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of February 8, transmitting the proposed amendment by Senator BUTLER, providing for the establishment of a fish-cultural station in North Carolina, and appropriating \$25,000 therefor. In response I have the honor to state that, in the opinion of this commission, the establishment of a station in North Carolina is desirable, as the shad fisheries of that State are the most important of any of the South Atlantic group except Virginia.

Yours, respectfully,

J. J. BRICE, Commissioner.

HON. GEORGE C. PERKINS,
Chairman Committee on Fisheries, United States Senate.

Mr. STROWD of North Carolina. I rest the case on those official statements, Mr. Speaker, unless somebody else from North Carolina wants to speak on this subject.

Mr. CANNON. Mr. Speaker, this is a proposition to authorize and construct a fish station in North Carolina. Later on in the bill there is a proposition to construct a fish station in the State of Washington; there is one also (which, I suppose, might be arranged in conference) for a fish station in Georgia. The latter was authorized a year ago by law. It is not on all fours with the North Carolina station and the Washington station, because there is law for it; and there is no law for a new station in North Carolina or in Washington. I want to be entirely frank. We have already twenty-two fish-culture stations.

Mr. GROSVENOR. Where?

Mr. CANNON. Scattered all over the country—in Maine, Ohio, Iowa, Vermont, California, the District of Columbia, Maryland, and so on.

Mr. CUMMINGS. Do not leave out New York.

Mr. GROSVENOR. Are there any of these stations in "so on?" [Laughter.]

Mr. CANNON. Yes, sir; there are several in "so on."

Mr. GROSVENOR. Is there not a vast section of country that has none of these stations?

Mr. CANNON. These stations in different parts of the country number in the aggregate twenty-two. I have given some attention to fish-culture stations. For many years I have helped to prepare the bill that carries these appropriations. These fish stations and the Fish Commission carry on a good work. But I feel that I speak truthfully when I say that if we were rid of one-half the stations we have, the service would be better than it is now and more economical; because while these fish stations are being established in different parts of the country it becomes a fashion to have them. There is one station in the United States—I will not mention the name—where they have to heat the water! Some of these stations are out in the mountainous country.

Now, the object of these fish stations is to hatch the fish, and it is much easier, when a station is properly located, to put the fish on a fish car and send them where they are needed than to have fish stations scattered all over the country here and there.

Mr. STROWD of North Carolina. The Fish Commissioner says that the station named in this amendment is the most important on the whole Atlantic coast.

Mr. CANNON. Well, I do not think the Fish Commissioner meant it if he said it. We know that fish commissioners and officials generally (I speak from my own experience) when Senators and Representatives approach them, are like Crockett's coon—they "come down" pretty easily.

Mr. STROWD of North Carolina. But this is a matter of record. Officials do not generally go on record unless they mean what they say.

Mr. CANNON. Well, after all, the Committee on Fish and Fisheries has never thought well enough of this station to report a bill to establish it.

Mr. Speaker, I ask for a vote.

The question being taken on the motion of Mr. STROWD of North Carolina, that the House recede from its disagreement and concur in the amendment, it was disagreed to; there being on a division (called for by Mr. STROWD of North Carolina)—ayes 40, noes 52.

The motion of Mr. CANNON that the House insist on its disagreement was agreed to.

Amendment 98 was read, as follows:

Page 36, after line 14, insert:

"For the establishment of a fish-cultural station at Cold Spring, Mertyweather County, in the State of Georgia, construction of buildings and ponds, and equipment of the same, \$15,000, to be immediately available: *Provided*, That the site for the same, to be selected by the Commissioner of Fish and Fisheries, consisting of about 16 acres, shall be donated to the Government for the purpose of the said station before any expenditure hereunder."

Mr. ADAMSON rose.

Mr. CANNON. I want to suggest to the gentleman from Georgia [Mr. ADAMSON] that in my judgment his best course would be to let this item go back to conference, where its verbiage can be somewhat changed—put in shape. This is unlike the North Carolina case and the Washington case, because there is a law for the establishment of this station. There has already been an appropriation and a site has been purchased. I suggest that my friend assent that the House further insist; and I apprehend the matter can be put in shape in conference.

Mr. ADAMSON. On that statement of the gentleman from Illinois it is perfectly agreeable to me that this matter take the course he suggests.

The question being taken, the motion of Mr. CANNON that the House insist on its disagreement was agreed to.

Amendment 99 was read, as follows:

Page 36, after line 14, insert:

"For the establishment of a fish-cultural station in the State of Washington for the propagation of salmon and other fishes, and construction and equipment of station, \$10,000: *Provided*, That the site for the same, to be selected by the Commissioner of Fish and Fisheries, shall be donated to the Government for the purpose of the said station before any expenditure hereunder."

Mr. CANNON. I move that the House further insist on its disagreement.

Mr. LEWIS of Washington. I move that the House recede from its disagreement and concur in the amendment; and I ask the gentleman from Illinois to yield me a few moments.

Mr. CANNON. I yield the gentleman five minutes.

Mr. LEWIS of Washington. Mr. Speaker, I gather from the observation made by the distinguished gentleman from Illinois to the gentleman from Georgia [Mr. ADAMSON] that he has some particular reason for opposing both the provision for the North Carolina station and that for a station in the State of Washington.

I have observed—and I sadly make the observation here—that nothing has been presented in this House for the benefit of the northwestern part of our country that has not found opposition from my distinguished friend from Illinois—starting with their mining interests, then applying to their agricultural interests, then to the improvements in their towns, subsequently opposing their harbor improvements and coast fortifications.

Now, Mr. Speaker, notwithstanding we have had two matters recommended by the ministerial and executive departments of the Government, such recommendations seem not to have weight enough to overbalance the objections of my friend from Illinois. We people out in the State of Washington are not seeking much from this Government. We are seeking absolutely nothing that we are not entitled to. It may be, as the gentleman said a while ago, that our State is young and new, and for that reason that not so many things are needed there. But in that respect I beg to differ with the gentleman. We have our rights, however far distant we are; and when provision for those rights has been officially recommended, we feel that they ought to be respected. And I charge that the gentleman from Illinois has some other reason than mere public weal for his constant opposition to my section.

If I may digress a moment, I compare the predicament of the State of Washington to that of the unhappy Irish sailor who on his trip across the Atlantic became seriously afflicted with what we call the mal de mer; and while he was pouring out his libations to Neptune in a very saddened condition a good friend came along in the form of the captain of the vessel, and feeling it his duty to console the dejected fellow in the very moment when consolation is least gratefully received he said to him, "I see you have a weak stomach." "What is that?" said the Irishman. "I see you have a weak stomach," repeated the captain. "Well," said the Irishman, "I don't know about that; I seem to be throwin' about as far as the rest of 'em." [Laughter.]

Well, Mr. Speaker, the State of Washington in many respects, as compared with other States, may have many qualities of weakness, and politically, as my friend suggests, grows weak in digestion; but in respect to her commerce, her produce, her resources, and in many other respects she insists that she throws her light as far as, and that she deserves as much as, the rest of them.

[Laughter.]

A MEMBER. And so with her statesmen.

Mr. LEWIS of Washington. And the gentleman kindly suggests "her statesmen." I am too modest to disagree with him on that point. [Laughter.]

Mr. Speaker, I think this honorable House ought to respect the recommendation of the Fish Commission. In 1896 we sent out Mr. A. B. Alexander, who made an examination and full report, reporting among other things that Puget Sound particularly was

a depot in which there should be a fish station, not only because such provision had before been—inadvertently I trust—omitted, but because there was out there a species of fish which it was necessary to understand something about, and for the cultivation of which there should be a station there.

At that time the Pacific waters had not been explored, and there was much to be learned in that line. After this event Messrs. Alexander and Cox went out there and made further examination. Subsequently, with Prof. B. W. Everman, they made a third trip. When they returned to the Department and made their report, they made a particular and distinguishing exception in behalf of Puget Sound, placing their recommendation upon the ground that at that time that particular part of the country needed experimental stations for the benefit not only of the Pacific coast, but of the United States in general.

They laid much stress upon a point which I desire to impress upon the House—that we were wholly and completely without a station. Yet the species of our piscatorial growth attracted the attention of all scientists and naturalists.

An experimental station was started there eight years ago—all its expenses have been borne by private citizens—conducted by Hon. George H. Stevenson. In consequence of the flood of the river and other circumstances that station has been washed out of existence. At Celilo another was attempted, but for want of funds was abandoned. My friend from Illinois, I have not a doubt, is laboring under the impression that the station still remains.

I take this occasion to inform him of the fact—and I call his attention to page 27 of the report of the Commissioner of Fisheries as verifying my statement—that that community is now wholly and completely without any station at all. In view of the recommendation of the Department, in view of the necessity for experiments to meet the needs of our people, in view of the right which that State is entitled to demand of this House, of equal recognition with other parts of the country, I respectfully ask this House to concur in the amendment of the Senate, not as a favor to the State of Washington, but as according that State the rights of a State of the Union.

Mr. SAYERS. Mr. Speaker, I should like to ask the gentleman from Washington [Mr. LEWIS] if he knows whether any recommendation has been formally presented to Congress during the present session in regard to this station?

Mr. LEWIS of Washington. Mr. Speaker, I answer the gentleman from Texas by saying that I do not know if any recommendation has been formally presented to Congress. I take pleasure in referring the distinguished gentleman from Texas to the suggestions and recommendations in the report.

Mr. SAYERS. The report for what year?

Mr. LEWIS of Washington. 1897.

Mr. SAYERS. That is the general report?

Mr. LEWIS of Washington. Yes; it is the general report; and together with the letters I bring from the Commissioner and the extract from the Smithsonian report are irrefutable testimony in my behalf.

Mr. SAYERS. The gentleman will bear in mind, Mr. Speaker, that the Committees on Appropriations of the two Houses generally make up their appropriation bills upon estimates received from the different Departments.

Mr. LEWIS of Washington. But there is where I complain. No estimates are ever submitted by the Department in behalf of Puget Sound.

Mr. SAYERS. Speaking for the Committee on Appropriations of the House, I can say that there has been no estimate whatever on this subject through the regular channels from the Fish Commissioner. We have had no information whatever upon this subject.

Now, I speak generally upon the subject, Mr. Speaker, but my understanding is that the home of the salmon is in the Columbia River. Is it true?

Mr. LEWIS of Washington. Very largely in the Columbia River, and in Puget Sound and its tributaries, the waters of that portion of the State of Washington, as well as of Oregon.

Mr. SAYERS. Congress makes an appropriation every year for the protection of salmon in the Columbia River, and it seems to me that with that appropriation and the Government doing all that it can to protect the salmon it is not necessary to make an artificial pond for the purpose of propagating them.

Mr. LEWIS of Washington. Does my friend from Texas suggest that the salmon is the only fish to be propagated in those waters?

Mr. SAYERS. That is the principal fish. The amendment mentions salmon, and others were just thrown in to round out the amendment; that is all.

Mr. JONES of Washington. Will the gentleman from Texas allow me to ask him a question?

Mr. SAYERS. Certainly.

Mr. JONES of Washington. What is the nature of the protection that the United States Government now furnishes to the salmon in the waters of the Columbia River?

Mr. SAYERS. Well, I can not tell. I know we make an appropriation for it, and I know we have inspectors there.

Mr. JONES of Washington. I would say to the gentleman from Texas that the protection which the salmon receive in the Columbia River comes not from the United States Government, but from the State of Washington.

Mr. LEWIS of Washington. The State of Washington furnishes that protection, and has for ten years, by her legislature, borne the expense alone.

Mr. SAYERS. Entirely?

Mr. LEWIS of Washington. I believe entirely.

Mr. SAYERS. Then our appropriation is wasted.

Mr. LEWIS of Washington. I was waiting the opportunity to correct the gentleman. He is laboring under a misapprehension.

Mr. SAYERS. I believe, if I am not mistaken, we do make an appropriation.

Mr. LEWIS of Washington. For Oregon.

Mr. SAYERS. For the Columbia River.

Mr. LEWIS of Washington. Not in the State of Washington.

Mr. CANNON. I think the gentleman from Texas is this much in error, that an appropriation is made for the Columbia River and elsewhere, but the expenditure is principally on the coast and north to Alaska.

Mr. LEWIS of Washington. We in no wise get any of the benefits.

Mr. SAYERS. I was speaking of expenditures being made in the State of Washington.

Mr. LEWIS of Washington. In the State of Washington they receive nothing from the United States Government in this direction: The late Oregon Senators were too adroit for us in that respect.

Mr. SAYERS. But the expenditure is made to take care of the salmon in the Columbia River and elsewhere on that coast.

Mr. JONES of Washington. If the United States has ever spent a nickel in protecting the salmon on the Columbia River, I have yet to hear of it, and I have been in a pretty good position to hear of it. The State of Washington spends a great deal of money in that way, but I never heard of the United States Government spending any money for that purpose there.

Mr. LEWIS of Washington. The State of Washington has passed special enactments for that purpose.

Mr. SAYERS. It makes no difference. We have no estimates for this appropriation. It seems to have originated with the gentleman [Mr. LEWIS] and one of the Senators from Washington.

Mr. JONES of Washington. Mr. Speaker, it is well known that the salmon industry of the State of Washington is one of the most important piscatorial interests in the United States. Millions upon millions of salmon are taken out of that stream every year, and in order that the streams may not be depleted and the supply of salmon greatly reduced it is an absolute necessity that millions of young salmon should be put back into the water every year to compensate for those taken out. The State of Washington is spending all the money that it can afford to in this direction. [Applause.] I am highly gratified at the fact that I am pleasing my friends in the back part of the Chamber, but I would ask them to kindly withhold their applause until I conclude my remarks.

Now, Mr. Speaker, the State of Washington is spending every cent that it can possibly afford in an endeavor to prevent the depletion of the waters of the Columbia River by the taking out of millions and millions of fish annually. This industry is not alone in the interest and for the benefit of the State of Washington, but it is for the benefit of the whole nation. There is no State in this Union that does not derive more or less benefit from the propagation of the salmon in that river. And unless means are taken to see that the salmon are not depleted the Columbia River will very shortly become less prolific by a great deal than it has been in the past. We have already felt to some extent the effect of the diminishing number of salmon which come into the stream from year to year. It seems to me if there could be a wise expenditure of money anywhere, it is in the direction of protecting the salmon industry of Puget Sound and its tributary waters and the Columbia River. [Applause.]

Mr. CANNON. I want the attention of my friend from Washington a moment. There is a general appropriation for the maintenance of the work done by the Fish Commission, and the late Fish Commissioner and, as I understand it, the present Fish Commissioner have found less and less use for permanent fish hatcheries. They go up the Columbia, and if they want to catch the fish and get the eggs and hatch the fish, they make a temporary station, but it does not follow that they will want the same station next year. Under different conditions they may want the station perhaps a hundred miles or five hundred miles away. The same is true on the Atlantic coast, that the best work that is done in fish propagation is through the temporary stations.

Mr. JONES of Washington. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. JONES of Washington. Has there ever been any of that temporary-station work done in the State of Washington? The experience of that State is that it needs an establishment in the same place year after year and every year.

Mr. CANNON. I have no doubt that wherever this station might be located it would be a matter of gratification, but that it would be a matter of permanent use to the Fish Commission I doubt. Now, there are two or three stations in California and one at Clackamas, wherever that is. I believe it is in the State of Oregon.

Mr. JONES of Washington. And that has been of great benefit to us.

Mr. CANNON. It is on a tributary of the Columbia or Willamette. Now, if any two things are plentiful in the State of Washington and all along the Pacific coast and clear up to Alaska, they are fish and statesmen. [Laughter.] There is any amount of each. By and by the supply may fall off.

Mr. JONES of Washington. Let us save the fish anyhow.

Mr. CANNON. And if the supply of fish and statesmen ever does fall off, then it will be time enough to go to hatching them artificially. Nature furnishes plenty now. I ask for a vote.

The SPEAKER. The question is on the motion to recede and concur.

The question being taken, on a division (demanded by Mr. LEWIS of Washington and Mr. JONES of Washington) there were—ayes 58, noes 50.

Mr. CANNON. I call for tellers, Mr. Speaker.

Tellers were refused, 32 members, not a sufficient number, rising in support of the demand.

Accordingly the motion to recede and concur was agreed to.

On motion of Mr. LEWIS of Washington, a motion to reconsider the last vote was laid on the table.

The announcement of the result was received with applause.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 51, line 13, after "dollars," insert: "Provided further, That the Executive orders and proclamations dated February 22, 1897, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reservations, be, and they are hereby, suspended, and the lands embraced therein restored to the public domain the same as though said orders and proclamations had not been issued, but nothing herein contained shall be construed as abridging in any way the right of the President to set apart and reserve forest reservations as provided by the act approved March 3, 1891: *Provided further*, That the provisions of the 'Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes,' approved June 4, 1897, authorizing the settler or owner of land included within the limits of a public forest reservation to select other land in lieu thereof, are hereby extended and made applicable to any State or Territory to which public lands have been or shall be granted, reserved, or pledged for the use of schools, colleges, or other purposes therein, wherever such lands or any part thereof, either before or after being surveyed, are included within any forest reservation and to the Yosemite, Sequoia, and General Grant national parks; and other public lands of equal area are hereby appropriated and granted and may be selected by such State or Territory in lieu of such lands so included within such forest reservation.

"That section 8 of an act entitled 'An act to repeal the timber-culture laws, and for other purposes,' approved March 3, 1891, be, and the same is hereby, amended as follows: 'That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the act of March 3, 1891, to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the continental divide, on the Snake River and its tributaries to the boundary line of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho.'"

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement.

Mr. DE VRIES rose.

Mr. CANNON. Does the gentleman want to be heard?

Mr. DE VRIES. I only desire to ask the chairman of the committee a question. Since asking for a separate vote on the amendment, I have been informed that the portion of it in which I am interested—that which makes the sundry civil act of 1896 apply to the Yosemite and Sequoia and the General Grant national parks—is not objected to by the conferees on the part of the House.

Mr. CANNON. Where does that appear?

Mr. DE VRIES. On page 70, line 13, down to and including line 4, on page 71, eliminating lines 20 to 25.

Mr. CANNON. I will say to the gentleman from California that, so far as I am concerned, I have not examined with great particularity this amendment as put on by the Senate. It may be possible that there ought to be some modification of the law as the gentleman indicates. The House conferees substantially took the position that this legislation repealed the Executive orders, or orders setting aside a reservation by the late Administration, and proposed to change the law as it was made a year ago, and we met the Senate by saying that that was legislation and we would not take up the question of legislation touching that matter. As to the particular matter the gentleman referred to, I can not say about it, so far as I am concerned, without further examination. I will say to my friend that very largely the House conferees have relied on the Committee on Public Lands and the gentleman from Arkansas [Mr. McRAE], who is on the Appropriations Committee, touching these matters.

Mr. DE VRIES. I will say that, being interested only in that portion of it which extends the provisions of the act of 1896 to these different parts of California, I shall make no motion respecting the amendment, for I am informed by the chairman of the Committee on Public Lands that he deems it to be desirable legislation, and that there are letters on file with that committee and a recommendation by the Secretary of the Interior that this provision be extended to those parts. There are only 586 acres included within it. The people have bought the land and paid their money and been deprived of possession of the land.

Mr. CANNON. It is possible some agreement may be arrived at, but I do not know. The truth is, the amendment is put on an appropriation bill, where it ought not to be, and if perchance the Senate shall say that it will not legislate at all unless we take their whole provision, it may be that the whole matter might be eliminated and so reported to the House. But the House always has it in its power to take such action as it sees fit touching these matters.

Mr. SAYERS. If the gentleman from Illinois will allow me.

Mr. CANNON. Certainly.

Mr. SAYERS. It is the policy of the House conferees to do nothing affecting land legislation until the matter has been considered by gentlemen on the Committee on Public Lands; and, unless they have the indorsement of those gentlemen, they prefer to bring the matter back to the House so that the House can act upon it independently of other amendments in the bill. In other words, we do not undertake to legislate in regard to our land system without the assistance of either the House itself or the Committee on Public Lands to aid us in reaching a proper conclusion.

Mr. MAGUIRE. Does this proposition come within this rule? This amendment does not affect the land system; it is simply a proposition to compensate people who bought public lands in a township that was afterwards set aside as a national park or forest reservation. They are denied the use of the land, compelled to quit it after they have paid their money for it, and they should certainly be compensated.

Mr. SAYERS. The question is not as to the point referred to by the gentleman from California [Mr. MAGUIRE]. I agree with him that they ought to be compensated. If the Government is going to maintain a system of exclusion, building a wall, as it were, around the lands that are embraced in forest reservations, then the Government undoubtedly ought to compensate those who own tracts of land within such inclosure or to permit them to locate elsewhere.

Mr. DE VRIES. That is all we ask in this case.

Mr. SAYERS. But the question is this, whether the Senate will agree to such legislation as that desired by the gentleman from California without forcing the House to legislate further in regard to the policy of the reservation. That is the trouble.

Mr. MAGUIRE. Can we not accept this proposition in the Senate amendment and deal with the other separately?

Mr. SAYERS. It seems to be a part of one proposition.

Mr. DE VRIES. While they are connected in such a manner, they are distinctly divisible.

Mr. SAYERS. Yes; but they are all in one amendment. If the Senate conferees will agree to consider solely and exclusively the proposition suggested by the gentleman from California, there would, I suspect, be no trouble in regard to it.

Mr. McRAE. They are inconsistent propositions. The first part of the amendment seeks to destroy the reservation, and the other seeks to compensate settlers who reside in them.

Mr. SAYERS. The amendment must be considered in its entirety.

Mr. CANNON. If the gentleman from Texas will allow me, it seems to me that the House had better further insist on its disagreement and let the matter go to conference, because, as the gentleman indicates, if the Senate will be inclined to take this provision and assent to putting it in shape, it ought to be plain sailing; but we might as well understand now if there is to be an insistence on the Senate amendment, otherwise your conferees would not agree to it at all.

Mr. MAGUIRE. The conferees, as I understand it, have jurisdiction to segregate these independent parts of the amendment.

Mr. CANNON. Yes; we have complete jurisdiction over the whole subject-matter.

Mr. SAYERS. The gentleman from California does not seem to appreciate the trouble in the way. It is not the point referred to by the gentleman from California, but it is rather the remaining portion of the amendment that gives us the trouble.

Mr. MAGUIRE. I understand that perfectly.

Mr. CANNON. Now, Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman from Illinois moves to insist on the disagreement to the Senate amendment.

The motion was agreed to.

Mr. CANNON. Now, Mr. Speaker, I would be glad to postpone the further consideration of this bill until to-morrow, and call it

up as soon as it is convenient at that time. It is evident that we can not complete it to-day.

The SPEAKER. The gentleman from Illinois asks that the further consideration of the bill be postponed and that he may bring it up to-morrow.

Mr. HOPKINS. Why can it not be finished to-day?

Mr. CANNON. One reason is, I have a little headache, and another is that the gentleman from Iowa [Mr. LACEY] has a special order to-day, and he feels as if he were not being treated right about it.

Mr. GROSVENOR. Yes; and if it is not taken up to-day the special order will lapse.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. HANDY. Mr. Speaker, I could not hear what the proposition was of the gentleman from Illinois, and I was interested in hearing.

The SPEAKER. The gentleman from Illinois desires to postpone the further consideration of the bill now under consideration until to-morrow.

Mr. HANDY. I have no objection, except that I am interested in the next amendment.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

VOTING BY SOLDIERS IN CONGRESSIONAL ELECTIONS.

Mr. LACEY. I call for the regular order.

The SPEAKER. The Clerk will read the bill which now comes up as a special order.

The Clerk read as follows:

A bill (H. R. 10650) to enable volunteer soldiers during the war with Spain to vote at Congressional elections.

Be it enacted, etc., That whenever any Congressional election shall occur during the existence of the present war and any State shall fail to provide a method for taking the vote of its soldiers in the field, the vote of the members of any regiment or battery in the United States Volunteer service shall be taken in the places and manner hereinafter provided, only such elections being held under this act as apply to members of Congress.

SEC. 2. That every lawful elector of any State duly qualified to vote under the laws thereof at a Congressional election at the time of his muster into the military service shall be entitled to vote, whether at the time of voting he shall be within the limits of the State or not, or whether at such time he be within the United States or not: *Provided, That such elector shall be at the time of such election enlisted in the military service of the United States and engaged in such service, or shall be at such time a commissioned officer therein: And provided further, That any such soldier who would have been a qualified voter at the time of his said muster but for his age, and who shall at the time of such election have arrived at lawful age, shall also be permitted to vote.*

SEC. 3. That each elector voting under the provisions of this act shall be considered as voting in the Congressional district, county, and place of his residence, and shall have the same right to vote for Representative in Congress that he would have had if he had not entered the military service, and his ballot shall accordingly be counted.

SEC. 4. That the election shall be held on the same day as the election for Representatives in Congress in the State from which such elector entered the military service. The requirements of the State laws as to registration and places of election shall not apply to such electors.

SEC. 5. That any detached company, battery, or regiment from any State serving in the military service during said war shall, at the time fixed for such Congressional election, be authorized to open a poll and hold an election for Representative in Congress, and the electors of such regiment, battery, or company shall choose from their number three judges of election from the qualified electors present, whose duty it shall be to act; and in choosing such judges they shall, if practicable, be selected so that they will not all belong to the same political party. Any company or detached portion of a regiment may, if not practicable to vote together, open a separate poll, and the electors present shall, in like manner as aforesaid, choose from among their number three judges of election, whose duty it shall be to act as herein provided. It is the purpose of this act that every regiment, battery, or detached company shall have the opportunity to enjoy the privilege of voting for Representative in Congress at each Congressional election during the present war. The judges of election shall appoint two clerks of such election, such clerks to be of different political parties, if practicable.

SEC. 6. That each judge and clerk of election shall take oath to impartially perform his duties and to endeavor to prevent fraud or deceit in conducting the same. Such oath may be administered by any commissioned officer present with such regiment, battery, or company, who is hereby empowered to administer oaths for such purpose. Such oath shall be entered and signed in the poll books. The polls shall be opened at 9 o'clock a. m. and closed at 6 o'clock p. m.

SEC. 7. That the ballots may be printed or written and shall otherwise conform substantially to the laws of the State of the elector's residence, as far as practicable, and shall show the Congressional district in which they are cast.

SEC. 8. That the judges of election shall make their returns, and shall seal and transmit the same with the poll books by mail, registering the same if practicable, to the governor of the State, who shall deliver the same to the proper canvassing officers of such State, who shall canvass the said returns in connection with the other returns of such Congressional election. Where, by virtue of any State law, sufficient time shall not elapse to transmit and deliver such returns to the proper canvassing officers, such officers shall be authorized to adjourn the canvass as to Representative in Congress a sufficient time to receive such returns: *Provided, That such delay shall not be sufficient to prevent the certification of the Congressional election within the time provided by law.*

SEC. 9. That no mere informality in the manner of carrying out or executing the provisions of this act shall invalidate the election held under the same or authorize the rejection of the returns. The laws of each State, so far as practicable, shall be observed in the manner of holding the election and certifying the same; but where any State shall have enacted a law for holding an election for the casting of the ballots of such soldiers for Representative in Congress while absent in the military service, then this act shall not apply thereto.

The amendments reported by the committee were read, as follows:

In line 4, section 1, strike out the words "with the Kingdom of Spain."

In line 11, page 3, after the word "that," insert "the electors in."

Also, at the end of section 8, add the following words: "and the officers of such regiments, batteries, and detached companies are hereby directed to afford all possible facilities for carrying out the purposes of this act."

Mr. POWERS. Mr. Speaker, the gentleman from Michigan [Mr. SAMUEL W. SMITH] has charge of this bill on behalf of the Committee on Election of President, Vice-President, and Representatives in Congress. He has temporarily left the House. With the consent of the House, I desire as a member of the committee to take charge of the bill in his absence, turning it over to him on his return.

Mr. HITT. The bill is all right, and we are all ready to vote for it.

Mr. POWERS. I will yield to the gentleman from Iowa [Mr. LACEY] who introduced the bill such time as he may desire.

Mr. LACEY. Mr. Speaker, I do not know whether this bill will meet with any opposition from any part of the House. It is a wholly nonpartisan bill, in the passage of which people in all parts of the Union are interested. The report of the committee is unanimous. Consequently I will assume, until I hear to the contrary, that everybody in this House desires the enactment of this bill or something carrying out its purposes, unless the question may be raised as to whether or not such a bill can be constitutionally enacted. Upon that question, which I regard as the most important one arising in connection with the measure, I will ask the attention of the House.

During the war of 1861-1865 the legislatures of various States made provision for holding elections in the field. They did not all make such provision, but many of them did; and when those laws were enacted they especially provided for the election of all classes of officers, from the President of the United States down to coroner. I recollect that I cast my first vote for President of the United States while serving as a soldier in Arkansas, and I voted for Abraham Lincoln and Robert Miller—Lincoln for President and Miller for coroner. My recollection is that I voted the straight Republican ticket clear through.

A MEMBER. As you have done ever since.

Mr. LACEY. I have been keeping up the practice with regularity ever since.

Gentlemen of opposite views to mine also carried their political convictions with them into camp, and exercised accordingly their right of suffrage.

Congress has no power to legislate upon this question except in one respect, and that is as to the time, place, and manner of the election of Congressmen.

Mr. BAILEY. The time, place, and manner of holding elections.

Mr. LACEY. Yes; of holding elections. Section 4 of Article I of the Constitution provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

In other words, the times, places, and manner of holding elections for Representatives in Congress are prescribed by the legislatures of the States, and such regulations, if the State does not prescribe them, may be made in the first instance by Congress, or Congress may alter such regulations after they have been made by the States.

Mr. WILLIAMS of Mississippi. I wish to inquire of my friend from Iowa whether there is anything in this bill which is intended to have the effect, or which can have the effect, of suspending the State registration laws and the State provisions as to the qualifications for the exercise of the right of suffrage?

Mr. LACEY. In express terms; yes.

Mr. WILLIAMS of Mississippi. Then in passing such a bill will not Congress go beyond the line which the gentleman has drawn?

Mr. LACEY. I will discuss that question farther on. This bill provides that State requirements as to registration shall not apply to the voting at elections in the field by soldiers for Representatives in Congress. This provision, of course, raises the constitutional question whether registration creates a qualification for voting or whether it is not simply a requirement as to the manner or method of holding elections.

The question, in other words, is whether a man's qualifications as an elector depend upon regulations of this kind—whether he is not to be permitted to vote under the Federal Constitution unless he complies with all the requirements of the State constitution and laws of his State on the subject. But I submit that as to the exercise of suffrage there are two things involved—first, the right to vote; second, the time, place, and manner of exercising that right. Besides prescribing the qualifications of the voter, the State adopts special requirements for the purpose of securing to

the voter the exercise of his right—for protecting the purity of the ballot. If a man has the right to register, if he is of lawful age, if his citizenship is of such a character as to entitle him to vote, then registration becomes a part of the method of holding elections; and it may be prescribed by the State, subject to the control of Congress, because it is merely a part of the manner of holding the election.

Mr. BAILEY. Does the gentleman from Iowa mean to say that the courts have held that registration is not a part of the qualification of the voter, but is a question affecting merely the time, place, and manner of holding the election?

Mr. LACEY. It is a regulation; it is a question affecting merely the time, place, and manner. Let me illustrate. Suppose my friend is absent from the town of his residence on the day of registration; and having failed to register, he does not vote. He is a qualified elector, but he has failed to comply with the requirements of the law of Texas so as to enable him to exercise his function as a voter.

Mr. BAILEY. I venture to say—

Mr. LACEY. And yet the voters might elect him to Congress, notwithstanding the fact that he had not been placed upon the registration list.

Mr. BAILEY. And yet, while I could be elected to Congress by other people who could vote, I still could not vote to elect anybody else to Congress. The qualifications of a Congressman and the qualifications of an elector might be very different.

Mr. LACEY. Certainly they might.

Mr. BAILEY. Now, though I have not examined that question in some time, I venture to say to the gentleman from Iowa that he will find the decisions almost unbrokenly to hold that registration affects the qualifications of the voter.

Mr. LACEY. It affects the right of a voter to cast his ballot.

Mr. BAILEY. And if it does, the gentleman from Iowa will admit that it is beyond the power of Congress to suspend that.

Mr. LACEY. If the registration is a part of the qualification, it is of course not a part of the manner or method of holding the election, and Congress could not change it.

Mr. HANDY. Registration is a constitutional requirement for voting in the State of Delaware.

Mr. WILLIAMS of Mississippi. Registration may be a part of the manner of determining who shall vote, but it can not be a part of the manner of holding the election. It is a thing which precedes the holding of the election.

Mr. LACEY. It is a preliminary step. It is one of the proceedings in relation to the holding of the election. It is a step leading up to the election. It therefore becomes a part of the election proceedings.

Mr. HANDY. What would the gentleman from Iowa do with this view of the matter, that in my State registration is a constitutional qualification?

Mr. LACEY. That does not make a bit of difference. The constitution of the State does not control the subject at all.

Mr. HANDY. Oh, I thought it did.

Mr. LACEY. I mean as to Congressional elections. The constitution of a State might in express terms provide that certain men should not vote at all, but that would only apply to the voting for State officers and not for members of Congress.

Mr. HANDY. Is there not a provision in the United States Constitution that the qualifications of electors for members of Congress shall be the same as those of electors for the most numerous branch of the State legislature?

Mr. LACEY. And there is a provision in the Constitution of the United States that the legislature of the State may fix the time, place, and manner of holding elections of members of Congress.

Mr. POWERS. Mr. Speaker, it seems to me my friends are getting a little confused about the language of this bill. This question that is raised as to the requirement of registration is fully covered by the second section of the bill, which provides that every lawful elector of any State fully qualified to vote under the laws thereof may vote if he happens to be in the field. Well, now, the registration of a voter, I agree, is a qualification that he must comply with before he could vote at home. So that if a soldier in the field is registered at home, as he can be, he can vote. His presence at home is not necessary in order to enable him to be registered.

Mr. WILLIAMS of Mississippi. I did not make any statement about what the bill provided. I merely asked the question as to what its provisions were.

Mr. LIVINGSTON. Section 4, beginning at line 20, reads in this way:

The requirements of the State laws as to registration and places of election shall not apply to such electors.

Mr. POWERS. The gentleman probably is correct about that, but that can be removed by a slight amendment.

Mr. MAGUIRE. The State of California will have 1,200 or

1,400 citizens in the Philippine Islands. Our registration commences in August next. It will be impossible for any of those citizens to register.

Mr. POWERS. Their friends can register for them.

Mr. MAGUIRE. They can not do so under our law. Again, let me ask: Is it intended that our elections in California shall not be determined until the returns of our soldier vote shall come from Manila?

Mr. POWERS. There will not be any trouble about anybody who goes to the Philippine Islands. Admiral Dewey will take care of them.

Mr. MAGUIRE. He has done very well so far; and has taken excellent care of the men under him.

Mr. MADDOX. Suppose under a State law, as in my State, you must register in person—you can not register by proxy?

Mr. LACEY. Mr. Speaker, the bill proceeds upon this theory: If in any town in which any gentleman in this House resides, or in any precinct, he should go to the polls on next election day and find that there were no judges of election present and no clerks of election, that there had either been a failure to appoint them or, having been appointed, they had died or moved out of the precinct, the election would not lapse, but under the laws of nearly every State in the Union (and perhaps of every State in the Union) the electors present could select the necessary election officials to go on and hold the election in that ward or precinct, who may make the proper returns, and the voters would not be deprived of their right to cast their votes and have them counted in that particular precinct.

Mr. MADDOX. Will the gentleman allow me to ask him a question right there?

Mr. LACEY. I should rather finish my statement and then yield for questions, because I have no doubt everybody wants to get at a full understanding of this bill. Now, that being the case, when I attempted to draw a bill that would enable electors in the field to vote it struck me that if a hundred men or more of any State in this Union found themselves at an election precinct without officers, under the laws of those States they could select the officers and hold the election, that the same degree of intelligence would exist among our citizen soldiers that would exist among other voters at home, and the same men who could be thus intrusted with the election at home could hold the election in the field.

Taking that, now, as the thread around which to weave this bill, it provides that the electors of any regiment, battery, or any detached company of State volunteers may on the day of election select their own judges of election; that the judges may select two clerks, making three judges and two clerks; that any commissioned officer present with the command is authorized to swear those officers in. Then they may hold the election, following the substantial requirements of the law of the State from which they came, excepting that they may write out their ballots, and that no strict and technical requirement shall invalidate the proceedings, and that any mere informality shall not prevent them from casting their votes and having them counted, and that those judges shall return the results of the election by separate districts to the governor of the State from which the regiment or battery comes, and that the governor shall then deliver those returns to the proper canvassing authorities to be canvassed. The canvassing boards are different in different States, and so the governor was selected as the person to whom the returns might be sent, and through whom they might be delivered to the proper authority.

Now, I believe I have stated the outlines and theory upon which the bill has been framed.

The next question is, Can Congress provide in part for the method of holding an election, unless it takes control of the whole subject so far as members of Congress are concerned? Upon that question I find that in the case of *Ex parte Siebold*, in 100 United States, 371, the Supreme Court of the United States in express terms decides that it is not necessary that Congress in making laws in relation to elections of Representatives in Congress should assume entire and exclusive control thereof.

Congress has supervisory power over the subject, and may either make entirely new regulations or add to, alter, or modify the regulations made by the State. The exercise of such power could properly cause no collision of regulations or jurisdiction, because the authority of Congress over the subject is paramount, and any regulation it may make necessarily supersedes inconsistent provisions of the State. This is involved in the power to "make or alter."

Mr. FLEMING. Will the gentleman allow me to ask him a question there?

Mr. LACEY. Yes.

Mr. FLEMING. The Constitution of the United States says that the qualifications of those who shall vote for members of Congress shall be the same as the qualifications required of those

who vote for the members of the most numerous branch of the State legislature. Now, that being the case, there can be no distinction. There is not a State in the Union that has not already fixed the qualifications of those who vote for members of Congress, because they have all to elect the members of the most numerous branch of their own legislature, and that question is settled upon this fact. So that if any State in this Union requires registration as a condition precedent to voting for a member of the most numerous branch of the State legislature, that condition of registration would have to apply in the election of members of Congress.

Mr. MAGUIRE. It is a qualification.

Mr. FLEMING. It is a qualification, and the Constitution of the United States provides in express terms that the qualifications of electors for members of Congress shall be the same as the qualifications of electors to the most numerous branch of the State legislature. So it seems to me that the bill, if passed, would be ineffectual to accomplish its purpose by reason of that fact.

Mr. LACEY. Section 2 of the bill provides as follows:

SEC. 2. That every lawful elector of any State duly qualified to vote under the laws thereof at a Congressional election at the time of his muster into the military service shall be entitled to vote, whether at the time of voting he shall be within the limits of the State or not, or whether at such time he be within the United States or not: *Provided*, That such elector shall be at the time of such election enlisted in the military service of the United States and engaged in such service, or shall be at such time a commissioned officer therein: *And provided further*, That any such soldier who would have been a qualified voter at the time of his said muster but for his age, and who shall at the time of such election have arrived at lawful age, shall also be permitted to vote.

Mr. WILLIAMS of Mississippi. Now will the gentleman permit me?

Mr. LIVINGSTON. Now, look at section 4, beginning in line 20, and you will see your trouble.

Mr. LACEY. There is no trouble about that at all.

Mr. LIVINGSTON. It says that the requirements of the State laws as to the registration and places of election shall not apply.

Mr. LACEY. State laws, not State constitutions.

Mr. LIVINGSTON. You set aside the State law as to registration.

Mr. LACEY. There is no difficulty about that.

Mr. WILLIAMS of Mississippi. But that is a qualification of the voter.

Mr. LIVINGSTON. That is a qualification.

Mr. LACEY. Not at all; and we can repeal every State law in the United States as to the time and manner of holding Congressional elections.

Mr. LIVINGSTON. I understand you can do that; but you can not repeal the qualifications of the voter.

Mr. WILLIAMS of Mississippi. And registration is a qualification.

Mr. LACEY. This says "requirements of State laws," not of State constitutions.

Mr. LIVINGSTON. Strike out the words "registration and," and your bill is right. Just strike out those words.

Mr. LACEY. We will come to that, if my friend will allow me. Registration applies only to the manner of holding an election.

The power to enact registration laws applicable to election of Representatives in Congress is obviously conferred upon Congress by the Federal Constitution as a part of the power to prescribe the manner of holding elections of Representatives. (Paine on Elections, section 346; see *Ex parte Yarbrough*, 110 U. S., 600.)

As to voting outside the State of the soldier's residence, that, I think, is covered by the Constitution as to the power to prescribe the place of voting. The United States has the power and right to take out 10,000 citizens from one State by draft and transfer them to another to repel an invasion, put down an insurrection, or preserve the public peace and maintain the established Government. In giving that power the Constitution was so drawn as to preserve the rights of the citizens, in a proper case, by directing that as to the time and place and as to the manner of holding Congressional elections the legislature, in the first instance, should regulate and prescribe the manner, and that Congress might make, alter, or modify those regulations.

Now, in a case like that they certainly have the right to authorize a voting place without the limits of the State. Men have been elected to seats in Congress by votes cast in Georgia and Tennessee by voters from the State of Michigan, and so they have in Ohio and Iowa, but these votes were cast under the flag of the United States while the voters were performing a national duty. They were citizens as well as soldiers. They could have got furloughs and have gone home and voted there and nobody could have stood in their way. Provision was made in the civil war by some States by which the electors might vote in the field and when returned they were counted, and that was done under provisions of the State law.

Mr. RICHARDSON. Were there any State laws authorizing votes of that kind to be cast?

Mr. LACEY. Yes; and some such State laws were held unconstitutional. In other States they were held valid.

Mr. RICHARDSON. Were there any cases in which the soldiers cast their votes in the late war by authority of act of Congress when the State had not passed a law?

Mr. LACEY. No; there was no act of Congress passed, and that makes the proposition now before the House all the more interesting, as it is the first attempt by Congress to exercise this constitutional right.

Such State laws were held valid in the following cases: *Lehman vs. McBride*, 15 Ohio State, 573; Opinions of supreme courts of Vermont and New Hampshire, 13 American Law Register, 102; *Baldwin vs. Trowbridge*, 2 Bartlett Congressional Election Cases, 46; *Morrison vs. Springer*, 15 Iowa, 304; *Chandler vs. Main*, 16 Wisconsin, 398.

On the other hand, such State laws have been held invalid, owing to the provisions of State constitutions, in the following cases: *Chase vs. Miller*, 41 Pennsylvania State, 408; *Bourland vs. Hildreth*, 26 California, 161; Judge's Opinion, 30 Connecticut, 591; *Twitchell vs. Blodgett*, 13 Michigan, 127.

Mr. RICHARDSON. The gentleman concedes that in all cases during the late war there were State laws that authorized the casting of the votes.

Mr. BLAND. Were there any State laws during the late war that authorized the casting of the votes outside of the United States, as your bill proposes?

Mr. LACEY. No, sir; but there is no more difficulty in the one case than in the other. If the voter may be authorized to vote outside the State of his residence, he may do so in a foreign country under the same restrictions.

Mr. RIDGELY. This law, as I understand, does not undertake to make any provision or apply where the State law has a provision for the soldiers' voting?

Mr. LACEY. There is a provision in the bill that where such election is provided for by State law this bill shall not apply. I am informed that the State of Delaware has passed a law authorizing the holding of election for all officers in the field during this war. There will no doubt be some special sessions of the legislature called for that purpose in other States. Many of the States will make no such provision, and Congress would provide under this bill only for those States that do not enact State laws for the purpose.

Mr. BLAND. Why not leave the whole subject-matter to the States?

Mr. GROSVENOR. Mr. Speaker, I want to ask the gentleman from Iowa [Mr. LACEY] if he will not address the whole House, or at least such of it as he can, and not locate the enemy in any one particular side of the House. [Laughter.] We want to hear over here.

Mr. LACEY. I will address "the enemy" on this side, then. [Laughter.]

The SPEAKER. The Chair would suggest to the gentleman from Iowa that he address the Chair.

Mr. LACEY. I hope that is not a suggestion that "the enemy" lies in that direction. [Laughter.] I was addressing my remarks more particularly to the gentlemen who were asking me questions on the Democratic side.

Mr. MAGUIRE. Will the gentleman permit me a question?

Mr. LACEY. I will yield to the gentleman from California.

Mr. MAGUIRE. The question of jurisdiction, as the gentleman says, is the principal question in this discussion. If Congress has jurisdiction to authorize the holding of an election for any purpose outside of the boundaries of the United States, then has it not the power to direct that the Congressional elections of one State be held in another State? Does not the gentleman's proposition involve the power of Congress to require an election for Representative in Congress from one State to be held in another State?

Mr. LACEY. I think no such difficulty is involved in this proposition. The gentleman might as well ask me whether we could not require that all elections be held in England. There is a distinction between a law passed for the furtherance of the purposes of the Constitution, for the protection of the right of suffrage, and one passed to hinder and delay a citizen in performing that duty. Here is a proposition that we ought to stand or fall upon; it is not an imaginary one, but should be considered on its own merits inside of the Federal Constitution. The Constitution authorizes the State legislature to fix the time, place, and manner, and authorizes Congress to change, alter, or modify such time, place, and manner of holding Congressional elections. This bill proposes to do nothing else. The place referred to in the bill is not some imaginary place where voters are not, but relates to the place where the voters in fact are, while temporarily there in the defense of the country itself. That being the case, is there anything in the Constitution that will be interfered with or that will be overthrown by the bill in question? A Congressional law fixing an impossible place for holding an election would be a prohibition and not a regulation, and would be beyond the constitutional power of Congress.

I want to call the attention of the House to the Michigan case of Baldwin vs. Trowbridge.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me a question before quoting the case?

Mr. LACEY. Yes.

Mr. WILLIAMS of Mississippi. I would like to interrupt you only for a moment. In addition to the provision which you read there is another one in this bill, in section 8, which says that these electors shall have the same right to vote for Representatives in Congress that they would have had if they had not entered the military service.

In section 4 there is something that contradicts it, for there it says the requirements of the State law as to registration and places of election shall not apply to such electors. Now, the Constitution says that Congress may alter or amend the State regulations as to the time and place and manner of holding elections, but nobody has contended that Congress could alter the State laws as to the conditions upon which suffrage is permitted. Take the State of Mississippi for example. Nobody is permitted to register in Mississippi unless he can read and write. Now, then, when you say the requirements of the laws in the State of Mississippi as to registration are not to be considered in holding this election, do you not set aside the State qualifications as to suffrage? Because the State law says that nobody except a registered voter shall vote, and nobody shall register unless he can read and write.

In other words, it seems to me that the distinction which the gentleman fails to make is the distinction between prescribing the manner of holding elections and prescribing the conditions precedent to the exercise of suffrage itself.

Mr. LACEY. Now, if the gentleman is right on that proposition, then that part of the bill might be stricken out.

Mr. WILLIAMS of Mississippi. I suggest simply leaving out the words "registration and," in line 21, page 2. That will remove any difficulty in relation to this matter and leave the States as well as Congress their full power.

Mr. LACEY. Very well. We can take up that question when we are considering amendments to the bill. I shall be glad to have my friend present an amendment on that subject for consideration. My own idea was that the requirements as to registration being mere matters of regulation, and many of those requirements being such as would necessarily have to follow the enlistment, and with which the soldier could not possibly comply, therefore it would be better, in order to secure his right of voting, to strike out altogether the requirements as to registration, inasmuch as another portion of the bill requires that the soldier at the time he is mustered into the service shall have been a lawful voter in the State as a citizen of which he attempts to vote. I think there can be no difficulty about this feature of the bill, but if there is any constitutional obstacle that provision may be stricken out.

Mr. GROSVENOR. Would not the gentleman from Iowa be willing that the bill be now read for amendment?

Mr. LACEY. I had supposed that would be better. There may be some gentlemen who want to speak generally against the bill.

Mr. GROSVENOR. Why not let the debate proceed after the friends of the bill have got it into a shape satisfactory to them?

Mr. LACEY. I would like to have the bill read by paragraphs for amendment as if the House were in Committee of the Whole, in order that these matters of objection might be reached.

Mr. GROSVENOR. In that way we should know exactly what we are doing.

Mr. JENKINS. I desire to ask the gentleman from Iowa a question, with his permission.

Mr. LACEY. Certainly.

Mr. JENKINS. If I have understood the gentleman correctly, he states that the power of Congress is limited practically to either fixing or changing the time, place, and manner of holding the election in the State. Is that correct?

Mr. LACEY. Not "in the State." I did not say that. Holding the election for Representatives in Congress.

Mr. JENKINS. Well, let me change my expression so as to present the question which I desire to have answered. If it is within the constitutional power of Congress to fix the time, place, and manner of holding the election, then it is within its power to change either one or all of them. That is the gentleman's position, I believe?

Mr. LACEY. I think so.

Mr. JENKINS. In other words, if the State does not fix the time, place, and manner of holding the election, then it is within the constitutional power of Congress to act. Now, inasmuch as I did not hear the bill read, I want to ask the gentleman whether he proposes by this bill to change the time of holding the election?

Mr. LACEY. No; the election by the soldiers is to be held on the same day as the election in the State.

Mr. JENKINS. But the bill proposes to change the place of holding the election.

Mr. LACEY. It changes it so far as it applies to soldiers in the field.

Mr. JENKINS. Then where is the constitutional power of Congress to change it in part? Does the gentleman propose by this bill to change the manner of holding the election?

Mr. LACEY. To change the manner as applied to the place and as applied to soldiers.

Mr. JENKINS. Then I ask whether Congress in acting on this matter must not confine itself to its constitutional powers?

Mr. LACEY. Certainly.

Mr. JENKINS. Can it change as to a part and not as to the whole?

Mr. LACEY. Certainly; the greater includes the less; having power to change it altogether, they can change it in part.

Mr. JENKINS. I did not understand the decision of the Supreme Court of the United States as going so far as that.

Mr. LACEY. I think it goes fully that far.

Mr. LEWIS of Washington. I want to ask my friend from Iowa whether he has considered the case of McPherson vs. Blacker, decided by the Supreme Court of the United States in 146 United States Reports, 1, if I recollect correctly?

Mr. LACEY. I have not examined that case.

Mr. LEWIS of Washington. I do not wish to interrupt the gentleman, but—

Mr. LACEY. I shall be pleased to have the gentleman, at the proper time, call attention to that case.

Mr. LEWIS of Washington. I did not wish to interrupt the gentleman, but simply to inquire whether he had considered that case in connection with this question at all.

Mr. LACEY. I thank the gentleman from Washington [Mr. LEWIS] for the suggestion as to McPherson vs. Blacker, 146 U. S., 1. It is an instructive case, and holds that where a State law conflicts with a Congressional act as to the date of the meeting of Presidential electors the State law will only be held invalid so far as it conflicts with the Federal law.

Mr. SETTLE. May I ask the gentleman from Iowa a question?

Mr. LACEY. Certainly.

Mr. SETTLE. As I understood the gentleman from Wisconsin [Mr. JENKINS], he very aptly put a difficulty that had already occurred to my mind. Now, we are all very anxious to have the soldiers vote if it can be done; but we want some safeguards thrown around the exercise of the ballot. My point is this: That while the power of Congress to alter or amend either the time, place, or manner of holding elections of Representatives as prescribed by the States can not be doubted, yet such alteration or amendment must be uniform. That is to say, if you change the time, there must be a single time fixed—a time which applies alike to every voter. So also, by parity of reasoning, when you change the place, there must be one place of voting fixed.

Mr. LACEY. Not necessarily. There were elected, I understand, yesterday two good Republican Congressmen out in the State of Oregon—

Mr. SETTLE. But the place must be within the State.

Mr. LACEY. That election was held on a day different from that fixed for the election in Kentucky.

Mr. SETTLE. Certainly. But will the gentleman contend that the power of Congress in respect to altering the regulations of the State may go to the extent of prescribing that the place of voting shall be outside the State?

Mr. LACEY. No, sir; but it may permit voters, under certain circumstances, to vote outside the State.

Mr. GROSVENOR. Will the gentleman from Iowa permit me to call attention to the language of the Supreme Court of the United States on this subject?

Mr. LACEY. I believe I have already read the exact language to the House, but I yield to the gentleman.

Mr. GROSVENOR. One of the objections raised in the case coming before the Supreme Court was that—

When put in operation by Congress it—

That is, the regulation adopted by Congress—

must take the place of all State regulations of the subject regulated, which subject must be entirely and completely controlled and provided for by Congress.

That is the objection, as stated by the Supreme Court, and that is the objection raised here by the gentleman from Kentucky [Mr. SETTLE]. In meeting this objection the court says:

We are unable to see why it necessarily follows that if Congress makes any regulations on the subject it must assume conclusive control of the whole subject. The Constitution does not say so.

The clause of the Constitution under which the power of Congress, as well as that of the State legislatures, to regulate the election of Senators and Representatives arises is as follows:

The times, places—

Now, if the gentleman from Kentucky will listen to this, he will get an answer to his whole proposition—

The times, places, and manner—

Those are the three subdivisions—

of holding elections for Senators and Representatives shall be prescribed

in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the place of choosing Senators.

Now, if we apply to this language the well-known rule of statutory construction by which the thing not expressed is excluded, then Congress may fix the place of electing Congressmen—

Mr. WHEELER of Kentucky. I do not think the gentleman from Ohio [Mr. GROSVENOR] caught correctly the point made by my colleague [Mr. SETTLE]. He did not question the right of Congress to change the time or the place; but the point he made was that when Congress legislates upon this question and prescribes a time, that time must apply to all the electors of that district.

Mr. GROSVENOR. That is exactly what the Supreme Court says is not true. The language of the court is:

We are unable to see why it necessarily follows that if Congress makes any regulations on the subject it must assume exclusive control of the whole subject.

Mr. WHEELER of Kentucky. If the gentleman will permit me further, that means that Congress need not legislate upon the whole subject. It may select a time, for instance, but it must cover the whole time. It may select the manner, but it must cover the whole method. It need not take time, place, and manner.

It is a well-known rule that the legislature has a right to select a particular class of citizens and legislate upon a particular subject, but the legislation must apply its enactments to all citizens in that class. It can not apply them to a part of the citizens belonging to that class and exclude the others. It must exhaust the particular subject then under consideration.

Mr. GROSVENOR. The Supreme Court holds exactly the reverse.

Mr. WHEELER of Kentucky. Not in that opinion.

Mr. GROSVENOR. I have not half read it yet. I think, Mr. Speaker, we should have some regularity about this debate. It allowed the State legislature to control the vote of the soldiers in Ohio and gave to Congress the right to control outside. All that was under a law that did exactly what we propose to do.

Mr. WHEELER of Kentucky. And the gentleman knows that opinion has been seriously questioned by the Supreme Court since then, and they have refused to follow it.

Mr. GROSVENOR. That is the other remedy—to doubt the honesty of the Supreme Court.

Mr. LACEY. Now, I decline to yield to further questions at this time, because the discussion seems to degenerate into dialogue.

Mr. GROSVENOR. Will not the gentleman allow me to say just one sentence here that completely meets the whole proposition? There is no declaration that regulations shall be made either wholly by the State legislature or wholly by Congress.

Mr. SETTLE. Do you understand by that that Congress could say that in Kentucky the Congressional elections next fall should be held on the second Tuesday in November, and that in Cuba they shall be held on the 18th?

Mr. GROSVENOR. I think there is no doubt about it.

Mr. SETTLE. That they could have different times?

Mr. GROSVENOR. There is no doubt about it.

Mr. LACEY. I do not think it would be proper to have different times.

Mr. SETTLE. I am not talking about what would be proper. I am talking about the constitutional right.

Mr. LACEY. That is a question of policy. I think possibly they might have different times, but it would be bad policy to have the question as to what the result should be in Cuba held back until after the returns were in in Ohio.

The elections ought to be held on the same day, even although some regiment of soldiers might be in line of battle, and therefore unable to exercise the right to vote. They would simply encounter the same difficulties that citizens sometimes encounter. Sometimes the "gravel train" gets in after 6 o'clock, and the voters on the train lose their right to vote. So with soldiers so situated on election day that they can not vote. They will lose that right. But what we want to do is to give them a fair opportunity in a general way.

Now, before yielding the floor, or before closing, I want to call the attention of the House to the Trowbridge-Baldwin case in Michigan. In that case the constitutional convention of the State of Michigan had, by the State constitution, fixed the qualification of voters in that State, and it required that the votes should be cast in the precinct where the voter actually resided. It practically, in terms, prevented him from voting anywhere else as to offices other than members of Congress. It did not attempt to define what the qualifications of a voter should be for a Representative in Congress, but in a general way, as to other officers, it attempted to define what the qualifications should be, and residence and a vote at that residence were a part of such qualification.

Now, Mr. Trowbridge was elected if the votes cast for him in the field by the Michigan soldiers could be counted. If those votes could not be counted, Mr. Baldwin was elected. Mr. Trowbridge took the seat and a contest was instituted. In 2 Bartlett, page 46, the question was decided, and a majority of the Elections Committee held that the provision of the Constitution of the United States that said that the time, place, and manner should be fixed by the legislature of the State took away from the constitutional convention the power of tying the hands of the legislature of that State, and that whatever power the legislature would have to fix the time, place, and manner of holding Congressional elections would also exist as to Congress.

In that case they held that where the law conflicted with the constitution of the State, the law being made by the legislature and the legislature being empowered by the Constitution of the United States to fix the time, place, and manner, that the State statute took precedence and prevailed over the constitution of the State itself. So upon a vote on that report, the views of the majority were adopted and that became the decision of this House in a preceding Congress, by a vote of 108 to 30.

Desirable as it may be to have all of our soldiers and sailors vote, I think it is impracticable to go further than to attempt to authorize them to hold elections where there are organized bodies of State troops in the service. The bill extends the plan so as to include a detached company. Beyond this I do not think it would be practicable to go. Soldiers from one State will enlist in the organizations of another State or in the Regular Army. Sailors will enlist, a few from each State, upon each vessel. It would be very gratifying to allow these men also to vote, but I see no way in which it can be rendered practicable and safe, except in those organizations where there is a sufficient number of citizens to organize and hold an election.

Fortunately there are no partisan results involved in this bill. The war is one in which with generous patriotism all political parties are fully represented, and no party has any motive in considering this question other than that of establishing a policy that will not deprive the Government of the advantage of recording the wishes of 200,000 of the best and noblest of her citizens.

Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has used forty-nine minutes.

Mr. LACEY. I reserve the balance of my time or yield it back to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. McRAE. Before the gentleman from Iowa takes his seat I would like to ask him a question.

Mr. LACEY. I should like to make a parliamentary inquiry before I yield to the gentleman from Arkansas.

The SPEAKER. The gentleman will state it.

Mr. LACEY. In case of an adjournment under the special order under which we are now proceeding will this bill be the unfinished business for to-morrow?

The SPEAKER. The Chair is not quite certain about that, but thinks that the consent of the House had better be asked.

Mr. LACEY. Then I ask unanimous consent that it be so considered. I do not want to detain the House, and yet I have no doubt the members desire to go over this bill carefully and consider it, and do what they think right about it.

Mr. BLAND. I hope that will be done.

Mr. WILLIAMS of Mississippi. What is the request?

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill may be considered to its conclusion. Is there objection?

Mr. WHEELER of Kentucky. Before giving consent I should like to ask a question.

The SPEAKER. Consent will be reserved.

Mr. WHEELER of Kentucky. I should like to ask the gentleman from Iowa if it is the intention to give an opportunity for general debate on this bill?

Mr. LACEY. Undoubtedly, for a reasonable general debate; and so far as it is in my power and the power of the gentleman from Michigan [Mr. SAMUEL W. SMITH] in charge of the bill, for whom I feel authorized to speak, the intention is to have the bill read by sections, so as to give full opportunity for amendment.

Mr. WHEELER of Kentucky. That only gives five minutes, and I do not think anybody can discuss this bill or any provision of it in five minutes.

Mr. LACEY. There is no disposition on the part of those in charge of the bill to cut off debate. It is a new subject. Congress has never passed such legislation before.

The SPEAKER. The Chair understands there is no objection to the request.

Mr. HANDY. Before consent is given I desire to make a parliamentary inquiry.

Mr. McRAE. I should like to ask the gentleman from Iowa a question.

Mr. LACEY. I yield to the gentleman from Arkansas.

Mr. McRAE. I want to suggest an amendment which I believe will remove most of the objections urged against this bill; an

amendment providing that this law shall not apply to the soldiers from any State where the State provides the method and manner of holding an election for volunteer soldiers in the field.

Mr. BARTLETT. That is already in the bill.

Mr. McRAE. Then why this criticism?

Mr. WILLIAMS of Mississippi. Because it provides the method for States which have no such law, and the State legislatures will not meet before the time for holding the Congressional elections.

Mr. HANDY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HANDY. I understand the gentleman from Iowa asks unanimous consent that this bill be considered as unfinished business to-morrow. By unanimous consent the conference report was postponed until to-morrow. My inquiry is whether the consent now asked for would interfere with the conference report coming up to-morrow?

The SPEAKER. The Chair thinks not. The Chair thinks that the conference report would have the right to come up to-morrow to interrupt this; but if consent is given that this bill be considered until disposed of, of course it will come up in due time.

Mr. HANDY. What would come up in due time?

The SPEAKER. This bill—until it is finished.

Mr. GROSVENOR. I move that the House take a recess until to-morrow morning at 10 o'clock.

Several MEMBERS. Oh, no!

Mr. HANDY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Iowa.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4707. An act to provide for the compensation and expenses of special counsel for the Government in prize cases—to the Committee on the Judiciary.

Concurrent resolution No. 49:

Resolved by the Senate (the House of Representatives concurring). That there be printed of the History of the Red Cross, authorized to be prepared and printed under joint resolution of Congress, approved August 3, 1882, and thereafter printed under the direction of the Secretary of State, together with the report on America's relief expedition to Asia Minor, under the Red Cross, 65,000 copies, of which number 5,000 shall be for the use of the Senate, 10,000 for the House of Representatives, and 50,000 for the American National Red Cross, to be distributed by Miss Clara Barton, president. The copies herein provided for to be distributed by the president of the American National Red Cross shall be transmitted through the mails free of postage when contained in a wrapper bearing the following inscription: "Public Document. History of the Red Cross. Free."

To the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 10563. An act making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHUFORD, for this day, on account of sickness.

To Mr. FOX, for one week, on account of sickness in his family.

To Mr. ROYSE, for ten days, on account of important business.

To Mr. ALLEN, indefinitely, on account of sickness in his family.

The motion of Mr. HANDY was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, together with a report on the condition of the St. Johns River, in Florida, at Orange Mills Flats, and the cost of improving it—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, together with the draft of a bill to provide chief ordnance officers for corps and division commanders—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the resolution of the House (House Res. No. 309) requesting the Secretary of War to furnish for the information of the House the names of all civilians appointed to positions in the Volunteer Army since the 24th day of April, 1898, together with the names of States from which said civilians were appointed, reported the same without amendment, accompanied by a report (No. 1522); which said resolution and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10606) repealing a portion of section 10 of an act approved April 23, 1898, reported the same without amendment, accompanied by a report (No. 1526); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10608) providing for the appointment of a military secretary to the Secretary of War, reported the same without amendment, accompanied by a report (No. 1529); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLIVAN, from the Committee on Claims, to which was referred the bill of the House (H. R. 2764) for the relief of W. H. L. Pepperell, of Concordia, Kans., reported the same without amendment, accompanied by a report (No. 1523); which said bill and report were referred to the Private Calendar.

Mr. BRUMM, from the Committee on Claims, to which was referred the bill of the House (H. R. 7151) for the relief of W. D. Catlett, reported the same without amendment, accompanied by a report (No. 1524); which said bill and report were referred to the Private Calendar.

Mr. YOST, from the Committee on Claims, to which was referred the bill of the House (H. R. 5778) for the relief of J. V. Davis, of Alexandria, Va., reported the same with amendment, accompanied by a report (No. 1525); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Claims, to which was referred the bill of the House (H. R. 9568) for the relief of W. R. Austin & Co., reported the same without amendment, accompanied by a report (No. 1527); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Connecticut, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1454) granting an increase of pension to Mary Sprague, reported the same with amendment, accompanied by a report (No. 1528); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL (from the Committee on Military Affairs): A bill (H. R. 10606) to amend section 10 of an act approved April 23, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes"—to the Committee of the Whole House on the state of the Union.

By Mr. HILL (by request): A bill (H. R. 10607) to pay pension claims by the issuing of life-insurance policies—to the Committee on Invalid Pensions.

By Mr. HULL (from the Committee on Military Affairs): A bill (H. R. 10608) providing for the appointment of a military secretary to the Secretary of War—to the Committee of the Whole House on the state of the Union.

By Mr. CHARLES W. STONE: A resolution (House Res. No. 314) providing for the preparation of an index to all debates in Congress, documents, and laws relating to coinage, finance, revenues, and bankruptcy—to the Committee on Coinage, Weights, and Measures.

By Mr. MAGUIRE: A resolution (House Res. No. 315) relating to the Government's lien on the Kansas Pacific Railroad—to the Committee on Pacific Railroads.

Also, a resolution (House Res. No. 316) relating to the foreclosure of the Government's lien on the Central Pacific Railroad and the Western Pacific Railroad—to the Committee on Pacific Railroads.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARHAM: A bill (H. R. 10609) granting a pension to Henry Shaffer—to the Committee on Pensions.

By Mr. BARLOW: A bill (H. R. 10610) for the relief of Lucinda Wallace—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 10611) granting an increase of pension to Edward Hause—to the Committee on Invalid Pensions.

By Mr. DAVISON of Kentucky: A bill (H. R. 10612) for the relief of Lucinda R. Boker—to the Committee on War Claims.

By Mr. GAINES: A bill (H. R. 10613) for the relief of Mary B. Winbourn and James R. Winbourn—to the Committee on Appropriations.

By Mr. GIBSON: A bill (H. R. 10614) to increase the pension of Freeman R. E. Chanaberry—to the Committee on Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 10615) for the relief of Mattie J. and W. P. Horn, heirs of Preston A. Horn—to the Committee on War Claims.

By Mr. HINRICHSSEN: A bill (H. R. 10616) to place on the pension roll the name of E. Laurence Herriott—to the Committee on Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 10617) granting an increase of pension to Irwin Reich—to the Committee on Invalid Pensions.

By Mr. LINNEY: A bill (H. R. 10618) for the relief of Sidney Maxwell, of Creston, N. C.—to the Committee on War Claims.

By Mr. REEVES: A bill (H. R. 10619) for the relief of Cattie King—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 10620) for the relief of the estate of James T. Ball, deceased, late of Alexandria County, Va.—to the Committee on War Claims.

Also (by request): A bill (H. R. 10621) for the relief of J. L. Combs—to the Committee on War Claims.

By Mr. STARK: A bill (H. R. 10622) granting an increase of pension to Chauncy Barber, of York, York County, Nebr.—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 10623) granting a pension to Moses C. Culver—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petitions of J. M. Acker and other citizens of Aberdeen, and W. W. Magruder and others, of Starkville, State of Mississippi, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BARBER: Petition of Hiram A. Carter, Joseph W. Goldsborough, and 21 other citizens of Baltimore, Md., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. CURTIS of Kansas: Fifteen petitions of ex-Union soldiers and sailors, inmates of the National Military Home of Kansas, in behalf of the bill authorizing them to vote at the Home for certain officers—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. ERMENTROUT: Petition of the Berks County Bottlers' Association, State of Pennsylvania, against a tax on carbonated beverages—to the Committee on Ways and Means.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of East Corinth, Vt., Mrs. E. S. Rowland, presiding, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

By Mr. HINRICHSSEN: Petition of G. B. Metcalf & Son and other citizens of Greenfield, Ill., protesting against the imposition of an additional revenue tax on tobacco, snuff, and cigars in stock—to the Committee on Ways and Means.

By Mr. HURLEY: Resolutions of the Merchants and Manufacturers' Board of Trade of New York, in favor of the annexation of the Hawaiian Islands—to the Committee on Foreign Affairs.

Also, resolution of the Chamber of Commerce of the State of New York, relating to educating the people of foreign countries in the use of corn as a food product—to the Committee on Agriculture.

By Mr. KIRKPATRICK: Petition of the Philadelphia Maritime Exchange, favoring Senate bill No. 624, for the creation of a department of commerce and industry—to the Committee on Interstate and Foreign Commerce.

By Mr. KULP: Petitions of W. S. Rishton, of Bloomsburg; B. S. Lancaster, of Forkville; Krouser Brothers and retail druggists of Milton, Pa., remonstrating against the adoption of Schedule B of the war-revenue bill, placing a tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of the depositors of the Freedman's Savings and Trust Company, for the payment of their claims and for relief—to the Committee on Banking and Currency.

Also, resolution of the Irish-American Societies in Philadelphia, Pa., in opposition to the so-called "Anglo-Saxon alliance"—to the Committee on Foreign Affairs.

Also, petition of the International Association of Machinists of Philadelphia, Pa., favoring the passage of the bill for postal savings banks, with the exception of section 8 in the bill—to the Committee on the Post-Office and Post-Roads.

Also, protest of Emory E. Herr, of Sunbury, Pa., against the proposed tax on life-insurance policies—to the Committee on Ways and Means.

Also, protest of Feister Printing Company, of Philadelphia, Pa., against House bill No. 10100, known as the war revenue bill—to the Committee on Ways and Means.

Also, papers in support of House bill No. 2316, for the relief of Francis M. Lott—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 9854, for the relief of John F. Campbell—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): Papers to accompany House bill for the relief of James T. Ball, deceased, late of Alexandria County, Va.—to the Committee on War Claims.

By Mr. STARK: Petitions of W. G. Haney, of Grafton; A. Schneider, of Benedict, and Julius Neumann & Co., of Wymore, State of Nebraska, protesting against additional tax on snuff, tobacco, etc., in stock—to the Committee on Ways and Means.

Also, petition of A. Masinda, of Prague, Nebr., remonstrating against the adoption of Schedule B of the war revenue bill, placing a tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Resolutions of Cigar Makers' Union No. 98, of St. Paul, Minn., against increase of tax on cigars—to the Committee on Ways and Means.

Also, resolution of the Stillwater (Minn.) fire department, in opposition to Senate bill No. 2736, to establish a Government insurance department—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Minneapolis (Minn.) Board of Trade, asking for the passage of House bill No. 6093, protecting free labor against convict labor—to the Committee on Labor.

By Mr. WADSWORTH: Petition of 770 citizens of Elba, Genesee County, N. Y., requesting the continuance of rural free delivery of mail—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNER: Protests of druggists of Champaign and Urbana, Ill., against the taxation of proprietary articles in the war revenue bill—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, June 8, 1898.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 173) authorizing the President, in his discretion, to waive the one-year suspension from promotion and to order reexamination of officers of the Army in certain cases.

The message also announced that the House had passed with amendments the joint resolution (S. R. 95) instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10585) making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, and for other purposes; and it was thereupon signed by the Vice-President.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 4266) granting a pension to Elizabeth M. Mead, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom the subject was referred, reported an amendment relative to the claim of the Union Iron Works, of San Francisco, intended to be proposed to the general deficiency appropriation bill, reported

favorably thereon, and moved that it be printed, and, with the accompanying papers, be referred to the Committee on Appropriations; which was agreed to.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 4340) for the relief of Charles T. Rader, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. FORAKER introduced a bill (S. 4732) granting a pension to John Keech; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4733) granting a pension to R. G. Hill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4734) granting a pension to Ruth Marshall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 4735) to grant a pension to Abraham T. Dearborn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4736) to repeal an act entitled "An act to provide an American register for the steamship *Centennial*," approved May 21, 1898; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HAWLEY introduced a bill (S. 4737) to provide for the better organization of the Quartermaster's Department, with a view to the proper transaction of the large volume of additional work placed upon such Department by the sudden increase of the regular and volunteer forces of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chillico Indian Reservation, Territory of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MONEY introduced a bill (S. 4739) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi; which was read twice by its title, and referred to the Committee on Claims.

CHANGE OF REFERENCE.

Mr. CULLOM. I ask that the reference may be changed of the bill (S. 4721) to enable the President to accord redress for certain judicial errors in courts-martial and to obtain certain reinforcements thereby for exigencies of war, which I introduced yesterday, to the Committee on Naval Affairs. It was on my motion yesterday referred to the Committee on Military Affairs.

The VICE-PRESIDENT. That change of reference will be made, in the absence of objection.

THE NICARAGUAN CANAL.

Mr. MORGAN. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the treaties known as the Clayton-Bulwer treaty and the Frelinghuysen-Zavala treaty, relating to a maritime canal in Nicaragua, and the treaty between the United States and Nicaragua, relating to such canal, and the concessions of Nicaragua and Costa Rica to A. G. Menocal and his associates relating to said canal, be printed together as a document for the use of the Senate.

Mr. COCKRELL. The resolution ought to go to the committee.

Mr. FRYE. No; the printing will not cost \$500.

The resolution was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the act (S. 4699) to provide an American register for the steamship *China*.

COMMITTEE SERVICE.

Mr. QUAY. I desire permission of the Senate to announce my withdrawal from the Committee on Commerce. I believe the understanding is that my colleague [Mr. PENROSE] is to take my place, the appointment to be made by the Chair.

The VICE-PRESIDENT. The Senate has heard the resignation of the Senator from Pennsylvania [Mr. QUAY] from the Committee on Commerce. Is there any objection? The resignation is received. Is there any objection to the appointment of his colleague [Mr. PENROSE] to the vacancy? The Chair hears none, and the appointment is made.

RETURN OF FLAGS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 95) instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry.

The amendments of the House were, in line 7, after the word "State," to insert:

That the Secretary of War be, and is hereby, authorized and directed to turn over and deliver to the State of New York the flag now in his custody

that was carried by the One hundred and thirteenth New York State Volunteer Infantry (Seventh Heavy Artillery), that was raised and enlisted in the United States service from the State of New York during the rebellion.

And to amend the title so as to read: "A joint resolution instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry. Also to restore to the State of New York the flag carried by the One hundred and thirteenth New York Volunteer Infantry."

Mr. FORAKER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate numbered 11, 23, 99, 176, 184, 185, 189, 190, and 194 to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes; further insists upon its amendments numbered 13, 14, 15, 16, 17, 18, 20, 64, 65, 73, 74, 75, 76, 97, 98, 101, 123, 124, 125, 126, 127, 149, 180, 182, 183, 186, 187, 221, 222, 224, 233, 239, 247, 271, and 272; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 6149) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes. It is the bill which has already been considered by the Senate.

Mr. HALE. Before the Senator calls up that bill, I wish he would let me call up a measure providing for the organization of a hospital corps of the Navy.

Mr. McMILLAN. Let me get the street railway bill up, and then I will give way.

Mr. HALE. Very well.

The VICE-PRESIDENT. The Senator from Michigan asks unanimous consent for the present consideration of House bill 6148. Is there objection? The Chair hears none.

Mr. McMILLAN. I now yield to the Senator from Maine.

HOSPITAL CORPS OF THE NAVY.

Mr. HALE. I ask for the consideration of the bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duty, and regulate its pay.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments.

The first amendment was, in section 1, line 8, after the word "officers," to insert "removable in the discretion of the Secretary;" so as to make the section read:

That a hospital corps of the United States Navy is hereby established, and shall consist of pharmacists, hospital stewards, hospital apprentices (first class), and hospital apprentices; and for this purpose the Secretary of the Navy is empowered to appoint twenty-five pharmacists with the rank, pay, and privileges of warrant officers, removable in the discretion of the Secretary, and to enlist, or cause to be enlisted, as many hospital stewards, hospital apprentices (first class), and hospital apprentices as in his judgment may be necessary, and to limit or fix the number, and to make such regulations as may be required for their enlistment and government. Enlisted men in the Navy or the Marine Corps shall be eligible for transfer to the hospital corps, and vacancies occurring in the grade of pharmacist shall be filled by the Secretary of the Navy by selection from those holding the rate of hospital steward.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "Navy," to strike out the proviso at the end of section 4, in the following words:

Provided, That the operation of the provisions of this act shall be limited to the duration of the present war with Spain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXTENSION OF FRANKING PRIVILEGE.

Mr. MASON. If the Senator from Michigan will yield to me one minute, I will submit a report, and I will withdraw it if anyone objects. It is a short bill, unanimously recommended by the Committee on Post-Offices and Post-Roads, introduced by the Senator from Kansas [Mr. HARRIS]. It gives to the soldiers during this war the franking privilege. If there is any discussion or opposition, I will withdraw it.

The VICE-PRESIDENT. Has the bill been reported?

Mr. MASON. It is now reported from the committee. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4704) extending franking privileges through the mails to officers and enlisted men in the Army and Navy of the United States, to report it with an amendment, and I ask for its immediate consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. Mr. President—

Mr. MASON. Let the amendment be read.

The SECRETARY. In line 7, after the word "mail," insert the words "not to exceed 1 ounce."

Mr. PLATT of Connecticut. This is a pretty sweeping bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. I desire to say that this is a pretty sweeping measure, and while I want to extend every possible facility and privilege to the soldiers of our Army, I would rather have a day in which to consider the bill and think about it. I suggest that it go over.

Mr. SEWELL. Will the Senator from Connecticut allow me to suggest that it had better go to the Committee on Post-Offices and Post-Roads?

Mr. MASON. It has been reported unanimously from that committee this morning.

Mr. McMILLAN. I ask that House bill 6148 be proceeded with.

Mr. PLATT of Connecticut. I should like the bill to go over for a day.

Mr. MASON. I withdraw the request for immediate consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from South Dakota [Mr. PETTIGREW].

Mr. McMILLAN. I offer an amendment to which I think there will be no objection. I ask that it be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Michigan will be read, if there be no objection.

The SECRETARY. On page 2, line 15, after the word "Washington," insert:

And also the North Capitol street line from the intersection of G street north and New Jersey avenue to T street north.

Page 3, line 9, after the word "lease," insert:

And the North Capitol street branch shall be completed with the underground system to the Soldiers' Home within twelve months from the opening of said street.

Mr. McMILLAN. The object of this amendment is to compel the railroad company to complete its line to the Soldiers' Home on North Capitol street. Their charter requires them to do so when the street shall be opened, but this is to compel the road to put in the underground system on that important branch. I think there will be no objection to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendments submitted by the Senator from Michigan [Mr. McMILLAN].

The amendments were agreed to.

Mr. McMILLAN. I offer a similar amendment, to come in on page 3.

The SECRETARY. On page 3, at the end of line 20, insert:

Also an extension shall be constructed within one year from the passage of this act from Thirteenth street east to Fifteenth street east on C street east, thence north on Fifteenth street to H street NE.

Mr. McMILLAN. The object of this amendment is to compel the extension of the line easterly and northerly to connect with the Columbia road and the Chesapeake Beach Railway.

Mr. COCKRELL. I should like to hear the amendment read again.

The Secretary again read the amendment.

Mr. McMILLAN. The object of the amendment is to compel this company to build a few blocks in East Washington, so as to connect with the road coming across near Bennings Bridge. That is all. It is simply to add another convenience to the public on the other side of the river.

The amendment was agreed to.

Mr. COCKRELL. I wish to ask the Senator in charge of the bill what provision was made for the connection of the lines on Seventh street and Ninth street with what is known as the Brightwood line?

Mr. McMILLAN. That is another road. It is not this Eckington road. The connection to which the Senator refers has just been completed.

Mr. COCKRELL. I understand that that is a different road. Is the pending bill in relation to only one road?

Mr. McMILLAN. That is all; the Eckington road.

The VICE-PRESIDENT. The Senator from South Dakota [Mr. PETTIGREW] offered an amendment, which was pending when the bill was last under consideration. The amendment will be read.

The SECRETARY. Add at the end of the bill, after the word "act," in line 12, page 7, the following:

And the rights and privileges hereby granted shall be for a period of not to exceed twenty years.

Mr. PETTIGREW. Mr. President, I hope the Senator from Michigan will accept that amendment. It grants the charter for twenty years. These charters as they now stand would be without limit, perpetual. Recent legislation on this subject has been in the way of limiting the time in which the charters should run. Even New York, corporation ridden as it is, makes a limit of twenty-five years. Minnesota, by recent legislation, limits all these special privileges, monopoly privileges, to ten years, and Kansas to twenty years. That is the custom in very many other States.

The amendment simply limits the charter to twenty years. The Senate defeated the amendment which I offered, which provided that the Government could purchase the property at its value without buying the franchise. I presented that subject quite fully. I do not care to discuss the pending amendment. I simply want a vote of the Senate upon the question whether the roads shall have a perpetual charter or whether we shall limit them to twenty years' duration, whether we shall place ourselves so that hereafter we shall have lost control over the streets of this city, or whether we shall have an opportunity at the end of twenty years to make such a disposition of the streets which belong to the public as we may see fit.

Mr. McMILLAN. The object of the bill is to enable this company to reorganize and give the people of the District of Columbia an underground electric system, instead of a horse-car system. The amendment suggested by the Senator from South Dakota would, in my judgment, and in the judgment of the committee, prevent this company from being reorganized, a very necessary change for the people of the District. Therefore I hope that the amendment will be voted down.

Mr. HOAR. I should like to ask the Senator from Michigan if there is any general or special provision of law which authorizes the public, on the payment of the cash which has been paid out and a reasonable percentage by way of profit, to acquire the franchise of these roads?

Mr. McMILLAN. We have the right to regulate these roads in any manner we see fit. This is a bankrupt company now. It has not made a dollar—in fact, it is losing money every day—and it is in the hands of the court. If this company should succeed in making a great deal of money, we have the power to regulate the rates at any time we see fit. We can alter, amend, or repeal the charter. We can put the rate down from six tickets for a quarter to eight tickets for a quarter, if we want to do so.

Mr. HOAR. I know.

Mr. McMILLAN. We have a perfect right to regulate it in any manner.

Mr. HOAR. But that is very different from granting a perpetual charter.

Mr. McMILLAN. We can repeal the charter of this line at any time we choose.

Mr. HOAR. That is the question I put.

Mr. McMILLAN. We can undoubtedly do so.

Mr. HOAR. I do not like to interfere with the committee, because it is impossible for the two Houses of Congress to debate thoroughly every detail of legislation for the District of Columbia, and we must follow the committee unless we are going to deal with the business of the District of Columbia the whole year round. I desire to follow the committee; but it does seem to me that sound legislative policy requires that there should be a right on the part of the public to acquire the entire property and franchise of the road upon the payment of what has been paid in cash in the beginning and a reasonable percentage, making allowance for the risk of their capital, so as not to make it a low rate like 3 or 4 per cent, but a percentage of 6 or 7 per cent.

Perhaps that ought to be at a fixed time in the future, say any time after ten years, or any time after fifteen years; but that there should be a perpetual charter to a corporation in a highway, subject only to the power of regulation, seems to me very bad policy.

Mr. McMILLAN. We have the right to take possession of these roads at any time we see fit; but this is a poor time. The point I make is that we are endeavoring to get these two or three companies out of the courts and to enable them to put in proper underground transit facilities, which will cost a great deal of money. It is a poor time for us, in my judgment and in the judgment of the committee, to load the bill down with something that we can get along without just now; because I believe we have the right to take possession of the lines at any time.

Mr. HOAR. Where is the right to take possession at any time found? Where is it asserted?

Mr. McMILLAN. It is the last section in the bill:

That Congress reserves the right to alter, amend, or repeal this act.

Mr. PETTIGREW. I should like to ask if we would not have that power though we did not put in that clause?

Mr. HOAR. It would be a clear violation of national good faith to repeal the act if we did not claim the power to assert the right. If the right to repeal is asserted in the act, I am not disposed in this five-minute opportunity to insist on inserting a special provision in regard to the acquisition, but I think there ought to be such a provision. I hope no railroad charter will be granted hereafter without inserting in the charter itself a clause providing that after some fixed time, say ten years or fifteen years or twenty years, or whatever may be the proper limit, the public may acquire the property on paying the amount advanced with a reasonable percentage. All the railroads in my State are subject to that obligation. The great Boston and Albany Railroad is subject to the obligation of having it taken on paying 7 per cent, and the other roads to the obligation of being taken on paying 10 per cent; but at that time 10 per cent was the ordinary rate of interest.

Mr. PETTIGREW. I will say to the Senator from Massachusetts that I offered an amendment to this very bill, which provided that after ten years we must acquire the property by paying its value without paying for the franchise. I think my amendment received 11 votes in the Senate on a roll call. Now, I offer an amendment limiting the charter to twenty years. The right to alter, amend, or repeal the act is a right that certainly is in Congress anyhow, whether we assert it in the bill or not. Now, this question arises, having issued a charter which is by its terms perpetual, with that reservation, we authorize the company to bond the property for a hundred years, and can we interfere with it in any way except, perhaps, to make an effort to regulate it in some manner or sort? It seems to me that the right to control these streets ought to remain in the public.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. PETTIGREW. I yield to the Senator from Wisconsin.

Mr. SPOONER. Does the Senator think that with the right reserved to repeal in the charter, the mere fact that the same act authorizes the issue of bonds in any wise precludes Congress from exercising the power to repeal if it chooses?

Mr. PETTIGREW. Oh, no; I think Congress can alter or repeal the act; but I think that rights can grow up under the charter so that the courts would step in to interfere with any act on our part which would deprive them of their property.

Mr. SPOONER. The question was raised long ago, and it has been settled by the Supreme Court of the United States at least half a dozen times, that where the power to repeal or to alter is reserved by the legislature which makes the corporate grant that power may be exercised at any time; that the exercise of it by the legislature is not open to review by the courts; and that every creditor of the corporation takes on notice of the existence of that power and at the peril of its exercise whenever the legislative department of the Government sees fit to exercise it. The Senator does not surely question that as a proposition of law.

Mr. PETTIGREW. I do not question it; but if they bond this company under an act of Congress for a hundred years I do know that Congress never will exercise a right, if it possesses the right, which will interfere with or in any way affect the value of the bonds which we have authorized to be issued, but almost every man will stand up here and contend against it. For that reason I propose to limit the charter to twenty years.

Mr. SPOONER. I was not discussing that point. I was only speaking of the question of power.

Mr. PETTIGREW. We having authorized the issue of these bonds under an act of Congress which at the same time reserves the right to repeal it, which is notice to the creditor, the creditor also has notice of the right of the company to issue the bonds and knows full well that with that authority claimed in the act he is perfectly safe, and that Congress will not interfere.

Further, Mr. President, no matter what act of Congress we pass here, whether we reserve the right or not to alter or repeal, that power exists, and this Congress can not bind a future one by any act we may pass. Without such a reservation we can repeal it at any time we choose, and we have no more control by inserting that provision than if we did not insert it. They are mere idle words. There is no question about that. Therefore we ought to retain the power to control these streets at least after twenty years. No other State, scarcely, in the Union grants a perpetual charter like this; and here we are, turning over the streets of the capital city of the nation to these corporations forever.

Mr. GALLINGER. Mr. President, this is a very simple proposition, as it occurs to me. The Committee on the District of Columbia have given a great deal of time to the consideration of these railroad bills, and I think that their conclusions are entitled to a good deal of weight.

We have in this city two bankrupt railroad corporations, and every Senator riding from here to the northwest part of the city

has had an object lesson of what we are trying to cure when an electric car gets behind a horse car drawn by a couple of dilapidated beasts that ought to be disposed of by the Humane Society, and we travel along half a mile or a quarter of a mile behind a car of that description, our car being propelled by a motor.

Mr. President, we propose to grant certain rights to these two corporations, the Belt Line and the Eckington and Soldiers' Home Railway, whereby they can adopt the modern appliance of electrical propulsion and give us another modern railroad in the capital city. To do that they have got to raise money; they have got to go to the capitalists of the country and sell their bonds; and I submit that this is a poor time to load down the bill with any conditions that are not necessary conditions, that are not in the charters of the great Washington and Georgetown Railroad and the Metropolitan Railroad, which are now operating their roads, I hope, to some profit, after spending a great many millions of dollars.

I trust, Mr. President, that this amendment may not be adopted. I quite differ from the Senator from South Dakota when he says that this is a customary provision. I think if he will search the records he will find it is a very unusual provision, and that charters are not granted ordinarily either to street railroads or to the ordinary steam railroads with provisions of this kind, which serve to hamper them in the sale of their bonds and in the carrying on of the enterprise in which they are engaged.

I hope, Mr. President, that the amendment may not be adopted.

Mr. McMILLAN. I hope that we may now have a vote.

Mr. PETTIGREW. I wish to modify the amendment by making the time twenty-five years, which will then make it in point of time correspond with the legislation of the State of New York on this subject.

The VICE-PRESIDENT. The amendment will be read as modified.

The SECRETARY. As modified the amendment proposes to insert at the end of the bill:

And the rights and privileges hereby granted shall be for a period of not to exceed twenty-five years.

Mr. PETTIGREW. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY].

Mr. GEAR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. Not knowing how he would vote, I withhold my vote.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. I do not know how that Senator would vote, and therefore I withhold my vote.

Mr. LODGE (when his name was called). I am paired with the Senator from Georgia [Mr. CLAY], and therefore withhold my vote.

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. CULLOM. Having been assured by friends of my pair that he would vote, if present, as I would, I vote "nay."

Mr. GEAR. I vote "nay."

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I do not know how he would vote. If he were present, I should vote "yea."

The result was announced—yeas 13, nays 35; as follows:

YEAS—13			
Berry,	Chilton,	Mills,	Tillman.
Butler,	Harria,	Pettigrew,	
Cannon,	Heitfeld,	Teller,	
Chandler,	Mason,	Thurston,	
NAYS—35			
Burrows,	Frye,	McLaurin,	Pritchard,
Carter,	Gallinger,	McMillan,	Quay,
Cockrell,	Gear,	Morgan,	Roach,
Cullom,	Gorman,	Morrill,	Sewell,
Davis,	Hale,	Murphy,	Shoup,
Deboe,	Hawley,	Perkins,	Turpie,
Fairbanks,	Kyle,	Pettas,	White,
Faulkner,	Lindsay,	Platt, Conn.	Wolcott.
Foraker,	McEnery,	Platt, N. Y.	
NOT VOTING—41			
Aldrich,	Gray,	Martin,	Sullivan,
Allen,	Hanna,	Mitchell,	Turley,
Allison,	Hansbrough,	Money,	Turner,
Bacon,	Hoar,	Nelson,	Vest,
Baker,	Jones, Ark.	Pasco,	Warren,
Bate,	Jones, Nev.	Penrose,	Wellington,
Caffery,	Kennedy,	Proctor,	Wetmore,
Clark,	Lodge,	Rawlins,	Wilson.
Clay,	McBride,	Smith,	
Daniel,	Mallory,	Spooner,	
Elkins,	Mantle,	Stewart,	

So Mr. PETTIGREW'S amendment was rejected.

Mr. PETTIGREW. On page 2 of the bill there is the following Senate amendment:

Sec. 2. That the powers conferred in an act entitled "An act relative to the Rock Creek Railway Company of the District of Columbia" (now the Capital Traction Company), approved March 1, 1895, relative to joint management, lease, purchase, or sale of connecting or intersecting lines, are hereby conferred upon the Eckington and Soldiers' Home Railway Company and all other street railway companies in the District of Columbia.

Under that provision, which is the act of March 1, 1895, the Chevy Chase road purchased the Washington and Georgetown road and formed a combination of the two by which they issued \$12,000,000 of capital stock, there being no limit to the amount of the stock a company may issue under that provision. There are 36 miles of that road, single track, or 18 miles of double track, and it is stocked for \$666,000 a mile, and of course the public will have to pay interest on that amount. In other words, we never shall get a reduction of fares until that company can earn a dividend on that enormous quantity of watered stock and a good profit above.

We have given away, in other words, the use of those streets for nothing, and the companies have bonded or stocked the right to use the streets for more than \$6,000,000, for their entire property could be reproduced for a good deal less than \$6,000,000. Their road is stocked to-day for more dollars per mile than any other railroad in the United States.

Mr. McMILLAN. I should like to ask the Senator from South Dakota to repeat his statement in regard to the mileage of the road. Did he say 36 miles?

Mr. PETTIGREW. Thirty-six miles.

Mr. McMILLAN. How much per mile did it cost the road?

Mr. PETTIGREW. Six hundred and sixty-six thousand dollars, double track. I said double track, I think. That would be \$333,000, single track. Every mile of their road, double track, is stocked for \$666,000 a mile. Now, we propose to confer the same privilege upon this other company. Thus we propose to confer upon any company that wants to buy any other company the right to issue all the stock they please without limit. Heretofore Congress has reserved the right to regulate the amount of stock that should be issued. I therefore move to amend this provision by repealing the law. I move to strike out all of line 7, on page 2, after the word "to," all of line 8, all of line 9, and all of line 10; in other words, all of the paragraph after the word "to," in line 7.

Mr. PLATT of Connecticut. Let the Secretary read what is proposed to be stricken out.

The SECRETARY. On page 2, section 2, line 7, it is proposed to strike out the words:

Joint management, lease, purchase, or sale of connecting or intersecting lines are hereby conferred upon the Eckington and Soldiers' Home Railway Company, and all other street railway companies in the District of Columbia.

Mr. GALLINGER. I am not quite as familiar with this matter as the chairman of the committee, but the difficulty, it occurs to me, will be that if the Senator's amendment is adopted it will not accomplish the end he has in view. As I understand the railroad situation—

Mr. PETTIGREW. I will say to the Senator that that is not my whole amendment. I propose to offer a substitute. I have not finished.

Mr. GALLINGER. I wish the Senator would submit the entire amendment and let us know precisely what it is.

Mr. PETTIGREW. I move to insert, after the word "to," in line 7, in place of the words stricken out, the following:

Purchase of other lines and the issue of stock or bonds for the purchase of the property of said companies is hereby repealed.

So that the old act will be repealed so far as it relates to the purchase of other lines and the issue of stock upon them.

Mr. GALLINGER. Mr. President, as I understand the matter, under legislation of Congress a right was given to the Rock Creek Railway to lease other lines or to consolidate with other lines, and under that legislation there was a union between that railroad and the Washington and Georgetown Railroad which resulted in the corporation known as the Capital Traction Company. Unless the provision the committee suggests, to which the Senator from South Dakota objects, goes into the bill, this new corporation and all other corporations existing would be at the mercy of the Capital Traction Company. That would be the only corporation which could consolidate with or lease the other companies. The committee had only in view the extension to all corporations of the same right which now exists under the legislation the Senator in his second amendment proposes to repeal.

Mr. President, even if the Senator should succeed in repealing that law, the mischief he complains of has been done as between the Rock Creek Company and the Washington and Georgetown Railroad, and he would simply enact into law a provision that existing corporations shall not under any circumstances in the future consolidate or lease. I do not believe that is good legislation.

The policy of the Committee on the District of Columbia has steadily been to have as few railroad corporations in the city of Washington as possible. I think I may safely say that the opinion of the committee is that it would be well to have all these rail-

roads under one management. We would then have no difficulty as to the duplication of fares. We could regulate that one corporation, and we could get probably cheaper transportation than is given to any people on the face of the earth.

The committee has been of opinion, and is now, that it is not wise to prohibit the right of these railroad corporations to consolidate or to lease the lines of other corporations. It might be well to restrict the issue of stock. I am not going to discuss that now; that is not involved in the proposition. But to absolutely prohibit these corporations from consolidating in any way or leasing each other's lines, if they thought desirable to do so, whereby the interest of the public would be subserved, I think would be very bad legislation.

Mr. President, I do not care to say a word more, because the committee has been very anxious that this very important bill should be passed.

Mr. McMILLAN. I call the attention of the Senator from New Hampshire to the clause on page 5, beginning in line 18:

And provided further, That the additional issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, etc.

Mr. GALLINGER. I understood that that clause was in the bill.

Mr. McMILLAN. I hope we may have a vote on the amendment of the Senator from South Dakota.

Mr. PETTIGREW. I shall not delay the Senate long, Mr. President. It seems to me that Congress can be relied upon when a proper consolidation ought to be made for the legislation necessary, instead of leaving this power unlimited. As to the provision in the bill that only stock enough shall be issued to accomplish the necessary purpose, of course they are idle words, because whatever amount the company decide to issue will be necessary in order to accomplish the purpose, as in purchasing the Washington and Georgetown road where they issued \$10,500,000 of stock. This provides that they shall issue only what the property cost.

They can make it cost any sum they choose. Payment in stock implies nothing. They can make the actual value of the stock 10 cents on the dollar or 1 cent on the dollar, and issue \$100,000,000. Therefore, there is no limit whatever. We propose to allow these companies to water their stock. Congress proposes to do it with its eyes open, and thus indorse the practice so common throughout this country of making fortunes without effort by accumulating all the property in the hands of a few people who get these special favors. That is what I protest against. I did not expect the amendments I have offered would be adopted; but I propose to make the issue and make the record with regard to these questions.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Dakota.

The amendment was rejected.

Mr. PETTIGREW. Mr. President, the committee and the Senate have stricken out these words which were in the bill as passed by the House of Representatives:

And before any stock, bond, or trust deed shall be executed the amount thereof shall be ascertained and fixed by the Commissioners of the District of Columbia, and for this purpose said Commissioners are hereby authorized to subpoena and examine witnesses and take such testimony as may be necessary to enable them to make such determination and fix the amount of issue: And provided further, That an appeal may be taken from the decision of said Commissioners to the supreme court of the District of Columbia, and any stock or bonds issued in excess of the amount authorized by said Commissioners or said court, or in violation of the provisions of this act, shall be null and void.

They have put in the place of that wise provision the following:

Provided, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: And provided further, That the additional issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid.

Mr. McMILLAN. I am going to move an amendment to cover that point.

Mr. PETTIGREW. I have read the substitute which the committee propose as an amendment. What I desire to do as to the House provision is to have an investigation as to the amount of stock that shall be issued, and thus limit the quantity; otherwise it will be unlimited and unbounded, as in the case of the provision for the Rock Creek road.

Mr. McMILLAN. I offer an amendment, in line 23, on page 5, after the word "aforesaid," to insert "which amount shall be determined by the supreme court of the District of Columbia." I offer that as an amendment to the committee amendment, which I think will cover the point made by the Senator.

The VICE-PRESIDENT. The amendment submitted by the Senator from Michigan to the amendment of the committee will be stated.

The SECRETARY. It is proposed to add, in line 23, page 5, immediately after the committee amendment, the words "which amount shall be determined by the supreme court of the District of Columbia."

Mr. PETTIGREW. Mr. President, the House provision is that the Commissioners may take testimony and investigate, so as to know what the cost is and so as to determine the amount, and then allow these parties to appeal to the supreme court of the District of Columbia. There you have some protection and some evidence upon which to base your conclusion; but the language of the amendment, "which amount shall be determined by the supreme court of the District of Columbia," leaves no means by which you can ascertain. The court is not going on to investigate this question, and the chances are that the judge of the court will be a man who has not sufficient practical knowledge and information to give a right judgment upon it; while the District Commissioners, who deal with the streets constantly, and look into this question all the time, who are familiar with the construction of street railroads, etc., can obtain the necessary data in order to form an intelligent opinion.

Mr. FAULKNER. I desire to state to the Senator from South Dakota that the reason of the committee for recommending that amendment was to keep the bill in harmony with all those provisions which apply to controversies between these street railway companies and between them and other parties, all of which are referred in every instance to the supreme court of the District. Certainly I think we can trust the supreme court of the District of Columbia to see that there is no overissue of stock. I do not know any better authority to determine the question; and it will ultimately have to go to them, according to the House bill.

Mr. PETTIGREW. We had that provision in the case of the Rock Creek Railroad.

Mr. FAULKNER. But that was a general bill which applied to all railroads. I desire to say here that, so far as I am concerned, I wish that we could consolidate all the street railroads in this District into two corporations. If we could do that, we should have far superior service, and these railroad companies, when pressed by the Committee on the District of Columbia to give better and more perfect service to the public, could not come in with their reports annually and show to us that they are losing money, as one-half of the railroad companies in this District do. If they were all consolidated into two companies, the strong portions of the roads would pay for the weak portions, and in that way we could force the best service on every section of the lines in the entire District.

It has been the policy of the District Committee to accomplish that result if possible. We have done it in several instances. When that is done, it means one fare to the people of the District on the lines of any single corporation. That is another advantage to the public. So consolidation, it being in the absolute control of Congress to fix the rates of service and to keep the service in the most perfect condition, is no objection, in my judgment, in this District, but would be a great advantage to the public.

I think myself as the appeal under the House provision would go ultimately to the supreme court of the District for decision, it is certainly better to follow the universal course we have adopted in all questions of this character and allow it to go originally to the supreme court of the District to fix the amount of stock.

Mr. PETTIGREW. As I understand it, there is no restraint upon the court whatever. They are not called upon to look into that question, and there are no means by which they are to look into it or glean any facts in relation to it.

I should like to know from the Senator from West Virginia what he means by the usual practice or custom or the uniform custom on this question? The other bills which have been passed granting street railway charters in this city provide that the Commissioners shall have control of the question of the issue of stock. That is the case with every one of them, and has been the case with all such bills in the past. Now we take off that limit and make a new rule. I should like to know what the Senator from West Virginia means by talking about the uniform custom in these bills previously passed, which provided that the District Commissioners should investigate the question of issuing stock? This is a new rule.

Mr. FAULKNER. I was speaking of those controversies where such bills provide for the submission of the question to the supreme court of the District in regard to going over the same road in making connections, etc. Those questions go to the supreme court of the District of Columbia, and not to the District Commissioners, for adjudication or determination; and this bill only provides for submitting an additional question to the court.

Mr. GORMAN. Mr. President, as I said once before, I have never been able to quite understand the tremendous fight in opposition to this small suburban road, one that has not been successful financially. The road was inaugurated and constructed by certain gentlemen for the purpose of developing the northeastern section of this city, and then extending the road into Maryland. It has been hampered, it has been practically ruined, by the action of the District Commissioners and hostile legislation in Congress, until the owners of this road have absolutely sunk over sixteen hundred thousand dollars, and a part of their road is now for sale by orders of the courts.

This is simply to enable them to recover their own property. If all the statements made by the Senator from South Dakota were correct, he ought to make his fight when the bill in relation to the Capital Traction Company, which is to follow this, shall come up, and permit these gentlemen at all events to save something out of the immense amount of money they have put into this road. If the Senator desires to make a limitation, the capitalization of the Traction Railroad Company is \$300,000 a mile—

Mr. PETTIGREW. Three hundred and thirty-three thousand dollars a mile.

Mr. GORMAN. I trust the chairman of the committee will accept an amendment in relation to appeal to the courts and also add, at the end of line 22, the words "and shall in no event exceed the total amount of \$150,000 per mile of single track." That will limit the amount and make it one-half the limitation upon the other roads. I think as this is a suburban road, it can succeed with that, without going to the court; for it will be remembered that the great part of this consolidation is in Maryland, outside of the District of Columbia, and therefore we ought to fix the same amount here.

Mr. McMILLAN. I have no objection to that amendment.

Mr. GORMAN. I suggest that at the end of line 22, on page 5, we insert "and shall in no event exceed the total amount of \$150,000 per mile of single track."

Mr. McMILLAN. I will withdraw my amendment and accept the amendment of the Senator from Maryland.

The VICE-PRESIDENT. The amendment of the Senator from Michigan [Mr. McMILLAN] as modified by the Senator from Maryland [Mr. GORMAN] will be stated.

The SECRETARY. Instead of the amendment offered by Mr. McMILLAN it is proposed to insert at the end of line 22, on page 5:

And shall in no event exceed the sum of \$150,000 per mile of single track.

Mr. GORMAN. I hope that will be agreed to.

Mr. McMILLAN. I have no objection to that amendment.

Mr. FAULKNER. I understand that is accepted.

Mr. PETTIGREW. I simply wish to say to the Senator from Maryland that I have offered my amendments to this bill because this is the first of a number of bills which have been presented. I offered them first to another bill which was called up, the Columbia Railroad bill, I think, but that was laid aside, and this bill was brought up. I have no opposition to offer against any of these companies as companies, and have no prejudice against any of them or any of their officers.

The only reason why I offer the amendment to this bill is because this bill virtually grants a new charter, giving very large and extended powers, giving over a very large number of the streets of this city forever to a private corporation for private gain, and taking them from the people who are entitled to use them. I have tried to limit that power, and to limit the time for which these privileges shall be granted. That is all. I should have offered the same amendment to any other street railroad bill if it had come up first.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan [Mr. McMILLAN] as modified by the Senator from Maryland [Mr. GORMAN].

The amendment as modified was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to the desk, to be inserted after the word "act," on page 2, line 20.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "act," in line 2, on page 20, it is proposed to insert:

Provided, That nothing herein contained shall be construed as authorizing or permitting said company to use their conduits or cables or electrical conductors of any character whatever for the purposes of electric lighting or power, except such as may be necessary for the lighting of the cars of such road and the power house of said company, or other property owned or acquired by said company adjacent to the line of the road and necessary for the operation of said road.

Mr. McMILLAN. There is no objection to that amendment, I think.

The amendment was agreed to.

The VICE-PRESIDENT. Is there any objection to inserting before the word "*Provided*," in line 20, on page 2, section (2) 3, the word "*And*," and after the word "*Provided*" inserting the word "*further*," there being one other proviso in that section of the bill?

Mr. McMILLAN. There is no objection to that.

The VICE-PRESIDENT. That amendment will be made, in the absence of objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McMILLAN. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to

appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. FAULKNER, and Mr. GORMAN were appointed.

BELT RAILWAY.

Mr. McMILLAN. I now ask that the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes, may be considered. I want to get the action of the Senate upon these bills at this time. It is important they should be passed, as these companies are in the hands of the courts and belong to the same people, who are anxious that the matter shall be disposed of.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. McMILLAN. I ask that the formal reading of the bill may be dispensed with and that the amendments of the Committee on the District of Columbia may be acted upon as they are reached in the reading.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on the District of Columbia was, in section 1, on page 2, line 24, after the word "stocks," to insert "to be determined by a majority vote of the stockholders of said company and;" so as to read:

Provided, however, That the total issue of said bonds and stocks to be determined by a majority vote of the stockholders of said company and shall not in the aggregate exceed the amount necessary for effecting any such purchase and for the construction, reconstruction, and equipment of said Belt Railway.

The amendment was agreed to.

The next amendment was, in section 1, on page 3, line 3, after the words "Belt Railway," to strike out:

And before any bond, stock, or trust deed shall be executed the amount thereof shall be ascertained and fixed by the Commissioners of the District of Columbia; and for this purpose said Commissioners are hereby authorized to subpoena and examine witnesses and take such testimony as may be necessary to enable them to make such determination and fix the amount of issue: *And provided further, That an appeal may be taken from the decision of said Commissioners to the supreme court of the District of Columbia; and all bonds or stock issued in excess of the amount authorized by said Commissioners or said court, or in violation of the provisions of this act, shall be null and void.*

Mr. PETTIGREW. Mr. President, the House provision put some limit, some control, upon the issue of stock by this company. The Senate provision makes it unlimited. It says:

That the total issue of said bonds and stocks to be determined by a majority vote of the stockholders of said company and shall not in the aggregate exceed the amount necessary for effecting any such purchase and for the construction, reconstruction, and equipment of said Belt Railway.

That is, they can buy out another company and agree to pay \$100,000,000, if they choose, and afterwards divide, and so make the bonds and stock absolutely unlimited. There is no restraint upon it whatever, and yet the Senate committee proposes to allow that, and especially provides for it. The old charter of this company limited the amount of stock and provided how it should be restricted; it provided for an investigation and examination; and yet, in the face of the fact that the corporations have come to control and own and govern this country, the Senate has got to a point when it is willing, without limit, to extend and widen the power of these companies. I hope the amendment of the committee will not be adopted.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on the District of Columbia, striking out the words which have been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, in section 1, on page 3, line 25, before the word "along," to strike out "route" and insert "tracks."

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert as a new section the following:

SEC. 3. That the powers conferred in an act entitled "An act relative to the Rock Creek Railway Company of the District of Columbia" (now the Capital Traction Company), approved March 1, 1895, relative to joint management, lease, purchase, or sale of connecting or intersecting lines, are hereby conferred upon the Belt Railway Company and all other street-railway companies in the District of Columbia, including the company authorized to be created under the provisions of this act. And any such company so purchasing or leasing such intersecting or connecting line or lines is hereby authorized to issue its capital stock and bonds, and to secure said bonds by mortgage or deed of trust of any part or all of its property and franchises as now owned or hereafter to be acquired under the provisions of this act or otherwise, subject to any prior mortgage indebtedness: *Provided, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company; And provided further, That the additional issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition, and for the construction, reconstruction, and equipment aforesaid.*

Mr. PETTIGREW. This amendment especially provides for an unlimited issue of stock, withdraws all restrictions, and leaves it simply in the hands of the majority of the stockholders of the company to say how much stock they shall issue. There is not a

condition or restriction as to the amount that shall be issued per mile, but there is an unlimited and unbounded issue of stock. I suppose that what the Senate wants to do, and what Congress wants to do, is to give the right to issue unlimited quantities of stock, without any consideration whatever, for the future citizens of this city to pay dividends upon.

Mr. McMILLAN. I offer an amendment to the amendment, the same as the one offered to the other bill, to limit the amount to \$150,000 a mile.

The VICE-PRESIDENT. The amendment proposed by the Senator from Michigan will be stated.

The SECRETARY. In line 3, on page 6, after the word "aforesaid," at the end of the amendment of the committee, it is proposed to insert "and shall in no case exceed the sum of \$150,000 per mile."

Mr. GORMAN. I suggest to the Senator from Michigan that he make the same modification to this amendment as was made to a similar one offered to the other bill, so as to read:

And shall in no case exceed the sum of \$150,000 per mile of single track.

Mr. McMILLAN. I accept that modification.

Mr. PETTIGREW. Mr. President, this limitation, of course, is ridiculous. It simply authorizes the company to issue stock to this amount, which is just twice what the road cost. It is more than twice what it cost. We simply say we will inject into this thing 50 per cent of water to start with, and we authorize it.

Mr. FAULKNER. I am informed that it actually cost \$165,000 a mile of single track to put down this road. That is my information, and I think it is based on reliable data.

Mr. PETTIGREW. I am not going into that question. My information is to the contrary. Wherever I have investigated the question, under no circumstances has it cost any such sum to put down this sort of a railroad. The street is graded. It is simply the putting in of the conduits and laying the rails. My information is that that road could be built with a double track for less than \$150,000 per mile.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Michigan to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. GORMAN. I offer an amendment to be inserted as an additional section.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 4. That the Commissioners of the District of Columbia be, and they are hereby, directed to require a watchman to be stationed at each point of crossing or intersection of street railway tracks in the District of Columbia, and further to require that every car shall stop immediately before reaching such crossing or intersection. Neglect or refusal to comply with the provisions of this section shall subject the company so offending to a fine not exceeding \$50 for each such offense.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McMILLAN. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. FAULKNER, and Mr. GORMAN were appointed.

W. H. BARNARD AND ROBERT THOMAS.

Mr. PETTUS obtained the floor.

Mr. McMILLAN. I ask the Senator from Alabama to yield to me to call up a bill which I desire to have passed. It has been read. It will take only a few minutes. It is the last bill I shall call up to-day. It is Calendar 570.

Mr. CHANDLER. I wish to move to take up the bill (H. R. 5149) to amend the charter of the Capital Railway Company. I do not see that the chairman of the Committee on the District of Columbia is providing for that when he says this is the only bill he proposes to ask to have taken up to-day. Perhaps it will be safer for me, if the chairman will not call up House bill 5149 first—

The VICE-PRESIDENT. The Senator from Alabama is entitled to the floor.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 3391) for the relief of W. H. Barnard and Robert Thomas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$123.47 to W. H. Barnard and Robert Thomas for money collected from them inadvertently by the United States marshal for the northern district of Alabama as sureties on an appearance bond of one John

Reynolds, which bond was forfeited, but the forfeiture was afterwards set aside.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT QUINDARO, KANS.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHANDLER. I object.

The VICE-PRESIDENT. Objection is made.

Mr. CHANDLER. I object also to the bill which the Senator from Michigan proposes to call up, and I move that the Senate proceed to the consideration of the census bill.

Mr. TELLER and Mr. STEWART. Do not do that.

Mr. PASCO. Wait until 2 o'clock.

Mr. TELLER. Wait until 2 o'clock.

Mr. HARRIS. It will take only a few moments to pass the bill which I ask to have taken up. It has been reported by the committee, and I hope the Senator from New Hampshire will withdraw his objection.

Mr. CHANDLER. I have myself been waiting an hour to get a bill through, and have waited on the Senator from Michigan, the chairman of the Committee on the District of Columbia, in order that we might dispose of the railroad bill I desire to have considered.

Mr. HARRIS. I have been waiting equally long, I will say to the Senator from New Hampshire.

Mr. CHANDLER. I do not see any way to get my bill up except by objecting to other people's bills.

Mr. HARRIS. I obtained recognition in advance of the Senator from New Hampshire.

Mr. CHANDLER. I will state to the Senator that he did not obtain recognition in advance of me, because I have not been recognized at all, except to object to his bill. If he will allow me, I will withdraw the objection, if I may be recognized for that purpose.

Mr. HARRIS. I will be very much obliged if the Senator will.

Mr. CHANDLER. If the Chair will recognize me for that purpose, I will withdraw the objection.

The VICE-PRESIDENT. The Chair recognizes the Senator from New Hampshire to withdraw his objection. Is there objection to the present consideration of the bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT OGDEN, UTAH.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (S. 4523) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use of the United States court, post-office, and other offices in the city of Ogden, in the State of Utah. It provides that the cost of the site and building complete shall not exceed \$250,000, and makes available therefor \$75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CANNON. I move that the bill (S. 4433) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah, be indefinitely postponed.

The motion was agreed to.

COLUMBIA RAILWAY.

Mr. McMILLAN. I ask for the present consideration of the bill (H. R. 9205) to authorize the extension eastwardly of the Columbia Railway. It was read the other day and agreed upon practically.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. McMILLAN. The bill has heretofore been read through, and there are no amendments to it.

The VICE-PRESIDENT. The Senator from South Dakota [Mr. PETTIGREW] offered an amendment, which is pending.

Mr. McMILLAN. He told me he would withdraw it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. COCKRELL. I should like to ask if this makes the connection about which I spoke to the Senator from Michigan a moment ago?

Mr. McMILLAN. No. This is the Columbia road, which runs on New York avenue and H street to Bennings road, and this is to allow it to put in underground electric system and extend the road beyond the Eastern Branch. This is not the road to which the Senator from Missouri referred. That is in another direction.

Mr. COCKRELL. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF JOHN W. BRANHAM.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 2425) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service, to report it without amendment.

Mr. GALLINGER. I ask for the immediate consideration of the bill. A similar bill has passed the Senate once or twice before and has passed the House twice, but it has never had an opportunity to pass both branches during the same Congress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the legal representatives of John W. Branham \$4,160, being the amount of salary and allowances for two years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

DR. JOHN R. HALL.

Mr. TELLER. I wish to make another report.

Mr. CHANDLER. I will not object unless—

Mr. TELLER. The Senator can not object to the submission of a report in the morning hour.

Mr. CHANDLER. The Senator should have let me finish my sentence. I will not object unless the Senator is going to ask for the present consideration of the bill.

Mr. TELLER. I am; and the Senator can object to that when I ask for it. I can make the report, and I hope he will not object to the consideration of the bill; and he will not if he will wait a moment.

Mr. CHANDLER. I am afraid to object when the Senator looks that way.

Mr. TELLER. I am glad of it. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 1287) for the relief of Dr. John R. Hall, of Louisville, Ky., to report it without amendment. It is for a small claim of \$80, which it is abundantly proved that the claimant is entitled to receive. A similar bill has passed the Senate and the House at different times, and I ask for the immediate consideration of the bill, if the Senator from New Hampshire will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$80 to Dr. John R. Hall, of Louisville, Ky., in full payment of his account against the United States for special medical services rendered to soldiers of the United States at Georgetown, Ky., during the late war, at the request of the officer in command at that time and place.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOWMAN ACT CLAIMS.

Mr. TELLER. I wish to give notice that when the census bill shall have been disposed of, I shall endeavor to call up the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes. It is a voluminous claim bill, in which everybody is interested, and it will take an hour or two to read it. I shall ask for its reading, at all events, and its passage as soon as possible.

CAPITAL RAILWAY COMPANY.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (H. R. 5149) to amend the charter of the Capital Railway Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was to insert as a new section the following:

SEC. 2. That the time granted the Capital Railway Company to construct its road by act approved May 23, 1896, is hereby extended one year from the approval of this act, and if the underground system now used by the company is finally rejected, it is authorized to install an underground system essentially similar to that used by the Metropolitan Railway Company.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CHANDLER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. FAULKNER, and Mr. GALLINGER were appointed.

INQUIRIES BY THE COMMITTEE ON FOREIGN RELATIONS.

Mr. MONEY. I ask unanimous consent for the present consideration of the bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.

Mr. CHANDLER. I ask the Senator from Mississippi to let me offer a resolution for reference to the Committee on Foreign Relations.

Mr. MONEY. Very well.

The resolution was read, as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, directed to conduct such inquiries as may be deemed advisable concerning all the questions arising out of the present war in relation to foreign governments and the rights and obligations of this Government connected therewith, and also concerning such facts as the committee may deem it expedient to investigate, said committee to have power to meet during the sessions of the Senate and during the coming recess of Congress, to act as a full committee or through subcommittees, and to summon and examine witnesses.

Mr. GALLINGER. I suggest to my colleague that I think the resolution ought first to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHANDLER. I do not agree as to the construction of the rule, but this does not provide for paying any expenses.

Mr. GALLINGER. It provides for summoning witnesses. I do not care where it goes, however.

Mr. CHANDLER. There is a question, I take occasion to say, as to whether or not a resolution of this kind ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate in the first instance. If it goes to a committee to determine whether the inquiry is expedient, and that committee determines that the inquiry is not expedient, there is no need of reference to the Committee to Audit and Control the Contingent Expenses of the Senate. If the resolution does make a charge upon the contingent fund, it will be necessary, if it should be reported favorably from the Committee on Foreign Relations, for it then to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. I have no particular desire about the matter, and yet I suggest to my colleague that I think he is reversing the usual order, which I think has heretofore been that the Committee to Audit and Control the Contingent Expenses of the Senate should pass upon the financial part of it and then the resolution should go to the other committee to determine whether the inquiry should be made.

Mr. CHANDLER. I am prepared to dispute that proposition at great length, but I am unwilling to detain the Senator from Mississippi and his bill at this time. I hope my colleague will allow the resolution to go to the Committee on Foreign Relations. It will get into his custody before it passes the Senate.

Mr. GALLINGER. I am unwilling, if my colleague is going to discuss it at great length, to detain the Senate further. Therefore I yield.

Mr. SPOONER. I ask that the resolution may again be read. The Secretary again read the resolution.

Mr. SPOONER. Was the resolution introduced to-day?

The VICE-PRESIDENT. It was.

Mr. SPOONER. Let it go over.

Mr. CHANDLER. Has the Senator from Wisconsin any objection to having it referred to the Committee on Foreign Relations?

Mr. SPOONER. Only so far as I indicated. I ask that it may go over.

Mr. CHANDLER. Then the Senator answers me in the affirmative. If the Senator wants to look at the resolution, let it go over.

The VICE-PRESIDENT. The resolution goes over.

MISS M. O. CHAPMAN.

Mr. MONEY. I now ask that House bill 10420 be proceeded with.

There being no objection, the bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss., was considered as in Committee of the Whole. It proposes to appropriate \$212, to be paid to Miss M. O. Chapman, of Paulding, in Jasper County, Miss., being the amount contained in a certain registered package rifled from the mails by one Rube Burrows in a train

robbery committed near the town of Bucatunna, in Wayne County, Miss., on September 23, 1889.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. McDONALD AND STEPHEN C. BROWN.

Mr. MARTIN. I ask for the present consideration of the bill (S. 4202) for the relief of Mary E. McDonald, widow of Marshall McDonald, and Stephen C. Brown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, in section 1, line 11, after the word "Brown," to insert "and for the right of the United States hereafter to use the patents on said jars;" so as to read:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Mary E. McDonald and Stephen C. Brown, owners of the McDonald hatching jar and McDonald universal hatching jar, the sum of \$2,468.11 each, the same to be compensation in full for the use by the United States of all hatching jars invented by the late Marshall McDonald, and for all rights in said jars now possessed by the said Mary E. McDonald and Stephen C. Brown, and for the right of the United States hereafter to use the patents on said jars.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT SANTA BARBARA, CAL.

Mr. PERKINS. I ask unanimous consent for the consideration of the bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, line 20, after the word "acre," to insert "and that no title to mineral, coal, or oil lands within the said tract shall pass under the provisions of this act;" so as to make the proviso read:

Provided, That said city shall pay for said land so selected the sum of \$1.25 per acre, and that no title to mineral, coal, or oil lands within the said tract shall pass under the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STEPHEN M. DAVIS.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (S. 1827) granting an increase of pension to Stephen M. Davis.

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. Ought not the words "in lieu of the pension he is now receiving" to be inserted?

Mr. GALLINGER. The bill is not in proper form. I move the following amendments: In line 3, after the word "the," to strike out "Treasury" and insert "Interior;" in line 4, after the word "to," to strike out the word "pay" and insert the words "place on the pension roll subject to the provisions and limitations of the pension laws the name of;" in line 6, after the word "Infantry," to insert the words "and pay him a pension at the rate of," and in the same line, after the word "month," to strike out the words "from and after the passage of this act" and insert "in lieu of that he is now receiving;" so that the bill will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen M. Davis, late private in Company A, Second Regiment North Carolina Mounted Infantry, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS S. DAVIDSON.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 582) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 3, after the word "to," to strike out:

Nominate and, by and with the advice and consent of the Senate, to appoint Francis S. Davidson, late first lieutenant, Ninth United States Cavalry, a first lieutenant, mounted, in the Army of the United States, and to place him on the retired list of the Army as of that grade; and all laws in conflict herewith are suspended for this purpose only.

And insert:

Revoke and annul General Court-Martial Orders No. 99, War Department, Adjutant-General's Office, Washington, November 15, 1875, approving and confirming the proceedings, findings, and sentence of the general court-martial which convened at Fort Brown, Tex., September 18, 1875, dismissing First Lieut. Francis S. Davidson, Ninth Cavalry, and to issue to him a certificate of discharge of that date: *Provided*, That no pay, bounty, or allowance shall be paid to him by reason of this act.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to revoke and annul General Court-Martial Orders No. 93, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALVADOR COSTA.

Mr. PASCO. I ask unanimous consent that the bill (S. 381) for the relief of Salvador Costa be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the claim of Salvador Costa be, and is hereby, referred to the Court of Claims, and jurisdiction is hereby vested in said court to hear and determine the same; and all the papers, proofs, evidence, and documents pertaining thereto on the files of the Senate shall be transmitted to the said court to be used at the trial of the cause, in conjunction with such other testimony and proof as may be produced at the hearing. And if the court shall find that the said Salvador Costa is justly entitled to recover anything for his said sloop *Mary Lawrence* or for the use thereof, then it shall render judgment in favor of the claimant for such amount as in the opinion of the court he is fully, fairly, and equitably entitled to, but without interest upon his said claim.

No statute of limitations shall apply to the right of recovery by said claimant, and each party shall have the right of appeal to the Supreme Court of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. H. COHORN.

Mr. DEBOE. I ask for the present consideration of the bill (H. R. 2430) removing charge of desertion from military record of W. H. Cohorn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove all charges of desertion from the military record of W. H. Cohorn, late of Company F, Eighteenth Regiment Kentucky Volunteers, and to issue to him an honorable discharge as of the date he left the service. But no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRICE W. HAWLEY.

Mr. CARTER. I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. GEAR. I ask the Senator from Montana to give way for me to have passed a bill increasing the pension of a man who is said to be about to die. It will take but a moment.

Mr. CARTER. I will yield for the consideration of the bill, under the circumstances stated.

Mr. GEAR. I ask for the present consideration of the bill (H. R. 3141) increasing the pension of Price W. Hawley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Price W. Hawley, late private, Company B, Seventy-third Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WASHINGTON NATIONAL PARK.

Mr. WILSON. If the Senator from Montana will yield to me, I ask unanimous consent to call up Senate bill 2552. It is a little bill that has passed the Senate twice. A similar bill has passed both the Senate and the House of Representatives.

Mr. CARTER. If the bill does not lead to any discussion, I will yield.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2552) to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. CARTER. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4545) to provide for taking the Twelfth and subsequent censuses.

Mr. CARTER. The pending question is on the amendment presented by the Senator from Missouri [Mr. COCKRELL] to section 4 of the bill.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The pending question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL], which will be stated.

The SECRETARY. On page 4, line 1, section 4, after the word "Census," strike out the words "subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe" and insert "after examination and certification by the United States Civil Service Commission."

Mr. COCKRELL. Mr. President, there is no quorum now in the Senate.

The PRESIDING OFFICER. The Senator from Missouri makes the point that there is no quorum present. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Foraker,	Lodge,	Sewell,
Bate,	Frye,	McLaurin,	Shoup,
Burrows,	Gallinger,	McMillan,	Spooner,
Butler,	Gear,	Milla,	Stewart,
Caffery,	Gray,	Mitchell,	Sullivan,
Carter,	Hale,	Morrill,	Teller,
Chilton,	Hanna,	Nelson,	Thurston,
Clay,	Hansbrough,	Perkins,	Tillman,
Cockrell,	Harris,	Pettus,	Turpie,
Cullom,	Hawley,	Platt, Conn.	Warren,
Daniel,	Hoar,	Platt, N. Y.	White,
Deboe,	Jones, Nev.	Pritchard,	Wilson.
Fairbanks,	Kyle,	Quay,	
Faulkner,	Lindsay,	Roach,	

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum of the Senate is present. The question is on agreeing to the amendment submitted by the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. I want to modify my amendment. On page 3, line 23, after the word "act," I move to strike out "and all other employees authorized by this act below the assistant director of the census;" and in line 24, after the word "shall," to strike out "except as hereinbefore provided;" so that it will read:

That the chief clerk and the chief statisticians provided for in section 2 of this act shall be appointed by the Secretary of the Interior upon the recommendation of the director of the census.

Mr. PLATT of Connecticut. Does the Senator propose to strike out the words "disbursing clerk," in line 21?

Mr. COCKRELL. They have already been stricken out. The remainder of the clause will then read:

Subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe.

Then, on page 4, line 3, after the word "prescribe," I move to insert "and all other employees authorized by this act shall be appointed under existing law and regulations."

Mr. GEAR. That puts the employees under the civil service, does it not?

Mr. COCKRELL. This authorizes the assistant director, the chief clerk, and the statisticians, the principal officers, to be appointed by the Secretary of the Interior with the cooperation of the director of the census, and then places the appointments of all other employees under existing law and regulations. If the classes to which they belong come under the civil service, then they will come under the civil-service law.

Mr. GEAR. I ask for the yeas and nays on the amendment.

Mr. COCKRELL. There is no change proposed to be made in the existing law.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. It is proposed, after the word "act," at the end of line 23, on page 3, to strike out "and all other employees

authorized by this act below the assistant director of the census;" in line 24, after the word "shall," to strike out "except as hereinbefore provided;" to withdraw the amendment heretofore submitted; and after the word "prescribe," in line 3, on page 4, to insert "and all other employees authorized by this act shall be appointed under existing law and regulations;" so as to read:

That the chief clerk and the chief statisticians provided for in section 2 of this act shall be appointed by the Secretary of the Interior, upon recommendation of the director of the census, subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe; and all other employees authorized by this act shall be appointed under existing law and regulations: *Provided*, That the requirements of this section as to examination shall not apply to enumerators or special agents employed in field work, nor to employees below the grade of skilled laborers at \$600 per annum.

THE PRESIDING OFFICER. The Senator from Iowa [Mr. GEAR] has asked for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered.

Mr. COCKRELL. Mr. President, this provision—

Mr. PLATT of Connecticut. Before the Senator proceeds, I should like to make an inquiry. Does the Senator propose that all other employees under this act shall be appointed under existing law?

Mr. COCKRELL. And regulations.

Mr. PLATT of Connecticut. And regulations. How are the special agents and enumerators to be appointed?

Mr. COCKRELL. Does not the Senator see that the proviso on page 4 expressly restricts that?

Provided, That the requirements of this section as to examination shall not apply to enumerators or special agents employed in field work.

Mr. PLATT of Connecticut. That only provides that the requirements as to the examination shall not apply to enumerators or special agents. The question I ask is whether the language "all other employees authorized by this act" is not broad enough to take in the enumerators?

Mr. COCKRELL. I think not. It is not the intention to do that.

Mr. CHANDLER. Does it not take in the charwomen and laborers?

Mr. COCKRELL. No, sir; it does not.

Mr. CHANDLER. Why not?

Mr. COCKRELL. Because we do not think it is right to do that. If we should undertake to do that, there would be some justification for the speech the Senator made yesterday.

Mr. CHANDLER. Why, does not the Senator's language do that when he says "all other employees authorized by this act below the assistant director of the census?"

Mr. HOAR. What are the existing laws and regulations in regard to charwomen?

Mr. COCKRELL. That class is not under the civil-service law.

Mr. CHANDLER. The Senator from Missouri moves to strike out, in section 4, the words "and all other employees authorized by this act below the assistant director of the census." If he does that, he may exclude charwomen. But certainly, as the bill was reported by the committee, the general amendment of the Senator from Missouri to have all the employees appointed according to civil-service rules would require that the charwomen, the messenger boys, and the skilled laborers should be examined and furnished by the Civil Service Commission.

Mr. COCKRELL. If the Senator will simply read the bill he will see that his criticism is entirely unfounded. The proviso of the fourth section is:

That the requirements of this section as to examination shall not apply to enumerators or special agents employed in field work, nor to employees below the grade of skilled laborers at \$600 per annum.

Mr. President, this raises the question, pure and simple, whether the existing law shall be applied to the clerical force of the Census Bureau or whether we shall enact new laws and take them out from under the operation of the present laws and regulations. What is the demand for a new law? You have been operating under the civil-service law, which was enacted in 1883 by a Republican Congress and which has been since maintained by both Democrats and Republicans. The general law gave the matter into the hands of the President. That law did not give him any authority which he did not already possess, except that it gave him the money to provide the machinery for carrying on the work.

The Senator from New Hampshire complained bitterly of the multiplied extensions of the civil service. **Mr. President**, those extensions have resulted from Executive action, and not from Congressional action. It is all in the power of the President. Why does not the Senator, instead of abusing the law and the Civil Service Commission, turn upon the President, the head of the executive branch of the Government?—for it is in his power to modify the regulations at any moment.

Mr. WILSON. If I answer the question of the Senator from Missouri, will it interrupt him?

Mr. COCKRELL. Not at all.

Mr. WILSON. The reason, as I understand it, is that the Civil

Service Commission have delayed and delayed, and put off by one excuse and another excuse making any report whatever to the President in regard to the recommendations of the various Departments. The Senator from Missouri well knows—

Mr. COCKRELL. How long have they delayed in making their reports? They have made their annual reports.

Mr. WILSON. They have delayed for years, almost.

Mr. COCKRELL. Why does not the President make them report? He is right here in command, and what the Senator states is no excuse.

Mr. WILSON. I will not interrupt the Senator now, but I will answer him a little later on.

Mr. COCKRELL. That is no answer. When a commanding general is in command of troops, the disobedience of troops can not be apologized for. On the battlefield they are taken out and a marksmen squad made of them.

Mr. CHANDLER. One reason why I have refrained from making any onslaught upon what has been done is that the extensions were made by the late President of the Senator's party.

Mr. COCKRELL. Not all of them, but enough of them, as everybody knows. I confess that frankly. He has made extensions, as his predecessors have done and as his successor has done.

Mr. CHANDLER. But the great extensions were made by the President of the Senator's party, and I have never criticized that President. He was the President of the United States. I have complimented him and defended him generally as well as I could, and the Senator from Delaware [Mr. GRAY] has praised him and the good things I have said of Grover Cleveland. [Laughter.] I felt sympathy for him when I saw his whole party turn upon him, except the Senator from Delaware—and the Senator from Wisconsin [Mr. SPOONER] reminds me that I ought not to omit my estimable friend the Senator from Louisiana [Mr. CAPPER]—and I have been oppressed by the fact that a President with his great prestige, three times nominated by his party and twice elected, had seen fit to make these extensions. So I have refrained. I felt sympathy always with President Cleveland when I contemplated his relations to his party.

Now, as to this bill, the senior Senator from Indiana [Mr. TURPIE] convinced me—I had prepared a census bill to submit to the committee which authorized—

Mr. COCKRELL. Does the Senator want to make another speech in the midst of mine?

Mr. CHANDLER. I will be short—it is the custom of the Senate. [Laughter.]

I had prepared a census bill which provided that the clerical appointees should be selected according to civil-service rules, but the senior Senator from Indiana, who is a member of the committee, and had been the previous chairman of the committee, convinced me that we had better try the Census Office under the old system and not under civil-service rules; and when the Senator demands to know what reason we can give for what we are doing now, instead of facing this way, that we should turn about and face the other way—

Mr. COCKRELL. I am facing the speech you made yesterday. You are taking the back trail now, and you were pretty hot in pursuit of this law and these regulations yesterday. Now you are trying to get somebody else to come in and stand between you and that; you are trying to put the Senator from Indiana between you and your speech of yesterday.

Mr. CHANDLER. I ask the protection of the Chair. I would rather the Senator would not speak directly at me. [Laughter.]

Mr. COCKRELL. No, Mr. President, all the extensions of the civil-service law have been made by the Executives, and they are all of record and speak for themselves. The annual reports have been made. I know the report for 1896 has been made, I think the report for 1897 has been made, and the report for 1898 will not be due until next December.

The question now is, Shall we enact new legislation? Shall we take from under the existing law and regulations those clerical positions? I say frankly, Mr. President, that when we enacted the civil-service law I did not believe that it was intended or expected that any President would extend it to messengers, watchmen, copyists, and persons of that kind, where no technical ability is required, and where anyone can promptly tell whether the applicant is fit for the place he seeks or not. I think it was a mistake in the executive branch of the Government to make these indiscriminate extensions; but the responsibility must rest with the executive branch of the Government. I am not in favor of interfering until they have ample opportunity of themselves correcting what has been done. Legislation is not necessary.

Let us place the responsibility upon the executive branch of this Government, and let that branch be responsible for taking this census. We can not avoid it. Let us place it under existing law. Then, if the President of the United States believes it would be for the best interests of the taking of the census that these employees should not pass a civil-service examination, he can exempt them. Why shall we take it out of his hands? Why shall we

say that he shall have no discretion in the matter, that he shall not have the applicants examined in accordance with existing law?

I can see no reason on earth why these employees, who are to perform clerical work, shall be taken out from under the civil-service law by new legislation. The only thing they will have to do is clerical work. They have to examine the returns and reports made, collate the information, and write it out, but no technical knowledge is required of them.

I am willing to leave the statisticians not to be examined; I am willing to leave the chief clerks not to be examined. I do not believe that such classes of employees ought ever to be placed under the civil-service law. I think the extension of the President in that respect was not right. I am willing to leave out that class of officers, but we simply ask by this amendment that the existing law shall be applied to the clerical force in the Census Bureau.

Mr. HALE. After all, Mr. President, it is a question of common sense for Senators to settle, as to how this work can be best done. It is not a question as to who has been to blame for the civil-service operations; it is not a question as to what party passed the law. We all voted for the original bill, reported by the then distinguished Senator from Ohio, Mr. Pendleton, a warm and earnest Democrat, and we voted for it because the scope of it was limited. Nobody supposed then that either by legislation or by Executive action we were starting a body that would aggress and absorb and claim everything that came in sight.

Nobody supposed that, but all Administrations have shared in that aggression. There has been a sort of pall resting upon everybody in an Administration that wherever a man could be found who was not under the civil service he should be seized and put under the civil service, and the newspapers and the civil-service organs have all sustained it. They sustained President Harrison, President Cleveland, and President McKinley. But here we are confronted with a work which is peculiar in its nature, which is not like an established system that continues its force year in and year out, and where the duties and the work can be prescribed and judged by a committee or a commission.

The Senator asks what reason there is why this service, the taking of the census, the compiling of the results, and elaborating the reports, should not be put under the civil-service regulations. The best answer, Mr. President, is—

Mr. COCKRELL. I asked why it should not be left under them, where it will be if the law is not changed.

Mr. HALE. "Left under them," if you choose. I will not say "left." I will say "put," because it never has been left under them. The thing has been fought out and tried twice. I had some knowledge of this whole subject when the last census—the census of 1890—was taken. When the law had been passed and was to be put into operation, the Civil Service Commission applied to President Harrison, who had in many cases extended the operation of the statute to different branches of the Government, to put the census work under the civil service. That question was thoroughly investigated by President Harrison. He heard both sides. He learned, as every President must learn and as everybody else must learn in connection with this work, that it was a kind of service that is not permanent.

There are times in the progress of this work where copyists, computers, adding up columns of figures, temporary work is wanted for thirty or sixty days; and President Harrison decided that it would cramp the work, that it would obstruct it, to put it under the set, rigid, unvaried rules of the civil service, which require that everybody who is to have a place or pay under the Government shall go before a board to be examined at length and certified by number, and then from the numbers certified selections to be made. In a smaller sense, it would be like providing that military appointments should be made in time of war under the civil-service rules, because so great is the stress, the immediate necessity of this kind of work, that it is almost like the necessity of war; and President Harrison, whom nobody would claim to be an enemy of civil-service reform or the operations of the commission under the law, decided that this work should not be put under the civil service.

Mr. President, in the light of these facts the Committee on the Census, looking at it by the lesson of the past and with a knowledge of what would be wanted in the future, has not decided to change conditions; but has decided and reported a bill which proposes to leave such appointments just as they always have been left.

Senators may vote, of course, not upon the real, sensible, everyday question of how this work shall be best done, but upon the appeal of the Senator from Missouri, that, because here is a statute in force—he says by the Republican party enacted, though it was enacted by both parties—we ought to insist that this law shall apply the civil-service examination to all the census force; but that is not the question that a sensible and thoughtful Senate should decide this subject upon. Here is a new field, an absolutely new field, which only comes up once in ten years, and it is new every time it comes up.

We are asked not to maintain the present condition as to the census force, but to so enact that it shall be put, with everything else, under the civil service, when it never has been under that service.

I have no hesitation, Mr. President, in saying what I have said from my knowledge of the subject. I had the honor ten years ago to be chairman of the Committee on the Census, and I went into that question very thoroughly, consulted with the President, heard both sides, and cared nothing whatever about it personally, and do not now. The investigation which was then made convinced me and convinced the President, and the Civil Service Commission retired from the field, not believing or consenting or assenting that they had found the result as reached by the President.

I do not know, as I say, what pall it is that rests upon Senators; I do not know why they are not able to vote on a question of this kind as to what is the real business proposition—how the work can be best done. What is the influence, what is the dread, what is the fear, that prevents Senators from voting on a proposition of this kind as they really and truly believe? I do not believe there are ten Senators in this body who really think that this service would be improved by selecting every man to be employed for ten days or thirty days or sixty days through the instrumentality of the board of Civil Service Commissioners.

Mr. CAFFERY. Will the Senator allow me to ask him whether the applicants for appointments to Government positions do not have to go before the Civil Service Commission and be examined and be put down on what is called an eligible list; and after their eligibility is certified to, are they not competent to perform the functions required of clerks in the Census Bureau?

Mr. HALE. Does the Senator mean to ask me whether I think that applicants who have passed a civil-service examination would be competent for this particular kind of work?

Mr. CAFFERY. Yes, sir.

Mr. HALE. Some of them would be and some of them would not be. That is one of the considerations that influenced President Harrison. It was shown to him that at times hundreds of men and women might be employed for thirty or sixty days where no examination could test whether or not they were proper persons to be appointed.

Mr. COCKRELL. Would not the Government have to run the risk under the old system of political appointments of getting incompetent men, and would it not be much more likely to get by civil-service examination persons qualified? Would it not be much more likely that they would fill the bill for employment in the Census Bureau better than those appointed solely on account of political influence?

Mr. HALE. I do not think so by any means; neither do I think that it is a question as to political appointments. These appointments are not made politically for the kind of temporary force that is to be used in the Census Bureau. They are almost all of them, or a great many of them, made from persons living about here in Washington. There is no political force in it. All people who can be certified to by the Senator from Louisiana, or the Senator from Missouri, or myself, or anybody else, as being competent for this particular work may receive such appointments. There is no politics in it. The political side of the matter is very much exaggerated on the other side.

A great deal has been said about it being a question of solicitation, and we are advised that it is almost criminal for a man in this country to solicit a Federal appointment. I deny that there is any force in that, Mr. President; I absolutely deny it. I say it is an imputation upon the good sense, upon the manliness of men, who have a right to solicit a Federal appointment as much as they have any other appointment. Almost everything goes by solicitation.

Mr. CULLOM. Even business.

Mr. HALE. Business, as the Senator from Illinois says, as well as everything else, goes by solicitation. I had occasion during the last few years to rebuild a house which had been destroyed by that fell element fire, and there was not a thing that I put into the house, from foundation stone to chimney top, as to which I was not solicited by respectable people to give them my patronage.

Now, it is said that no man who is a man has any right to solicit an office from the Federal Government. I deny it. Pictures have been given here of the throngs of men called office seekers about the different Departments when the Democratic party came into power and when the Republican party came into power; but they are no greater than have been seen in the corridors of the War Department and the Navy Department within the last thirty days—not one whit. I deny that anybody has a right to say that a man who goes to the Secretary of War or the Secretary of the Navy and asks for a commission to fight the battles of his country is to be tabooed and censured because he is soliciting. I deny equally that he is to be reproached and held up to contumely and scorn because he desires an appointment to an office where he can render service in the civil service of the country.

I take no stock in and I have no sympathy with that extravagant and exaggerated cry by which this question has been presented; and it will be a bad day, Mr. President, for this country when we shall have a permanent band and horde of officers billeted upon this Government whom no man can touch, and when an honest young man who desires service under the Government can not go to his Senator or his Representative or to a Cabinet officer and ask that the Government employ him. I do not join at all, Mr. President, with that view. It is being run to an extreme where in time it will come back to pester and annoy us.

Mr. CAFFERY. Will the Senator from Maine permit me to ask him a question?

Mr. HALE. Certainly.

Mr. CAFFERY. I should like to ask the Senator whether in soliciting from the War Department or from the President an appointment for military service selection is not made preferably from those who either have had military education or have had military experience; and is not that a parallel to an appointment from civil life, where the appointees have had special qualification for the business in connection with which they solicit appointments?

Mr. HALE. I think many of these appointments should be made because of special fitness. I do not think in the war that that qualification is by any means exhausted by taking men of experience in another war. I believe that hundreds and thousands of bright, competent, able young men can be, will be, and have been taken into the service who have had no experience in war, ambitious to make a name. Everybody knows that upon both sides of the late war which convulsed this country for years after the first men were not selected because they had served in other wars. In selecting men for the civil service, where the candidates have passed a written examination and stand so many numbers on an examination, conducted by men who have no reason to know a thing about the subject-matter for which the candidate is applying, I do not think the fitness is exhausted by their being able to pass that. Now, the question is, these things being true, whether we shall decide that this new matter, never under the rigid rules of the civil service, shall be put there? The Senate ought to be able to decide that question very speedily.

Mr. WILSON. Mr. President, I desire to say a single word in regard to this controversy. Yesterday I made some observations with respect to my views of the civil service. It has been said and thought that I have some personal feeling against the commission. I desire to say that nothing is further from me. I am not acquainted with any of the members of the commission, except that possibly I have a slight acquaintance with one of them. So far as I know, they are honorable men, and they are trying to carry out the law as they understand it. I am not complaining so much of the civil service as I am of the inordinate greed that seeks to place every office in the United States, outside of those appointed by and with the advice and consent of the Senate, under the civil service.

This was illustrated by the appropriations for carrying the provisions of the law relating to forestry reservations. There we have an attempt made to place axmen and the men who are to look after dead and down timber, and the men who are to place water upon fires, in the classified, or civil service. It has not yet been definitely determined whether the forestry-reservation orders will be repealed or not; but if they are not repealed, large appropriations by Congress will be necessary from time to time, and of course a large number of axmen and men acquainted with the woods and forest, men to put out fires, will have to be employed. Are we every summer, for temporary employment in those localities in the far West where the reservations are located, to be compelled to wait upon a civil-service examination for that character of employment?

Some examinations have been made in my State, and what I complain of and what my people complain of, so far as I am advised, is the lack of knowledge and information on the part of those who make the examination as to how they are to be conducted. For illustration, the law exempted the first deputy collector at subports, but he was required, nevertheless, to pass an examination as to his fitness for that position. The commission ordered every deputy collector at every subport to be examined at the same place and upon the same day. The result would have been, had it been carried out as it was ordered, that we would not have been able to transact any business whatever. From one subport it would take a man five days to reach Port Townsend. Therefore all business would have stopped.

Another examination was held there, taken by Mr. A. L. McClinton. There is no man in all that State better qualified by reason of his experience as a clearance officer than Mr. McClinton. He had been in the service many years, he had gone out and desired to come back, and he was ordered to be examined. Simply because he did not extend his fractions out to a definite length he was not certified, and we were compelled to take a man

from the civil service who absolutely knew nothing in regard to the duties he was to perform.

Again, at another subport, Mr. A. S. Huston was examined and barely passed, because the questions were in a great measure technical, and yet he is one of the best mathematicians in the United States. He located the Kicking Horse Pass of the Canadian Pacific, and was chief engineer of the Northern Pacific Railway for many years. It is a good deal like the old story about the gentleman who desired to pass an examination for a consulship. I have often heard that he was asked the question at the State Department, I believe, "How many Hessians came over during the Revolution?" He said he did not know, but a great many more than went back. I am informed that he came from Iowa, and of course every good thing comes from Iowa.

There is another recent case which I recall. There was a man at Everett who had practiced law for thirty years. He met with misfortune. We were exceedingly solicitous, not as spoilsmen, not as men desiring to put into office a Republican or a man who had rendered some service, but simply because he had met with misfortune, to provide for him. He was old and needed a position. He was an old soldier, and yet had we followed strictly, I am frank enough to say, the rule laid down, it would have been impossible to have done anything for him. He needed it very much; he had served his country in its hour of peril and was entitled to it.

I give these two or three illustrations to show that the continued tendency is to enlarge and increase and to grab these places without perfecting those that are already in the classified service. Those are the reasons why I have in a somewhat feeble way opposed this further extension.

Now, the honorable Senator from Missouri will, by his amendment, place the confidential man of the director of the census under the civil service, and in all these Departments, I care not which one you go to, whether the Commissioner of the General Land Office or the Secretary, he must of necessity have some one man about him upon whom he can depend, whom he knows, to whom he can give his confidence, to whom he can talk. He has a right to that. It may be his stenographer, it may be his chief clerk, or it may be some other subordinate in his office; but that one man, in whom he can repose confidence, he is entitled to have and ought to have, because a man should have, in the administration of these public offices, some one whom he understands and in whom he can repose confidence.

In making the extension that is desired here, and in making the extension as to the forestry reservations, which my friend the Senator from Missouri insisted should go into the sundry civil bill, providing that all the axmen, all the watchmen, all the foresters, all the inspectors and everything of that kind and character, all the timber-land agents, shall be put under the classified service, I think we have gone a little too large. The Senator from Wisconsin [Mr. SPOONER] asks me if that is so now. It is so now if the conferees of another branch do not concur in the amendment brought in by those in charge of the sundry civil bill.

Mr. LINDSAY. I ask the Senator if he understands that this amendment places these men in the classified service without any subsequent action by the President?

Mr. WILSON. Under the Senator's amendment, undoubtedly. The President would not have anything to do.

Mr. HALE. If the Senator will allow me, being put in the Interior Department, the general order of all clerks in that Department would carry these. There is no doubt about that.

Mr. WILSON. I think if the amendment of the Senator is to prevail, that at least the director should have some man whom he can appoint as his confidential man, and under the amendment of the Senator from Missouri, as I understand it, he will not have that privilege or authority. All we have been seeking of late and hoping for is that the Civil Service Commissioners would recommend the exemption of the private secretary, which each of these bureau officers has, and the chief clerk, leaving the balance in the civil service, as to which, I think, there is no dispute.

But in these Departments the officers, such as the Commissioner of the General Land Office or the Commissioner of Indian Affairs, must have confidential men upon whom they can rely and in whose talents and information they have confidence. I think we have extended it too far. I think if we perfect that which we have and move along by degrees, that perhaps a proper and legitimate service will come to this country; but if committees continue along the line that we are proposing from time to time, it will ultimately break down the entire system, and those who are the most pronounced in favor of it will, in my judgment, see the day when they will regret it.

Mr. COCKRELL. Mr. President, exactly what the Senator from Washington [Mr. WILSON] claims has been done by my amendment. The amendment does not include the chief clerk; it does not include the statisticians; it does not include the assistant director of the census. All of these are persons who ought to be

selected with a great deal of care, and they are all exempt—every one of them.

Mr. WILSON. Three.

Mr. COCKRELL. No; the five statisticians and the chief clerk and the assistant director of the census.

Mr. HALE. Seven.

Mr. COCKRELL. The Senator from Maine [Mr. HALE] laid great stress upon this being temporary work, like the preceding census. The Senator certainly overlooks the fact that this is the establishment of a permanent census bureau. It is none of your temporary concerns. It is a permanent bureau, to be in the Interior Department, just as the Land Office, just as the Patent Office, just as the others, and there will necessarily be a considerable force which will be kept there for years. There will be no such temporary employment as the Senator would indicate, that the clerks would be sixty days at this work and then there would be nothing to do for a while. Everybody knows that Government employees do not work that way. They will be kept there for a year, probably; nearly every one of them will be; some of them two years, and some of them three years.

Mr. HALE. The Senator is going on the assumption that this is to be like the great, vast, cumbersome census taken in 1890 and also in 1880. The whole point of this bill is that the work will all be done in a short time, only a few volumes to be issued, and the whole thing will go out to the country practically in a year. There will be no hundreds of men kept here year after year. Most of the work will be done in a few months, and the committee has carefully limited the bill for that purpose.

Mr. COCKRELL. Oh, yes; we have heard all about that.

Mr. HALE. There is to be none of this keeping on of hundreds and hundreds of employees here for years and years, as in the last two censuses. Most of it is temporary and only for a few months.

Mr. COCKRELL. That sounds nicely; that is pretty on paper; that is pretty in the CONGRESSIONAL RECORD; but the Senator will find, and mark the prediction, that the moment the 1st day of January, 1899, comes these appointments will begin under this bill, and those appointees will remain until after the beginning of 1901, in spite of all that this bill or any other bill will do, so long as you have so widely extended a census as this bill provides for.

Mr. HALE. I will put my prediction against that of the Senator.

Mr. COCKRELL. We will see.

Mr. HALE. If the committee knows anything about this bill and follows it up, and Congress passes it as the committee reported it, instead of there being a great mass of clerks appointed for the year 1899, the appointments will be relatively few in that year. Almost all of them will be in the year when the census is taken and the enumerators are doing their work and the compilations are being made—within six months after they are made. That is the intention. The Senator says it is good on paper.

Mr. COCKRELL. I hope it will be so, but I know it will not be. It is a mere hope.

Mr. HALE. I do not think the Senator is right.

Mr. COCKRELL. It is mere guesswork, and it is not worth consuming any time on that. The Senator has his hope and I have my belief. It is something you can not demonstrate. You have authority to commence appointing these employees on the 1st of January, 1899, and they will be continued, as I said, until 1901.

Mr. HALE. I have no objection to a limitation being put in as to the extent of employment in the year 1899, for the reason that not much employment is contemplated then. It is almost all to be in the year 1900. That is what is to be the difference between this census and the others.

Mr. COCKRELL. We will see what it will be. I say there will be a large force employed in the calendar year 1899. That force will be enormously increased and will run up to 1,800 or 2,000 in 1900, and the greater portion of them will be in office on the 1st day of January, 1901.

Mr. CAFFERY. How many appointments does the bill provide for?

Mr. COCKRELL. Indefinitely. There is a large number prescribed for here. There are 2 stenographers and 5 expert chiefs of division, at an annual salary of \$2,000 each; ten clerks of class 4, fifteen clerks of class 3, twenty clerks of class 2, and such number of clerks of class 1, and of clerks, copyists, and computers, at a rate of pay of not less than fifty nor more than seventy-five dollars per month, to be appointed from time to time, as may be found necessary. Thousands will come in.

Mr. CARTER. I suggest to the Senator from Louisiana, if the Senator from Missouri will permit, that the clerks constituting the regular office force for the census of 1890 numbered 92 persons. The total office force contemplated by this bill as the regular office force is only 61 persons. Of these only about 30 persons can or will be appointed under the amendment provided heretofore to the bill prior to the 1st of January, 1899. During

the year 1899 there can not now be foreseen any substantial reason for increasing the number of clerks to be employed above the number of 61. It may be that a number of typewriters and persons to perform certain clerical work will be required in addition to the regular force, but the great bulk of the force will not be employed until the tabulating work begins, after the 1st of June, 1900.

Mr. COCKRELL. Can the Senator state the largest number of employees which at any one time were employed during the last census?

Mr. CARTER. I think about three thousand, if I remember aright. I am not sure about that.

Mr. HALE. There were a few weeks when the number employed, many of them only for thirty days and sixty days, amounted to between twenty-five hundred and three thousand, but they were discharged after the special work was done; and almost all of the special work, or a very great portion of it, is eliminated in this census. This census is not to be any such work. It is not to cost any such sum of money.

Mr. COCKRELL. That is the Senator's idea. I do not think it is eliminated, and I do not think you can eliminate it until you take simply the census of population. You can eliminate it there and that is the only way you can.

The Senator from Maine wanted to create the impression that this was temporary work. It is permanent work. It is a permanent bureau, and why shall these permanent clerks here be placed upon a different footing from other clerks in the Departments? There is some reason why it is insisted upon. It is not in the interest of the public service. Every head of Department says he gets competent clerks under the examination, and why now is this special bureau attempted to be organized and the clerks taken from under the civil-service law when every head of Department and bureau of the Government says that that method of selecting is the best? Shall we reject what the executive branch says is the best method in order to take some other method which, when it has been tried, has proved to be a failure?

Talk about life tenure! There is no life tenure in this. There is nothing of maintenance in office under the civil-service law. I challenge anyone to show me one line in that law which authorizes anyone to be kept in the service or prevents the removal of anybody. There is no guard to the back door of the offices. Every solitary employee can be turned out, only it shall not be for political reasons.

Mr. GEAR. May I interrupt the Senator?

Mr. COCKRELL. Certainly.

Mr. GEAR. The Senator says there is no reason why these clerks should be kept in office a long time. Does not the Senator know that in one of the Departments of this Government now all clerks over 70 years of age are put on a special roll and are not required to render any service?

Mr. COCKRELL. No; I do not.

Mr. GEAR. I do.

Mr. COCKRELL. It is an outrageous administration, and it should receive the condemnation of every honest, patriotic citizen.

Mr. GEAR. If the Senator will go into the Treasury Department—

Mr. COCKRELL. I do not care what branch it is.

Mr. GEAR. If the Senator will go into the Treasury Department, he will find there that all men over 70 years of age have been reduced to \$900 and put on a special roll and practically are not required to do anything.

Mr. COCKRELL. It is an outrage.

Mr. GEAR. It is the result of the civil service.

Mr. COCKRELL. Not a bit of it. There is not one line in the law that says anything of the kind.

Mr. GEAR. I do not think it does. It is not the law; it is the practice.

Mr. COCKRELL. It is maladministration. Turn the Secretary of the Treasury out and put in a man who will execute the law, and do not come in here with the maladministration of the law as an objection to a legitimate system.

Mr. GEAR. If the Senator will permit me, in my judgment the further this service is carried the more maladministrative it will be. I have received letters, and I suppose other Senators have, asking that certain employees be placed on the pension list. Mail carriers are asking to be placed on the pension list. If the civil service is persisted in, it will grow, in my judgment, into a permanent pension list, the same as the English have.

Mr. COCKRELL. Way back in 1875, in my early service in this body, I collated the bills which had then been introduced in the Senate and House proposing to pension the civil employees of the Government. They were more numerous than they have been at any time since.

Mr. GEAR. That may be, but—

Mr. COCKRELL. This law does not countenance permanence in office, except only that employees shall not be removed for political reasons. There is no guard to the back door. When that

bill was originally before this body this question was elaborately discussed, and everybody had to admit that it guarded the entrance to office by providing an examination and left the back door absolutely wide open; and there it is, unless executive maladministration has changed it.

There is no question about that. There is nothing in the civil-service law which justifies the Secretary of the Treasury or any other Cabinet officer in undertaking to foist upon us, without authority of law and in violation of the spirit of the law and our system of government, life tenure, the pensioning of civil employees. The people of this country will never sustain such a policy. They will never sustain such maladministration as that. It is in direct conflict with the best interests of the masses of the people, in direct conflict with the very cardinal principles underlying our grand system of government. It did not originate in the civil-service law. I will tell my friend the Senator from Iowa that it did not originate there. It is a mere question of sympathy with the heads of Departments.

Mr. HALE. Let me ask the Senator whether this has not been brought to his attention, as I think it has been to the attention of other Senators: While what the Senator says may be legally correct as to the power of removal, there is no week that we have not brought to our attention the fact that where a removal has been made by the Executive the party removed has at once gone to civil-service organs, civil-service newspapers, and civil-service commissions and has got up an issue, and the removal is stated to be, and so proclaimed far and wide, in violation of the principles of civil service. It is undoubtedly the fact, whether the law says so or not, that a part of the operation of the civil service is that men in office believe they have a life tenure, and if any executive officer dares to disturb one of them he is at once likely to be hailed before the Civil Service Commission and the civil-service organs throughout the country, and it is claimed to be a violation of the civil-service law.

Mr. COCKRELL. I know that is done in a certain way. It is not the fault of the law. It is the fault of the executive administration, pure and simple. There is nothing in the law which says that a man shall not be removed from office, except only that he shall not be removed for political reasons.

I understand the President has issued an order that removals shall only be made for cause. I have not been able to get hold of the order. I think it was recently issued.

Mr. SPOONER. I can read it to the Senator.

Mr. FAULKNER. July, 1897.

Mr. COCKRELL. July, 1897. Has the Senator from Wisconsin the order?

Mr. SPOONER. Yes, sir; I have it here.

Mr. COCKRELL. What is the date of it?

Mr. SPOONER. It was amended by the President July 27, 1897. The rule was amended by adding a new section, which reads as follows:

No removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of the Department or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense.

Mr. COCKRELL. I commend that to the prayerful consideration of the distinguished Senator from New Hampshire and hope he will consider it very carefully.

Mr. President, that was only last July, when Grover Cleveland was not President of the United States. The Executive was not then receiving the compliments of the distinguished Senator from New Hampshire.

Mr. SPOONER. That was about as early as the present President could have been expected to have made it.

Mr. COCKRELL. I am not going to criticize the Chief Executive over that order. There it is. It is not the law. It is not in the law. It is a right that he has independent of the civil-service law. It is not the civil-service law that gives him the power to do it. He had the power as Chief Executive officer of the Government.

Mr. FAULKNER. It is a question of administration.

Mr. COCKRELL. It is purely one of administration. I want it distinctly understood—I can demonstrate it as plain as any man on earth can demonstrate a proposition—that the civil-service law does not give to the executive branch of the Government one particle of legal authority that it did not already have under general law. It gave the money to establish the machinery to carry out the civil-service examinations, and so forth.

Now I come back to the point. I did not intend to consume so much time. There is no life tenure by the civil-service law. Here is the law. Here is a permanent bureau. The question is, Shall that permanent bureau come under the operation of the existing laws, or shall we enact a new law to provide a permanent bureau of the Government and thus nullify the civil-service law?

Mr. HALE. Has the Senator any question as to the practical operation of the civil-service laws and their enforcement tending to permanency in office?

Mr. COCKRELL. I do not think so.

Mr. HALE. Does the Senator think they do not tend to permanency in office?

Mr. COCKRELL. I do not think so.

Mr. HALE. Then the Senator and I absolutely disagree, fundamentally.

Mr. COCKRELL. We do unquestionably. I know one Secretary who, when he came into office, turned around and removed people, and when he was asked about it said he removed them for cause, and that was the end of it, as it must be in every case. If he had said that he had removed them for political reasons, as a matter of course the Civil Service Commission would then have taken it up. If an employee goes to the Civil Service Commission—and I speak advisedly now—and alleges that he was removed for political reasons, the Civil Service Commission will investigate it; but unless he asserts he has reason to believe and does believe that he was removed for political reasons, they make no investigation.

Mr. FAULKNER. If the Senator from Missouri will permit me, I will state that I had to investigate this question at one time, and I found that up to the order of President McKinley of July, 1897, the universal order of removal opposite the names of the parties was simply "removed for cause," as the Senator stated. After the order of the 27th of July there was an employee in my State who, feeling that he was removed for political purposes, filed a bill in equity in the circuit court of the United States, alleging the fact that he was removed for political purposes and for no other cause. Acting under the rule of the 27th day of July, 1897, they filed charges against him for having asserted his right in a court of competent jurisdiction to determine his rights under the civil-service law; they found him guilty, and removed him for that cause.

Mr. HALE. That is one of the instances I cited.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

Mr. TELLER. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 3, line 28, section 4, strike out the words "and all other employees authorized by this act below the assistant director of the census;" after the word "shall," in line 24, strike out "except as hereinbefore provided;" and after the word "prescribe," in line 3, page 4, insert the words "and all other employees authorized by this act shall be appointed under existing laws and regulations."

Mr. COCKRELL. Now read the whole section as it will be if amended.

The Secretary read as follows:

SEC. 4. That the chief clerk and the chief statisticians provided for in section 2 of this act shall be appointed by the Secretary of the Interior, upon recommendation of the director of the census, subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe; and all other employees authorized by this act shall be appointed under existing laws and regulations: *Provided*, That the requirements of this section as to examinations shall not apply to enumerators or special agents employed in field work, nor to employees below the grade of skilled laborers at \$600 per annum.

Mr. BERRY. I should like to make an inquiry of the Senator from Montana. When I was not present in the Senate an amendment was adopted, I think offered by the Senator from Indiana [Mr. TURPIE], which provided that not more than two-thirds of certain officers should be selected from one political party. The question I desire to ask is whether that amendment applies to the clerks to be affected by the amendment of the Senator from Missouri?

Mr. CARTER. I do not understand that there are any limitations upon the operation of the amendment presented by the Senator from Indiana.

Mr. BERRY. Then am I to understand that the President would not be authorized to appoint more than two-thirds of these clerks from one political party? That is the point I want to get at more than anything else.

Mr. CARTER. Referring directly to the amendment, which I have here, I think the amendment itself answers the Senator. It reads as follows:

But not more than two-thirds of the supervisors and enumerators provided for in this act shall be members of the same political party.

Mr. BERRY. If I understand that correctly, the President can appoint all these clerks from one political party. That amendment only prohibits him in regard to supervisors and enumerators. Therefore the party that sits on this side of the Chamber has no claim for a third of these clerks. I should like to know if I am correct in that interpretation, because it may affect some votes.

Mr. HALE. Would the Senator vote differently on this question if he thought his party would get a third of the appointments?

Mr. BERRY. I have not said that. If you will offer me the third I will tell you more about how I will vote. I simply wanted to know how much you had offered in this measure in order to have it taken out from under the civil service.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL].

The Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON's name was called). My colleague [Mr. BACON] has been called to one of the Departments on official business. He is paired with the junior Senator from Rhode Island [Mr. WETMORE].

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY]. If he were present, he would vote "yea" and I should vote "nay."

Mr. HANNA (when his name was called). I have a general pair with the junior Senator from Utah [Mr. RAWLINS]. If he were present, I should vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MITCHELL (when his name was called). I am paired with the Senator from New Jersey [Mr. SHWELL]. If he were present, I should vote "yea" and he would vote "nay."

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST]. I take it he would vote with his colleague [Mr. COCKRELL], and therefore I refrain from voting. I should vote "nay" if he were present.

Mr. SPOONER (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. TURLEY], who is absent from the city for the remainder of the week. I announce the pair once for all. I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. TURPIE (when his name was called). I desire to inquire whether the senior Senator from Vermont [Mr. MONMOUTH] has voted?

The PRESIDING OFFICER. The Chair is informed that the senior Senator from Vermont has not voted.

Mr. TURPIE. I am paired with that Senator, and withhold my vote.

Mr. WARREN (when his name was called). While I have a pair on certain matters with the Senator from Washington [Mr. TURNER], in this case I feel at liberty to break the pair and vote. I vote "nay."

The roll call was concluded.

Mr. BUTLER. I have a general pair with the junior Senator from Maryland [Mr. WELLINGTON], and therefore withhold my vote.

Mr. MONEY (after having voted in the affirmative). I am paired with the Senator from Oregon [Mr. McBRIDE], who, I find, has not voted; and therefore I withdraw my vote.

Mr. GEAR (after having voted in the negative). I ask if more than a quorum has voted?

Mr. COCKRELL. The Chair can not answer that question. The result must be announced.

Mr. GEAR. I withdraw my vote, then. I voted to make a quorum.

The result was announced—yeas 18, nays 31; as follows:

YEAS—18

Berry,	Harris,	Morgan,	Teller,
Caffery,	Hoar,	Murphy,	Tillman,
Chilton,	Lindsay,	Pasco,	White,
Cockrell,	Lodge,	Potts,	
Faulkner,	Mills,	Quay,	

NAYS—31

Bate,	Fairbanks,	Hoffield,	Pritchard,
Burrows,	Foraker,	Kyle,	Roach,
Carter,	Frye,	McEnery,	Shoup,
Chandler,	Gallinger,	McLaurin,	Stewart,
Clay,	Gorman,	McMillan,	Thurston,
Daniel,	Hale,	Perkins,	Warren,
Davis,	Hansbrough,	Platt, Conn.	Wilson,
Deboe,	Hawley,	Platt, N. Y.	

NOT VOTING—40

Aldrich,	Gear,	Mason,	Smith,
Allen,	Gray,	Mitchell,	Spooner,
Allison,	Hanna,	Money,	Sullivan,
Bacon,	Jones, Ark.	Morrill,	Turley,
Baker,	Jones, Nev.	Nelson,	Turner,
Butler,	Kenney,	Penrose,	Turpie,
Cannon,	McBride,	Pettigrew,	Vest,
Clark,	Mallory,	Proctor,	Wellington,
Cullom,	Mantlo,	Rawlins,	Wetmore,
Elkins,	Martin,	Sewell,	Wolcott,

So Mr. COCKRELL's amendment was rejected.

Mr. CHILTON. I have an amendment to be submitted. The amendment, I think, is agreed to on all sides.

The SECRETARY. At the end of section 2 insert:

That nothing herein contained shall be construed to establish a census bureau permanent beyond the Twelfth Census.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. CHILTON].

The amendment was agreed to.

The PRESIDING OFFICER. If there be no other amendments

proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. PASCO. I ask that the portion of the bill covered by the amendment of the Senator from Indiana [Mr. TURPIE] be read. I wish to offer an amendment there.

The Secretary read as follows:

SEC. 11. That no supervisor, supervisor's clerk, enumerator, interpreter, or special agent shall enter upon his duties until he has taken and subscribed to an oath or affirmation, to be prescribed by the director of the census; and no supervisor, supervisor's clerk, enumerator, or special agent shall be accompanied by or assisted in the performance of his duties by any person not duly appointed as an officer or employee of the Census Office, and to whom an oath or affirmation has not been duly administered. But not more than two-thirds of the supervisors and enumerators provided for in this act shall be members of the same political party.

Mr. PASCO. I move to add after "supervisors" the word "clerks;" so as to read: "Supervisors, clerks, and enumerators."

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After the word "supervisors" in the amendment insert a comma and the word "clerks;" so as to read:

But not more than two-thirds of the supervisors, clerks, and enumerators provided for in this act shall be members of the same political party.

Mr. PASCO. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CARTER. I desire to state with reference to the amendment that the same reason which obtains and justifies the amendment of the Senator from Indiana does not apply to the selection of the clerks. It is a fact which was demonstrated quite clearly by the last census that a vast majority of the ordinary clerks employed in the tabulating work are young girls. This amendment will require, should it be adopted, that, in addition to ascertaining the qualifications of the persons who propose to do ordinary tabulating work or copying in the Census Bureau, the Department will be put to the ridiculous extreme of inquiring what their past party affiliations may have been. The Senator from Florida will at once perceive that it is addressed to the ordinary clerk who comes forward to seek employment for a few months. This would be—I speak in a respectful way—quite ridiculous.

Mr. HALE. Let me say to the Senator that in the last census, which was, as I have said, much greater than this will be, in the months where the numbers ran up to over 2,000, three-fourths of them were women and girls who had no politics, who could not have any politics, and who were employed for only a few weeks or a few months.

Mr. CARTER. I will say in reference to the actual operation of the work under that census that I was repeatedly requested to recommend persons who seemed to me meritorious, who were residents of this District, for brief service in the Census Bureau, to occupy positions no citizen of Montana could afford to come here and occupy at the pay and for the brief period of time. Never in my experience anywhere or on any occasion did I inquire of the persons seeking this recommendation as to their politics. It never occurred as a pertinent question in reference to the matter of selection.

Mr. PASCO. I see no reason why the same arrangement should not be carried out with reference to clerks that has already been placed in the bill with reference to these other officials.

As to ascertaining the political status of any applicants, I presume there will be no difficulty at all. As a matter of fact, I presume that will be the first question to be determined when appointments are made, whether this amendment is placed in the bill or not. We all know that under a Republican Administration Republicans will be appointed to office, unless the law requires otherwise, and that investigation will of course be made. There is no difficulty at all in making this apportionment.

I would have offered such an amendment sooner if I had not been otherwise engaged. I would have been very glad if the idea was carried out, that was suggested by one of the Senators who took part in the debate, of having these clerks apportioned among the different States, so that clerks from Montana could take up the Montana work, clerks from Maine the work from the State of Maine, and clerks from the State of New York the work from the State of New York. I believe that the whole clerical work could thus be accomplished in a more intelligent manner if that idea had been carried out, but I do not offer any amendment of that sort now.

I think, however, we ought to understand whether the administration of the Census Bureau is to be partisan or otherwise. We have already settled the question with reference to the supervisors and the enumerators; and if those appointments are to be made in a nonpartisan spirit, these other appointments of clerks who are to work in the Census Bureau should be made upon the same plan. I hope the amendment will prevail.

Mr. CHANDLER. Mr. President—

Mr. CARTER. If the Senator from New Hampshire will permit

me one moment, I suggest that the same reason does not apply to the salary of the clerk who was to sit at a desk and tabulate figures that might apply to an enumerator or a supervisor. It has been charged, not, I believe, with any degree of substantial justice behind the charge, but nevertheless the intimation at least has gone forth, that in certain cases efforts were made by supervisors and enumerators to decrease the representation from certain States of the Union by means of suppressing the proper report of the population of the section of country referred to, and from which the complaint emanated.

Mr. President, I can perceive how that might occur if the supervisors in a given State or section of the country were all of one political party, and if they were all so far forgetful of their duties under the law and their official oaths as to prostitute their position for the purpose of perpetrating a flagrant injustice upon any part or portion of the country. This ought not to be left as a possibility by intermingling the political elements. In so far as the enumerators and supervisors are concerned, we may expect to defeat the possible consummation of any such outrage as that suggested. Hence, when it was proposed by the Senator from Indiana to provide practically for a nonpartisan administration so far as the supervisors and enumerators were concerned, notwithstanding the disinclination to mention politics in this bill in any shape, that amendment was adopted. But to proceed to brand this whole census in this Chamber and in the text of the law as from the beginning destined to be a partisan work is, to say the least, extremely unfortunate.

Mr. President, the hope has been expressed—and I trust that events will justify the hope—that this census will be so conducted not only by the supervisors and enumerators, but by each and every person having aught to do with it, that it will reach above and beyond the possibility of any charge of political connivance or the seeking of any political advantage by or through the census.

It is my deliberate judgment from observation that the majority of the clerks employed in the last census in the office at Washington were not Republican in politics. They were largely selected from the States immediately surrounding the capital. That is true unquestionably in so far as those are concerned who were employed for a brief period of time. The District of Columbia undoubtedly furnished a very large proportion of those who served in the Census Office for a brief period, the reason being that persons could not afford to come from a great distance for the meager compensation allowed in view of the short term of service.

I think this amendment ought to be defeated, Mr. President.

Mr. CHANDLER. Mr. President, there is a practical suggestion on this point which I think ought to convince the Senator from Florida [Mr. PASCO] that he ought to withdraw his amendment. No objection whatever was made when the distinguished leader on the other side of the Chamber, the Senator from Indiana [Mr. TURPIE], asked that not more than two-thirds of the supervisors and enumerators should belong to one political party. The motion originating upon that side of the Chamber, was accepted upon this, and it will be easy to carry out that injunction.

The supervisors and enumerators are appointed in the States; they are appointed in localities; they will be, almost without exception, male citizens, voters in their various localities. They will have known politics; it will be known whether such a man is a Republican or some kind of a Democrat; and there will be no trouble in carrying out the amendment proposed by the Senator from Indiana; but, Mr. President, the case is very different, the Senator from Florida will see, as to the clerks in this bureau, who will be in most instances nonvoters. The men will not have politics. We all know that a great many of the male clerks in Washington have not been able to have politics, because they have not been able to continue their residences in their States and go home to vote. Many of the employees will be women, some will be children, boys and girls, who are capable of doing certain kinds of tabulation.

Now, does the Senator from Florida want the director of the census, whenever it is proposed to appoint a woman or a boy or a girl, to interrogate that woman or boy or girl and compel him or her to define to what political party he or she belongs before an appointment shall be made to do the clerical work of the census in the District of Columbia?

Mr. President, I do not believe the Senator from Florida wants that attempted. I am quite sure it would be impolitic and unwise for the first time in the history of this country to provide as to a clerical force to be organized in the city of Washington that the officials of the Government employing a force shall interrogate every person proposed to be taken into the public service as to what his or her politics may be. I think the good sense of these observations ought to be apparent to the Senator from Florida. [Laughter.]

Mr. HALE. Mr. President—

Mr. CARTER. With the permission of the Senator from Maine, I will supplement at this time the statement of the Senator from

New Hampshire by calling the attention of the Senator from Florida to the fact that the supervisors are to be appointed by the President and confirmed by the Senate. Hence, in the beginning, the Senate can determine the fact as to whether or not the proportions are justly maintained. The supervisors suggest the enumerators to the director of the census for appointment.

Mr. HALE. Mr. President, I think the Senate has done a very wise thing in the provision with reference to supervisors and enumerators. Setting aside any question of party advantage and of controlling the appointments, we will get a better census if in certain localities the enumerators appointed by the supervisor, and the supervisor himself, do not belong to the Republican party; and I do not regret that that amendment was adopted. It was all a part of the good sense of the Senate in conducting this measure, which should not be partisan. The committee has not been partisan in any way. This is a work for the whole country. It is no part of party machinery, and it ought not to be.

We will have, I repeat, a better census for that. But, if the Senator will allow me, while he does not intend it, it would be almost or quite ridiculous to apply the rule he suggests to this temporary force, which is not at all like the other force. It would make a perfect botch of the work in every way; and I do not think the Senate is prepared to do that.

Mr. GORMAN. Mr. President, I confess my astonishment that the Senator from Montana has not at once accepted the amendment of the Senator from Florida. There is not anything novel in this expression of the legislative branch of the Government that these various organizations ought to be constituted on a nonpartisan basis. True, I do not believe we have the right to enforce such a provision; but it is an expression of opinion which Congress has indulged in heretofore to meet a public sentiment.

Mr. SPOONER. It would be advisory to the Executive.

Mr. GORMAN. Yes; it would be advisory to the Executive.

Now, here is an organization, temporary in its character, in which there is no politics whatever, or there is supposed not to be, and there ought not to be; and it does seem to me that we ought to apply the same rule that we apply to the organization of a much larger and more important body, the commissioners who look after the railroad interests of the country. There is a provision in the act creating the Interstate Commerce Commission that only a majority of its members shall belong to one political party. The same principle has run through quite a number of other measures.

It does seem to me that in the organization of the Census Bureau, if it is right that two-thirds of the enumerators only shall belong to one political party, the same rule ought to run through the executive branch of the Census Office.

Mr. HALE. Does not the Senator see a marked difference? Suppose he was running this census, he could apply the principle to enumerators and to supervisors or perhaps apply it to a railroad commission, but how does the Senator think, with all his keenness and all his varied capacity, that we would be able to apply this provision, if it passed, to this small army of temporary employees, mostly women, girls, and children?

Mr. GORMAN. We all understand that there is not any politics in this with the ladies, and nobody cares anything about it; but if it is right—and I think it is right—as the amendment of the Senator from Indiana has been accepted and we are to apply the principle to the enumerators, we can by the same method apply it to the clerks in the Census Office; and I would go higher up than the clerks and make a fair division throughout the office.

Let us have for once a census as to which it will be known by all parties that there is some supervision, that we have competent men there to see that the returns of the enumerators have not been doctored, which would give to the work greater confidence on the part of the people.

I agreed and voted with the Senator from Maine and the Senator in charge of this bill that in this particular organization the civil-service system ought not to apply. I think that was correct in that case. I voted for that precisely as I have voted in the last two months to authorize the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy to employ any number of clerks, taking them entirely outside of the civil service, notwithstanding upon the civil-service list there were some ten or twelve thousand names which could have been drawn upon.

Why? Because in an emergency and for temporary employment you can get men precisely fitted for the service they are required to perform, and in such particulars the civil service is a failure, and is acknowledged to be by the heads of Departments. I applied the same rule, and therefore voted against the amendment of the Senator from Missouri as to the matter of the census, which is to be practically a temporary organization, one in which efficiency is required.

The only other thing that makes it necessary, in my judgment, to give the work of the Census Office the proper standing with the people and to relieve it of such charges as were heretofore made—and I think myself they have been exaggerated—is to make it a

nonpartisan force and make that principle run through the whole organization.

Mr. HALE. If the Senator will allow me—I know he will not object to my interrupting him—

Mr. GORMAN. Not at all.

Mr. HALE. Is it not the fact that the complaints which were made about partisanship in the old census were almost or entirely in relation to the supervisors and enumerators? I did not hear that any complaint was made of partisanship in the clerical force, most of it temporary; and it seems to me that the Senator can not fail to see the difference between applying this principle to enumerators and supervisors and to this small body of clerks. Rather than that this should go on, I would prefer even to reconsider the vote by which the proposition of the Senator from Indiana was adopted, though I think that is a good provision; but it seems to me the Senator must see the difference between that and this.

Mr. GORMAN. I do not. I think the rule is a proper one, although I think it ought to apply to the whole force of the office. If the Senator from Maine desires this work to go on, and to have it understood and believed on all sides that the organization is really a nonpartisan one, that the representation is to be a fair one in every branch of the service of the majority and minority parties of the country, I think it would be a wise thing to do. It is a mere matter of clerical force, which amounts to nothing politically, and in the number of persons involved it amounts to nothing of consequence.

I have no interest in the appointments and never expect to have. I am only looking to the good results which I hope will flow from the adoption of a proper policy; and in view of the fact that we have by an almost two-thirds vote lifted this force from the civil-service regulations, let us do the same with the rest, and then we shall have made the force nonpartisan all the way through. It seems to me there is not enough involved to justify the position of Senators on the other side of the Chamber.

Mr. BERRY. Mr. President, I voted for the amendment proposed by the Senator from Missouri [Mr. COCKRELL], not because I am in favor of the civil-service law, for I voted once on this floor to repeal the entire law, and I made a speech—a short one—in favor of its repeal; but I think if the law is to be repealed, it ought to be repealed in toto and responsibility should be taken direct. It should not be done by piecemeal, repealing a portion here and a portion there, without any responsibility attaching to such repeal. Nevertheless, before the vote was taken it was said to me that Senators on the other side of the Chamber had been especially fair in the matter; that they had agreed it should be provided in the bill that not more than two-thirds of these appointees should be taken from one political party.

I asked the question of the Senator from Montana [Mr. CARTER] before the vote was taken; and it was thereupon ascertained that the statement was incorrect; that the bill does not provide that not more than two-thirds of the appointees under the bill shall be taken from one political party, but only that not more than two-thirds of the supervisors and enumerators shall be taken from one political party.

It seems to me that if it is proposed to do the fair thing, if you are going to take the Census Office out from under the civil-service law, if you are going to make it different from all the other bureaus or Departments of the Government, and you say then you are going to give a third representation to the minority party as to some of the officials, why not let that principle run through the entire bill?

It may be true, as stated by the Senator from Maine [Mr. HALE] and the Senator from New Hampshire [Mr. CHANDLER], that it will be impossible in the appointment of boys, girls, and ladies to ascertain precisely to what political party they belong; but if the idea is to secure fairness, and you propose that the Census Office shall be entirely taken out of politics, that you will be fair at least to the extent of one-third, I should think that on the face of it, at least, whether the provision is carried out literally or not, it should appear that the same rule as to one-third should run all the way through. I think it would be more satisfactory, that there would be less complaint, and the country would understand the census was to be nonpartisan, at least to that extent. I therefore believe it would be better to adopt the amendment proposed by the Senator from Florida.

Mr. PASCO. Mr. President, the census is a very great and a very important work. It ought to be as free as possible from partisanship; it ought to be as free as possible from all political control; and I think that that should be manifest in the different sections of the bill.

An effort has been made to impress that principle upon the bill with reference to the appointment of some of the officers. In my judgment that same spirit ought to be extended so as to cover all of them. I do not know how far it would be practicable to carry out this idea if this amendment should be inserted in the bill; but it will show at least what is the spirit, the design, of the legislative department of the Government, and it will show that, so far

as we are concerned, we desire that the appointments in the Census Office shall be made in a fair spirit and not in a partisan spirit. It was for this reason that I offered the amendment which is now pending, and I think it should have been accepted without any debate.

We all know that the last census went before the country under great suspicion. The country has never yet been satisfied that it was a fair census. Whether the inequalities and unfairness crept into the census from the persons who went out into the field and actually enumerated the people or whether they crept into the census after it reached the Census Office I do not know and nobody pretends to say; but these charges were made as to the manner in which the census had been taken, and the census went before the country under that suspicion.

I think we should free the present census from the suspicion of unfairness. I voted that the civil-service rules should be extended to the census because I thought in that way we could come nearer to a nonpartisan bill than if we passed a bill giving to the chief officer taking the census the power to make all the appointments. I should have been content if the same rule which applies to the other Departments had been made to apply to the clerical force of the Census Bureau; but the Senate has voted against that, and now, unless this amendment is put in the bill, it would be in the power of the chief officer to make all of these appointments from the political party to which he may belong; and we have every reason to believe that they will be made in that way.

The work of the census, then, will be done entirely under the supervision of members of one political party, so far as the office work is concerned, and it ought not to go before the country under a suspicion that it is a partisan matter. It ought to be understood plainly that, so far as the legislative department of the Government is concerned, we do not wish a census prepared that is subject to such a suspicion. We ought to let it be understood that, so far as the legislative department is concerned, we think there should be no partisanship in its preparation, and that at least one-third of the clerks who work up the returns at their desks, so far as our efforts are concerned, will be appointed from a different political party from that which will control and manage the census.

It was in that spirit that I offered the amendment, and I think it should have been accepted without any opposition. It does seem to me if you reject the amendment it will be practically saying to the officer who makes all these appointments that in the opinion of the majority of Senators they ought to be taken from one political party.

I hope the amendment will prevail. It may be that it can be modified in some way so as to carry out the same idea, but the spirit and purpose I had in offering it was to make one more effort, so far as we are concerned, to have a fair and impartial census, not tainted with any partisanship.

Mr. CULLOM. Mr. President, I simply want to say that I do not agree with the Senator from Florida in reference to this amendment. I rose, however, for the purpose of inquiring of the chairman of the committee whether the bill as it now stands provides for any examination or inquiry as to the politics of the candidates for these clerical positions. My recollection is that the law under which the last census was taken provided for some sort of an examination by a board in the office of the Superintendent of the Census, and it seems to me that as we have voted to take the Bureau out from under the civil-service regulations we ought to keep it out.

Mr. COCKRELL. "Take it out" was right. Stick to that.

Mr. CULLOM. Take it out, then, whichever way is right; I am not particular. But it seems to me that in lieu of any civil-service examination in the regular way it would not be amiss for this bill to provide that there should be some kind of examination by the director of the census or some board appointed by him as to the qualifications of the clerks.

So far as I am concerned, I have no idea that the census will be taken and all the clerks appointed simply with reference to their politics. I do not think that has been done heretofore, although possibly there was more of it at some times than there ought to have been.

Mr. HALE. If the Senator will look at the provision beginning in line 25, on page 3, he will see that the appointments are to be made "by the Secretary of the Interior, upon recommendation of the director of the census, subject to such examination as said director may, with the approval of the Secretary of the Interior, prescribe." Examinations are provided for in that way.

Mr. CULLOM. I was not aware that that provision was in the bill. I thought, if it were not, that perhaps some such provision ought to be inserted. With that provision, and with a proper director who is fit for such a position, I do not apprehend that there will be any appointments made of persons not qualified for the positions to which they may be appointed. So I hope the amendment will not be voted down, and I am glad to know the other provision is in the bill.

Mr. CARTER. Mr. President, I sympathize with the purpose of the Senator from Florida, but take issue with his method of attaining it. I object to burdening the director of the census with the duty under the law of inquiring into the political affiliations of every person seeking a clerkship and of keeping a set of books upon the subject, so that at no time shall more than two-thirds of the force employed in the office be members of the same political party. I suggest as a substitute for the amendment proposed by the Senator from Florida what I send to the desk, and which I ask the Secretary to read for the information of the Senate, to come in at the end of the amendment proposed by the Senator from Indiana.

The SECRETARY. It is proposed to add, after the amendment of Mr. TURPIE, in line 13, on page 8, section 11, the following:

And all clerks employed in the Census Office shall be selected solely with reference to fitness and without reference to their political party affiliations.

Mr. CARTER. I assume that that would relieve the officer from propounding an inquiry relative to the party affiliations of the person, whereas the amendment of the Senator from Florida would necessitate a question concerning the politics of each applicant for a place. I think this amendment might well be adopted, because I believe that if any director of the census devoted any part or portion of his time to inquiring into the politics of the people who were to tabulate the statements of the census, he ought to be dismissed from the service.

Mr. COCKRELL. I suggest that the word "clerks" be stricken out and the word "employees" inserted.

Mr. CARTER. I see no objection to that.

Mr. COCKRELL. Now let the provision be read as it will stand if amended.

The Secretary read as follows:

And all employees employed in the Census Office shall be selected solely with reference to fitness and without reference to their political party affiliations.

Mr. HALE. Let it read "all employees of the Census Office."

Mr. CARTER. I suggest that the word "persons" be substituted for "employees."

Mr. HALE. That is right.

Mr. COCKRELL. Well, say "persons."

The PRESIDING OFFICER. The amendment to the amendment will be stated as modified.

The SECRETARY. As modified the amendment reads:

And all persons employed in the Census Office shall be selected solely with reference to fitness and without reference to their political party affiliations.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Montana that this is an amendment in the third degree, and the vote will first have to be taken on the amendment submitted by the Senator from Florida [Mr. PASCO] to the amendment of the Senator from Indiana [Mr. TURPIE].

Mr. PASCO. While I have great doubts whether that will have the effect of accomplishing what we all desire, yet it is an expression of fairness; and if it is acted upon by the director of the census, it will accomplish the proper purpose. As it is an expression in the way of fairness and seems to indicate that it is the desire that the census shall be taken without the interference otherwise of partisanship, I will accept it.

The PRESIDING OFFICER. The Senator from Florida withdraws his amendment.

Mr. PASCO. I will withdraw my amendment and allow the other to be offered instead.

The PRESIDING OFFICER. The question is on the amendment as modified to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BOWMAN ACT AND OTHER CLAIMS.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope not.

Mr. TELLER. I hope the Senator will allow me to call up for consideration the omnibus claims bill, so that it may be read. I shall not attempt to have it passed this evening. I should like to take an hour to it this afternoon, so as to act upon the amendments.

Mr. QUAY. I will withdraw the motion for an executive session for that purpose.

Mr. TELLER. I move that the Senate proceed to the consideration of the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

The House passed a bill including one set of claims and omitting others. We have put on those claims and several others. The bill must be read through, and I ask that it now be read, and that as it is read I may offer certain formal amendments which I am directed by the committee to propose.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert a substitute, pages 84 to 280, inclusive.

Mr. PETTIGREW. After the census bill, the bill (S. 361) fixing times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States, relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, is the next unfinished business. I do not care to call it up now, but I wish to preserve its place as the unfinished business. It is called the 5 per cent bill.

Mr. TELLER. I ask that it may be informally laid aside.

Mr. FRYE. It has not been made the unfinished business.

Mr. PETTIGREW. It was made the unfinished business, with the census bill as the next order. I have here the Calendar of March 17, which makes it the unfinished business.

Mr. PLATT of Connecticut. A practice seems to have prevailed here that we would have three or four bills as unfinished business one after another.

Mr. FRYE. There can be but one.

Mr. PLATT of Connecticut. I want to protest against that. There can be but one bill the unfinished business.

Mr. PETTIGREW. The Senator will see by the Calendar of March 17 that the unfinished business was Senate bill 2680, as to additional quarantine powers, Senate bill 94, to provide for the Twelfth Census, and Senate bill 361. There were three unfinished businesses at that time, according to our Calendar. We have disposed of the other two, and I never intended that this bill should be displaced, and did not suppose it would be.

Mr. TELLER. That can not be done, although I do not want to antagonize the bill.

The PRESIDING OFFICER. The Chair will suggest to the Senator from South Dakota that the so-called quarantine bill was simply laid aside to give the census bill the priority, and it may possibly be insisted upon as being the unfinished business.

Mr. PETTIGREW. Without objection, I ask that Senate bill 361 be made the unfinished business.

Mr. TELLER. I wish to know whether I have my bill up?

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado that the bill is before the Senate. Does the Senator yield to the Senator from South Dakota?

Mr. TELLER. I yield for anything that does not displace this bill.

Mr. PETTIGREW. I do not desire to displace this bill, but I desire to have Senate bill 361 remain as the unfinished business.

Mr. PLATT of Connecticut. I object.

The PRESIDING OFFICER. Objection is made.

Mr. SPOONER. I should like to inquire of the Senator from Colorado whether it is expected to get a vote on the bill to-night?

Mr. TELLER. No; I do not intend to ask for a vote on anything to-night except on the amendments that the committee have authorized me to report. The bill will be open to amendment, of course.

Mr. CHANDLER. I ask unanimous consent that it may be understood that after the bill shall have been read no other business shall be transacted at this session of the Senate.

Mr. FRYE. We want an executive session.

Mr. HALE. Except an executive session.

Mr. TELLER. I understand it is desired to have an executive session for the purpose of referring simply.

Mr. FAULKNER. Let it be understood that no disputed nominations shall be taken up.

Mr. CHANDLER. If there is to be an executive session, it ought to be had now.

Mr. BERRY. Let us have the bill read through.

The PRESIDING OFFICER. Is there objection made to the request of the Senator from New Hampshire?

Mr. FAULKNER. It is the understanding that no disputed matters shall be taken up in executive session?

The PRESIDING OFFICER. The Chair will state that was not included.

Mr. PLATT of Connecticut. The request of the Senator from New Hampshire would exclude an executive session?

The PRESIDING OFFICER. Certainly.

Mr. FRYE. Then I object to it.

The PRESIDING OFFICER. Objection is made. The reading will be proceeded with.

The Secretary proceeded to read the amendment, and read to the end of line 20, on page 163.

Mr. TELLER. I have some amendments which I desire to offer on behalf of the committee.

Mr. COCKRELL. Let the bill be read through before offering any amendments.

Mr. TELLER. Let the bill be read clear through?

Mr. COCKRELL. Yes.

Mr. TELLER. I thought if I offered the amendments when we reached the proper places it would be better.

Mr. COCKRELL. I think the bill had better be read through first.

Mr. TELLER. Very well. When the bill is read through I will offer the amendments. There will be several.

Mr. COCKRELL. Then the Senator can offer them.

The reading of the amendment was resumed and concluded.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Claims in the nature of a substitute for the bill.

The amendment was agreed to.

Mr. TELLER. I am directed by the Committee on Claims to move to amend, on page 175, by striking out from line 9 to line 18, inclusive.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 175, after line 8, it is proposed to strike out:

To John Schierling, administrator of the estate of Gallus Kirchner, of North Vernon, Ind., for stone supplied to the United States at Indianapolis, \$10,901.50 (volume 21, Court of Claims Reports, page 218).

The amendment was agreed to.

Mr. TURPIE. I should like to inquire of the Senator from Colorado why he moves to strike that out? It seems to be a judgment of the Court of Claims.

Mr. FAIRBANKS. I will answer my colleague. I understand that this claim has already been paid.

Mr. TELLER. A bill for the payment of that claim has passed and become a law.

Mr. TURPIE. Very well.

Mr. TELLER. There were a number of claims contained in the bill as it was reported from the committee which have been passed upon in separate bills by the House of Representatives and the Senate and have become laws, and some have passed the House and some the Senate. Those we desire to strike out.

On page 177, line 15, and also in line 16, the name "Peckman" is misspelled; it should be "Pickman" in both instances.

The PRESIDING OFFICER. That change will be made, in the absence of objection.

Mr. TELLER. In line 24, on the same page, the name "Arthur E. Huntington" should be "Arthur L. Huntington."

The PRESIDING OFFICER. That change will also be made, in the absence of objection.

Mr. TELLER. On page 203, line 24, the name "Kitridge" is spelled in the bill with one "t," and in the return of the court it is spelled with two "t's." So that there may be no trouble in identification I move to amend by striking out the name "Kitridge" and inserting "Kittridge."

The amendment was agreed to.

Mr. TELLER. I move to strike out from line 24, on page 217, to and including line 2, on page 218. A bill for the payment of that claim has passed and become a law.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 217, after line 28, it is proposed to strike out:

To the Richmond Locomotive and Machine Works the sum of \$69,550.39, in full of its claim for damages and losses incurred in the construction of the armored battle ship *Texas*.

The amendment was agreed to.

Mr. TELLER. On page 218, I move to strike out from line 3 down to and including line 10. The claim there referred to has been provided for in a separate bill which has become a law.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 218, after line 2, it is proposed to strike out:

To the legal representatives of John Roach, deceased, the sum of \$28,160.25, for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin*, under the advice and assistance of the naval advisory board mentioned in the act making appropriations for the naval service for the fiscal year ending June 30, 1884.

The amendment was agreed to.

Mr. TELLER. On page 232, I move to strike out from line 9 to line 12, inclusive.

The SECRETARY. On page 232, after line 8, it is proposed to strike out:

To the legal representatives of John W. Branham the sum of \$4,160, being the amount of his salary and allowances as assistant surgeon in the United States Marine-Hospital Service for two years.

The amendment was agreed to.

Mr. TELLER. On page 163 I move to insert, after the word "dollars," in line 20, what I send to the desk.

I will say that, with the exception of the first five cases, these are claims which have passed the House of Representatives and were omitted by accident from our bill. The others were cases which have come from the Court of Claims since the reporting of the bill to the Senate.

Mr. COCKRELL. Are they all from the State of West Virginia?

Mr. TELLER. I think not. They are miscellaneous cases.

Mr. COCKRELL. They ought to be arranged under the particular States from which the claims come.

Mr. TELLER. It would be too much trouble to attempt to do that. To have done that would have required really the framing of a new bill.

Mr. FAULKNER. I will state to the Senator from Colorado that there is a heading "Miscellaneous claims" on page 227.

Mr. TELLER. These are miscellaneous payments, which should follow the Bowman claims.

Mr. COCKRELL. On page 164 I should like to have the clause from line 6 to line 11 stricken out. It reads:

To Benjamin Peter Bailey, treasurer of the Missouri State Lunatic Asylum, etc.

He has not been the treasurer for a number of years; and I want to make the amount payable to the treasurer of the asylum, so that whoever is the bonded officer can take it, and I want to insert that provision on page 134, after line 10.

Mr. TELLER. Does the Senator desire to do that now, or would he prefer to wait until we get through with the amendments of the committee?

Mr. COCKRELL. I would prefer doing it now. It can be arranged in a minute.

Mr. TELLER. Then I will wait and let the Senator propose his amendment, and then I shall offer mine.

Mr. COCKRELL. On page 164 I move to strike out the clause from line 6 to line 11, striking out the name "Benjamin Peter Bailey" and inserting the word "the;" so as to read:

To the treasurer of the Missouri State Lunatic Asylum, of Fulton, Callaway County, Mo., etc.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 164 it is proposed to strike out from line 6 to line 11, inclusive, as follows:

To Benjamin Peter Bailey, treasurer of the Missouri State Lunatic Asylum, of Fulton, Callaway County, Mo., for occupancy of buildings and grounds during a period of twenty-three months, \$17,250 (House Miscellaneous Document No. 37, Fifty-third Congress, second session).

And to insert on page 134, after line 10:

To the treasurer of the Missouri State Lunatic Asylum, of Fulton, Callaway County, Mo., for occupancy of buildings and grounds during a period of twenty-three months, \$17,250.

The amendment was agreed to.

Mr. COCKRELL. I move to transpose the clause from line 23, on page 166, to line 2, on page 167, omitting the words in parenthesis, to page 134, to follow the amendment just adopted.

The SECRETARY. It is proposed to strike out the clause from line 12 to line 15, on page 164, as follows:

To Sarah E. B. Smith, of Scotland County, Mo., for rent of building and personal property, \$397.50 (House Report No. 2582, Fiftieth Congress, first session).

And to insert, on page 134, after the amendment just adopted:

To Sarah E. B. Smith, of Scotland County, Mo., for rent of building and personal property, \$397.50.

The amendment was agreed to.

Mr. TELLER. I now send to the desk an amendment covering a large number of claims, and I should like to have them inserted in the order in which they are presented here. These are cases, with the exceptions I have explained, which have come in since the committee reported the bill to the Senate.

The SECRETARY. After line 20, on page 163, it is proposed to insert:

To W. H. Bryan, of Gibson County, Tenn., \$300.
To Henry A. Butler, of Prince George County, Md., \$300.
To John A. Dixon, executor of George A. Dixon, deceased, late of Alexandria County, Va., \$720.
To William McAdams, survivor of Marks & McAdams, late of Pittsburgh, Pa., \$12,000.
To Charles W. Shreve, of Montgomery County, Md., \$1,200.
To Simon H. Wayland, of Lawrence County, Tenn., \$230.
To the elders of the Presbyterian Church at Murfreesboro, Rutherford County, Tenn., \$3,500.
To F. F. Smith, executor of Catharine Lytle, deceased, late of Washington County, Md., \$420.
To J. S. Stilwell, administrator of Simon Simons, deceased, late of Woodruff County, Ark., \$1,216.
To Charles Miller, administrator of Felix Miller, deceased, late of Hawkins County, Tenn., \$550.
To Rosa B. Hill, administratrix of John H. Batte, deceased, late of Prince George County, Va., \$3,440.
To Eliza J. Ewing, executrix of Fayette C. Ewing, deceased, late of Lafourche Parish, La., \$1,916.
To Standwix H. Mayfield, of Benton County, Ark., \$1,753.
To Edwin N. Nelson, administrator of John Hurchinson, deceased, late of Prince William County, Va., \$789.
To Margaret Rose, of Greene County, Mo., \$250.
To Regine Senner, administratrix of Anton Senner, deceased, late of Allen County, Kans., \$367.
To Mary E. Walley, administratrix of Irwin Walley, deceased, late of Jackson County, Mo., \$430.
To George W. Gordon, administrator of Treadwell S. Ayres, deceased, late of Shelby County, Tenn., \$7,615.
To Christian Hofstetter, of Davidson County, Tenn., \$1,732.

To C. W. Duke, administrator of H. M. Kerr, deceased, late of Lafayette County, Miss., \$1,323.
 To the legal representatives of Jacob S. Engleman, deceased, late of Augusta County, Va., \$510.
 To George M. Bretherick, administrator of Joseph A. Hardwick, deceased, late of Lauderdale County, Ala., \$385.
 To Harvey H. Waters, administrator of William A. Waters, deceased, late of Sebastian County, Ark., \$1,530.
 To George E. Morrison, administrator of John Morrison, deceased, of Shelby County, Tenn., \$3,746.
 To W. W. Jackson, of the District of Columbia, \$1,950.
 To A. G. W. Sango, administrator of Lewis Moore, deceased, of Sebastian County, Ark., \$235.
 To Mary K. Lewis, administratrix of Joseph C. Lewis, deceased, of the District of Columbia, \$2,300.
 To Howell L. Moore, administrator of William Moore, deceased, of Hardeman County, Tenn., \$315.
 To Stephen Duncan Marshall and George M. Miller, executors of Levin R. Marshall, deceased, of Adams County, Miss., \$5,619.
 To Mrs. E. P. Maloy, of Memphis, Tenn., \$1,900.
 To Catherine L. Minor, executrix of Rebecca A. Minor, deceased, late of Terre Bonne Parish, La., \$3,940.
 To A. Waddell and E. R. Miller, administrators of Theodore I. Gillett, deceased, of Lawrence County, Ohio, \$15,711.
 To Hypolite Filhol, \$1,076.06; to Heloise A. Breard, \$538.33, and to Ann E. Ferrand, \$538.33, the said persons being legatees and successors in estate to Charles D. Betin, deceased, and Edward L. Betin, deceased, late of Ouachita Parish, La.
 To A. V. Warr, administrator of N. H. Isbell, deceased, late of Fayette County, Tenn., \$411.25.
 To Adeline N. Larche, of Carroll Parish, La., \$5,770.
 To Catherine McCarthy, executrix of Michael D. McCarthy, deceased, of Chatham County, Ga., \$150.
 To Edward G. W. Hall, of St. Marys County, Md., \$1,290.
 To J. C. Macom, administrator of William P. Forest, deceased, of Wake County, N. C., \$317.
 To Lewis Newbeans, administrator of Benjamin Shirkey, deceased, of New Madrid County, Mo., \$280.
 To T. W. Long, administrator of Thomas S. Long, deceased, of Catawba County, N. C., \$330.
 To Marshall McCormick, administrator of John Alexander, deceased, of Clarke County, Va., \$4,655.
 To John Griffin and Sarah Griffin, of Washington County, Miss., \$9,190.
 To Mary B. Winbourn and James R. Winbourn, of Davidson County, Tenn., \$1,270.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. COCKRELL. I should like the claims of persons in the State of Missouri to be put under the head of "Missouri," where I had the others transferred.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

Mr. TELLER. On page 217, in line 6, after the word "dollars," I move to insert what I send to the desk. These are French spoliation claims which came from the court after the bill had been reported.

The SECRETARY. After line 6, page 217, it is proposed to insert:

On the brig *Matilda*, Ira Canfield, master: To Andrew E. Warner, administrator de bonis non of the estate of Jonathan Warner, deceased, \$6,173.
 To Charles N. Cady, administrator of the estate of Gideon Leet, deceased, \$6,173.

The amendment was agreed to.

Mr. TELLER. On page 176, line 12, I move an amendment changing the totals, which is necessitated by the previous amendment. I move to strike out "\$1,048,117.04" and insert "\$1,055,473.04."

The amendment was agreed to.

Mr. TELLER. There is one more. On page 177, line 5, I move to strike out "Albert" and insert "Alert."

The amendment was agreed to.

Mr. TELLER. Those are all of the amendments the committee have instructed me to offer. There may be some more.

Mr. HOAR. There is a matter about which I should like to ask a question. I introduced a separate bill and had it referred to the committee night before last. It did not come from the printer. I should like to ask if it is best to print it as an amendment and let it stand pending, or leave it as it is?

Mr. TELLER. That bill, under the rule, would not be a proper amendment. It would open the door. The committee has not passed on that. It has been passed on in the House, but not in the Senate. We can not afford to take up amendments which have not been passed upon by the committee.

Mr. HOAR. I did not propose that. My question was whether it would be best to let it stand as it is, or to move it as an amendment and let it stand as moved by me.

Mr. TELLER. It is before the committee now, but the committee has not had the papers. It has not had time to consider it.

Mr. HOAR. Shall I move it on this bill?

Mr. TELLER. No; I had rather the Senator would not move it now.

INTERNATIONAL AMERICAN BANK.

Mr. FORAKER. I desire to give notice that when the consideration of the claim bill now before the Senate has been concluded, I shall ask leave to call up for consideration the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 9, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 8, 1898.

THIRD REGIMENT OF VOLUNTEER ENGINEERS.

To be colonel.

Capt. David Du B. Gaillard, Corps of Engineers, United States Army.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Capt. Edward Burr, Corps of Engineers, United States Army.

To be major.

Capt. William C. Langfitt, Corps of Engineers, United States Army.

To be captain.

Second Lieut. Robert P. Johnston, Corps of Engineers, United States Army.

To be first lieutenant.

Charles W. Parker, of Ohio.

To be second lieutenant.

Frank H. Martin, of Iowa.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captains.

William Barclay Parsons, of New York.

Ira A. Shaler, of New York.

Eugene Ellicott, of Pennsylvania.

Edward B. Ives, of New York.

Allen D. Raymond, of Pennsylvania.

Merritt H. Smith, of New York.

Azel Ames, of Massachusetts.

Arthur Haviland, of New York.

Charles P. Kahler, of Maryland.

Charles Parker Breesee, of Virginia.

William G. Ramsay, of New Jersey.

To be first lieutenants.

David L. Hough, of New York.

Edmund M. Sawtelle, of the District of Columbia.

George W. Bramwell, of New York.

Joseph A. Steinmetz, of Pennsylvania.

Henry C. Wilson, of the District of Columbia.

Maurice A. Viele, of New York.

To be second lieutenants.

Heber R. Bishop, jr., of New York.

Lawrence Lewis Gillespie, of New York.

Walter Abbott, of Massachusetts.

George Perrine, of New York.

Henry P. Walker, of Massachusetts.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be inspector-general of volunteers with the rank of major.

First Lieut. Robert A. Brown, Fourth United States Cavalry.

To be chief commissary of subsistence with the rank of major.

First Lieut. Walter K. Wright, Sixteenth United States Infantry.

To be chief quartermaster with the rank of major.

Capt. Charles A. Vernon, Nineteenth United States Infantry.

To be commissaries of subsistence with the rank of captain.

Second Lieut. John W. Barker, Third United States Infantry.

C. Dupont Coudert, of New York.

George W. Nellis, of New York.

To be assistant adjutant-general with the rank of major.

William Cooke Daniels, of Colorado.

The nomination of William C. Daniels, of Colorado, for the appointment of commissary of subsistence, with the rank of captain, which was delivered to the Senate June 3, 1898, is hereby withdrawn.

To be commissaries of subsistence with the rank of captain.

Edward W. Hurlbut, of Colorado.

Charles E. Golden, of Wyoming.

James Colfax Grant, of Minnesota.

To be chief quartermaster with the rank of major.

Morris C. Hutchins, of Kentucky.

The nomination of Morris E. Hutchins, of Kentucky, for the above-named office, which was delivered to the Senate June 4, 1898, is hereby withdrawn.

To be brigadier-generals.

Charles P. Mattocks, of Maine.
Mark W. Sheafe, of South Dakota.

APPOINTMENTS IN THE SIGNAL CORPS.

To be captain.

Charles S. Conner, of Missouri.

To be first lieutenants.

Wilkie Woodard, of Ohio.
Edward T. Miller, of Ohio.
Williamson S. Wright, of Indiana.

To be second lieutenants.

Gustav Hirsch, of Ohio.
Carl Darnell, of Connecticut.
The nomination of Williamson S. Wright, of Indiana, to be second lieutenant, Signal Corps, which was delivered to the Senate June 2, 1898, is hereby withdrawn.

To be inspector-general with the rank of lieutenant-colonel.

Capt. Winfield S. Edgerly, Seventh United States Cavalry.

To be inspector-general with the rank of major.

Daniel M. White, of New Hampshire.

To be additional paymaster.

Hiram L. Grant, of North Carolina.

To be brigade surgeon with the rank of major.

William H. Devine, of Massachusetts.
The nomination of William Devine, of Massachusetts, for the above-named office, which was delivered to the Senate June 4, 1898, is hereby withdrawn.

To be additional paymasters.

Thomas A. Cummings, of Montana.
Eugene Coffin, of the District of Columbia.

To be commissaries of subsistence with the rank of captain.

Carl K. Mower, of Ohio.
Frederic H. Pomroy, of New York.

To be major and chief quartermaster.

Otto Falk, of Wisconsin.

To be assistant quartermaster with the rank of captain.

Clifton L. Fenton, of Ohio.

FIRST REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be first lieutenants.

Arthur Joseph Coste, of Texas.
Lewis Porter Featherstone, of Texas.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Seaton Norman, of the Marine-Hospital Service.

To be captain.

Edward Wilson, of Georgia.

To be first lieutenants.

Daniel L. M. Peixotto, of New York.
John A. Condon, of Tennessee.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be first lieutenant.

J. Courtney Hixon, of Alabama.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be first lieutenant.

Elisha Eldridge Wright, of Tennessee.

To be second lieutenants.

George M. Whitson, of Tennessee.
Robert McFarland Barton, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be majors.

Felix Rosenberg, of Ohio.
Charles M. Travis, of Indiana.

To be surgeon with the rank of major.

James Huston Hepburn, of the District of Columbia.

To be captains.

Richard T. Jacob, of Kentucky.
William Frye Tebbetts, of New York.

To be first lieutenants.

Ambrose C. G. Williams-Foote, of New York.
Philip F. Hoffman, of Kansas.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

Duncan B. Harrison, of Mississippi.

To be surgeon with the rank of major.

Aurelia Pallones, of New Jersey.

To be captain.

Winslow S. Lincoln, of Massachusetts.

To be first lieutenant.

Charles W. Fillmore, of Ohio.

TENTH REGIMENT UNITED STATES VOLUNTEERS.

To be first lieutenant.

Arthur Royal Joyce, of Connecticut.

POSTMASTERS.

Bernard Roddy, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey, in the place of H. F. Cadmus, whose commission expired June 5, 1898.

John L. Clark, to be postmaster at Kenton, in the county of Hardin and State of Ohio, in the place of A. G. Ahlefeld, whose commission expired April 17, 1898.

Lewis O. Cooper, to be postmaster at Middleport, in the county of Meigs and State of Ohio, in the place of O. N. Marhugh, whose commission expired April 17, 1898.

Mark Sternberger, to be postmaster at Jackson, in the county of Jackson and State of Ohio, in the place of Henry Hollberg, whose commission expired April 18, 1898.

Harriet F. Gault, to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in the place of Emil Holl, whose commission expires August 16, 1898.

REGISTERS OF LAND OFFICES.

George W. Hayes, of Burns, Oreg., to be register of the land office at Burns, Oreg., vice Thomas Jones, term expired.

Jay P. Lucas, of Arlington, Oreg., to be register of the land office at The Dalles, Oreg., vice James F. Moore, term expired.

RECEIVERS OF PUBLIC MONEYS.

Otis Patterson, of Heppner, Oreg., to be receiver of public moneys at The Dalles, Oreg., vice William H. Biggs, term expired.

Samuel O. Swackhamer, of Union, Oreg., to be receiver of public moneys at La Grande, Oreg., vice Jacob H. Robbins, term expired.

WITHDRAWALS.

Executive nominations withdrawn June 8, 1898.

Winslow S. Lincoln, of Massachusetts, for the office of commissary of subsistence of volunteers with the rank of captain, which was delivered to the Senate May 28, 1898, and confirmed June 1, 1898.

Capt. William L. Kneedler, assistant surgeon, United States Army, for the office of brigade surgeon of volunteers, which was delivered to the Senate June 4, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8, 1898.

SUPERINTENDENT OF INDIAN SCHOOLS.

Miss Estelle Reel, of Cheyenne, Wyo., to be superintendent of Indian schools.

INDIAN AGENT.

John Jensen, of North Enid, Okla., to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland Agency in Oklahoma Territory.

APPRAISER OF MERCHANDISE.

Henry R. Torbert, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

MARSHAL.

Edson S. Bishop, of Connecticut, to be marshal of the United States for the district of Connecticut.

UNITED STATES ATTORNEYS.

Charles O. Whittemore, of Utah, to be attorney of the United States for the district of Utah.

George Randolph, of Tennessee, to be attorney of the United States for the western district of Tennessee.

PROMOTION IN THE MARINE CORPS.

Maj. Percival C. Pope, United States Marine Corps, to be a lieutenant-colonel.

APPOINTMENT IN THE NAVY.

Eugene Julius Grow, a citizen of New Hampshire, to be an assistant surgeon.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be commissary of subsistence with the rank of captain.

Warren C. Fairbanks, of Indiana.

To be additional paymasters.

James B. Kenner, of Indiana.
Samuel S. Harvey, of Florida.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 8, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

RECLAMATION OF ARID LANDS.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That it shall be in order immediately after disposal of the conference report upon the bill H. R. 8428 to consider House bill 9994, entitled "A bill for the reclamation of arid lands, and for other purposes."

The SPEAKER. Is there objection?

Mr. HOPKINS. I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. SAMUEL W. SMITH. I call for the regular order.

Mr. SHERMAN. A privileged motion. There is a bill on the Speaker's table, Senate bill 3598, with House amendments, to which the Senate has nonconcurring and asks a conference. I move that the conference asked for by the Senate be granted.

Mr. SAMUEL W. SMITH. I understand the regular order to be the bill H. R. 10550.

The SPEAKER. The Chair thinks that is the case. If there be no objection, as this is a mere request for a conference, the Chair will lay it before the House. Is there objection? The Clerk will present the bill.

The Clerk read as follows:

A bill (S. 3598) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians with House amendments.

Mr. HOPKINS. I call for the regular order.

Mr. GROSVENOR. I ask the gentleman to withdraw that, so that I may introduce a resolution, to be referred to the Committee on Rules, with reference to Hawaii.

Mr. HOPKINS. I withdraw it for that purpose.

The SPEAKER. Does the gentleman withdraw the demand for the regular order?

Mr. HOPKINS. I do withdraw the demand for the regular order for that purpose.

Mr. SAMUEL W. SMITH. I demand the regular order.

The SPEAKER. The gentleman from Michigan renews the demand for the regular order.

Mr. GROSVENOR. This is my twenty-fifth attempt to try to get some character of a hearing upon this Hawaiian resolution. I hope gentlemen will let me have it sent to the Committee on Rules.

Mr. HENDERSON. It needs no action by the House, and all that the gentleman has to do is to hand it in at the desk.

Mr. GROSVENOR. I want it to be publicly known that it has been introduced.

Mr. JOHNSON of Indiana. I object.

Mr. HENDERSON. Objection can not prevent the resolution going to the committee. All that the gentleman has to do is to hand the resolution in at the desk and send it to the Committee on Rules.

Mr. DOCKERY. I hope we can have the regular order.

Mr. CANNON. I will be glad, I will say to the gentleman from Michigan and the gentleman from Iowa, to finish consideration of the conference report on the sundry civil bill. I think I can do it in a short time.

Mr. SAMUEL W. SMITH. How long?

Mr. CANNON. It seems to me it ought not to take over an hour, if that long.

Mr. DOCKERY. That is the regular order. That is the agreement.

Mr. SAMUEL W. SMITH. No; it is not.

SUNDY CIVIL APPROPRIATION BILL.

Mr. CANNON. I call up the conference report on the sundry civil bill.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 72, after line 14, insert:

"For continuing improvement of the harbor of Wilmington and Christiana River, Delaware, \$205,846."

Mr. CANNON. I make the formal motion that the House further insist on its disagreement. Does the gentleman from Delaware desire to move to concur?

Mr. HANDY. Yes, Mr. Speaker, I desire to move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. Now, if my friend will allow me, as I want to make haste with this bill, and then I will yield to him. This work authorizing the improvement of Wilmington Harbor was in the river and harbor act for 1896. A limit was put upon the cost of

this work, so low as to render it impossible for the Chief of Engineers to contract for the completion of the work. Therefore, under the law, he could make no contract. Now, then, this is an effort to change that legislation, so as to go on with that work, without reference to the limit that was placed in the river and harbor act of 1896; and I will say to the House, while I am not a river and harbor expert, that this is a real river and harbor improvement that in my judgment ought to be made, when you are making river and harbor improvements. But your committee, being an appropriation committee, and not a legislative committee, saw proper not to deal with this question, but to leave it to the House to deal with. Gentlemen understand that there has been, and is to be, no general river and harbor bill at this session of Congress.

Many gentleman that wanted river and harbor legislation for the portions of the country they represent will not get it. There are several river and harbor items in this bill. This is one. Oakland, Cal., is another; a small one for Mobile Harbor, and also at Yaquina Bay. I believe these four are all the river and harbor items upon the bill. Now, I state frankly to the House, touching this matter we reported back agreeing to the facts, and it is for the House to deal with it. I make no question with the gentleman from Delaware as to this being a real harbor that, if we are to follow out the river and harbor policy of the country, ought to be improved; and having stated that, I am quite willing to let the House do, so far as I am concerned, whatever the majority desire, and if they see proper in these exceptional cases to thus far make this a river and harbor bill, it is with them.

Mr. HANDY. Mr. Speaker, I think—

The SPEAKER. Does the gentleman from Illinois yield?

Mr. CANNON. I yield five minutes to the gentleman.

Mr. HANDY. I think that the gentleman from Illinois [Mr. CANNON] has made a very fair statement of the facts involved in the case. This appropriation is for an important harbor, and it is sorely needed without further delay. This harbor is the second in importance on the great waterway known as Delaware River and Bay. The city of Wilmington has some 70,000 people, and they are busy commercial and manufacturing people. The Christiana River bears their commerce for a short distance out to the deep channel of the Delaware.

The commerce which thus floats amounts to \$26,000,000 in value every year. A number of great industrial establishments are located on the Christiana at Wilmington. My understanding is that \$13,000,000 is invested in the plants there. Five thousand employees work there. It is easy to see that the gentleman from Illinois [Mr. CANNON] is quite right in his opinion that this is a real river and harbor—one where the business justifies and demands governmental improvement.

The proposition to improve and deepen the Christiana River and Wilmington Harbor is not a new one. The Government made its first appropriation for this purpose as early as 1896. From time to time since then money has been appropriated for this worthy purpose until some \$400,000 has been spent. It is now estimated that it will require \$476,625 more to complete the present project and give 21 feet of water at mean low tide. We are spending millions to make a deep channel from the sea all the way up to Philadelphia. It would be foolish to open the great channel and yet fail to open the harbors which are located on it. Any ship which can come up the Delaware ought to be able to enter the harbor of Wilmington.

I would not press the war situation to a course of reasoning to which it does not properly apply, but I feel justified in calling attention to the fact that one of the largest and best-equipped shipbuilding concerns in the country is located on the Christiana. The Harlan and Hollinsworth Company are famous shipbuilders. They bid for the contracts to construct war vessels. They are now at work on a torpedo-boat destroyer. At present they can not build the biggest war ships because the depth of water is lacking between their shops and the deep channel of the Delaware. This appropriation will go to a work which will open deeper water for these excellent shipbuilders. A new and independent bidder for the contracts to build the great ships of the Navy might save the Government large sums of money.

There is another view I desire to present in connection with this Senate amendment. This river and harbor item is not pushing in ahead of other river and harbor items of the same kind. Many districts represented on this floor are waiting for a river and harbor bill. I have many river and harbor projects in my own district that are waiting in the same way, and will, of course, be forced to wait. We can not properly push a few favored places ahead of all the others, and I would not venture to ask gentlemen to do that. But this Wilmington Harbor is not, however, pushing ahead to lead the procession. It is, in fact, a straggler, far in the rear of its proper place. It is asking now for what it should properly have received two years ago.

In a certain sense I am asking you now to reenact and make effective an item of the river and harbor act of 1896. Congress at

that time strove to provide, and thought it had provided for this work. By a construction of the law put upon it by the Engineer Department, which the gentleman from Illinois has explained, this work has not been done. There is no other river and harbor item that I know of standing now in exactly the same condition. I am willing to leave the whole case without further explanation on this point than has been made by the gentleman from Illinois [Mr. CANNON].

Let me, however, call attention to the following formal resolution, which was passed by the River and Harbor Committee of the House on April 26, 1898. It is addressed to the Appropriations Committee of the House, and is as follows:

Resolved, That the Committee on Appropriations be, and they are hereby, requested to agree to Senate amendment No. 178, which will carry out the intention of Congress relative to the improvement of Wilmington Harbor, Delaware, in the river and harbor act of 1896.

The River and Harbor Committee of this House have by this formal resolution asked the Appropriation Committee to concur in this Senate amendment. The House conferees have thought best to submit the matter to the House itself for decision. Under the circumstances the resolution of the River and Harbor Committee just read amounts to a request or recommendation to the House to concur in this Senate amendment. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Delaware [Mr. HANDY] to recede and concur with the Senate amendment.

Mr. CANNON. I will ask for a rising vote, so that we may see there is a majority for it.

The question was taken; and on a division there were—ayes 98, noes 81.

So the motion was agreed to.

On motion of Mr. HANDY, a motion to reconsider the vote whereby the House concurred in the Senate amendment was laid on the table.

Amendment No. 184 was read, as follows:

Page 70, line 2, after "improvement," insert "under existing project."

Mr. HILBORN. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. CANNON. I yield five minutes to the gentleman from California.

Mr. HILBORN. Mr. Speaker, this is merely a change in the verbiage of the law. The amendment consists in inserting the words "under the existing project." It does not increase the appropriation, but it is merely a change in the language of the bill. Now, the plan of the harbor of Oakland was made many years ago by the officers of the Engineer Corps of the Army. That plan has been approved by the most expert engineers of this country and other countries. I do not know that there is any serious project to change that plan, but all the appropriations of money heretofore have been exactly in the language of the Senate amendment. I have before me the last appropriation made in the Fifty-fourth Congress, and the language of that appropriation is as follows:

To improve the harbor at Oakland, Cal., continuing improvements under existing project, \$20,000.

Mr. CANNON. Has the gentleman the language of the river and harbor act of 1896?

Mr. HILBORN. I have not.

Mr. CANNON. When was the work authorized? When was it in the river and harbor act?

Mr. HILBORN. As far back as 1896, I think.

Mr. CANNON. I think the contract was authorized in the river and harbor act of 1896.

Mr. HILBORN. Yes.

Mr. CANNON. Has the gentleman that here?

Mr. HILBORN. I have not.

Mr. CANNON. Wherein does that differ?

Mr. HILBORN. That corresponds exactly with the amendment.

Mr. CANNON. What amendment?

Mr. HILBORN. The amendment to this bill.

Mr. CANNON. What I want to get at is, what was authorized by the contract under the act of 1896?

Mr. HILBORN. Under the act of 1896 the limitation was \$666,000. Now, then, responsible contractors are ready to take the contract for completing that harbor improvement according to the original project for that amount of money. I do not understand why these words were left out. You will understand the project to complete the harbor has been progressing for years. There is a wharf system and a sewer system which have been built in harmony with the general plan. I know of no reason why these words should have been left out of this appropriation bill. I mean the words "according to the original project." The effect of that is to alarm people and to make them believe that there is some idea of abandoning that project.

Mr. CANNON. Here is the practical question, and that is what I want to get at: Can the harbor be improved under the original plan within the limitation fixed in the act of 1896?

Mr. HILBORN. All I know about that is that responsible contractors are ready to take the contract for doing it within that sum.

Mr. CANNON. If so, there is no necessity for this amendment. If it can not be, then there would be a necessity for it.

Mr. HILBORN. There is no necessity for leaving the words out.

Mr. CANNON. I would like to hear from some member of the River and Harbor Committee upon this matter.

Mr. BURTON. As I understand, this project was modified somewhat after the passage of the act in 1896. I also understand that the work as modified can be done within the limit of the appropriation provided by the act.

Mr. CANNON. The limit provided on the modified plan?

Mr. BURTON. The limit was not fixed according to the modified plan. The engineers on making an examination after the act was passed recommended some changes. In looking over the items I judge that the words "under the existing project" mean under the project provided for by the more recent recommendation of the engineers.

Mr. CANNON. What does the gentleman advise?

Mr. BURTON. A concurrence in the amendment.

The SPEAKER. The question is on the motion of the gentleman from California to recede and concur in the Senate amendment.

The motion was agreed to.

The next amendment was read, as follows:

Page 70, after line 3, insert:

For the purpose of carrying out the following provision of the river and harbor act of 1896: "For the construction of restraining barriers for the protection of the Sacramento and Feather rivers in California, \$250,000, such restraining barriers to be constructed under the direction of the Secretary of War in accordance with the recommendations of the California Débris Commission, pursuant to the provisions of, and for the purposes set forth in, section 25 of the act of the Congress of the United States, entitled 'An act to create the California Débris Commission and regulate hydraulic mining in the State of California,' approved March 1, 1893: *Provided*, That the Treasurer of the United States be, and he is hereby, authorized to receive from the State of California, through the debris commission of said State, or other officer thereunto duly authorized, any and all sums of money that have been, or may hereafter be, appropriated by said State for the purposes herein set forth. And said sums, when so received and hereby appropriated for the purposes above named, to be expended in the manner above provided," and for the further purpose of making available to the United States the appropriation, or any part thereof, made by the provisions of an act of the legislature of the State of California approved March 17, 1897, entitled "An act to amend an act entitled 'An act to provide for the appointment, duties, and compensation of a debris commissioner, and to make appropriation to be expended under his directions in the discharge of his duties as such commissioner, approved March 24, 1893,' and of said amended act, the Secretary of War is hereby authorized, in the preparation for and construction of the proposed works authorized and appropriated for by the aforesaid provisions, to enter into an agreement that the contractor shall look solely to the State of California for one-half of such expense, to be paid out of said State appropriation, and the United States shall in no manner be liable for said one-half."

Mr. CANNON. I move that the House insist on its disagreement to this amendment of the Senate.

Mr. DE VRIES rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California [Mr. DE VRIES]?

Mr. DE VRIES. I desire to move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. Does the gentleman desire to be heard on that proposition?

Mr. DE VRIES. Yes, sir.

Mr. CANNON. I yield the gentleman five minutes; and I want to say to the House to give attention to this matter, because, while it is not a river and harbor improvement, it is a question of very great importance.

Mr. DE VRIES. Mr. Speaker, I am unable to conceive any reason why there should be the least opposition to the proposition embraced in this amendment. The history of this proposition is short. In 1896 Congress determined to enter upon the improvement of the Sacramento River, California; and a part of the system of improvement determined upon was the construction of debris dams at the head waters of that river and its tributaries, particularly the Feather River. In accordance with that determination, Congress appropriated \$250,000 for the work of constructing debris dams, to be constructed in accordance with certain other Federal legislation named.

That appropriation was made in 1896. It is available for use for that purpose to-day, and has been so available since the appropriation was made. It was represented by the gentlemen who appeared at Washington in behalf of that appropriation that if it should be made, the State of California would meet Congress half way, and appropriate a similar sum for the same purpose. Those gentlemen returned to California, and the appropriation was made by the State in accordance with their promise. But upon investigation it was found that that appropriation, being directed to be paid into the Federal Treasury directly by the State act appropriating the same, could not be so paid under the constitution of California, and the act was held unconstitutional by the attorney-general of the State of California. Later on this sum

was reappropriated by the State legislature, the act directing it to be expended under direction of the State agents, as by the constitution of the State required, and is now so available.

Congress had previously provided for the receipt of this \$250,000 from the State of California by providing that it should be paid directly into the Federal Treasury. But it being found that it could not be so paid by reason of the constitutional difficulty under the constitution of California, it was necessary to determine upon some method by which this appropriation made by the State could be availed of for this purpose. Accordingly I addressed the Secretary of War, and the matter was laid before the Judge-Advocate-General, that he might decide upon some provision of law to be enacted by Congress, if possible, whereby the State of California could carry out the representations upon which said Federal appropriation was obtained and its desire in the matter, and in such a manner that might avail the Federal Government of the sum of \$250,000 now in the State treasury to meet the sum already in the Federal Treasury for the purpose contemplated.

The proposition embraced in this amendment is the result of that opinion. It has been prepared in accordance with the opinion of the Judge-Advocate-General of the War Department. It was submitted to him after it was prepared; and he approved of its provisions, declaring that it was the proper enactment to be passed in order that the money now in the treasury of the State of California could be availed of for this purpose. That is a statement of the history of the proposition.

The carrying into effect of this amendment will simply enable the Federal Treasury and the War Department to utilize the sum of \$250,000 now in the treasury of California, appropriated for the purpose of carrying out this project. It does not take a cent of money from the Federal Treasury. On the contrary, it puts \$250,000 into the Treasury. It does not hasten the expenditure of one cent of money now in the Federal Treasury; but on the contrary, it will delay the expenditure of that money by the use of the money in the treasury of the State of California.

The law as it stands does not require that the War Department should await any action on the part of the people of California. It does not require that this appropriation should be made by the State of California. In the natural course of events, therefore, the officers having charge of this improvement would proceed in accordance with the law and adopt plans for the work, and, when they come to let the contract, would let it in such a way that the money would be drawn from the Federal Treasury alone unless this amendment be carried into effect.

Mr. LOUD. Will my colleague allow me a question?

Mr. DE VRIES. Yes, sir; with pleasure.

Mr. LOUD. Is not this amendment simply a provision to permit the use of the \$250,000 appropriated by the State of California? Is not that just what this proposition resolves itself into?

Mr. DE VRIES. That is all. It does not take a cent out of the United States Treasury; it does not hasten the use of a cent in the United States Treasury; it does not affect the proceedings of the Government engineers in any degree. It simply enables the Government engineers when they come to pay for this work to call on the State of California for half of the money, instead of calling on the United States for the whole of it, and to this extent will reserve the funds in the Federal Treasury.

Mr. CANNON. Mr. Speaker, as I understand this matter (and I ask the attention of the gentleman from California), under legislation heretofore enacted in California there was a debris commission authorized, looking toward the improvement of rivers that had filled up with detritus from hydraulic mines—the Sacramento and Feather rivers. I understand that there was Federal legislation which committed the United States to the payment of one-half the amount necessary to clean out those rivers.

Mr. DE VRIES. Oh, no; legislation which committed it to the payment of the whole amount.

Mr. CANNON. Why, then, do the people of California want to pay half?

Mr. DE VRIES. Because they can get more work done.

Mr. CANNON. Well, I do not understand that. I have in my hand here the river and harbor act of 1896, which appropriates for improving Sacramento and Feather rivers and their tributaries, and authorizes the Secretary to appoint a board of three engineers to make surveys of said rivers and submit a plan for the improvement of said rivers and the navigation thereon, and to have charge of the work above recommended as appropriations are made therefor:

Said board may, under the direction of the Secretary of War, expend any balance now remaining to the credit of said rivers in the improvement of the same.

Then, for the construction of restraining barriers for the Sacramento and Feather rivers in California, \$250,000.

Mr. BARHAM. That is it.

Mr. CANNON. Such restraining barriers to be constructed under the direction of the Secretary of War in accordance with the recommendations of the California Débris Commission, pursuant to the provisions of, and for the purposes set forth in, section 25 of the act of Congress to regulate hydraulic mining in the State of California.

Mr. BARHAM. That is the Caminetti Act.

Mr. CANNON. Now, here comes the proviso:

Provided, That the Treasury of the United States be and is authorized to receive from the State of California, from the commission of said State or other officer thereunto duly authorized, any and all sums of money that have been or may hereafter be appropriated by said State for the purpose herein set forth; and said sums when so received are hereby appropriated for the purposes above named, to be expended in the manner above provided.

Mr. DE VRIES. Now, gentlemen will observe that the first commission mentioned in the act referred to which is to report plans is not the Débris Commission. It is a separate and distinct commission altogether, the functions of which are the improvement of the Sacramento River proper.

Two commissions are by the river and harbor act of 1896 provided for. The first is to prepare plans and submit them for improvement of the Sacramento River proper, known as the Sacramento River commission. The second is the California debris commission, which is not required to prepare and submit plans as a condition precedent, but into whose hands is placed \$250,000, to be expended in the construction of debris dams, and they are directed to proceed with the work. They are not required to submit any plans as a precedent duty; they are not required to make any further report as such, but the money is placed at their disposal and they are directed by Congress to proceed with the construction of the dams.

The work of this commission and that appropriation are not dependent upon any condition, but upon the contrary, in the expectancy that the gentlemen who made the representations on behalf of the State were justified in so doing, and that the State would carry out their promises, it is sought by the river and harbor act of 1896 to authorize the Federal Treasurer to receive any sums of money the State of California might thereafter appropriate to aid in carrying out this work. But it is not made a condition precedent to the carrying out of the work that the State of California shall appropriate it, or that it shall be made available by the State to the engineering department, nor is it so held by the War Department.

On the contrary, the War Department has proceeded to make investigations for and to prepare the necessary plans, and they are now upon the eve of the commencement of this work. This provision in the river and harbor act, however, has been found to be faulty in that our State, under its constitution, is not enabled to pay into the Federal Treasury in a lump sum the \$250,000 appropriated by the State, because it would be in violation of the constitution of the State of California. Consequently the only way in which the State can keep its good faith and make available to the United States the sum which it promised in case this other appropriation was made is to enact such a law as was done by the State legislature of 1897, providing these funds to be paid out under the State constitution and laws, which, in order to avail the United States Government of these funds, must be met by a provision of law such as is in this amendment here provided for, whereby, when the Secretary of War lets the contract for this work, he can require that the contractor shall not look solely to the Government of the United States for his pay, but shall look partly to the State of California; that is, for one-half of the sum.

There is no condition here that will hurry this work; that is, the amendment will not hasten the expenditure of a single dollar in the Federal Treasury. Upon the contrary, as I said before, it will enable the Federal Treasury to get an additional dollar for every dollar that it expends.

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. DE VRIES. Yes; certainly.

Mr. SAYERS. Do I understand the gentleman correctly in saying that the sole purpose of this amendment is to allow the Federal Government to avail itself of the appropriations already made and which may hereafter be made by the State of California?

Mr. DE VRIES. By the State of California; that is correct.

Mr. SAYERS. And no other purpose?

Mr. DE VRIES. No other purpose.

Mr. BARHAM. That is all.

Mr. SAYERS. Another question: In the event that this provision should fail, then do I understand the gentleman from California also to say that the Federal Government would still prosecute this work?

Mr. DE VRIES. Undoubtedly. It is doing it now at a time when the War Department holds this State fund is not available in that the State and Federal governments are not connected in this matter.

Mr. SAYERS. Under legislation already enacted?

Mr. DE VRIES. Already in existence.

Mr. SAYERS. And would of itself pay all of the expenses connected with the performance of the work?

Mr. DE VRIES. It would. That is the understanding of the War Department, under which it is now proceeding.

Mr. BARHAM. And could not make available this \$250,000 appropriated by the State of California.

Mr. DE VRIES. If we do not adopt this amendment, the Government of the United States will simply throw away the use of \$250,000 now in the treasury of the State of California which we are anxious they should devote to the construction of these dams.

Mr. SAYERS. Then I will ask the gentleman a third question, because I am very much impressed with his explanation of the amendment. What interest, then, has the Representative from California in attempting to secure the adoption of this amendment?

Mr. DE VRIES. Because we will get the result of the use of all of this money in a worthy and proper cause. If such were not beneficial to a large portion of our people, and proper, the State would not have appropriated it. It is a great work.

Mr. LOUD. We pledged ourselves to do it.

Mr. DE VRIES. We pledged ourselves to do it. We want to carry out our promise, and will get the benefit of the expenditure of all this money. The only difference is, if this amendment is not carried into effect we will not get so much work done with \$250,000 as we should with \$500,000.

Mr. HILBORN. There is \$250,000 in the treasury of the State of California to be used for that purpose.

Mr. CANNON. Let me ask the gentleman on that point. There was \$250,000 appropriated on the condition or with the limitation that I have just read, in the river and harbor act of 1896.

Mr. DE VRIES. I beg your pardon, it is neither a condition nor a limitation, nor is it so construed by the War Department. Upon the contrary, they are proceeding irrespective of whether or not this money in the treasury of the State of California is made available.

Mr. CANNON. Now, I will ask my friend whether that \$250,000 that was appropriated in 1896 has been expended?

Mr. DE VRIES. It has not.

Mr. CANNON. It is still unexpended? Now, why is it unexpended?

Mr. DE VRIES. Because they have been proceeding with the investigation of dam sites and the adoption of proper plans, and it is expected that proper plans will be submitted within a few weeks; we earnestly hope within a few days.

Mr. BARHAM. Plans and specifications have not been submitted yet. That is the reason.

Mr. DE VRIES. They have not been submitted yet.

Mr. SMITH of Arizona. Because it makes a difference whether the plans are to be made on the basis of an expenditure of \$500,000 or of \$250,000.

Mr. DE VRIES. Yes, possibly; though that is not the reason they have not as yet been submitted.

Mr. CANNON. Is there anything to prevent the State of California, if it wants to, from using its \$250,000 that the gentleman says is in the treasury for the improvement of these rivers?

Mr. DE VRIES. Why, certainly there is.

Mr. CANNON. What?

Mr. DE VRIES. It is a matter over which the Federal Government has assumed control. This appropriation by Congress is based upon its necessity for the improvement of the Sacramento, a navigable river, and is therefore of river and harbor jurisdiction.

Mr. BARHAM. And has taken control.

Mr. DE VRIES. And over which it has already assumed control; that is, Congress has assumed control of the subject-matter as one of Federal jurisdiction, which the gentleman knows excluded the State thereafter.

Mr. CANNON. This is not a contract work, as I see, in the act of 1896. No contracts were authorized. It is not under the contract system.

Mr. DE VRIES. No; it is not under the contract system.

Mr. CANNON. The gentleman says that the State of California promised to pay one-half of the cost of making these improvements. Where is the evidence of that promise?

Mr. DE VRIES. Oh, well, the act of the legislature of California in making the appropriation is the most substantial evidence of that promise, and is a ratification of all promises made by these gentlemen; and therefore concludes all inquiry on that subject.

Mr. CANNON. Well, now, if we make this appropriation of \$250,000 in this bill—

Mr. DE VRIES. I beg your pardon; there is no appropriation of \$250,000 for this purpose, or of any other sum, in this bill.

Mr. BARHAM. It does not make any appropriation. The appropriation is already made.

Mr. DE VRIES. It does not appropriate a cent.

Mr. BARHAM. It is already made.

Mr. DE VRIES. Made in 1896.

Mr. CANNON. Very well. Now you want this legislation touching the appropriation made in the act of 1896?

Mr. DE VRIES. It does not affect that appropriation one iota;

it affects and makes available the State appropriation only—does not affect the Federal appropriation.

Mr. CANNON. Then what is the use of it?

Mr. DE VRIES. It enables the Federal Government to use the money in the treasury in the State of California to-day, and it does not affect this appropriation one iota.

Mr. BARHAM. This is to make available the \$250,000 which has been contributed by the State of California, and which can not be used without this enabling act.

Mr. CANNON. Then it is an enabling act, as the gentleman says, and as the California delegation seems to agree, and these words are legislation that will enable California to do this at her discretion?

Mr. HILBORN. There is no discretion about it.

Mr. CANNON. There is nothing compulsory.

Mr. HILBORN. The money has been specially appropriated, and is lying in the treasury of the State.

Mr. CANNON. But the Attorney-General has held it can not be used.

Mr. HILBORN. It can not be turned over until the United States does the same. This straightens out the proposition.

Mr. SAYERS. Mr. Speaker, it seems to me from the statement made by the gentleman from California [Mr. DE VRIES], that if the amendment be concurred in no harm can come to the Federal Government. Even if the State of California should refuse to pay the \$250,000 that is already appropriated for this purpose it will not put the Federal Government in a worse position.

Mr. DE VRIES. Why, certainly not.

Mr. MAGUIRE. Let me make a statement with reference to that legislation. California, through her legislature, desiring to have this scheme of improvement, involving an expenditure of \$500,000, carried out, passed an act appropriating \$250,000 to be used for this purpose whenever a similar appropriation should be made by the Federal Government to carry out the work. The Federal Government has attempted to avail itself of that California appropriation, but under the limitations imposed upon the War Department on the one hand and imposed upon the legislature of the State of California by its constitution on the other, there has been a failure to make the fund available for the work.

Mr. HILBORN. A deadlock.

Mr. MAGUIRE. A deadlock. Now, the proposition here is to make that fund available for the scheme of improvement provided for in the river and harbor act of 1896. In the payment of that \$250,000 by the State the State is paying one-half of the expense of improving a navigable river that would otherwise be improved, under the general practice, by the Government of the United States out of its own funds alone. California is interested in having the improvement made, made speedily, and it made an offer to pay half of the expense. That offer was sanctioned by the legislature and made to the Federal Government by the legislature of California. The representatives of California came here, went before the committee, came before the House of Representatives and before the Senate, pledging the amount of \$250,000 out of the treasury of California to carry out this plan of improvement whenever the Government of the United States would provide for the other half; and this act, this amendment, is intended only to make effective the effort made by the last Congress to carry out that general purpose.

Mr. CANNON. Now, then, what would my friend say, if California is willing to do this, and not only willing, but is bound to do it, and without any power in Congress to compel it to do it, and it does not do it; what objection would there be to agreeing to this amendment with an amendment that this expenditure of \$250,000 should not be made out of the Federal Treasury until a contract was entered into that California should give its \$250,000?

Mr. DE VRIES. That would simply create an unnecessary embarrassment. The money has been appropriated by the State, which is more anxious to enter into a contract than the General Government is.

Mr. CANNON. Then it will do no harm if this goes back to conference with the understanding that such a provision, aptly drawn, shall go into the act as agreed upon.

Mr. DE VRIES. But the gentleman does not seem to comprehend that that would tie the hands of the War Department in doing the work that they are doing.

Mr. CANNON. The War Department is not expending any of this money.

Mr. DE VRIES. But it will at an early day. I do not think there is any evidence of lack of good faith on the part of California. We have appropriated the money and the money has been lying there for two years, under different State acts, for this particular improvement. And not only that, but for improving the Lower Sacramento River, which is a part of the complete system of this improvement, the State of California has, in advance of Congress, made appropriation of \$300,000, that is waiting the appropriation on the part of Congress of a similar sum to meet the

same. No imputation shall be cast upon our State in these matters, for she has repeatedly and consistently done not only her share of public improvement, but also borne a large proportion of the burdens which a tardy Congress made necessary.

Mr. CANNON. I will take the gentleman at his word, because I have not access to the California statutes. It is not part of the business of the Appropriations Committee to study these matters. This is put on here by force in a Senate amendment, and your conferees have to deal with matters over which they have no jurisdiction. We have to catch up knowledge of it just as we are catching it now. Now, then, taking the gentleman at his word, and I have no doubt of the good faith and correctness of his statement, then it can do no possible harm for this provision to go back to conference, and the conferees, availing themselves of the technical knowledge of the gentleman, can work out such a modification that will assure, without embarrassment to this work, the expenditure of the \$250,000 from the California State treasury in similar work, and to have it done when it can be done under contract.

Mr. DE VRIES and Mr. MAGUIRE. It can not be done.

Mr. SAYERS. If the gentleman's proposition should be accepted, then we are met with the very trouble that first confronted us.

Mr. DE VRIES. That is it exactly. I can not accept that proposition.

Mr. SAYERS. For the reason that it is impossible for California, as I understand it, by reason of her constitution, to pay into the Federal Treasury the \$250,000 already appropriated.

Mr. DE VRIES. They can not contract to pay it into the Treasury in a direct manner because of a similar constitutional inhibition to that which was encountered in the first instance. The constitutional provision inhibiting the act would inhibit any contract seeking the performance of that act.

Mr. CANNON. Can not California make this contract?

Mr. DE VRIES. To pay its one-half to the Federal Government?

Mr. CANNON. Can not California make a contract to expend its own money?

Mr. DE VRIES. Certainly.

Mr. CANNON. My friend says that is what it provides; but suppose the State of California does not assent to this contract?

Mr. MANN. Then no contract can be made.

Mr. MAGUIRE. How can this Government be injured by that failure?

Mr. SAYERS. Let me suggest to the gentleman from Illinois—I think I understand what he is driving at—that after the word “authorized,” in line 18, page 109, he insert the words “and directed;” so that it will read: “The Secretary of War is hereby authorized and directed.”

Mr. CANNON. I think that would help it, but I suggest to the gentleman from California and the gentleman from Texas that, with everybody seeming to desire the same object, now that we come to have some understanding of it, if this same legislation is to go on, we had better send it back to conference, and then the gentleman can have his hearing and see if we can not frame language that will accomplish what everybody seems to desire.

Mr. DE VRIES. The language of this amendment has been worked over by the law officers of the Government for the past year. They have studied carefully all the statutes of California relating to this subject. They have studied carefully all the Federal statutes relating to the subject. I have devoted much time and study to all its various phases and the law relating thereto, and am therefore positive of the ground we stand upon in this amendment. The law officers of the War Department after such research have advised this particular amendment. After it was drafted it was submitted to them again and they approved of it, and I think it would not be capable of much improvement in the limited time the conferees have at their disposal. In this amendment we have accomplished the final solution of the most vexing question that ever disturbed the people of our State. After much damage to property interests upon both sides of the controversy, after much long and expensive litigation, after many legislative attempts, the solution of this problem is in sight.

Commencing with the Biggs Commission in 1898, followed by the Caminetti law later on, and that by the provisions of the river and harbor act of 1896 and the various State acts mentioned, harmony has been brought out of chaos. The farmer and the miner have been united upon this plan, and it only remains to bring together, as is done by this amendment, in the consummation of this work, the State and nation in the performance of their respective shares of the work and enabling the same to proceed. As it reads, it now has the stamp of approval of its final judge, the War Department, and therefore can not fail. It means peace and prosperity, union and happiness, to two great and worthy interests of California, the farming and mining interests; and being so approved and certain of accomplishing the last necessity of this great work, I can not consent to any change in its verbiage. We

know we have a certainty here, we prefer not to risk an experiment, and I shall therefore ask a vote upon the amendment as it stands.

Mr. CANNON. As this bill must go back to conference, it can not do any harm for us to look into the matter further. I have no desire to defeat this provision in the line of what gentlemen desire, but I want to understand it, and I want to see if there can not be some security given that California will spend its money, and therefore I ask the House to send it back to conference, and then the gentleman can have a hearing and I think the matter can be got into shape.

Mr. DE VRIES. I want to say that the Federal Government can never become liable for any more than one-half of this work by reason of the terms of this act, for under the very language of this amendment it limits the liability of the Federal Government under any contract entered into under the same. It says “the United States shall in no manner be liable for said one-half,” meaning the one-half to be paid by the State of California.

Mr. CANNON. Precisely. But suppose the State of California, through its officers, refuses. Then the Government of the United States will have expended its \$250,000, and meanwhile they will have a river half cleaned out and California will have her money.

Mr. MORRIS. But the contractor who takes the contract will do the work and look to the State of California.

Mr. CANNON. Suppose California will not allow herself to be looked to. What I ask is this: Here is a river and harbor provision, or rather a debris provision to clean out a river, of doubtful propriety in the beginning, but nevertheless to which the Government seems to be committed, which is forced in here against the House rules by a Senate amendment. Now, then, as we are compelled to act on the best information we can get—and the floor of the House is a poor place to get it—I ask that the House disagree to this amendment and let it go back to conference and that the item be further looked into.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. DE VRIES] that the House recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 86, noes 80.

So the Senate amendment was concurred in.

On motion of Mr. DE VRIES, a motion to reconsider the vote whereby the amendment was concurred in was laid on the table. The Clerk read the one hundred and eighty-sixth amendment, as follows:

Improving Yaquina Bay, Oregon: For continuing improvement, \$100,000.

Mr. CANNON. Mr. Speaker, I make the formal motion that the House further insist upon its disagreement to the Senate amendment.

Mr. TONGUE. Mr. Speaker, I move that the House recede and concur in the Senate amendment. The river and harbor act of 1896 authorized the Secretary to make an improvement at the Yaquina Bay, Oregon, under the continuous-contract system. At the time this bill was being drawn the Secretary had not taken any action under that authority. About that time the Secretary of War requested the local officers to prepare specifications for a continuance of the improvement. The specifications were prepared, and on the 9th of last month they were approved by the Secretary and have been forwarded to the local officers having charge of the work with the direction to advertise for bids. No money is available and the Secretary of War requested \$150,000. The Senate inserted an amendment appropriating \$100,000. I hope there will be no objection to concurring in the Senate amendment.

Mr. CANNON. Steps have been taken, as I understand the gentleman, to let this contract.

Mr. TONGUE. Specifications have been approved and the officers directed to advertise for bids to let the contract, and I presume that has been done.

Mr. DOCKERY rose.

Mr. CANNON. Does the gentleman from Missouri desire some time?

Mr. DOCKERY. I do.

Mr. CANNON. I will yield to the gentleman from Missouri.

Mr. DOCKERY. Mr. Speaker, I am not feeling very well this morning, but I would like the attention of the House for a few minutes. This scheme involves an expenditure of \$1,025,000, and if there is any member of the River and Harbor Committee willing to stand in his place here and defend it, I would like to have him do so now, and the gentleman from Illinois, the chairman of the Committee on Appropriations, will yield him the time. This scheme was defeated in this House on the 20th day of February last by a vote of 76 to 36. After an exhaustive discussion, it was voted down by yeas 36 and nays 76. It is not a new matter; but if it was, I would be glad, if my judgment would at all admit, to favor it, because of the persistent and able advocacy of the scheme by the gentleman from Oregon [Mr. TONGUE].

But this is an old controversy that comes down from 1896. I

will not say how it appeared in the river and harbor bill of that year. The gentleman from Oregon does not know about this, because he was not here then; at least I assume he does not know. The less said about the manner of its appearance in that bill the better. I will not enter into the details of the transaction.

Mr. LOUD. The result was not accomplished, however.

Mr. DOCKERY. The result was not accomplished, as suggested by my friend from California. There was a failure of consideration.

Now, I am almost willing to say that I shall not make any further appeal to the House during this session for a reduction of expenses if we can save to the Treasury this sum of \$1,025,000. If this proposition can be defeated, I believe I will agree to hold my peace during the remainder of the session. I am opposed to it simply because the engineers conversant with the matter—every one of them—say that it is an engineering impossibility to accomplish this work with the expenditure of any amount of money.

Now, who says that? And I shall be through in about five minutes. The local engineer says this:

In my opinion, it is beyond the power of man to make it into a harbor of sufficient capacity for deep-draft ships engaged in foreign commerce, or, in fact, to give this entrance a bar channel depth appreciably greater than now existing.

That is the conclusion of the local engineer under the date of January 1, 1895; and he sets out in detail the reasons upon which that conclusion rests.

Mr. TONGUE. Who is that local engineer? Will the gentleman give us his name?

Mr. DOCKERY. Thomas W. Symons. The gentleman should be very familiar with the name, because he assumed in the former discussion to impeach the local engineer on the ground, as then stated, that he had interests elsewhere. The gentleman now asks me who this engineer is. Let me say to the gentleman that he is an engineer officer of the United States; and I ask some satisfactory testimony when any man—I care not how distinguished he may be—undertakes before this House to impeach the integrity of that great body of public servants.

Let me say to the gentleman from Oregon that, if I recollect aright, these engineer officers, from the foundation of the Government, have disbursed the money of the people, and they are the only disbursing officers of whom a bond is not required. Their commissions, in the contemplation of the law, have always been considered the equivalent of a bond, so exalted has been their character for integrity. And, so far as I can remember, but one engineer officer during my public career has been under the slightest suspicion.

What does the division engineer say? The division engineer, in forwarding this report, says:

This improvement is not regarded as worthy to be undertaken by the General Government.

That is the opinion of the division engineer. Now, who else says anything about this report? In transmitting it, that splendid old man, General Casey, adds his judgment. The gentleman from Illinois [Mr. CANNON] knows who General Casey was; the gentleman from Texas, my friend Governor SAYERS, as well as the Speaker of the House, and all the old members, know who Gen. Thomas L. Casey was. He died after having completed our great Library building within the limit of the estimate—a feat almost without precedent in the history of the construction of public buildings.

The last time I met that sturdy old officer, in the room of the Committee on Appropriations, he was all aglow with pleasure in anticipation of the historic occasion he was expecting to enjoy when Congress should formally open the Library building. But he was stricken down by apoplexy, as gentlemen will remember, shortly after completing the building and before its occupancy.

What does General Casey say? I have no personal knowledge of this matter. It is purely a scientific question. I know that the local engineer condemns the work and says it is an engineering impossibility. The division engineer concurs, and says that the bay is unworthy of improvement; and General Casey adds:

It is the opinion of Captain Symons and of Col. G. H. Mendell, Corps of Engineers, the division engineer, that this locality (Yaquina Bay) is not worthy of further improvement by the General Government. And in this opinion I concur.

Mr. Speaker, if there is an old member here who is willing to question the scientific attainments of General Casey, I should be glad to yield him time to do so now. I know there is no old member who would impeach his surpassing capacity. He was one of the officers of this Government who always faithfully, ably, and economically disbursed the money of the people.

Following that report, a board was appointed, consisting of Lieutenant-Colonel Stickney, Major Post, and Major Sears, who examined this harbor. The work was done under the authority of a provision put on the sundry civil bill by the Senate. The board in making its report estimated the cost of the improvement,

but challenged our attention to the fact that the law under which they operated absolutely forbade them from expressing any opinion as to the propriety of the work. Here is what the board said:

The board received no instructions other than the above, and it desires to invite particular attention to the wording of the law.

That reference was to the Oregon amendment coming from the Senate, under which they were restricted. Continuing, the board says:

It will be observed that the board is not called upon to express any opinion as to whether the further permanent deepening of the water on the bar is practicable, or, if practicable, whether the commerce of the port, present or prospective, will justify a further expenditure.

The board is of the opinion that if any further deepening of this bar can be made, it will be only by prolonging the present jetties.

Mr. Speaker, I demonstrated in the former debate, which occupied three hours, that this bay has practically no commerce; and the gentleman from Oregon admitted it. And yet we are asked in a time like this to incur a liability of \$1,025,000—that is the estimated cost—for a project which the local engineer says is an impossibility, which the division engineer says is an impossibility—both opinions concurred in by General Casey, late Chief of Engineers. Sir, this is a useless, indefensible waste of the public money; and I trust the House will not agree to the Senate amendment. [Applause.]

Mr. CANNON. Mr. Speaker, I want to say a word or two about this matter, and then I will yield for a reasonable time to the gentleman from Oregon who makes the motion that the House recede from its disagreement.

This improvement was provided for in the river and harbor bill of 1896. That bill broke the record. It involved appropriations of sixty to seventy million dollars. We are not done paying the expenditures thus authorized, and we shall not be for three years to come.

It not only appropriated in round numbers \$15,000,000, but it authorized contract work for somewhere from sixty to seventy million dollars. Many of its authorizations were good. Take Oakland Harbor, in California. Take Wilmington, which you cured this morning. Take the improvements on the Great Lakes. Take certain improvements in New York Harbor, and so on. Now, amongst the good, amongst the sound grain, there was a good deal of chaff, and amongst other things that if I had had my way would not have gone in there was the authorization for the improvement of Yaquina Bay, in round numbers not to exceed a million dollars. Then there was that river down in North Carolina or South Carolina or Georgia that I can not locate, Winyah Bay, the special *bête noire* of the gentleman from North Carolina [Mr. PEARSON], which he denounces as a fraud, and which I rather think was a fraud, because I have never heard it contradicted.

That was put under the contract system, if I recollect aright. Then there were lots of other matters, one in which I recollect the gentleman from Kentucky was interested, the Kentucky River, to cost God knows how much to make those dams. At this session, against my protest and against my determined opposition, it being forced upon us by a Senate amendment on one of these bills, we broke the limit on the Kentucky River, the money in my judgment being worse than thrown away. Now, unfortunately, while Yaquina Bay never ought to have been in this bill, it is no more wicked than probably a dozen or twenty other things that were in the act of 1896.

I have never brought any partisanship into the consideration of appropriation bills; but I notice that when it came to break the limit on the Kentucky River that side of the House was substantially solid, and was reinforced by enough of this side of the House who thought they have "pork" in that bill of 1896, or some other bill, or hope to have it, so that they were able to run over me. I was in the vocative, I was in the very large minority.

Mr. BALL. I will ask the gentleman if this side of the House did not also vote unanimously to give \$300,000 to the Cleveland Harbor?

Mr. CANNON. Oh, Cleveland Harbor is a great harbor, a great city with a great commerce, a commerce that is larger than that of the harbor of Liverpool. Yaquina Bay is no great harbor. The Kentucky River is not to be a great highway of commerce. Winyah Bay is not to be a great harbor. And so I might go on. I am only posting books a little bit. Now, I am willing that Yaquina Bay should go to the wall. I voted to send it to the wall, and I stand ready to vote again to send it to the wall; but, after all, I like to post books a little bit.

Mr. BALL. Mr. Speaker, will the gentleman from Illinois allow me one moment?

Mr. CANNON. Certainly.

Mr. BALL. So long as the gentleman has brought an unjust and unfounded charge, I will ask him if he does not know that the Kentucky River had already been put under the contract system, and that the Government was obliged to carry on that work?

Mr. CANNON. The Kentucky River?

Mr. BALL. Yes; the Kentucky River.

Mr. CANNON. The Kentucky River was put under the contract system with a limitation which rendered it impossible to carry on the work. During this Congress that limitation was broken by an amendment upon an appropriation bill that we could not get rid of on a point of order. Now, how about Yaquina Bay? Yaquina Bay is under the contract system by the act of 1896, with a limitation of a million dollars. Nobody is asking to break the limit there. It was improper ever to have been authorized, but there it is.

Mr. BALL. Do I understand the gentleman to say that the contract has been let?

Mr. CANNON. No; as I am informed—and I have verified the statement as far as I could and am satisfied that it is true—the contract has been ordered, but the contract for the Kentucky River had not been let and could not be under the law without additional legislation.

Mr. BALL. I say the gentleman is mistaken.

Mr. CANNON. Oh, I think I am not mistaken. The gentleman from Kentucky [Mr. BERRY], if he is here, understands this.

Mr. DOCKERY. Will my friend from Illinois tell us when this contract was authorized to be made?

Mr. CANNON. The contract, as I have been informed by the gentleman from Oregon, was ordered to be let a month or two ago.

Mr. BALL. Bids have never been received.

Mr. CANNON. Oh, for Yaquina Bay?

Mr. BALL. Yes.

Mr. CANNON. Well, that may be so, but I say it was authorized, and, as I am reliably informed, the contract has been ordered. Well, now, unless we repeal the law, some time or other we shall have to appropriate that money. I suspect that is true. Now, when these matters are forced upon appropriation bills by Senate amendments, against the Senate rules and against the House policy, I want to do as nearly right as I know how, and while I am against Yaquina Bay, I was no more heartily against it than I was against Winyah Bay and the Kentucky River and lots of other projects that I might point out.

Mr. ELLIOTT. I ask the gentleman to yield to me a minute or two before he gets through.

Mr. CANNON. With very great pleasure, I will in a moment. Now, so far as I am concerned, I am quite content that the House should take this thing and deal with it. I say again, I have always tried to be nonpartisan in matters upon appropriation bills. I have had the cooperation of many gentlemen on the other side in Democratic Congresses and in Republican Congresses, notably of the gentleman from Texas [Mr. SAYERS], the gentleman from Missouri [Mr. DOCKERY], and many others. But nonpartisanship as we seek to be, once in a while we get run over by partisanship on that side or partisanship on this side, as the case may be.

Now, Yaquina Bay ought never to have been authorized, in my judgment, and all I aim to say, in simple justice to my colleague upon this side of the House, and to everybody, is that I do not know that it takes the curse off of Yaquina Bay, but it has got lots of bad company.

Now, so far as I am concerned, I have said all I want to say about it, and I will yield to the gentleman from South Carolina [Mr. ELLIOTT] five minutes.

Mr. ELLIOTT. Mr. Speaker, if the discretion of the gentleman from Illinois [Mr. CANNON] was equal to his zeal, he would be much more successful in motions of this sort.

Mr. CANNON. I thank my friend. I will give him ten minutes now if he wants it. [Laughter.]

Mr. ELLIOTT. I shall be done with you before I have occupied five minutes.

When the gentleman from Illinois [Mr. CANNON] took the floor against the motion of the gentleman from Oregon, the motion of the gentleman from Oregon was without doubt already doomed to defeat. After the harangue he has made against it, in which he has seen fit to make reckless statements about other projects, I have very grave doubts as to what the result of the motion will be. There never was a more unauthorized, reckless, unfounded, and, without any disrespect to the gentleman, untruthful statement than the gentleman from Illinois has made about Winyah Bay.

Mr. CANNON. Well, if my friend will allow me, I will refer him to the gentleman who represents in part the North State, the Hon. Mr. PEARSON.

Mr. ELLIOTT. Who knows just about as much about it as you do, and I can say nothing more forcible than that to illustrate the extent of his knowledge. [Laughter.] There never was a project put under the contract system that reflected more credit on the intelligence of Congress than when Winyah Bay was put under that system. Why? Because it was a place that, while having great natural advantages, did not include in its neighborhood any very large city that could bring great influence to bear upon Congress.

The fact is that into Winyah Bay there flow 900 miles of navi-

gable water from the States of South and North Carolina that have never been improved. That is, the harbor has never been improved. At the best of tides there are only about 12 feet of water on the bar, and these 900 or 1,000 miles of navigable rivers have been rendered entirely useless to commerce because of this obstruction. The waters that flow into that bay drain two-thirds of the area of South Carolina and one-sixth of the area of North Carolina. There never was a more worthy piece of legislation enacted than the putting of that project under the continuous contract system. Of course it goes without saying that there has been no great development of commerce there, because there has been no opportunity for it, but when this contract has progressed sufficiently far the wisdom of Congress will be amply vindicated in having legislated in the interest of this harbor.

I do not care to detain the House any longer. The matter was fully presented to the proper committees. The legislation was put on in the Senate, was passed upon by the House, and every word that the gentleman from Illinois [Mr. CANNON] has seen fit to say about that project is utterly without foundation. I remember the remarks of the gentleman from North Carolina [Mr. PEARSON]. He has nothing to do with that section of the country. He lives up in the mountains and knows nothing about such matters, and why he should have made the reckless statements that he did passes my comprehension. That really is the only excuse the gentleman from Illinois [Mr. CANNON] has.

Mr. PEARSON. Will the gentleman pardon me? I am listening with a great deal of interest to what the gentleman says. If he looks back to the RECORD he will find that I simply gave figures showing the amount of the appropriation and showing the receipts there; and with your permission let me say this: It is not that particular item to which I was opposed, it was not from any lack of regard for the gentleman and his people, but because the appropriation was for the mouth of the river on which I was born, to be expended among my own people, that I tried to strike out an appropriation which I thought to be unworthy, because, like the strands of a rope, each one of these same items was weak in itself, but when tied and twisted together they became too strong for the House to break the combination.

Mr. ELLIOTT. The gentleman will not say that the project was not a worthy one.

Mr. PEARSON. That is my honest judgment; when the receipts are \$12 a year and the appropriation \$400,000.

Mr. ELLIOTT. It was put under the contract system for improvement in order that the commerce and the receipts may be made greater. The gentleman should not assert that that is an unworthy project. He is not familiar with the conditions. Does he know that there are 1,000 or 1,200 miles of navigable waters flowing into Winyah Bay?

Mr. PEARSON. I am not sure about there being a thousand miles of navigable waters flowing into that bay, but I do know that only about \$12 is flowing from that bay into the Treasury.

Mr. ELLIOTT. Of course nothing more went into the Treasury, because the entrance was blocked, and we desire the removal of the obstruction so that the farmers of that section—some of your constituents, possibly—may derive the benefit of this improvement. Now, I want to emphasize the statement that this is one of the most worthy projects ever put under the contract system, because it is intended to benefit the great farming classes who live along these rivers by enabling them to get their products more cheaply to market.

Mr. GROSVENOR. Mr. Speaker—

Mr. CANNON. I do not want to be taken off the floor; but I will yield to the gentleman.

Mr. GROSVENOR. Has the gentleman got all this floor?

Mr. CANNON. I have got it for an hour on this proposition. I yield to the gentleman such time as he wants.

Mr. GROSVENOR. I do not object to the gentleman having it.

Mr. CANNON. Otherwise I could not keep control of my bill.

Mr. GROSVENOR. I want about five minutes.

Mr. CANNON. I will give you five or ten minutes.

Mr. GROSVENOR. I have no disposition to enter into a discussion of the propriety or nonpropriety of improving Winyah Bay. I have already expressed my opinion upon that, and I believe it is a proper subject of improvement. The statement of my friend from Missouri that there is no traffic in the river, even while it may be borne out by the present condition of things, is not one of much force when you take into consideration that the obstruction at the mouth of that river prevents navigation; and it is for the purpose of getting into the river that this appropriation is sought. The same would be true of San Diego Harbor today. It could be safely said there was no traffic in the river because of the obstruction in the mouth of it. But that is not what I wish to speak about.

In the indiscriminate falling upon what has been called the offensive appropriations the gentleman from Illinois [Mr. CANNON] has seen fit to assail Kentucky River. Now, I had something to do with a very careful and very exhaustive examination of that

river and everything connected with it, and I accompanied a party which had with it one of the most efficient engineers of the United States Army; and I think it is a very peculiar situation with the learning that we have had upon both sides of the House. In the first place, every word of that eulogium upon the United States Corps of Engineers by the distinguished gentleman from Missouri was just and proper and I hereby indorse it, and, with his leave, I appropriate to my own purpose every word of it, as though I had originally stated it myself. I will attach it to my remarks as "Exhibit A" and make it a part thereof. [Laughter.]

Now, in 1879 the Chief of the Board of Engineers recommended an improvement of the Kentucky River—nearly twenty years ago—and from that day to this there never has been a dollar appropriated that was not done by the concurrence of the judgment of the local engineer, the intermediate engineer, and the Chief of Engineers; and prominently among those who have recommended the increased and enlarged improvement of the Kentucky River was this same gentleman—I cordially join my friend in what he has said about him—General Casey, one of the best engineers and one of the best administrative engineers this Government ever had.

Now, then, from that time on this improvement has been developed. It is a river extending from the Ohio River, from the connections with the Mississippi and Missouri, up into one of, I do not know but what I would be justified in saying, the greatest bituminous coal fields in the world. Step by step locks have been placed in the river, and navigation has been extended along that river. I hold in my hand a report of the development of the commerce upon that river in the Engineer's Report for the current year, in which it appears that there are some thirty-odd steamboats plying upon that river, and the traffic on the river and the property carried on that stream amounted to 250,000 tons of freight.

And that, too, in the unfinished condition of the river, and that, too, when it is penetrating a country in which the river becomes the immediate competitor with a complicated system of railroad traffic. The very highest object of river and harbor improvement was thus obtained in the Kentucky River, for the improvement goes clear up to the Southern Railroad, and it is proposed to go above that and carry freight in competition with the railroad out of that teeming, magnificent valley.

Mr. DOCKERY. I desire to call attention to the fact that the gentleman from Oregon, on the 25th of February last, made this admission: "I do not contend that under the present circumstances there is much valuable commerce going through Yaquina Bay."

Mr. GROSVENOR. That is true, and for the reason I have indicated. I do not care to assail the position of the gentleman from Missouri [Mr. DOCKERY], but I did feel some little desire to defend the improvement of the Kentucky River, for I believe it is one of a character of improvements that is justified under our system of improvement, and I am quite sure that the gentleman from Illinois [Mr. CANNON], if he will go to the mouth of that river and take a steamboat and travel as I have done, up as far as the Southern Railroad bridge, and then go on above there, he will retract very much that he has said on that subject. I believe it is one of the best improvements of any river in the whole United States of America.

Mr. BERRY rose.

Mr. CANNON. Does the gentleman from Kentucky wish to address the House?

Mr. BERRY. I do.

Mr. CANNON. I will yield two minutes to the gentleman from Kentucky, and then I want to get on with the bill.

Mr. BERRY. Mr. Speaker, in my absence the chief river of my State has been under consideration on an appropriation bill. I want to say that, differing from most improvements in which the Government has invested money, the State of Kentucky has expended on this river over \$3,000,000, having built the first four locks and dams and cleaned out the body of the river for nearly 100 miles above that before she turned it over to the United States Government.

The State of Kentucky took from her own treasury during the years from 1845 to 1850 something like \$6,000,000 for improving the streams of the State. More than \$3,000,000 of that amount was placed on the Kentucky River, because it was considered the best river for improvement in the State, reaching, as it does, from the Ohio water straight back to the Cumberland Mountains and almost bisecting the State. The amount of commerce on the river can not be measured by what it will be when it is completed, because near the three forks of the Kentucky River there is almost unlimited amounts of coal and iron and the best of timber now left in the United States, consisting of oak and poplar and that class of timber which grows in the Western country.

Now, then, the appropriations have been made from time to time until two years ago under the river and harbor bill the Kentucky River was placed under the contract system, and this

\$350,000 in this bill contemplates the construction of two locks and dams, which brings the navigable portion of the river nearly to the coal fields. There are 137 miles of slack-water navigation. Now, we did not come here until the State had indorsed this project. It is the only stream in Kentucky—the body of it—that is capable of improvement. It runs through a rich country, along the banks of which are the richest and most fruitful lands in the State of Kentucky, while at the head waters are unlimited amounts of minerals which, when the improvement is completed, will give the people of Kentucky cheaper fuel than they ever had before. Besides that, the principle upon which the river is improved is to lessen the transportation by rail in the country.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. BERRY. I would like two minutes more.

Mr. CANNON. I will yield the gentleman two minutes more.

Mr. BERRY. Formerly it cost them to haul the coal to Frankfort, the capital of the State, about 5 cents a bushel. Under this improved system we can haul it by barge loads and float it up to the wharf for 1 cent a bushel, saving to the people of the county more than the entire State and county tax. I think that is enough to show to the House that the improvement is one worthy of indorsement, and it having been improved by the State and placed under the contract system, it having been fought out in Committee of the Whole, I hoped the chairman of the Committee on Appropriations would not have alluded to the subject in my absence.

Mr. CANNON. Well, I do not take much advantage of people in their absence. I did not know that the gentleman was absent when I referred to the matter. I referred to it simply to give my opinion, which I then held, and hold now. I referred to it for the purpose of saying that since the river and harbor act it had "busted the limit."

Mr. TONGUE. Mr. Speaker, I would like the attention of the House, first, to answer the question by the gentleman from Kansas why since the election I want this amendment. I want it as much after election as before, because it is just, because it is right, because there is no expenditure asked for before this Congress that will confer so much benefit upon the producing classes of any State as this will confer upon the agricultural classes of Oregon. This improvement, if carried out, means a saving to western Oregon of more than the entire cost of this improvement every year. That is why I desire and insist on this amendment.

Now, in reply to the gentleman from Missouri [Mr. DOCKERY], I am unable to understand why this project is singled out for attack. No other item has been singled out and its advocates asked to go back and defend the previous legislation of Congress upon the subject. Congress, after due consideration, after receiving the report of the Corps of Engineers, decided that this project was worthy of improvement, and authorized the Secretary of War to make a contract, and it seems rather late now to ask us to go back and justify the previous act of Congress. Now, one word in reference to that. The improvement in the Yaquina Bay began as far back as 1880. Appropriations were made under both Democratic and Republican Congresses from year to year for that purpose for several years.

Several of these sums were expended under the direction of Captain Symons. Until about 1895 no word of objection was ever heard from that gentleman as to the advisability of this improvement. As late as 1896, in addition to other recommendations, Captain Symons made this statement:

The bar depth of 11 feet at low water, reported the previous year, was materially increased.

The amount expended prior to June 30, 1893, was \$600,849.34. As a result the condition of the entrance was very satisfactory, there being a minimum depth over the bar of 14 feet at low water. Trouble was threatened, however, by the formation of a bar inside the entrance.

Up to that time there was no word from Captain Symons of the effect that this improvement could not be made or that it was not a worthy improvement. He was expending this money and reporting from year to year the progress of the work and giving the improvement his sanction. I am not going to attack Captain Symons, but I say that about that time he became interested in another harbor and another bay some hundred miles from there. Then the tone of his reports began to change.

Congress, after receiving the reports read by the gentleman from Missouri, passed a law whereby a commission was appointed to ascertain and determine whether Captain Symons's opinions upon that subject were correct or not. Captain Symons had some peculiar ideas of his own with reference to the currents that were passing by the mouth of that harbor. He was beginning to report that after the jetties were formed the currents were not sufficient to take out the debris, and that the countercurrents were interfering and stopping it. This board of engineers went on and remained there for a considerable length of time. They made careful examination. They examined the currents and the tides and the winds; and they deliberately made their report, saying that the bay could be improved and 19 feet of water could be obtained at the mouth of that bar.

Acting upon that report, Congress passed the act of 1896, authorizing the Secretary of War to let this contract, the cost of the work not to exceed \$1,000,000. The Secretary of War failed for some time to act upon that authority. After that act was passed, however, the Chief of Engineers—I am not sure whether it was General Wilson or General Casey—upon a report to the Secretary of War made this recommendation:

There is no engineering reason why this work should not proceed, and it is therefore recommended that the project presented be approved and that contracts be entered into for the completion of the work in accordance with the law and the regulations of the Department.

That was the recommendation of the Chief of Engineers in the report which was sent to the Senate. Acting upon that, General Alger has authorized this contract to be let. The War Department sent to this Congress a request to appropriate \$150,000. In February last they telegraphed to the engineers to draw specifications for the improvements. The specifications were drawn and forwarded to the Secretary of War; and on the 9th of this month they were forwarded to Oregon with instructions to advertise and let the contracts.

Now, will Congress support the Administration; will it second the action of the Secretary of War; will it appropriate the money to carry out the contract it authorized and directed him to let? After due deliberation and careful consideration this Congress, acting upon the report of competent engineers, said that this locality was worthy of improvement and authorized the contract to be let. The contracts are being let. And the question is now whether Congress is going to act in good faith or not.

Mr. DOCKERY. Was this contract authorized in the regular course of business—

Mr. TONGUE. I do not know—

Mr. DOCKERY. Is it not true that it was authorized upon a request on your part and authorized over the protest of the Chief of Engineers?

Mr. TONGUE. I say to the gentleman that it has not been authorized over the protest of the Chief of Engineers. On the contrary, the Chief of Engineers has recommended that the contract be let and has sent such a recommendation to the Secretary of War.

Mr. DOCKERY. Is it not true that the Chief of Engineers is opposed to this project?

Mr. TONGUE. I have no means of knowing what may be the opposition of the Chief of Engineers, except that I know his written reports are favorable to this work; and I am not prepared to say he is a hypocrite.

Now, as to when this contract was let. On the 16th of last February I received this note from General Wilson:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 16, 1898.

MY DEAR MR. TONGUE: I was officially notified yesterday of the approval of the Yaquina project and I telegraphed to the officer in charge in Portland, Oreg., that the project was approved, and to forward, as soon as they could be properly prepared, detailed specifications and the usual form of advertisement for the work.

The officer in charge of the work, Lieutenant Potter, is an accomplished man, full of zeal and energy. It will require some days' work to prepare the specifications, and possibly he may wish to visit the locality in advance.

Yours, very truly,

JOHN M. WILSON,

Brigadier-General, Chief of Engineers, U. S. A.

Hon. THOMAS H. TONGUE,
House of Representatives.

[Here the hammer fell.]

Mr. CANNON. I yield the gentleman two minutes more.

Mr. TONGUE. In accordance with that request the specifications were prepared; they have been approved; they have been forwarded to the officer in charge; he has been instructed to advertise, and I presume that advertisements for the contract have been published.

Mr. DOCKERY. Mr. Speaker, I desire to occupy only a moment further. In reply to the suggestion that this appropriation is being antagonized by me as a matter of personal feeling, I desire to say to the gentleman from Oregon that I began to oppose this spoliation of the Treasury long before he was a member of the House. I began opposition in 1896, at the very outset, when this proposition, bold, bald, naked, unblushing, and inexcusable, was first offered. I fought it then; and it was long before the distinguished gentleman was a member of this body. Therefore there can be no personal feeling on my part in this matter.

Now, I do not know that I am in a position to state exactly the history of this contract—how it came to be authorized. But I suspect that my distinguished, active, and pertinacious friend from Oregon—and I am not criticising him on that score—is responsible for wading into life the proposed contract, which, it appears, is to be let if this bill passes, after it has slumbered with absolute quietness from the time the river and harbor bill passed until he began to knock at the door of the Chief of Engineers. I do not censure my friend. He thinks this is a proper expenditure of public money. There is simply an honest difference of opinion between us. But

it should be remembered that the gentleman in the very nature of things must be biased more or less by local surroundings. I should perhaps be subject to similar influences if I represented an Oregon district.

Mr. TONGUE. Will the gentleman yield for a question?

Mr. DOCKERY. Certainly.

Mr. TONGUE. The gentleman speaks of this as a "scheme." I should like to know whether he regards as a "scheme" a proposition which means 5 cents a bushel added to the price of every bushel of wheat raised on the farms of Oregon, with a like increase in the price of potatoes, oats, barley, hay, fruit, apples, cattle, and every kind of live stock? Does the gentleman regard a proposition as a "scheme" which gives that much to the farmers instead of compelling them to pay everything to corporations?

Mr. DOCKERY. It is not necessary for me to reply to that question. The gentleman is sufficiently familiar with my record to know that I always favor every proposition which accomplishes the results which he seems to think would be accomplished by this appropriation.

Mr. TONGUE. But does the gentleman think he is favoring a proposition of that kind, or speaking honestly for it, when he opposes a measure that will do that very thing?

Mr. DOCKERY. Yes; but the trouble with my friend is this: In his opinion he is unsupported by a single engineer officer. His view is opposed by every engineer officer who has had anything to do with the project.

Mr. TONGUE. I wish to say that the gentleman from Missouri is supported by but one engineer, and that engineer only when he was a town-site speculator during a period of two years and interested in the development of another project. Every other engineer of the Government has been on the other side of that question and is to-day.

Mr. DOCKERY. Why, Mr. Speaker, I quoted from three engineers—from the local engineer, Mr. Symons; the division engineer, Mr. Menocal, and from General Casey.

Mr. TONGUE. General Casey simply transmitted the report of his subordinate without further comment.

Mr. DOCKERY. Oh, no; and I quoted from the board appointed under an amendment placed upon the sundry civil bill by the Senate, in which that board challenged special attention to the fact that they were forbidden to express any opinion.

Mr. TONGUE. Let me call the attention of my friend to the fact that he hardly quoted that board with full justice.

Mr. DOCKERY. I quoted them literally.

Mr. TONGUE. The board said they were precluded from giving an opinion as to the commercial importance, but they do give an opinion as to the engineering project.

Mr. DOCKERY. I will quote it again. I do not want to misquote anything. I want to see whether it is right or not:

The board received no instructions other than the above. It desires to invite particular attention to the wording of the law. It will be observed that the board is not called upon to express any opinion as to whether the permanent deepening of the water on the bar is practicable, or, if practicable, whether the commerce of the port, present or prospective, will justify further expenditure.

So that you see the board by its own statement is not called upon to pass upon the feasibility of deepening the water on the bar, or whether, if it is deepened, it will add to the commerce of the port.

Mr. TONGUE. Why did the board, then, pass upon that question?

Mr. DOCKERY. They did not.

Mr. TONGUE. I beg your pardon. They do pass upon it, and report 19 feet.

Mr. DOCKERY. They say positively that they do not; that they are forbidden to do it. Now, I think the House understands this question, and I am ready for a vote upon it.

Mr. CANNON. Now, Mr. Speaker, in conclusion I want to say one word, and that is to reiterate everything I said before. I believe Yaquina Bay ought never to have been authorized. Yet it is an angel of light by the side of the \$900,000 that was carried in the river and harbor act for three years at a time for the Missouri River, and this very bill carries \$300,000 for the Missouri River, and I am reliably informed there is not a steamboat upon the river.

Mr. PERKINS. That is for the Missouri River Commission.

Mr. CANNON. Yes; for the Missouri River Commission. Now, I am not faulting my friend. He is a good legislator—

Mr. DOCKERY. Now, then, since the gentleman has called attention to the Missouri River, I may say that he knows very well that I have never claimed that it added much to the navigability or commerce of that river. You know that. [Applause.]

Mr. CANNON. Oh, I know it, and I was going to state it. Yet this bill carries \$300,000 for the Missouri River under the same act that authorizes Yaquina Bay. Yaquina Bay ought never to have been authorized, but I want to say that it is quite as much of a grain of wheat as a great many other alleged grains of wheat that were in that act of 1896. That is all, I shall vote against

Yaquina Bay. If I had a chance I should vote against the Missouri River and lots of other things. It may be said that this is an unusual statement for a man to make who happens to be in charge of this bill and at the head of the Committee on Appropriations, but it is in simple justice that I make it; not that the gentleman from Oregon is right, or that Congress was right when it authorized Yaquina Bay, but in simple justice to him I want to place him alongside with other matters that are less right than his.

Now I am ready for a vote. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Oregon [Mr. TONGUE] to recede and concur.

The question was taken; and on a division (demanded by Mr. TONGUE) there were—ayes 35, noes 80.

So the motion of Mr. TONGUE was rejected.

The motion of Mr. CANNON that the House further insist on its disagreement was agreed to.

The next amendment on which a separate vote was demanded was read, as follows:

Provided, That \$25,000 of said sum shall be used under the direction of the Secretary of War for the purpose of constructing a high bridge across Rock River on the line of said canal, in lieu of the one known as the Moline bridge in the county of Rock Island.

Mr. CANNON. I move that the House further insist.

Mr. PRINCE. I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. I yield five minutes to my colleague.

Mr. PRINCE. Mr. Speaker, this amendment does not ask for any additional appropriation. There is an appropriation of \$1,427,740 for the Illinois and Mississippi Canal. This canal starts at Hennepin, on the Illinois River, and runs thence in a westerly direction until it intersects the Mississippi River at Rock Island, a distance of about 70 miles. Eight miles of that distance is used by the canal in the Rock River. Beginning at Rock Island, we run along the line of the Rock River a distance of 13½ miles by digging a canal. A few miles from the mouth of the river, crossing the river and crossing the canal, is the Peoria and Rock Island Railway. The bridge at that point was constructed over the canal by the Government, so far as the draw is concerned, and maintained at Government expense.

A little way above the Peoria and Rock Island Railway bridge is a public wagon bridge leading into the city of Rock Island. The Government in that instance also constructed a draw and maintains it at Government expense. They then run about 6 or 7 miles until they come to the Rock River. They there place a dam in the Rock River and raise the water, so that for a distance of a few miles Rock River is used as a part of the canal. In the use of that portion of the river they come across the Moline wagon bridge, a bridge that was constructed under a special act of the legislature of Illinois in 1855.

Now, what I desire is that from this appropriation of one million and some odd hundred thousand dollars the sum of \$25,000 shall be taken for the purpose of raising this Moline bridge. And I ask and hope that the members of this House will give me what I ask in this instance, because it seems to me it is in the interest of equity and right and is doing no harm to the Government, but it is doing the right thing by one of the best cities in western Illinois.

Mr. CANNON. Mr. Speaker, I crave the attention of the House while I call attention to the facts touching this proposed appropriation. It is an appropriation which, if made, will be expended in the State which I have the honor in part to represent, in the district which my colleague [Mr. PRINCE] does represent.

Mr. FLETCHER. And very well, too.

Mr. CANNON. I want to say that the facts about this matter are these: The Hennepin Canal, from Hennepin to the Mississippi River, was authorized some years ago, and when completed will cost \$15,000,000.

Mr. PRINCE. Oh, no; about \$5,000,000.

Mr. CANNON. Oh, well, five or fifteen, as the case may be. I understand that it will cost \$15,000,000; but in the consideration of this question it makes no difference whether it will cost much or little. In this legislation it was provided that wherever the canal passed over or under a road, the bridge should be constructed at the expense of the Government. So that it throws the construction of pretty nearly all the bridges over this canal upon the Government, and under that law the Government has constructed and is constructing bridges.

Mr. RIDGELY. Does that include railroad bridges as well as wagon bridges?

Mr. CANNON. Oh, yes; it includes all the bridges. Now, if gentlemen will notice this map which I have here, I think I can make it plain. This is the Rock River Canal, from the Mississippi River, running close to Rock River for a distance of 5 or 6 miles. It runs through the land along close to the river.

At this point here [indicating] the canal runs into Rock River, and for 6 miles of it Rock River makes the canal. Now, at this

point [again indicating] of Rock River here is a bridge, where my finger is, across Rock River. Off here [indicating] 6 miles is the city of Moline. I think it is 6 miles; it is a number of miles, and I may not be exactly accurate. Now, this bridge is not high enough to allow the canal boats to pass along Rock River, which runs along here 6 miles, and then starts across to Hennepin, across lots, using 6 miles of Rock River. Rock River is a navigable river.

Mr. CONNOLLY. For what?

Mr. CANNON. Legally navigable.

Mr. CONNOLLY. But in fact?

Mr. CANNON. In fact a legally navigable river. Upon that point more navigable than many others, but we may differ upon that point. I will read presently a communication from the Chief of Engineers that covers this whole matter. Now, this bridge is not high enough to let the canal boats pass through, and on the request of the Chief of Engineers proceedings were commenced in the Federal court to compel the authorities of Moline or Moline Township to make a high bridge there, or put in a draw. Pending the final decision of the case this appropriation is placed by a Senate amendment upon this bill, and authorizes the diversion from the \$1,400,000 carried by the bill for the Hennepin Canal of \$25,000 to take out the low bridge and put in a high bridge at the expense of the Government.

The whole question is whether or not Congress is prepared to make a precedent of putting a bridge over a navigable river. I do not care anything about the \$25,000. My sympathy is with my colleague. The expenditure is to be made in my State; but it is so important, it is a question of making a precedent of putting, at the expense of the Federal Treasury, a bridge across a navigable river, with probably 200,000 miles of navigable rivers or more in the United States, that I did not feel at liberty to allow this appropriation to be made until I brought it to the attention of the House, and then let the House take such action as it saw proper to take.

Mr. LOVE. About the present bridge. By what authority was it constructed?

Mr. CANNON. The present bridge was built in 1855, my colleague says, by, I presume, Rock Island County or Rock Island Township. I do not know. The Federal Government did not build it.

Mr. CONNOLLY. It is a public highway bridge.

Mr. CANNON. It is a public highway bridge—a bridge, I apprehend, that was put over Rock River just as other bridges are put over navigable streams. Take the Wabash, a tributary of the Ohio, a navigable stream, with a bridge put there by State authority, every half dozen miles or so from its mouth to its source.

Mr. LOVE. Was this stream navigable when that bridge was put there?

Mr. CANNON. Certainly.

I will now read or have read to the House a communication from the Chief of Engineers that puts this case. I referred this matter to the Chief of Engineers and have his answer.

The Clerk read as follows:

BRIEF IN RE THE BRIDGE OF THE CITY OF MOLINE ACROSS ROCK RIVER.

The Supreme Court of the United States in the case of the *Daniel Ball* (10 Wallace, 557) defines a navigable waterway as follows:

"The test by which to determine the navigability of our rivers is found in their navigable capacity. Those rivers are public navigable rivers in law which are navigable in fact.

"Rivers are navigable in fact when they are used or are susceptible of being used in their ordinary condition as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

"And they constitute navigable waters of the United States within the meaning of the acts of Congress in contradistinction from the navigable waters of the States when they form in their ordinary condition by themselves, or by uniting with other waters, a continued highway, over which the commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water."

Rock River in its natural or unimproved condition is obstructed by rapids near its mouth and at a point about 78 miles above its mouth. These rapids in their natural condition are passable by upward-bound steamboats only at high water. The intervening stretch of river, 68 miles long, is navigable, and formerly was navigated for four months in the year by steamers drawing 4 feet of water, and throughout the year by craft drawing 2 feet. The river has always been navigable by flatboats and rafts. Before the advent of railroads, and between 1830 and 1850, commerce by water was carried on as a business over Rock River by steamboats as well as by other floating craft, at suitable stages of water, between points in Illinois and points in another State or other States in connection with the Mississippi River.

In an opinion on this matter, rendered October 24, 1890, the Attorney-General stated:

"The question of whether or not Rock River is within the term 'navigable waters of the United States' is one of mixed fact and law.

"The facts stated (supra), and the further fact that Rock River leads into the Mississippi River, bring it within the term."

This river is, then, under the aforesaid definition, a navigable water of the United States, and in 1888 it was determined to use the lower portion of the river as a part of the Illinois and Mississippi Canal route. The city of Moline, Ill., owns and maintains a fixed wagon bridge across this river, the bottom chord of which is only about 3 feet above high water. It is necessary that this bridge be provided with drawspan or spans, both to enable navigation to be carried on past its site and also to allow the construction of that part of the Illinois and Mississippi Canal route that involves the use of Rock River.

Under the provisions of section 4 of the river and harbor act of September 19, 1890, the Secretary of War caused a notice to be served May 22, 1895, on

the city of Moline, requiring the alteration of the bridge so as to render navigation through or under it reasonably free, easy, and unobstructed. This notice required that the alteration of the bridge be completed by November 22, 1895. After the service of the notice the Secretary of War, on the request of the city authorities, directed that the city be given a further opportunity to be heard. A new hearing was given, at which the city authorities submitted no reasons why the bridge should not be altered, but contented themselves with alleging the unconstitutionality of the act of Congress aforesaid, and the consequent lack of power on the part of the Secretary of War to enforce his order. Finally, after various delays, a new notice was served on the city March 11, 1896, requiring the needed alterations to be completed by August 31, 1896. No attention was paid by the city to this notice, and, in accordance with the law, the matter, on the expiration of the time fixed, was turned over to the Department of Justice with request for the proper action as prescribed by section 5 of the aforesaid act. By letter of November 17, 1896, the Attorney-General advised the Secretary of War that he had directed the United States district attorney at Chicago to institute the proper proceedings in the case.

In the meantime, under date of October 24, 1896, the Attorney-General rendered an opinion, in which he thoroughly discussed the powers of Congress and the Secretary of War over navigable waters, and reached the conclusion that the Secretary of War could lawfully proceed, under sections 4 and 5 of the act of September 19, 1890, to compel the city of Moline to alter the bridge in question at its own expense.

At the second session of the Fifty-fourth Congress a bill was introduced in the House of Representatives the object of which was to make the United States pay the expenses of altering this bridge and of its maintenance after alteration. This bill was opposed by this office, the argument against its passage by Congress being as follows:

The Government owns and has always possessed the right of way through this bridge by virtue of its sovereign control over its navigable waters. The city of Moline has obstructed this right of way for many years, and has profited by the less cost of a low, obstructive bridge. The fact that the bridge has been in existence many years is only an additional reason why the city of Moline should willingly provide the necessary facilities for passage through it. The further fact that the construction of the bridge was authorized by the State of Illinois and that the General Government has hitherto asserted no jurisdiction over the river is of no importance. To hold that a State can authorize the construction of an obstructive bridge over a navigable water of the United States, and that parties can thereby acquire a right to claim compensation from the Government for the cost of alterations necessary to meet the demands of commerce and navigation whenever Congress assumes actual jurisdiction over such navigable waters, would be a denial of the supremacy of Congress over the navigable waters of the United States—a supremacy which has been uniformly and repeatedly asserted by the Supreme Court. The omission of Congress to assert its power over Rock River hitherto is merely an indulgence which has inured to the benefit of parties maintaining cheap and obstructive bridges, and in no wise destroys or impairs that power when its exercise becomes necessary.

Mention is made of the fact that for a portion of the distance along Rock River the canal is constructed on the mainland, about 50 feet from the river, and that two drawbridges have been constructed by the Government at its own expense—one where the canal intersects the right of way of the Peoria and Rock Island Railway Company, and the other where it intersects the highway leading from Milan. The question of carrying the canal past these highways, using the bed of Rock River, was carefully investigated, and it was found more advantageous to the United States to cross them on land, although such course necessitated, under the law, the construction of bridges at the expense of the United States. The Government exercised its option for its own benefit, and not to save the owners of the highways the cost of building and operating bridges. Had it been deemed more advantageous to use the bed of Rock River at these points, the railroad company and the authorities of the county of Rock Island would have been ordered by the Secretary of War to alter their bridges, as was done in the case of the Moline bridge.

The law governing this matter of bridges across the canal will be found in the river and harbor act of July 13, 1892, and reads as follows:

"That in acquiring the right of way by agreement or otherwise for the crossing of existing public highways over the parts of the canal constructed on land, the basis of agreement or condemnation shall be the construction and maintenance of bridges by the United States Government, as provided for in the detailed plans and estimates heretofore submitted to Congress, but this provision shall not apply to bridges constructed over public waters of the United States now occupying part of the line of the said canal."

Under this law, which is based on the legal principle that generally at crossings of public highways the encroaching party must leave the highway in as nearly as practicable as good condition for use as before, the aforesaid Peoria and Rock Island Railroad bridge and Rock Island and Milan highway bridge were built at the expense of the United States.

In the case of the Moline bridge the city of Moline is the encroaching party, Rock River being a navigable highway belonging to the United States, so that, under the principle of law enunciated, the burden of relieving this highway from this obstructive bridge rests upon this city and not upon the General Government.

Rock River is a stream occupying part of the line or route of the canal, and is "public water of the United States" within the meaning of the provision of the act of July 13, 1892, quoted above. The improvement of this river is intended to be made by methods ordinarily employed in improving rivers—that is, by short canals around falls and rapids, precisely as the Mississippi, Ohio, Tennessee, and Coosa rivers are improved; by locks and dams, as the Ohio, Kentucky, Kanawha, and other navigable waters are improved, and by dredging and rock excavation. The channel is good under and past the Moline bridge, and no improvements are to be made within 5 miles of the bridge.

For these reasons it is believed that, in law and equity, the cost of alteration and maintenance of the Moline bridge should be borne by the city of Moline and that no part of it should be paid by the United States; the proceedings which have been instituted by the Department of Justice, at the request of the War Department, should be pushed to a conclusion.

Congress refused to take favorable action on this bill, and since that proceedings have been instituted by the Department of Justice in the United States district court for the northern district of Illinois against the city of Moline, and the case came up before Judge Grosscup in July last on a motion by the attorneys for the city to quash the information. The motion to quash was based upon the following contentions:

First. That the river in question is wholly within the State of Illinois, and has never been declared by the Government of the United States to be a navigable stream.

Second. That the bridge in question was lawfully authorized by the legislature of Illinois, is a lawful property of the city of Moline, and can not be taken or injured by the Government of the United States without just compensation.

Third. That the proceedings of the Secretary of War giving rise to this information are in pursuance of a statute unconstitutional and therefore void.

In a very able and lucid decision Judge Grosscup discussed all the questions raised by the defendant and overruled the motion to quash.

He held that the Rock River at the site of the Moline Bridge is in fact a navigable stream; that Congress has, by its acts, beginning in 1888, relative to the Illinois and Mississippi Canal, assumed jurisdiction of such stream from the point below the bridge to the point above the bridge, between which the canal uses, for its purpose, the river; that through that space of the river the proposed Government work is, in effect, an improvement of the navigation of the Rock River; that the bridge of the city of Moline over the river is unprovided with a draw and is in such condition palpably an obstruction to the navigation of the stream; that the necessity of the draw was recognized with the increase of navigation of the river, and the right to impose it reserved in the act of the legislature creating the bridge franchise, and that the act of Congress of September 19, 1890, so far as it is applicable to this case, is constitutional and valid.

Mr. CANNON. I have the letter transmitting that from the Chief of Engineers, General Wilson, and it was sent in reply to a communication of mine, as such matters are generally done when information is asked for that comes under the jurisdiction of the Chief of Engineers. Here is the letter of transmittal; just read that.

The Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, April 21, 1898.

SIR: At the verbal request of Hon. J. G. CANNON, chairman Committee on Appropriations, House of Representatives, I have the honor to transmit herewith statement of facts in the matter of the Moline Bridge over Rock River, and the navigability of said stream, and to recommend that the inclosure be sent to Mr. CANNON.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. R. A. ALGER,
Secretary of War.

Mr. CANNON. Now, Mr. Speaker, I have presented this matter to the House, and had this letter read that the House might be informed what this item of \$25,000 does. I do it not from any feeling against my colleague, for whom I have the highest respect; not from any feeling against the city or town of Moline, in my own State; but I do it from a sense of duty, that the House, if it should make this appropriation to bridge a navigable stream, should make that precedent after having full information and with its eyes wide open. Now I yield two or three minutes to my colleague [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, I want the House to see this canal and its course so far as pertains to the question at issue. Here [indicating on chart] is the Mississippi River. At this point, where the canal enters into the Mississippi River, is a constructed canal. Now, here [illustrating] is Rock River, running a distance of 13½ miles. At the mouth of the river, where, if it were navigable at all, at least the largest amount of water would be at that point. At the very point where Rock River enters the Mississippi there is no canal. The canal is constructed on the east side of Rock River for a distance of 13½ miles.

Now, my colleagues, if that was a navigable stream, is it possible that the engineers would not have used that instead of constructing a canal at this point? The very fact that the engineers have constructed or authorized the construction of a canal for the distance of 13½ miles along the side of Rock River is proof conclusive to the ordinary man that Rock River is not navigable at that point. In fact, it never was navigable. There are rapids over and across from Black Hawk tower that a boat can not get up. No boat ever went up there. There was constructed at one time on the west side of Rock River at private expense a private canal, through and by which little boats did go up at one time, but the natural Rock River, as constructed by the Creator, was never navigable, and men like Senator TELLER, who have lived in that State and known it all their lives, never knew of a boat going up and down the stream commencing at the mouth of the river.

Now, for 13½ miles the canal was constructed, and when they came to the point where there is a railroad, the Government puts in a bridge at its own expense, and when they come to wagon roads, the Government puts in a bridge at its own expense. Then they move along 13½ miles above where the canal enters into the Rock River, and then what do they do? They construct a Government dam. For what purpose? To make the river navigable. They construct at their own expense a dam so that the water for a distance of 6 miles is made deep enough by which boats can go up and down, and they use it for canal boats and nothing else. They use a private river, a river they never exercised any control over since Illinois was admitted into the Union in 1818, and for the first time now they come and say, "Take that bridge away from there."

That bridge was constructed under a special act of the Illinois legislature in 1855, and until this time the Government has never sought to exercise any control over that river for any purpose under the Constitution and the law. Now, for a distance of about 6 miles, after constructing the dam and making the river so they can use it, they use it as a canal. Then what do they do? Here is a river 350 miles long, running way up into Wisconsin, and why do they not use that river as a part of the canal? Because it

can not be so used. What do they do? For a distance of 60 miles they plunge through Illinois and come out at the Illinois River at Hennepin.

Now, what am I asking? I am asking that they divert \$25,000 out of the \$1,400,000 appropriated to build the canal for the purpose of building this bridge higher. I am not asking to put any further burden on the Government, so far as expense is concerned. I am not asking for an appropriation. I am asking that the city of Moline be treated in the same manner that they have treated her rival and associate city by her side—the city of Rock Island. I am asking at the hands of the Government that the same right be accorded to the city of Moline that is accorded to her neighboring city. I ask that this appropriation be diverted and granted to the city for that purpose in my district.

Mr. SIMS. If this is not a navigable river, why do you want a bridge across it?

Mr. PRINCE. The Government has asked that this bridge be raised.

Mr. SIMS. How can it do so if it is not a navigable stream?

Mr. PRINCE. They are making a canal out of a portion of the river.

Mr. SIMS. It is just a county bridge that you want built, is it?

Mr. PRINCE. I do not want the Government to build a bridge. The Government asked that this bridge be made higher, and I want the Government to do it at its own expense.

Mr. CANNON. My friend from Illinois wants to divert out of the \$1,400,000 which is appropriated to construct the Hennepin Canal—he wants to divert \$25,000 of that to build a high bridge that runs across this portion of Rock River used for a canal.

Mr. WILLIAMS of Mississippi. Has Rock River become a part of the Hennepin Canal?

Mr. CANNON. Yes; 6 miles of it, and it is that part of it across which my friend wants the Government to build this bridge.

Mr. SIMS. You say you want to divert \$25,000 of this appropriation. Is the appropriation \$25,000 larger than is necessary?

Mr. PRINCE. I can not answer that.

Mr. SIMS. If you used a part of the money appropriated to build a canal for this bridge, would you not have to make a supplemental appropriation?

Mr. PRINCE. That will never be asked for, for I know it can be built within the appropriation. The Government has already built two bridges here.

Mr. CANNON. I want the House to understand this case. Under the act of 1890, authorizing the construction of the Hennepin Canal, the Government has built the bridges where the canal is constructed upon land. Now, from the Mississippi River the canal runs 13½ miles close to the river, but upon the land, and then it takes to this river and takes all the river for 6 miles. The contention of the Government is that it is a navigable river and this bridge is an obstruction and should be removed; and the contention of my friend is that the bridge should be built higher at the expense of the Federal Treasury.

Mr. ROBINSON of Indiana. Now, I should like to ask the gentleman from Illinois [Mr. PRINCE] whether he does not regard this as a nonnavigable river at that point at this time?

Mr. PRINCE. Certainly; and the Government by its action recognized it as a nonnavigable stream prior to that time; otherwise it would not have put in the dam to make it navigable.

Mr. ROBINSON of Indiana. Then this appropriation of \$25,000 would establish no precedent for building bridges across navigable rivers?

Mr. PRINCE. I do not think it would in the least.

Mr. WILLIAMS of Mississippi. But would it not establish the precedent of having the Government of the United States build bridges over nonnavigable streams, and would not that precedent be just as bad as the other?

Mr. ROBINSON of Indiana. I suggest to the gentleman from Mississippi that the Government at this time is, as I understand, building bridges across rivers which are not navigable.

Mr. CANNON. Oh, no; not at all.

Mr. WILLIAMS of Mississippi. It is building bridges across a canal constructed under an act of Congress.

Mr. CANNON. The Government is building no bridge across the Rock River.

Mr. ROBINSON of Indiana. But is not this river above the canal system?

Mr. CANNON. Certainly. The Government takes 6 miles of this river, which is a navigable river, belonging to the Government. If it were not, the Government would have to condemn it; and it puts in its dams precisely as it puts its dams in the Ohio River at Louisville, precisely as it puts in its dams at an expense of a million dollars on the Upper Ohio River, precisely as it puts in its dams on the Illinois River. If that constitutes navigability for the purpose of improving a river, then there are 200,000 miles of rivers in the United States that the Government must build bridges over.

Mr. ROBINSON of Indiana. I am not an expert on the ques-

tion of navigable rivers, but it seems to me that when boats have not been seen on a stream as long back as the memory of man can extend it is not a navigable river.

Mr. CANNON. Where does the gentleman get that information in regard to this river?

Mr. PERKINS. I rise to a point of order. There is great confusion on the floor of the House, so that the current of this debate is not navigable to those of us who can not understand what is being said. [Laughter.]

The SPEAKER. The Chair sustains the point of order, though not perhaps in the exact language as the gentleman states it. [Laughter.]

Mr. CANNON. I will not interrupt my colleague [Mr. PRINCE] further.

Mr. SIMS. I want to ask a question, in order that I may vote intelligently. If that river was navigable, then the bridge constructed over it under the authority of the State was in violation of law, was it not?

Mr. PRINCE. If it was a navigable stream and the Government had exercised control over it and used it as such, I presume the State of Illinois had no authority under the law to grant this special privilege of building that bridge as a toll bridge, as it did in 1855.

Mr. SIMS. Then this bridge having been built in violation of law, you want Congress now to build one at the expense of the Government according to law.

Mr. PRINCE. I beg the gentleman's pardon. The fact is this: Here is a river 20 miles long, and for 13 miles along the side of this river (which in the mind of the gentleman is a navigable stream) the Government sees fit to construct a canal. It then comes to a private stream that was never navigable, that has never been used by a boat for any purpose, a little stream 13½ miles of which can not be used, and puts in a dam and declares it a navigable stream. Now, how can it be contended that it is a navigable stream by reason of that fact?

Mr. SIMS. If it is not a navigable stream, the Federal court will not interfere with the bridge you already have.

Mr. PRINCE. That may be true, or it may not be. But here is this bridge. It can be raised in the way suggested; and this money can be diverted for that purpose.

Mr. LOVE. Will not the city and the whole community be greatly benefited by the improvement of the navigation of this stream; and if so, should not the local authorities build the bridge?

Mr. PRINCE. The whole country will be benefited, not alone the people at that particular place. Here you are throwing an unnecessary burden and expense upon a community that is acting within the law and under a special authority from the State. You are asking that they be put to the expense of this improvement along a private river that has never been used otherwise. All we ask of the Congress of the United States is that it deal fairly with these citizens and compensate them for the destruction of their bridge.

Mr. SIMS. Can the State of Illinois grant authority to violate the laws of the United States?

Mr. PRINCE. It is not doing so. The gentleman is insisting that this is a navigable stream; I am insisting that it is not a navigable stream.

Mr. SIMS. Why do you not show that fact to the Federal court and keep the bridge you have?

Mr. PRINCE. That would interfere with the canal.

Mr. WILLIAMS of Mississippi. I understand that while the gentleman from Illinois denies that this is actually a navigable stream, it has been declared navigable, and is legally, according to the fiction of law, a navigable stream. That being the case, I would like to ask this question: When was it declared a navigable stream, and when was that bridge built? This information may enable us to determine whether this bridge was put across that river after it was declared navigable or before.

Mr. PRINCE. I will refer to a document which will furnish an answer to the gentleman's question.

Mr. CANNON. While my colleague is getting his document, I will refer to the letter of the Chief of Engineers, which I had read at the desk, and which says that this stream was navigable away back in 1830 or thereabouts.

Mr. WILLIAMS of Mississippi. Then this bridge was built after it was regarded as a navigable stream and after it was so declared. In that event the State of Illinois did something which it had no right to do.

Mr. PRINCE. Well, that is a matter of contention. In 1887 a letter was written to the Government inspectors, and this is their reply:

OFFICE OF UNITED STATES
LOCAL INSPECTORS OF STEAM VESSELS.
Galena, Ill., January 17, 1887.

SIR: Yours of the 14th instant is just received, and in answer thereto will say for your information that the Rock River is not a navigable stream, and is not so considered by the United States Government. Consequently any person can navigate a steamer upon its waters and not be subject to the

jurisdiction of the steamboat-inspection laws of the United States Government.

Very respectfully,

SCOTT & BURNS,
Local Inspectors Steam Vessels.

Mr. B. B. WERNITZ, Sterling, Ill.

Mr. CANNON. When was that written?

Mr. PRINCE. July 17, 1887.

Mr. CANNON. Does the opinion of a local inspector determine the navigability of a stream?

Mr. PRINCE. I am frank to say to you that it does not; but I am frank to say to you that the bridge was built in 1855. As a further evidence that the Government has never considered Rock River navigable I refer to the report of the survey of Rock River made in 1867, now on file with the committee—House Executive Document No. 15, Fortieth Congress, first session.

Said survey and report show that in order to make Rock River navigable for vessels of 4 feet draft it would require the construction of fifty-seven locks for a distance of about 350 miles and the expenditure of more than \$15,000,000. It is now more than thirty years since this survey and report were made by the United States Government, and during all that time not one dollar has been expended on Rock River by the United States Government toward making the river navigable, but, on the contrary, it is obvious from the above report and the failure of the Government to proceed with the construction of said canal that the United States Government deemed it impracticable to make the river navigable and have permitted during all these years the construction of dozens of wagon and railroad bridges across the river.

You can find at least from ten to fifteen bridges, beginning with the Rock Island and Peoria Railroad bridge at the south end, coming up to Sterling and Rock Falls and Dixon. They cross at Dixon, Rock Falls, Sterling, Linden, Erie, and two or three other places.

Mr. SIMS. Did you say the Government authorized these bridges?

Mr. PRINCE. No; I answered the question of my colleague from Mississippi [Mr. WILLIAMS]. He asked when it was declared to be a navigable stream and when it was that the bridge was constructed. I answered him that it appears that in the Forty-ninth Congress it was not regarded as a navigable stream, and that the bridge was built in 1855. That was my answer to his question.

[Here the hammer fell.]

Mr. OTJEN. Is this canal built entirely by the Federal Government, or does the State pay something?

Mr. CANNON. Entirely by the Federal Government, under United States legislation.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] moves to recede and concur.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 66, noes 64.

Accordingly the Senate amendment was concurred in.

On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

The next amendment on which a separate vote was demanded was read, as follows:

Page 77, line 16, after "dollars," insert: "Provided, That \$6,000 of said sum may be used for the repair and extension of the levee of the Muskingum River at Zanesville, Ohio, in the discretion of the Secretary of War."

Mr. VAN VOORHIS. I move that the House recede and concur in the Senate amendment.

Mr. CANNON. Mr. Speaker, I want to get on with this bill, and I will yield five minutes to the gentleman from Ohio.

Mr. VAN VOORHIS. Mr. Speaker, this amendment provides for the use of \$6,000 to repair and extend the levee of the Muskingum River, at Zanesville, Ohio, in the discretion of the Secretary of War. This levee was constructed a number of years ago, at a cost of \$30,000. It was damaged by the recent flood, and it is estimated by the engineer in charge of the river that it will cost \$6,000 to make the repair. This ought to be done during the present season. It can be done for less money at this period than if it should go over to another season and suffer still greater damage. I ask that the House recede and concur in the Senate amendment. This does not increase the appropriation.

Mr. BALL. What connection has this levee of the Muskingum River with the improvement of Cleveland Harbor?

Mr. VAN VOORHIS. I do not understand the gentleman.

Mr. BALL. This is an appropriation for the improvement of Cleveland Harbor. What connection has the levee of the Muskingum River with the improvement of Cleveland Harbor?

Mr. VAN VOORHIS. Well, I understand this is a river and harbor appropriation in the bill. We have had no river and harbor bill in this Congress.

Mr. BALL. Then it is taken out of the appropriation that was made for Cleveland Harbor for another purpose?

Mr. VAN VOORHIS. That is it.

Mr. CANNON. I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, if this was any ordinary kind of

legislation, I should be glad to accommodate my friend from the Zanesville district [Mr. VAN VOORHIS] and consent to an appropriation for the city of Zanesville; but this is a most extraordinary attempt in the way of legislation and entirely without precedent here. The question of the gentleman from Texas [Mr. BALL] has suggested its very singular feature.

It would be just as appropriate to bring in an amendment providing that a hundred dollars should be taken from the salary of a member from Texas to be devoted to paying a clerk for some member from Ohio. There is no possible connection between the two projects. You might as well go to the city of Cleveland, which takes care of the river in its borders by municipal taxation or private expenditure when the river overflows its banks, and say, "Let your city council pass a bill appropriating \$6,000 to repair a break at Zanesville."

I have nothing to say in regard to the gentleman's argument with regard to the importance of this measure; but if it is important and meritorious why did not the Senate make it an independent measure and put in, say, \$6,000 for the city of Zanesville, without saying that it should be taken from the city of Cleveland? There seems to have been no hesitancy over there in adding to the bill. Something over \$5,000,000 was added to the aggregate as it passed the House, but on this little item of \$6,000 there was a sudden spasm of economy, and they thought it necessary to go somewhere and take the amount from some other appropriation entirely distinct.

To anticipate a possible argument that may be made, I want to say that this is not at all similar to the other amendments in this bill pertaining to rivers which have been adopted here, because those are cases where the improvements are part of a complete whole. For instance, from Cairo to the Passes on the Mississippi River and from the mouth of the Missouri upward on the Mississippi. Those are places where lump appropriations are made for a general improvement, and portions of those appropriations by amendment have been set apart for specific purposes. But between these two projects there is no connection whatever.

Mr. LEWIS of Washington. Does this take money from the city of Cleveland?

Mr. BURTON. It takes money from the city of Cleveland, and I should like to call attention to one further fact—

Mr. LEWIS of Washington. Is this a new item?

Mr. BURTON. This is a new item of \$6,000, not recommended by the Committee on Rivers and Harbors. It should be said, however, that the general system of improving the Muskingum River was adopted long ago, and a considerable amount has been expended upon it.

Mr. GROSVENOR. Will the gentleman from Illinois yield to me?

Mr. CANNON. How much time?

Mr. GROSVENOR. Three or four minutes.

Mr. CANNON. Oh, yes; three minutes.

Mr. GROSVENOR. Mr. Speaker, after the passage of this bill, or about the time of the passage of the bill in the House, a great flood in the Muskingum River broke the embankment and endangered not only the city and surroundings but damaged the Government property which is involved in the navigation of the river. Now, in the item for the improvement of Cleveland Harbor there was an appropriation for \$300,000. The practical effect of this amendment is simply that it reduces the Cleveland appropriation to \$294,000 and makes an appropriation of \$6,000 to the Muskingum River. It does not appear that there is any emergency which will require \$300,000 in the prosecution of the continuing work at Cleveland instead of \$294,000, yet it does appear from the statement of the Representative from that district [Mr. VAN VOORHIS] that there is very grave danger of great injury unless this money is used at the city of Zanesville.

Now, the principle of it is exactly in accordance with what we have just done in the case of the high bridge across Rock River. In that case we have taken out of the appropriation of \$1,427,000, as it was originally passed, an item of \$25,000, and authorized the use of that for the other purpose. It is a matter of which the House has entire control, and the only injury that will come will come to Zanesville in case of failure to adopt the motion that has been made, and no injury will happen to the great improvement at Cleveland.

Mr. BURTON. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes.

Mr. BURTON. Is the gentleman willing to establish a precedent that when an amendment is adopted on a bill of this kind, it should be in all cases taken from other sums?

Mr. GROSVENOR. No; that would not do.

Mr. BURTON. Is there any use of increasing the aggregate of any bill, if that can be done?

Mr. GROSVENOR. Oh, yes; the precise facts are as I have stated. I have no feeling about it. As a matter of fact, the senior Senator from Ohio, being alarmed, and fearing that he might not be able, and possibly could not have got an amendment for this

\$6,000, took this course; and as no harm can come to the greater improvement, and great harm will come to the lesser improvement, it seems to me the House ought to concur.

Mr. BURTON. I can not agree with my colleague in regard to the effect of making this appropriation or that it is at all similar to the one preceding. As I pointed out in my first remarks, this item is for a distinct improvement. The one preceding was incidental to the building of a canal. In the building of that canal it became necessary to utilize for part of it the channel of a river and to build a larger bridge over that part of the canal in order to provide for the traffic formerly provided for by a bridge across the river. This Zanesville improvement is a hundred miles away, and there is no connection between the two whatever. If you take from the city of Cleveland the total amount appropriated for this proposed improvement and divert it to another use, it can not afterwards be used for the improvement for which it was intended.

Mr. GROSVENOR. What is the general limit of the Cleveland improvement?

Mr. BURTON. One million three hundred and fifty-four thousand dollars.

Mr. GROSVENOR. This, then, would make it \$1,348,000 instead of \$1,354,000. Do you think that you will not ask anything more for that improvement?

Mr. BURTON. I hardly think the gentleman does himself justice to ask me that question.

Mr. GROSVENOR. I do, really. I assume that it will not be done within the limit of any estimate that has been made. I have no doubt a year from now the gentleman will be here asking, and I will be helping him, to raise the limit to a considerable sum above that which has been granted. There is no doubt about that, and you will never miss this \$6,000.

Mr. BURTON. In other words, whenever there is a little steal of \$6,000, you must find some bill of a million or more and take it, and say to those who have a larger improvement, one which has been carefully investigated and the amount officially estimated, that it will not do you any hurt; it is just such a little trifle, and you ought to stand it without complaint. Why not put it on some other appropriation? Why not put it on the Mississippi River or the Ohio River, into which this river runs? By what principle are you guided to the city of Cleveland? There is no reason why you should select it more than any public building or harbor improvement or anything else. [Cries of "Vote!"]

Mr. CANNON. It is not worth while for me to oppose this item. The brethren have taken a little time in a dispute as to the division of the spoils—parting the garments. I do not see much difference, if it is to be done, whether it is to be taken off one place or as an independent proposition. I do know one thing. I hope the sundry civil bill will never again be made the vehicle for these "you tickle me and I'll tickle you appropriations." I am tired and sick of it. [Cries of "Vote!"]

The SPEAKER. The question is on the motion of the gentleman from Ohio, that the House recede from its disagreement and concur in the Senate amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BURTON. Division.

The House divided; and there were—ayes 36, noes 29.

So the House receded from its disagreement and concurred in the Senate amendment.

On motion of Mr. VAN VOORHIS, a motion to reconsider the vote by which the House receded from its disagreement to the Senate amendment was laid on the table.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 79, after line 7, insert:

"For maintenance of the channel in Mobile Harbor, by dredging, \$30,000, to be immediately available, and to be expended under the direction of the Secretary of War."

Mr. CANNON. I move that the House further insist on its disagreement.

Mr. TAYLOR of Alabama. I move that the House recede and concur.

Mr. CANNON. I hope we can have a vote.

Mr. TAYLOR of Alabama. Have a vote right now. I am ready.

The question was taken; and the motion of Mr. TAYLOR of Alabama to recede and concur was agreed to.

On motion of Mr. TAYLOR of Alabama, a motion to reconsider the vote by which the House receded from its disagreement was laid on the table.

Mr. CAPRON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAPRON. I would state, Mr. Speaker, that within a few minutes I have been informed that amendment No. 224 was not to be taken up. I believe it is so deserving that if in three minutes I can not convince the House that it is proper legislation I

would be content to let it go. I will ask the Chair if it is possible to ask unanimous consent to take up amendment No. 224 under these circumstances?

The SPEAKER. That has already been passed, has it not?

Mr. CAPRON. My attention has just been called to the fact that among the numbers which were to be considered the number to which I refer was not included. I had supposed it was included, and it is only within a few minutes that I have been informed that it was not to be taken up. I think it is a very desirable appropriation, and I appeal—

The SPEAKER. The Chair thinks we should get through this first, and then the proposition can be submitted.

Mr. CANNON. The House has already insisted, has it?

The SPEAKER. It has.

Mr. CANNON. Well, I want to be entirely fair with my friend from Rhode Island, and while I do not believe his amendment ought to be agreed to, yet if he overlooked asking for that—a separate vote—I will ask unanimous consent that the action of the House may be set aside as to this amendment, that the gentleman may have an opportunity to move, if he desires, that the House concur.

The SPEAKER. The gentleman from Illinois asks unanimous consent that amendment No. 224 may take its place on the list to be considered under the motion to recede and concur. Is there objection? [After a pause.] The Chair hears none. The former action of the House, therefore, is rescinded, and the Clerk will put that amendment on the list and read.

The Clerk read amendment 224, as follows:

UNDER THE NAVY DEPARTMENT.

Payments on account of the explosion at the United States Torpedo Station, Newport, R. I.: For payment to the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d day of July, 1893, at the United States Torpedo Station on Goat Island, in the harbor of Newport, R. I., by the explosion of the gun-cotton factory, \$15,000; of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of \$5,000: Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan: Provided, That where the deceased left a widow and children the widow shall receive one-half and the children shall share alike.

Mr. CAPRON. Mr. Speaker, I move that the House recede and concur.

Mr. CANNON. I yield to the gentleman from Rhode Island five minutes, and then I will take three or four minutes myself and ask for a vote.

Mr. LEWIS of Washington. May I ask the gentleman whether that provision is based on a desire of those representing it that Congress shall compensate these people as a gift for their misfortune, or is it regarded as a legal liability for a misfortune occurring through the negligence of the Government?

Mr. CAPRON. I should say that it could not be considered under the head of a legal liability. It is because it is not considered as a legal liability that it is brought to the House; there is no other method by which redress can be obtained.

This case, Mr. Speaker, is so unusual and unique that notwithstanding what probably will be the argument of the chairman of the committee, that it will establish a precedent, certainly this case is without familiar precedent, for it comes under the category of those splendid achievements by which the country, and the world as well, has been electrified within the last few days, when a man with the rank of a naval constructor sailed the *Mer-rimac* up and sunk her under the forts in the harbor of Santiago.

This is another case where that which has heretofore been called "Hobson's choice" will mean the choice of a man or of men who do their duty and take their lives in their hands in its performance. These men were employed at the torpedo station at Newport, R. I., in the gun-cotton factory. The factory was not running on the day of this explosion and calamity, or at least the department in which these men worked was not running. Consequently they were not on duty in that department, although they were employees. The gun-cotton factory caught fire and the commandant asked for volunteers to extinguish it, and these men entered that dangerous place, taking their lives in their hands to save the Government property and extinguish the fire. There was an amount of gun cotton in the building which exploded and these men were killed. There is no method by which their families can be assisted except by an appeal to Congress. This is the only item in the bill that comes under the head of Department of the Navy.

Now, I will ask the attention of the House just for a moment to what is said in the report. It is only a few lines—in the first place, by the commandant, George A. Converse, at present the commander of the cruiser *Montgomery*. He says:

1. Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan lost their lives while endeavoring to extinguish the fire which resulted in the total destruction of the gun-cotton factory at this station July 3, 1893.

2. Loughlin and Harrington were regularly employed in the building, knew the character of its contents and the danger to which they were exposed; while O'Reagan, a most faithful employee of the station for about eleven years, as enlisted man and per diem laborer, was one of the first to respond to the fire alarm and joined the other two men.

3. Loughlin, who had been acting as foreman of the gun-cotton factory, knew that the only dangerous material in the building (about 7 pounds of

long-staple gun cotton) was stowed in a powder tank, which, on the first alarm of fire, should have been thrown into the sea; and doubtless being cognizant of the fact that such disposition of that material had not been made, took the nozzle of the fire hose, and, with Harrington and O'Reagan, attempted to combat the fire in its immediate vicinity, fully aware of the dangerous nature of the undertaking. While thus engaged in the performance of what they believed to be their duty the explosion occurred, resulting in the death of the three men.

4. From my personal observation of the conduct of these men at the time of the explosion, I can state that they acted with great bravery, and sacrificed their lives in an attempt to prevent the destruction of Government property.

5. I renew my recommendation that provision should be made for the widows, children, or legal representatives of these men, believing that all civilians actually employed in the manufacture of explosives or war material in Government factories should be entitled to the same consideration as persons who are required to use such material in the naval or military service.

6. I believe that it is customary for private companies engaged in the manufacture of explosive material to insure the lives of the employees for the benefit of the surviving relatives; and it seems but just that an equal provision should be made by the Government.

7. A copy of the letter referred to by Mr. BULL is transmitted herewith, and attention is invited to the report of the Chief of the Bureau of Ordnance for the year 1893, which contains the recommendation that Congress be asked to render assistance to the families of these men.

GEORGE A. CONVERSE,

Commander, U. S. N., Inspector of Ordnance, Torpedo Station.

TORPEDO STATION,

Newport, R. I., February 7, 1896.

This was referred to the Navy Department. The Chief of the Bureau of Ordnance, a man whose name now thrills the nation when we hear it spoken or read it in the daily papers, Admiral Sampson, commanding our squadron in Cuban waters, said:

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, July 6, 1893.

SIR: Please convey to the families of those men who were killed at the fire at the gun-cotton factory the deep sympathy of the honorable Secretary of the Navy, and his profound sorrow at their loss.

The Bureau will make every effort to secure for them some compensation for the dependent condition in which they have been placed.

Respectfully,

W. T. SAMPSON,
Chief of Bureau of Ordnance.

Commander G. A. CONVERSE, U. S. N.,
Inspector of Ordnance, in charge Naval Torpedo Station, Newport, R. I.

Now, these men were killed while performing their duty in July, 1893. Several times this measure has got just this far before Congress. I claim there is only one parallel in all legislation, so far as I have been able to ascertain, and that is the disaster at Ford's Theater, where Congress allowed \$8,000 each to the families of the men who were there killed. This is a case where the men voluntarily took their lives in their hands at the request of a Government officer, and I claim it fairly belongs in the category of men who offer their lives in the line of duty.

Mr. BARTLETT. Aside from the widow and children, why should the legal representatives of these men be paid? What justice is there in paying money over to the legal representatives?

Mr. CAPRON. It happens in this case that the legal representatives are the wives and the children, and are now living.

[Here the hammer fell.]

Mr. CANNON. I will yield the gentleman a few minutes more.

Mr. CAPRON. I wish to add only a word. I wish to appeal to the chairman of the committee that he recognize the righteousness of this proposition, and that when he brings the 13-inch gun of his eloquence to bear on this claim he will load it with blank cartridge and fire a salute in honor of Jeremiah Harrington, Frank Loughlin, and Michael O'Reagan, who lost their lives in defense of the property of the Government and in courageous devotion to duty. [Applause.]

Mr. CANNON. Mr. Speaker, I wish very briefly to call attention to what this provision does. There was an explosion at this gun-cotton factory. I read from the same document from which my friend read:

1. Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan lost their lives while endeavoring to extinguish the fire which resulted in the total destruction of the gun-cotton factory at this station July 3, 1893.

2. Loughlin and Harrington were regularly employed in the building, knew the character of its contents and the danger to which they were exposed, while O'Reagan, a most faithful employee of the station for about eleven years, as enlisted man and per diem laborer, was one of the first to respond to the fire alarm and joined the other two men.

3. Loughlin, who had been acting as foreman of the gun-cotton factory, knew that the only dangerous material in the building (about 7 pounds of long-staple gun cotton) was stowed in a powder tank, which, on the first alarm of fire, should have been thrown into the sea; and doubtless being cognizant of the fact that such disposition of that material had not been made, took the nozzle of the fire hose, and, with Harrington and O'Reagan, attempted to combat the fire in its immediate vicinity, fully aware of the dangerous nature of the undertaking. While thus engaged in the performance of what they believed to be their duty the explosion occurred, resulting in the death of the three men.

Now, one of these three men was an enlisted man; and under the pension laws, if he incurred disability or death in the line of duty, he or his survivors would be entitled to a pension. The other two were civil employees—one of them a foreman. Whose fault it was that the 7 pounds of gun cotton were not thrown into the sea on the breaking out of the fire I do not know; the report does not show. It may have been the fault of the foreman; it

may have been the fault of some other employee. As to that matter the facts are not disclosed.

Mr. CAPRON. If the gentleman will read the report as carefully as I have read it, he will find that it is not the habit at torpedo stations to throw gun cotton into the sea except upon the occasion of a fire.

Mr. CANNON. That is what the report says.

Mr. CAPRON. And on the occasion of this fire each of these men was assigned his place of duty—a most dangerous place. They were called upon as volunteers, not as operatives in a cotton factory. The next day being the Fourth of July, work was not in operation except in the picker room; hence these men were not negligent.

Mr. McMILLIN. I wish to ask the gentleman from Illinois [Mr. CANNON] whether the Government has not persistently and continuously declined to pay damages in cases where civil employees have been injured or killed under circumstances like these?

Mr. CANNON. My understanding is that way.

Mr. McMILLIN. I know that in the case of persons who have been blown up in the Government works in my own district and elsewhere the payment of damages has been refused on the ground that a distinction is to be drawn between persons in the military service and subject to military orders and those who are not in the military service, but in civil employment.

Mr. CANNON. I care nothing especially about the amount involved in this particular amendment. While it is not stated in the amendment, I presume the amount is \$15,000, because by the report I understand that three persons were killed. Am I correct as to that?

Mr. CAPRON. I believe there were more than three killed or injured. But these three were the only ones who voluntarily and in this heroic manner risked their lives to extinguish this fire and whom the Department has especially designated as entitled to receive the bounty of the Government.

Mr. CANNON. Now, I call my friend's attention to the fact that this provision is broader than he states. The language is:

For payment to the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d day of July, 1893, at the torpedo station.

Now, my question is: How many were killed?

Mr. CAPRON. If the gentleman will read farther along, he will find that three persons are particularly named.

Mr. CANNON. I understand that this \$15,000 is to make payment in the case of all those who were killed. The language is:

Of which sum there shall be paid to the legal or personal representatives of each of the following-named persons the sum of \$5,000.

There are three persons named; but the passage of this provision will commit the Government to pay damages in the case of every person who may have been injured or killed in that explosion. We shall have coming here at the next session of Congress claims at the rate of \$5,000 in the case of each of such persons.

Mr. LOUD. Let me make this suggestion: The widow of one of these men, who was an enlisted man, is evidently getting a pension, and will continue to receive her pension so long as she may live.

Mr. CANNON. Certainly, if there is a widow.

Mr. CAPRON. I should like to ask the distinguished chairman of the committee where he finds the statement that one of these men was an enlisted man?

Mr. CANNON. In the report. I read the language:

2. Loughlin and Harrington were regularly employed in the building, knew the character of its contents and the danger to which they were exposed, while O'Reagan, a most faithful employee of the station for about eleven years, as enlisted man and per diem laborer, was one of the first to respond to the fire alarm and joined the other two men.

Mr. CAPRON. He was not enlisted at that time, but had formerly been enlisted.

Mr. CANNON. I understand that he was an enlisted man at the time. But I care nothing about this matter, except so far as the adoption of this amendment may establish a principle. Now, consider the very large number of people in the civil employment of the Government of the United States. They are better paid than persons doing corresponding work in private employment. They are scattered all over the country, doing work in a clerical capacity or as laborers, watchmen, elevator attendants—doing all conceivable kinds of work for the United States.

Now, if you are going to establish a precedent of making the United States responsible for accidents and damages to the persons of civil employees, you establish a precedent which, if followed, will cost very large amounts of money, and in my opinion it ought not to be adopted.

Mr. JONES of Washington. I should like to ask the gentleman from Illinois a question. If this money is paid in bulk in this way, and there are outstanding debts against the estates of these persons, might not this entire appropriation be wiped out at once and go to pay debts that have been heretofore contracted?

Mr. CANNON. Oh, I understand that if this is to go at all,

it should be recast; but I place my opposition upon the ground that we can not afford to establish a precedent of paying for accidents to persons in the civil employment of the United States, no matter how sorry I am for these people.

Mr. GAINES. I want to ask a question for information. Did these parties who were injured do what they did voluntarily, or were they in the line of their duty? In other words, were they required to do it? There is some confusion over here as to the facts.

Mr. CANNON. They were in the employment of the Government.

Mr. GAINES. But did they voluntarily do what they did?

Mr. CAPRON. If the chairman of the committee [Mr. CANNON] will investigate, he will find that the factory was shut down on the 3d day of July because of the next day being the Fourth, excepting in the picking factory, and that was not where these men were regularly employed. Again, I will call the attention of the gentleman to the first part of the report. This man was not an enlisted man. He had been an enlisted man, but had been discharged, and at this time was a faithful employee engaged as a pipe fitter, a per diem laborer.

Mr. CANNON. I want to state another matter, and then, so far as I am concerned, I am ready for a vote. This is a report from the Committee on Claims. Now, it has no place on an appropriation bill. There is no opportunity to discuss the legal principle or the facts involved. The Senate, as it does lots of things, puts it on anyhow and sends it over here. Now, from the standpoint of its being a claim, it ought to go off and let the matter stand upon its merits.

Mr. DOCKERY. I hope the gentleman will emphasize the fact—in fact, he has done so—that if we are going to enter upon this kind of work it ought to be in the usual way, on a report from a committee charged with the duty of considering the claim. Whatever may be the merits of this, it is simply a claim, and through some sort of favoritism, to the disadvantage of hundreds and thousands of other claimants, it finds a place as a Senate amendment to this appropriation bill.

Mr. CAPRON. May I ask the gentleman how the poor families of these laboring men can bring their causes to the Court of Claims? Here is a matter that the Secretary of the Navy, the chief of the bureau, and the commander at the station all recommend in words which are unqualified. Congress certainly stands nearer to these people than the long and tortuous methods which result from proving cases in the Court of Claims. Now, this case is not paralleled by any, except where some man has taken his life in his hands at the order of Government officials; and I want to ask the gentleman how in the world they can be adjusted unless brought to Congress, as this has been?

Mr. DOCKERY. It is a claim, that is all. Let the bill be introduced and referred to the Committee on Claims.

Mr. CANNON. I think I am ready for a vote. I want to say in conclusion that it is proposed here to pay at the rate of \$5,000 for each civil employee who lost his life. What are you going to pay for the hundreds and thousands of employees of the Government in the military branch who will lose their lives?

Mr. CAPRON. We pay them more.

Mr. CANNON. Pay them more than \$5,000! We do not pay them anything. We pension their dependents, but we do not pay the legal representatives anything. All I want to say is that this is a claim and it has no business upon this bill. If Congress concludes to pay for personal injuries, the matter ought to be discussed on a report from the Judiciary Committee, fully considered for days, and deliberately adopted, if adopted at all. I ask for a vote.

Mr. HANDY. Mr. Speaker, I should like to submit a word or two before the vote is taken, with the consent of the gentleman from Illinois. I will say that I am on the gentleman's side. [Laughter.]

Mr. CANNON. Well, I am anxious to get a vote, but I will yield a minute to my friend.

Mr. HANDY. If you are certain that the House is on your side, I do not want to speak at all.

Mr. CANNON. I do not assert it at all. I do not know how the House feels about it. [Cries of "Vote!" "Vote!"]

Mr. HANDY. I think the gentleman's position is very sound. I have an exactly similar case in my own State.

Mr. CANNON. I will yield a minute to the gentleman from Delaware.

Mr. HANDY. I hardly think I can say what I want to say in a minute.

Mr. CANNON. Then I will yield two minutes to the gentleman, at the conclusion of which I will ask for a vote.

Mr. HANDY. Let us have a vote.

The SPEAKER. The question is on the motion to recede and concur.

The question was taken; and on a division (demanded by Mr. CAPRON) there were—ayes 33, noes 64.

Accordingly the motion was rejected.

On motion of Mr. CANNON, the House insisted on its disagreement to the amendment.

The next amendment on which a separate vote was demanded was read, as follows:

Page 111, line 19, strike out all after "office," down to and including line 3, page 112, and insert:

"That section 9 of the act aforesaid, approved March 3, 1887, be, and the same is hereby, amended by inserting in the fifth line thereof after the word 'contained,' the words: 'Provided, That in all cases hereinbefore provided for an appeal to the circuit court of appeals shall be allowed on behalf of the United States from all judgments adverse to the United States of United States district or circuit courts.'"

Mr. CANNON. I yield to my colleague, Mr. DOCKERY, to make such motion as he deems proper.

Mr. DOCKERY. I move that the House insist on its disagreement to this amendment.

The motion was agreed to.

On motion of Mr. CANNON, the request of the Senate for a further conference was granted; and the Speaker appointed as conferees on the part of the House Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1297. An act for the relief of Dr. John R. Hall, of Louisville, Ky.;

H. R. 2425. An act for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

H. R. 2430. An act removing charge of desertion from military record of W. H. Cohorn;

H. R. 3391. An act for the relief of W. H. Barnard and Robert Thomas;

H. R. 9075. An act to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company;

H. R. 9205. An act to authorize the extension eastwardly of the Columbia Railway; and

H. R. 10420. An act for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.

The message also announced that the Senate had passed with amendments the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes, had requested a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. PETTIGREW, Mr. JONES of Arkansas, and Mr. PLATT of Connecticut as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 95) instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4108. An act for revising and perfecting the classification of letters patent and printed publications in the Patent Office;

S. 3660. An act granting a pension to Thomas Edsall;

S. 1118. An act granting an increase of pension to Mary E. Chamberlin;

S. 1131. An act granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased;

S. 3553. An act granting a pension to Amos Webster;

S. 4676. An act for the protection of homestead settlers who enter the military or naval service of the United States in time of war;

S. 1472. An act granting an increase of pension to Bettie Hord Brown; and

S. 1481. An act granting an increase of pension to Halbert E. Paine.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I desire to present a conference report on the Post-Office appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 14, 16, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 13, 15, 18, and 24, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In

lieu of the matter inserted by said amendment insert the following: "one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "thirteen million eight hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For experimental rural free delivery, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, \$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Strike out the amended paragraph, lines 6 to 12, inclusive, page 6 of the bill, and insert in lieu thereof the following: "For rental or purchase of canceling machines, \$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "four hundred and twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And provided further, That hereafter the Vice-President, Members and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding 2 ounces in weight, upon official or departmental business."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the word "fifteen" inserted by said amendment insert the word "thirty;" and in line 7, page 12, of the bill, after the word "inspectors," insert the words "and clerks;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "postage," in line 5 thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"SEC. 5. That a commission consisting of the chairmen of the Committees on Post-Offices and Post-Roads of the Senate and House of Representatives and three members of the Senate, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter."

"Said commission is authorized to employ experts to aid in the work of inquiry and examination, also to employ a clerk and stenographer and such other clerical assistance as may be necessary, said experts and clerks to be paid such compensation as the said commission may deem just and reasonable."

"The Postmaster-General shall detail, from time to time, such officers and employees as may be requested by said commission in its investigation."

"For the purposes of the investigation, said commission is authorized to send for persons and papers, and, through the chairman of the commission or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the duties of said commission, and to sit during the recess of Congress."

"Said commission shall, on or before February 1, 1899, make report to Congress, which report shall embrace the testimony and evidence taken in the course of the investigation; also the conclusions reached by said commission on the several subjects examined and any recommendations said commission may see proper to make by bill or otherwise with the view of correcting any abuses or deficiencies that may be found to exist."

"The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission."

"Any vacancy occurring in the membership of said commission by resignation or otherwise shall be filled by the presiding officer of the Senate or House, respectively, according as the vacancy occurs in the Senate or House representation on said committee."

And the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.
M. S. QUAY,
W. B. ALLISON,
R. F. PETTIGREW,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made twenty-four amendments to the bill, producing a total decrease of \$223,000. By one amendment a decrease of \$1,000,000 was made, namely, free-delivery service. Aside from this decrease, the amendments of the Senate involved an increase of \$177,000.

By the action of the conferees the Senate recedes from amendments involving \$223,000 decrease and an increase of \$1,185,000, or a net increase of \$962,000.

The effect of the action of the committee on amendments numbered 1, 2, and 3 is to reduce the amount of appropriation for clerk hire from \$11,300,000 to \$11,100,000, being \$200,000 more than the amount carried in the item when it left the House; and to strike out the proviso relating to the consolidation of offices and use of a portion of the appropriation for third and fourth class post-offices.

Amendment numbered 4: The Senate recedes from its disagreement to this amendment, and the Department is permitted to enter into leases for premises for use of first, second, and third class offices for a period not exceeding ten years.

Amendments numbered 5, 6, 7, 8, and 9: The Senate recedes from its amendments reducing the amount for free-delivery service \$1,000,000 and restricting deliveries in the cities to four times per day. The House agreed to an increase for incidental expenses of \$15,000, which is the only increase in this total amount above that carried in the bill as it passed the House.

Amendment numbered 10: The Senate recedes from its amendment striking out the entire paragraph relating to rural free delivery, and agrees to an appropriation of \$150,000 for experimental rural free delivery, including the pay of carriers, horse-hire allowance, supplies, and mechanical appliances. The proviso relating to the consolidation of post-offices under this law and the limitations placed upon the appropriation as passed by the House were stricken out.

Amendments numbered 11 and 12: The House recedes upon its provisos limiting the appropriation for canceling machines to \$300 for each 50,000 population above 25,000, and that one canceling machine may be placed in the post-office in any city.

Amendment of the Senate numbered 13, making an appropriation of \$50,000 for the establishment and maintenance of temporary military post-offices was agreed to.

Amendment numbered 14, providing that no part of the appropriation for star-route service should be paid to subcontractors, was stricken out.

Amendment numbered 15, providing that no additional contracts for pneumatic-tube service shall be made unless hereafter authorized by law, was agreed to.

Amendment numbered 16, fixing a penalty for the refusal of a railroad company to transport mails upon its fastest trains, was stricken out, the Senate receding.

Amendment numbered 17: The Senate increased the amount of appropriation for railway post-office clerks from \$3,350,000 to \$3,467,000. The amount agreed upon is \$3,425,000, an increase of \$75,000 over the amount carried in the House bill, and a reduction of \$42,000 from the Senate amendment.

Amendment numbered 18 was agreed to as a better wording of the paragraph providing for the rate of compensation paid to companies performing mail service by electric and cable cars.

Amendment numbered 19, authorizing the Secretary of the Treasury to accept a post-office building and site at Wymore, Neb., was stricken out.

Amendment numbered 20 provides for an increase in the weight of first-class mail matter sent under frank of members of Congress from 1 to 2 ounces, and is agreed to.

Amendment numbered 21: The Senate recedes from its reduction of the amount appropriated for post-office inspector service from \$430,000 to \$415,000, and agrees to the amount carried in the House bill, namely, \$430,000, which is the sum asked for by the Department. It was also agreed to include the salaries of clerks in this department under this appropriation.

Amendment numbered 22: That portion of the proviso authorizing the Postmaster-General under regulation to issue instructions as to payment of postage upon remailed second, third, and fourth class mail matter was stricken out; but the portion providing for the notification of senders of such mail matter that same is undelivered, and that opportunity will be given for prepayment of return postage, is retained.

Amendment numbered 23: The Senate recedes in part from its amendment creating a joint postal commission, agreeing to the incorporation of the major portion of House resolution No. 180 as passed by the House, which portion included more particularly in detail the objects of the commission and the powers granted to it. As agreed to, the commission will consist of the two chairmen of the Committees on the Post-Office and Post-Roads of the Senate and House and three members of the Senate and three of the House of Representatives. A direct appropriation of \$30,000 to cover the expenses of the commission is made, and authorization is given for the sitting of the commission during the recess of Congress. The date at which the commission shall report to Congress is changed from January 1 to February 1, 1899.

Amendment numbered 24: Changes section 5 to section 6.

The bill as it passed the House carried \$99,112,300.75.

The bill as it passed the Senate carried \$98,289,300.75.

The bill as agreed to by conferees carries \$99,223,300.75.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

Mr. LOUD. Mr. Speaker, I move the adoption of the report.
Mr. GROSVENOR. I should like to inquire if this report is likely to consume any considerable time?

Mr. LOUD. That will depend wholly upon the House. I can not imagine anything in the report which should consume time, but still little things provoke a great deal of discussion sometimes.

Mr. LOVE. I could not understand from the reading of the report the scope to which this investigation goes on the expense of transmitting the mail, under the Senate amendment. The bill as it passed the House provided for the appointment of four commissioners from each House, who were required to fully investigate the whole mail service. I understand that we accept in part the House proposition, but I could not catch from the reading of the report the extent to which this investigation is to go.

Mr. LOUD. Mr. Speaker, I think the amendment as it has been incorporated covers substantially the same ground that is covered by the House resolution, not perhaps in as many words, but the commission are, under the Senate amendment—

To investigate, during the coming recess of Congress, the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter.

Mr. LOVE. Does it take in the mail cars that are used, for which the Government is paying an exorbitant rent?

Mr. LOUD. That is mentioned specifically.

Whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service.

The Senate were very persistent upon the language covering the scope of the duties of this commission, and we accepted substantially the language of the Senate amendment, and the Senate accepted the details of the resolution passed by the House providing the means and methods of investigation.

Mr. LOVE. Does the restriction on the pneumatic-tube system remain as it passed the House?

Mr. LOUD. The pneumatic-tube item, Mr. Speaker, I will say remains in the shape in which it passed the House, excepting that the House thought they had closed up the hole and driven the bung in so far as the pneumatic-tube service was concerned, but the Senate thought they would go a little further, and have added words that we were compelled to accept.

The House adopted a provision that—

No part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts are already entered into.

And the Senate have added the words:

And no additional contract shall be made unless hereafter authorized by law.

I will state to the gentleman that that was one provision on which we had the longest contest; and if we had had any idea the House would have sustained us, we would have brought in a disagreement upon this item; but I do not believe the House could be really made to understand the importance of the provision that the Senate has put upon the bill. The Senate has put a provision on here which forevermore will prevent the House upon an appropriation bill from extending the pneumatic-tube service. The House itself put a provision on here which would have prevented the extension of this service under this appropriation. Thinking that we measured the temper of the House so far as the pneumatic-tube service was concerned, and believing that we would have either to accept this or reject the whole appropriation, which we did not think was advisable under the circumstances, we were compelled to accept the Senate provision.

The question was taken; and the report of the committee of conference was agreed to.

On motion of Mr. LOUD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

OFFICIAL RECORDS OF WAR OF THE REBELLION.

Mr. SAMUEL W. SMITH. Regular order.

Mr. RICHARDSON. Mr. Speaker, I have a privileged report, I think, from the Committee on Printing. If it is not privileged, I would like to have it offered, and then ask unanimous consent for its consideration. It will not take more than a moment. It is a matter of considerable interest to members.

The SPEAKER. The gentleman from Tennessee presents the following privileged report.

The Clerk read as follows:

Concurrent resolution.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-fifth Congress not already entitled by law to receive the same; and he is further authorized to use for this purpose such incomplete sets as remain unsold or uncalled for by the beneficiaries designated to receive them under the authority contained in the several acts of Congress providing for the distribution and sale of this publication: *Provided*, That the Secretary of War may call upon the Public Printer to print and bind such parts of said work as will enable him to complete the sets herein provided for.

Mr. RICHARDSON. I ask that the report be read. It is very brief. It explains the resolution.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on Printing have considered House concurrent resolution No. 26, requiring the Secretary of War to furnish one complete set of Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-fifth Congress not already entitled to receive the same, and direct me to report same with recommendation that it do pass. It appears that the Secretary of War has now on hand a large number of copies of this publication, but they are in broken sets. It is estimated that it will require 173 sets to comply with the terms of the pending resolution. After using the broken sets as far as he can do so for the purpose of the resolution, there will be needed 2,557 books to supply each Senator, Representative, and Delegate of the Fifty-fifth Congress who has not heretofore been supplied with a full set. To print these 2,557 books it will cost about \$2,000.

The committee find that Senate Document No. 101, Fifty-fifth Congress, second session, being a letter from Maj. George W. Davis, chairman of Board of Publication of the Records of the Rebellion, gives the facts in respect to said publications, and the same is hereby made a part of this report.

WAR DEPARTMENT, Washington, January 27, 1898.

SIR: I have the honor to transmit herewith a letter from Maj. George W. Davis, chairman Board of Publication of Records of the Rebellion, containing recommendations for the distribution of certain surplus copies of the Official Records of the War of the Rebellion, now stored in the War Department building, together with drafts of four bills embodying suggestions for such distribution. The proposition for the distribution of these documents is concurred in by the Department, attention being invited to the recommendations on the subject contained in the last annual report of the Secretary of War, as follows:

"The report of the War Records Office affords the gratifying intelligence that, with the close of the present fiscal year, the entire series of records relating directly to battles and campaigns will have been printed and distributed. It is recommended that authority be granted to distribute the incomplete sets of the work, of which there are about 60,000 volumes now stored in the Department, occupying space much needed for other purposes."

Very respectfully,

G. D. MEIKLEJOHN,
Acting Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

WAR DEPARTMENT, WAR RECORDS OFFICE,
Washington, January 25, 1898.

SIR: In pursuance of your instructions that I make recommendations for the distribution of the surplus copies of the Official Records of the War of the Rebellion that are now stored in the War Department building, I have the honor to submit the following:

The law of August 7, 1882, provides for the printing of an edition of 11,000 copies of each volume, etc., to be disposed of as follows:

For the Executive Departments.....	1,000
For officers of the Army and contributors to the work.....	1,000
To libraries, organizations, and individuals designated by Senators, Representatives, and Delegates, Forty-seventh Congress.....	8,500
For sale.....	700

Total..... 11,000

All designations authorized by the statute referred to above have been made.

The distribution was begun by the War Department in December, 1882, under regulations issued by the Secretary of War that provided for the delivery to the persons, etc., designated to receive the books, or to the executors or administrators of their estates, the complete work as published, and a large number of the heirs of deceased persons are now the regular recipients of the books. It has been found impossible, however, to locate many of the legal representatives, and in all such cases the volumes issued subsequent to death have been held in the Department. Many libraries and other organizations originally designated to receive these records have been reported to this office as defunct or suspended, and when notice was received of the fact of dissolution of any such organization the subsequent issues were held. This has been a fruitful source of accumulation.

In addition to the volumes derived from the sources indicated above, a large surplus remains of the edition of 700 copies provided by law for sale to subscribers. The number of sales now made on current volumes does not exceed 300, although calls upon this office are frequently made for the earlier volumes.

The number of addresses to which the books as published are now being sent, including regular subscribers by purchase, is 10,007 of the edition of 11,000.

The clauses in the sundry civil acts of January 12, 1865, and June 4, 1867, providing for supplying certain members of the Fifty-third and Fifty-fourth Congresses with the work, absorbed a part of previous accumulations, but there is a constant addition to this stock as new volumes are issued, and the surplus now numbers about 53,000 copies, but, unfortunately, nearly all are in broken sets.

The Secretary of War in his last annual report asked that authority be granted for the distribution of this surplus stock. The Fifty-third and Fifty-fourth Congresses have, by special provisions of law, provided complete sets of this publication for such of their members as had not already been supplied, and I assume that such Senators, Representatives, and Delegates of the Fifty-fifth Congress, about 173 in number, will also be supplied; therefore a draft of a proposed law to accomplish this result is referred to below. After setting aside 173 full sets for this purpose there will remain some 53,000 books and about 53,000 copies of the several atlas plates.

Assuming that Congress will make provision for the disposition of all these surplus volumes and maps, I submit drafts of four bills embodying propositions for the distribution of the surplus copies as follows, any one of which will accomplish the desired result:

1. Authorizing the Secretary of War to make an equitable distribution of all broken sets of these records now stored in the Department, the volumes to be sent to designations made by the Senators, Representatives, and Delegates of the Fifty-fifth Congress. This involves the distribution of 53,000 volumes.

2. For supplying Senators, Representatives, and Delegates of the present Congress not now receiving the work with one complete set of the records, and conferring upon the Secretary of War authority to distribute the remainder in the manner set out in the first proposition. This involves the distribution of 173 complete sets and 30,000 surplus volumes additional.

3. As above, and supplying one additional set to each Senator, Representative, and Delegate of the Fifty-fifth Congress, the Secretary of War to distribute remainder as in first proposition. This involves the distribution of 630 complete sets and 17,000 surplus volumes additional.

4. As in No. 1, and giving two additional sets to the members of the Fifty-fifth Congress, the Secretary of War to distribute any remaining surplus volumes as in first proposition. This involves the distribution of 1,007 complete sets and 7,000 surplus volumes additional.

The estimate of cost in carrying out the several propositions submitted is as follows:

No. 1.....	Nothing.
No. 2.....	\$2,000
No. 3.....	23,000
No. 4.....	63,000

At least two years' time would be required to reprint the small editions necessary to complete the sets under propositions 3 and 4, and the appropriation to cover the expense should be made available until used.

Of this surplus stock the largest number of any volume available for this distribution is about 1,000 copies, while of several volumes none will be available if 173 sets are put aside to supply the Fifty-fifth Congress, as was done for the Fifty-fourth and Fifty-third Congresses.

Very respectfully,

GEO. W. DAVIS,
Major, United States Army.

The ACTING SECRETARY OF WAR,
War Department.

Mr. RICHARDSON. Mr. Speaker, I think that explains the resolution.

The question was taken; and the resolution was agreed to.

VOTING BY SOLDIERS IN CONGRESSIONAL ELECTIONS.

Mr. SAMUEL W. SMITH. I call for the regular order; and before proceeding, I desire to ask if any gentleman desires to speak in opposition to this bill. I want to see if an agreement can be made as to the time for debate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10550) to enable volunteer soldiers during the war with Spain to vote at Congressional elections.

Mr. SAMUEL W. SMITH. I move that the bill be first read, and after it has been perfected by amendments that we proceed to debate it.

Mr. LOUD. I do not think the gentleman should attempt to dispose of the bill without debate. I think there should be a little time allowed for debate, if there is any opposition to the bill.

Mr. McMILLIN. I would suggest to the gentleman that it is hardly probable that we can get through with the bill to-night. I would ask him to let it go over, being the unfinished business, for to-morrow.

Mr. SAMUEL W. SMITH. I did not expect to finish the bill to-night by any means.

The SPEAKER. The gentleman from Michigan has eight minutes.

Mr. KING. I move that the House do now adjourn. The question was taken; and the Speaker announced that the Chair was in doubt.

The House divided; and there were—ayes 67, noes 77.

So the House refused to adjourn.

Mr. SAMUEL W. SMITH. Mr. Speaker, I yield to the gentleman from Pennsylvania five minutes.

Mr. GROW. Mr. Speaker, the House of Representatives of Congress is composed of members chosen by the people of the respective States. By a provision of the Constitution express power is given Congress to change the times, places, and the manner of holding elections. Congress, I take it, and I presume there can be no dispute about that, can make any law that in their wisdom they think proper to regulate the elections of members of Congress on everything and in every respect except the qualifications of the electors who are to vote for members of Congress. That must be fixed by the State. The construction of the word "qualifications," therefore, is the only dispute that can possibly arise as to the power of Congress.

The machinery of elections fixed by State laws is simply the mode of gathering the will of the voters. No part of this machinery can be a part of the qualification of the voter. If it is, then Congress can not change the regulations made by the State. Hence this power granted to make or alter the regulations would be a nullity and amount to nothing. Now, what is the proper construction of "qualifications" in the Constitution?

It must be something that pertains to the individual himself. It can not be the machinery or any part of it by which he is to exercise his right as an elector. First, race. Second, sex, whether a man or woman shall vote. Some States allow women to vote. Third, age, property or educational qualifications, and residence. Now, what is there beyond that that can be called qualifications for a voter? It must be something that pertains to the individual.

Mr. LOUD. Will the gentleman allow me—

Mr. GROW. I can not stop now; I have only five minutes, and I want to explain my views; whether they agree with others or not is not material. That is not what I am on the floor for. The qualifications of a voter are fixed by the State, and Congress can not change any of them, but in every other thing in holding the election it can.

Race, sex, age, property, education, and residence—each of these is to be determined by the State; but everything else called regulations for holding elections for Congress can be made or changed by a law of Congress.

To meet the objection made by gentlemen the other day as to the extraterritorial question: How can Congress provide for a person to vote that lives in one State and passes out into another? If he is a private citizen, it can not; but it can if he is enlisted under the flag of his country, wherever that has a right to float, whether on the deck of a ship on the high seas or on land thousands of miles from his home. The flag of the country that floats in Manila to-day, or wherever it has a right to float, the soldier who stands under it stands on American soil, and he is entitled to all the rights, civil and political, that he was entitled to at his home 10,000 miles away, for by the laws of Congress he does not lose his residence wherever he may be in the service of the country.

Congress therefore can fix in everything how the elector shall exercise his right, and whether it is home or abroad; if he is enlisted in the service of his country, wherever he is, he is at his home so far as those rights are concerned. The qualifications can not consist in a registration, or in directions of law, such as requiring two election officers to mark his ballot with their initials. None of these things, mere regulations for holding elections, can be considered as qualifications for an elector under this view of the Constitution. If it is, then Congress can not change it, and hence they could not make any regulation for holding elections, and this clause of the Constitution giving Congress power to make or alter such regulations would be a nullity.

Mr. POWERS. Mr. Speaker, when this matter was presented to the House yesterday, in the absence of the gentleman from Michigan [Mr. SAMUEL W. SMITH] who reported the measure to the House, I gave out a portion of the time to the gentleman from Iowa [Mr. LACEY] who introduced the bill. During the progress of his remarks some objection came to the surface from various portions of the House touching the constitutionality of this proposed legislation. Now, sir, while, as a member of this com-

mittee, I confess I had some misgivings as to the constitutional power of Congress to delegate the right to an American citizen to vote in a foreign country, further reflection has satisfied me that there is no difficulty on that score, and that the bill as it was reported by the committee fully and amply covers the entire ground, and that no amendment is required in order to have it carry out the purposes for which it was introduced.

Mr. GROSVENOR. Will the gentleman allow this suggestion? The bill provides, to illustrate, that the returns shall be sent to the governor or the central power of the State—

Mr. POWERS. I think I can anticipate my friend's query; and if he will reserve his questions until a little later, I will try and cover the ground.

The difficulty, Mr. Speaker, in which members find themselves involved, I think, arises from the confusion in their minds as to the term "qualifications" as used in the Constitution, especially in the State constitution, and the term "regulation" as it is used in the Federal Constitution. The gentleman from Pennsylvania [Mr. GROW] has touched upon this point, but I desire to bring it out a little more fully.

Now, I apprehend that the qualification of a voter is a character given to the voter by force of the State constitution. The legislature of the State can never give a voter a qualification as that word is used in constitutional language. But the constitution itself is the instrument, the organic law of the State itself is the law that confers upon the voter all the qualifications that he must have in order to exercise the right of suffrage. How is it in practice? Do you have conferred on a class of voters the right of suffrage except by constitutional enactment? In those States where females are allowed to vote, is it not required that the State constitution shall be amended in order to confer that right of suffrage? So that in all cases where the qualification of the voter is talked about, where the legal personnel, so to speak, of the voter is established, it is done by constitutional action and not by legislative action.

Now, then, if that proposition be sound, it explains in a large degree the scope of the Federal Constitution when it speaks of the right of Congress to make or alter the regulations that have been prescribed through State agency. If I am right in assuming that the State constitution confers the qualification—declaring that the voter must be, for instance, a natural-born citizen, must be 21 years of age, must be a white person, must be a male or must be a female—that all goes to the quality of the person that offers to cast the ballot. But when you talk about regulations you come to a different kind of nomenclature; and upon that subject the legislature of the State is competent to act.

It may (subject to constitutional limitations which do not defeat the right to vote) say that the voter must cast his ballot between the hours of 6 in the morning and 6 at night; that he shall vote in a particular place; that he shall vote in a particular way—either viva voce or by written or printed ballot. In other words, the legislature may enter the field of regulative control of the exercise of the right of suffrage, and upon that subject may have plenary jurisdiction. The only limitation that can be imposed upon the right of the legislature is the constitutional provision that the right of no man to vote shall be abridged. That is all there is to it.

Now we come to the Federal Constitution, which declares that the States themselves may prescribe the times, places, and manner of holding elections—not that the States shall determine the qualifications of the voter, but may determine by suitable regulations when, where, and how he shall exercise the right to vote. And it is provided further that Congress shall at all times have power to make or alter such regulations.

Now, then, I come to the objection which was made yesterday, that within the scope of this bill the registration laws of the State would be inoperative. That is quite true. The bill expressly provides that the registration laws of the State shall be ignored. But such laws are nothing more than mere regulations; they do not affect the qualification of the voter; they simply provide the manner in which he shall cast his vote. The registration law provides, for instance, that the qualified voter shall go a certain number of days before the election and have his name put on a certified list. That is all there is to it. It does not add anything to the qualifications in any way.

Mr. NORTHWAY. Will the gentleman permit me at this point to ask a question?

Mr. POWERS. I wish the gentleman would refrain from interrupting me until I get through.

Now, this bill assumes that the registration law of a State is a legislative act which, as I have tried to point out, does not undertake in any way to touch the question of the qualification of a voter. It is a regulation within the meaning of the language used in the Constitution. It is *pari passu* with the regulation that the voter must cast his vote between 6 and 6, that he must vote in a booth, etc.

The registration law provides that the voter must have his name

on a certain list. It is nothing but a regulation. Such a law being simply a regulation, it is competent for Congress by law to make or alter such a regulation; and so this bill provides that any such regulations made by the various States shall be suspended and that another regulation which the bill provides shall be substituted for it, to wit, that soldiers in the field shall vote under the supervision of their commissioned officers, etc.

The point I am trying to make, Mr. Speaker, is that the act of Congress passed under this clause of the Constitution is limited wholly to the subject-matter of altering a State regulation and does not affect the qualification of a voter. This being my view of the matter, it seems to me there is no difficulty in carrying out the provisions of this bill.

I have no doubt that every member on this floor is anxious to give to our men serving in the Army and Navy during the present war—and that is the limit of this bill—ample opportunity to cast their ballots, if they see fit to do so. There is no one who would hold back from the brave men who have gone out to vindicate the honor of the country this small boon of exercising their own choice in respect to the members of Congress who shall have the conduct of this war. That is an object which commends itself to the approving mind of every member on this floor. The only question is whether it can be safely done. I can anticipate it may be said that a law of this kind would open the door for fraud; that in the confusion and hurry of military service there is great danger that frauds may be perpetrated.

I agree there is some ground for a claim of that kind, and it is possible the bill may need some amendment to guard against such anticipated fraud. But such safeguards can, I think, be readily provided. The ingenuity of the House is certainly ample to provide against that contingency. You may, if you please, have the soldier cast a written ballot and place his own signature on the back of it, so that after the ballots are returned to the canvassing board at home those officers may determine whether the person who cast the ballot was a legal voter or not. There are various ways in which the purity or correctness of the ballot can be secured by proper amendments, which will no doubt be put upon the bill when we resume its consideration to-morrow. I only allude to that point now because I can see that gentlemen may raise that objection to the bill, and I am suggesting that by proper amendments all such objections can be met and overcome.

Mr. ROBINSON of Indiana. When the gentleman reaches a point at which he will permit himself to be interrupted, I should like to submit a proposition in the form of a question. In enforcing the laws of the various States on the subject of securing the purity of the ballot, where would the gentleman lay the jurisdiction? Where would he lay the venue in a case, we will say, of intimidation of a voter? What course would be pursued with reference to the enforcement of penalties looking to the preservation of the purity of the ballot?

Mr. POWERS. Mr. Speaker, this bill provides simply for the election of members of Congress. If any member's election to this House is contested on the ground that there has been any fraud practiced by the soldiers in the field, why, the Committee on Elections would have jurisdiction to investigate such fraud.

Mr. ROBINSON of Indiana. But with reference to the criminal laws on the subject of intimidation—

Mr. POWERS. If a man votes when he has no right to vote, I suppose he can be prosecuted, and if he votes under a law of the United States, I do not know why he could not be prosecuted under United States jurisdiction.

Mr. ROBINSON of Indiana. Would you lay the venue in the Philippine Islands or in some county of the State from which the soldier comes?

Mr. POWERS. Well, I should lay it somewhere.

Mr. LEWIS of Washington. The statutes of the United States lay the venue.

Mr. POWERS. I have not gone into that matter, because I thought it was too remote a suggestion. No question is ever presented to Congress to which you can not anticipate a great many objections, if you go into the field of conjecture; but when you go into the field of improbability, you are going outside of the scope of proper legislation.

Mr. ROBINSON of Indiana. But I suggest to the gentleman from Vermont that in the States where the voters vote we have various statutes that protect the security of the ballot, and I do not think it is entering the field of mere conjecture to consider this matter upon this very important proposition. Much as I favor it, I desire to have it in perfect shape.

Mr. POWERS. Well, Mr. Speaker, I suppose a soldier who goes to the Philippine Islands under orders from the Government authorities goes away from home. He is not there under jurisdiction of the Spanish authorities. He is there under the jurisdiction of the American flag. He carries his home and his domicile with him. His identity is preserved. He simply goes out as a foreign minister goes out, and in this particular case he goes out as an avenging messenger of mercy, and I do not think he ever

loses his character so that he would cease to be amenable for any breach of law that he commits. I am reminded that the act itself provides that it shall be treated the same as if he voted at home, in his own jurisdiction.

I do not think we need trouble ourselves very much about the legality of empowering a man to vote away from his own home. During the civil war many of the States made provision for the soldiers voting in the field. There were two or three cases decided against that right, on the ground that they could not legally cast their votes elsewhere than in the place of their domicile, but it will be noticed that in those States there were constitutional provisions under which the courts held that they were limited to the place of their residence in casting their ballots; but in those States where there was no constitutional inhibition the courts held universally that those laws were constitutional.

Now, if the State of Vermont could authorize its Vermont soldiers to vote in the State of Tennessee, where they were at that time, why could it not authorize those same soldiers to vote in Cuba, if they had been there, or in any other foreign country? Where is the limitation? If you once concede the right to exercise the franchise by any part of the voters outside of their own State, where is the limitation?

Mr. FLEMING. Mr. Speaker, I should like to ask the gentleman a question on that point, if he will permit me. If you can give the power to Congress to allow a soldier to vote outside of this country, can you not also give the power to allow any private citizen to do the same thing?

Mr. LEWIS of Washington. The State absolves a soldier from local allegiance when he enters the Army.

Mr. FLEMING. Is there any constitutional distinction between a private citizen, who is not a soldier, voting outside of his country, and an enlisted soldier in the Army doing the same thing?

Mr. POWERS. I will say frankly to my friend that I do not think there is any distinction.

Mr. FLEMING. Then you claim by your argument that it would be competent for Congress to pass a law empowering all Americans who happen to be in the city of Paris, or the city of London, or the city of Berlin, on the day on which the Congressional elections took place, to meet together in those cities, open a poll, cast their votes and send them back, and have them counted for Representatives in Congress.

Mr. POWERS. Well, the gentleman is supposing a very extreme case; but I say no, that you can not do any such thing.

Mr. FLEMING. Will the gentleman please give me the distinction between that and the case of the soldier?

Mr. POWERS. I say that if any number of the American people should go over to Paris and remain there under the French flag, we could not and would not empower them to vote there; but if we sent them over there under the American flag, they would be just as much at home over there as they would be on this side of the water, for when an American is under the protection of the American flag he is at home. [Applause.]

I was discussing the action of the court upon these State laws which authorized the soldiers to vote in the field during the late war. Now, to come back to the point at which I started, namely, that that is a mere regulation respecting the exercise of the rights to the franchise, that that was a regulation made by the States, they had a right to say where and when and how the citizens of their States might vote. Nobody will gainsay that a State has the right to say the citizens in the county of A shall vote at the county seat; that the citizens in the county of B shall vote at a watering place; that the citizens in the county of A shall vote on such a day, and that those in the county of B shall vote on another day, unless there is some constitutional inhibition against it.

If it is all left to the legislative control, then, of course, the legislature can control it as in its wisdom it may see fit. Now, the States authorized the soldiers during the late war to vote away from home. That being a regulation, it was entirely competent under this clause of the Federal Constitution for Congress to say, "We will change that regulation of the States and provide that they may vote away from home and even in a foreign land," because Congress has ample jurisdiction to provide all these regulations. And if Congress makes a regulation that is different from the State regulation, the Federal regulation, of course, is paramount and governs.

Mr. RIDGELY. I think we are all in favor of this bill. I certainly am myself, and I should like, if I could, to make it even more liberal than it is. I want to ask as to the meaning of the word "company" in the bill. Do you mean an organized military company or a detached body of men? In section 5 you refer to a company having the privilege of voting.

Mr. POWERS. Well, the gentleman from Iowa [Mr. LACEY] drafted this bill, and I think he has provided that company organizations or detachments, if they happen to be in that form of organization, may hold an election.

Mr. RIDGELY. That is just the point.

Mr. POWERS. I think the bill covers every conceivable

organization that may be found among the soldiers, giving them the right to vote.

Mr. RIDGELY. Your understanding is that a mere body of men, not a regularly organized military company, but a part of a company, may vote.

Mr. POWERS. As I understand it, any detachment of men are allowed to vote under the provisions of the bill.

Mr. RIDGELY. Now, just one more question. Is it possible for us to extend the right of suffrage for Congressmen to soldiers under 21 years of age?

Mr. POWERS. No. The age of the voter is, as I understand it, a matter that pertains to his qualification.

Mr. RIDGELY. I am sorry to say that I agree with the gentleman. I only wish we could extend that right to every man and boy in the Army.

Mr. POWERS. That is a qualification provided for by the organic law in the various States.

Mr. WILLIAMS of Mississippi. Now, suppose that in the State of Vermont or Mississippi it is provided that the electors shall vote under the Australian ballot system. Let us suppose that this is not a constitutional provision of Vermont or of Mississippi—

Mr. POWERS. It is a legislative enactment.

Mr. WILLIAMS of Mississippi. But the Constitution gives the power or leaves the power to the legislature to control that.

The SPEAKER. The Chair suggests to the gentlemen that they take the House into their confidence. [Laughter.]

Mr. WILLIAMS of Mississippi. Mr. Speaker, I was just asking this question of the gentleman from Vermont: Suppose in the State of Maine, Vermont, or Mississippi it were provided that the elector should cast his vote under the general body of rules and regulations known as the Australian ballot system. The gentleman has dwelt upon the distinction between "qualifications" for the exercise of the privilege of suffrage and "regulations." Now, I wish to ask him if soldiers of the State of Mississippi or Maine were to cast their votes in camp in Cuba or Manila without any regard to the Australian ballot, does he think that they would thereby be doing a thing which Congress has the right to give them the privilege to do?

Mr. POWERS. Mr. Speaker, I think there is not the least question about that. I think they would have the right to do so.

Mr. WILLIAMS of Mississippi. Well, I do not.

Mr. POWERS. The Australian ballot law is nothing but a code of regulations covering the manner in which the voter shall cast his ballot; and, as I have tried to point out before, anything that comes within the category of regulations may be modified by Congress under this provision of the Constitution which says that they "may make, alter, or amend" such regulations. That is a regulation, and therefore Congress may alter it or do away with it.

Mr. LOUD. I want to ask the gentleman a question, as I want some information on this subject. Of course we all admit that Congress has the right to alter or amend; but I would like to have the gentleman inform this House—and I know he is competent to do so—if he thinks Congress has the right to change the regulations or the manner or method in which some people of one State shall vote and the State shall prescribe how some other people may vote, and whether they can make a distinction between different people in the same State?

Mr. POWERS. I think I notice the point of the gentleman's inquiry, and I regret that I failed to make myself understood. I endeavored to cover that point. I think it is entirely competent for the State in terms to frame regulations to govern voters and say, for instance, that all voters of the State under 50 years of age shall be registered and all over that age need not be. I think it is competent to say that voters of one county shall vote at one place one day and another county on another day and at another place. In other words, there is no such thing as uniformity determining the matter, but a mere regulation. Now, I beg my friend to keep in mind the plain distinction between the qualification of a voter that is given him in the organic law and the laws and the regulations with reference to the exercise of his franchise that is controlled by the legislature itself.

Mr. LOUD. That does not answer my question.

Mr. CANNON. Will the gentleman allow me to ask him a question right in that connection?

Mr. LOUD. I have one thought. The gentleman does not answer my question. For argument's sake, I will admit the State has the right; but has the State government the right to say that the citizens of the State shall vote in one way prescribed by the State laws, and has the Federal Government the right to say that they shall vote another way?

Mr. POWERS. I answer yes, because this clause of the Federal Constitution in terms says the State shall prescribe a regular time, place, and method, but Congress may alter or amend.

Mr. LOUD. Alter all; but not part.

Mr. POWERS. Why, certainly they can alter part. In the case of 100 United States, *Ex parte Seebolt*, the court takes up

that very question and says under the power to alter or amend they may alter any part or in toto. They may adopt one part of the regulations of the State or repudiate them entirely. If the gentleman will read that case, he will find that it sets every legal question here at rest.

Mr. LOUD. So far as the regulations are concerned, they can change them, but not to apply in this way. If they repeal or change a part of the regulations, they can not repeal or change part of the regulations for a part of the citizens, but must change them in a uniform manner. If they make a proscription between classes of citizens of the State, then they must make the same proscription for every citizen, and you can not find anything in the Constitution to controvert that.

Mr. POWERS. If there is any merit in the proposition, as I advocate it, it is that they can do that very thing. Now, what is my friend's contention—that it would be entirely competent for the State legislature to say that the male voters of a State shall cast their ballots between 6 and 12 and the female voters shall cast their ballots between 12 and 6?

Mr. LOUD. Do not let us trench on the power of the State. Let us confine ourselves to the power of the United States.

Mr. POWERS. Then would it not be competent to say that each person over 60 years of age shall vote between certain hours?

Mr. LOUD. Possibly the State might; but let us confine ourselves to this question of the power of the United States.

Mr. POWERS. If you concede the State might do so, you concede the whole ground of my argument. By my argument, whatever the State may do by way of regulation the Federal Government may do in the way of altering or amending.

Mr. WILLIAMS of Mississippi. But it being admitted for the sake of argument that the State can prescribe that all women shall vote between certain hours and all men between certain hours, thereby classifying the voters into two classes, or that all men over a certain age should vote within certain hours and all men under that age at other hours, thereby classifying this class into perhaps two subclasses, could the State itself even prescribe that one man of 84 years of age shall be compelled to vote by the Australian ballot when voting at a given town in Mississippi and another 84 years of age, belonging to the same class, shall vote without the purifying limitations of the Australian ballot when voting in Manila or Cuba or Puerto Rico? That is the question.

Mr. POWERS. Do you ask me whether they have the power to do it?

Mr. WILLIAMS of Mississippi. Whether Congress has the power, or the State. I admit, if the State has the power to make it, and does make it, as long as it is a mere "regulation" and not a "qualification" (although I differ with you about what a "qualification" is), then that which the State has a right to make as a mere regulation Congress has a right to alter as a mere regulation. I ask you if the State has the right to make the regulation I have described, and would it be indeed a "regulation" rather than a qualification?

Mr. POWERS. I say yes. There is no question about it. If the legislative power is given full jurisdiction over the subject, they are given the exercise of the jurisdiction in their own way, and nobody can call it in question, unless they invade the right of the voter to cast his ballot; they are all the time kept under that constitutional restraint. But, subject to that, their power is plenary and they may exercise it in their own way.

Mr. LACEY. I want to say to the gentleman—

The SPEAKER. Does the gentleman from Vermont yield to the gentleman from Iowa?

Mr. POWERS. Certainly.

Mr. LACEY. I want to say that Congress has already passed a law applicable to cities of 20,000 or more inhabitants, thus legislating as to a part of a State without making that legislation applicable to cities of a smaller size.

Mr. WILLIAMS of Mississippi. But it includes all in that class.

Mr. LACEY. If they can do that, they can pass a law as to any class.

Mr. POWERS. There seems to be some objection made here on the score that it is class legislation, and they say you can not legislate for a class. Why, we are all the time legislating for classes. The soldiers are a class of voters, and we say that class of citizens may cast their ballots in this particular way. Now, then, Mr. Speaker, I have said all I care to on the subject, and I yield the remainder of the time to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. SAMUEL W. SMITH. I yield one minute to the gentleman from Pennsylvania.

Mr. GROW. Mr. Speaker, the question asked by the gentleman from Georgia [Mr. FLEMING] I do not think had a full answer. Residence is a qualification of a voter to be fixed by the State; but when he goes into the military or the naval service, he does not change his residence. That is the law of the country. An ambassador that leaves the country, even if he is gone for years,

does not change his residence in law. So, while the State can fix the residence, while the soldier or sailor is in the service of his country, under the laws of his country he has not changed his residence, and has a right to go home the day before election and exercise the right of suffrage the same as if he had remained there all the time.

Mr. FLEMING. I want to say this: My question did not take the case of a man who had lost his residence by remaining in another country, say France. My question was, in substance, equivalent to this: Suppose there were 100 Americans who had not lost their residence; could Congress make a law regulating their voting?

Mr. GROW. Certainly, if they had not lost their residence in a State.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SAMUEL W. SMITH. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 75, noes 76.

Mr. SIMS. Tellers, Mr. Speaker.

Mr. DOCKERY. This is a continuing order.

Mr. GROSVENOR. Yes; it is a continuing order, and it is being used to obstruct the Hawaiian resolution.

Mr. LACEY. The gentleman from Ohio ought to be ashamed to say that.

Mr. SAMUEL W. SMITH. Mr. Speaker, is this a continuing order? After the Journal to-morrow will this bill be in order?

The SPEAKER. Yes, it is a continuing order.

Mr. GROSVENOR. Can not the question of consideration be raised, Mr. Speaker?

The SPEAKER. The question of consideration can always be raised by the House. The House has possession of its own work.

The question of ordering tellers being taken, and a sufficient number rising, tellers were ordered; and the Speaker appointed Mr. GROSVENOR and Mr. SAMUEL W. SMITH as tellers.

Mr. GROSVENOR. Mr. Speaker, I do not want to waste the time of the House, and as far as I am concerned I am content that the House shall adjourn if it wishes to.

The SPEAKER. Tellers are ordered, and the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Michigan [Mr. SAMUEL W. SMITH] will take their places.

Mr. RICHARDSON. Mr. Speaker, I do not know that I object, but the tellers are both on the same side.

The SPEAKER. Will the gentleman from Tennessee [Mr. RICHARDSON] take his place as teller?

Mr. RICHARDSON. I voted to adjourn, Mr. Speaker.

The SPEAKER. The Chair will be glad if any gentleman who voted against adjourning will take the place of teller.

Mr. GROSVENOR. I voted against adjournment, but I changed my vote. I want to yield to the superior will of the House.

The SPEAKER. The Chair did not notice what gentlemen voted, but he took the gentleman from Michigan because he made the motion to adjourn.

Mr. STEELE. Mr. Speaker, I voted against the motion to adjourn.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] will take his place as one of the tellers.

The tellers took their places, and the House proceeded to divide.

The SPEAKER (during the count by tellers). The Chair desires the attention of the House for a moment, because under suggestion as to possible terms of order he does not feel quite confident as to the correctness of the statement which he made in reply to the question of the gentleman from Ohio [Mr. GROSVENOR], who inquired whether the question of consideration could be raised when this matter comes up to-morrow. Under the language used in the order—

Mr. LACEY. This was made a continuing order.

The SPEAKER. Yes, a continuing order; but whether the bill must remain before the House until disposed of, without being subject to the question of consideration, is a matter which the Chair desires to leave open, and not decide—indeed, there being a dispute, it would not be proper to decide—until that question comes up, because the decision will depend upon the special language used in the order. The language of the order was not printed in the RECORD this morning, and therefore the Chair has not seen it. He thinks it proper to make this statement, because his reply to the gentleman from Ohio might otherwise influence the vote on the pending question.

Mr. STEELE (one of the tellers). I ask unanimous consent that the House now adjourn.

Mr. PEARCE of Missouri. I object.

The result of the count by tellers was then announced—ayes 93, noes 66.

Mr. POWERS. I ask for the yeas and nays.

The SPEAKER proceeded to put the question on ordering the yeas and nays.

Mr. POWERS. I ask unanimous consent to say a word.

Several members objected.

The SPEAKER. Thirty-six members have voted to order the yeas and nays—a sufficient number, in the opinion of the Chair.

Mr. POWERS. Now, if I can have unanimous consent for a moment, I think I can save the House any unnecessary delay—

Mr. McEWAN. I call for a count of the other side on the question of ordering the yeas and nays.

The SPEAKER (having counted the negative vote) said: On this question there are 36 in the affirmative and 93 in the negative. One-fifth having voted in the affirmative, the yeas and nays are ordered.

Mr. POWERS. Now, I ask unanimous consent to make a statement. I think I can save the House any unnecessary delay. My reason for asking the yeas and nays was because the House has labored under a misapprehension in regard to the ruling of the Chair. It was said that the order with reference to this bill is a continuing order and that we would have the floor for continuing the consideration of the bill to-morrow. It turns out now that the Chair reserves the right to pass upon that question until to-morrow. Consequently we are in danger of losing our day in court unless by unanimous consent—

The SPEAKER. The point upon which the Chair desired to reserve his decision was whether the question of consideration could be raised; that was all; and he believed that if there was any dispute on that question he ought not to decide it until the matter comes up regularly.

Mr. POWERS. I voted under a misapprehension myself. I now ask unanimous consent that this bill may be held in order to-morrow immediately after the reading of the Journal.

The SPEAKER. It will be in order.

Mr. POWERS. I ask unanimous consent to withdraw the demand for the yeas and nays.

Mr. MAHON. I object.

The SPEAKER. Objection is made by the gentleman from Pennsylvania. The yeas and nays have been ordered.

Mr. POWERS. I move to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider was agreed to.

The question recurring, Shall the yeas and nays be ordered? there were—ayes 32, noes 117; one-fifth voting in the affirmative.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 81, answered "present" 9, not voting 175; as follows:

YEAS—89.

Arnold,	De Graffenreid,	Lewis, Wash.	Robb,
Baker, Ill.	Dinsmore,	Little,	Robertson, La.
Ball,	Dockery,	Lloyd,	Robinson, Ind.
Bankhead,	Elliott,	Loud,	Russell,
Barkley,	Ellis,	Loudenslager,	Sayers,
Bodine,	Flaming,	Love,	Shafroth,
Brantley,	Greene,	McEwan,	Simpson,
Bronner, Ohio	Griffith,	McMillin,	Sims,
Brewer,	Grout,	McRae,	Snover,
Brewster,	Gunn,	Maddox,	Spalding,
Brownlow,	Hager,	Maguire,	Stallings,
Brunn,	Hay,	Maxwell,	Stark,
Burke,	Henderson,	Meyer, La.	Stephens, Tex.
Burleigh,	Henry, Ind.	Moon,	Stokes,
Cannon,	Henry, Miss.	Mudd,	Sutherland,
Clardy,	Henry, Tex.	Norton, Ohio	Taylor, Ala.
Clark, Mo.	Hicks,	Norton, S. C.	Walker, Va.
Clayton,	Howard, Ga.	Perkins,	Wheeler, Ky.
Connolly,	Jenkins,	Pierce, Tenn.	Williams, Miss.
Cowherd,	King,	Powers,	Wilson.
Crumpacker,	Kleberg,	Rhea,	
Dalzell,	Lacey,	Richardson,	
De Armond,	Lanham,	Ridgely,	

NAYS—81.

Barham,	Gillet, N. Y.	Mann,	Showalter,
Barney,	Graft,	Marsh,	Smith, Ill.
Berry,	Griffin,	Meekison,	Smith, Ky.
Broderick,	Grosvenor,	Mercer,	Steele,
Brucker,	Grow,	Miller,	Stevens, Miss.
Burton,	Hamilton,	Mills,	Stewart, N. J.
Capron,	Hawley,	Minor,	Stewart, Wis.
Clark, Iowa	Hepburn,	Morris,	Sulloway,
Cochran, Mo.	Hilborn,	Northway,	Tawney,
Cooper, Wis.	Hill,	Olmsted,	Todd,
Cousins,	Hitt,	Osborne,	Tongue,
Crump,	Howe,	Otey,	Updegraff,
Curtis, Kans.	Howell,	Otjen,	Van Voorhis,
Danford,	Johnson, N. Dak.	Packer, Pa.	Walker, Mass.
Davenport,	Kerr,	Pearce, Mo.	Warner,
Davidson, Wis.	Kirkpatrick,	Pearson,	Weaver,
Davidson, Ky.	Kitchin,	Pugh,	Weymouth,
Eddy,	Landis,	Ray,	White, Ill.
Fletcher,	Lawrence,	Reeves,	
Fowler, N. J.	Lybrand,	Robbins,	
Gibson,	Mahon,	Shattuc,	

ANSWERED "PRESENT"—9.

Bailey,	Gaines,	Ketcham,	Smith, S. W.
Bartlett,	Griggs,	Settle,	Zenor.
Driggs,			

NOT VOTING—175.

Acheson,	Babcock,	Bartholdt,	Benner, Pa.
Adams,	Baird,	Beach,	Bennett,
Adamson,	Baker, Md.	Belden,	Benton,
Aldrich,	Barber,	Belford,	Bingham,
Alexander,	Barrett,	Belknap,	Blaker,
Allen,	Barrows,	Bell,	Bland,

Booze,	Evans,	Lewis, Ga.	Sherman,
Botkin,	Farris,	Linney,	Shuford,
Boutell, Ill.	Fenton,	Littauer,	Skinner,
Boutelle, Me.	Fischer,	Livingston,	Slayden,
Bradley,	Fitzgerald,	Lorimer,	Smith, Wm. Alden
Bromwell,	Fitzpatrick,	Lovering,	Southard,
Brosius,	Foote,	Low,	Southwick,
Broussard,	Foss,	McAleer,	Sparkman,
Brown,	Fowler, N. C.	McCall,	Sperry,
Brundidge,	Fox,	McCleary,	Sprague,
Bull,	Gardner,	McClellan,	Stone, C. W.
Butler,	Gillett, Mass.	McCormick,	Stone, W. A.
Campbell,	Handy,	McCulloch,	Strait,
Carmack,	Harmer,	McDonald,	Strode, Nebr.
Castle,	Hartman,	McDowell,	Strowd, N. C.
Catchings,	Heatwole,	McIntire,	Sturtevant,
Chickering,	Hemenway,	Mahany,	Sulzer,
Clarke, N. H.	Henry, Conn.	Marshall,	Swanson,
Cochrane, N. Y.	Hinrichsen,	Martin,	Talbert,
Coddins,	Hooker,	Mesick,	Tate,
Colson,	Hookins,	Miers, Ind.	Taylor, Ohio
Connell,	Howard, Ala.	Mitchell,	Terry,
Cooney,	Hull,	Moody,	Thorp,
Cooper, Tex.	Hunter,	Newlands,	Underwood,
Corliss,	Hurley,	Odell,	Vandiver,
Cox,	Jett,	Ogden,	Vehslage,
Cranford,	Johnson, Ind.	Overstreet,	Vincent,
Cummings,	Jones, Va.	Parker, N. J.	Wadsworth,
Curtis, Iowa	Jones, Wash.	Payne,	Wanger,
Davey,	Joy,	Peters,	Ward,
Davis,	Kelley,	Pitney,	Wheeler, Ala.
Dayton,	Knowles,	Prince,	White, N. C.
De Vries,	Knox,	Quigg,	Wilber,
Dingley,	Kulp,	Rixey,	Williams, Pa.
Dolliver,	Lamb,	Royce,	Wise,
Dorr,	Latimer,	Sauerhering,	Yost,
Dovener,	Lents,	Shannon,	Young.
Ermentrout,	Lester,	Shelden,	

So the motion to adjourn was agreed to.

Pending the announcement of the result, the Clerk announced the following pairs:

Until further notice:

Mr. LOVERING with Mr. JONES of Washington.

Mr. PITNEY with Mr. SWANSON.

Mr. KULP with Mr. DAVEY.

Mr. BROSIOUS with Mr. ERMENTROUT.

Mr. DOVENER with Mr. SPARKMAN.

Mr. MESICK with Mr. TATE.

Mr. FOSS with Mr. COOPER of Texas.

Mr. ALDRICH with Mr. ALLEN.

Mr. QUIGG with Mr. CRANFORD.

Mr. SAUERHERING with Mr. UNDERWOOD.

Mr. HOOKER with Mr. CATCHINGS.

Mr. BARRETT with Mr. LENTZ.

Mr. SOUTHWICK with Mr. STRAIT.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. OVERSTREET with Mr. MIERS of Indiana.

Mr. EVANS with Mr. SETTLE.

Mr. ARNOLD with Mr. COX.

Mr. FOOTE with Mr. ROBE.

Mr. MITCHELL with Mr. BENNER of Pennsylvania.

Mr. KNOX with Mr. MCALEER.

Mr. LORIMER with Mr. CAMPBELL.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. ROYSE with Mr. ZENOR.

Mr. SAMUEL W. SMITH with Mr. FOX.

Mr. FARIS with Mr. PETERS.

Mr. DORR with Mr. DRIGGS.

Mr. BENNETT with Mr. GAINES.

For this day:

Mr. YOUNG with Mr. JONES of Virginia.

Mr. CHARLES W. STONE with Mr. HINRICHSEN.

Mr. WILLIAM A. STONE with Mr. MCCLELLAN.

Mr. BARTHOLOMT with Mr. SULZER.

Mr. WM. ALDEN SMITH with Mr. VANDIVER.

Mr. PARKER of New Jersey with Mr. DE VRIES.

Mr. WILBER with Mr. LAMB.

Mr. CODDING with Mr. CUMMINGS.

Mr. CLARKE of New Hampshire with Mr. CARMACK.

Mr. KETCHAM with Mr. COONEY.

Mr. DINGLEY with Mr. BAILEY.

Mr. BINGHAM with Mr. BLAND.

Mr. WANGER with Mr. ADAMSON.

Mr. BUTLER with Mr. BAIRD.

Mr. BELKNAP with Mr. JETT.

Mr. STRODE of Nebraska with Mr. LATIMER.

Mr. SOUTHWICK with Mr. MARSHALL.

Mr. SHANNON with Mr. LIVINGSTON.

Mr. BROWN with Mr. MCALEER.

Mr. TAYLER of Ohio with Mr. BARTLETT.

Mr. MCCALL with Mr. TERRY.

Mr. DAYTON with Mr. BALL.

Mr. HARMER with Mr. McDOWELL.

Mr. BROMWELL with Mr. VEHSAGE.

Mr. SAMUEL W. SMITH. Mr. Speaker, I am paired with the

gentleman from Mississippi [Mr. Fox]. I desire to withdraw my vote.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the Springfield Arsenal—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Acting Director of the Mint calling attention to the large amount of gold bullion now held in the Treasury, and requesting an appropriation for the coinage of the same—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10166) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chillico Indian Reservation, Territory of Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 1530); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAWNEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 9380) defining mixed flour, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of mixed flour, reported the same with amendment, accompanied by a report (No. 1537); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10341) to incorporate the National Congress of Mothers, reported the same with amendment, accompanied by a report (No. 1531); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6432) relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md., reported the same with amendment, accompanied by a report (No. 1532); which said bill and report were referred to the House Calendar.

Mr. HICKS, from the Committee on Patents, to which was referred the bill of the House (H. R. 7871) revising and amending the statutes relating to patents, reported the same without amendment, accompanied by a report (No. 1535); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. COLSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 9055) for the relief of the heirs of B. H. Sowder, reported the same without amendment, accompanied by a report (No. 1534); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6037) for the relief of William Schooler for compensation for work done and not paid for at written contract rates by the District of Columbia, reported the same adversely, accompanied by a report (No. 1533); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10324) to provide for the better organization of the Quartermaster's Department, with a view to the proper transaction of the large volume of additional work

placed upon such Department by the sudden increase of the regular and volunteer forces of the Army—to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 10634) ceding jurisdiction to the State of Indiana over certain lands, and so forth—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. GROSVENOR: A resolution (House Res. No. 317) providing for the consideration of a joint resolution of the House (H. Res. 259) relative to the annexation of the Hawaiian Islands—to the Committee on Rules.

By Mr. YOUNG: A resolution (House Res. No. 318) requesting the Secretary of the Navy to furnish a list of the names of the officers and crews of all vessels of the United States—to the Committee on Naval Affairs.

By Mr. HENDERSON: A resolution (House Res. No. 319) to amend Rules X and XI—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER of Ohio: A bill (H. R. 10625) to remove the charge of desertion from the record of Joseph G. Denius, late Company B, One hundred and twelfth Ohio Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 10626) to remove the charge of desertion from the record of John Partlow, late of Company D, One hundred and twenty-ninth Indiana Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 10627) to remove the charge of desertion from the record of Jacob T. Miller, late of Company H, One hundred and ninety-seventh Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. COCHRANE of New York: A bill (H. R. 10628) for the relief of Bridget McGrane—to the Committee on Claims.

By Mr. WHITE of North Carolina: A bill (H. R. 10629) for the relief of Rebecca Bly, widow of George W. Bly—to the Committee on Military Affairs.

By Mr. LEWIS of Washington: A bill (H. R. 10630) to correct the military record of George Haskin—to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 10631) to correct the military record of John F. Geist—to the Committee on Military Affairs.

Also, a bill (H. R. 10632) to correct the military record of Joseph Betz—to the Committee on Military Affairs.

Also, a bill (H. R. 10633) to correct the military record of John F. Kelly—to the Committee on Military Affairs.

By Mr. RIDGELY: A bill (H. R. 10635) to remove the charge of desertion against John C. Bogard—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of M. E. Comeford, of Philadelphia, Pa., protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

By Mr. BENNETT: Resolution of the Republican Club of the Nineteenth Ward, Brooklyn, N. Y., against the erection of a sectarian church at West Point, N. Y.—to the Committee on Military Affairs.

By Mr. CAPRON: Petition of the Young People's Christian Union of Woonsocket, R. I., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. COCHRANE of New York: Paper to accompany House bill for the relief of Bridget Grane—to the Committee on Claims.

By Mr. GROUT: Petition of the Young People's Christian Union of Hartland, Vt., Don M. Flower, secretary, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENDERSON: Resolution of the National Live Stock Exchange, approved by the Sioux City Live Stock Exchange, urging the passage of Senate bill No. 3354, relating to extension of authority granted Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Northwest Iowa Homeopathic Medical Association, favoring the passage of Senate bill No. 164, to prevent unjust discrimination in the appointment of surgeons in the Army and Navy—to the Committee on Military Affairs.

By Mr. HICKS: Protest of J. A. McCleary, John P. Butler, and 19 other pharmacists and druggists of Blair County, Pa., against

the taxation of proprietary articles in the war-revenue bill—to the Committee on Ways and Means.

Also, protest of Hon. George W. Wagner, mayor, and 34 other citizens of Johnstown, Pa., against the Senate amendment to Post-Office appropriation bill restricting deliveries—to the Committee on the Post-Office and Post-Roads.

By Mr. KULP: Resolution of the Chamber of Commerce of the State of New York, relating to educating the people of foreign countries in the use of corn as a food product—to the Committee on Agriculture.

By Mr. MCCLELLAN: Resolutions of the Chamber of Commerce of the State of New York, asking Congress to provide a small appropriation necessary to permit the Department of Agriculture to present the merits of American maize or indian corn to the people of foreign countries—to the Committee on Ways and Means.

By Mr. RIDGELY: Petition of citizens of Coffeyville, Kans., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Baden and other merchants of Independence, Kans., against the retroactive clause in the revenue bill affecting stocks on hand—to the Committee on Ways and Means.

By Mr. SHAFROTH: Petition of the session of the North Presbyterian Church, of Denver, Colo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. STEELE: Petition of B. F. Agnes and 50 other citizens of Converse, Ind., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE of North Carolina: Paper to accompany House bill for the relief of Rebecca Bly, widow of G. W. Bly—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of C. I. Hood & Co., of Lowell, Mass., protesting against certain provisions in House bill No. 10100, known as the war-revenue bill—to the Committee on Ways and Means.

Also, petition of W. H. Snyder, supreme recorder of the Fraternal Mystic Circle, Philadelphia, Pa., in opposition to the clause in the war-revenue bill imposing a tax on fraternal benefit societies—to the Committee on Ways and Means.

SENATE.

THURSDAY, June 9, 1898.

Prayer by Rev. LUCIEN CLARK, D. D., of the city of Washington.

On motion of Mr. CULLOM, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

CONSTRUCTION OF THE NICARAGUA CANAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 16th ultimo, a letter from the president of the Maritime Canal Company of Nicaragua, submitting a proposition of that corporation with reference to clearing off its debts and obligations, with a view to transfer of the stock of the company to the United States, etc.; which, on motion of Mr. MORGAN, was, with the accompanying papers, referred to the Select Committee on the Construction of the Nicaragua Canal, and ordered to be printed.

CHARLES FOSTER.

The VICE-PRESIDENT laid before the Senate a communication from the Court of Claims, transmitting the findings of the court in the case of Charles Foster, receiver of the Union Steamship Company, of Boston, in the Commonwealth of Massachusetts, vs. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1118) granting an increase of pension to Mary E. Chamberlin;

A bill (S. 1131) granting a pension to Adonia Huard, of New Orleans, La., widow of Hypolite Huard, deceased;

A bill (S. 1472) granting an increase of pension to Bettie Hord Brown;

A bill (S. 1481) granting an increase of pension to Halbert E. Paine;

A bill (S. 3553) granting a pension to Amos Webster;

A bill (S. 3660) granting a pension to Thomas Edsall;

A bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office; and

A bill (S. 4676) for the protection of homestead settlers who enter the military or naval service of the United States in time of war.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I rise to make the request that after the routine morning business to-day thirty minutes be given to the consideration of private pension bills unobjected to on the Calendar.

The VICE-PRESIDENT. Is there any objection to the request?

Mr. PETTUS. It seems to me, sir, that the Calendar ought to have more attention. We ought not to devote our entire time for business on the Calendar to the pension matters.

Mr. GALLINGER. Does the Senator object?

Mr. COCKRELL (to Mr. GALLINGER). How much time do you ask for?

Mr. GALLINGER. Thirty minutes. I will say in answer to the Senator from Alabama, that I make this request at the instance of Senators largely on the other side of the Chamber. There is only one bill on the Pension Calendar that I myself have the least earthly interest in. Of course, I am subject to the judgment of the Senate.

The VICE-PRESIDENT. Is there objection to the request that thirty minutes be given this morning to the consideration of the Calendar?

Mr. JONES of Arkansas. Does that cut off the morning business?

Mr. GALLINGER. Not at all.

The VICE-PRESIDENT. After the routine morning business. The Chair hears no objection, and the Calendar will be taken up at that time.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of the National League of Commission Merchants, of Chicago, Ill.; of the Commercial Club of Topeka, Kans., and of the Evening Star Grange, No. 27, Patrons of Husbandry, of Multnomah County, Oreg., praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which were referred to the Committee on Commerce.

He also presented a petition of the State Board of Agriculture, of Charleston, W. Va., praying for the enactment of legislation to control railway rates; which was referred to the Committee on Interstate Commerce.

Mr. TELLER presented a petition of the congregation of the Christian Union Church, of Olathe, Colo., and a petition of the congregation of the First Presbyterian Church of Georgetown, Colo., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Presbyterian Church of Georgetown, Colo., and a petition of the congregation of the Methodist Church of Georgetown, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. PLATT of New York presented a petition of the Merchants and Manufacturers' Board of Trade, of New York City, praying for the annexation of the Hawaiian Islands; which was referred to the Committee on Foreign Relations.

Mr. MITCHELL presented the petition of the John Barth Company, John Black, the Kraus-Merkel Malting Company, the Charles Baumbach Company, the William Bergenthal Company, the J. P. Kissinger Company, the Schuckmann & Seligmann Company, and the American Malting Company, all of the city of Milwaukee, in the State of Wisconsin, praying for the passage of House bill No. 10253, amending the internal-revenue laws relating to distilled spirits; which was referred to the Committee on Finance.

Mr. FORAKER presented a petition of the Epworth League of Maineville, Ohio, and a petition of the Epworth League of Stella, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented sundry petitions of members of the Order of Patrons of Husbandry in the State of Ohio, praying for the enactment of legislation to secure to the people of the rural sections of the country the advantages of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of members of the Order of Patrons of Husbandry in the State of Ohio, praying for the enact-

ment of legislation to secure to the people of the country protection against the use of adulterated food products; which were referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of members of the Order of Patrons of Husbandry in the State of Ohio, praying for the enactment of legislation to secure to the people of the rural sections of the country free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3941) regulating the inspection of flour in the District of Columbia, reported it with amendments, and submitted a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3485) authorizing the acquisition of certain lands in Woodley Park for an addition to the Zoological Park, in exchange for the interest of the United States in certain land north of W street, between Fifteenth and Sixteenth streets west, and south of block 2 of the subdivision called Meridian Hill; to report it adversely and to move its indefinite postponement, the proposed legislation having gone into an appropriation bill. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 4706) for the reestablishment and reconstruction of a light-house at or near mouth of Salem Creek, New Jersey, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," reported it with amendments.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. PENROSE on the 6th instant, relative to the claim of the William Cramp & Sons Ship and Engine Building Company, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BUTLER. I am directed by the Committee on Post-Offices and Post-Roads, to whom were referred the bill (S. 3527) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, and the bill (S. 3501) to establish a postal savings bank system and to provide for the conduct and regulation of the same, to report an amended bill containing some of the features of both bills.

The bill (S. 4747) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, was read twice by its title.

Mr. BUTLER. I will state in making this report that while all members of the committee joined in reporting the bill, not all of them have signified by their action that they are in favor of the bill. Some members of the committee reserve the right to offer amendments or to oppose the bill in the Senate, but all join in reporting the bill to the Senate. A report will be soon filed with the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MONEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3039) for the classification and fixing of salaries of clerks in the first-class and second-class post-offices, reported it with an amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1697) granting a pension to John Brown, of Lexington, Nebr., reported it with amendments.

SCHOOL LANDS IN NEW MEXICO.

Mr. WILSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 8226) to make certain grants of land to the Territory of New Mexico, and for other purposes, to report it as a substitute for Senate bill 4192, now on the Calendar, and I submit a report thereon. As this is a very important matter to the Territory of New Mexico, and is a public-land matter, I request unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WILSON. I move that the bill (S. 4192) to make certain

grants of land to the Territory of New Mexico, and for other purposes, be indefinitely postponed.

The motion was agreed to.

STEAMERS VICTORIA, OLYMPIA, ETC.

Mr. GALLINGER. I report from the Committee on Commerce a bill to provide American registers for certain steamships. It is requested by the Department, the supply of steamers for the Manila expedition being exhausted. Because it is an urgent measure, I ask unanimous consent that the bill may be now considered. It will take but a moment.

The bill (S. 4740) to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma* was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*, owned by the Northern Pacific Steamship Company, to be registered as vessels of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. PERKINS. I should like to ask the Senator from New Hampshire who reported the bill if he is satisfied that these ships will prove seaworthy, and not like the ship *Centennial*, which we recently granted a register to, it being a case of emergency, for the transportation of troops to Manila, when, upon further inspection, she was found unseaworthy and condemned by the Department. Therefore the owners of that ship have a foreign-built ship with an American flag, giving her a value of 25 per cent more than she had before that act of Congress.

Mr. GALLINGER. In reply to the Senator from California, I will say to him, the old maxim applies in this case, that one swallow does not make a summer. The fact is that the ship *Centennial* has been found to be unseaworthy. The Committee on Commerce have taken, or are about to take, action to repeal the law which gave that ship an American register. The Committee on Commerce are acting with as much care as they possibly can exercise in these matters, largely dependent of course upon the judgment of the Department. I have not made an examination of these ships, neither have the committee. The presumption is that they are seaworthy.

Mr. CARTER. Will the Senator permit me to interrupt him for the purpose of a statement?

Mr. GALLINGER. Certainly.

Mr. CARTER. Mr. President, I know nothing of this vessel, the *Centennial*, nor have I the qualifications to judge of the merits of any vessel. However, in this particular case I happen to be acquainted with two of the owners of the vessel, who reside in my State, and I suggested to the War Department that they were good people and if the vessel was found to be all that the service required they would find the owners entirely reliable.

The owners of the *Centennial* offered the vessel to the United States without any terms or conditions affixed in any manner or form as to price or any other condition, except the granting of the necessary register. The Government officers stationed in Puget Sound were directed to inspect the vessel. They inspected the ship and pronounced her first class, high grade, and seaworthy. She had a first-class clearance from the British port of Vancouver. The vessel had been used in the Japanese war as a transport, having transported as high as 1,200 troops at one time. She was subsequently used in that war as a hospital ship. She was pronounced by James Griffith & Co., the steamship agents at Seattle, the most staunch and substantial merchant vessel floating in Pacific waters.

Further still, after the Department had concluded to enter into a contract with the owners, the Assistant Secretary of War requested that the vessel be docked. The vessel was put in the dry dock at Port Orchard, and there the Government inspectors again inspected the vessel in the dry dock and pronounced her thoroughly seaworthy.

Thereupon a contract was entered into on terms dictated by the War Department. I do not know what the terms were. I did not see the contract, and I have no knowledge of its contents.

The vessel was then run down to San Francisco for the purpose of being used as a transport. At the city of San Francisco it seems that certain shipowners, gentlemen engaged under the American flag in shipping on the Pacific Ocean, were likewise engaged in a scheme to hold up the United States Government for extravagant prices for the use of their vessels on the Manila expedition. In one case, it is said, the owners of the Morgan line demanded \$1,000 per day, the Government to pay all the expenses of the vessel, or \$30,000 per month for a vessel that would carry about 700 troops.

The incoming of this vessel from Puget Sound impressed those gentlemen of patriotic but avaricious impulses with the idea that

their monopoly of this trade was being broken by the incoming of steamers from Puget Sound; whereupon they procured a statement from some marine officer at San Francisco to the effect that this vessel, the *Centennial*, had been condemned by the Japanese Government as unseaworthy. That statement, I am advised, is absolutely false. When the owners of the vessel *Centennial* purchased her she was a mail steamer in the Japanese service. She is a remarkably staunch vessel, and for that reason was purchased as a freighter, to carry flour from the Centennial Mills at Seattle to the Orient.

One of the newspapers at San Francisco, having doubtless been erroneously informed by parties interested in making a corner on the Government in the matter of transportation, joined in the hue and cry against the vessel. The Secretary of War being advised of these assaults, directed the quartermaster at San Francisco to cause some one else to go and look the vessel over. A gentleman whose name I can not recall was selected for that purpose, and went down and made this report, to wit: "The vertical keelson plates or bottom of the vessel near the boilers are found to be rusty;" and he said her upper works stand too high above the deck to make her entirely desirable in case the expedition encountered a typhoon, and therefore he recommended that the troops be not placed on board the vessel. That is the one statement against two inspections in Puget Sound, one of them made in the dry dock at Port Orchard.

Mr. President, I do not know what the facts are in this case. It may be that the naval officers who inspected this vessel at Puget Sound, both in and out of the dry dock, made egregious mistakes, notwithstanding their examinations were separate and apart and they were in no sense in collusion, having made the examinations at different times and at different places. It may be that they were both mistaken. It may be that Major Robinson, the quartermaster, a gentleman of high character stationed at Seattle, was mistaken when he reported to the War Department that this vessel was one of the staunchest vessels to be found in Pacific waters. It may be true that those gentlemen who desired to get \$1,000 a day for the Morgan Line steamer were correct in saying that the *Centennial* should be set aside and the Morgan steamer taken in her place.

Mr. SPOONER. Will the Senator from Montana allow me?

Mr. CARTER. Certainly.

Mr. SPOONER. I have known Captain Robinson for many years. He is a resident of Wisconsin and one of the most faithful and efficient officers in the service.

Mr. CARTER. I think that statement of the Senator from Wisconsin does but justice to Captain Robinson from the reports I have heard concerning that officer.

Now, Mr. President, this whole transaction bears to my mind the earmarks of a preconcerted scheme among certain ship owners at San Francisco to hold up the United States Government for the payment of extraordinary and unconscionable charges for the use of their vessels.

The Senator from California is familiar with the steamship business at that place. He is probably familiar with the marine officer at San Francisco who said the *Centennial* had been condemned. But I will say to him that at the inception of this crusade against this vessel the marine officer at San Francisco to whom I refer openly published over his signature, or in an interview, a statement regarding the previous record of this vessel that was absolutely false, and must have been known to him to have been false.

The suggestion properly made by the Secretary of War is that this vessel be examined by competent people for the purpose of ascertaining whether the naval officers, gentlemen in the service of the United States in connection with the Navy at Puget Sound, are reliable and whether the quartermaster who advised the chartering of this vessel is a reliable person. I think the vessel will be further examined, and I believe upon a critical inspection and a thorough investigation of this matter it will be found that a few jobbers in the city of San Francisco, lacking as much in patriotism as in regard for the truth, proceeded deliberately to destroy this piece of property that they might the better hold the Government by the throat when attempting to send its forces to a foreign shore.

I ask that the Committee on Commerce take no hasty or inconsiderate action in this matter until we can get at the bottom of this case through proper investigation.

Mr. GALLINGER. Mr. President, I regret that discussion on another subject has been precipitated pending the consideration of the bill I reported. I trust action may be had upon this bill, but before action is taken I want simply to read a brief letter from the Assistant Secretary of War:

WAR DEPARTMENT, Washington, June 5, 1898.

SIR: I have the honor to request that American registry be granted to the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*. These vessels are the property of the Northern Pacific Steamship Company, and have been chartered by the Government as transports for the Manila expedition on advantageous terms.

In view of the fact that the Department has completely exhausted the supply of American vessels suitable for this work on the Pacific coast, and the urgent need of additional transportation facilities, early favorable action is earnestly recommended.

Very respectfully,

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

Mr. President, I trust that Senators will postpone the discussion of the Centennial matter until this very urgent bill has been acted upon by the Senate.

Mr. PERKINS. Mr. President, I only desire to say one word. I made inquiry in relation to the steamship *Centennial*, or rather in relation to these ships, to know if they had been examined. The defense of the steamship *Centennial* I am very glad to hear from my friend from Montana. I know nothing whatever about the ship except that which appears in the public press dispatches.

I want to correct one or two errors which my friend from Montana made, for in his State, Montana, there are only prairie schooners and other vessels that are navigated over the hills. I want to state for his information that in San Francisco there is no harbor master. There is no person of that name or title; and if there were a harbor master he has nothing whatever to do with the inspection of steamships. There is a board, as my friend well knows, of steamship inspectors, inspectors of steam boilers and hulls; there are also marine surveyors. There is a law upon our statute books, which the Senator from Montana assisted in making, which provides that a vessel shall come up to certain standards of strength of material, certain tensile and pressure strength that the boilers must stand, and the hull must come up to a certain standard, and so must the equipments and fittings of the vessel. I should like to ask my friend from Montana what is the age of the *Centennial*, which he has so ably defended?

Mr. CARTER. I am not advised of the age of the vessel. She was constructed in England, I was informed.

Mr. PERKINS. At all events, her name would indicate that she has arrived at mature years.

Mr. WILSON. She was named after the Centennial Mills Company; that is all. That company has a large flouring mill at Spokane and also a large flouring mill at Seattle for the shipment of flour.

Mr. PERKINS. My friend from Montana said she was a Japanese vessel engaged in the transportation of Japanese troops. Therefore, if she is named for a mill, she must have been named for some mill in Japan.

Mr. CARTER. The name was changed after the American owners took her.

Mr. PERKINS. It was then changed recently, since she has been flying the English flag. But, Mr. President, be that as it may, I want to say one word in defense of the shipowners of San Francisco. Parenthetically I wish to say that the company I have the honor in part to represent declined a month or two ago to charter any vessel to the Government, for the reason there are a half dozen other steamship companies on the Pacific coast owning steamships they are willing to charter at reasonable figures. The company with which I am connected wrote to me that they did not wish to charter any vessel, that we were engaged in the coasting trade, and that our vessels were built for that trade and were especially adapted for that business, but if the Government wanted them they could have them, and when the time came they could have them at their own price. Therefore, at least the steamship company of which I have any personal knowledge was not in the conspiracy, as is charged by implication by the Senator from Montana.

I want to say in behalf of the Pacific Mail Steamship Company—and I am not its champion nor that of its president, Mr. C. P. Huntington; but he is a patriotic gentleman, and when the Government desired his vessels, he placed them at their disposal and said, "You can fix your own price upon these vessels." He chartered the *City of Peking* for \$1,000 a day, and the expenses to operate her are about \$700 a day. He placed the *City of Sydney*, the *China*, and several other vessels belonging to that company at the disposal of the Government in the port of San Francisco at about 25 per cent less than the same class of steamships were placed for on the Atlantic coast.

I wish to say the same in behalf of the Oceanic Steamship Company, owned and controlled by the Messrs. Spreckels & Co. They chartered the ships *Australia* and *Zealandia* and one or two other ships which they controlled, I think, at about 25 per cent less than the same class of ships on the Atlantic coast are paying to our Government.

Not only that, but the other steamship owners of San Francisco went to the representatives of our Government and said: "Any vessels that we have are at your disposal, the Government or its representatives may fix the price of the charter which you will pay us, and we only ask what we are earning in our present business in which we are engaged."

Mr. President, the patriotism and loyalty of the people of California and the other Pacific Coast States can not be questioned in the chartering of ships or in any other matter concerning the

welfare and prosperity of our country. They have ever been loyal from the time the Stars and Stripes were first raised at Monterey until the present time. In our great civil struggle the people of that coast in many instances gave one-third of their fortunes and a portion of their income toward the sanitary commissions that were carrying relief and succor and help to the people engaged in that great war, both those wearing the blue and the gray; and to-day they have organized a Red Cross Society for the relief of the sick and wounded, and \$100,000 or more has been raised by volunteer subscription, and philanthropic men and women are giving their sympathy and their assistance to carrying on this great war.

The people of California, Washington, and Oregon never will be found entering into a conspiracy to extort one farthing from the Government or take advantage of its demand for transportation or Government supplies.

The inquiry I made in relation to these ships was not to obstruct, delay, or find fault, but to know whether they were classed by a proper marine survey as they should be—A1, with a star—to enable them safely to carry American soldiers and American sailors across the Pacific to uphold the supremacy of the Stars and Stripes in the harbor of Manila and other islands in the great Indian Ocean.

I do not know to whom the Morgan Line belongs, but another steamship company, the Red Star Line, recently sent five or six of their steamships out on the Pacific coast, and I am credibly informed by the representatives of those companies that they have placed them at the disposal of the Government.

Mr. SEWELL. Will the Senator from California allow me to interrupt him?

Mr. PERKINS. Certainly.

Mr. SEWELL. I am interested in that line. I tendered those vessels to the Government, although at a loss of half a million dollars. I said, "We are patriots above everything else. If you need the vessels take them, and take them at your own price." They have taken two of them already.

Mr. PERKINS. I expected this answer from the representative of that company which has been given by the distinguished Senator from New Jersey, who, as a gallant soldier, won his epaulets upon the battlefield fighting in defense of our country and our flag. When shipowners buy in another country a vessel that is worn out, that has outlived its usefulness, that is worth nothing but as old iron—I do not know about this vessel—come here by misrepresentations or otherwise and obtain a flag which gives them the privilege of engaging in the coasting trade, and then charge that some newspaper or some person representing some other company has been aspersing them, I say it is unjust and a very specious defense.

It is great injustice to the people of the Pacific Coast to charge that it is done because local steamship companies wish to take advantage of the necessities of the Government. I believe in building ships in this country by American mechanics and out of material produced by American workmen. But if it is necessary during war times to buy vessels of foreign build, we should at least know that they are sound and seaworthy.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF GULF CHANNELS.

Mr. PASCO. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 8871) for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulfport, Miss., and to Biloxi, Miss., and for a survey of Ship Island Pass, to report it without amendment. It is a short bill and should be acted on at once. It requires no appropriation, and I ask that it be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANSAS, OKLAHOMA AND GULF RAILWAY.

Mr. PETTIGREW. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chillico Indian Reservation, Territory of Oklahoma, and for other purposes, to report it without amendment. I ask unanimous consent for its consideration. It is a very short bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MONEY introduced a bill (S. 4741) to authorize the construction of a bridge over Tombigbee River, in the State of Mississippi; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SEWELL introduced a bill (S. 4743) providing for the appointment of a military secretary to the Secretary of War; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of New York introduced a bill (S. 4743) for the relief of Philip Hague, as administrator of the estate of Joseph Hague, late of New York City, N. Y.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4744) granting a pension to Mary E. Hatch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 4745) to remove the charge of desertion standing against the name of Benjamin Atwood; which was read by its title, and referred to the Committee on Naval Affairs.

Mr. BUTLER. I introduce a bill to change the time of holding the United States courts in the eastern district of North Carolina, and ask that it be referred to the Committee on the Judiciary as a substitute for the bill (S. 3840) changing the time for holding the United States courts in the eastern district of North Carolina, now before that committee. In connection with the bill I present a letter explaining the facts in the case, and ask that it be referred to the committee to accompany the bill.

The bill (S. 4746) to change the time of holding the United States courts in the eastern district of North Carolina, was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. WHITE introduced a bill (S. 4748) for the relief of Charles K. Kirby and Edinger Bros. & Jacobi; which was read twice by its title, and referred to the Committee on Finance.

FLAGS OF CONFEDERATE FORCES.

Mr. QUAY. I introduce a joint resolution, which I ask may be read, and I also ask unanimous consent for its immediate consideration.

The joint resolution (S. R. 173) authorizing and directing the Secretary of War to deliver to the governors of the States regimental flags which belonged to the Confederate forces and which are now in the possession of the Government was read the first time by its title and the second time at length, as follows:

Resolved, etc. That the Secretary of War be, and he is hereby, authorized and directed to deliver to the States the flags now in the possession of the Government which belonged to the regiments of the Confederate forces upon the request of the governors of the States, respectively, from which the regiments carrying the flags entered the Confederate service.

Mr. HALE. Is that joint resolution reported from a committee?

Mr. QUAY. It is not. I introduce it, and ask unanimous consent for its present consideration.

Mr. HALE. I object. The joint resolution should go to a committee and be regularly reported.

Mr. QUAY. Do you object to unanimous consent for the consideration of the joint resolution?

Mr. HALE. Yes.

Mr. QUAY. Then let the joint resolution go over; and I give notice that to-morrow I shall ask for its consideration.

Mr. HALE. It should be referred to the Committee on Military Affairs, and they can report it to-morrow.

Mr. QUAY. Very well. I give notice, if the committee does not report the joint resolution to-morrow morning, that I will move that the committee be discharged from its consideration.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CHANDLER submitted an amendment providing that an appropriation of \$2,067 be made for paving Twenty-sixth street, between D and Water streets NW., with vitrified blocks or concrete, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPRINTING OF A BILL.

On motion of Mr. GALLINGER, it was

Ordered, That House bill No. 2524, for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia, be reprinted with additional amendments.

CLAIM OF METHODIST BOOK CONCERN SOUTH.

Mr. LODGE. I offer the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on Claims be directed to inquire and report to whom the money was paid under the claim of the Methodist Book Concern South; and also as to all circumstances connected with the passage of the bill providing for the payment of said claim, and with the subsequent payment of the money under said act of Congress.

Mr. LODGE. Mr. President, at the time that that claim was before the Senate I offered an amendment providing that not

more than \$5,000 should be paid out of it to any agent or attorney. The very idea of the amendment which I offered was received with a great deal of indignation by Senators, and it was intimated that it was placing an affront on honorable men. It was stated that all the work connected with the passage of that claim was a labor of love, and that the money to be derived from it was to be devoted exclusively to benevolent and charitable objects.

I naturally felt at the time, Mr. President, as I have no doubt did also the Senator from Maine and the Senator from Connecticut, who took the same view that I did, that we were put in a position of casting an unmerited reflection upon disinterested persons. It has now come to my knowledge that there was a contract at the time the bill passed to pay an agent 35 per cent and that the agent who was engaged in getting that legislation has received the enormous sum of \$100,800 for his services.

I think, Mr. President, that in view of the manner in which Senators were misled on that subject, this matter deserves inquiry at the hands of Congress.

A telegram was read here by the Senator from Florida [Mr. PASCO] from Barbee & Smith, which said:

Letter 5th received. The statement is untrue, and you are hereby authorized to deny it.

The Senator from Florida continues:

I made the statement fully in the letter, which set forth that some agents here would get a very large percentage of the amount. I knew that it was impossible, because they had no authority to make such a bargain. I knew that they had too much discretion to make such a bargain, of course, and I suggested to them that they should give me the statement which they have, and I am satisfied there is no foundation whatever for the report.

And on the telegram which the Senator from Florida read, he was fully justified in making the statement he did to the Senate. That telegram was from Barbee & Smith. It was in answer to a letter which asked, as I understand, if the agents were to get a large percentage. I have here an interview with Barbee & Smith, published in the Memphis (Tenn.) Commercial-Appeal, which says:

Concerning the payment of 35 per cent of the appropriation to Maj. E. B. Stahlman, Dr. Barbee said: "That is no secret to anyone. The book committee made the contract with Major Stahlman, and it was indorsed in open conference. Barbee & Smith had nothing to do with it. Major Stahlman assumed all responsibility and expense in pushing the claim; and had it not passed, his loss would have been about \$30,000 or \$40,000."

The newspaper paragraph goes on to say:

Major Stahlman is out in a card this afternoon in which he defends Messrs. Barbee & Smith, but admits that he got the money.

I have his letter here from the papers. His defense is that it was charged that the contract was for 40 per cent, that that was wholly untrue, and that the contract was for 35 per cent.

Those are the facts, Mr. President. I do not propose to take the time of the Senate in reading what I have here, but I will ask that these various statements be printed. They contain a statement from delegates to the conference, an article from the Zion Outlook, published at Nashville, Tenn., Mr. Stahlman's letter of explanation—

Mr. COCKRELL. Let them be read at the desk.

Mr. BATE. If the Senator wants the papers to go into the RECORD, they should be read.

Mr. LODGE. They are pretty long.

Mr. BATE. We can not help that. It is a charge against the church, and it should be known what it is.

Mr. LODGE. It is no charge against the church—none whatever—but these newspaper articles make a serious charge against the agent who put this claim through, and who, out of the \$288,000 that were to go, as we were told, to invalid and aged clergymen and to their widows and orphans, put \$100,000 into his pocket. That is the charge.

I am sure that that great denomination will feel as much chagrined at the circumstances of the passage of this claim as the Senate can feel. The charge relates solely to those men who deceived Senators, because if that contract had been known, that bill would not have passed the Senate as it did, nor would it have passed the House, either. It was only because both branches of Congress were entirely misled as to the payment to be made out of that claim that it was enabled to get through.

I think, Mr. President, that for our own self-respect we ought to inquire into this thing and see if we have been misled, and if so, see who did it and how it was done.

I am perfectly willing to have the extracts read. As I say, they contain an interview with Barbee & Smith, a letter of Mr. Stahlman, a newspaper statement from the Commercial-Appeal, of Memphis, an editorial article from the Zion Outlook, published at Nashville, Tenn., and a statement by Mr. A. W. Newsom, of Memphis, in the Commercial-Appeal. If it is desired to have these papers read, I have no objection, but I suggest, to save time, that they be printed in the RECORD in connection with my remarks.

Mr. BATE. Mr. President—

Mr. HALE. Let me suggest to the Senator from Tennessee that this is a most important matter, involving not only the action of the Senate in the past, but it ought to be a monition to us in the future. Some of us took part in the debate attendant upon the passage of the bill. The charges here are very clear and very decided, and we ought to know what they are by reading them. I suggest that they all be printed in the RECORD, and that the resolution of the Senator from Massachusetts go over until to-morrow morning, in order that Senators may see just what the case is. We can not get at it merely by hearing the papers read.

But there is some responsibility resting upon the Senate for having passed this bill, having crowded it through upon the assumption, which was believed then to be the truth, that no lobbyists had been engaged, to use the language of this lobbyist, in pushing this matter.

Therefore, I suggest again—not to take the Senator from Tennessee off the floor—that all these papers be printed in the RECORD, so that we may see them, and then that the resolution go over until to-morrow morning, because we can in that way act more understandingly.

Mr. BATE. Mr. President, I have no objection to the printing of the articles in the RECORD which have been referred to by the Senator from Massachusetts [Mr. LODGE]. I quite agree with him that there ought to be an investigation; and in the absence of any better proposition, to go to the bottom of this matter, I shall favor the resolution offered by the Senator from Massachusetts and let it go before the Committee on Claims, so that we may ascertain how this thing has been done.

The VICE-PRESIDENT. If there be no objection, the papers presented by the Senator from Massachusetts [Mr. LODGE] will be printed in the RECORD.

The papers referred to are as follows:

[From the Memphis (Tenn.) Commercial-Appeal, May 28, 1898.]

STAHLMAN'S RICH PICK-UP—FREE OF OVER \$100,000 FOR LOBBYING SERVICES—MEASURE BEFORE CONGRESS—METHODIST EPISCOPAL PUBLISHING HOUSE AT NASHVILLE PAYS IT—MESSRS. BARBEE & SMITH INVOLVED—SENATORS SUSPECT LOBBYING AND RAISE THE QUESTION, ONLY TO BE CONFRONTED BY DENIALS FROM THE CONCERN'S MANAGERS THAT THE FUND WAS TO BE SO DISSIPATED—CONGRESS TO BE HEARD FROM.

COMMERCIAL-APPEAL BUREAU,

1347 Pennsylvania avenue, Washington, D. C., May 27, 1898.

E. B. Stahlman, of Nashville, who led the lobby forces here in advocacy of the bill recently passed to pay the Southern Methodist Church \$288,000 for use and occupancy of its publishing house at Nashville during the war, receives \$100,800 for his services as lobbyist.

This announcement has amazed Congress. The bill passed both Houses, notably the Senate, upon the distinct understanding that no lobbyist was to receive any appreciable part of the amount, and statements to that effect were made repeatedly by honest but, it seems, misinformed Senators.

The bill would never have passed had Stahlman's prospective share in the proceeds been known. His contract with the church calls for 35 per cent, and the recent general conference in Baltimore, after investigating the subject, approved the allowance.

All Southern and many Northern Senators were earnestly advocating the bill, but they were misled throughout upon representations that the money was to go wholly to the church, and no appreciable part was to land with a lobbyist. A protracted fight upon this point was made. The presence of recognized lobbyists about the Capitol had been observed, and Senators suspected the church would lose a large part of the appropriation through the unreasonable avarice of men who, under the leadership of Stahlman, thronged the corridors.

LODGE HAD SUSPICIONS.

Senator LODGE moved an amendment to the House bill, declaring that not more than \$5,000 of the money should go to any agent or agents. The amendment was defeated upon the presentation of a telegram from the Methodist Publishing House authorities, denying the report that lobbyists were to receive a large part of the money. The telegram was addressed to Senator PASCO, and was apparently unreserved in its denial.

Congress looks upon the recent disclosures as the development of a scandal. When the bill was up for passage in the Senate, on March 8, Senator TILMAN, of South Carolina, demanded to know of Senator BATE whether the attorneys were to get any of the appropriation, and in response Senator BATE said:

"I will take pleasure in saying that as I heard such a rumor whispered around yesterday and to-day, I got a telegram, as also did the chairman of the subcommittee on claims, from Barbee & Smith, who are the head of the concern, stating there was not a word of truth in the statement that the fund was to be diverted in any such way."

Following the statement from Senator BATE, Senator PASCO, of Florida, had the following to say:

DENIAL TO SENATOR PASCO.

"As to the question asked by the Senator from South Carolina [Mr. TILMAN], it is proper to say that I heard a rumor that was whispered about the Senate Chamber a few days ago to the effect that some claim agent would get a very large proportion of the amount. On Saturday last, when I heard that report, I sat down and wrote Messrs. Barbee & Smith. I was thoroughly satisfied that the report had no foundation whatever in fact. But I stated the matter at length to them, and stated that I wished to have in my possession a statement from them which I could use in private, or personally on the floor of the Senate if necessary, and yesterday I got this reply to my letter: 'Letter 5th received.' The statement is untrue, and you are hereby authorized to deny it.' I made the statement fully in the letter, which set forth that some agents here would get a very large percentage of the amount. I knew that it was impossible, because they had no authority to make such a bargain. I knew that they had too much discretion to make such a bargain, of course, and I suggested to them that they should give me the statement, which they have, and I am satisfied there is no foundation whatever for the report."

Senator MORGAN, of Alabama, gave similar assurance.

Senator LODGE, of Massachusetts, expressed gratification at the statements, but insisted upon offering an amendment in these words:

"Provided, That not more than \$5,000 of the sum hereby appropriated shall

be paid to any agent or attorney, or to any other person, for securing the payments of the claims or for any service whatever."

In opposition to this proviso it was urged by Senators BERRY and PASCO that its incorporation would require the bill to go back to the House, which would delay and possibly defeat its passage. Furthermore, Senator HOAR, of Massachusetts, suggested that it was "a pretty serious affront to men of high character and standing, representing a concern of high standing, to put into a bill a proviso that they have not traded with claim agents and lobbyists, after that assertion on their part."

Mr. LODGE insisted upon his amendment, but it was defeated.

UP AT THE GENERAL CONFERENCE.

At the general conference in Baltimore, when it became known that more than \$100,000 was Stahlman's share of the recovery, there was in some quarters great dissatisfaction and an investigation preceded. It developed that Stahlman had an ironclad contract with the Publishing House authorities, whereby he was to receive 35 per cent of the recovery.

Congress is certain to be heard from upon the entire transaction, and it is possible that an investigation may be proposed, since there have been some ugly insinuations made as to the disposition of money here for the passage of the bill. The Senators who opposed the Lodge amendment will demand of Barbee & Smith an explanation of their telegram. Three Senators have declared to me their intention of speaking upon the matter.

In the House indignation is general among the members familiar with the facts as developed at the conference.

L. P. M.

DEFENSE OF BARBEE & SMITH—THAT IS THE ONLY ISSUE, AS THE STAHLMAN FEE IS ADMITTED.

NASHVILLE, May 28, 1898.

Rev. J. D. Barbee, of Barbee & Smith, agents for the Methodist Publishing House, when asked to-night to state the position of Barbee & Smith in regard to the reported trouble over the Southern Methodist war claim, preserved a dignified silence. He declared that Barbee & Smith were invincible in their integrity, uprightness, and the consciousness of acting in the interest of honesty at all times. He did not think that these hysterical outbursts, which are made against the Publishing House every few years, needed answering, and he would not deviate from the rule of the firm, which is to ignore all newspaper slanders at all times.

Concerning the payment of 35 per cent of the appropriation to Maj. E. B. Stahlman, Dr. Barbee said: "That is no secret to anyone. The book committee made the contract with Major Stahlman, and it was indorsed in open conference. Barbee & Smith had nothing to do with it. Major Stahlman assumed all responsibility and expense in pushing the claim, and had it not passed his loss would have been about \$30,000 or \$40,000."

Major Stahlman is out in a card this afternoon, in which he defends Messrs. Barbee & Smith, but admits that he got the money.

[From the Nashville Banner, Saturday evening, May 28, 1898.]

METHODIST CHURCH CLAIM—A STATEMENT IN REGARD TO IT BY MR. E. B. STAHLMAN.

To the Public:

My attention has been called to an article in the American of this morning, dated Washington, May 27, headed "Methodist war claim—Talk in Washington of a Congressional investigation—Trouble over fees," etc.

This alleged Washington dispatch bears the earmarks and was, in my judgment, inspired, if not actually written, by parties in Nashville hostile especially to Barbee & Smith.

The article as published is full of misstatements libelous in character. It seeks to put Barbee & Smith in the attitude of having stated a falsehood to Senators in order to secure the payment of the claim. It says:

"Senator PASCO, who had charge of the claim, read a letter from Messrs. Barbee & Smith stating that no agreement for the payment of any attorney or attorneys had been made, and that the only money expended or that would be expended had been a few dollars to lawyers for drawing the bill which was then before Congress. Telegrams to the same effect were also read."

I pronounce this statement unqualifiedly false. There were no such telegram or letter sent by Barbee & Smith to Senator PASCO or anyone else. The facts are Senator PASCO wrote Barbee & Smith that it was rumored that they (Barbee & Smith) had made a contract to pay an attorney 40 per cent, and asking whether or not this was true. Barbee & Smith answered: "The statement is untrue, and you are hereby authorized to deny it."

Now, I aver that this telegram of Barbee & Smith represented the facts, first, because there was no contract made to pay 40 per cent, and secondly, because the only agreement with reference to the payment of fees was made by the book committee, and not by Barbee & Smith.

The attempt to make it appear that this telegram of Barbee & Smith misled the Senate, and that it was because of this that the bill passed, is without warrant. The bill would have passed if Barbee & Smith had not answered Senator PASCO at all. The claim was pending on its merits, on favorable reports of committees and briefs submitted by me, and on its merits would have passed the Senate. The effort of certain Senators to embody in the bill a provision that no fee should be paid was regarded by fair-minded Senators as an unequalled for interference—an intermeddling with the private rights of the claimants.

The only question for the Senate to determine was whether or not the claim was just, and, if just, to pay it; if unjust, to refuse to do so, and there was never a doubt in my mind but what the Senate by an overwhelming majority would agree that the claim was just and ought to be paid. Moreover, there is not a Senator or Member of Congress in Washington at all familiar with legislation relating to war claims who does not know that all such claims are represented by attorneys who have an agreement for the payment of fees, aggregating in many cases as much as 50 per cent. I have before me to-day claims just as meritorious as the Publishing House claim, aggregating nearly \$2,000,000, upon which the claimants have agreed to pay certain attorneys 50 per cent of the amount recovered, and because these attorneys have not been successful in prosecuting their claims these claimants are invoking my aid and proposing in some cases to pay me a fee in addition to the large sums they have already agreed to pay their attorneys.

All of this hurrah respecting the proposition to return the money to the Government, etc., is mere bosh, and, in my judgment, comes from enemies of Barbee & Smith, disappointed office seekers, who would like to have secured the places to which Barbee & Smith were selected by the last general conference.

A sufficient answer to all of this tirade is to say that the general conference, consisting of the bishops and leading ministers and laymen of the church, had this matter under consideration during its recent session in Baltimore, and by a large majority over all opposing candidates reelected Barbee & Smith as Book Agents and increased their salaries. It is proper to say that this article is written on my own responsibility, without the knowledge or consent of Barbee & Smith, and that they will be surprised when they see it in print.

E. B. STAHLMAN.

[From the Commercial Appeal, Memphis, June 1, 1898.]

HOW THEY VIEWED IT—A DELEGATE TO THE GENERAL METHODIST CONFERENCE TALKS—REVIEW THE STAHLMAN CASE—A. W. NEWSOM, A MEMPHIAN, STATES THE POSITION OF THE CHURCH IN THE MATTER—IT WAS ON AN OLD CLAIM.

Probably not in the history of the Southern Methodist Church has any of the official acts of the general conference attracted such general and widespread attention as that by which Maj. E. B. Stahlman, of Nashville, was allowed a fee of something like \$100,000 for services rendered in getting the bill through Congress allowing one of the oldest and among the largest of the Southern war claims against the Government.

It will be remembered that this claim grew out of the seizure of the property of the Southwestern Publishing Company, which is a part of the Southern Methodist Church, and the property was located at Nashville. Briefly stated, the history of that part of the transaction is this: When the Federals captured Nashville this publishing house, with all the supplies and stocks, was converted to the use of the Federal Government for war purposes, and after the termination of that struggle, when a bill was passed by Congress contemplating the payment of damages to property and the amounts of other property which had been absolutely controverted, the Southern Methodist Church authorities made out a schedule of their losses, and it aggregated over \$400,000. It was this account that was paid by the allowing of \$238,000 at the recent session of Congress.

The schedule of account had been before Congress for about thirty-three years, and though numerous attempts had been made by the church to get a settlement, it was impossible to succeed until last spring a year ago, when the \$238,000 claim was allowed.

WHAT A DELEGATE SAYS.

A. W. Newsom, a front-street merchant of Memphis, was one of the delegates from this district to the recent General Conference of the Southern Methodist Church, which was held at Baltimore, and yesterday he was interviewed by a Commercial Appeal reporter regarding this matter. He is a member of the standing committee on publishing interests, and it was before that committee that the proof in the case was submitted.

It will be remembered that Barbee & Smith are the business executive heads of the publishing house at Nashville, but operate the business and conduct the general affairs of that institution under the direct advice and supervision of what is called the book committee of the church. Well, it was in the report of this committee and Barbee & Smith that the facts in the Stahlman matter and the history of the fight before Congress came to the cognizance of the general conference. As is usual in such cases, this report, which was probably a joint one, was referred to the standing committee on publishing interests.

When Mr. Newsom entered the discussion of the question, he first reviewed the substance of that report on this item and said: "This report detailed all the facts in connection with the attempts which have been made by the church to collect that money, and the statement was made that the fight had been going on for thirty-three years. It stated that first one and then another had been employed to represent the church before Congress, but every one of them gave up the case without having accomplished anything until Major Stahlman was retained. You know how it is when one has such a claim to collect. It is not usual to send good money after a probability, but before the contract with Major Stahlman was made this report showed that we had paid one man \$12,000 in cash, and yet he got nothing in return.

The result was that thereafter contracts were made upon the contingent-fee plan. If the account was settled, in other words, the church's representative got such and such a per cent of the net proceeds. I remember that one of these contracts called for 15 per cent, but that man threw the case up after several years of effort. Then another had a contract to receive 25 per cent, but the result was the same; and after that a contract was made with some one to give him, say, 15 or 20 per cent and a positive fee of \$50,000, provided he was successful. All of them gave up the case, though, and after so long a time the church was given to understand that it might be possible to settle the matter if a reduction in the amount of the account would be made, and that is how the amount we received came to be only \$238,000.

THEY LOOK TO STAHLMAN.

When Major Stahlman took hold of the case the agreement was that he should stand all the expenses of the work before Congress and compromise the church in no way, and his remuneration was fixed at 35 per cent of the proceeds. This seemed satisfactory to all parties, and certainly is not as large as many contingent fees of similar character are, for it is my information that the attorneys and representatives of the parties who have received settlements for war claims are usually paid 60 per cent. Major Stahlman went to work on the case and succeeded, and the committee of which I was a member thought he was entitled to the money, and so did the conference. The amount was therefore allowed. It must be remembered that this was not a donation from the Government to the Southern Methodist Church, but was the payment of a war claim for property which was actually seized and used by the Government for war purposes, and the church was put to a big expense to collect it.

"What is your explanation of the statement from Barbee & Smith, which was read on the floor of the Senate by Senator PASCO in connection with that 'large amount' which was rumored to have been promised to the lobbyist who got the bill through?"

THEY CORRECT A REPORT.

"In the first place, Barbee & Smith have been done an injustice as to that matter, for the reason that all the facts in connection with the correspondence between the Senator and the firm have not been printed. When this matter came before our committee, we read the CONGRESSIONAL RECORD of that day, and after having familiarized ourselves with that side of the question we had the correspondence between Barbee & Smith and the Senator submitted to us. The letter which Senator PASCO wrote to the firm in Nashville was to the effect that it had been stated around the floor of the Senate and House that 40 per cent of the proceeds of the bill was to go to the lobbyist, and asked that if the statement was untrue that he be wired to that effect immediately, so that the denial could be used on the floor.

"Of course the answer of Barbee & Smith was that the statement was not true, but they, as clients, did not feel called upon to tell what per cent had been agreed upon, and the committee sustained them in their position and showed its confidence by recommending that they be retained in their present positions, which was done. The peculiar fact regarding this entire controversy is the justice of the claim has never been questioned.

"Now, I know nothing in the world about the methods which were used by Major Stahlman in pushing that bill through Congress, nor does the church. I assume that he employed attorneys and assistants to aid him in getting up the proof, but further than that I have no idea, except that that must have cost something.

The telegram referred to was as follows: "Letter 5th received. The statement is untrue, and you are hereby authorized to deny it." All of this correspondence was submitted with the proof in the case, and it was upon that the committee acted.

THE MATTER DISCUSSED.

To the Commercial Appeal:

Of course it is true a large sum of money was used in securing the payment of the claim of the Southern Methodist Book Concern. No one ought attempt to deny it, and no one ought to be surprised. If money had not been used, and used freely, the claim never would have been paid. Every one knows, or ought to know, it is impossible to get a just and honest claim paid by our Government unless we spend half the amount employing lobbyists to work it through. Even then, as in this particular case, it requires upward of thirty years of fighting to accomplish it.

The Government is not in the habit of paying her debts until she can no longer avoid it. The agents for the Book Concern knew that if it was admitted they had to pay out some of this money to outsiders they would get nothing. So they refused to admit it. That is about the size of it. And when we think of it we can not help but inquire, what business was it of these Congressmen, how the concern would dispose of the money that belonged to them? If the Government owed it, no matter if they expected to open up a saloon, run a brewery, or give the whole of it to lobbyists, it was no business of these gentlemen, who, by reason of their own contrariness and a few other qualities singular to their station, made it necessary to the success of the claim to employ these men.

I forget who it was, but some distinguished citizen once said he would rather be born a good, healthy pauper than to inherit an honest, just claim of a million dollars against the Government.

E. F. M.

[From Zion's Outlook.]

A GREAT CALAMITY.

The disclosures made by the CONGRESSIONAL RECORD's report, published elsewhere in this issue, of the methods employed by our publishing house officials in securing the war claim of \$238,000 are enough to bring the blush to the cheek of every self-respecting Methodist. The United States Senate was grossly deceived and made to believe that none of this appropriation would be used in compensating attorneys. The Senate would not have voted the appropriation but for the assurance thus given them repeatedly that the entire \$238,000 would be wholly and sacredly devoted to the benefit of our worn-out preachers and the helpless widows and orphans of deceased preachers, whose miseries and needs were eloquently pleaded to secure the passage of the bill.

This deception of the United States Senate was complete. Senator PASCO read the following telegram from our Book Agents to refute the charge that a large sum was to be used in compensating attorneys:

"Letter of 5th received. The statement is untrue and you are hereby authorized to deny it."

Notwithstanding this telegram and other assurances to the same effect quoted by other Senators from the same source, our Book Agents, as soon as they received the \$238,000, paid over \$100,500 of it to the attorney employed to push the claim. It is the gross fraud and deception practiced in order to obtain the appropriation against which we raise our protest. It is a disgrace to Methodism and a wrong to every pure-minded man and woman and every faithful preacher throughout our communion. It involves us all in a wrong for which there is no defense or apology possible to be made. It is in line with the low and corrupt methods of the avaricious and overreaching tricksters of the world.

The United States Senate owes it to itself and the country it represents to investigate this fraud. The book committee was cognizant of the disgraceful fraud before general conference met, and should have promptly on its own motion indignantly refused to retain money secured by such false pretenses and refunded it to the Government. If they plead lack of authority to refund it, we reply that they should have recommended unanimously to general conference its return to the Government, with their reasons for the recommendation. The general conference should have taken action promptly, even after this guilty silence on the part of the book committee.

A number of delegates went to Baltimore righteously indignant at the fraud and determined on an investigation by that body, but became strangely silent under some potent influence. Very reliable rumor places the source of that potent influence which so successfully silenced these brethren and prevented an investigation with the plea that an investigation "would damage the church." We are pushing investigations for more definite information as to the parties who assumed this ignoble rôle of suppressionists of an investigation into a fraud perpetrated in the name of and for the benefit of the church.

It is passing strange that strong men, such as we know were in possession of the nauseous facts connected with this ugly transaction, could have been induced to quietness by any sort of influence. Stranger still the plea made to persuade them into silence that an investigation or discussion of it would injure the church. Have we come to this low level of party politics and political methods—covering up crime and shielding criminals for the good of the party? This is the cry of party politicians. It is only a party conception of the church that too many people and preachers have. The church is only esteemed a party—a mere machine. To expose wrong you will expose the wrongdoer who has high official position in the machine, and thereby you will damage the officers in the machine. Break one link in the chain which forms and holds the blessed ring in power and you may disturb the entire ring.

Political parties do wrong when they cover up crimes in trusted leaders for fear of endangering party supremacy. What shall one say of a church which in her leaders or representatives dares to do the same "for fear of injuring the church"? Is not the church the representative of the right and the divinely decreed enemy of the false? Is not harboring or conniving at wrong subversive of the fundamental and inherent idea and purpose of the church? Away with the nonsense that the good of the church is to be conserved by winking at wrong. It means simply that our growing and cumbersome ecclesiastical officialism would have received a blow.

Too much and too highly paid officialism is the source and the aggravation of very many ills that afflict us and menace us with far worse ills to come.

INSUFFICIENT INDORSEMENT.

The Publishing House officials feel very serene and secure under the indorsement of the book committee and the general conference. They will learn, however, that the book committee and the general conference are not set for the creation of a new code of morals. They have no right, human or divine, to set aside the decalogue. An outraged church will be heard. Book committees and general conferences can not construe morals for the Southern Methodist Church. We propose still to lean on the Ten Commandments for our code.

Modern Methodist officialism may esteem us very antiquated and old foggy, or even fanatical, for clinging to this ancient document, but we will have to endure their contempt and continue to live by the old Decalogue. We must be allowed, too, to insist upon our high officials, whom we have honored with places of trust and responsibility, living by the same code. We protest also against their committing us as a church to a breach of this Decalogue. Hence we demand that the \$238,000 be refunded to the United States Government.

The book committee and the general conference can give high indorsement, but Sinai has a higher.

Mr. BATE. Mr. President, I desire to say that if what I hear and what I have seen in the newspapers is true—some of the very papers referred to by the Senator from Massachusetts—this is an outrage upon the confidence reposed in the agents of this publishing house company by the Senate, and I say to the Senator from Massachusetts [Mr. LODGE] that I will vote for his resolution.

I was one of the Senators who induced the Senate to cast their votes in favor of the bill referred to. That was not done by me alone, by any means, but nearly every Southern Senator favored its passage. Indeed, Mr. President, I believe almost the whole church, North and South, and every single bishop, at least so far as I can remember, with one or two exceptions, asked that the bill be passed by Congress.

The bill came here from the House, having passed that body. A short time before it was called up for consideration in the Senate something was said about lobbying upon the outside in order to get the bill through. There were such rumors afloat that we thought it necessary to probe them to the bottom, so as to know whether or not there was any truth in them. The Senator from Florida [Mr. PASCO] who had the bill in charge, he being the chairman of the subcommittee of the Committee on Claims of the Senate, wrote to the men who really had the control of this claim, Messrs. Barbee & Smith.

I am glad nothing is said assailing the church. I did not mean to intimate that the Senator from Massachusetts [Mr. LODGE] desired to assail the church, but he cut me off before I got through with the remarks I intended to make; but I agree with that Senator that if these agents, Barbee & Smith, have violated the confidence we reposed in them, or have done that which is in any sense improper touching the distribution of this fund, they should be exposed and held strictly to account.

Mr. HALE. Who are Barbee & Smith?

Mr. BATE. I will tell you who they are. They are the agents of the Publishing House of the Methodist Episcopal Church South. They have all the business management which relates, I believe, to the distribution of its literature, and everything of that kind. They are leading characters, to some extent at least, of the Methodist Episcopal Church South. It so happens that I live in the same town where this large establishment is located and where these gentlemen both live, and it is presumable that I ought to know something about this case. I know nothing, however, except what has occurred before the Senate. I undertook to do the best I could in my proper sphere as a Senator, as did many other Senators who were here on this floor, and who were active friends of this measure, for the good of the church; and, as was said by the Senator from Massachusetts, for the poor, superannuated, superannuated, broken-down preachers and their families.

That was the objective of this fund, as I understood it. I do not know whether Barbee & Smith have any legal or moral right to dispose of any part of this fund in the way which has been charged. It may be a waste of the estate, for they seem to occupy the position of trustees, and as such, therefore, I think they have violated their trust when they undertake to expend such an amount as this for such a purpose, and they ought to be held liable under the law. I think the matter ought to be fully investigated by the courts of the country, and it may yet be so investigated.

Further, I am persuaded, for I know the material of which is made the Tennessee Methodist Episcopal Conference—I say I believe that the Tennessee Conference, which meets this fall, will itself investigate this matter to see that justice is done, if possible, to these worn-out preachers, who are, in my judgment, entitled to the benefit of this fund.

Mr. HALE. Where does this lobbyist, Stahlman, who is said to have got this money, live?

Mr. BATE. He lives in Nashville. He is a German by birth, and I believe came from one of the Northern States about the time of the civil war.

Mr. HALE. Is he a lawyer or a member of the bar?

Mr. BATE. I do not know that he is a lawyer. He is a railroad man and a very smart, bright man, a man who has had much experience and great success.

Mr. HALE. Does the Senator believe that this lobbyist, who has looted this great appropriation that Congress gave to this religious society, has ever in any way contributed to the passage of the bill. Did it not go through entirely outside of him?

Mr. BATE. I do not know what he has done except this: He was a very active friend of this claim; he was very active here, and, I think, particularly so in the other House, and when the bill was in the Senate he was active in doing what he could in its favor; but I do not know what effect he ever had.

Mr. HALE. What could he do?

Mr. BATE. He could not do anything except to urge its passage.

He was thoroughly familiar with this whole matter, and when the committee met on one or two occasions, he was before it, invited there, first, by my late colleague, Senator Harris; and when there he made a full statement of the history of the claim and an argument showing the amount of damages, etc., and I was present and heard it. He showed entire familiarity with the subject. That much I know, but I am going to tell you presently how that is. He assured me and a half dozen other Senators on this floor, who told me of it at the time, and from whom you will hear in this debate, that he was to receive no fee and was doing the service for the good of the church, as he and his wife were members of it.

Mr. HALE. I wanted to bring that out.

Mr. BATE. I am coming to that.

Mr. HALE. This man said he had no fee whatever.

Mr. BATE. That he had no fee whatever, and furthermore, I believe, if the Senator will permit me, that he would get no such fee as has been paid, or anything like it, or even any fee except the moderate one to pay his actual expenses; and I would have voted against the bill if I had supposed any such fee, or anything like it, as the one he is said to have received would have been paid to him or anyone else.

Mr. SPOONER. I presume I was responsible—

Mr. BATE. I yield to the Senator.

Mr. SPOONER. I thought the Senator was through.

Mr. BATE. I am not through, but I yield to the Senator with pleasure.

Mr. SPOONER. Mr. President, I suppose I was responsible for the suggestion or report here that there was a very large percentage of this claim to be paid to some person for securing the passage of the bill through Congress. One evening at the Arlington Hotel I was told by a newspaper man whom I had long known and in whom I had reason to have confidence that such was the fact; and I repeated that to the Senator from Indiana [Mr. FAIRBANKS] who is a member of the Committee on Claims, of which I was for many years a member, as a reason why the claim ought not to pass without, at any rate, a careful scrutiny and investigation of that matter.

The Senator from Indiana promptly, as it was his duty to do, brought the report to the attention of the Senator from Florida having the bill in charge. The report was resented somewhat as entirely without foundation, and elicited a statement from the Senator from Florida and others, undoubtedly made in perfect good faith and upon sufficient evidence submitted by them to the Senate, that there was no truth in the statement. I am quite surprised to find now that the report seems to be verified.

Mr. BATE. Mr. President, I prefer going on without further interruption, and I shall be as brief as possible about this matter since it has been brought up, and I am very glad that it has been brought up, so the Methodist Church and the country generally can learn the truth of these ugly charges.

Nothing, Mr. President, has occurred since I have been a member of this Senate which has given me so much chagrin, disappointment, and mortification as the fact that every representation made by myself and other Senators to the effect that no attorney's fee and no agent's compensation was carried by the bill for the relief of the Book Agents of the Methodist Episcopal Church South seems to have turned out differently, and that the Senate, misled by the assurances of Senators made honestly and in the best of faith and upon good grounds, has been induced to appropriate money which has gone to agents and attorneys, when we supposed we were sending relief and support only to "the superannuated and worn-out preachers, their wives, widows, and orphans."

For myself, Mr. President, I can only say that I relied on the positive and unqualified statement of Mr. Stahlman, one of the active friends of the measure, and to whom it is said to have been paid, that he was giving his aid and services in this matter because both his wife and himself were members of that church, and he assured me, as he did several other Senators, notably Senator TURLEY, my colleague; Senators BACON, CLAY, LINDSAY, and others, that he was getting no compensation, fee, or reward for his services; and I also relied on the telegram I sent to Barbee & Smith on the 7th of March and answer thereto. Further, my reply to the Senator from South Carolina [Mr. TILLMAN] was based on the same grounds. The Senator from South Carolina said:

Before the Senator takes his seat I should like him to tell us what he knows about the disposition of this money, and whether the attorneys are to get any of it.

Mr. BATE. I will take pleasure in saying that as I heard such a rumor whispered around yesterday or the day before, I got a dispatch, as also did the chairman of the subcommittee of the Committee on Claims, from Barbee & Smith, who are the head of the concern, stating that there was not a word of truth in the statement that the fund was to be diverted in any such way. A great deal of work has been done about this case, but this is a grand, great church, and the country is full of sympathy for it; and men of intelligence want to see this church sustained; and they think the claim a proper and just one, and that it should be paid.

Mr. TILLMAN. Then the money is to go to the church, and not to attorneys?

Mr. BATE. It is to go to the church, and it is to become a part of the plant, if I may so speak, and the proceeds of it are to be given over to these unfortunate preachers. That is the situation of it.

Senator PASCO, relying on the same telegraphic assurance, gave the Senate to understand that neither fee nor compensation of any kind was to be paid out of the proceeds. Senator MORGAN, also, with the same faith in the personal honor of the gentlemen who have been assisting in the passage of this bill, advised the Senate that "they would scorn the idea of being here on hire for the purpose of getting a fee or reward out of this charity."

Senator CLAY understood that "all his (the agent's) expenses were paid by the church, and for his services he charged nothing." Senator PETTUS expressed the opinion that in his State no respectable lawyer would charge a fee beyond expenses in such a case. And Senator HOAR assured the Senate that—

The member of the House of Representatives from that district—

Mr. J. W. GAINES—

informs me and authorizes me to say that the gentlemen who have charge of this claim are the Rev. Dr. Barbee, a clergyman of eminent and high and pure character, and Mr. Smith, a layman, but a man also devoted to religious work, being superintendent of a Sunday school and active in its management. They are the Book Agents, so called, and they have both personally informed me that no money has been expended, and there is no extraordinary debt or obligation for any such service.

I have quoted the several assurances given in debate at the time of the passage of the bill to emphasize the extent of the deception that it seems has been practiced upon the Senate. To be deceived and misled by the confidence reposed in the character of these Book Agents is extremely mortifying. That mortification is also shared by the great church which has been wronged out of so large a part of this charitable fund.

I entertain the hope that some explanation will be forthcoming which will relieve Messrs. Barbee & Smith from the responsibility which now rests upon them for having given the assurances they did to the Senator from Florida [Mr. PASCO] and to myself that "neither 40 per cent, nor any other fee," was to be paid out of this appropriation to Mr. Stahlman, and that those gentlemen have not been the paymasters of the exorbitant fee reported to have been paid out of this fund.

I have known those gentlemen for years and held them in such high esteem that their telegram was with me conclusive that there was no fee concealed in the bill which would have not received my support after the rumor of a fee became current without their unqualified assurance. I introduced the bill which has resulted in the payment of this amount to said agents for their church. I never understood the matter in the light of a claim that required agents or attorneys, but always regarded it as a bill for the relief of a great charity from hardship and devastation inflicted during the war, and which was addressed not only to the justice of Congress, but to its charity.

I separated this relief from the ordinary claims paid by the War Department and put it on the same footing with the bills for relief of the Kentucky University, the East Tennessee University, the University of Alabama, William and Mary College of Virginia, and other institutions of like character which came within the category, which tended to "make war more humane, generous, and liberal," by exempting, as far as possible, from its devastations the churches, charities, schools, universities, and libraries, as stated so well by the Senator from Massachusetts [Mr. HOAR].

I regret that the amendment of the Senator from Massachusetts [Mr. LODGE] providing that no fee greater than \$5,000 should be paid out of the appropriation was not adopted; but after the full and repeated assurances given to Senators, and by them laid before the Senate, it seemed unnecessary to take the precaution which endangered the passage of the bill through the House of Representatives. It was that fear only which induced the Senate to lay that amendment on the table; and that is a matter of regret now to every Senator.

Mr. President, no one questions the justness of this claim. Indeed, I think the proof, when properly understood, would justly sustain an amount of \$450,000; and believing that the Court of Claims, where pleadings are made up, proof taken, lawyers employed, etc., and where lobbyists do not appear, would do justice in the case, I advocated that course, and a bill to that effect was introduced in the Senate by me and passed, and it was sent to the House. Meanwhile the bill was placed on what is known as the "omnibus bill," then in the Senate Committee on Claims. The next time it was known to the records of the Senate was when it was sent to this body after having passed the House for the amount of \$288,000.

The whole amount of the \$288,000, as I am informed and believe, was paid to Barbee & Smith, the representatives and agents of the publishing house of the Methodist Episcopal Church South, and not to any attorney, and since this ugly criticism has arisen they should, in my opinion, promptly and without reserve, on their own motion, show what has become of every dollar of this fund, show who got any part of it, for what, and how much. They owe it to themselves and to the great church they represented in this transaction.

I will not be a party to shield a wrong if I know it, and neither will Senators who favored this bill, but believe in all cases that fraud and deceit should be exposed, plucked out by the roots, and left to wither under the search light of truth. "Hew to the line and let the chips fall where they may," is a good old honest motto. I can safely and truthfully say for every Senator who cooperated to secure the passage of this bill, "Let the galled jade wince, our withers are unwrung."

While I knew, as did many others, for it was generally known, that Mr. Stahlman, among others, was a warm and active friend of this bill, I never heard of any contract for any fee in this case, and was utterly surprised to hear the rumor to that effect for the first time a few days before the passage of the bill. It so surprised me that, notwithstanding Major Stahlman's statement to me and to other Senators that no fees were to be paid, in order to make doubly sure of it I telegraphed to Barbee & Smith, the interested parties, in whom I had perfect confidence, and they gave the full and complete denial of Stahlman having a fee of 40 per cent or any other fee in payment of the claim.

I beg to read that. Let me say right here that when this sprang up, I was surprised to hear any such thing, and I wanted to find out if there was any truth in it and by what authority I had said to the Senate and others had said that it was untrue. I turned to look at the communication I sent them. I had not paid any attention to it. I thought perhaps I did not have it. I could not find my telegram.

Fortunately for me it was a telegram and not a letter. Then I resorted to the telegraph office here in the city of Washington for the communications, both the one I sent to them on this subject, the very day before the passage of the bill on the 7th of March last, and the answer thereto. Happily I found them on file in the telegraph office, and I will read them. Here is a copy of my dispatch to them:

WASHINGTON, March 7, 1898.

BARBEE & SMITH,

Methodist Publishing House, Nashville, Tenn.

Mr. PASCO. That is dated the day before the passage of the bill. Mr. BATE. The day before the passage of the bill; about the same date that you got your dispatch.

My dispatch to them says:

Telegraph to-day answer to Senator Pasco's letter to you Saturday as to Stahlman having fee of 40 per cent or any other fee in case of payment of your claim. I would like to hear from you also. In my judgment, if true, it will endanger the bill.

WM. B. BATE.

Here is the answer which they sent to that very positive telegram, addressed to me on the same day of March, including not only the 40 per cent, but "any other fee:"

NASHVILLE, TENN., March 7, 1898.

Hon. W. B. BATE:

We wired Senator PASCO early this a. m. as follows: "The statement is untrue, and you are therefore authorized to deny it."

BARBEE & SMITH.

Feeling assured of its truth, I felt fully authorized to say to the Senate, as I did, that there was no truth in the rumor, and that the fund would be used as a part of the publishing house plant, and the net income go to aid the supernumeraries, superannuated poor preachers, and their families, and, Mr. President, I believe this fund belongs to them now, and the church ought to see that it is put to that use, and I have such faith in the honesty and love of justice of that great church that I believe it will see it done. In my opinion it ought to do that or return every dollar of it to the Government. That grand, noble, and useful church, free from stain and scandal, can not rest under any charge, or even intimation, of receiving money under false pretenses, or for one purpose and appropriate it to another, no more than it can retain money obtained by falsehood, fraud, and deceit.

I personally know the Rev. Mr. Barbee—know him to be a leading and influential minister of the gospel of the Methodist persuasion. He formerly occupied McKendree Church, perhaps the largest, richest, and most influential Methodist Church in the State; was universally respected, and, as I understood, was chosen to take charge of that large publishing house establishment because of his integrity and strong points of character. I know Mr. Smith by reputation most favorably. I know that both of them were held in the very highest esteem by the best people where they and I live, that is, in the city of Nashville.

I could not believe that either of those gentlemen would purposely, under any circumstances, mislead me or any member of this Senate. With that kind of faith and conviction, on hearing the rumor that a large per cent of the claim, if recovered, would go to Stahlman, I telegraphed these gentlemen, Barbee & Smith, with the view of getting the facts in regard to said rumor, in order to satisfy myself, and to present them, if necessary, to my fellow-Senators.

Now, by way of putting Senators, myself among them, who cooperated in getting the bill passed in the true and proper light, I have read these telegrams. The originals of which these are copies are now on file in the office of the Western Union Telegraph Company in this city. I have only gotten them in the last

few days, since the recent scandal sprung up about the large fee paid to Stahlman, that they might aid in a vindication and complete justification of our course in passing the bill. Even a doubting Thomas would have believed these telegrams under the circumstances—and one who would not should cast the first stone.

Therefore we were perfectly justified in giving that vote. I was justified in believing that there was no fee to be paid to anyone, perhaps the expenses, but nothing more. The Senate believed that, from what I said and from what the Senator from Florida [Mr. PASCO] said, and from what the Senator from Georgia [Mr. CLAY] said, and from what the Senator from Alabama [Mr. MORGAN] and several other Senators said, there was no truth in the rumor referred to. I felt grateful to have that confidence reposed in me. But you see we are disappointed in it.

If it is true—I do not know whether or not it is, but I believe it is, from what the Senator from Massachusetts says—that a part of this fund has been malappropriated, as much as \$100,000 of it, I think it is the duty of these men to expose it and show where it went, to whom, and for what. If they fail to do so, then let the committee which is asked for here or some other committee investigate it and let the courts look into it and see that these poor, unfortunate ministers for whom this fund was set apart have their rights in this matter.

I believe that these agents, Barbee & Smith, occupy the position of trustees in this fund, and there may be a charge of "wasting the estate." It is a trust fund and I am not sure but that a court would put in its generous and equitable hand to relieve them. I want the matter exposed. Let us go to the bottom. As I said, "Hew to the line and let the chips fall where they may."

Mr. PASCO. Mr. President, I have been for some time hearing rumors about this Chamber and in the city with reference to the application of a part of this fund which was voted to the Methodist Book Agents. I have seen some statements in the newspapers charging that a part of it has been misapplied. When such reports first reached me, I could not credit them; it seemed impossible that they could be true. The evidence, however, has accumulated and is constantly accumulating, and recently I have been furnished—by the publishers, I presume—with a copy of a paper called Zion's Outlook. It is, perhaps, the same paper which has been made use of by the Senator from Massachusetts in introducing the resolution. It is published at Nashville, Tenn.

I understand, upon inquiry, that the editor of it, B. F. Haines, is a well-known Methodist minister there, a man of high character and standing, and he is thoroughly impressed with the truth of these statements; and I fear they are true. If they are true, then out of the \$288,000 which was voted for the use of the Methodist Church by our bill \$100,000 went to a claim agent who was here representing them in endeavoring to secure the passage of the bill. We were assured while the bill was pending that there was no such contract existing as authorized the payment of a large amount of money to a claim agent. That statement was made through me. It came from the Book Agents themselves, and as I was the medium of this communication, it is proper that I should say something in reference to the matter now that it has been brought up by the Senator from Massachusetts.

Certainly, if there is anything misleading or erroneous in the telegram which I read to the Senate on the 8th of March, it was not suspected at the time by the Senator from Tennessee, who also communicated with Messrs. Barbee & Smith with reference to this matter, or by myself, and, after we had stated the source of our authority to the Senate, I know there is not a Senator upon the floor who believed that any such contract as we had inquired about existed. The Senator from Massachusetts [Mr. LODGE], suspecting strongly that there was such a contract, offered an amendment that only \$5,000 of the fund should be paid to any claim agent or attorney. I opposed the amendment and I furnished evidence to the Senate to show why it was unnecessary. But it will be remembered that the purpose of the amendment was not to defeat the bill. It was simply to protect the beneficiaries of the trust.

So far as the Government is concerned, no injury or wrong or damage has been done. This claim has been before the two Houses of Congress for more than a quarter of a century. Many favorable reports upon the bills providing for its payment have been made in the House of Representatives, and although the reports in the Senate have been less frequent and less numerous, whenever the claim has been reported upon by a committee having it in charge here, the majority of the committee have always rendered a favorable report. More than twenty years ago the distinguished Senator from Alabama [Mr. MORGAN] now in his seat made a very able and exhaustive report upon this subject, and that report has been the basis for all subsequent reports which have been made in the House of Representatives. In later years it was not practicable to get the claim through the committee, but there was never an adverse majority report made upon it by the Committee on Claims, and during the last two or three years several favorable reports have been made upon it.

The members of the two Houses of Congress generally understood the merits of this claim. It was pretty well known throughout the country. The facts generally have been stated in the newspapers, and it was understood that the claim against the Government had a solid basis upon which to rest; and we all know the reasons which prevented earlier action upon the bill that would give this money to the Methodist Church. But during the present Congress the time seemed to be ripe for pressing the claim. It was taken up in the House of Representatives, debated there, the facts were all carefully presented, and when it came to a final vote more than two-thirds voted in favor of the passage of the bill.

It came over here. It went to the Committee on Claims. A favorable report was made by the committee, and later we had an opportunity to call it up for consideration, and in the debate which followed my recollection is that but a single Senator opposed the passage of the bill. The justice of the claim was generally recognized, and those who believed that there was no strictly legal claim upon the Government for the amount felt there were merits in it and good reasons why the amount should be allowed, and they joined with us in securing the passage of the bill.

As the Senator from Tennessee has already stated, a very much larger amount was claimed by the church. In their petition they asked for \$458,400, and I think every Senator who has ever examined the claim on its merits, in committee or upon the floor of the Senate, has been satisfied that if any amount should be paid, a larger sum than the amount named in the bill could properly have been allowed to the claimants. So the Government has suffered no loss or damage or injury by the failure to put this amendment upon the bill. The damage has been done to the beneficiaries of the trust. The people of the United States have not been injured, and there is no special reason why the Senate should enter into an examination of the subject, because the Government has not suffered and we are not injured and those we are called upon to protect are not the sufferers. The sufferers are the beneficiaries of this trust.

Mr. TILLMAN. Will the Senator from Florida allow me for a moment?

Mr. PASCO. Certainly.

Mr. TILLMAN. Does not the Senator from Florida think that the whole Senate is injured in the estimation of the public by having a lot of thieves come here and lie us out of money in this way?

Mr. PASCO. I do not think the Senator from South Carolina and I differ very much in condemning such action.

Mr. TILLMAN. This is the first claim of that nature coming up from that section of the country which has been considered by the Senate and passed on favorably. There are just claims pending, possibly; I know nothing about them, but I know that after such an exhibition of greed and indecency it will be very difficult for any of us to trust anybody hereafter.

Mr. PASCO. I feel sure there will be a proper spirit of discrimination in the minds of Senators when other claims come up here to judge them upon their merits. It may be necessary for us to put some clause in these bills to protect claimants against their agents, if we have good cause to think that they are in danger of unfair treatment; but we did not believe that such action was necessary in the present case, and I wish to give the reasons why I entertained that view. I heard the report which was circulated about the Senate Chamber last February or March—I am not sure but that the Senator from Indiana [Mr. FAIRBANKS] was the first to call my attention to it—

Mr. FAIRBANKS. If the Senator from Florida [Mr. PASCO] will allow me, I will state that the suggestion came to me through the honorable Senator from Wisconsin [Mr. SPOONER]; that he had heard that there was a contingent fee of greater or less amount involved in the claim. I then immediately communicated the fact to the Senator from Florida [Mr. PASCO] who was in charge of the bill, and said to him that if that was true, I should oppose the claim; that I would not consent, so far as I was concerned, to its payment if any portion of it was to be paid to any claim agent. I was assured by him and by the Senator from Tennessee [Mr. BATE] most positively that the rumor was absolutely without foundation and that the entire claim would go to the church.

Mr. BATE. I wish to state that that is correct. I had an interview with the Senator from Indiana, who was opposed to the claim and that was the ground of his opposition; and I told him that there was certainly no truth in that. I told him about this dispatch to me.

Mr. TILLMAN. If the Senator from Florida will permit me, he has a letter which he wrote to these gentlemen. I should be glad if he would have it read, so that we may know just what the basis of the deceit was; how much of a lie they did tell.

Mr. PASCO. The Senate is entitled to hear all I know about the subject, and I propose to give this letter and such information as I have relating to these charges in the progress of my remarks. When the bill was up for discussion, I did not read the

letter, because it was not then at hand, but I stated its contents. The Senate is entitled, and the country is entitled, to whatever facts are in my possession; and now that the Senator from Massachusetts has brought the matter up, I propose to give them as fully and freely as the Senate or any individual Senator desires to have them.

Mr. President, I am correct in my recollection that the Senator from Indiana first called the matter to my attention. I heard it with a good deal of feeling. I felt, whether or not I manifested it to him, some indignation that there should be such a report. I did not think it was possible, and I did not hesitate to inform him and other Senators who spoke to me about it that I was satisfied that the rumor was false. I felt as they did—that I could not support the bill if a large portion of the amount to be appropriated was to be paid to an agent or attorney.

The rumor circulated throughout the Senate Chamber and among Senators, and a number came to me for information upon the subject, knowing the bill was in my hands and under my direction as a member of the subcommittee of the Committee on Claims; and when called upon, I took upon myself the responsibility of saying that it was false. I took the ground, in the first place, that the Book Agents had not the authority to make any such bargain. The amount I heard about the Chamber was 40 per cent. Whether it was 30 or 35 or 40 per cent is immaterial. Any such ratio of compensation was excessive, and I took the ground that the Book Agents had no power as trustees to make any wasteful contract with a claim agent for the recovery of this fund.

In addition to that, although I do not know the Book Agents personally, I knew them from their reputation, that they were gentlemen of the highest personal character and good business men, and I felt sure that they would not make an improvident contract, and I felt sure that they knew it was impossible that so large an amount as this could be legitimately used in the prosecution of any claim before the two Houses of Congress.

I wish to give from the record the authority which these Book Agents have. I will not read it all, but I will have it all put into the RECORD. I take it from the report which I made during the Fifty-fourth Congress; but these matters of record were personally compared by me with the original books from which they were taken. I had some of them sent to me from Nashville. The first document I wish to put in the RECORD is a resolution adopted at the session of the General Conference of the Methodist Episcopal Church South, held in Columbus, Ga., May, 1854. That was the time when the plan of a publishing house was originated. The resolution is as follows:

Resolved, That the committee on books and periodicals be, and they are hereby, instructed to report a judicious system for the early commencement and ultimate establishment of a book concern proper of the Methodist Episcopal Church South.

(1) The Book Concern shall consist of a publishing house at ———.

The name and place had not then been determined.

(2) Of a manufacturing establishment of books in connection with said house.

(3) Of an agent or agents to whom shall be committed, under the advice and approbation of a book committee appointed by the general conference, the control of the funds of the church known as the book fund, and the conduct of the business for the next four years.

(4) The agent or agents shall be required by law to provide, by and with the advice and approbation of said committee, in buildings and other fixtures and materials, for publishing and manufacturing all the books, etc., necessary to meet the demands of the Southern people on strictly business principles—that is (1), such books as from the accident of their publication can be published as cheaply in the city of their location as elsewhere the agents shall manufacture at their own establishment; (2) such books as from the accident of their publication can be published cheaper at some other manufactory of the country shall be published by contract at such manufactory.

Pending the discussion of these resolutions, the hour of adjournment was postponed, and, after their adoption, conference adjourned with the benediction of the bishop.

Later, in February, 1866, the State of Tennessee incorporated the publishing house, and I have the act of incorporation here. It is as follows:

[Laws of Tennessee, 1855-56. Chapter 186, page 196.]

An act to incorporate the Agents of the Publishing House of the Methodist Episcopal Church South, in the city of Nashville.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Edward Stephenson and Francis A. Owen, and their successors in office, be, and they are hereby, made a body corporate and politic, under the name and style of the "Book Agents of the Methodist Episcopal Church South," and by that name and style to have perpetual succession, for the manufacture and distribution of books, tracts, periodicals, etc.; to make and use a common seal, and the same to alter at pleasure; in this name to sue and be sued, contract and be contracted with, hold personal and real estate, by purchase, deed, grant, gift, devise, or bequest, and the same to sell or dispose of as they may deem best for the interests involved.

SEC. 2. *Be it enacted*, That the corporation hereby created shall now, and at all times hereafter, be under the control of the said Methodist Episcopal Church South, according to the laws and usages of the same, as contained in the present or in any future edition of their discipline.

Passed February 26, 1866.

NEIL S. BROWN,
Speaker of the House of Representatives.
EDWARD S. CHEATHAM,
Speaker of the Senate.

Now, I take from their discipline the laws and usages relating to this matter:

SECTION VIII.—Of printing and circulating books and periodicals, and of the profit arising therefrom.

ARTICLE I. There shall be a book establishment at the city of Nashville, Tenn., for the purpose of manufacturing and publishing books, to be called the Publishing House of the Methodist Episcopal Church South, and be under the control of two agents and a committee, to be called the book committee.

(2) The object of this institution shall be to advance the cause of Protestant Christianity, by disseminating religious knowledge and useful literary and scientific information in the form of cheap books, tracts, and periodicals.

(3) The agents shall receive all the funds of the church, known as the book fund, and be responsible to the general conference for the prudent application and safe management of the same, under the general direction of the conference. They shall make an annual exhibit to the several annual conferences, and a full and detailed account of the state and progress of the business to the general conference.

(4) The agents are authorized to invest, of these funds, from time to time, as the business may require, in grounds, houses, and fixtures, a sum not exceeding, in the next four years, \$75,000. The joint concurrence, however, of the college of bishops formally given, after a free and full consultation and conference with the agents and book committee, may authorize a further investment.

(5) The agents shall proceed to immediately supply, as far as practicable, the demand of the church for books, tracts, and periodicals, availing themselves of all the facilities of other establishments for their publication at the cheapest rates; and in all investments for the manufacturing of books, and in the manufacture of books, they are required to govern themselves strictly by the principles of economy, in view of the ultimate permanent establishment of the publishing house.

(6) The books shall be sold at a price sufficient to cover prime cost, rates of discount to wholesale purchasers, the allowances of our bishops, and a reasonable advance to sustain the business of the institution, without hazard of loss or material increase of profit.

(7) There shall be a committee of five, three of whom shall be resident at Nashville, to be called the book committee. No permanent investment of the book fund shall be made by the agents without their approbation. They shall give advice to the agents on all matters of general interest, whenever consulted. They shall fix the allowances of the agents and resident editors, fill vacancies in their own board, and, with the advice of the bishops, fill vacancies in the agency and in the corps of resident editors.

It appears from the second section of this act of incorporation that whatever authority these agents had was to be under the control of the Methodist Episcopal Church South, according to its laws and usages as contained in the church discipline, and under article 3, section 8, of the discipline, which has been read, their management of the book fund was to be under the general direction of the conference. My understanding of their action in the collection of this claim is that this amount of \$100,800 was paid over swiftly to their attorney before the meeting of the conference. If so, it was paid without the approval of the general authority that was to give them direction according to the laws of the church.

Further, the discipline of the church provides:

That the profits of the publishing house should be appropriated to no other purpose than for the benefit of the traveling, supernumerary, superannuated, and worn-out preachers, and their wives, widows and children.

My information is (I think it was elicited in the debate on this bill, but I have not been able to put my hand upon it) that directly after the close of the war some three or four hundred thousand dollars of bonds were issued in order to build up the corpus of the fund. The Book Agents had lost a large part of their plant during the war, and for the want of this money that they claimed was due them from the Government, the publishing house corporation was compelled to borrow three or four hundred thousand dollars upon this issue of bonds.

My understanding was that when this \$288,000 was paid back to the church it would relieve them of their indebtedness and build up again the corpus of the fund. So that the whole \$288,000 belonged to the fund itself, and the body of the fund could not properly be used for any other purpose than the church purposes.

Now, then, if \$100,800 of the corpus of the fund has been taken away from it, then the earnings of that amount have been taken away from the beneficiaries who are entitled under the discipline of the church to the profits of the publishing house; the fund is wasted to that extent by the payment of the \$100,800 for other than church or publishing house purposes; and the legitimate earnings of that amount, perhaps \$5,000 or \$6,000 a year, are taken away from these "traveling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children," for all time as long as this fund shall exist.

Mr. President, those were the reasons, as I have said, why I thought it was improper and impossible that any such contract could have been made. It would have been a waste of the fund, and I believed that the business capacity of these two gentlemen was so great that it would be impossible for them to make such a contract.

I was indignant when I heard the report. I felt satisfied that it would work to the detriment of the bill. I believed it would defeat the bill if it was understood that a large part of the appropriation was to be for other than church purposes. I knew that, so far as I was concerned, I would not vote for the bill if it was understood that \$100,000 or more of the amount was to go to a claim agent. I thought that if the United States was to pay this money to the church to recompense the church for the losses it

sustained, it should be retained by the church for its legitimate use according to the trust, and I knew of no possible way in which \$100,000 could be earned legitimately in assisting to carry the bill through the two Houses.

The Senator from Tennessee has stated that this gentleman was present at one of the meetings of the committee. I understood that he was. I was not present at that committee meeting myself, but I understand that he fully presented the case to them. But my understanding also of that matter, not derived from him, for I had very little communication at any time with him, was that he was working in this matter because he and his wife were members of the church, and that he had offered his services to assist in the collection of the claim because of the desire to aid and benefit the church to which they belonged.

Now, Mr. President, after I had heard the reports which were in circulation before the passage of the bill, although I did not believe them, I thought it was proper that the trustees, the Book Agents, should know of their existence, and out of abundant caution I prepared to meet them when the bill came up for discussion during the following week, for I expected it would then come before the Senate, as it did. I felt sure they could and would deny these reports, and thought it would be well to have in my hands a complete statement from the Book Agents themselves as to these charges. So I wrote, on March 5, 1898, to Barbee & Smith, as follows:

MARCH 5, 1898.

Messrs. BARBEE & SMITH, Nashville, Tenn.

DEAR SIR: Some malicious persons are circulating a slanderous story about the Capitol, with the evident purpose to obstruct the passage of our bill. It is to the effect that you have made a contract with Mr. Stahlman to pay him 40 per cent of the amount recovered.

It was not necessary for me to get any contradiction, because I knew very well that the agents of the publishing house knew better how to conduct their trust than to make such an improvident bargain, and I knew also that there was no power to make such a contract, so I did not hesitate to denounce it as a malicious slander; and I am sure also that the Senators who came to me for information upon the subject are thoroughly satisfied with my statement. But as a matter of caution it will be very well for me to have a positive denial from you which I can use if it appears necessary either before the bill comes up for action or on the floor of the Senate, so I suggest that you send me a telegram on Monday as to the facts of the case and authorizing me, as I am sure you can, to deny this statement.

Mr. BATE. What is the date of that letter?

Mr. PASCO. The letter was dated the 5th of March. The bill was passed on the 8th. I knew there would be abundant time for the letter to reach Nashville and to get a full and complete reply before it came up for consideration.

In the first place, I got the telegram, which I shall read. My clerk found it only yesterday evening. I had lost sight of its existence until then. I only used the second one when the matter was before the Senate in March, but this is the first one I received.

[Telegram.]

NASHVILLE, TENN., March 7, 1898.

Hon. S. PASCO, Senator:

Have asked Mr. Stahlman to call at once to see you. He is a gentleman upon whose statements you may implicitly rely. He is our friend and neighbor and official member of our church, whose interest in our behalf reaches beyond and above pecuniary considerations.

BARBEE & SMITH, Book Agents.

I first received that in response to my letter of March 5. Though I am not positive about all the incidents, my recollection is that I took this telegram and showed it to the Senator from Tennessee [Mr. BATE] and told him that it did not meet my inquiry. My recollection is that that was the cause of his sending the telegram which he has already read. But I am not sure about that. At all events, another telegram was sent to them, and subsequently I received the one which has been already read, dated March 7, 1898.

Mr. KYLE. Will the Senator from Florida indulge me a moment? What was the second telegram? I was out of the Chamber.

Mr. PASCO. This is the second one. The letter of the 5th had been received by Barbee & Smith, and they replied as follows: "Letter of 5th received. The statement is untrue, and you are hereby authorized to deny it."

These telegrams came in response to the letter of March 5, and it was this second telegram that I presented to the Senate when the matter was up for discussion on the 8th of that month.

Mr. KYLE. Does the Senator mean to state that after that telegram was received and the fund was appropriated by Congress \$100,000 of it did go to this party?

Mr. PASCO. That was charged by the Senator from Massachusetts. He desires to have an investigation. The circumstances and statements that have reached me seem to indicate that it is so. As I said in the beginning of my remarks, a paper called the Zion's Outlook, published by the Methodist Church at Nashville, edited by the Rev. B. F. Haines, charges that that is so, and it does not seem to be denied by the Book Agents or their agent.

Mr. KYLE. I merely want to state that I voted for that appropriation with the distinct understanding that it was to go entirely

to the church. I think that was the opinion of a great many others in this immediate part of the Chamber.

Mr. PASCO. I presume that every member of the Senate who heard that dispatch read (and it was read, for I have the RECORD here before me) believed it as I did, not merely from my statement, not because I read it, but believed it because it emanated from this very high authority. Dr. Barbee is an eminent minister of the Methodist Church and Mr. Smith is an eminent member of it, a trustee, along with Mr. Barbee, in managing this great and important business. It satisfied me entirely, as it did nearly every member of the Senate.

I would as soon have doubted the authenticity of the Scriptures as to have doubted the veracity of the statements of those gentlemen. The idea that it was untruthful or evasive, or that it contained anything short of actual truth, never entered my mind. I communicated it to the Senate in that spirit. I feel that I had used all due diligence and taken all proper precautions in preparing to make a full and correct statement to the Senate with reference to these rumors. The responsibility was upon me and I feel that I did all that anyone could have done to put the Senate in possession of all the facts.

But, as I said before, the injury has been done, not to the people of the United States, but to the beneficiaries of this trust. I regret very much that they were not protected by some amendment, but I should not have supported the amendment of the Senator from Massachusetts [Mr. LODGE] under any circumstances. I thought it ought to be voted down. In the first place, I thought the amount was excessive. The Senator from Massachusetts provided in his amendment that \$5,000 be paid to claim agents.

I did not think that so large an amount as that should be allowed. Of course, I knew that some expense had been incurred and that persons who had interested themselves in this case were not all working in the spirit in which Messrs. Barbee & Smith said that Mr. Stahlman was, "beyond and above pecuniary considerations." I supposed that a few hundred, perhaps a few thousand dollars might be or might have been expended in preparing their case in different ways; but if any small and reasonable sum of that kind had been expended, I presumed it would be paid out of the general fund of the church and that it need not break into this fund at all, or if so, to only a small extent, and I should not have been willing to vote as large a sum as \$5,000 as compensation to attorneys.

The VICE-PRESIDENT. The hour of 2 o'clock has arrived. The Chair is obliged to lay before the Senate the unfinished business, which is the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

Mr. WILSON. I trust that the unfinished business may be temporarily laid aside until the Senator from Florida [Mr. PASCO] concludes his speech.

The VICE-PRESIDENT. Is there any objection to the request? The Chair hears none, and the Senator from Florida will proceed.

Mr. PASCO. I am nearly through, Mr. President, but I thank the Senator from Washington. In the first place, the amount of compensation proposed by the Senator from Massachusetts was excessive. But worse than that, I feared there might be delay in the matter which would be injurious to the interests of the church and perhaps prejudicial to the bill, causing delay and perhaps imperil the final passage of the bill. There were others who shared that fear; the Senator from Massachusetts [Mr. HOAR] was among them. It was for these reasons that I opposed the amendment offered by the Senator from Massachusetts [Mr. LODGE]. I regarded the amount as excessive and I thought that the delay was unfortunate. I thought, too, as I said in the first place, that this provision was wholly unnecessary, because the Book Agents had no power to pay this large sum out of the amount they were about to recover, and that their business capacity and business experience would teach them that it should not be taken from the fund.

Mr. President, I think that this covers the entire ground, so far as I am concerned. I have felt that the Senate was entitled to such information as I had upon the subject, and I desired to cover the different points.

Mr. WILSON. May I interrupt the Senator from Florida just one minute? Do I understand him to say that it is common report and belief that a large sum, namely, \$100,000, has been paid for attorneys' fees in this case?

Mr. CHANDLER. It is not common report; it is admitted.

Mr. WILSON. Then if it is, all that remains to be said is that it is a most disgraceful, outrageous, and infamous transaction on the part of those people.

Mr. CHANDLER. There is much more to be said about it.

Mr. PASCO. I want to remind the Senator from Washington again that it is not the people of the United States who have been injured in this action. It is the beneficiaries of this church.

I should not oppose the motion of the Senator from Massachusetts to have the investigation if it is deemed proper that it should be had, but my judgment is that the investigation ought to be by the party who is interested in the matter. The investigation should be held by the Methodist Episcopal Church South, and its college of bishops can inaugurate such an investigation and bring out all of the facts in the case.

Mr. WILSON. May I interrupt the Senator right there? I do not care to enter into this debate at all. As I understand the Senator, he wants the Methodist Church South to investigate this matter. It seems from what I have listened to and what they place on the record here, through the Senator, from the Methodist Church South there was no truth in this matter at all; and yet there seems to have been a contract for 85 per cent of it, which must have been known to the Methodist Church South, which permitted this thing to drag its slimy way through here and never gave any notice of it when the question was raised in the Senate.

Mr. PASCO. The Senator from Washington must recollect that the two book agents are not the Methodist Church any more than he and I are the United States.

Mr. TELLER. This matter has gone over now, and I call for the regular order.

Mr. PASCO. I will be through in one moment. They are simply two officers of the church as he and I are two Senators, and I believe that the church will investigate the matter and should investigate it.

Mr. FRYE. Will they return the money? That is what they ought to do.

Mr. PASCO. The Senator from Maine asks whether they will return the money. Mr. President, the money does not belong to the United States. The money belongs to the beneficiaries. It is not the United States that has been injured. It is the beneficiaries of this trust that have been injured.

Mr. BURROWS. But the Senator will allow me to say, if it should turn out upon investigation that the bill was passed under a misrepresentation, it has already been stated that the Methodist Church would promptly refund to the United States that portion which was paid over to them; that they would not receive any portion of a fund which was secured by misrepresentation in the American Congress.

Mr. PASCO. It is no part of my purpose in addressing the Senate at the present time to suggest what is the duty of the Methodist Church. I draw a very wide distinction between the Methodist Church and these two book agents and the attorney they employed in this matter. My judgment is that the Methodist Church, through its proper officials, when all of the facts are presented to them through their proper channels of information, will know exactly what their duty is in the matter, and will do and perform it, and it is no part of my purpose now to make any suggestions to them as to what they should do.

Mr. BURROWS. Of course they would return the fund. They would of course return it.

Mr. BATE. Will the Senator from Florida allow me?

Mr. TELLER. I must insist that the regular order shall be taken up.

Mr. BATE. Mr. President—

Mr. PASCO. I hope the Senator from Colorado will not cut me off.

Mr. BATE. I am not going to make a speech. I merely want to put myself right.

Mr. TELLER. Certainly; but I shall object to anybody else speaking.

Mr. BATE. The Senator from Michigan is, I think, mistaken in what I said there, and he will find the Reporters will so make it. I said the church ought, in my opinion, to do it, and I believed it would do it, not that it was obligated to do it.

Mr. BURROWS. Undoubtedly it will.

The VICE-PRESIDENT. The Senator from Florida has the floor.

Mr. PASCO. I was about to close what I had to say. As I have said, the beneficiaries of this fund are the injured parties. There is no doubt but that the bill would have passed that afternoon. But if it had been believed that a part of the fund was likely to be misapplied, there would have been an addition to it in the shape of an amendment prohibiting the payment of a single dollar to any attorney or claim agent. But the bill would have passed, and the Senate would have taken the precaution to protect the fund from the extravagant claim of any agent. But whether it should be returned to the Government or not is a matter that can be determined hereafter, and I express no opinion upon that point.

I shall throw no obstructions whatever in the way of the proposed investigation, and if it is the will of the Senate that the matter be referred to a committee for a full and thorough investigation, all that I have had at my disposal, documents, papers, and telegrams, will be at the service of the committee, and I will willingly aid in eliciting the truth.

Mr. TELLER. I call for the regular order now.

The VICE-PRESIDENT. The regular order is called for.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia desire to be heard on the bill before the Senate?

Mr. BACON. I simply desire to say before the regular order is taken up that the failure on the part of some of us to be heard at this time might be misunderstood. I wish merely to add that there are several of us in the Senate who were active in the procurement of this claim who at the proper time will be heard in furtherance of the suggestions which have been made.

Mr. TELLER. I will simply say to the Senator that the resolution will be up to-morrow morning, and if the Senator desires he can be heard then. I myself want to be heard on it.

Mr. BACON. But I do not desire that it should pass away at this time with apparent silence on our part voluntarily had.

The VICE-PRESIDENT. The resolution goes over.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I appeal to the Senator from Colorado to yield to me for a few moments. It will be remembered that an hour ago or thereabouts I obtained unanimous consent to have thirty minutes devoted to the consideration of private pension bills. I was quite well aware of the fact when the Senator from Tennessee commenced his speech on the question which was before the Senate that it would consume the remainder of the morning hour. But it really had gone over until to-morrow, and I could have objected to further debate to-day. I did not do so for the reason that the Senator assured me, if I made the request at 2 o'clock, the Senator from Colorado would courteously yield thirty minutes of the time to have the unanimous-consent agreement executed. I now appeal to the Senator for that purpose.

Mr. TELLER. How long?

Mr. GALLINGER. Thirty minutes.

Mr. TELLER. If we can conclude the consideration of the private pension bills in thirty minutes, I shall not object. I want to have the pension bills out of the way.

The VICE-PRESIDENT (at 2 o'clock and 10 minutes p. m.). There being no objection, the unanimous-consent agreement as to the Private Pension Calendar will be executed until 2 o'clock and 40 minutes this afternoon, and then the unfinished business will be taken up. The first pension bill on the Calendar will be proceeded with.

ALBERT HAMMER.

The bill (S. 1572) granting a pension to Albert Hammer was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" and in line 6, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at \$24 per month, the name of Albert Hammer, of Company E, One hundred and twenty-third Illinois Volunteers.

The amendments were agreed to.

Mr. GALLINGER. After the word "and," in line 3, I move that the word "he" be inserted; so as to read: "and he is hereby."

The amendment was agreed to.

Mr. GALLINGER. In lines 5 and 6 I move to strike out "at \$24 per month;" after the word "Hammer," in line 6, to insert the word "late," and at the close of the bill to insert the words "and pay him a pension at the rate of \$24 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. TUCKER.

The bill (H. R. 2669) granting an increase of pension to Henry H. Tucker was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Henry H. Tucker, late a sergeant of Company E, Thirty-first Ohio Volunteer Infantry, and first lieutenant of Company B, One hundred and forty-third Illinois Volunteer Infantry, and to pay him a pension of \$25 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. BINGHAM.

The bill (H. R. 8181) for the relief of John A. Bingham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out

"from and after the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John A. Bingham, major and judge-advocate of volunteers, on the pension roll, subject to the provisions and limitations of the pension laws, and pay him a pension at the rate of \$25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John A. Bingham."

SAMUEL B. DAVIS.

The bill (H. R. 7007) to increase the pension of Samuel B. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. Davis, of Company C, Eighteenth Regiment Indiana Volunteers, and to pay him a pension of \$50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BYRON R. PIERCE.

The bill (S. 2002) granting an increase of pension to Byron R. Pierce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Byron R. Pierce, brigadier-general and brevet major-general of United States Volunteers, and pay him a pension of \$50 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to further amend the bill by inserting after the word "roll," in line 4, the words "subject to the provisions and limitations of the pension laws;" and after the word "pension," in line 6, by inserting "at the rate."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LILLIAN M. YOST.

The bill (S. 3015) granting a pension to Lillian M. Yost was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lillian M. Yost, widow of Robert V. Yost, Corps G. Second District of Columbia Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA E. BOWERS.

The bill (S. 2729) granting a pension to Lydia E. Bowers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and pay her a pension at the rate of \$8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia E. Bowers, widow of Charles Bowers, late of Company G. Thirty-second Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM TOMPKINS.

The bill (H. R. 8680) granting an increase of pension to William Tompkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Tompkins, late private Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and

pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. In behalf of the committee I desire to ask a nonconcurrence in the proposed amendment, so that the bill may be passed as it came from the House of Representatives.

The VICE-PRESIDENT. The question is on the adoption of the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIETTE F. HOVEY.

The bill (S. 2616) to pension Harriette F. Hovey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriette F. Hovey, widow of Gen. Charles E. Hovey, late colonel of the Thirty-third Regiment Illinois Volunteers and brevet major-general of volunteers, and pay her a pension at the rate of \$30 per month.

Mr. GALLINGER. I desire to amend the amendment by inserting, before the word "Interior," in line 9, the word "the," which was probably made by a mistake of the printer; and in line 12, before the name "Charles E. Hovey," to strike out the word "General."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Harriette F. Hovey."

MARY A. COLHOUN.

The bill (S. 2494) granting a pension to Mary A. Colhoun was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty," and, in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Colhoun, widow of Edmund R. Colhoun, late rear-admiral United States Navy, at the rate of \$50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary A. Colhoun."

SUSAN MELLISOP.

The bill (S. 571) granting a pension to Mrs. Susan Mellisop was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Mellisop, dependent mother of James Mellisop, late of Company D, Fifty-first Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Susan Mellisop."

JOHN F. McMAHON.

The bill (S. 4550) granting an increase of pension to Col. John F. McMahon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, before the word "hereby," to insert "he;" in line 4, after the word "authorized," to insert "and directed;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John F. McMahon, late colonel Sixteenth Regiment Missouri Volunteer Cavalry, subject to the provisions and limitations of the pension laws, and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John F. McMahon."

JOHN H. CRANDALL.

The bill (S. 4488) granting an increase of pension to John H. Crandall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, after the name "Crandall," to strike out "who was" and insert "late;" in line 7, after the word "and," to strike out "later;" and in line 10, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Crandall, late a private in Company I, Twenty-seventh Regiment New York Volunteers, and in Company A, One hundred and thirty-sixth New York Volunteers, and to pay him a pension at the rate of \$30 per month in lieu of the pension he now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAPOLEON B. ARMSTRONG.

The bill (S. 3330) granting an increase of pension to H. B. Armstrong was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "as entitled to increase of pension;" in line 6, after the word "of," to strike out the letter "N" and insert the name "Napoleon;" in line 8, after the word "war," to strike out "(he having become totally blind);" in line 10, before the word "dollars," to strike out "forty" and insert "twenty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. Armstrong, late of Company I (Capt. W. S. Hatton), Third Regiment Tennessee Infantry Volunteers, Mexican war, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Napoleon B. Armstrong."

ALEXANDER KEEN.

The bill (S. 4394) granting an increase of pension to Alexander Keen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "as entitled to increase of pension;" in line 7, after the word "of," to strike out "Company (Capt. J. H. Henry)" and insert "Capt. J. H. Henry's company;" in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Keen, late of Capt. J. H. Henry's company, Florida war, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. OSBORN.

The bill (H. R. 4961) granting an increase of pension to George W. Osborn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the name "Osborn," to strike out "of Mattoon, Ill.," and insert "late;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of George W. Osborn, late of Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, on the pension roll, subject to the provisions and limitations of the pension laws, and pay him a pension at the rate of \$34 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS S. TEFFT.

The bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, before the word "First," to strike out "Company—" and insert "the;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Tefft, late of the First New York Dragoons, and to pay him a pension at the rate of \$30 per month in lieu of the pension he now receives.

The amendments were agreed to.

Mr. GALLINGER. I move to insert the word "Regiment" after the word "First," in line 6; so as to read:

First Regiment New York Dragoons, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LAURITZ OLSEN.

The bill (H. R. 7331) granting an increase of pension to Lauritz Olsen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, before the word "directed," to insert "authorized and;" in the same line, after the word "place," to strike out "upon" and insert "on;" in the same line, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" and in line 9, before the word "in," to strike out "a month from and after the passage of this act" and insert "per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lauritz Olsen, late a member of the Second Minnesota Battery Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

Mr. GALLINGER. I move nonconcurrence in the proposed amendment, in line 8, before the word "dollars," striking out "forty" and inserting "thirty."

The amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the other amendments reported by the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY K. OPP.

The bill (H. R. 6411) granting an increase of pension to Henry K. Opp was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, after the name "Opp," to strike out "who was" and insert "late;" and in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry K. Opp, late an acting assistant paymaster in the United States Navy, and to pay him a pension at the rate of \$13 per month in lieu of the pension he now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANK ROCKWITH.

The bill (H. R. 619) granting an increase of pension to Frank Rockwith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to insert "on the pension roll, subject to the provisions and limitations of the pension laws;" in line 8, after the word "war," to strike out "upon the pension roll;" and in line 10, before the word "now," to strike out "amount" and insert "pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Rockwith, who

served as surgeon's steward on the United States steamer *Arbetta*, in the Navy of the United States during the late war, and pay him a pension at the rate of \$24 per month in lieu of the pension now being received by him.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH C. BERRY.

The bill (H. R. 6379) granting a pension to Joseph C. Berry, alias Joseph White, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Berry, alias Joseph White, late of Company K, Eighth Regiment Iowa Volunteers, and to pay him a pension at the rate of \$30 per month in lieu of the pension which he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph C. Berry, alias Joseph White."

JOHN BAILEY.

The bill (S. 1821) granting a pension to John Bailey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" and in line 7, after the word "month," to strike out "from the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bailey, late private Company A, Tenth Michigan Cavalry Volunteers, at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH R. MATHERS.

The bill (H. R. 6388) granting an increase of pension to J. R. Mathers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, before the name "R. Mathers," to strike out the letter "J." and insert "Joseph;" and in line 8, after the word "pension," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph R. Mathers, late a private of Company A, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month, in lieu of the pension he now receives.

The amendments were agreed to.

Mr. GALLINGER. I move, after the word "and," in line 3, to insert the word "he."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALFRED D. JOHNSON.

The bill (H. R. 4672) granting an increase of pension to Alfred D. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred D. Johnson, late of Company A, Forty-sixth Regiment of the Ohio Volunteer Infantry, and to pay him a pension of \$24 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUTLER D. SANBORN.

The bill (S. 1580) granting an increase of pension to Cutler D. Sanborn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject

to the provisions and limitations of the pension laws;" in line 6, after the name "Sanborn," to insert "late;" in the same line, before the word "Second," to strike out "of" and insert "in;" in line 7, after the word "Volunteers," to insert "and pay him a pension;" and in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cutler D. Sanborn, late a private in Second Independent Battery of Light Artillery Massachusetts Volunteers, and pay him a pension at the rate of \$30 per month, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EVA W. BRANNAN.

The bill (S. 717) granting an increase of pension to Eva W. Brannan, widow of the late Maj. Gen. John Milton Brannan, United States Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Army," to insert "and pay her a pension;" in line 8, before the word "dollars," to insert "fifty;" and in the same line, after the word "month," to strike out "which pension shall be;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva W. Brannan, widow of the late Maj. Gen. John Milton Brannan, United States Army, and pay her a pension at the rate of \$50 per month in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eva W. Brannan."

JOHN M'VICAR.

The bill (S. 4575) granting an increase of pension to John McVicar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" and in line 9, after the word "receiving," to strike out "to commence from the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McVicar, late a private of Company K, One hundred and sixty-ninth Regiment New York Volunteer Infantry, at the rate of \$30 per month, in lieu of the pension he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. After the word "Infantry," in line 7, I move to insert the words "and pay him a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. C. BEDELL.

The bill (S. 3911) pensioning H. C. Bedell, Company A, One hundred and ninety-first New York Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" in the same line, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" and in line 8, before the word "of," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Bedell, late of Company A, One hundred and ninety-first New York Volunteers, and pay to him a pension at the rate of \$12 per month.

The amendments were agreed to.

Mr. GALLINGER. In line 7 I move to strike out the word "to" after the word "pay."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Henry C. Bedell."

HENRIETTA CUMMINS.

The bill (S. 1774) granting a pension to Mrs. Henrietta Cummins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "Interior," to insert "be, and he;" in line 6, before the name "Henrietta," to strike out "Mrs.;" in line 7, before the word "captain," to strike out "deceased" and insert "late;" in the same line, before the word "Company," to strike out "Cummins's;" in line 8, after the word "Militia," to strike out "from August 12, 1862, to March 12, 1865, she now being totally blind and helpless;" and in line 11, before the word "of," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Cummins, widow of Vincent Cummins, late captain of Company H, Seventy-second Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Henrietta Cummins."

ROBERT W. HAYWOOD.

The bill (S. 4147) granting an increase of pension to R. W. Haywood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "to," to strike out "increase the pension of R.;" and insert "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert;" and in line 8, after the word "war," to strike out "from \$12, the amount now received by said Haywood under pension certificate No. 13474, to \$50 per month" and insert "and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert W. Haywood, late a private in Company B, Third Tennessee Infantry (Mexican war), and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert W. Haywood."

GEORGE H. GIVENS.

The bill (H. R. 8861) granting an increase of pension to George H. Givens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to insert "on the pension roll, subject to the provisions and limitations of the pension laws;" and in line 7, after the word "Cavalry," to strike out "upon the pension roll with an increase pension" and insert "and pay him a pension at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Givens, who served in the Mexican war in Company D, First Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$18 per month, in lieu of any pension that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES BALLARD.

The bill (S. 369) granting a pension to James Ballard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of James Ballard, first lieutenant Company I, Forty-sixth Illinois Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to amend further by striking out the word "upon," in line 4, after the word "place," and inserting the word "on;" and also, in line 6, by inserting the word "late" before the word "first."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to James Ballard."

The VICE-PRESIDENT. The time for the consideration of pension bills has expired.

Mr. GALLINGER. I think that five more minutes are due me; but the Senator from Colorado [Mr. TELLER] consented that the consideration of pension bills might run until 10 minutes of 3 o'clock, and I ask that that may be done, if there be no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that will be the order.

JOHN A. HUGHES.

The bill (S. 1797) granting an increase of pension to John A. Hughes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John A. Hughes, late captain of Company H, Forty-sixth Illinois Volunteer Infantry, and pay him a pension of \$30 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to strike out the word "upon," in line 4, after the word "place," and insert "on;" and in the same line, after the word "roll," to insert "subject to the provisions and limitations of the pension laws."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOLOMON KLINE.

The bill (S. 4233) granting a pension to Solomon Kline was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and pay him a pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon Kline, late of Company I, Forty-sixth Indiana Infantry, and pay him a pension at the rate of \$50 per month in lieu of the pension which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Solomon Kline."

S. W. TAYLOR.

The bill (S. 601) granting a pension to S. W. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word "Volunteers," to insert "and pay him a pension;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. W. Taylor, late assistant surgeon Fourth Regiment Iowa Cavalry Volunteers, and pay him a pension at the rate of \$20 a month.

The amendments were agreed to.

Mr. GALLINGER. In line 8, I move, before the word "month," to strike out "a" and insert "per," so as to read "per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE S. CROSS.

The bill (S. 2107) granting an increase of pension to Theodore S. Cross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "and," to strike out "that he be paid," and insert "pay him;" and in line 8, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore S. Cross, of

Holman, Ind., late a private in Company E, Sixteenth Indiana Volunteer Infantry, and pay him a pension of \$16 per month in lieu of the amount he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. I move to strike out the words "of Holman, Ind.," in line 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALDEN B. THOMPSON.

The bill (S. 1698) granting a pension to Alden B. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alden B. Thompson, late a landsman on the ships *Columbus* and *Ohio*, in the United States Navy, from April 25, 1840, to April 17, 1843, at the rate of \$8 per month.

Mr. GALLINGER. After the word "Navy," in line 7, I move to strike out "from April 25, 1840, to April 17, 1843;" and in line 9, before the words "at the rate," to insert the words "and pay him a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA A. SHORT.

The bill (H. R. 1271) granting a pension to Clara A. Short was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara A. Short, widow of Martin C. Short, late captain of Company I, Thirty-first Regiment Wisconsin Infantry Volunteers, and to pay her a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. TILTON.

The bill (S. 4701) granting an increase of pension to Charles W. Tilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Tilton, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. K. HAGER.

The bill (S. 3533) granting a pension to J. K. Hager was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Infantry," to insert "and pay him a pension at the rate of \$12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. K. Hager, dependent father of James G. B. Hager, late a member of Company H, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE E. JOSEPH.

The bill (S. 3534) granting a pension to Annie E. Joseph was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "fifty" and insert "twenty;" and in the same line, after the word "of," to strike out "the \$8 per month which she now receives under the act of June 27, 1890," and insert "that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Joseph, widow of George W. Joseph, late private, Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month, in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Annie E. Joseph."

MARY F. HOPKINS.

The bill (S. 3235) to increase the pension of Mary F. Hopkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 9, before the word "dollars," to strike out "to pay her the sum of thirty" and insert "pay her a pension of twenty-five;" and in the same line, after the word "pension," to strike out "now paid to her" and insert "she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Hopkins, widow of Stephen M. Hopkins, late first lieutenant Company I, Twelfth Regiment Rhode Island Volunteers, and pay her a pension of \$25 per month, in lieu of the pension she is now receiving.

Mr. GALLINGER. I move to amend the bill further by inserting before the words "of twenty-five dollars" the words "at the rate;" so as to read "at the rate of," etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. CULLOM. The Senator in charge of the pension cases says his time is up. I ask the Senate to continue for a few moments the consideration of the pension bills, in order to complete those upon the Calendar. We are nearly through, and I happen to have a case there in which I am quite interested.

Mr. MASON. Mr. President—

Mr. CULLOM. I hope my colleague will not interfere until we get through with the pension cases.

Mr. MASON. I do not think the bill which I ask to have disposed of will cause any discussion. It is the bill which I asked to have considered yesterday. It went over one day. I hope my colleague will not object to having it passed.

Mr. CULLOM. I have no objection to passing it, but as we are nearly through with the pension list, I hope my colleague will allow us to go on. We can dispose of the remainder of the pension bills in a few moments.

Mr. TELLER. I fear I must go on with the claims bill.

Mr. GALLINGER. I wish to express my thanks to the Senator from Colorado for the courtesy he has shown me. I have no disposition to take any more time.

Mr. TELLER. I will say to the Senator from Illinois [Mr. Mason] that his bill will create some debate, and I can not quite agree to lay the bill of which I have charge aside for that purpose. If he will wait a little while, he can get his bill up. I think we can get through with the claim bill in a very short time. I know there is to be some debate on his bill.

Mr. MASON. Does the Senator understand that the bill which I am asking to have passed is the one that confers the franking privilege on soldiers and sailors?

Mr. TELLER. I understand what the bill is, and I am not antagonizing it; but I know there is to be some debate on it, and for that reason I do not feel that I ought to give way. If it could be passed without debate, I would yield.

BOWMAN ACT AND OTHER CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

Mr. TELLER. The Committee on Claims have directed me to present certain claims of a similar character to those presented last night. They should come in after the amendments which were offered on page 163. They are cases from the court precisely on the same footing as the others, and they have been examined by the committee.

The SECRETARY. It is proposed to insert after the amendment following line 20, on page 163, the following:

To James H. Sents, of Kanawha County, W. Va., \$6,840.

To E. L. Bynum, administrator of Oakley H. Bynum, deceased, of Lawrence County, Ala., \$2,867.

To W. F. Taylor, administrator of Solomon Taylor, deceased, of Effingham County, Ga., \$993.

To H. W. Davidson, administrator of Chatham Davidson, deceased, of Newton County, Miss., \$317.

To William A. Lewis, of Henry County, Ga., \$304.

To Samuel L. Chestnut, administrator of Samuel Chestnut, deceased, of Hawkins County, Tenn., \$470.

To W. H. Mercer, administrator of Samuel Clark, deceased, late of Allegheny County, Pa., \$14,639.

To William H. Vinson, of Montgomery County, Md., \$451.

To William S. Nanco, administrator of Hugh Nanco, deceased, of Hardin County, Tenn., \$1,143.

Mr. COCKRELL. Are these additional reports from the Court of Claims?

Mr. TELLER. They are the same sort of claims, and they should have gone in last night, but I omitted to put them in.

The amendment was agreed to.

Mr. TELLER. On page 277 I move, under the direction of the committee, to insert an amendment. It is a State claim; and while it is not a war claim, it is one that the State of Wyoming makes for advances made on account of the Yellowstone Park. It is reported by the committee.

The SECRETARY. After the word "officers," in line 10, page 227, it is proposed to insert:

That the Secretary of the Treasury is hereby directed to pay to the State of Wyoming the sum of \$7,780.44, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, this sum being the actual amount paid out by the Territory of Wyoming during the years 1884, 1885, and 1886 for expenses incurred in preserving the formation, natural curiosities, and objects of interest in the Yellowstone National Park, through patrolling, policing, and governing, after it was declared a national reservation and before United States troops were placed therein for its protection.

The amendment was agreed to.

Mr. QUAY. I desire to call the attention of the Senator from Colorado in charge of the bill to page 136, under the caption "Pennsylvania." I move there, and I trust the Senator will not antagonize the motion, to strike out the word "heirs," in the second line, and insert the words "legal representatives" in lieu thereof.

Mr. TELLER. I have no objection to that amendment.

The amendment was agreed to.

Mr. QUAY. In the third line, page 163, after the word "Pittsburg," I move to strike out the names of the heirs. Strike out all after the word "Pittsburg," in the third line, down to and including the word "Bigley," in the sixth line.

Mr. TELLER. There is no objection to the amendment.

The amendment was agreed to.

Mr. QUAY. I also move to insert an amendment to the amendment offered by the committee and adopted last night in relation to the claim of William McAdams.

Mr. TELLER. On what page is that?

Mr. QUAY. On page 163, I presume. I have not the amendment. I move there to strike out "\$12,000" and insert "\$43,251.25." There is a contest as to the exact amount of the claim, and the committee have adopted the House recommendation. I desire to have the amendment taken into conference, to be there determined.

Mr. TELLER. I should like to say that that is a case where the Court of Claims reported \$12,000. They took one view of it, and if they had taken another view of it they could have reported the case for the sum the Senator from Pennsylvania proposes. It is a case where coal was taken to St. Louis and seized by the Confederates. When the Confederates seized it, it was worth \$12,000. When the Government of the United States seized it, which was later, it was worth \$43,000, or whatever the sum named may be.

The question was whether the title had so passed out of the Pennsylvania coal man that it had become the property absolutely of the Confederacy and that we ought to pay what he would have got for it at the time the Confederacy took it or whether we should pay what it was worth when we took it. Our committee was somewhat at sea over the question, and I believe it has been reported once in favor of the entire sum; but we thought it best to follow the court.

Mr. QUAY. I trust the Senator from Colorado will take the amendment into conference.

Mr. TELLER. I have no doubt that if the Senator should succeed in getting it into the bill we would have to yield to what the Court of Claims decided. We could not go above that.

Mr. QUAY. Then there is no objection to taking it in and trying it?

Mr. TELLER. I do not want to agree to that.

Mr. QUAY. I move that the amendment be adopted. I will submit to the decision of the committee of conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania. [Putting the question.] The yeas appear to have it.

Mr. QUAY. I do not care to call for the yeas and nays.

The amendment was rejected.

Mr. CHANDLER. I offer an amendment to come in among the State claims.

The SECRETARY. It is proposed to insert the following:

That the claims of the State of New Hampshire for the reimbursement of national bounties advanced and paid by the State of New Hampshire to recruits credited to its quota and mustered into the service of the United States under the President's call of October 17, 1863, be referred to the Court of Claims for trial thereon, upon petition of said State duly filed and supported by proof of the facts alleged; and said court shall adjudicate said claims without regard to any previous determination thereof; and if it shall appear that said bounties were actually advanced and paid by the cities and towns of said State to recruits enlisted and mustered into the military service of the United States under the aforesaid call of the President, and that

said payments were made in consequence of and in reliance upon the agreement for reimbursement made by the War Department in letters of November 5 and 19, 1863, said court shall render judgment in favor of said State for any amounts so advanced and paid and which have not been hitherto reimbursed by the United States.

Mr. TELLER. I should like to say to the Senator from New Hampshire that the committee have another bill containing a large number of such claims, and this amendment should properly go on that measure. It is Senate bill 3546.

Mr. CHANDLER. Do I understand the Senator to say that there is another bill?

Mr. TELLER. There is another bill, which I will call up and have passed as soon as I can.

Mr. CHANDLER. It proposes to send certain State claims to the Court of Claims?

Mr. TELLER. A number of them. The Senator from Wisconsin intends to offer an amendment here that will remove the statutory limitation on these claims, which I am willing shall be done. Of course, if we send it to the Court of Claims that will remove it.

Mr. HALE. It will, of course, facilitate the payment of these claims and be more likely to draw money from the Treasury if you remove all the barriers in the statute of limitations, and if you also declare, as the Senator from New Hampshire has done, that the case shall be adjudicated without regard to any judgment which has been rendered against the State formerly. All those things help a claim forward, and I hope the Senator from Colorado will bear that in mind in framing this bill. These things make the way much easier. For instance, if the claim has been adjudicated and decided against the claimants, it helps them very much to pass another bill, saying "you shall not pay any attention to that judgment."

Mr. TELLER. That is true. I hope the Senator from New Hampshire will withdraw his amendment.

Mr. CHANDLER. I observe the acute perception of the Senator from Maine.

Mr. HALE. I hope so.

Mr. CHANDLER. I am ready to argue the question whether or not there should be another trial of this case in the Court of Claims. It involves quite a large amount of money justly due to my State, and the question whether or not there shall be a new trial has been passed upon by the Committee on Claims. Otherwise I would not have moved it. In the Fifty-fourth Congress, first session, in Report 781, made by the Senator from Oregon, Mr. Mitchell, from the Committee on Claims, the reasons are given why New Hampshire should have a new trial in this case. Therefore I think it is a proper provision to be put upon any bill sending State claims to the Court of Claims.

Mr. TELLER. We do not send any of these State claims to the Court of Claims in this bill. These are claims which have already passed the Senate several times on bills, and we propose that they shall be paid.

Mr. CHANDLER. The State claims in the present bill are direct payments?

Mr. TELLER. They are direct payments.

Mr. CHANDLER. The Senator says there is another bill to which this would be an appropriate amendment?

Mr. TELLER. Yes; and I hope the Senator will withdraw his amendment now.

Mr. CHANDLER. I withdraw it.

Mr. GEAR. On page 274, line 19, after the word "of," I move to insert "legal representatives of."

The SECRETARY. After the word "of," in line 19, page 274, insert the words "legal representatives of," so as to read:

That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, be, and he is hereby, authorized and required to audit and adjust the claims of the legal representatives of Stewart & Co., and A. P. H. Stewart, agent.

Mr. GEAR. The claimant died about a week ago, and I want to have it payable to his legal representatives.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. QUAY. I move to reconsider the vote upon the McAdams amendment. I have not had time to examine either the law or the facts in relation to the case, but since the vote was taken I find here an argument by the representative of the claimants which sets forth very succinctly and very convincingly the amount that ought to be paid. I will send it to the desk, and ask that it be read. I hope the Senator from Colorado will agree to take the amendment into conference and agree to look over it.

Mr. TELLER. We have been over the case very thoroughly. Of course I can not object to the Senator taking such steps as he thinks necessary.

Mr. HALE. Is it the judgment of the court which the Senator from Pennsylvania proposes to have read?

Mr. QUAY. The argument in favor of the increase above the sum found by the Court of Claims.

Mr. HALE. The argument for the Government or the claimants?

Mr. QUAY. For the claimants, of course.

Mr. TELLER. The argument of the attorneys for the claimants.

The Secretary proceeded to read the paper.

Mr. HALE. The man who writes this document seems to be very much in earnest and desirous of having the money, and I suggest to the Senator from Colorado whether it is worth while to interpose to an argument of an attorney in the case any light matter like the judgment of the Court of Claims or the action of the House of Representatives? It seems to me that the man who writes the document wants the money very much, is very sincere and earnest in his statement of the case, and as an attorney it seems to me he ought to know what he wants.

Mr. TELLER. I suggest to the Senator from Maine that he direct his inquiry to the Senator from Pennsylvania.

Mr. CHANDLER. I ask the Senator from Pennsylvania to let the rest of the paper be inserted in the RECORD without having it read.

Mr. QUAY. Very well.

The paper referred to is as follows.

In the matter of the claim of William McAdams, of Pittsburg, surviving partner, for coal appropriated by General Butler at New Orleans for the use of the Army.

To the honorable the Senate Committee on Claims:

The claim of William McAdams, as found by the Court of Claims, was reported by the Committee on War Claims as \$43,251.25. It was included in what is known as the war claims bill which lately passed the House of Representatives, but the amount was reduced to \$12,000.

Your committee is respectfully asked to amend such bill by restoring the original amount of \$43,251.25, for reasons hereinafter stated.

The Court of Claims finds in substance:

1. That Marks & McAdams, of Pittsburg, were the owners of 24,715 barrels of coal, which they shipped from Pittsburg, early in the year 1861, to New Orleans.

2. That the said coal duly arrived at New Orleans.

3. That after its arrival it was seized by the Confederate authorities.

4. That it was placed on a separate heap in a coal yard under the control of the Confederate authorities.

5. That the coal was taken possession of by General Butler and his subordinates.

6. That it was appropriated and consumed by the United States Army.

7. The court find that at the time of the seizure by the Confederate authorities it was worth \$12,000, but when appropriated by General Butler the United States military authorities were paying \$1.75 per barrel, which in this case would amount to \$43,251.25.

The reason why the court below fixed the value of the coal at \$12,000 at the time it was taken possession of by the Confederates I am unable to state. There was no evidence in the case to that effect.

As the value of coal at New Orleans at the time of seizure by the Confederates is immaterial, no effort was made by the claimants to ascertain it. The only evidence in the case on that point is that of James Nimack, a coal merchant, who, upon cross-examination, says:

"At the time of the secession ordinance I think coal was \$1.25 wholesale" (\$30,593.75 for 24,715 barrels). His testimony was taken June 1, 1864. He says, further: "At the present time, it is worth \$1.50 wholesale" (\$37,072.50 for 24,715 barrels). This was after the fall of Vicksburg in 1863; after the "obstruction in the river" (the possession of the river by the Confederacy).

In the bill H. R. 4960 (page 51), now referred to Senate Committee on Claims, William McAdams, surviving partner of Marks & McAdams, is only allowed \$12,000, instead of \$43,251.25, as reported by the Committee on War Claims in the House.

Of the very large number of claims included in the bill, this is the only one in which the value of property taken is not fixed at its value at the time of appropriation by the United States.

I assert, without fear of contradiction, that there is no case of appropriation of property by the Government before the Court of Claims in which the value of property is fixed other than when appropriated, except in the present case of Marks & McAdams, where the value at the time of seizure by the Confederates is also stated.

I further assert that no case can be found in the books relating to private individual or Government where damage or injury arising from appropriation is fixed at an antecedent date to such appropriation, damage, or injury.

It follows, therefore, that the action of the House in reducing the amount reported by the Committee on War Claims was unjust. There can be no valid reason why Mr. McAdams should be treated differently from every other claimant, not only in the bill but in the court.

The Committee on Claims is respectfully requested to amend the bill by inserting \$43,251.25, as originally reported by the Committee on War Claims, instead of \$12,000, as passed by the House.

VALUE OF COAL AT TIME OF APPROPRIATION BY THE UNITED STATES.

There can be no question but that the value of the coal at the time of appropriation was, as found by the court, \$1.75 a barrel.

Such is established by a number of prominent coal merchants at New Orleans.

It is established by vouchers for coal purchased at that time offered in evidence.

It was in evidence that in the Farragut prize cases the assessed value of the coal was the equivalent of \$2 per barrel.

It is in evidence that shortly subsequent to the appropriation the price of coal at New Orleans rose to \$2.50 per barrel.

It may be called to mind that by General Butler's proclamation when New Orleans was captured the rights of private property was respected, whether such property belonged to Confederates or Union men.

It is in evidence that coal belonging to those who had taken the oath of allegiance to the Confederate government was at the time of this appropriation sold to and paid for by the United States at the rate of \$1.75 per barrel.

There has been no laches on the part of the claimant in pursuing his claim. It can not be held to be just that he should be deprived now of the as just payment for his coal that Confederates were paid by the United States Government during the war.

FINDINGS OF THE COURT.

The findings of the court are as to ultimate facts, which, whilst they warrant full payment for the coal, do not, perhaps, without some explanation,

fully set forth the equity in this case. For full satisfaction in that regard an abstract of the testimony before the Court of Claims was presented for the consideration of the Committee on War Claims of the House of Representatives, and will be presented to your committee, if desired.

The findings establish these facts:

First. That 24,715 barrels of coal owned by two loyal men of Pennsylvania were taken into possession by the Confederate authorities at New Orleans.

Second. That the identity of such coal was preserved at the time of General Butler's entrance into New Orleans, and was kept on a separate heap at the coal yard at Algiers, opposite New Orleans.

Third. That it was appropriated for the use of and consumed by the Union Army by General Butler and his subordinates.

Fourth. That at the time of such appropriation it was worth \$1.75 per barrel.

THE IDENTITY OF THE COAL IS FULLY ESTABLISHED—BRIEF HISTORY.

The testimony in this case is voluminous. The proof is clear. The brief history of the case I give can, if desired, be validated by the abstract of testimony on file, a copy of which I can furnish.

Marks & McAdams were shown to be in 1860 two hard-working, honest, fair-dealing men at Pittsburg, Pa. By hard labor they had accumulated some capital, which they embarked in the coal business. The whole of their capital and credit they, in the fall of 1860, invested in the purchase of four boat loads of coal, which they shipped to New Orleans, consigned to one J. M. Peterson as their agent. The purchasing of the coal, the amount of coal, the purchasing of supplies for the boats, their passage down the river, and its arrival at New Orleans is fully proven.

In May at New Orleans a large number of boats were placed under the general supervision of the Confederate marshal. Peterson, the assignee, kept them in his charge and care through his employees who remained on board the barges. Owing to the fact that the Marks & McAdams boats were supposed to belong to Peterson, they were not disturbed by the Confederate authorities until the fall of 1861, when, with a number of other boats claimed by Peterson, they were labeled as the property of alien enemies to the Confederacy, when Peterson, being put under oath, acknowledged they were the property of Marks & McAdams, but insisted on his right to other boats, of which he was the real owner.

The Confederate court rendered a judgment of confiscation against the Marks & McAdams barges, and directed a sale by the marshal. The barges were numbered 60, 61, and 63. After the marshal had taken them in charge, he had them towed to the Confederate coal yard at Algiers. At Algiers he had the coal piled on one heap, separate and apart from other coal.

THE LEGAL TITLE STILL IN MARKS & McADAMS.

The reason of piling in one heap is manifest. The forms of law were being pursued. The possession of the marshal to the identical coal was maintained. It was confiscated coal by the Confederate court, but it was coal the legal title to which in Marks & McAdams could only be divested by a marshal's sale. It was placed in one heap for the purpose of sale. No legal title, even under Confederate law, had passed to the Confederacy.

The record of the Confederate court was in evidence.

No sale took place, probably for want of time. Even if the proceedings of the court had been valid, the title of Marks & McAdams had not been fully divested.

But it can hardly be claimed that the title of a loyal citizen of the United States, by the action of an unlawful and unauthorized court, directing a sale of their property by reason of their loyalty to the Union, is divested. The duty rested on the Government to protect the property of loyal citizens against Confederate courts as well as Confederate raids.

While this point would seem to be unnecessary to argue, your committee is referred to:

Wilson's case (4 Court of Claims, 560). In this case it is held: The seizure of cotton by the so-called Confederate authorities, though actually received by them into possession and converted to their own use, does not divest a loyal owner of his title to the same; and when captured by the United States, the title is not thereby vested in the United States as captors of the property of the so-called Confederate States.

Klein's case (13 Wallace, 126). It is held: The title to the proceeds of property which came to the possession of the Government by capture or abandonment with the exception above stated (except property used in actual hostilities) was in no case divested out of the original owner.

This right was held to exist in the disloyal as well as the loyal owner. The case of Klein is a leading case, has always been recognized by the courts and Congress, and has been many times affirmed by the Supreme Court.

THE TITLE OF MARKS & McADAMS TO THE COAL RECOGNIZED BY THE MILITARY AUTHORITIES.

Whatever doubt that might be suggested as to the ownership of the coal by Marks & McAdams at the time of the appropriation by the United States is fully answered by the action of the military authorities.

The location, original ownership, and identity of the coal was unquestioned, as appears by an order of which the following is a copy:

HEADQUARTERS MILITARY COMMANDANT AT NEW ORLEANS,
City Hall, May, 19, 1862.

Whereas satisfactory evidence has been produced and is now on file in this office that on or about the 14th day of September, A. D. 1861, a person styling himself Confederate States marshal, did seize, in the name of the so-called Confederate States, from flatboats loaded with coal belonging to Messrs. Marks & McAdams, and Samuel Clark, of Pittsburg, Pa., of which Mr. J. M. Peterson, of New Orleans, is their legal agent and attorney in fact to do business:

Now, therefore, this is to give notice to all persons whom it may concern that all the above-named proceedings of the so-called Confederate States marshal were in direct violation of the Constitution and laws of the United States of America and is therefore null and void; and I do hereby order the person or persons having the above-named boats, together with their cargoes of coal, to deliver them up to Mr. J. M. Peterson, the legal agent of the owners, on presentation of this order, or he or they will be dealt with in a summary manner.

G. F. SHEPLEY,
Military Commandant.

General Shepley was acting governor at that time. His order was indorsed by General Butler as sufficient. Colonel Shaffer, the quartermaster, was directed to furnish certain barges to Marks & McAdams for the transportation of the coal, upon condition that such barges should be returned in good condition.

Thereafter the coal was appropriated by the military authorities for the use of the Government, not as captured property, but as the property of Marks & McAdams.

THE ACTUAL SPECIFIC USE OF THIS COAL IS SHOWN.

The coal traced to the possession of the Government would seem to be sufficient. But the evidence goes still further and shows the actual use to

which this coal was put by the Government, by employees of the Government who actually used it and by others who saw it used.

A PROVEN CASE.

This case is well proven. The identity and ownership of the coal from the time it was mined in Pennsylvania until it was consumed by the United States Army at New Orleans is continuously shown by the testimony of witnesses of the highest integrity—strangers to each other, and most of them strangers to the claimant—the testimony taken in different years, under different proceedings, and in places far apart.

The reliability of the testimony is established by many facts; for example, when the coal was removed from the barges at New Orleans, it was gauged. The amount is found to correspond with the loaded barges in Pennsylvania. Different witnesses are examined as to value; they are subsequently found to agree with each other, and years afterwards they are found to be corroborated by the records of the War Department. The men who watched the coal and men who used the coal testify in different localities and years apart, and yet the testimony is consistent even in details.

If there ever was a just claim against the Government, this is one. I therefore, in behalf of my client, earnestly urge your committee to amend the bill as passed by the House by striking out \$12,000 and inserting \$43,251.25.

F. P. DEWEES,

Attorney for William McAdams.

Mr. CHANDLER. It seems to me entirely clear that if the Government is to pay for this coal it ought to pay what it was worth when it was appropriated. I do not think that any prior seizure by the Confederacy at some former time gives a date when the value of the coal is to be fixed. I am equally convinced with the Senator from Maine that the larger amount is the one which ought to be adopted. Therefore, I hope the Senator from Colorado will make no objection and let the amendment go into the bill and go on with the other provisions.

Mr. HALE. The larger amount will be much more satisfactory to the claimant.

Mr. QUAY. Mr. President, the Senator from Maine is disposed to be facetious. The fact is that here are some poor people who were ruined by this transaction during the war and the Government has been in the possession of their money for thirty-five years, owing to a dispute as to the exact amount which should be paid. The precedents, as stated by the attorney, and which I suppose to be true, are in favor of the payment in all such cases of the value of the property at the time the United States recovered it, which is the sum of \$43,000 that I mentioned.

It is not a matter for facetiousness on the part of the Senator from Maine, but it is a matter of \$20,000 or \$30,000 to some very poor people. Of course the Senator from Maine does not appreciate that, but there are others probably in the Senate who do. I should like very much, I will say to all Senators, to have it go to the conference committee for their consideration.

Mr. HALE. I hope the Senator from Colorado, not only in this case, but in any case where there is a good, strong appeal made by an attorney, will take the matter into conference and see if he can not get it through. The fact that these parties need the money is a very strong argument. The fact that they are poor is almost a conclusive argument. I hope the Senator from Colorado, who is a generous-minded man, will allow all these claims to go through; and if he does, nobody will find any fault when the thing is ended. That is the easiest way.

Mr. TELLER. I suggest that in that case no one, probably, would get any pay, either.

Mr. QUAY. That is nonsense, Mr. President. I am not asking the Senator from Colorado to allow the claim to go through if he does not believe it to be just and that it should be paid.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves to reconsider the vote by which the amendment which will be reported was rejected.

The SECRETARY. Amend the amendment of the committee, on page 163, relating to claim of William McAdams, inserted on motion of Senator TELLER yesterday evening, by striking out "\$12,000" and inserting in lieu thereof "\$43,251.25."

Mr. CULLOM. I desire in good faith to ask the Senator from Pennsylvania how the amount of \$12,000 happened to be named instead of the amount the Senator desires to have inserted?

Mr. QUAY. Twelve thousand dollars was the amount that was fixed as the value of the coal at the time the Confederates appropriated it. Forty-three thousand dollars is what the coal was worth when the United States obtained possession of it.

Mr. CULLOM. Was any judgment given in favor of the party for \$12,000?

Mr. QUAY. There was a judgment for \$12,000.

Mr. HALE. It was merely an accidental judgment.

Mr. CULLOM. Has that judgment ever been paid?

Mr. QUAY. No; nothing has ever been paid.

Mr. PENROSE. Both amounts were fixed by the Court of Claims, I understand.

The PRESIDENT pro tempore. The question is on the motion to reconsider the vote by which the amendment offered by the Senator from Pennsylvania was rejected.

The motion to reconsider was not agreed to.

Mr. GEAR. On page 175, line 14, after the word "To," I move to insert "the legal representatives of."

Mr. TELLER. I understand from the Senator from Iowa that Mr. Stewart is dead; that he died recently.

Mr. GEAR. Yes, sir; he died within a week.

Mr. TELLER. I suppose the amendment ought to be made.

The amendment was agreed to.

Mr. TELLER. After the word "and," in the same line, I move to insert "to;" so as to read: "and to Charles A. Weed."

Mr. GEAR. That is correct.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Insert before the word "Charles," in line 14, the word "to;" so as to read:

To the legal representatives of A. P. H. Stewart and to Charles A. Weed, etc.

The amendment was agreed to.

Mr. SPOONER. I move to add as an additional section the following:

Sec. —. Section 1000 of the Revised Statutes shall not apply to any action now pending or hereafter brought by a State for reimbursement under the act of July 27, 1861, and the joint resolution of March 8, 1862, and any supplementary acts.

Mr. TELLER. I do not object to that amendment.

The amendment was agreed to.

Mr. TELLER. On page 239 I move to strike out, commencing on line 24, down to and including line 5, on page 240.

The SECRETARY. On page 239 strike out, after line 23, all down to and including line 5, on page 240, in the following words:

To Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of \$1,621.56, on account of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy in the District of Columbia.

Mr. TELLER. I move the amendment at the request of the heirs of Margaret Kennedy, who think the sum allowed them is so insufficient that they are not willing to accept it. They ask leave to have it stricken out.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. PLATT of Connecticut. I wish to say, Mr. President, that I hesitate about voting for this bill, and I wish to be understood as voting against it. I do not suppose the yeas and nays will be called in the thin Senate this afternoon. I presume there is no State here but what has claims of its citizens which the bill carries, and therefore, supposing them to be meritorious, as in a great many instances we know them to be meritorious, it is very hard to vote against a bill which embraces claims from our States. But it seems to me we are placed in a position where, for the purpose of voting for some claims that we think are correct, we are obliged to vote for claims involving millions upon millions which we have had no opportunity to consider and know nothing about except that they are reported by the Committee on Claims in pursuance of the direction of the Senate to put certain claims upon the bill.

Ordinarily when a claim is reported from the Committee on Claims the bill is taken up separately and a report is made in which the facts are set forth, and each Senator then examines the particular claim for himself and decides whether he will support the claim as reported by the committee. It is impossible in this case. There are hundreds, I do not know but thousands, of claims—there are certainly hundreds of claims here—

Mr. GEAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. PLATT of Connecticut. Certainly.

Mr. GEAR. I will state for the benefit of the Senator from Connecticut that there is a very elaborate report reciting every claim in the bill. There is no claim at all in the bill from the State I represent here.

Mr. PLATT of Connecticut. The Senator was far enough interested in a claim a few minutes ago to have it amended so as to be sure it would be paid.

Mr. GEAR. I was interested in the case. The beneficiary of that claim was a man I had known as a boy. He lived in my State and rendered the Government service, and had been deprived of compensation from the Government which he ought to have had twenty-five or thirty years ago. I was interested as much as any citizen should be.

Mr. PLATT of Connecticut. That is precisely what I said of that claim. The Senator knew all about it. He knew it ought to be paid and did what he ought to do to have a proper amendment made.

Mr. GEAR. It is a claim which was reported and passed at two sessions of the Senate. It is a just claim.

Mr. PLATT of Connecticut. Nevertheless, what I said is true. I have looked over this report. I have it open now at a page—

Mr. GEAR. I beg to state for the benefit of my friend from

Connecticut that there is not a claim in this bill that has not actually passed the Senate heretofore after having been scrutinized closely by the Committee on Claims.

Mr. CULLOM. That is true?

Mr. GEAR. That is true.

Mr. PLATT of Connecticut. I inquire of the chairman of the committee if that is true?

Mr. TELLER. It is true that every bill has passed and has had the scrutiny of the Senate committee and the Senate, except a few bills that have passed the House. Some bills have come to us from the House that we have not passed. The Bowman bills, of course, are bills, as we all understand, that went to the court. In addition to that the committee have gone over these cases as carefully as they could. I want to say to the Senator that we have spent an immense amount of time on the bill; and while, of course, there may have been some claims that ought not to have passed, you will never get any better consideration of them as separate bills. Most of them have had exceedingly careful examination; some of them passed the Senate five or six times; some of them passed the Senate and House both, but not at the same session.

Mr. PLATT of Connecticut. I understand all that matter, Mr. President.

Mr. TELLER. I will say that a very large part of these claims were placed on the deficiency appropriation bill last year, and the committee acted under the instruction of the Senate in preparing this bill. We were instructed to prepare this bill in the way we have prepared it.

Mr. PLATT of Connecticut. I understand all that, and yet if these bills came separately before the Senate they would attract the attention of the Senate and there would be discussion upon them. Because perhaps there is a French spoliation claim in favor of claimants in my State, I do not feel that I am justified in voting for the bill in this wholesale form. I may be unnecessarily scrupulous about it; perhaps I am; but it is a matter of conscience and conviction with me. I wish it to be understood that I can not vote for the bill.

Mr. CULLOM. Mr. President, I want to say merely a word. Many of these claims I know have in years past been before the Committee on Appropriations of this body and have been pushed aside because they did not properly belong there, but they were attempted to be put there for the reason that they could not be got through in any other way. Having failed in that way to get them through, I myself favored the policy which was finally adopted, to prevail upon the Committee on Claims to take them all up and ascertain whether they could not be disposed of by placing a large number in the same bill.

Now, whether the claims are right or not, I am not able to say. I do not suppose that anyone in the Senate except the committee who have made the investigation can say that they are right, and we have to rely upon the committee very largely.

But I should like to inquire of the Senator from Colorado, as the chairman of the committee, whether there is in his report—and I am sorry to say that I have not been able to read it—a statement of the amount that the bill carries as a whole?

Mr. TELLER. I will give within a small sum the amount approximately. After we prepared the bill we sent it to the Treasury Department for review there, to see what cases had been reported upon and what had been paid, if any, and we have taken every possible precaution. Yet I do not mean to say that something may not have passed into the bill which ought not to have passed. I think it has had as good care as we give to individual bills.

Now, Mr. President, the total is large, of course, because here are judgments of the Court of Claims under what is called the Bowman Act amounting to almost \$2,000,000. The exact amount is \$1,897,101.54. The total of French spoliation claims that were put upon the deficiency appropriation bill—perhaps a few have been added since—is \$1,055,473.04. I should like to say that in my judgment there is not a bond of the United States that is more binding upon the honor of this Government than the French spoliation claims. I have no interest in them; there is not one in my State that I know of; yet the United States Government has had the use of that money for nearly one hundred years.

Mr. HALE. Congress in the last ten years has committed itself formally to the payment of those claims.

Mr. TELLER. We declared that they should be paid. We paid a few of them.

Under the naval contracts we have been allowing those claims; we put in here \$364,688.56. Every claim has passed the Senate more than once; some of them have passed the Senate several times. All those claims have had the care and supervision of the Senate or the House, or both.

The total of the claims on account of churches and schools is \$62,974.96.

Claims of States, \$4,693,128.57. Those claims have had the attention of the Senate; and I will just read a moment, taking the claims of California, Oregon, and Nevada. Favorable reports in

the Senate were made in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses, and in the House in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. Passed the Senate in the Fiftieth, Fifty-first, and Fifty-third Congresses. They can not have any more attention than they have had.

The miscellaneous claims amount to \$830,113.88. These are of the same character as those that have passed the House on several occasions, or the Senate, one or both, and some of them that were in the bill as it passed the House had not passed the Senate, but they had passed the House on various occasions before. So we accepted them.

For adjustment and settlement (in part), \$130,359.74.

The Senator wants to know the total. The total is \$9,083,790.24.

Mr. CULLOM. I wish to ask another question of two, because I think it important that the RECORD should show what all the claims amount to and where they arise. As I understand it, many of these claims are very old.

Mr. WARREN. A hundred years old.

Mr. CULLOM. Some of them are a hundred years old, and they run down from that time until a recent period.

Now, I desire to ascertain, if the chairman of the committee can answer, how near this bill comes to cleaning up the claims that have been hanging over Congress for these many years, so that we shall not have another such grist perhaps very soon again. What has the Senator to say about that?

Mr. TELLER. I will say that the bill largely disposes of claims that have been pending before Congress for several years, although of course there is still a great number of claims pending before the Court of Claims and some before the committee. That will always be the case, I take it.

Mr. HALE. Is it not also true that a great many of these claims, in addition to being reported by the committee of either the House or Senate and passing the respective bodies, have been put by the Committee on Appropriations on appropriation bills and then struck out?

Mr. TELLER. As the Senator knows very well, many of these claims have been on appropriation bills. They were just claims, and we put them on appropriation bills, and they were stricken off.

Mr. HALE. One of the reasons, if the Senator will allow me, why the committee undertook this work was that the claims were constantly pressed on appropriation bills, where there was no time for scrutinizing and examining them, and it became, in the view of the Senate, very irksome that we should be submitted to the question whether claims were or were not good in the last days of the session when we were passing appropriation bills. Out of that I drew the clause, and put it on an appropriation bill, which directed the Senator's committee to consider all these subjects and bring them in on one or two bills.

As I understand it, the Senator's committee has spent days and nights upon these matters, has examined them carefully, and has given a kind of judicial scrutiny to the claims. I do not suppose he or any of us would say that the bill is perfect, but to me it is the best solution of all the claims which have been accumulating and damming up here for years and years and which ought to be paid. I do not believe we will ever get a tribunal in any way to give claims better scrutiny and bring out a better result than has been brought out by the Senator from Colorado and his committee.

The PRESIDENT pro tempore. The question is on the passage of the bill.

The bill was passed.

Mr. TELLER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. TELLER, Mr. PASCO, and Mr. STEWART were appointed.

ANSON MILLS.

Mr. MILLS. I ask unanimous consent to call up the joint resolution (S. R. 165) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. MILLS. I move to strike out all after the resolving clause down to and including line 8, in the following words:

That the joint resolution (private, No. 1) approved December 12, 1893, be amended as follows:

Strike out the words "as colonel," in the proviso, and insert in lieu thereof the words "of his rank," so that the resolution as amended shall read as follows:

This part of the joint resolution simply names how the amendment is to be made.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading.

Mr. SEWELL. I should like to have the joint resolution read as it now stands.

Mr. MILLS. Let it be read as it has been amended.

The joint resolution was read the third time, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Anson Mills, colonel Third Regiment United States Cavalry, having been nominated by the President and confirmed by the Senate as a commissioner of the United States under the convention between the United States of America and the United States of Mexico, concluded and signed by the contracting parties at the city of Washington March 1, 1889, is hereby permitted to accept and exercise the functions of said office of commissioner; *Provided,* Said officer shall continue to receive his emoluments in pay and allowances of his rank in the Army, while holding said office of commissioner, the same as he would receive were he performing said duty under military orders, and no other or additional pay or emoluments for his services as such commissioner.

The joint resolution was passed.

PRIVATE LAND CLAIMS.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 10290) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 18, 1891, and the act amendatory thereto, approved February 21, 1893.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Private Land Claims with an amendment, in line 6, after the word "March," to strike out "thirteenth" and insert "third;" so as to make the bill read:

Be it enacted, etc., That section 18 of an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, be, and the same is hereby, further amended by striking out the words "within two years after the 1st day of December, 1892," as they stand in said act as amended, and inserting in lieu thereof the words "before the 4th day of March, 1901;" so that the first clause of said section shall read as follows, namely: "That all claims arising under either of the next two preceding sections of this act shall be filed with the surveyor-general of the proper State or Territory before the 4th day of March, 1901, and no claim not so filed shall be valid."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories,' approved March 3, 1891, and the act amendatory thereto, approved February 21, 1893."

ST. FRANCIS LAKE BRIDGE.

Mr. BERRY. I ask unanimous consent for the consideration at this time of the bill (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT HIGHWAYS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 10209) to repeal an act of Congress approved March 3, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of the act of Congress approved March 3, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," be, and the same are hereby, repealed.

SEC. 2. That the map known as "section 1," filed in the office of the surveyor of the District of Columbia on the 31st day of August, 1895, under the provisions of said act of Congress, be, and the same is hereby, annulled, and the Commissioners of the District of Columbia are hereby authorized and directed to forthwith withdraw the same from the office of the said surveyor and to discontinue all pending condemnation proceedings relating to subdivisions included within said map.

SEC. 3. That in order to provide grounds for educational, religious, or similar institutions, or for large estates, the Commissioners of the District of Columbia be, and they are hereby, authorized to abandon or readjust streets or proposed streets affecting localities that may be or that have been purchased for such purposes: *Provided,* That under the authority hereby conferred no changes shall be made in existing subdivisions or in avenues or in important lines of travel.

The plat of such readjustment, after being duly certified by said Commissioners, shall be forwarded to the commission consisting of the Secretary of War, the Secretary of the Interior, and the Chief of Engineers of the United States Army, and when approved by said commission or a majority thereof the change shall be recorded in the office of the surveyor of the District of

Columbia, and become a part of the permanent system of highways, and take the place of any part inconsistent therewith.

SEC. 4. That no subdivision or subdivisions made and recorded in section 1 of the highway plans prior to the date of the approval of this act shall be affected or in any way changed by any map heretofore approved and recorded or that may be hereafter approved and recorded under the provisions of this act or of the act hereby amended; and no highways shall be located in section 1 through any unsubdivided or subdivided lands south of the Spring road that borders Holmead Manor, except such as are necessary to continue or connect existing streets abutting such lands.

SEC. 5. That the owner or owners of land over or upon which any highway or reservation shall be projected upon any map filed under said act of Congress shall have the free right to the use and enjoyment of the same for building or any other lawful purpose, and the free right to transfer the title thereof, until proceedings looking to the condemnation of such land shall have been authorized and actually begun. And as to any highway or part of highway which by any such map is to be abandoned neither the right of those occupying or owning land abutting thereon or adjacent thereto nor the right of the public to use such highway or part of highway shall be affected by the filing of such map until condemnation proceedings looking to the ascertainment of the damages resulting from such proposed abandonment shall have been authorized and actually begun; nor shall the obligation of the municipal authorities to keep the same in repair be affected until they are rendered useless by the opening and improvement of new highways, to be evidenced by public notice by the Commissioners of the District of Columbia.

SEC. 6. That said Commissioners shall not submit for approval to the highway commission created by section 2 of said act any map or plan thereunder until the owners of the land within the territory embraced within such map shall have been given an opportunity to be heard in regard thereto by said Commissioners, after public notice to that effect for not less than fourteen consecutive days, excluding Sundays.

Mr. GORMAN. I desire to submit some amendments to the amendment of the committee, and I call the attention of the Senator from New Hampshire [Mr. GALLINGER] to them. In section 2 of the amendment, on page 3, line 4, after the word "annulled," I move to insert "so far as it covers existing subdivisions."

Mr. GALLINGER. I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. GORMAN. At the end of section 2, on page 3, line 8, after the word "map," I move to insert:

And within ninety days from the passage of this act to prepare amended plans for that part of section 1 outside of the existing subdivisions under the terms of sections 1 to 5 of said act, and said amended plans when recorded by the surveyor shall take the place and stand for any previous plans of section 1.

Mr. GALLINGER. The committee has no disposition to contest that amendment.

The amendment to the amendment was agreed to.

Mr. COCKRELL. In line 9, on page 3, section 3, the amendment of the committee reads:

That in order to provide grounds for educational, religious, or similar institutions, or for large estates, the Commissioners of the District of Columbia be, and they are hereby, authorized to abandon or readjust streets or proposed streets affecting localities that may be or that have been purchased for such purposes.

I do not think the words "or for large estates" ought to be left in the bill. They are the very places of all others which ought to be made to conform to the streets and subdivisions of the city. I shall therefore move to strike out those words.

Mr. GALLINGER. Let them go out, and the question will be considered in the committee of conference. I am not quite sure as to the purpose of that language, but we will inquire into it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment of the committee, which will be stated.

The SECRETARY. In section 3, line 10, after the word "institutions," it is proposed to strike out "or for large estates."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act of Congress, approved March 3, 1893, entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities,' and for other purposes."

Mr. GALLINGER. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. McMILLAN, and Mr. FAULKNER were appointed.

GEORGE F. HARTER.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (S. 1699) to remove the charge of desertion from the military record of George F. Harter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion from the military record

of George F. Harter, late private of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge from the service, to be dated October 8, 1862. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OLIVIA WORDEN.

Mr. QUAY: I move that the Senate proceed to the consideration of the bill (S. 2919) granting a pension to Olivia Worden, widow of the late John L. Worden, United States Navy.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Pensions with an amendment, in line 8, after the words "rate of," to strike out "\$2,000 per annum" and insert "\$50 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Olivia Worden, widow of the late John L. Worden, an admiral of the United States Navy, and pay her a pension, from the passage of this act, at the rate of \$50 per month.

Mr. CHANDLER. I move to amend the committee amendment by striking out the word "fifty," before "dollars," and inserting "one hundred."

Mr. HAWLEY. I certainly hope that the amendment to the amendment will be adopted. I think it would be discreditable to do anything less than that, and that is barely removed from being discreditable.

Mr. GALLINGER. Mr. President, before the amendment to the amendment is voted upon, I desire to make an observation in justice to the committee which reported this bill. I do not know that I can do any better than to read two paragraphs from a report which I drafted at the time this bill was reported. I then took occasion to say:

The distinguished services of Admiral Worden are a matter of history, and if this was a proposition to pension the soldier it is highly probable that Congress would agree to a rating much in excess of that granted by the general law. This, however, is a claim in behalf of the widow, and it comes under a class of cases that this committee has felt compelled to deal with in a spirit of less generosity than Congress has heretofore exhibited. The large pensions granted in a few cases have resulted in a demand upon Congress by the widows of officers of high rank, both in the Army and Navy, for very large pensions, the tendency being to ignore the Pension Bureau altogether and come direct to Congress.

It is highly probable, too, that the granting of these large pensions has led officers to feel that it mattered little whether they accumulated property or not, as their dependent ones would be provided for by a generous Government. The granting of these large pensions has done more than this. It has created a feeling of unrest and dissatisfaction among the soldiers and their widows of lower grade, and innumerable complaints have come to this committee against the continuance of a practice that seems to them inequitable and unjust.

Confronted by numerous problems of an exceedingly troublesome nature, this committee at the beginning of the present session of Congress adopted a code of rules for its guidance, one of which limits pensions to widows to an amount not in excess of \$50 per month, \$20 per month more than is allowed by general law.

Thus far that rule has been kept inviolate, and it is exceedingly important, in view of the pressure that is being exerted upon Congress to grant large pensions, that it be not departed from in this instance. For the reasons stated your committee feel constrained to recommend that the bill be amended by striking out, in lines 8 and 9, the words "two thousand dollars per annum" and inserting in lieu thereof the words "fifty dollars per month."

Mr. President, I will not weary the Senate by a discussion of this question. This bill belongs to a class that are an extreme annoyance to the Committee on Pensions. We are besieged morning, noon, and night, week days and Sundays, by the widows of officers of high rank. While I have very many times said that I thought we ought to grant generous pensions to the widows of soldiers and sailors like Admiral Worden and other heroes of the wars of the Republic, yet I am persuaded that Congress has gone already too far in that direction, and if I had my way (and I say it upon my responsibility as chairman of the Committee on Pensions), I would repeal some of the acts which Congress has passed and lower the allowances that have been made in some instances.

I do not underestimate the great services which Admiral Worden rendered his country, and, as I have stated in my report, if this was a proposition to pension the Admiral himself, I would not hesitate to vote for almost any amount that might be named by Congress; but this is pensioning the widow of an officer, and it is establishing a continuing precedent which, in my judgment, has been vicious; and for this reason I shall feel constrained to stand by my report and vote against the amendment. At the same time, I shall say nothing further than what I have said in reference to it, being satisfied that if the Senate shall choose to increase this pension, the Senate in that action will have acted wisely. While I feel constrained to vote against the amendment offered by my colleague, I have no criticisms to offer against those who differ from me.

Mr. CHANDLER. Mr. President, the friends of the proposition contained in the amendment to pay Mrs. Worden \$100 a month will take no issue with the Committee on Pensions concerning their general policy. We place this case upon exceptional

grounds. There is no other case like it, and there never will be another case like it.

Mr. President, it is unnecessary for me to say anything concerning the combat between the *Merrimac* and the *Monitor*, or concerning Admiral Worden's title to fame, or anything in favor of his widow and children and grandchildren. The world knows the facts and we know the facts.

We thought that a pension of \$2,000 per annum to Mrs. Worden would not be too large, in view of some of the extraordinary pensions which have been granted to the widows of distinguished soldiers and sailors; but, Mr. President, upon reflection, realizing that Mrs. Worden's health is precarious, that she may not have long life, that she is in an anxious state of mind concerning the recognition which Congress is to give her, we concluded that if she could receive at this session of Congress, without further delay, this sum of \$100 per month, we would not urge the larger sum.

Mr. President, we put this case entirely on exceptional grounds. I do not intend to reflect upon nor to criticize the action of the Committee on Pensions in proposing to reduce the amount from \$2,000 a year to \$50 a month, but we do entreat Senators to treat the case as exceptional and allow the \$100 a month to be paid.

Mr. HAWLEY. Mr. President, I certainly hope—

Mr. WHITE. I should like to inquire, if the Senator will permit me, whether this lady was the wife of the Admiral at the time the service was rendered?

Mr. HAWLEY. She was.

Mr. WHITE. That to me is the most important consideration, and places the case on a different ground from a case where a woman marries an officer after distinguished service has been rendered.

Mr. HAWLEY. I shall regard the vote on this question as something of a test of the disposition of Congress. I can hardly imagine it possible for the United States Congress to deal in a niggardly spirit with a case of this kind.

I wish Senators had all heard, as I heard, the old Admiral one night, standing quietly at a table, describe, at the request of his brother officers, the whole adventure with the *Monitor* from the time he went to New York and got upon one of the receiving ships. He said to the officers and men on board that ship: "Men, I have been detailed to take command of this new ship, of which you have heard. I do not know that it will ever get to Hampton Roads; it is an experiment; we do not know how it will fight; but I am told to go, and I am going. I want good men; I do not want any man who is not willing to go; and as many of you as will go with me will please step forward 2 paces."

The old gentleman said that every man on that ship stepped forward, and, said he, "I picked out as best I could my crew, and went down there." History knows the rest. He then went on to describe in minute detail his experience in the turret from the time when a blast of powder from a bursting shell went through the peep that they have for seeing the enemy, and which nearly ruined his eyesight. It was a most gallant feat. The manner in which he managed to handle that ship makes one of the most brilliant chapters in the history of the Navy, of which we are getting to be very proud.

He was one of the loveliest of old men, full of what Arnold calls "the sweetness of life," and the dear old lady—though I have no business to speak of that—is now very much straitened in circumstances, and she is the widow of that man who conducted the experiment which revolutionized the naval warfare of the world. I would vote to give her almost anything.

Mr. WHITE. Mr. President, I confess that I asked the question which I addressed to the Senator from Connecticut [Mr. HAWLEY] for this reason: I think the chairman of the Committee on Pensions [Mr. GALLINGER] deserves the greatest credit for the care which he has exercised with regard to the matter of pensions and for the general course he is pursuing on this subject. Of course, unless he is economical in the matter of pensions and insists upon economy, it could not be expected that his committee would perform its functions properly; but in the case of a lady who was the wife of a sailor, when that sailor was engaged in an enterprise which endeared him to his country, I think we should recollect the sufferings and privations of that woman as well as the sufferings of the man. The case is greatly different from the case of a lady who marries long after the danger has passed, and who is compensated perhaps by being married to an officer of such distinguished reputation.

I trust in this case the proposed amendment of the committee will, to some extent, at least, be modified.

Mr. GALLINGER. Mr. President, I do not know that I ought to obtrude upon the Senate a single further observation. I appreciate the kind compliment which the Senator from California [Mr. WHITE] has paid me, undeserved, as it probably is; but I want to call the attention of the Senate very briefly to some of the trials and tribulations of the Committee on Pensions, and I

want also to call the attention of Congress, and perhaps of the country—if the country chooses to take cognizance—to the fact that the precedents we have made in these matters ought not to be followed as a rule.

Mr. President, we made an appropriation of \$140,000,000 for pensions for the current fiscal year, and we have passed a deficiency bill of eight million and some thousands of dollars, making a total of about \$150,000,000, and it must be borne in mind that we have commenced a new pension roll. Already one soldier of the present war has been pensioned, there are other applications in the Pension Bureau, and the roll will be very considerable, even if the war should terminate next week.

I am not going to demagogue about this matter, because I have no disposition to do it; it is not my nature to do it. I do not want to pose in any way whatever on the matter of pensions, but I do want to call the attention of Congress just now—and I shall try not to take many minutes in doing it—to the fact that the functions of the Committees on Pensions of the two Houses of Congress have been absolutely subverted. They were created, I take it, for the purpose of determining certain controverted questions of a technical nature; but now we are flooded with bills of every conceivable kind, bills coming here from another body doubling the pensions of the widows of soldiers, without any other reason than that they are poor and old; and we are passing them here by wholesale.

Bills are coming here to pension sisters, brothers, and daughters of soldiers. The proposition has been made by bill to pension the two daughters of a distinguished general, perhaps equally as distinguished as Admiral Worden—General Meade—at \$100 a month each. I reported adversely upon that bill; but it is upon the Calendar on motion of some Senator, and it stands here as a bill to be considered by the Senate. I have received probably fifty letters from soldiers saying that if General Meade's daughters are to be pensioned, they want their daughters pensioned. And why not? I reported adversely on a bill to pension the adopted daughter of a distinguished admiral. Immediately some Senator insisted that it should go on the Calendar, and it is on the Calendar to be considered; and immediately the soldiers all over the country write that they want their adopted daughters pensioned. And why not? If the record is to be made in behalf of the daughters of distinguished officers, the private soldiers want it to extend to their children, and properly so.

Mr. President, the committee has other grievances which I will not detail. There is a deluge of bills of every conceivable kind before us, and every precedent that is made by Congress sends hundreds of other bills here at the next Congress. A vicious bill passed in this Congress will send next year a large number of similar bills to be considered by the committee.

Mr. HAWLEY. That is not the question. The precedent was the behavior of Worden. When you get another precedent like that I am willing to make another precedent like this.

Mr. GALLINGER. If the Senator wants to make an issue on this subject, I will make an issue. I am not making one, but if he wants to I will make one.

Mr. CHANDLER. My colleague will allow me to say that he can make an issue without making an issue. He has discussed the question of daughters and adopted daughters. He will admit that those cases have no applicability to that of Mrs. Worden.

Mr. GALLINGER. They may have to-morrow, when some Senator may move to pass the bill for the adopted daughter of Admiral Shufeldt, now on the Calendar, notwithstanding my adverse report.

Mr. CHANDLER. I should say not. I should say it could not have.

Mr. GALLINGER. I understand that bill is to be called up. I do not claim the right here or elsewhere—

Mr. MALLORY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. GALLINGER. Certainly.

Mr. MALLORY. Was Admiral Worden seriously injured?

Mr. GALLINGER. I understand so; and we have not insisted that Mrs. Worden shall go to the Pension Bureau at all. We have waived that right. She comes direct to Congress, something that ought not to be permitted in any case.

Mr. MALLORY. Was it not a permanent injury?

Mr. GALLINGER. Yes, sir; I think so.

Mr. HALE. He suffered his entire life. He was an infirm man all his life.

Mr. GALLINGER. I think so. We have waived the demand, which ought to be insisted upon in every case, whether it is the widow of a private soldier or of an admiral, that the law which requires widows to go to the Pension Bureau shall be complied with, and if afterwards Congress wishes to increase the pension, Congress may do so.

Mr. HAWLEY. Pardon me one observation. I suppose her friends advised her to come here direct, knowing she could get only \$30 there.

Mr. GALLINGER. Yes; and the friends of every widow of every general officer are advising her to do the same thing. We are pursued night and day by this class of claimants, and unless it stops we will have a Pension Bureau under the Dome of the Capitol. We are doing the best we can, but the problem is one of very grave import.

Mr. President, I did not mean to say a single word in derogation of the great services of Admiral Worden, and I surely have not done so, nor do I desire to discuss the question whether or not Mrs. Worden is in necessitous circumstances, a point on which there is some difference of opinion. There are, I do not know how many, but probably 100,000 common soldiers to-day—I think I am not above the mark—drawing \$6 a month pension, some of whom fought all through the war, and they are in necessitous circumstances, they are in poverty, and their families are in poverty, and something is due to them. But the condition of the Treasury will not allow us to increase those pensions by special act. A proposition is before the Senate to increase the rate to \$10 a month. It would take \$15,000,000 out of the Treasury the first year, and we can not afford to do it.

I have only to add that I shall vote against the amendment, but if a majority of the Senate choose to pass it I shall not call for the yeas and nays on it. I shall be content, it being the judgment of a majority of my fellow-Senators. That it will add greatly to my work as chairman of the Committee on Pensions goes without the saying, but that is a matter of very little consequence.

Mr. HALE. Mr. President, I think the Senator from New Hampshire has been very fair and candid in treating this subject. The committee has been pursued early and late undoubtedly by many cases where large pensions should not be given and has wisely adopted a general rule, but my experience in life is that there was never a general rule adopted in applying our actions to the concerns of human life that does not have exceptions. We prove the rule by the exception.

This is a most remarkable case. I do not know any case that appeals to the good feeling and good sense of Senators so strongly as this does. We have time and again given much larger pensions for services not more gallant, not more picturesque, than Admiral Worden's, and in cases where the soldier or sailor has not borne through his whole life the burden of the shock and wound which Admiral Worden received in battle. He would have been rewarded and his family would have had ample means if the man had not been so singularly unobtrusive and modest.

Years ago, Mr. President, the Senate passed a bill giving to the officers and men of the *Monitor* the estimated value of the *Merri-mac*, as though she had been sunk, disabled as she was. It only failed in the House. It gave \$200,000, of which Admiral Worden would have received \$80,000. From that day to this I do not think any man was ever besieged by Admiral Worden to reconsider that action, and I do not know of any time when the Senate would not have been glad to renew its action of 1874.

Now, for the few remaining years or it may be months that the widow may live we are only asked to give her as the widow, the companion of Admiral Worden during his long married life of thirty years or more \$100 a month. The Senator from New Hampshire, I think, is right about it; his rule is right, and I am glad he said that if the Senate in its justice, in its sympathy, gives \$100 a month he will not ask for the yeas and nays in a thin Senate.

Mr. GALLINGER. Mr. President, I desire simply to call the attention of the Senate to one other fact, that this matter may be correctly understood, and the action of the committee set right. A very offensive article was published in the New York Tribune abusing the Committee on Pensions for having reported a bill giving Mrs. Worden only the amount allowed by law. That article has been copied into other papers; I think into one paper in Washington. I merely wish to say that it was not accurate. The committee reported a bill granting to Mrs. Worden \$20 per month more than she would have received had she gone to the Pension Bureau and proved that Admiral Worden died of disabilities contracted in the service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Pensions reported an amendment to the title, so as to make it read: "A bill granting a pension to Olivia Worden."

Mr. HALE. I hope the Senator from New Hampshire will not insist upon the amendment.

Mr. GALLINGER. I would not insist upon it but for the fact that it is an absurd thing, as I look at it, to put into the title of a bill anything but the fact that something has been given for the relief of or that a pension is given to an individual. We have bills sent to our committee with all kinds of titles, as, for instance,

"A bill pensioning John Smith, of Oklahoma Territory, at the rate of \$8 a month." I think the title to the present bill is comprehensive and accurate when it states that it is a bill granting a pension to Olivia Worden.

Mr. HALE. The Senator is undoubtedly right, but I would not take from this most worthy woman the satisfaction that I know she will have if the bill passes giving the pension to her as the widow of her distinguished husband.

Mr. GALLINGER. That is stated in the body of the bill and it is also stated in the report.

Mr. HALE. I hope the Senator will not insist upon the amendment.

Mr. GALLINGER. Oh, no; I will not insist upon anything.

Mr. HALE. Then I hope the amendment will be voted down.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the title.

The amendment was rejected.

INDIANS ON WHITE EARTH RESERVATION, MINN.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (S. 412) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty with or laws of the United States, in accordance with the express promises made to them by the commissioners appointed under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and to those Indians who may remove to the said reservation who are entitled to take an allotment under article 7 of the treaty of April 18, 1867, between the United States and the Chippewa Indians of the Mississippi, 160 acres of land; and said allotments shall be made and patents issued therefor in the same manner and having the same effect as is provided in the general allotment act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the commissioners of the United States over the Indians, and for other purposes,'" approved February 23, 1891: *Provided*, That any allotments of less than 160 acres heretofore made and not accepted by the Indians may be canceled by the Secretary of the Interior and new allotments of 160 acres to each Indian entitled thereto may be issued in lieu of those canceled.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for allotments to Indians on White Earth Reservation, in Minnesota."

INTERNATIONAL AMERICAN BANK.

Mr. FORAKER. I ask permission to call up the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

Mr. COCKRELL. I do not think it is right to call the bill up at this hour. I do not think the Senate is full enough.

Mr. FORAKER. If the Senator from Missouri will allow me, yesterday I gave notice that I should call up the bill at the conclusion of the consideration of the bill in regard to claims which was in charge of the Senator from Colorado.

Mr. COCKRELL. Call it up and let it become the unfinished business.

Mr. FORAKER. That is what I want to do now. It is a long bill. I have been waiting here all afternoon, allowing short matters to be attended to. I should like to have it made the unfinished business.

The PRESIDENT pro tempore. Is there objection to the bill being before the Senate as the unfinished business? The Chair hears none.

Mr. PETTUS. Let it be read.

Mr. FORAKER. The bill is very long. After other matters are out of the way I will ask that it be read.

ISAAC N. BABB.

Mr. GEAR. I move that the Senate proceed to the consideration of executive business.

Mr. PRITCHARD. I hope the Senator from Iowa will withhold that motion for a moment.

Mr. GEAR. For what purpose?

Mr. PRITCHARD. I desire to have a bill passed.

Mr. PASCO. Several others wish to have bills passed.

The PRESIDENT pro tempore. Does the Senator from Iowa withdraw the motion?

Mr. GEAR. I yield to the Senator from North Carolina.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (H. R. 5040) for the relief of Isaac N. Babb.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion standing against Isaac N. Babb, late a member of the Twenty-third Indiana Battery, and issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK AT ST. AUGUSTINE, FLA.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 1036) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants to the city of St. Augustine, Fla., the right to occupy, improve, and control, for the purposes of a public park, for the use and benefit of the citizens of the United States, and for no other purpose whatever, all that strip of land, being a portion of or adjacent to the Fort Marion Reservation, known as the "ditch" or "mont," lying between the city gates and the St. Sebastian River.

Mr. HAWLEY. I am quite familiar with the locality referred to in the bill, and I desire to inquire of the Senator from Florida whether this improvement contemplates changing the features of the ground?

Mr. PASCO. I understand not. The purpose is to protect them. The Committee on Public Lands took proper care to see that the bill was well guarded. It is within the power of the Government to take possession of the ground on order of the President at any time or by Congressional legislation.

Mr. HAWLEY. It is an interesting historical spot and ought to be preserved in its present condition.

Mr. PASCO. I understand that to be the purpose and desire of the city, cooperating with the Government of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SISETON AND WAPETON BANDS OF SIOUX INDIANS.

Mr. PETTIGREW. I wish to call up the bill (S. 3698) for the restoration of annuities to the Sisseton and Wapeton bands of Dakota or Sioux Indians, not for the purpose of considering it tonight, but to give notice that I shall move to proceed to its consideration immediately after the morning business to-morrow.

The PRESIDENT pro tempore. Unanimous consent has already been given that a bill called up by the Senator from Ohio [Mr. FORAKER] shall be the unfinished business.

Mr. PETTIGREW. Yes; but the unfinished business will not come up until 2 o'clock.

The PRESIDENT pro tempore. Oh, in the morning hour.

Mr. PETTIGREW. Yes; in the morning hour.

The PRESIDENT pro tempore. The Senator from South Dakota gives notice that he will call up the bill indicated immediately after the morning hour to-morrow.

WALLABOUT CHANNEL, NEW YORK.

Mr. GORMAN. I ask unanimous consent for the present consideration of the joint resolution (H. Res. No. 7) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HICKS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 4239) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers, so as to show him honorably discharged from the service of the United States to date November 4, 1895, and to issue to his widow a certificate of honorable discharge accordingly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GEAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and three minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 10, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 9, 1898.

UNITED STATES MARSHAL.

William R. Compton, of New York, to be marshal of the United States for the northern district of New York, vice Fletcher C. Peck, whose term will expire July 17, 1898.

ASSISTANT SURGEON IN NAVY.

James Raynor Whiting, a citizen of New York, to be an assistant surgeon in the Navy, to fill a vacancy existing in that grade.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

Ariosto A. Wiley, of Alabama.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be major-general.

J. Warren Keifer, of Ohio.

To be brigadier-general.

John P. S. Gobin, of Pennsylvania.

To be commissaries of subsistence with the rank of captain.

Thomas H. Simms, of Arkansas.

James E. B. Stuart, of Virginia.

Carroll Mercer, of Maryland.

To be chief commissary of subsistence with the rank of major.

Capt. George W. H. Stouch, Third United States Infantry.

To be assistant quartermasters with the rank of captain.

Albert Gilbert, of New York.

Laurance C. Baker, of New York.

Jonathan N. Patten, of Iowa. The nomination of John M. Patten, of Iowa, for the above-named office, which was delivered to the Senate May 28, 1898, and confirmed June 1, 1898, is hereby withdrawn.

To be chief quartermaster with the rank of major.

David Hemphill, of South Carolina.

TRANSFERS IN THE ARMY.

Second Lieut. Robert McCleave, from the artillery arm to the infantry arm, June 6, 1898, with rank from April 26, 1898.

Second Lieut. Conrad Stanton Babcock, from the infantry arm to the artillery arm, June 8, 1898, with rank from April 26, 1898.

First Lieut. John Fulton Reynolds Landis, First Cavalry, to be captain, May 31, 1898, vice Kendall, Sixth Cavalry, retired from active service.

Second Lieut. William Thomas Johnston, Tenth Cavalry, to be first lieutenant, May 27, 1898, vice Dickman, Third Cavalry, promoted.

Second Lieut. William Headley Osborne, First Cavalry, to be first lieutenant, May 31, 1898, vice Landis, First Cavalry, promoted.

Artillery arm.

First Lieut. John R. Williams, Third Artillery, to be captain, March 8, 1898, to fill an original vacancy.

First Lieut. George Lucius Anderson, Fourth Artillery, to be captain, March 8, 1898, to fill an original vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 9, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigade surgeons with the rank of major.

Capt. William C. Gorgas, assistant surgeon United States Army.

Capt. Henry P. Birmingham, assistant surgeon, United States Army.

Capt. Marlborough C. Wyeth, assistant surgeon, United States Army.

Capt. Richard W. Johnson, assistant surgeon, United States Army.

Capt. Edward C. Carter, assistant surgeon, United States Army.

Capt. William O. Owen, assistant surgeon, United States Army.

Capt. Peter R. Egan, assistant surgeon, United States Army.

Capt. William J. Wakeman, assistant surgeon, United States Army.

Capt. William Stephenson, assistant surgeon, United States Army.

Capt. Adrian S. Polhemus, assistant surgeon, United States Army.

Capt. John L. Phillips, assistant surgeon, United States Army.

Capt. William C. Borden, assistant surgeon, United States Army.

Capt. Edgar A. Mearns, assistant surgeon, United States Army.

Capt. Guy L. Edie, assistant surgeon, United States Army.

Capt. William D. Crosby, assistant surgeon, United States Army.

Capt. Charles M. Gandy, assistant surgeon, United States Army.

Capt. James E. Pilcher, assistant surgeon, United States Army.

Capt. Charles B. Ewing, assistant surgeon, United States Army.

Capt. Walter D. McCaw, assistant surgeon, United States Army.

Capt. Jefferson R. Kean, assistant surgeon, United States Army.

Capt. Henry I. Raymond, assistant surgeon, United States Army.

Capt. Francis J. Ives, assistant surgeon, United States Army.

Capt. William P. Kendall, assistant surgeon, United States Army.

Capt. Edward R. Morris, assistant surgeon, United States Army.

Capt. Henry S. T. Harris, assistant surgeon, United States Army.

Capt. William B. Banister, assistant surgeon, United States Army.

Capt. Paul Clendenin, assistant surgeon, United States Army.

Capt. Charles E. Woodruff, assistant surgeon, United States Army.

Capt. Eugene L. Swift, assistant surgeon, United States Army.

Capt. Paul Shillock, assistant surgeon, United States Army.

Capt. Ogden Rafferty, assistant surgeon, United States Army.

Capt. Charles F. Mason, assistant surgeon, United States Army.

Capt. James D. Glennan, assistant surgeon, United States Army.

Capt. Alfred E. Bradley, assistant surgeon, United States Army.

Capt. Philip G. Wales, assistant surgeon, United States Army.

Willis G. MacDonald, of New York.

Charles M. Drake, of Georgia.

Joseph K. Weaver, of Pennsylvania.

John Guiteras, of Pennsylvania.

Charles E. Ruth, of Iowa.

John W. Bayne, of the District of Columbia.

Milo B. Ward, of Missouri.

Schuyler C. Graves, of Michigan.

George T. Vaughan, of the Marine-Hospital Service.

Nathan S. Jarvia, of New York.

John C. Martin, of Ohio.

Peter D. MacNaughton, of Michigan.

Samuel T. Armstrong, acting assistant surgeon, United States Army.

John Patterson Dodge, of Ohio.

John R. McDill, of Wisconsin.

Samuel O. L. Potter, of California.

George A. Smith, of Iowa.

Arthur Snowden, of Virginia.

R. Stansbury Sutton, of Pennsylvania.

Frank Bruso, of New York.

To be commissary of subsistence with the rank of captain.

John P. Teagarden, of Pennsylvania.

To be chief surgeons of divisions with the rank of major.

Capt. William H. Arthur, assistant surgeon, United States Army.

Capt. George E. Bushnell, assistant surgeon, United States Army.

Donald Maclean, of Michigan.

George R. Fowler, of New York.

INDIAN AGENT.

Walter McM. Luttrell, now physician of the Mescalero Indian Agency, to be agent for the Indians of the Mescalero Agency in New Mexico.

JUSTICES OF THE PEACE.

Charles S. Bundy, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington).

S. Herbert Giesy, of the District of Columbia, to be justice of the peace in the District of Columbia (assigned to the city of Washington).

POSTMASTERS.

Elisha H. Carr, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire.

F. H. Ackerman, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire.

Cora M. Ralston, to be postmaster at Vernon, in the county of Wilbarger and State of Texas.

Eugene Lane, to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire.

Simeon M. Estes, to be postmaster at Meredith, in the county of Belknap and State of New Hampshire.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 9, 1898.

The House met at 12 o'clock noon and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read, corrected, and approved.

ORDER OF BUSINESS.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent for the present consideration—

Mr. GROSVENOR. I do not desire to interfere with my friend from Illinois, but I shall have to demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. HAY. I ask to call up House resolution No. 309.

Mr. SAMUEL W. SMITH. I demand the regular order.

The SPEAKER. The regular order is demanded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 10220. An act to organize a hospital corps of the Navy of the United States, to define its duty, and regulate its pay;

H. R. 9554. An act granting certain lands to the city of Santa Barbara, Cal.; and

H. R. 3141. An act increasing the pension of Price W. Hawley. The message also announced that the Senate had passed with amendments the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes, had insisted upon its amendments, and asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes, had asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4202. An act for the relief of Mary E. McDonald, widow of Marshall McDonald, and Stephen C. Brown;

S. 1837. An act granting an increase of pension to Stephen M. Davis;

S. 4522. An act to provide for the purchase of a site, and for the erection of a public building thereon, at Ogden, in the State of Utah;

S. 582. An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry;

S. 381. An act for the relief of Salvador Costa;

S. 2552. An act to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the National Park; and

S. 4545. An act to provide for the taking the Twelfth and subsequent censuses.

The message also announced that the Senate had passed with amendments the bill, H. R. 5149, "An act to amend the charter of the Capital Railway Company," asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 8226) to make certain grants of land to the Territory of New Mexico, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8680. An act granting an increase of pension to William Tompkins;

H. R. 2660. An act granting an increase of pension to Henry H. Tucker;

H. R. 4672. An act granting an increase of pension to Alfred D. Johnson;

H. R. 7007. An act to increase the pension of Samuel B. Davis;

H. R. 1271. An act granting a pension to Clara A. Short; and

H. R. 8871. An act for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulf Port, Miss., and to Biloxi, Miss., and for a survey of Ship Island Pass.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4738. An act to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through

the Chillicothe Indian Reservation, Territory of Oklahoma, and for other purposes, and

S. 4740. An act to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4202. An act for the relief of Mary E. McDonald, widow of Marshall McDonald, and Stephen C. Brown—to the Committee on Claims.

S. 582. An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry—to the Committee on Military Affairs.

S. 4522. An act to provide for the purchase of a site, and for the erection of a public building thereon, at Ogden, in the State of Utah—to the Committee on Public Buildings and Grounds.

S. 2552. An act to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park—to the Committee on the Public Lands.

VOTING BY SOLDIERS IN CONGRESSIONAL ELECTIONS.

The House resumed consideration of the bill (H. R. 10550) to enable volunteer soldiers, during the war with Spain, to vote at Congressional elections.

The SPEAKER. The gentleman from Michigan [Mr. SAMUEL W. SMITH] is recognized.

Mr. SAMUEL W. SMITH. Before proceeding further with this bill, we should like to have some gentleman on the other side to occupy some time.

Mr. BAILEY. I understand that some arrangement has been made among the members of the committee, and I would not desire to interfere with that.

Mr. SAMUEL W. SMITH. The gentleman from California [Mr. BARLOW] will be recognized and will give you some time.

Mr. BAILEY. The trouble about that is that the gentleman from California does not know how much time he can yield, on account of some agreement which he has made.

Mr. SAMUEL W. SMITH. He will have an hour, and there are only three gentlemen on the other side who have indicated that they want to speak in opposition to the bill.

Mr. GROSVENOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I want to inquire if it is in order to make a motion to limit debate under the perpetual order under which we are acting.

The SPEAKER. It is in order for the gentleman who has the floor to move the previous question whenever he sees fit to take the sense of the House on that subject.

Mr. GROSVENOR. But that would shut off all amendments, would it not?

The SPEAKER. That would cut off all amendments to the bill.

Mr. GROSVENOR. I should like to make another parliamentary inquiry. Is it in order to offer amendments to the bill at this time?

The SPEAKER. It is in order to offer amendments, but the gentleman from Michigan [Mr. SAMUEL W. SMITH] has the floor.

Mr. GROSVENOR. Certainly, I understand that, and he is giving the time to continuous debate. I wanted to know if there was any process by which debate might possibly be terminated at some time—any time during the year.

Mr. SAMUEL W. SMITH. Mr. Speaker, I yield to the gentleman from Iowa [Mr. LACEY] to offer an amendment.

Mr. LACEY. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 8, page 1, after the word "service," the following, "coming from such State or States so failing to provide such method;" so that it will read:

"The vote of the members of any regiment or battery in the United States Volunteer service coming from such State or States so failing to provide such method shall be taken in the places and manner hereinafter provided."

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent that that amendment be agreed to.

The SPEAKER. The gentleman asks unanimous consent that the amendment be agreed to. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Speaker, I ask the gentleman from Michigan [Mr. SAMUEL W. SMITH] if he will yield to me to offer an amendment at this time? It has been submitted to the gentleman.

Mr. SAMUEL W. SMITH. Yes; I yield to the gentleman from Ohio to offer the amendment.

Mr. GROSVENOR. I offer the following amendment.

The Clerk read as follows:

Insert in line 13, page 4, after the word "election," the following:

"And in all States where, by the laws thereof, any board or supervisor or other authority within any Congressional district is required to canvass and count the vote for Congressman and issue certificates of the same, then the State canvassing officer or officers receiving such returns shall immediately send a certified abstract of such vote to the proper board, supervisors, or officers of any such Congressional district, and such vote so certified shall be incorporated into and made a part of the returns from such Congressional district and be counted in determining the election of such member of Congress."

Mr. GROSVENOR. Mr. Speaker, I desire merely to state that under the provisions of the law of Ohio, and I take it in many other States, the returns of a Congressional election are not sent to the governor, or yet to any board at the State capital. To illustrate, in a district of six counties the returns are sent from the five counties to the election board of the largest county, the county having the largest population, and there they are canvassed and certified, and then go up to the governor. Now, the sole object of this amendment is, when the governor shall have received these votes, they shall be sent down to the proper canvassing board in the several Congressional districts.

Mr. SAMUEL W. SMITH. Mr. Speaker, I see no objection to the amendment and ask unanimous consent for its adoption.

The amendment was agreed to.

Mr. GREENE. Mr. Speaker, I offer the following amendment:
The Clerk read as follows:

After the word "meridian," in line 2, page 4, insert the following:

"The judges of said election board shall have full power and authority to inquire into the right of any elector to vote under the provisions of this act, and for this purpose said judges are hereby empowered to administer oaths. If the vote of any elector is challenged or if said judges have doubts as to the right of any elector to vote as herein provided, said judges shall cause said elector to make and subscribe an oath in writing setting forth the full name of such elector, his age, and his place of residence at the time of his enlistment in the Army, which oath shall be forwarded with the poll book to the governor of the State. Any person who shall knowingly make any false statement under oath for the purpose of voting under the provisions of this act shall be deemed guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a period not exceeding two years and not less than six months. It shall be the duty of the judges of election to cause the name of each person voting to be registered in the poll books, together with the State, county, and precinct of his residence at the time of his enlistment."

The SPEAKER. The question is on agreeing to the amendment.

Mr. CRUMPACKER. I desire to offer an amendment in the nature of a substitute.

The Clerk read as follows:

Insert at end of bill:

"SEC. 10. That if any person not authorized by this act shall vote at any such election, or if any person shall vote for a member of Congress for a district in which such person shall not be a qualified voter, or if any person shall vote more than once, he shall, upon conviction, be fined in any sum not less than \$50 nor more than \$200; and if any officer or person shall make or assist in or consent to the making of any false and fraudulent count, record, return, or certificate at any such election, or shall fraudulently omit to do anything required to be done by him under the provisions of this act, he shall, upon conviction, be fined in any sum not less than \$100 nor more than \$500, to which may be added imprisonment for any determinate period not exceeding six months. Prosecutions under this act shall be brought in a United States district court in the State in which the defendant shall have been mustered into the service, or in the State of which he shall be a resident."

Mr. GREENE. Mr. Speaker, I make the point of order that it is not germane as an amendment to the amendment. It is more in the nature of a substitute.

The SPEAKER. It is offered as a substitute.

Mr. RICHARDSON. It looks like a wholly different proposition, under color of an amendment, which I do not think is admissible under the rules. It is a different proposition, and under color of amendment, which I think can hardly be done within the spirit of the rule, if not the letter.

Mr. LACEY. Mr. Speaker, I hope the gentleman from Nebraska will accept this substitute, because the proposition as to the poll books which is intended to be covered by his amendment is also being prepared in another amendment in, I think, perhaps a little more concise form, covering the idea that he has in view. Two amendments have been prepared, one offered in the substitute of the gentleman from Indiana and another covering the question of poll books, which, I think, will meet exactly the idea he has in mind, although not precisely in the same language.

Mr. GREENE. Just a word. Now, I desire to say, in the first place, that I am heartily in favor of the bill, but I do think the bill ought to be amended. The amendment which I offered is intended to cover, and does cover, in my judgment, illegal voting, and furnishes a method by which illegal votes may be detected. It goes further than the amendment offered by the gentleman from Indiana. It provides a method by which judges of election may determine whether the voter is an illegal voter or not. While his substitute does not touch that question, it strikes me it covers another ground.

It gives the judges of election power to examine under oath any elector who attempts to vote, and requires that the judges of election when the oath is made shall return that oath to the gov-

ernor of the State with the poll books, furnishing a complete method of determining the right of the elector, and furnishing evidence upon which they acted to the governor of the State, and then provides that the poll books shall contain the name, the age, and the place of residence of the voter at the time of enlistment in the Army.

Mr. MAGUIRE. Will the gentleman permit me to ask him a question there?

Mr. GREENE. Certainly.

Mr. MAGUIRE. Does this bill, with or without your amendment, prescribe the duties of the governor and other State officers upon the coming in of the election returns from the fields and camps of the soldiers?

Mr. GREENE. No; this amendment does not go that far. It only goes to the point of allowing the judges to determine the right of the voter to vote, and that is furnished to the governor of the State as the evidence upon which they acted. That is as far as it goes, and it prescribes punishment for illegal voting. It strikes me there is nothing in the amendment to which any gentleman can object; and I think it covers the whole ground in one amendment touching this part of it and ought to be adopted by the House. Nobody can object to hedging up the avenues of fraud.

Now, I do not expect that men who have enlisted in the Army are going to commit fraud, but no honest man can object to having the ways hedged about so as to prevent fraud and protect the purity of the ballot. I insist upon the amendment which I offered.

Mr. NORTHWAY. Mr. Speaker, I would like to ask that the amendment be reported again. There was so much confusion that no one could understand it.

The SPEAKER. The Clerk will report both amendments.

The amendment offered by Mr. GREENE and the substitute offered by Mr. CRUMPACKER were again reported.

Mr. NORTHWAY. I would like to ask the author of this amendment one question. It provides for the prosecution in the United States district court in the State where the soldier is arrested. Take the State of Ohio, for instance. We have two district courts. Now, suppose a soldier who lives in the county of Ashtabula, the northeasternmost county of the State, were charged with an offense against this law, he could be prosecuted in the district court in the city of Cincinnati. The bill does not confer jurisdiction upon a specific court?

Mr. CRUMPACKER. Mr. Speaker, I think the interpretation of the gentleman is correct. The substitute provides that prosecutions shall be tried in the United States district court in the State where the defendant was mustered into service or in that in which he resides.

Mr. NORTHWAY. Exactly. We have two district courts in the State of Ohio, and the soldier might live in the jurisdiction of one and be prosecuted in the jurisdiction of the other.

Mr. CRUMPACKER. Either one would have jurisdiction of prosecutions. The amendment was prepared to meet the requirements of the situation without going too much into detail.

Mr. NORTHWAY. I think you ought to confer jurisdiction upon the district court within whose jurisdiction the soldier lived.

Mr. CRUMPACKER. The difficulty about particularizing is that it encumbers the bill unnecessarily. I think that the measure is well guarded. It is only for a temporary purpose, and is an emergency measure. It is doubtful if its provisions will ever be abused.

Mr. HAY. Will the gentleman allow me to offer an amendment to the substitute?

Mr. CRUMPACKER. I do not think that the substitute to the amendment can be amended.

The SPEAKER. The substitute can be amended.

Mr. CRUMPACKER. Then I yield to the gentleman for the purpose of offering an amendment.

Mr. HAY. Mr. Speaker, I offer the following amendment to the substitute.

The Clerk read as follows:

Amend the substitute offered by Mr. CRUMPACKER by striking out "United States district court" and inserting "State courts which now have jurisdiction of such cases."

Mr. ROBINSON of Indiana. I would like to suggest to the gentleman from Indiana [Mr. CRUMPACKER] that it seems to me the amendment offered by the gentleman from Nebraska [Mr. GREENE] and the substitute offered by the gentleman from Indiana [Mr. CRUMPACKER] are harmonious and can both stand.

Mr. CRUMPACKER. In my opinion, Mr. Speaker, the bill as originally framed covered substantially the provisions contained in the amendment of the gentleman from Nebraska aside from a few of its details. The bill requires election boards to be organized in the respective subdivisions of the Army, and it requires them to observe as nearly as may be the requirements of the State law in their respective States as far as they are practicable; and I submit, Mr. Speaker, that it is much better to permit the soldiers of

the various States to vote under the laws with which they are familiar than to fix hard and fast rules to govern the details of elections provided for in this bill.

The bill must necessarily be general. The men who attempt to exercise political powers under the authority of this bill will be denied a great many facilities that are enjoyed by men who vote in a State under the regular organization. The boards, of course, will necessarily be improvised, and the law must necessarily be general in its provisions, and I believe, in respect to the details and methods of keeping the poll book and organizing the poll, it is sufficient. I believe that they should follow the laws of their respective States as far as they are applicable—that is, as far as I think it is safe to go.

Mr. GROSVENOR. Is the gentleman familiar with this bill?

Mr. CRUMPACKER. Somewhat.

Mr. GROSVENOR. I would like to call your attention to section 2, which provides that "every lawful elector of any State duly qualified to vote under the laws thereof at a Congressional election at the time of his muster into the military service shall be entitled to vote." Now, it does not make any difference whether he is a brigadier-general or a private.

Mr. CRUMPACKER. No.

Mr. GROSVENOR. Now, coming to section 5, on page 3, line 12, it says:

It is the purpose of this act that the electors in every regiment, battery, or detached company shall have the opportunity to enjoy the privilege of voting for a Representative in Congress at each Congressional election during the present war.

Now, would it not be better to strike out the words "in every regiment, battery, or detached company," and insert these words: "As mentioned in section 2 of this act?"

Mr. CRUMPACKER. That might be a good amendment.

Mr. GROSVENOR. That would let in the staff officers and the field officers.

Mr. CRUMPACKER. I think that would be an improvement on the text of the bill.

Mr. GROSVENOR. Will the gentleman allow that amendment to be offered?

Mr. LACEY. It can not be offered at this time, as there are an amendment and substitute pending. The gentleman from Connecticut has prepared an amendment of that character.

Mr. GROSVENOR. Well, I do not care who offers it.

Mr. CRUMPACKER. Mr. Speaker, the amendment that I have offered was prepared for the purpose of being introduced as an additional section of the bill, and to cover the question or the subject of penalties all together. I think whatever amendment is made to the bill as to penalties ought to be contained in one single section. It will make the bill more intelligible and less cumbersome to encompass all the penal provisions in a single amendment. In my judgment, the amendment offered by myself is sufficiently comprehensive to embrace every violation of the law that is likely to occur in its administration.

Mr. CONNOLLY. Will the gentleman from Indiana allow me a question?

Mr. CRUMPACKER. Yes.

Mr. CONNOLLY. Can you, in view of the Constitution, try a man for an offense in a district other than the one in which the offense was committed?

Mr. CRUMPACKER. In answer to that question, I have to say, the voting is constructively in the district in which the voter resides.

Mr. CONNOLLY. But you can not dispense with the constitutional provision by a construction of that kind.

Mr. CRUMPACKER. I believe, if the gentleman will reflect for a moment, that the Government can follow with the civil and penal laws a citizen in its service in all parts of the globe, on the high seas and elsewhere. He will concede there is that power in the Federal Government to prosecute violations of this election law wherever committed.

Mr. CONNOLLY. An offense committed on an American vessel on the high seas is committed on American soil. The court holds that that soil is where the vessel first touches port after the offense is committed.

Mr. MOODY. Will the gentleman permit me a suggestion?

Mr. CONNOLLY. Yes.

Mr. MOODY. Permit me to call his attention to the constitutional question of jurisdiction.

Mr. CONNOLLY. Yes, I have it not before me.

Mr. MOODY. It is Article III, section 2, which is in these words:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Mr. CRUMPACKER. I think there can be no question about that. Now, I have grave objections to the amendment offered by the gentleman from Virginia [Mr. HAY], for these prosecutions ought to be within the jurisdiction of the Federal courts alone.

Mr. MOODY. May I be permitted a further suggestion arising out of the suggestion of the gentleman from Illinois? It is quite clear that if the crime against which the amendment of the gentleman from Indiana is directed should have been committed within one of the military camps in one of the States, then the provision requiring that the offense be tried within the district in which the offender resided, instead of the district in which the offense was committed, would be unconstitutional, very clearly so; and, as the gentleman from Minnesota has suggested to me, it would be necessary, in order to avoid that difficulty, to amend the substitute.

Mr. CRUMPACKER. I do not understand that this bill provides for voting at any military camp in the sense in which that term is employed. It provides for the voting of soldiers in the field.

Mr. MOODY. Suppose that for an election fraud committed in the camp at Chickamauga, Tenn., you undertake to try the soldier at his home in Massachusetts or Ohio; you would come at once in conflict with the provision of the Constitution that the trial must be held in the State where the crime has been committed.

Mr. CRUMPACKER. I do not agree with that construction, because I believe the camp at Chickamauga is not a military camp within the meaning of the term. Military camps, properly speaking, are on military reservations.

Mr. MOODY. I agree with the last remark of the gentleman; but, in the case supposed, the offense would have been committed within the State of Tennessee, and therefore, according to the constitutional provision, the trial would be in that State.

Mr. CRUMPACKER. It is declared in this bill that, constructively, the voting of the soldier shall be in the State where he has the right to vote; and if he violates any rights or any laws, he violates the rights of citizens of that State and the laws pertaining to the elections of that State.

Mr. MOODY. You can not evade the provision of the Constitution by a fiction. If the crime was really committed in the State of Tennessee, it would be impossible, by construction, to avoid the constitutional requirement that the offense be tried in that State.

Mr. CRUMPACKER. I have not given any particular attention to the details with reference to the construction of the term "military reservation," but I have considered this bill as applying to soldiers voting in the field. The Volunteer Army in the service of the United States Government is an army of soldiers in the field of action, not a body of soldiers at a military post or in a military camp within the meaning of that term. The Volunteer Army of United States soldiers is constructively under the jurisdiction of the United States wherever it may be, either in this country or any foreign country.

And where a special provision is made extending the rights pertaining to citizens of a State to an organized body of soldiers outside the State, I believe the power to punish within the jurisdiction of that State exists, although I confess I have not given that question any particular consideration. I give that simply as my offhand opinion.

Mr. MANN. One question, if the gentleman pleases. During the late war there were various State laws providing for voting by State troops outside of the State?

Mr. CRUMPACKER. There were.

Mr. MANN. Did those laws provide penalties?

Mr. CRUMPACKER. I have not examined them; I presume they did; they ought to have done so.

Mr. MANN. Now, most of the State constitutions contain a provision similar to that of the United States Constitution.

Mr. CRUMPACKER. In what respect?

Mr. MANN. A provision that a person accused of crime shall be subject to trial in the district in which the crime was committed. So that this question might possibly be solved or in some measure elucidated by an examination as to how those State laws provided for the punishment of illegal voting.

Mr. CRUMPACKER. There is this to be said in relation to the amendment: Without considering its constitutional effect at this time, it will, if passed, have at least a deterrent effect, and if applied to soldiers in camp at Chickamauga or other camps in this country, the Federal Constitution will control, and consequently no harm can be done.

Mr. MANN. The gentleman will allow me to submit the suggestion that it may make a very great deal of difference whether there is an effective method provided to punish illegal voting in the camps of this country. The majority of the volunteers of the country are now within the country; the probability is that a great many of them will still be here next November, and if there should be provided no effective method of punishing illegal voters, who knows how much illegal voting there may be? The difficulty might be met very easily by a modification of the amendment.

Mr. WALKER of Massachusetts. Is it not a fact that, while this voting is to take place outside of the State, it will take place

under the laws of the State and must conform to those laws? Therefore, if the law we may pass carries a part, it carries the whole. The soldiers will vote under the laws of the State and are to be punished under those laws, except so far as they may be modified by this bill. Either this measure effects nothing or it effects all that it undertakes.

Mr. CRUMPACKER. That is true.

Mr. WALKER of Massachusetts. The soldier is constructively under the constitution and laws of the State and is to be punished by the State.

Mr. CRUMPACKER. That is true in a general sense, and under the provision of the Constitution read by the gentleman from Massachusetts [Mr. Moody] there is no question that penalties may be imposed for violations of law in foreign countries. Under constitutional provisions and Federal statutes there is no question that penalties may be imposed for violations of a statute of this kind anywhere in this country, and if this amendment is so broad as to include such cases as are covered by constitutional provisions it is simply inoperative, and the constitutional provision and the laws of the United States will apply to those instances.

Mr. MANN. That is the very point, that it will be inoperative as to the votes of these volunteers.

Mr. CRUMPACKER. If so, it will be because there will be some other law which will be operative.

Mr. MANN. What other law? It is provided that soldiers can vote at Camp Alger in the State of Virginia. There is no law now affecting their right to vote there in any way whatever. You propose to pass a law giving them the right to vote. Suppose there is no penalty, then it makes no difference whether they vote legally or illegally.

Mr. CRUMPACKER. In answer to the gentleman, I may say that the amendment I have proposed applies to all soldiers; and the only question is what court shall have jurisdiction.

Mr. MANN. But—

Mr. CRUMPACKER. No; let me answer the question. This law imposes a penalty for illegal voting by soldiers, whether in Cuba, Manila, or in camp at Chickamauga, and it is conceded now that if the violation of this law occurred on the Island of Cuba—

The SPEAKER. Will the gentleman suspend for a moment? Several gentlemen have suggested to the Chair that they feel an interest in this question, that they are unable to hear, and that arises from the fact that members will converse and will leave their seats. The Chair suggests to the House that in the interest of some knowledge of the bill that is before it, those who desire to converse should retire to the cloakrooms or to the lobby and allow this discussion to be heard by those who are interested. The Chair hopes that the House will maintain order.

Mr. CRUMPACKER. Now, to make myself understood, let me say briefly that the amendment that I have submitted imposes penalties for the violation of the election law upon the part of soldiers, wherever they may be—whether they be on military reservations or encamped in this country or in some foreign country. There is no question about that. The controversy is in relation to the court that has jurisdiction. If the violations occur on foreign soil, there is no question that this law confers jurisdiction upon the proper courts in this country. If the violations occur within the dominion of the United States, there may be a conflict between this law and the Federal Constitution respecting what court has cognizance of the crime.

If this law is inoperative it is because the Federal Constitution has provided that some other court shall take cognizance of offenses. So that at all events the amendment covers the whole subject, imposes penalties upon violations of the law wherever they may occur, and this law and other provisions under the Federal Constitution confer jurisdiction upon some court to prosecute the violations.

Mr. MANN. May I make one further suggestion?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. CRUMPACKER. For one more question.

Mr. MANN. Simply in the interest of perfecting the bill, your amendment solely provides for the punishment of illegal voting in the State from which the soldier comes.

Mr. CRUMPACKER. Of illegal voting wherever the vote is taken.

Mr. MANN. But punished in the State and through the jurisdiction of the court from which the soldier comes.

Mr. CRUMPACKER. Yes.

Mr. MANN. It is clear that that provision is illegal as to any camp in the country in any other State. You can not punish in Illinois a soldier who votes illegally at Camp Alger, in the State of Virginia. That is a clear provision of the Constitution, that a man must be tried in the district in which the crime is committed, and nobody can go outside of that and hold it constitutional.

Mr. CRUMPACKER. Let me say that if that be true, then we have a court of competent jurisdiction, and that part of this law will not operate there.

Mr. MANN. That is the suggestion that I wish to make to the gentleman from Indiana. The provision in the gentleman's amendment is that the man shall be tried in the State from which he comes. There is no provision that he can be tried by any other court, and no court can assume jurisdiction unless it is conferred by the statutes; and merely to say that a man shall be punished, merely to say that it shall be illegal, does not authorize the United States court in Virginia to assume jurisdiction, because the statute, as the gentleman proposes to make it, specially confines the jurisdiction to the court in Illinois or in the other States from which the soldier comes.

Mr. CRUMPACKER. Mr. Speaker, I think I shall have to reclaim the floor.

The SPEAKER. The gentleman from Indiana declines to yield further.

Mr. CRUMPACKER. I want to say, in answer to the gentleman's criticism, that I think he is in error.

Mr. MANN. I was not criticising; I was only suggesting.

Mr. CRUMPACKER. Well, the stricture or the criticism upon the amendment is what I refer to. A general Federal statute imposing a penalty need not specify the court that shall have jurisdiction, because that is already fixed by adequate provisions of law, and the provision of this amendment determining or specifying the courts that have jurisdiction of violations of the law is not so connected with the penalties and the other provisions of the amendment that if that part of it shall fall the whole would go down.

The amendment proposes certain penalties, and in order to reach certain cases, where the Federal courts would otherwise not have jurisdiction, it provides that these prosecutions under the law shall be brought in certain courts. The gentleman now says that there is a constitutional provision that requires all prosecutions in certain jurisdictions to be had in certain courts. If that be true, then those courts would have cognizance of violations of this law. There can be no sort of question about that.

Mr. TAYLER of Ohio. I would like to ask the gentleman a question.

Mr. CRUMPACKER. I yield to the gentleman from Ohio.

Mr. TAYLER of Ohio. I was going to suggest that while it is clear that the actual offense might not be committed within the State in which the soldier lived, yet, as the voting constructively occurs in the State from which he comes, and the soldier is not required to vote unless he wants to, it may be that even under the constitutional provision he will be held to have committed the offense in the State from which he comes. But we have no need to make that trouble at the beginning. Inasmuch as all penal acts are in their nature deterrent and rather to prevent crime than to punish it after it is committed, why should not the United States court having jurisdiction over the country in which the camp is located have jurisdiction to punish offenses against the laws in the several States?

Mr. MORRIS. But in case of absence from the country—

Mr. TAYLER of Ohio. Of course in case of absence from the country the Constitution makes it proper to try him in the State from which he comes or any other State.

Mr. CRUMPACKER. The probabilities are that the Constitution already provides jurisdiction.

Mr. MOODY. Will the gentleman from Indiana permit me to suggest this amendment?—

After the word "act" insert the following, "for any act committed outside of any State or Territory."

So that the substitute as amended would read as follows:

Prosecutions under this act for any act committed outside of any State or Territory shall be brought in the United States court, etc.

I suggest that change.

Mr. CRUMPACKER. I accept the suggestion, and ask unanimous consent to modify the amendment so as to include it.

The SPEAKER. If there be no objection, the gentleman will modify the amendment as indicated by the gentleman from Massachusetts [Mr. Moody]. Is there objection?

There was no objection.

Mr. NORTHWAY. Is there not a misunderstanding right here? The Federal Constitution confers upon the Federal court jurisdiction over Federal territory, whether it is in a State or a Territory. But does it extend that jurisdiction to foreign territory at all?

Mr. CRUMPACKER. Yes.

Mr. NORTHWAY. No; and when it speaks of a crime committed within a State we understand what it means. When it speaks of a crime committed without a State it means in Federal territory without the State, and not foreign territory.

Mr. CRUMPACKER. I have only to say that I think there is no question about the power of Congress to impose penalties for violations of its civil law by those in its service in foreign territory.

Mr. NORTHWAY. It may have power to punish them for violations of military law, but when they violate the civil law the military law does not step in and take the place of the civil law.

Mr. CRUMPACKER. Then, according to the theory of the

gentleman from Ohio, this amendment is harmless and does no good, and if he should happen to be mistaken it would be of importance.

Mr. NORTHWAY. In other words, do you mean to say that Congress has the right to define and punish an offense committed by a soldier in the Island of Cuba or in Spain?

Mr. CRUMPACKER. I think so.

Mr. BRUMM. Especially if committed under the jurisdiction of the flag of the United States. There is no doubt about that.

Mr. CRUMPACKER. I think this amendment covers the whole subject of penalties in a general way. More will encumber it and multiply its details so as to make it very difficult of administration, and I hope the substitute will be supported and adopted.

Mr. GREENE. Mr. Speaker, I only desire to occupy a very few moments. I should like to have the attention of the House. I do not believe the substitute ought to be adopted for this reason: In the amendment which I have offered I have purposely left out the question of jurisdiction because I believe that the question of jurisdiction ought to come in in an amendment by itself and be carefully considered; so I have purposely left the question of jurisdiction out of the amendment which I have offered.

Now, I have no doubt in my mind that Congress has power to define offenses committed by a United States soldier in the Philippine Islands and to prescribe penalties therefor. I think that it is right to prescribe penalties for such violations in this bill, but I think we ought to have an amendment here which carefully prescribes the jurisdiction of the courts covering crimes located in the United States and covering offenses committed on foreign soil and to define where the several offenses should be tried. For that reason I have purposely left that feature out of the amendment that I have offered.

The amendment I have offered covers the whole ground covered by the substitute, and covers more than the substitute. I have sought to empower the election officers in the field to determine whether the elector offering his suffrage is qualified to vote, and to require them to keep a record of the name, age, and place of residence of the soldier at the time he enlisted, and to return that record to the governor of the State. It prescribes the punishment for a violation of the law, and leaves the question of jurisdiction untouched. I believe that matter ought to come in a separate amendment, as I have said, carefully worded and carefully considered, affecting all offenses provided for in the bill.

I believe the substitute offered by the gentleman from Indiana ought not to prevail, and I believe any gentleman who will take the amendment which I have offered and consider it will find that it is perfectly proper and fair in all of its provisions and covers the whole ground that is intended to be covered. I hope the substitute will not prevail, and that a proper amendment covering the question of jurisdiction in all its phases, in one separate and distinct amendment, to this bill should be made, and that it ought, perhaps, to come in at the end of the bill. I suggest that the gentleman in charge of the bill prepare such amendment.

Mr. HAY. Mr. Speaker, I desire to withdraw the amendment which I offered.

The SPEAKER. The gentleman withdraws his amendment.

Mr. HAY. And for this reason, that I do not believe Congress can confer jurisdiction upon State courts. I also desire to call attention to some remarks made by the gentleman from Indiana, which, if I understood him, meant that the substitute which he offers applies not only to soldiers in the Army, but applies to all offenses under election laws of States which may be committed in the next Congressional election or in any other election after that.

Mr. CRUMPACKER. I did not hear the gentleman.

The SPEAKER. The House will be in order.

Mr. GREENE. It only applies to offenses committed in the army election.

Mr. HAY. I am not speaking of the amendment of the gentleman from Nebraska, but as to the substitute offered by the gentleman from Indiana.

Mr. CRUMPACKER. It can not bear any such interpretation.

Mr. HAY. I understood you to say that this punishment and penalties could be applied to elections anywhere.

Mr. CRUMPACKER. To elections under this act.

Mr. HAY. Only soldiers.

Mr. CRUMPACKER. By soldiers only. It is confined to them.

Mr. GREENE. If the gentleman will permit me, my amendment provides for offenses committed under the provisions of this act; and now, while I have the floor, what I contemplated to cover by the same amendment was to provide that where a camp is located in a State the courts may have jurisdiction, and where it is located on foreign soil the Government should have jurisdiction.

Mr. HAY. All that I have to say—

Mr. WILLIAMS of Mississippi. Will the gentleman permit me there? I want to say just this, that the remarks just made by the gentleman from Nebraska show what a wonderful wilderness of

confusion there is when we come to consider this bill. Now, the gentleman speaks of fixing the penalties in an act of Congress, and then says he proposes to leave the question of the jurisdiction of inflicting the penalty under this statute to the State, as if it would be possible for any court of any other power than the United States to inflict a penalty fixed by a law of the United States. The moment the penalty is fixed by a law of the United States, that ex necessitate rei goes to the courts of the United States. Because Congress can not confer upon State courts the power to inflict those penalties even if it desires to do so, nor can the State courts assume jurisdiction of a penalty prescribed by a law of the United States.

Mr. HAY. Now, Mr. Speaker, I was just going to say, when interrupted by the gentleman from Mississippi, that both the amendments of the gentleman from Nebraska and the substitute offered by the gentleman from Indiana strike me as being inappropriate to this bill. It seems to me to bring into conflict the military and civil power. You have a man in the Army on the Island of Cuba who is charged with illegally having cast his vote in the Island of Cuba.

He may be needed there. He may be a colonel, or he may be an officer, or private, or what not; he may be needed there in the interest of this country; and yet the civil authority is going to be allowed to step in and take all these people who are accused away from the post of their duty and bring them to Ohio or to anywhere else to be tried in some district court. I do not think such a provision as that ought to be introduced into this bill.

Mr. LACEY. Mr. Speaker, this debate has, I think, demonstrated the wisdom of leaving this whole question out of the bill. This bill was desired by our friends upon the Democratic side of the House as well as friends upon the Republican side. We have recently gone through a very acrimonious debate upon the question of Federal election penalties, and we sought to avoid having anything of that kind in this bill, as it was a temporary bill, under which not more than one election will probably be held. Therefore we have purposely avoided bringing this question forward at all by leaving that out of the bill.

It raised grave jurisdictional questions and it has been discussed very thoroughly in debate and objected to. There are districts where there are Federal election frauds. There are frauds in many localities of the United States to-day which can not be punished because of an indisposition to punish them in that locality. Now, then, without any reference to the character of frauds or localities in which they exist, complaint is made of fraud in elections where the Federal authority does not attempt to control, prevent, or punish these frauds by making them a crime.

Now, I think we had better leave this all out of the bill, and I suggest especially to my friend from Nebraska [Mr. GREENE] who offers this amendment, and who has always been so bitterly opposed to any penalty touching the Federal election laws, that he withdraw this amendment.

Mr. GREENE. Does the gentleman from Iowa believe—it is immaterial which side of the House I am on—

Mr. LACEY. I thought the gentleman wanted to ask me a question.

Mr. GREENE. I do. Do you believe that we should pass a bill providing for a Congressional election and leave it wide open to be run in any kind of shape and in any kind of manner, and have no penalty whatever prescribed for a violation of the law?

Mr. LACEY. We provide that the election shall be carried on in the Nebraska regiment under the Nebraska law; in the Mississippi regiment under the Mississippi law; in the South Carolina regiment under the South Carolina law.

Mr. GREENE. But you do not. There is no such provision in the bill.

Mr. LACEY. Now, to make a penalty, a Federal penalty, apply to a violation of the Mississippi law and to a violation of the Nebraska law, and so on, puts into this bill unnecessary and needless complications, and will raise needless difficulties, and I think, if my friend will think a moment about it, he will see the propriety of not attempting to load this bill down with any such proposition.

Mr. GREENE. If the soldiers in the field vote, and I want them to, are they not to vote purely under a Federal statute?

Mr. LACEY. No; under a State law with Federal modifications. The State law is modified in such a way as to make it available to the peculiar circumstances under which the men are put by Federal authority. We take each State law as a basis and adopt and modify it far enough to enable the men to vote for members of Congress.

Mr. GREENE. The point I am making is this, that the soldier does vote, if he votes at all, under a Federal statute, under the law that we expect to enact here. And we can both prescribe methods for conducting such election and penalties for its violation. Now, then, if he vote under that law, and it can not be under any other, then I think in common fairness, for the sake of common honesty, we ought to hedge that law about, so that we at least may have a semblance of wanting to have a fair election. Now, I believe there will be a fair election, but if we prescribe

penalties and punishments for a violation of the law, it can harm no honest man, and no honest man in the Army or elsewhere can object to it.

Mr. LACEY. There is no trouble about a fair election in a company or in a regiment. In a great city you can put in repeaters, but these men are well known to each other. Every soldier knows where every comrade lives and where he came from. There is no class of men in the world who will be so free from stuffing ballot boxes or voting in the wrong precinct as the men who are in these companies and regiments—men who eat, sleep, and camp together.

Mr. GROSVENOR. Will the gentleman allow me a question right here?

Mr. LACEY. Yes.

Mr. GROSVENOR. To illustrate: I suppose Iowa could punish a man who in the city of Ottumwa voted twice on the day of election?

Mr. LACEY. Yes.

Mr. GROSVENOR. Suppose a soldier of Ottumwa in Manila should vote twice—

Mr. LACEY. He could not, and I will tell you why. His vote would be challenged. In Ottumwa he might, as a stranger in a large city, vote twice by slipping in or being overlooked or in some such way—

Mr. GROSVENOR. But you have not let me ask my question. I want your opinion, and I want it in good faith. Suppose he does vote twice, once under the name of John Smith and the next time under the name of Sam Jones. Could he be indicted and punished in Ottumwa for that crime?

Mr. LACEY. Well, that raises a question. If he does it in Manila, it raises a difficult question—

Mr. GROSVENOR. Does not your constitution, like all others, provide that crimes shall be punished only in the county where they are committed?

Mr. LACEY. He votes as if in Ottumwa, although he casts his ballot in fact in Manila. If he commits the crime in Manila, you could provide by law to bring him back to Ottumwa and try him. But the real fact is that there can be but very little danger in the field—less danger than anywhere else in the world. There is only one John Smith in a regiment or a company; or if there are two, one is "Red John" and the other is "Big John;" each man has his nick name to designate him, and there is no difficulty about identifying them. There is sometimes confusion about common names in cities. A man comes up to vote, and some one says, "He has voted." His name has been erased from the check list as having voted, and he complains that some one has falsely personated him; but they could not do that in the Army.

Mr. GREENE. Suppose there should happen to be a bad man get into a company, and he put 50 ballots in the box?

Mr. LACEY. It is impossible in a camp where a man is known. He could not repeat.

Mr. GREENE. Well, how would it be possible to punish a man even if you knew he put them in?

Mr. LACEY. You could throw the votes out.

Mr. GREENE. How would you know which ones to throw out?

Mr. LACEY. The entire return would go out in case of stuffing the boxes.

Mr. GREENE. Where is there any provision in this bill for throwing out the return? The lameness of your bill is apparent at every turn. I want the soldiers all to vote and I want that vote honestly counted and honestly returned, and that is all I do ask. To do that there should be no objection, and upon that I must and will insist.

Mr. LACEY. But is it worth while now to go through all these difficulties in order to attempt to reach an impossibility?

Mr. GREENE. Your amendment throws wide open the doors to fraud and invites it.

Mr. LACEY. Oh, no. I would have liked to have heard the gentleman make that statement against the repeal of the Federal election laws when that question was up here.

Mr. GREENE. "The gentleman" was not here then, or perhaps he would have done so.

Mr. CRUMPACKER. Is it not possible that in a regiment composed of companies from perhaps three or four different Congressional districts the members of that regiment might enter into an arrangement by which their whole vote should be cast for the member from one district, and in case there was a narrow margin might they not in that way carry his election? Is there not a liability that such a thing might occur?

Mr. LACEY. This amendment would not prevent such a thing, because no one could tell who did it.

Mr. CRUMPACKER. But it might be done; and if there were no penalty it could be done with perfect impunity.

Mr. LACEY. Mr. Speaker, I now call for a vote on the amendment.

Mr. BAILEY. I desire to address the House.

Mr. LACEY. On the amendment?

Mr. BAILEY. No, sir; upon the bill.

Mr. LACEY. I would like to have this amendment disposed of. I think the House is ready to vote upon it.

Mr. BAILEY. Mr. Speaker, there are those who would oppose the passage of this bill upon the ground that it is unwise to introduce the divisions of a partisan contest into the camp of an army, but I am not one of them; and if I were a member of the legislature of a State whose constitution permitted it, I would very cheerfully support any safely-guarded bill to enable our volunteer soldiers to participate in our elections. But I can not and will not support this measure, because Congress can not pass it without plainly transcending its own powers and invading the right which has been reserved—and which I believe has been wisely reserved—to the States of determining the qualifications of their own voters.

Nobody doubts the authority of Congress to regulate the times, places, and manner of holding elections for Representatives in Congress. But it must be remembered that when the framers of the Constitution conferred that power upon Congress, they did not contemplate that it would ever be exercised except in the extreme case of a State failing or refusing to provide for the election of Senators or Representatives. All who are familiar with the proceedings of the Philadelphia Convention know that Mr. Madison, to whose wisdom more than to that of any other man, we are indebted for our present Constitution, in reciting the history of this very provision, declared that it—

Was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.

It was not expected or intended that this power would be exercised by Congress so long as the States should provide properly for the election of Representatives and Senators in Congress; and, believing that all elections should be left to the States so long as they comply with their duty in that respect, I would oppose this measure even if it went no further than merely to regulate the times, places, and manner of holding Congressional elections.

But, sir, it goes very much further than that.

Mr. MORRIS. If the gentleman will permit an interruption, I call his attention to the word "alter" in the Constitution.

Mr. BAILEY. I do not doubt the power of Congress to make or alter the regulations of a State.

Mr. MORRIS. The gentleman said, as I understood, that it was never contemplated that if a State should adopt regulations on this subject, Congress should have anything to do with them.

Mr. BAILEY. Of course, if a State should make a regulation that was not a sufficient method of securing the election of Senators or Representatives, Congress could alter that regulation; but the gentleman well knows that the highest authorities have asserted what I now say. Indeed, what higher authority would he ask than Mr. Madison, whose exact words I have already quoted?

Mr. MORRIS. I understood the gentleman to say that it was only in case the States should refuse to make regulations—

Mr. BAILEY. Certainly if the regulations adopted by a State were calculated to defeat an election, Congress could alter them. But I will say to the gentleman—

Mr. MORRIS. Then the gentleman concedes that Congress can alter the regulations adopted by the State?

Mr. BAILEY. Unquestionably, as to the time, place, and manner of holding the election. Nobody doubts that.

THIS BILL AFFECTS QUALIFICATIONS OF VOTERS.

But, Mr. Speaker, this bill not only undertakes to regulate the time, place, and manner of holding Congressional elections, but it affects the qualifications of the voter. The third section contains this provision:

That each elector voting under the provisions of this act shall be considered as voting in the Congressional district, county, and place of his residence, and shall have the same right to vote for Representative in Congress that he would have had if he had not entered the military service, and his ballot shall accordingly be counted.

When I turn to the constitution of my own State—and in that respect it is similar to the constitutions of other States—I find in its chapter on suffrage this provision:

The following classes of persons shall not be allowed to vote in this State:
First. Persons under 21 years of age.
Second. Idiots and lunatics.
Third. All paupers supported by any county.
Fourth. All persons convicted of a felony, subject to such exceptions as the legislature may make.
Fifth. All soldiers, marines, and seamen employed in the service of the Army or Navy of the United States.

Now, sir, although the constitution of Texas expressly provides that soldiers, sailors, and marines employed in the service of the Army or Navy of the United States shall not be permitted to vote, this bill, in the very face of that disqualification, declares that these men shall vote and that their votes shall be counted. The only purpose of incorporating such a provision in this bill must have been to override the constitutions of States like my own.

Mr. POWERS rose.

Mr. BAILEY. The gentleman from Vermont rises, and I yield to him.

Mr. POWERS. In section 2 of the bill it is provided that—

Every lawful elector of any State, duly qualified to vote under the laws thereof—

May vote in the manner prescribed by this bill.

Mr. BAILEY. Everyone who was a qualified elector when he entered the Army.

Mr. POWERS. One word further.

Mr. BAILEY. Certainly.

Mr. POWERS. Now, I understand my friend to raise the objection that under the constitution of his State a soldier is not a qualified elector in that State.

Mr. BAILEY. This bill in its second section says "that any elector who was a qualified voter at the time he was mustered into the service" shall have the right to vote. Every Texas volunteer soldier who possessed the qualifications prescribed by our constitution and was subject to none of the disqualifications, was a qualified voter at the time he was mustered into the military service of the United States. Now, let me put the question to the gentleman in the most concrete form. Suppose I had been at home and had volunteered. No man doubts that I am a qualified voter and would have been at the time I was mustered into the Army; yet the moment my company was mustered into the service of the United States I would have become subject to this disqualification. But inasmuch as I was a qualified voter when I was mustered in, the third section of this bill entitles me to vote and declares that my vote must be counted.

Mr. POWERS. Now, if the gentleman will allow me, I do not claim that. On the contrary, I insist that if he correctly reads the provision of his constitution, Congress has no power whatever to confer the right to vote in this way upon soldiers enlisting from the State of Texas.

Mr. BAILEY. It is perfectly plain, and the provision of our constitution is not subject to two constructions.

Mr. POWERS. I accept your reading of it and your rendering of it, and I agree that this bill will not confer suffrage upon soldiers enlisting from Texas.

Mr. BAILEY. Will the gentleman then tell me the object of this section, if it was not to confer the right of suffrage upon somebody who could not vote without it?

Mr. POWERS. Will the gentleman let me finish my statement?

Mr. BAILEY. Certainly.

Mr. POWERS. I agree that in any case where a State constitution has imposed a disqualification upon soldiers serving in the Army or Navy against voting that that disqualification, as it is operative at home in Texas, would be operative everywhere, and that Congress has no power to change a constitutional qualification of the voters of any State imposed by that State. Now, this bill will be inoperative as to Texas, but I doubt if there is any other State in the Union that contains a similar provision.

Mr. SETTLE. Kentucky has one.

Mr. BAILEY. If it is a valid law, it stands not only against the constitution of Texas, but against any constitution that might run counter to its provisions.

Mr. POWERS. My friend misrepresents my attitude.

Mr. BAILEY. You mean that I misunderstand it. I would not misrepresent it.

Mr. POWERS. I do not claim that the bill will be operative in your State. I concede that it can not be, because it would change the qualifications of the voters under the constitution of your State, and as there are two or three other States it is said which have similar constitutional provisions, of course those States will lose the benefits of this act, but it is a statute that will cover most of the States in the Union.

Mr. BAILEY. I understand your position, and I have not misstated it. I desire to emphasize it, because it is something gained in the argument when the advocates of this bill are compelled to admit that it conflicts with the constitution at least in respect to one State of the Union.

Mr. LACEY. I should like to ask my friend from Texas in relation to his own constitution, does not that expressly apply only to the Regular Army?

Mr. BAILEY. It does not.

Mr. LACEY. I think it does.

Mr. BAILEY. It says, "in the service of the Army or Navy of the United States."

Mr. LACEY. The Army of the United States, and that has a well-known meaning. It means the Regular Army, not the militia.

Mr. BAILEY. If you will read the bill which organizes these volunteers, you will find that it organizes the Army of the United States into two branches, the regular and the volunteer branches, but both are the Army of the United States.

Mr. LACEY. It organizes them into the Army of the United States and into the volunteers.

Mr. BAILEY. No; it organizes them into the Army with two

branches—regulars and volunteers. We can settle that question easily if some one will bring me a copy of that bill.

Mr. LACEY. Another question. Do you mean to tell this House that if a soldier is home on furlough in the State of Texas that under your constitution he can not vote?

Mr. BAILEY. Undoubtedly he could not.

Mr. LACEY. I think you are mistaken, with all due deference, and that question is liable to arise in the next Congress.

Mr. BAILEY. I want to say to the gentleman that if the soldier was at home or in the field, and I was making the law, and the constitution of Texas did not stand in the way, I would let him vote; but with that constitution before me I would repeat the words of the learned justice of the supreme court of Michigan, who said:

I am disturbed by no apprehension of danger from allowing our citizen soldiers to exercise the elective franchise and to exert their due influence in the Government and institutions of the country, for the preservation of which they are willing to offer up their lives. Nor can I perceive the justice or wisdom of that policy which would confine the right of suffrage to the less patriotic who remain at home in this hour of our country's peril. But the remedy is to be found only in an amendment of the constitution.

Mr. LACEY. Now, will my friend allow me? The Constitution states what constitutes the Army. I will call his attention to page 9, as it appears in the Digest:

That Congress shall have power to provide for calling forth the militia—

Mr. BAILEY. We have not called forth the militia.

Mr. LACEY (continuing)—

to execute the laws of the Union, suppress insurrection, and repel invasion. To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Mr. BAILEY. But this is not the militia.

Mr. LACEY. The officers are appointed by the States.

Mr. BAILEY. They are before mustered in.

Mr. LACEY. And to be appointed hereafter.

Mr. BAILEY. The Adjutant-General of the United States says they can not be. This is not the same bill that you organized the Army under during the civil war.

Mr. HANDY. This is the clause under which power is given:

Congress shall have power * * * to raise and support armies.

Mr. BAILEY. Here is your second section, and I ask the gentleman from Iowa to give it his attention.

The organization of the naval and land forces of the United States shall consist of the Army of the United States and the militia of the several States when called into the service of the United States, etc.: *Provided*, That in time of war the Army—

Now mark the words—

shall consist of the two branches, which shall be designated respectively the Regular Army and the Volunteer Army of the United States.

Mr. LACEY. Now, what army is referred to by the constitution of Texas that was at the barracks of Fort Elliott and Fort Brown—

Mr. BAILEY. It is the Army of the United States.

Mr. BALL. Our constitution uses this language, as I remember it:

Soldier, sailor, or marine employed in the service of the Army or Navy of the United States.

Is not that correct?

Mr. BAILEY. It is; and every Texas volunteer is now "employed in the service of the Army or Navy of the United States." The Army bill recognizes the distinction between the Army and the militia which the gentleman from Iowa has raised, and then proceeds to make a further distinction as to the Army itself, dividing it into regulars and volunteers. The bill under consideration confirms my contention and refutes the gentleman from Iowa, because it extends the right to vote to—

The members of any regiment or battery in the United States volunteer service—

Mr. LOUD. Will the gentleman yield to me for a question?

Mr. BAILEY. I will.

Mr. LOUD. I want to say to the gentleman that I should like to vote for this bill, if I can. The gentleman admitted here in unequivocal language that Congress had the right to alter or amend these regulations.

Mr. BAILEY. Not such regulations as I am now discussing; but regulations as to the time, place, and manner of holding the election.

Mr. LOUD. But the gentleman dismisses that question by stating that there was not a person in the House who would dispute it. Now, does the gentleman claim that Congress has the power to prescribe regulations for one portion of the citizens of a State and not for another? Does the gentleman hold that it has any power to prescribe any other than general regulations?

Mr. BAILEY. I think that extremely doubtful. I only said that it had the power to make regulations as to time, place, and manner. I did not go into the question of making one regulation for some voters and a different regulation for others.

Mr. LOUD. I think it is a strong point, in my view.

Mr. BAILEY. So do I; but I think there are other and stronger objections to the bill.

I desire to return for a moment to the question to which I was addressing myself when interrupted by the gentleman from Iowa. If the third section of this bill is not designed to qualify soldiers to vote notwithstanding the fact that they have been disqualified by the States from which they come, then it is not only surplusage, but it is worse. That it was drawn and inserted, however, with that very purpose in view is made apparent by the fact that it commands the counting of such votes. It is true that the gentleman from Vermont admits that it is beyond the power of Congress to do this, but if the bill passes this House at all it will pass with that provision in it; then suppose an election for Congress is held in a State whose constitution disqualifies soldiers, and that the votes as cast in the district elected A, while the votes cast both inside and outside of the district elected B, does anybody doubt that a House that passed this bill would seat B? If you doubt it, I invite you to recall an episode of the civil war.

The State of Michigan passed a law very much like this which we are now urged to pass. The constitution of Michigan was very much like the present constitutions of nearly all of the States in that it required residence in the precinct where the voter offered to cast his vote. A case went to the supreme court of Michigan, and the court held the law unconstitutional, and that decision was concurred in by so distinguished a lawyer as Judge Thomas M. Cooley. Under that law a contest came to the House involving the precise question whether the soldiers' votes should be counted. If the votes cast by soldiers were counted, Mr. Trowbridge was elected; if they were rejected, Mr. Baldwin was elected; and the House, in utter disregard of the decision of the Supreme Court that such votes could not be counted, did count them and gave Mr. Trowbridge his seat. It is absurd to suppose that this House will pass this bill and that the next House, composed largely of the same members, will hold it unconstitutional. The question will not be before a court, because the House is the judge of the election returns and qualifications of its members.

BILL SUSPENDS STATE REGISTRATION LAWS.

Passing now from the question of allowing soldiers to vote, I come to the next section, which suspends the registration laws of every State in the Union. If, sir, Congress has the power to pass such a law during a war, it has the same power to pass it in a time of peace, because the power of Congress over the question does not depend in any wise upon the time when it is exercised. It is precisely the same in war as in peace, and if it exists at all, it exists at all times. Not only is this true as to time, but it is true also as to place. If Congress can suspend the registration laws of a State in respect to an election held outside of it, it can suspend them in respect to an election held inside of it. It will not be denied that if Congress can suspend the registration law of Mississippi when Mississippi soldiers are voting in Florida, it can suspend it when citizens of Mississippi are voting at home, and can thus destroy a qualification which that State has prescribed, and which she had a right to prescribe, for her voters.

Mr. McCULLOCH. Will the gentleman allow me a question?

Mr. BAILEY. Certainly.

Mr. McCULLOCH. The law in a great many States provides that the voter shall vote in the township or precinct in which he lives. Can Congress nullify that law?

Mr. BAILEY. That is a very important point, and I am coming to it.

Mr. BLAND. The constitution of Missouri provides that cities having a certain population shall have registration.

Mr. BREWER. The Alabama constitution requires the voter to be registered, and this repeals the constitution of my State.

Mr. HANDY. The constitution of Delaware requires registration as a constitutional qualification preceding the voting.

BILL SUSPENDS QUALIFICATION OF RESIDENCE.

Mr. BAILEY. If Congress can suspend registration laws, it can destroy the qualification of residence, and the authors of this bill have attempted to do so. At least four-fifths of the States require as a qualification of the voter that he must have resided in the county and in the precinct where he offers to vote a given time. The constitution of Texas, after reciting who are not qualified voters, proceeds to enumerate who are. It provides—

That every male person subject to none of the foregoing disqualifications who shall have attained the age of 21 years, who shall be a citizen of the United States, who shall have resided in the State one year next preceding the election, the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector.

Now, under the constitution of the State of Texas, and it is true in at least thirty-seven States of the Union, no man is a qualified voter anywhere in the State except in the county and district where he has resided for a certain length of time and where he offers to vote. Can this law apply to any State with such a requirement? Let us see. Many soldiers who reside in my home county are to-day in camp near the city of Austin. If they should attempt to vote and their vote should be challenged, the election

officer must propound the question, "Have you been a resident for six months in the county and district in which you offer your vote?"

The soldier must answer that he has not; and if he has not, he is not qualified under the laws and constitution of Texas to vote; but under this bill the military judge of the election must accept his vote and it must be counted. Suppose that after the soldier had voted for me or for my opponent for Congress, he should attempt to vote for a candidate for the legislature from Cook County, he could not do so; and yet the Constitution of the United States declares—

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Under the supreme law of this land no man can vote for a Congressman who can not vote for a legislator, and every man who can vote for a Congressman must be qualified to vote for a legislator. But, sir, under the provisions of this bill we have the remarkable anomaly of a citizen voting for a member of Congress without being qualified to vote for a representative in the legislature—a palpable violation of the Constitution.

RESIDENCE AND OFFER TO VOTE A QUALIFICATION.

But it is said a man does not cease to be a resident of his county or district when he goes into the Army. That is perfectly true, but it does not reach this question. The qualification is that he must have resided for a certain length of time in the precinct and county where he offers to vote. Of course I do not cease to be a citizen of Texas because I happen to be in Tennessee on election day, and still I can not vote either in Tennessee or Texas. I would not cease to be a citizen of Cook County, and therefore a qualified voter in that county, if I should happen to be in Grayson County on election day; but no man will insist that, under our Constitution and laws I am qualified to vote either in Grayson County, where I can offer to vote, but where I do not reside; or in Cook County, where I do reside, but where I can not offer to vote.

Is the requirement of a residence for a given time within the county and district a qualification of the voter? The gentleman from Vermont [Mr. POWERS] himself admits that if it is, it is beyond the power of Congress; and the only question between him and me is whether the requirement of residence in the county and precinct where the vote is offered is a qualification of the voter or is a mere question of where the election is held. Let us look for a moment at the statutes of Texas. One chapter lays down rules for the "time and place of holding elections," another lays down rules for the "manner of holding elections," and another fixes the qualifications of a voter; thus showing conclusively that our lawmakers and codifiers understood the distinction between the time, place, and manner of holding an election and the qualifications of a voter.

Now, in that distinction, carefully made, where do they put the question of residence? Do they place it under the head of "the time and place of holding the election?" Not at all. Do they place it under the head of "the manner of holding an election?" Not at all. They place it where it ought to be—under the head of the qualifications of the voter; and I declare, without a moment's hesitation, that no respectable authority can be found in which it is even intimated that Congress can suspend or alter the requirement of residence when it is made a qualification of the voter.

Not only does the constitution of Texas make residence a qualification, but other States have followed our example in that respect. The constitution of Missouri is, if possible, more explicit than that of Texas. It is as follows:

SUFFRAGE AND ELECTIONS.

SEC. 2. Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of 21 years, possessing the following qualifications, shall be entitled to vote at all elections by the people.

First. He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second. He shall have resided in the county, city, or town where he shall offer to vote at least sixty days immediately preceding the election.

It appears from this extract that Missouri treats the question of residence in the county, city, or town where the elector offers to vote more specifically as a qualification than it does the requirement of age, sex, or citizenship. That a voter shall be a male citizen of the United States, or a male person who has declared his intention to become a citizen, and shall be over the age of 21 years, are, of course, qualifications, although they are recited in this Missouri constitution as mere terms of description, while the requirements that the voter "shall have resided in the county, city, or town where he shall offer to vote at least sixty days immediately preceding the election" is called *eo nomine* a qualification.

I have here the American and English Encyclopedia of Law,

which specifies residence as a qualification of the voter and not as the place of holding an election. It declares that—

The constitution of nearly all the States and the laws of nearly all the Territories require a residence for a definite period, ranging from three months to three years, as a prerequisite to the right of suffrage; and they generally require residence for a certain period in the county and precinct.

Paine on Elections lays down the doctrine in these words:

Residence is generally a qualification for the exercise of the right of suffrage. It is prescribed by constitutional or statutory provisions in the United States. In some cases residence for a specified period of time in the voting precinct is required; in others, residence for a prescribed period in the State or election district suffices.

It thus appears that residence, sometimes in the State, but generally in the State, county, and district, is required before any citizen is a qualified voter.

Mr. LINNEY. But, if the gentleman will allow me, those authorities do not hold that the bodily presence of a voter in the district is required to constitute residence. A man may not be in New York for five years, and yet his residence may be there.

Mr. BAILEY. That is perfectly true; but if he should go back to New York and offer to vote in a precinct where he had not resided, he would find that while he had not lost his residence in a certain county and precinct, he would not be a qualified voter in another county and precinct.

Mr. BRUMM. The gentleman does not contend that the bodily presence of a voter is essential to residence.

Mr. BAILEY. Not to residence, but it is to vote, and the supreme court of the gentleman's own State has so held.

Mr. BRUMM. I think the gentleman is in error on that point.

Mr. BAILEY. I know that I am not in error about it.

Mr. BRUMM. If bodily presence is not an essential element of residence, why can not Congress, having the power to extend the question of residence, extend the distance of what is to constitute residence?

Mr. BAILEY. Congress can not touch the question of residence as it affects the right to vote in a State.

Mr. BRUMM. May it not extend the question of residence so far, for instance, as to say with reference to the voter that his residence need not be in a particular ward, but may extend wherever the flag of the United States goes, and wherever he is ordered as a soldier? Is not that the construction to be given to residence?

Mr. BAILEY. Congress possesses no such power. If it does, the States are powerless to require residence in a county, and nobody maintains that view.

Mr. BRUMM. Well, that is a question.

Mr. BAILEY. You fail to distinguish between the naked question of residence and the right to vote as it is made to depend upon the vote being offered at the place of residence. Both must concur. The voter must not only have a residence, but he must offer to vote at the place where he resides before he is qualified to vote. The decision of the supreme court of Pennsylvania, to which I have referred, was rendered upon a law similar to the one now proposed, and it was held to violate a provision of the constitution of that State which is almost exactly like the corresponding provision of the constitutions of Texas, Missouri, and many other States. It was decided that the voter, in *propria persona*, must offer his vote in the election district where he resides.

Mr. BRUMM. That is construing a State law.

Mr. BAILEY. A State law and a State constitution.

Mr. BRUMM. The State could not extend residence outside of the State.

Mr. BAILEY. You asked me if I meant that bodily presence is necessary to vote, and I answered that the supreme court of Pennsylvania, passing upon the constitution of Pennsylvania, held that it was.

Mr. BRUMM. I beg your pardon. You did not understand me. I did not mean to say that it did not require bodily presence to vote. I said residence did not require bodily presence. Of course a man may not vote by proxy.

Mr. BAILEY. I am talking about residence only as it is related to the right to vote, and, of course, my answer must be understood with reference to the question which we have in hand.

Mr. BRUMM. In answer to that I simply stated that the United States Government had the right to extend the boundary of residence to wherever the flag floated.

Mr. WILLIAMS of Mississippi. The Government of the United States can not change the boundaries of a county in the State of Texas.

Mr. BAILEY. Does the gentleman from Pennsylvania mean to claim that Congress can extend the limits of residence when it has been defined by the State as a qualification of the right to vote?

Mr. BRUMM. For any purpose.

Mr. BAILEY. I am absolutely sure that the gentleman in charge of this bill will not ask the House to subscribe to that doctrine.

Mr. BRUMM. The gentleman still makes the error that it requires bodily presence for residence.

Mr. BAILEY. I do not. This is not a question as to where the

voter resides, but as to where he must cast his vote, and I am contending that he must cast it where he resides. I do not doubt that a man may be a resident of a particular State and county, although he might be absent from both for years, but my contention is that under the constitutions of many States he can only vote in the county and election district in which he resides.

Mr. MOODY. If the gentleman from Texas will allow me, I have clearly understood the gentleman's position in every respect except one. I understand that where the constitutions or laws of the several States make residence a qualification of the voter, that it is beyond the power of Congress to confer the right to vote upon a person so disqualified by the State. Now, the question I want to ask the gentleman from Texas, not for the purpose of debate, but for the purpose of simply understanding his position, is this: I assume that the residence of a soldier may continue to be his home, even though he goes to the Philippine Islands?

Mr. BAILEY. Certainly.

Mr. MOODY. Then is it not within the power of Congress, respecting the qualification of residence which the several States may establish, to provide that a person qualified by residence to vote in his own State may, in point of fact, cast his vote somewhere beyond the border of the State, and do that within its constitutional power of regulating the place of holding an election? Upon that I should like to hear the gentleman.

Mr. BAILEY. The question of the gentleman from Massachusetts [Mr. MOODY] suggests the only possible defense for this bill, and I am glad to meet it. I only hope that I can be as clear in answering it as he has been in asking it. I insist that where the constitution or the law of a State requires the voter to cast his ballot in the county where he resides, Congress has no power to authorize him to cast it at any other place, because his right to vote at all is coupled with the requirement that he shall offer to vote in the county and district where he resides; and it is not therefore a mere regulation of the place where the election is to be held, but it is an essential element of the voter's qualification. We all agree that Congress can fix the place for holding a Congressional election, but I flatly deny that in doing this Congress can authorize any man to vote for a member of this House who can not also vote for a member of the legislature of his State.

Mr. MOODY. I agree to that.

Mr. WILLIAMS of Mississippi. And in the same place.

Mr. MOODY. I do not agree to that last qualification.

Mr. WILLIAMS of Mississippi. The Constitution says that when it says that nobody shall vote except those who can vote for the members of the most numerous branch of the State legislature. That proposition does not have to be agreed to.

Mr. MOODY. A voter may have the same qualification without having actually the same bodily ability to vote.

Mr. BAILEY. That brings us back to the question as to whether residence in the precinct where he offers to vote is a qualification of the voter or a mere regulation as to the place of holding the election.

Mr. MOODY. Exactly.

Mr. BAILEY. All the authorities hold that residence in the county and precinct is a qualification and not a mere question of where the election is held. In the constitutions of nearly all of the States it is specifically made one of the qualifications of the voter; and I have already cited the authority of the American and English Encyclopedia of Law and Paine on Elections to the same effect. It remains, then, for me to dispose of the one inquiry whether a vote cast by a resident of the First precinct of Cooke County, Tex., although cast in Florida, is not after all cast in the county and precinct where the voter resides. Certainly this is not true physically, and I do not think Congress has the power to make it true politically. Florida is not Texas, and an act which the law requires to be performed in Texas can not be legally performed in Florida. This is one of those propositions which are so obvious that argument only tends to obscure it. My judgment is that Congress has no more power to authorize an elector to vote in a county where he resides, but does not offer to vote, than it would have to authorize him to vote in a county where he offers to vote, but where he does not reside. The qualification consists of two requirements: *residence* and *the offer to vote*, each is equally binding; and if this bill can suspend the one, another bill can suspend the other. But, sir, without asking the House to hear what I might be able to say upon it, I will call its attention to the fact that the very question has been expressly and repeatedly decided by the courts.

In New Hampshire they have, or did have, a peculiar practice under which the legislature might apply to the court for its opinion on the constitutionality of a law; and when the legislature of that State passed what was known as the "soldiers' voting bill" they applied to the court for an opinion as to its constitutionality. The court first gave its opinion, and afterwards filed the reasons for it; and in a carefully prepared argument upon the question, they say:

If under the constitution of this State it were a qualification of the elector of Representatives in Congress that he should cast his vote in the town or

place where he resides, then neither Congress nor the State legislature could give him the right to cast it elsewhere.

This very question also came before the supreme court of Pennsylvania. That State then having a constitution almost identical with that of Texas, and the legislature passed "a soldiers' voting law." A question arose over its constitutionality, and was carried to the supreme court of the State, which held the law unconstitutional upon the ground that the constitution fixed the requirement of residence as to the place of voting, and that the legislature could not alter it. The court plainly and unanimously decided that the statute which authorized a soldier to cast his vote in the Army was in direct and palpable violation of the constitutional provision which required a voter to reside in the county where he offered to vote.

The question as to whether the constitutional requirement of residence in the county and precinct where the elector offers to vote was a regulation of the place for holding the election or a qualification of the voter was not involved in that case, and the decision possesses no particular value in that respect; but it is absolutely conclusive on the point that an offer to vote in any place other than the county and precinct in which the voter resides is not a compliance with the requirement that the "voter shall reside in the county and precinct where he offers to vote." In other words, the case decided that a vote cast in Texas is not and can not be treated as cast in Pennsylvania, and it gives a reason which has never been and can never be answered when it says that the purpose of requiring a man to reside in the county and precinct where he offers to vote is that "his neighbors may establish his right, if it is challenged; and challenge it if it is doubtful."

The Iowa case to which the committee refers in its report as sustaining the power of Congress to pass this bill, if in point at all, is really an authority against it. In the first place, the language of the Iowa constitution is different from the language of nearly every other constitution. Instead of providing, as most States do, that the voter "must reside in the county where he offers to vote," the Iowa constitution provided that he "must reside in the county where he claims his vote," and it was upon this difference of language that the supreme court of Iowa based its decision.

But while the court sustained the constitutionality of the Iowa law, it did so not because it was considered by the court to be constitutional, but because it could not be conclusively shown to be unconstitutional. The court itself used this language:

We can not with conclusive satisfaction place our finger upon the language of the constitution which is clearly and palpably violated, and though we might not be satisfied of its constitutionality, yet, if not satisfied of its unconstitutionality, it is our duty to uphold the law.

Mr. POWERS. Now, if the gentleman will allow me to interrupt him a moment right there, he speaks of the requirement of residence as it is found in his State constitution. Supposing that the constitution of Texas said nothing on that point whatever, but that the State legislature, by way of regulating the right of suffrage, provided that the voter should vote in his own precinct. Would the gentleman say that Congress could not amend that?

Mr. BAILEY. I would say so unhesitatingly. The power of Congress over the constitution of the State is precisely the same as its power over the legislation.

Mr. POWERS. I can not agree to that.

Mr. BAILEY. There is no possible distinction.

Mr. RICHARDSON. It relates to a power delegated to it.

Mr. POWERS. The gentleman will recall the clause of the Federal Constitution which says that the legislatures of the States shall fix the time, place, and manner of holding the elections.

Mr. BAILEY. But you are making it a matter of time, place, and manner. I am treating it as a qualification, and Congress has no more power over the qualification of voters when fixed by statute than it has when fixed by the constitution of a State.

Mr. POWERS. The point I am trying to make here is this, that if the legislature assumes jurisdiction to fix the time, place, and manner of holding the election, then, really, Congress has the right to alter that.

Mr. BAILEY. Of course as to "the time, place, and manner," whether fixed by statute or constitution.

Mr. POWERS. Not at all. That is where we differ. I insist that everything that is provided in the constitution of the State touching the qualification of a voter—

Mr. BAILEY. Touching the qualification—I agree to that.

Mr. POWERS. Very well. Everything that touches the qualification of a voter, so far as it is embodied in the State constitution, is beyond our reach.

Mr. BAILEY. And that is just as true of a qualification fixed by statute as it is of a qualification fixed by the State constitution.

Mr. POWERS. And I agree, as I said before, that where the constitution of a State provides residence as a qualification we can not alter that. Now, in the case of Kentucky, I am told by the gentleman from Kentucky that they have nothing there but a statutory regulation.

Mr. SETTLE. It is also a constitutional provision.

Mr. SMITH of Kentucky. It is a constitutional provision, and I have the provision before me.

Mr. BAILEY. Does the gentleman know that at least thirty-seven States in the Union have practically the same requirement? I have not examined the later constitutions, but I venture to say they have it also.

Mr. SMITH of Kentucky. If the gentleman from Texas will yield to me, I will read the section of the constitution.

Mr. POWERS. I agree that if the constitution fixes a qualification, we can not change it.

Mr. SMITH of Kentucky. The constitution of the State of Kentucky reads in this way:

SEC. 145. Qualifications of voters. Persons disfranchised. Every male citizen of the United States of the age of 21 years, who has resided in the State one year and in the county six months, and in the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in such precinct, and not elsewhere.

But the following persons are excepted—and I call the gentleman's attention to another provision:

The general assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of 5,000 or more, and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote.

Mr. BAILEY. Which means only those are qualified to vote.

Mr. MOODY. Just one other question, if the gentleman will permit me.

Mr. BAILEY. I always yield with pleasure to the gentleman from Massachusetts.

Mr. MOODY. I agree with the gentleman from Texas that the qualification of a voter is just as much beyond our control here in Congress when established by the legislature as it is when put in the constitution. Now, I would like to ask the gentleman from Texas if he does not concede the converse proposition—that the time, manner, and place of holding the election is just as much within our control when it is regulated by the constitution of the State as it is when it is regulated by the statutes of the State?

Mr. BAILEY. I do.

Mr. BARTLETT. If the gentleman from Texas will allow me, take my own State constitution. It prescribes what the qualifications of the voter shall be and also prescribes that the legislature shall provide for the registration of voters, and the legislature of Georgia has gone on and prescribed how the voters shall be registered and that when registered they shall vote, and it provides in that act that only voters who are registered in accordance with that act shall be qualified voters.

Mr. BAILEY. The majority of the States do the same thing; and I say to the gentleman from Vermont, who admits that it is beyond our power to change such provisions when in the State constitutions, that all except perhaps four States establish the qualifications of all voters in their constitution; and over thirty-seven of them require residence in the county in which the offer to vote is made as one of the qualifications for voting.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

Mr. BAILEY. Certainly.

Mr. WILLIAMS of Mississippi. The gentleman from Vermont attempts to make the distinction between the prerequisite for casting a vote in a State as fixed by the legislature of a State and as fixed by the constitution of the State; and he says when fixed by the legislature it is a mere regulation, which Congress may override; and when fixed by the constitution it becomes a qualification, which Congress can not override.

In other words, that Congress can override a law of the State in a case where it can not override the same thing contained in its constitution, as if the constitution were not merely a law of the State. We have that in Article VI, paragraph 2, of the Constitution of the United States. All that matter is settled when it says:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Now, then, if residence is a qualification, Congress can not override it, whether in the law or the constitution of the State, and if it is not a qualification, it falls within the general head of time, place, and manner of holding an election, and then Congress can override it whether in the constitution or the law.

Mr. BAILEY. I think that is perfectly plain, and I think it can not be better stated than my friend has stated it. If Congress can enfranchise the disfranchised soldier; if it can suspend the registration laws of the States and nullify the requirement of residence, then, sir, it can completely annihilate the power of the States over the qualifications of their own voters.

NO SUCH LAW EVER BEFORE PROPOSED.

I have occupied more time than I had intended; and in conclusion I want to remind the members on both sides of the Chamber that we have passed through three wars, and this is the first time Congress was ever asked to enact a law like this. We passed through the war of 1812, during an era of good feeling, when political divisions had almost disappeared, and nobody asked Congress to pass a law like this. We passed through the Mexican

war, when the Democrats were in possession of the Presidency and the House, and no proposition like this was submitted. Then came those unhappy years of sectional strife, when the Republican party was in almost undisputed possession of the House, and still no proposition like this came from any committee during all that time.

Out of the twenty-three States which adhered to the Union during the civil war, only fourteen passed laws authorizing their volunteers to vote; and notwithstanding that the laws of at least two were held unconstitutional, nobody appealed to Congress for a measure like this. After the decisions of the Michigan and Pennsylvania courts one-half of the States remaining in the Union during the civil war denied their volunteers the right to vote, and yet no appeal was made to Congress.

The SPEAKER. The gentleman's time has expired.

Mr. RICHARDSON. I ask that the gentleman from Texas may conclude his remarks.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Texas may be allowed to continue his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BAILEY. Sir, I feel as keenly on this question as any member of this House. My sympathies are as strongly with the men in the field as any man's can be. I feel, besides, a personal interest in it, because I know that at the front there is a cavalry company organized in my home county, out of the very flower of its youth, which has honored me by taking my name. I would not only trust those men with the ballot, but I would trust them with my own life and with the safety of my wife and children. I know them; I know their worth and their fidelity, and I know that they would follow, if their duty led them, into the very jaws of death; but not one of them would ask the American Congress to accord to them a privilege which it is beyond our power to grant.

There is also another company from an adjoining county, an infantry company bearing my name and certain to distinguish itself if it ever engages in battle, because braver men never followed the flag. They are the sons of the men who followed Pickett in that desperate charge at Gettysburg, when, though riding to death, they still rode to deathless fame. I would pledge my life that in the conflict now upon us they will fight as valiantly for the flag of our reunited country as their fathers fought against it in the fateful years of long ago. But willing as I would be to trust them; glad as I would be to see them vote, that question belongs to the State of Texas, and there I intend to leave it. [Prolonged applause.]

Mr. LEWIS of Washington. Mr. Speaker, during my short and uneventful service in this House I have on two or three previous occasions had to differ with my distinguished friend from Texas [Mr. BAILEY]. No one in this House will have recalled an instance wherein that difference was tinged by the slightest personal emotion. Whatever differences I may have entertained and previously expressed as to any opinion offered by the gentleman from Texas, those differences have ever been tendered with timidity and with doubt.

I make free to assert at this time that there never was an occasion to which I was moved to differ with him with more hesitancy and more misgiving than now, when, on behalf of those who authorize me to speak their views, I assume in an informal manner to justify the position which I shall hereafter take upon a measure so essential to a certain beloved element of our country.

Mr. Speaker, no man in this House would question the patriotism of the distinguished gentleman from Texas. No man in this House—lest that man would be inclined to be a slanderer—would assume for a moment that in any position he and those who shall follow him have taken upon this measure they do so for any other motive than the honest preservation of the Constitution as they believe and read it. Sir, when I look around me and see such eminent men as my friend from Mississippi [Mr. WILLIAMS], my friend from Kentucky [Mr. SETTLE], and the gentleman from Delaware [Mr. HANDY], who have given to the Constitution much study and close application, differing from me, it causes me to feel that, perchance, I may be wrong.

Mr. Speaker, I profess to be a Democrat. I am a Democrat, one who draws his political distinctions from the Constitution of his country and the organization of its laws. I am the last of men who would attempt to pervert the Constitution or to divert the construction of it either to sustain a privilege or to grant a power. Measures of this kind, Mr. Speaker, it is true are not altogether new. The gentleman from Texas revives our memory that during the war of 1812 there were similar measures to this before the House. He likewise informs us that in the civil strife of 1860 like measures, looking to a similar relief, were likewise proposed by several States and were carried.

My distinguished friend could have got a better illustration by going back to an earlier period, by reverting to the Roman period, and recalling that Julius Caesar recommended to his country a provision not very far departing in principle from this before the House, that was in order that the soldiers may vote in the field and

prevent the persecution of masters which might be brought upon them at home by those who, pretending patriotism, ever practice despotism. [Applause.]

Measures such as these have ever been animated, let us hope, by zealous consideration for the individual who is to enjoy the privilege. Let us all believe that it was ever the intention to divorce this question from every conceivable partisan difference that might even unconsciously enter into its discussion or consideration. I could not, sir, demean any man on either side of this House by assuming that either his discussion or his vote upon the pending bill will be influenced to the least extent by the political faith he professes or the party creed he follows. [Applause.]

Sir, it is true that in the early days of the Constitution, when our fathers sought to give it a reading which would be consistent with the liberties of their children in the hereafter, when monarchical governments around them were crumbling beneath the hand of power, when republics were failing because of lack of stability and cohesion, our fathers were zealous and guardful; they were, perhaps, supersensitive to see that the power which was intended to be vested as a supervisory power might not be perverted into an instrument of destruction.

My esteemed friend [Mr. BAILEY] recalls intelligently to the House the fact that Mr. Madison, in the constitutional convention, had occasion to refer to the meaning and operation of these clauses. My distinguished friend, however, omitted to recall the fact that Mr. Madison in these discussions at no time disclaimed the right of Congress, in times of emergency or when the experience of the National Government seemed to justify it, to take steps even as against the advantages of the domestic governments which seemed essential to national welfare.

Scholars familiar with the history of this country will recall that in the Confederacy of 1781—during the continuance of the Revolutionary period—when it appeared to those apprehensive in regard to the continuance of our Republic that there might be an attempt on the part of those who sought to form our Confederacy after the Achaean league in Sparta, to place power separate in each individual element without allowing supervisory power of any sort over the whole. It was Mr. Madison who urged a provision (which was carried) that Congress should have the inherent and sovereign power to enact any measures looking to the protection of all civil rights which might grow out of or arise from the war necessary to the national demands, and that, too, notwithstanding any dissent or protest from any member of the Confederacy.

I concede at once to gentlemen around me, who probably recall the sequel, that in subsequent years Mr. Madison, in the defense of that position, as Professor Schouler tells us, placed this power wholly and squarely on the ground of war expediency; and while he did not say, those who have come after him as his friends did say, that had the occasion been different and the time been one of calm peace, when the state was undisturbed by strife and the nation unruffled by war, Mr. Madison might not have insisted upon a doctrine which would have laid down as authority a dogma which in after years would return to plague the inventors.

But it is enough for me to call attention to the fact that the only precedents in the constitutional debates on which my distinguished friend has laid his hand are immediately followed by a statement of the commentator showing that he partook of the spirit which pervades this House at the present time and recognized that however sovereign a State may be there can be no sovereign State in a Union without a sovereign nation. There are times when the dividing line must be recognized; there are occasions when the student of the functions of government must turn with his penetrating eye to ascertain where are the limits of authority of the one government and where the powers of the other cease.

Mr. Speaker, at the outset, that I may be understood as presenting merely a legal view against the lawyer's view, I desire to say that if I could agree with my friend in his premises I would have to conclude with his conclusion, and if I admitted his conclusion I could not support this bill, nor could any other man anxious to preserve the true line between the functions of the several governments support either the measure itself or construct the precedent which it promises. But, Mr. Speaker, as I view this matter, this is not a question of constitutional rights. It is a question of the exercise of separate powers. It is not a question of the power within the Constitution. It is a question of the exercise of powers granted by the Constitution. There is here, if I view the matter rightly, no question as to whether we take a constitutional privilege from this law. The question is whether the law gives us opportunity to exercise a constitutional right already vested in the citizen. [Applause.]

Mr. LACEY. That is the situation.

Mr. LEWIS of Washington. If I am right in the position that the question is merely one of construction of power, not one of grants, then I admit all the premises of my friend, and say that when the Constitution provided that a national assembly such as

this should have its members, there must necessarily be a provision as to the manner of their selection.

Legislatures in the different States were permitted to prescribe what should be the qualifications of voters for their sitting members in their local legislatures. Congress, therefore, had to come to the question as to what should be the qualification for the voters for their sitting Legislature. The respective States, gentlemen, prescribed specifically the definition of what should be the qualifications of their voters, and prescribed the qualifications of voters which might vote for their legislative ticket; and I will say to my friend from Texas [Mr. BAILEY], for the purpose of argument, I admit, that they defined residence, sex, and age.

When Congress came to prescribe the qualifications for the voters for her Legislature, I hold, Mr. Speaker, that, instead of going into the details of prescribing the qualifications of voters for the members of her Legislature, she merely accepted the definition by saying that the qualifications of the voters for members of Congress should be those of voters qualified to vote for members of the legislature in the several States.

This was done for two reasons, Mr. Speaker. To have gone into the several ramifications and sinuosities of the definitions of the qualifications which the individual must possess would have led into endless confusion. More than that, it would have led to much dispute at a time when uniformity was sought. So they merely adopted as the definition of qualifications of voters for members of Congress the qualifications of voters for the different legislatures of the several States of the Union. This made an immediate qualification applicable to all voters. It made a test that could be uniform in the whole Union.

This was done for the purpose, as one of the commentators well said, "that there may be a uniformity, and leaving it to all the States in the selection of their legislatures to prescribe qualifications that could uniformly apply to the selection of members of Congress." Now, mark you, Mr. Speaker and gentlemen, when Congress therefore prescribed the qualifications of voters for her national branch she merely accepted the definitions of the several States, and accepted them as the qualifications of the voters for her members of Congress.

Mr. LOVE. Will the gentleman allow me to ask him a question?

Mr. LEWIS of Washington. I shall be glad to yield to the gentleman a little later.

You will observe, Mr. Speaker, then, that I contend that Congress, in accepting the qualifications prescribed by the States as prescribing what should be the qualifications of voters for members of Congress, did not prescribe those as qualifications of voters for State offices. The Constitution of the United States did not prescribe qualifications for any State voters. It is in that respect that my friend is completely in error. Congress merely accepted that as her definition of what should be the qualification of voters for members of her National House.

Up to that point I admit all the arguments of my friend. But in addition to that, Congress did that which none of the several State legislatures to which my friend has referred ever did. It reserved within itself the right to "alter" or to "change" these qualifications of her own voters for this national branch. Therefore when she adopted this qualification of voters for members of the State legislature, as the qualification for the voters for members of Congress, she equally reserved within herself the right to alter and change those qualifications of time, place, or manner by making other qualifications in the only form in which she could do it, namely, by an act of Congress. [Applause.]

Thus, Mr. Speaker, we have it that when this act should pass this branch, it would be an expression by Congress of an alteration of the qualifications of those who may vote for members of Congress, within the powers reserved to herself, which she took at the time of the constitutional grant, to alter or change the qualification which previously she had prescribed to be that of a voter for members of the State legislature.

Mr. RHEA of Kentucky. Will the gentleman from Washington allow me to ask him a question?

Mr. LEWIS of Washington. Mr. Speaker, I am requested by two gentlemen to yield. I yield to the previous request of the gentleman from Mississippi [Mr. LOVE], who desires to interrogate me.

Mr. LOVE. Mr. Speaker, I should like to call the attention of the gentleman to section 4 of this bill, which says "the requirements of the State laws as to registration and places of election shall not apply to such electors." Under the constitution of Mississippi, registration is declared to be an essential and necessary qualification to vote at any and all elections.

In fact, a man has to register, according to the law, so many months in advance of the election, which, together with other restrictions, is a prerequisite to voting, and this is in the organic law of the State. Now, does the gentleman hold that in this case this law could actually override the constitution of the State of Mississippi and make parties in that State eligible voters who are now

prohibited from voting? The Constitution of the United States authorizes the State to fix the qualification of voters, and in pursuance of their authority the State of Mississippi requires that before a man is eligible to vote he must register. Now, can Congress set aside this act without violating the Federal Constitution?

Mr. LEWIS of Washington. Mr. Speaker, I answer my friend from Mississippi, as I assume his interrogation embodies many of the views of other friends. It is one of the embarrassing features of this bill, and no man can dispute it. I answer it according to my conviction. Every man is presumed to know the law.

Every man is presumed to know the fair and legitimate construction of the Constitution. When the Constitution of the United States reserved to Congress the right to prescribe the qualifications of a voter for a member of Congress, if any State in this Union, after yielding to Congress that privilege, should subsequently make a law which would be in conflict with that reserved right, the Constitution of the United States does not fall because of that conflict. The State act must succumb. It is the State's misfortune.

Where there is a conflict apparently on the face of two things which are not of equal strength, the weaker must essentially yield. Therefore I am compelled to answer my friend that if the provision of the Mississippi constitution enforced would render inoperative the reserved rights of the Federal Constitution, the clause in the State constitution would essentially have to give way. And in support of my position I refer him to the decision of the Supreme Court of the United States in the case of *Thacker vs. Robertson* (146 U. S., pages 1 to 89). [Applause.]

Therefore, if I understand the grounds of the position taken by my friends from Texas and Mississippi, I admit all the hardships that must fall to some in connection with this law. I never gave this bill consideration until it was brought into the House yesterday, but I have given it some attention as I have watched it from the floor, and subsequently have pursued some investigations in order that I may justify my own vote and the confidence of those who credit me as their spokesman upon this question.

Now I pass to the next position, lest I shall lose my vein of argument, to say that these questions have, one after the other, been considered at different times. This question of power in the Federal Government as encroaching upon the State, or in the State as attempting to impinge upon the Federal Constitution, has been so frequently before our courts that it seems to me there can be no doubt about their limitations in general. It has been considered in the case of *McCulloch* against Maryland and in *Earl* against the Bank of Augusta.

Later, in the election case of the United States *vs. Reese*, in that of the United States against Cruikshank, then in the well-considered election cases of *ex parte Siebold* (100 U. S.), then in the revision of that case in *ex parte Clark*, followed in the case of *ex parte Yarborough* (110 U. S.), in which the Supreme Court of the United States lay down the doctrine specifically, as I have assumed to put it before this honorable House, that that clause in the Constitution was a reserved power as to alteration and change; that whenever they sought to exercise it, it was but the mere exercise of that reserved power granted to them by the several States, and therefore if there should be conflict between that and the State—the State having granted that power—should subsequently the State take some procedure in conflict, it is rather to the misfortune of the State than as against the Constitution of the United States.

This, Mr. Speaker, is where the distinction must rest, if any constitutional distinction can be raised against this bill at all. Here is the line of dividing powers, and I repeat that it is a pure question of the exercise of the powers which the States have inherently and the exercise of the powers which the United States have had granted to them, and which under the grant they have reserved to exercise.

The Supreme Court of the United States, Mr. Speaker, in a case with which the Tennessee delegation no doubt are most familiar, of *United States vs. Brewer* (139 U. S.), that court was called upon to answer seven direct questions, of which the fourth interrogatory was whether, when a conflict arose between the statute of Tennessee prescribing the manner of conducting elections and the statute of the United States prescribing a similar manner, but applying only to members of Congress, the statute of the State or the statute of the United States should govern.

The Supreme Court of the United States, realizing that there was a wide field for discussion and for much difference, sums up without analysis, by asserting that which had heretofore been the law, as announced in the several cases I have brought to the attention of this House. Now, much has been said respecting the question of registration.

Mr. BALL. Will the gentleman from Washington yield for a question?

Mr. LEWIS of Washington. I will yield to the gentleman from Texas.

Mr. BALL. Did I understand the gentleman from Washington

to say that the Congress of the United States had the right to prescribe the qualifications of a voter for its national legislators and that the case cited so decided?

Mr. LEWIS of Washington. Mr. Speaker, it is impossible for me to say what my distinguished friend from Texas understood me to say, but I am glad to assure him that it was my intention to say that it is in the power of Congress to prescribe the qualifications of a voter who shall vote for a member of Congress as to time, manner, or place, and that the Supreme Court of the United States in the Yarbrough case so held.

Mr. BALL. I should like the gentleman from Washington to show me a line that even squints that far.

Mr. WILLIAMS of Mississippi. There is no authority that bears that out.

Mr. RICHARDSON. Did I understand the gentleman to say that that was a Tennessee case?

Mr. LEWIS of Washington. The Tennessee case was in 189 United States, and was upon a criminal prosecution.

Mr. RICHARDSON. I recall it now; it arose in Memphis.

Mr. LEWIS of Washington. Mr. Speaker—

Mr. BALL. Read the case.

Mr. LEWIS of Washington. Mr. Speaker—

Mr. HARTMAN. BALL, let him read it.

Mr. BALL. I would state to the gentleman from Montana that I will exercise my rights on the floor of the House as I think proper, with respect and courtesy to all gentlemen on the floor.

Mr. LEWIS of Washington. Mr. Speaker, I am sure my friend from Texas and my other friends understand that I am presenting purely the conclusions that I adduced and the views which I hold and which from my standpoint I obtain from this decision. My friend does not understand me, he could not understand me to say that the exact words of the opinion were my words. He must have understood that I gave the general tenor of the decision.

Now, in answer to his suggestion, I call his attention at once to the decision. I fancy he has had occasion in his extended practice to have considered the Siebold case frequently, and also the Yarbrough case, in 110 United States Reports, as a lawyer, is equally familiar to him. He will recall that in that case the question was the right of Congress to prescribe the law governing the voters at a Congressional election. The men who hold to the doctrine that we had no such powers in Congress insisted that, instead of its being for the prosecution, government, and control of elections, it was to punish the exercise of it. On page 664 is the case of *Ex parte Yarbrough*, which I will read for the benefit of my friend who requested it:

Counsel for petitioners, seizing upon the expression found in the opinion of the court in the case of *Minor vs. Happersett*, 21 Wall. 162, that "the Constitution of the United States does not confer the right of suffrage upon anyone," without reference to the connection in which it is used, insists that the voters in this case do not owe their right to vote in any sense to that instrument.

But the court was combating the argument that this right was conferred on all citizens, and therefore upon women as well as men.

In opposition to that idea it was said the Constitution adopts as the qualification for voters for members of Congress that which prevails in the State where the voting is to be done; therefore, said the opinion, the right is not definitely conferred on any person or class of persons by the Constitution alone, because you have to look to the law of the State for the description of the class. But the court did not intend to say that when the class or the person is thus ascertained his right to vote for a member of Congress was not fundamentally based upon the Constitution, which created the office of member of Congress and declared it should be elective, and pointed to the means of ascertaining who should be electors.

Mr. LOVE. Does the gentleman, as a lawyer, believe that decision covers this question and sustains his contention?

Mr. LEWIS of Washington. From my standpoint and the following comments of the case I am proceeding to read—

Mr. WILLIAMS of Mississippi. Does that decision say that Congress may alter the qualifications of a voter in a State?

Mr. SETTLE rose.

Mr. LEWIS of Washington. I will yield to my friend from Kentucky first, and then will yield to my friend from Mississippi.

Mr. WILLIAMS of Mississippi. You can answer when you desire.

Mr. SETTLE. I desire to suggest to the gentleman from Washington this, as I will not take the floor to oppose the bill: You are reading from the Yarbrough case, and the gentleman from Ohio [Mr. GROSVENOR] read the Siebold case the other day. I want to suggest to the gentleman from Washington that both of those cases, if I understood, were where the Congress of the United States interposed to alter and to make the regulations as to elections that were being held and provided for by the respective States under the Federal Constitution.

Now, the point I suggest to you is this: Do you not make a distinction between the power of Congress to make and alter a regulation of the State legislatures as to elections that they are required to provide for and elections, like this in Cuba or the Philippine Islands, that they are not required to provide for? Is there a right in Congress to make any regulation as to any elec-

tion which is not required to be held, and must not the State provide for it before the power of Congress can be invoked?

Mr. LEWIS of Washington. I answer unhesitatingly the State has power to provide machinery for the elections, and that in the absence of it Congress can control from the beginning to end completely. [Applause.]

Mr. SETTLE. I beg the gentleman's pardon. I do not think he caught my question. Here is the point of my question: I agree with you that Congress can alter or make regulations as to elections provided for by the Constitution, which evidently were to be elections held within the States, and if any State fails to provide for such election Congress can take control and set up the machinery necessary to conduct such an election. But the point is that this is an election outside of the State, that the State is not bound to provide for, and was not contemplated by the Constitution. Now, my question is, Can Congress in such a case make any regulation until the States have had an opportunity to pass upon that subject themselves?

Mr. LEWIS of Washington. I now gather my friend's question. I observe it is rather a question of policy than one of power, but it is more a question of expediency than one of legality.

Mr. SETTLE. Not at all, but of power.

Mr. LEWIS of Washington. Well, there is, of course, where my friend and myself, I take it, have different opinions as to the meaning of power and the meaning of policy.

I say that from my convictions, as far as the member of Congress is concerned, as he is an officer of this body, a national officer, it is within the Constitution, within the inherent right and power of Congress, to prescribe what shall be the qualification either as to time, manner, or place as to a voter for that office. Should this body determine that an American citizen in the Philippines may while an American citizen exercise his right to vote for a member of this Congress, such would be an expression on behalf of this House in its own behalf over which there can be no control from any other source, if we construe the Constitution in accordance with its most apparent meaning. [Applause.] I will now yield to the gentleman from Mississippi [Mr. WILLIAMS], who, I understand, desires to interrogate me.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman whether he intended to say that the decision which he a moment ago read to the House supports him in the allegation that Congress had any power to make or to alter the qualifications of an elector to vote for a Congressman, except in so far only as place and manner and time of holding the election is concerned?

Mr. LEWIS of Washington. My views upon that question were stated clearly a short time ago. My ingenious friend has so turned his question around as to make another interrogation of it. He asked me if Congress can do any more—

Mr. WILLIAMS of Mississippi. If the gentleman from Washington understands me as admitting the propriety of what he says, he misjudges me, or else I expressed myself very awkwardly.

Mr. LEWIS of Washington. That is impossible. I might betray density, but the gentleman from Mississippi never could betray lack of grace. [Laughter.]

My friend is right in his assumption that there can be no power in Congress to change the qualifications of a voter other than that reserved in the express words of the Constitution itself as to time, place, and manner. That I have heretofore pointed out.

I did not mean to say, and I have not said, that the decisions of the United States courts meant more than I read, but I did say upon my own authority, voicing my own opinion to this House, as I have gleaned it from authorities in my pursuit, that my opinion was that it was the intent of the Constitution to vest in the House of Representatives the power to change any qualification that any voter heretofore had in any State respecting his vote for a member of Congress, as to manner, time, or place, notwithstanding the previous clause excepting the qualifications which have applied only to those voting for the legislature in their several States. [Applause on the Republican side.]

I admit the necessity that when we accept the qualification we should accept it as a definition reserved at all times and the right to enlarge the limit and completely wipe out the definition altogether as far as a member of Congress alone was concerned. I will not admit, nor will I concede, that it was ever the intention that it should interfere with the power of Congress in the qualification of any voter who would vote for a member of the State legislature or any other State officer.

Mr. WHEELER of Kentucky. Will the gentleman from Washington allow me a question?

Mr. LEWIS of Washington. Certainly.

Mr. WHEELER of Kentucky. The gentleman will admit that the Constitution of the United States has no inherent power of expansion; it is a delegated instrument, is it not?

Mr. LEWIS of Washington. There can be no question about that.

Mr. WHEELER of Kentucky. Then what will the gentleman do with that provision of the Constitution which says that the

qualification of a voter shall be as prescribed by the State for the most numerous branch of the legislature?

Mr. LEWIS of Washington. I thought I had answered that. That on that point the Constitution has reserved the right to alter and change these qualifications I have pointed out, and when they accept the qualification of a voter for the State legislature, they only did it by prescribing what shall be the qualifications of a voter for a member of Congress, reserving the right to alter that, as pointed out. They only accepted the qualification with the right to alter, change, or modify it within the provision of the Constitution.

Mr. WHEELER of Kentucky. Where do you find authority in the Constitution for Congress to alter or change the qualification of a voter?

Mr. LEWIS of Washington. There my friend raises again the question of the difference between what is a qualification and what is a regulation. A disquisition along this line would carry us into the mazes of confusion and launch us into a sea of useless wanderings.

I deny, with my friend, that registration is a qualification of the voter. I have answered my friend from Kentucky by giving him my construction and offering him my opinion as a lawyer. I did not expect and do not hope that because I mention a view it shall remain undisputed by friends infinitely more able than I. I have urged and still urge that from my standpoint the Constitution reserves the right of Congress to prescribe that Representatives may be voted for in any manner, in any place, at any time that Congress may prescribe. If I am wrong in this, it is an error of construction which must rest, like any other difference of opinion, between myself and other gentlemen whose differences I respect.

Mr. SMITH of Kentucky. I should like to know by what process of reasoning the gentleman reaches his conclusion, when the Constitution itself provides that the qualifications of electors in the Congressional districts shall be the same as the qualification of electors for the most numerous branch of the State legislature?

Mr. LEWIS of Washington. I have gone over that matter frequently and admitted that if we stop there the contention against the constitutionality of this law must prevail. But any gentleman who stops there does not read far enough. If my view be correct, that the reservation to Congress by the Constitution itself of the right to alter carries with it the privilege of making the change, then I am fully justified by the words of the Constitution itself.

Mr. CLARDY rose.

Mr. LEWIS of Washington. I yield to my friend from Kentucky.

Mr. CLARDY. The gentleman has several times referred to "the reserved power of the Constitution"—

Mr. BRUMM. The reserved power of Congress.

Mr. CLARDY. No; the reserved power of the Constitution. Now, I understand that the Constitution was established by the States of this Union; that they specifically delegated in the Constitution certain rights to Congress, and that all other rights are reserved to the States and to the people; that there are no reserved rights in the Constitution except those specifically granted by that Constitution. Consequently all the argument that the gentleman makes here is certainly based upon a false foundation.

Mr. LEWIS of Washington. Mr. Speaker, in the first place, my friend has misunderstood me. It is true that there is in the Constitution language which speaks about the powers not granted to Congress by the States being reserved, etc.; but we recall the fact that a man like Fisher Ames, in a famous letter written on that subject, said that this provision was inserted for the purpose of giving consolation to certain minds, such as "a plate of hasty pudding" would be to certain stomachs. Questionable—my friend misunderstood me. I have never asserted that there was any power reserved in Congress as against the States. But I have held that in the power granted to Congress by the States there was an element reserved which has not been exercised by Congress yet, and that we are now called upon to exercise the reserved power granted by the States. [Applause.]

Mr. WILLIAMS of Mississippi. Will the gentleman permit a question?

Mr. LEWIS of Washington. I yield to my friend from Mississippi for an interrogation, but his interpolation of eloquent speeches into my remarks takes up time which I can not spare.

Mr. WILLIAMS of Mississippi. I do not speak so often as the gentleman from Washington, and I have never attempted such eloquent speeches as those which he has from time to time presented to an admiring public on this floor.

Now, if the gentleman will permit me, I understand him to take the position that there is granted to the Congress of the United States in the Constitution a right to make or alter the qualifications of electors in the State for Representatives in Congress. If such a power is granted, the gentleman can find it, and I ask him to read it. That is all.

Mr. LEWIS of Washington. I have answered that same ques-

tion, I may say, six different times. I have given my construction and my opinion six consecutive times.

Mr. WILLIAMS of Mississippi. I ask you to read the language of the Constitution—not your opinion.

Mr. LEWIS of Washington. Mr. Speaker, it has not been my custom, as with some gentlemen, to reduce my speeches to manuscript, so as to be able to read any passage when called for. [Laughter.] My custom has rather been to constantly repeat them. [Laughter.]

Mr. WILLIAMS of Mississippi. The gentleman will permit me a moment. I am not asking him to read an opinion of his own or a speech of his own. He has stated as a matter of fact—it is not a matter of opinion—that the Constitution grants to Congress this right to change the qualification of electors. I merely ask him to read, not his opinion, not his speech, but the clause of the Constitution which does this.

Mr. LOVE. That is what we want; not the gentleman's views, but the law as it is written in the Federal Constitution.

Mr. WILLIAMS of Mississippi. We want to hear the clause upon which the gentleman bases his opinion.

Mr. LEWIS of Washington. I have read it and repeated the reading; but in order that I may not be further interrupted on this point, as such interruptions tend, of course, to force me to consume time that ought to go to other gentlemen, I literally comply with the request by reading the language of the Constitution:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations—

Mr. WILLIAMS of Mississippi. It does not say that.

Mr. LEWIS of Washington (continuing the reading)—except as to the places of choosing Senators.

Mr. WILLIAMS of Mississippi. Read it just as it is.

Mr. LEWIS of Washington. I have read it word for word. I can not accept the suggestion that I have changed a word in reading it.

Mr. GAINES. What does the gentleman read from?

Mr. LEWIS of Washington. Section 4—the times, places, and manner of holding elections for Senators and Representatives.

Mr. WILLIAMS of Mississippi. I misheard the gentleman. That is right.

Mr. DE GRAFFENREID. He has read it right.

Mr. LEWIS of Washington. I am not only borne out by the decisions in the view which I insist upon, but by the letter of the Constitution, because these regulations must be understood to mean what they say, and I now add to my view the force of an observation of the Supreme Court of the United States.

Mr. WILLIAMS of Mississippi. But the Constitution of the United States says, "the times, places, and manner of holding the elections."

Mr. LEWIS of Washington. That is a difference of opinion, and differences of opinion between myself and learned commentators on the Constitution must ever remain. [Laughter.] But I am giving to my friend the view that I have, and I have been forced to repeat that view in order that he may understand my position clearly, and then to add to that I include the words of that decision:

The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures do not do this with reference to the election for members of Congress.

As I asserted here, it is not for members of Congress that it was prescribed, but for the members of the State legislature, and we merely adopted that as our definition of a qualification. Proceeding, says the opinion (110 U. S., pages 663-664):

Nor can they prescribe the qualifications for voters for those ex officio. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for members of Congress in that State. It adopts the qualifications now furnished as the qualifications of its own electors for members of Congress.

It is not true, therefore, that electors for members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State.

[Applause.]

I can not see where I can answer my friend with higher authority or more completely.

Mr. GREENE rose.

Mr. LEWIS of Washington. I must conclude, but I yield to my friend from Nebraska.

Mr. GREENE. Does the gentleman understand that this bill in any sense attempts to interfere with the qualifications of a voter? Is it not true that it simply attempts to interfere with the place where the voter shall cast his ballot and prescribes in the bill that he shall be a qualified voter?

Mr. LEWIS of Washington. Mr. Speaker, my friend from Nebraska puts to me an interrogation which awakens in my mind the fact that I omitted a matter which I desire to some extent to explain in answer to the query of my friend from Mississippi [Mr. WILLIAMS].

First, I differ with him; I differ from many of my friends. I deny that registration is in any wise a qualification for a voter. [Applause.] I assert that the qualification of a voter is an inherent right within himself, some inherent privilege or some inherent mental or physical attainment—first, sex; second, age; third, it may be education or property, such as Massachusetts provided in 1858, or as the sovereign States of my friends from Mississippi and Louisiana.

Therefore, sir, this law does not in any wise seek to change these qualifications, but in the very first section prescribes that those who would have had the right to vote in the State of Mississippi shall have the right to vote at this election, making but one exception, namely, that respecting registration, that that shall not necessarily be applied. Registration has been defined by the highest courts of this country in one of the opinions which probably did not catch the eye of my friend from Texas [Mr. BAILEY]. A terser statement has not been made. Registration is but a process prescribed by the State of identifying a qualified voter. [Applause.]

Several MEMBERS. That is it.

Mr. LINNEY. That is the case in a nutshell—a center shot.

Mr. LEWIS of Washington. And there is the line of differences along which other lawyers and myself on this side must find ourselves honorably engaged, admitting each the honesty of the motive of the other in this contention.

Mr. TODD. We are with you. You are out of sight. [Laughter.]

Mr. BRUMM. What better legislation could there be than the muster roll of a company?

Mr. LEWIS of Washington. My friend from Pennsylvania makes a suggestion regarding the expediency of the execution of the law, and in view of his distinguished service in the war and his experience I must admit that he knows better than I, because my experience has only been in the National Guard, for which I have received the attention of such masterful papers as the New York Sun quite consecutively. [Laughter.]

I am willing to admit that I have observed that the muster roll has been indeed a protection of the identity of the soldier in the guard, as has also sometimes the CONGRESSIONAL RECORD. [Laughter.]

Mr. Speaker, I want to make a reference to two decisions, and then I have done with the legal view which I seek to express. The decision from New Hampshire has been referred to by the gentleman from Texas.

The State of New Hampshire has a constitutional provision, and the opinion relied on by my friend from Texas [Mr. BAILEY], who is ever versatile in precedents, can not be urged here for this reason: In the State of New Hampshire, as the representatives of that State on this floor will recognize, their constitution inflexibly prescribes the qualifications as to residence, and the man must personally deposit his vote at a certain place. It did not refer to the residence of the person, but to the residence of the vote. Had there been a reservation in the Constitution that the legislature might make a change concerning that manner whenever to their wisdom it appeared expedient, then, sir, that act must have been held constitutional upon the ground that that was a reserved privilege to make the change. [Applause.]

In the constitution of Pennsylvania there remained a similar provision to that of New Hampshire. There was an inflexible ordination prescribing a direct personal residence, without any reservation in the right of the legislature to make a change of that form of residence or any other change in the qualification. Therefore when it was done it was clearly inhibited by the constitution and its unyielding letter. Therefore no other decision could have been made. There can be no parallel in those cases with the case at bar, in view of the provision in the Constitution of the United States I have endeavored to point out to the House.

Now, sir, in conclusion—which I presume is received with gratification—

Several MEMBERS. No, go on; we are with you.

Mr. LEWIS of Washington. There is great expediency in this measure. There may be some constitutional defects upon a critical construction of it, sir, but I stand with the glorious sentiments of William H. Seward as to this, that there is a law higher than the Constitution, and that is the law of justice to the least men among us. [Applause.] I would go very far, and I say it here at the expense of eventually having it rise up like a ghost to taunt me, that I would do much, even to the extent of a violation of the Constitution, rather than see a wrong done or a right denied to a single man who bares his breast to death in the defense of his country. [Loud applause.]

We can not send these men to the front leaving them dependent upon us to say whether they shall be clothed or fed, whether they shall be protected or neglected, and tell them that when they are at a distance, in the land of the enemy, away from friends, without a voice in the affairs of their Government, because they went to the defense of their nation, the honor of their flag, and

the integrity of their institutions, we could find no constitutional authority to permit them to exercise the right of sovereign citizenship as sovereign citizens. [Applause.]

Sir, did we deny this justice, there is not a father in the land who would not rebuke it. There is not a wife but would turn her face with scorn against this honorable assembly. There is not a brother in the land who would not condemn us. There is not a lover of the Constitution and a worshiper of freedom who would not turn upon us to mock us as the foes of our country, as the enemies of liberty, and the deserters of these children of the nation who are defending us to-day from the assault of the enemy. [Applause.] Heaven forbid that any man shall ever find occasion for so cruel a charge.

I for one see a virtue in this law which shall of itself excuse any convictions of constitutional construction which I may have, and I shall give to it my vote, conscious that I shall go before the people whom I represent to justify my record and my action, appealing to their consciences, their hearts, and their sense of justice, which ever override punctilious objections too frequently urged against magnanimous measures here in this House. [Prolonged applause.]

Mr. SAMUEL W. SMITH. Mr. Speaker, I am informed that there is a conference report soon to be presented that will defer this bill for over three or four days, and it is important for it to pass to have it sent to the Senate and become law; and before demanding the previous question, as there are various gentlemen who desire to be heard, I ask unanimous consent that they may have three days in which to print remarks in the RECORD.

Mr. WILLIAMS of Mississippi. I shall object to a request for that purpose.

The SPEAKER pro tempore [Mr. HEPBURN]. The gentleman from Michigan asks unanimous consent that gentlemen desiring to do so shall have three days within which to print remarks on this subject.

Mr. WILLIAMS of Mississippi. I reserve an objection until we can have an understanding.

The SPEAKER pro tempore. Is there objection?

Several members objected.

Mr. SAMUEL W. SMITH. I demand the previous question on the bill and amendments to its passage.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, before that question is put—

The SPEAKER pro tempore. The gentleman from Michigan demands the previous question on the bill and amendments to its passage.

Mr. CUMMINGS. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CUMMINGS. Does the demand for the previous question cut off all amendments to the bill?

The SPEAKER pro tempore. All amendments that are not pending.

Mr. CUMMINGS. Then, Mr. Speaker, I desire to offer an amendment before the gentleman demands the previous question.

Mr. WILLIAMS of Mississippi. I ask the gentleman to withhold the previous question for ten minutes, until I can address the House for that length of time.

Mr. LEWIS of Washington. I ask unanimous consent that the gentleman may have ten minutes.

The question was taken on ordering the previous question; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BAILEY. Division.

The House divided; and there were—ayes 95, noes 87.

Mr. BAILEY. Tellers, Mr. Speaker.

Mr. CUMMINGS. I call for the yeas and nays. I want to know who will vote to leave the sailor out of a bill of this kind.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. CUMMINGS. I am not out of order.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 98, answered "present" 12, not voting 106; as follows:

YEAS—138.

Alexander,	Butler,	Davison, Ky.	Heatwold,
Arnold,	Cannon,	Dayton,	Hemenway,
Babcock,	Capron,	Dolliver,	Henderson,
Baker, Md.	Clark, Iowa	Eddy,	Henry, Conn.
Barham,	Clark, N. H.	Ellis,	Henry, Ind.
Barney,	Cochran, Mo.	Fenton,	Hopburn,
Barrett,	Cockman, N. Y.	Fletcher,	Hilborn,
Barrows,	Connell,	Foot,	Hill,
Belford,	Connolly,	Gibson,	Hitt,
Bishop,	Cooper, Wis.	Gillet, N. Y.	Hopkins,
Boutelle, Me.	Cousins,	Gillett, Mass.	Howe,
Browder,	Crump,	Graft,	Howell,
Broderick,	Crumacker,	Griffin,	Hull,
Brown,	Curtis, Iowa	Grosvenor,	Hurlay,
Brownlow,	Curtis, Kans.	Grow,	Johnson, N. Dak.
Brumm,	Dalzell,	Hager,	Joy,
Bull,	Danford,	Hamilton,	Kerr,
Burleigh,	Davenport,	Harmer,	Ketcham,
Burton,	Davidson, Wis.	Hawley,	Kirkpatrick,

Knox,
Lacey,
Landis,
Lawrence,
Linney,
Littauer,
Loudenslager,
Low,
Lybrand,
McCall,
McDonald,
Mahany,
Mahon,
Marsh,
Mercer,
Mesick,

Miller,
Mills,
Moody,
Morris,
Mudd,
Northway,
Olmsted,
Otjen,
Parker, N. J.
Pearce, Mo.
Perkins,
Powers,
Prince,
Pugh,
Ray,
Reeves,

Robbins,
Russell,
Shelden,
Sherman,
Showalter,
Smith, Ill.
Snover,
Southwick,
Sperry,
Steele,
Stevens, Minn.
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Sulloway,
Tawney,

Taylor, Ohio
Tongue,
Updegraff,
Van Voorhis,
Walker, Mass.
Wanger,
Warner,
Weaver,
Weymouth,
White, Ill.
Williams, Pa.
Wise,
Yost,
Young.

Mr. MITCHELL with Mr. BENNER of Pennsylvania.
Mr. BOUTELL of Illinois with Mr. GRIGGS.
Mr. DOVENER with Mr. SPARKMAN.
Mr. BROSIUS with Mr. ERMENROUT.
Mr. FOSS with Mr. COOPER of Texas.
Mr. HICKS with Mr. BANKHEAD.
Mr. HOOKER with Mr. CATCHINGS.
Mr. McEWAN with Mr. VEHSLAGE.
Mr. WILLIAM A. STONE with Mr. McCLELLAN.
Mr. JENKINS with Mr. STOKES.
Mr. WM. ALDEN SMITH with Mr. TATE.
Mr. BELKNAP with Mr. JETT.
Mr. CORLISS with Mr. FITZPATRICK.

For this day:

Mr. KULP with Mr. TAYLOR of Alabama.
Mr. WILBER with Mr. NORTON of South Carolina.
Mr. SPALDING with Mr. LIVINGSTON.
Mr. BROMWELL with Mr. DAVIS.
Mr. CODDING with Mr. BENTON.
Mr. THORP with Mr. TALBERT.
Mr. FISCHER with Mr. DAVEY.
Mr. DINGLEY with Mr. BAILEY.
Mr. FARIS with Mr. COONEY.
Mr. BINGHAM with Mr. WILSON.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the substitute offered by the gentleman from Indiana.

Mr. BAILEY. What is the amendment, Mr. Speaker?

Mr. CRUMPACKER. Mr. Speaker, I make the suggestion that there was an amendment offered to the substitute by the gentleman from Virginia [Mr. HAY].

The SPEAKER. That was withdrawn.

Mr. BAILEY. Pending that, I ask unanimous consent that the gentleman from Mississippi [Mr. WILLIAMS] shall be permitted to address the House for ten minutes.

Several members objected.

Mr. DINGLEY. I desire to present a conference report on the war revenue bill.

The SPEAKER. The gentleman from Maine desires to present a conference report.

Mr. GROSVENOR. Let us pass this bill.

The SPEAKER. The question is on agreeing to the substitute offered by the gentleman from Indiana.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BAILEY and Mr. GREENE. Division!

The House divided; and there were—ayes 112, noes 82.

Mr. BAILEY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. GREENE. Mr. Speaker, if it is in order, I would like to have the amendment and substitute read.

The SPEAKER. It is not strictly in order, but by unanimous consent—

Mr. DOCKERY. I ask unanimous consent that they be read.

Mr. MAHON. I object.

The question was taken; and there were—yeas, 140, nays 85 answered "present" 15, not voting 114; as follows:

YEAS—140.

Alexander,
Arnold,
Babcock,
Baker, Md.
Barney,
Barrett,
Belford,
Bishop,
Boutelle, Mo.
Broderick,
Brown,
Brownlow,
Brucker,
Brumm,
Bull,
Burleigh,
Burton,
Butler,
Cannon,
Capron,
Clark, Iowa
Clark, N. H.
Cochrane, N. Y.
Connell,
Connolly,
Cooper, Wis.
Cousins,
Cowherd,
Crump,
Crumpacker,
Cummings,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,

Davenport,
Davidson, Wis.
Dayton,
Dingley,
Dolliver,
Eddy,
Ellis,
Fenton,
Fletcher,
Foote,
Gibson,
Gillet, N. Y.
Graft,
Griffin,
Grosvenor,
Grout,
Grow,
Hager,
Hamilton,
Harmer,
Hastings,
Hemenway,
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hilborn,
Hill,
Hitt,
Hopkins,
Howell,
Hurley,
Johnson, N. Dak.
Joy,
Kerr,

Ketcham,
Kirkpatrick,
Knox,
Lacey,
Landis,
Lawrence,
Linney,
Littauer,
Loudenslager,
Low,
Lybrand,
McAleer,
McCall,
McDonald,
McEwan,
Mahany,
Mahon,
Marsh,
Mesick,
Mills,
Moody,
Morris,
Mudd,
Northway,
Olmsted,
Otjen,
Parker, N. J.
Payne,
Pearce, Mo.
Pearson,
Perkins,
Prince,
Pugh,
Ray,

Reeves,
Robbins,
Robinson, Ind.
Russell,
Shelden,
Sherman,
Showalter,
Smith, Ill.
Snover,
Southwick,
Sperry,
Steele,
Stevens, Minn.
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Sulloway,
Tawney,
Taylor, Ohio
Torpe,
Tongue,
Updegraff,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Weaver,
Weymouth,
White, Ill.
Williams, Pa.
Wise,
Yost,
Young.

So the previous question was ordered.

Mr. BAILEY. I am paired with the gentleman from Maine, Mr. DINGLEY. I desire to withdraw my vote. I voted "nay."

Mr. McCLELLAN. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE, and therefore withdraw my vote and ask to be marked "present."

Mr. SAMUEL W. SMITH. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. FOX. I desire to withdraw my vote and be marked "present."

The following pairs were announced:

Until further notice:

Mr. SAMUEL W. SMITH with Mr. FOX.

Mr. LOBIMER with Mr. CAMPBELL.

Mr. SHATTUC with Mr. STRAIT.

Mr. SAUERHERRING with Mr. UNDERWOOD.

Mr. BENNETT with Mr. GAINES.

Mr. SPRAGUE with Mr. LENTZ.

Mr. LOVERING with Mr. JONES of Washington.

Mr. PITNEY with Mr. SWANSON.

Mr. OVERSTREET with Mr. MIERS of Indiana.

Mr. QUIGG with Mr. CRANFORD.

Mr. ALDRICH with Mr. ALLEN.

Mr. STURTEVANT with Mr. SLAYDEN.

Mr. ROYSE with Mr. ZENOR.

Mr. EVANS with Mr. SETTLE.

Mr. ARNOLD with Mr. COX.

NAYS—85.

Adamson,	Dockery,	Lester,	Rixey,
Bailey,	Elliott,	Lewis, Wash.	Robb,
Baird,	Fleming,	Little,	Robertson, La.
Baker, Ill.	Greene,	Lloyd,	Sayers,
Ball,	Griffith,	Love,	Shafroth,
Bankhead,	Handy,	McCulloch,	Simpson,
Bell,	Hartman,	McMillin,	Sims,
Berry,	Hay,	McRae,	Smith, Ky.
Bland,	Henry, Miss.	Maddox,	Stallings,
Bodine,	Henry, Tex.	Maguire,	Stephens, Tex.
Brantley,	Hinrichsen,	Maxwell,	Sulzer,
Brewer,	Howard, Ga.	Meekison,	Talbert,
Broussard,	Hunter,	Meyer, La.	Terry,
Brundidge,	Jones, Va.	Moon,	Todd,
Clardy,	Jones, Wash.	Norton, Ohio	Vandiver,
Clark, Mo.	Kelley,	Osborne,	Vehslage,
Clayton,	King,	Otey,	Vincent,
Cochran, Mo.	Kitchin,	Peters,	Wheeler, Ky.
De Armond,	Kleberg,	Pierce, Tenn.	Williams, Miss.
De Graffenreid,	Knowles,	Rhea,	
De Vries,	Lamb,	Richardson,	
Dinsmore,	Lanham,	Ridgely,	

ANSWERED "PRESENT"—15.

Bartlett,	Griggs,	Mann,	Smith, S. W.
Burke,	Hooker,	Norton, S. C.	Strowd, N. C.
Driggs,	Jenkins,	Settle,	Zenor.
Gaines,	McClellan,	Slayden,	

NOT VOTING—114.

Acheson,	Coddington,	Hull,	Royce,
Adams,	Colson,	Jett,	Sauerhering,
Aldrich,	Cooney,	Johnson, Ind.	Shannon,
Allen,	Cooper, Tex.	Kulp,	Shattuc,
Barber,	Corlies,	Latimer,	Shuford,
Barham,	Cox,	Lentz,	Skinner,
Barlow,	Cranford,	Lewis, Ga.	Smith, Wm. Alden
Barrows,	Davey,	Livingston,	Southard,
Bartholdt,	Davis,	Lorimer,	Spalding,
Beach,	Davison, Ky.	Loud,	Sparkman,
Belden,	Dorr,	Lovering,	Sprague,
Belknap,	Dovener,	McCleary,	Stark,
Benner, Pa.	Ermentrout,	McCormick,	Stokes,
Bennett,	Evans,	McDowell,	Stone, W. A.
Benton,	Faria,	McIntire,	Strait,
Bingham,	Fischer,	Martin,	Strode, Nebr.
Booze,	Fitzpatrick,	Miers, Ind.	Sturtevant,
Botkin,	Foss,	Minor,	Sutherland,
Boutell, Ill.	Fowler, N. C.	Mitchell,	Swanson,
Bradley,	Fowler, N. J.	Newlands,	Tate,
Brenner, Ohio	Fox,	Ogden,	Taylor, Ala.
Brewster,	Gardner,	Overstreet,	Underwood,
Bromwell,	Gillett, Mass.	Packer, Pa.	Ward,
Brosius,	Gunn,	Pitney,	Wheeler, Ala.
Campbell,	Hawley,	Powers,	White, N. C.
Carmack,	Hicks,	Quigg,	Wilber,
Castle,	Howard, Ala.		Wilson.
Catchings,	Howe,		
Chickering,			

So the substitute was agreed to.

Mr. JONES of Washington. Mr. Speaker, I did not hear my name called, and I wish to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. JONES of Washington. I was.

The Clerk was directed to call the name of Mr. JONES of Washington; and he voted "no."

Mr. BARTLETT. Mr. Speaker, I am paired with the gentleman from Vermont, Mr. POWERS, and I desire to withdraw my vote. I voted "no."

Mr. SAMUEL W. SMITH. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. FOX, and I wish to withdraw my vote.

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. BOUTELL, and I wish to withdraw my vote. I voted "no."

Mr. CLARKE of New Hampshire. Mr. Speaker, I wish to withdraw my vote. I am paired with the gentleman from Tennessee, Mr. CARMACK.

The following pairs were announced:

Until further notice:

Mr. DORR with Mr. DRIGGS.

Mr. GILLET of Massachusetts with Mr. TERRY.

For this day:

Mr. POWERS with Mr. BARTLETT.

Mr. ACHESON with Mr. GRIFFITH.

Mr. BARTHOLDT with Mr. McDOWELL.

For this vote:

Mr. CHICKERING with Mr. BRENNER of Ohio.

The result of the vote was then announced as above recorded.

Mr. BAILEY. Mr. Speaker, I desire to make a request with a view to expediting the question before the House. The previous question has been ordered on this bill. It therefore will be unfinished business to-morrow. The conference committee is ready to report on the revenue bill, and I know it is their purpose to conclude the consideration of the report to-night, which it would be unreasonable to do if we continue with this measure. I therefore ask the gentleman in charge of it to yield in favor of the conference report on the revenue bill. [Cries of "No, no!"]

Mr. SAMUEL W. SMITH. I should be glad to do it, as far as I am personally concerned.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BAILEY) there were—ayes 126, noes 67.

Mr. BAILEY. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 63, answered "present" 17, not voting 117; as follows:

YEAS—157.

Alexander,	Davison, Ky.	Kirkpatrick,	Reeves,
Babcock,	Dayton,	Knowles,	Ridgely,
Baker, Ill.	Dingley,	Knox,	Robbins,
Baker, Md.	Dolliver,	Lacey,	Robinson, Ind.
Barham,	Driggs,	Landis,	Russell,
Barney,	Eddy,	Lawrence,	Shafroth,
Barrett,	Ellis,	Linney,	Shelden,
Barrows,	Fenton,	Littauer,	Sherman,
Belford,	Fletcher,	Loudenslager,	Showalter,
Bell,	Foot,	Low,	Smith, Ill.
Bishop,	Gardner,	Lybrand,	Snover,
Brewster,	Gibson,	McCall,	Southwick,
Broderick,	Gillet, N. Y.	McDonald,	Sperry,
Brown,	Graft,	McEwan,	Steele,
Brownlow,	Greene,	McIntire,	Stevens, Minn.
Brucker,	Griffin,	Malon,	Stewart, N. J.
Brumm,	Grossenor,	Marsh,	Stewart, Wis.
Bull,	Grow,	Meekison,	Stone, C. W.
Burleigh,	Hamilton,	Mercer,	Sulloway,
Burton,	Handy,	Mesick,	Sulzer,
Butler,	Harmer,	Miffler,	Tawney,
Cannon,	Heatwole,	Mills,	Taylor, Ohio
Capron,	Hemenway,	Minor,	Tongue,
Castle,	Henderson,	Moody,	Updegraff,
Clark, Iowa	Henry, Ind.	Morris,	Van Voorhis,
Cochrane, N. Y.	Hepburn,	Mudd,	Vincent,
Connell,	Hicks,	Newlands,	Wadsworth,
Connolly,	Hilborn,	Northway,	Walker, Mass.
Cooper, Wis.	Hill,	Olmsted,	Walker, Va.
Cousins,	Hitt,	Osborne,	Warner,
Cowherd,	Hopkins,	Otjen,	Weymouth,
Crum,	Howell,	Parker, N. J.	White, Ill.
Crumacker,	Hull,	Payne,	White, N. C.
Cummings,	Hurley,	Pearce, Mo.	Williams, Pa.
Curtis, Iowa	Johnson, N. Dak.	Pearson,	Yost,
Curtis, Kans.	Jones, Wash.	Perkins,	Young.
Dalzell,	Joy,	Peters,	
Danford,	Kelley,	Prince,	
Davenport,	Kerr,	Pugh,	
Davidson, Wis.	Ketcham,	Ray,	

NAYS—63.

Adamson,	Elliott,	Lewis, Wash.	Robb,
Bailey,	Fitzgerald,	Little,	Robertson, La.
Baird,	Fleming,	Lloyd,	Sayers,
Bankhead,	Hay,	McCulloch,	Sims,
Berry,	Henry, Miss.	McMillin,	Skinner,
Brantley,	Henry, Tex.	McRae,	Smith, Ky.
Brewer,	Hinrichsen,	Maddox,	Stallings,
Broussard,	Howard, Ga.	Maguire,	Stephens, Tex.
Brundidge,	Hunter,	Maxwell,	Talbert,
Clardy,	Jones, Va.	Meyer, La.	Terry,
Clark, Mo.	King,	Moon,	Todd,
Clayton,	Kitchin,	Norton, Ohio	Vandiver,
De Graffenreid,	Kleberg,	Otey,	Vehslage,
De Vries,	Lamb,	Pierce, Tenn.	Wheeler, Ky.
Dinsmore,	Lanham,	Rhea,	Williams, Miss.
Dockery,	Lester,	Rixey,	

ANSWERED "PRESENT"—17.

Bartlett,	Griggs,	Norton, S. C.	Strowd, N. C.
Burke,	Hooker,	Pitney,	Zenor.
Clarke, N. H.	Jenkins,	Settle,	
Gaines,	McClellan,	Slayden,	
Griffith,	Mann,	Smith, S. W.	

NOT VOTING—117.

Acheson,	Cochran, Mo.	Howe,	Shannon,
Adams,	Coddington,	Jett,	Shattuc,
Aldrich,	Colson,	Johnson, Ind.	Shuford,
Allen,	Cooney,	Kulp,	Simpson,
Arnold,	Cooper, Tex.	Latimer,	Smith, Wm. Alden
Ball,	Corlies,	Lentz,	Southard,
Barber,	Cox,	Lewis, Ga.	Spalding,
Barlow,	Cranford,	Livingston,	Sparkman,
Bartholdt,	Davey,	Lorimer,	Sprague,
Beach,	Davis,	Loud,	Stark,
Belden,	De Armond,	Love,	Stokes,
Belknap,	Dorr,	Lovering,	Stone, W. A.
Benner, Pa.	Dovener,	McAleer,	Strait,
Bennett,	Ermentrout,	McCleary,	Strode, Nebr.
Benton,	Evans,	McCormick,	Sturtevant,
Bingham,	Faria,	McDowell,	Sutherland,
Bland,	Fischer,	Mahany,	Swanson,
Bodine,	Fitzpatrick,	Marshall,	Tate,
Booze,	Foss,	Martin,	Taylor, Ala.
Botkin,	Fowler, N. C.	Miers, Ind.	Thorp,
Boutell, Ill.	Fowler, N. J.	Mitchell,	Underwood,
Boutelle, Mo.	Fox,	Odell,	Wanger,
Bradley,	Gillett, Mass.	Ogden,	Ward,
Brenner, Ohio	Grout,	Overstreet,	Weaver,
Bromwell,	Gunn,	Packer, Pa.	Wheeler, Ala.
Brosius,	Hager,	Powers,	Wilber,
Campbell,	Hartman,	Quigg,	Wilson.
Carmack,	Hawley,	Richardson,	
Catchings,	Henry, Conn.	Royce,	
Chickering,	Howard, Ala.	Sauerhering,	

So the amendment as amended was agreed to.

The following additional pair was announced:

On this vote:

Mr. BARBER with Mr. BRENNER of Ohio.

Mr. GRIGGS. I desire to withdraw my vote. I am paired with the gentleman from Illinois, Mr. BOUTELL.

Mr. LANHAM. I ask that Mr. DAVIS of Florida be excused, on account of sickness in his family.

The SPEAKER pro tempore (Mr. MAHON). Without objection, the excuse will be granted.

There was no objection.

Mr. CLARKE of New Hampshire. I desire to withdraw my vote. I am paired with the gentleman from Tennessee, Mr. CARMACK.

Mr. SAMUEL W. SMITH. I am paired with the gentleman from Mississippi, Mr. FOX, and therefore withdraw my vote.

Mr. BARTLETT. I voted "no," but desire to withdraw my vote, as I am paired with the gentleman from Vermont, Mr. POWERS.

The result of the vote was announced as above stated.

The question being taken on ordering the bill as amended to be engrossed and read a third time.

The SPEAKER. The ayes appear to have it.

Mr. BAILEY. Division!

Mr. SAMUEL W. SMITH. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 37, answered "present" 14, not voting 101; as follows:

YEAS—202

Alexander,	Dolliver,	Landis,	Robinson, Ind.
Babcock,	Driggs,	Lanham,	Royce,
Baker, Ill.	Eddy,	Lawrence,	Russell,
Baker, Md.	Ellis,	Lewis, Wash.	Sayers,
Barham,	Fenton,	Linsley,	Shafroth,
Barlow,	Fitzgerald,	Littauer,	Shelden,
Barney,	Fletcher,	Lloyd,	Sherman,
Barrett,	Foot,	Loudenslager,	Showalter,
Barrows,	Gardner,	Low,	Simpson,
Belford,	Gibson,	Lybrand,	Skinner,
Bell,	Gillett, Mass.	McCall,	Smith, Ill.
Bishop,	Graft,	McCormick,	Smith, S. W.
Bodine,	Greene,	McEwan,	Snover,
Boutelle, Mo.	Griffin,	McIntire,	Southwick,
Brenner, Ohio	Grosvonor,	McRae,	Spaulding,
Broderick,	Grout,	Mahany,	Sperry,
Brown,	Gunn,	Mahon,	Stark,
Brownlow,	Hager,	Mann,	Steele,
Brucker,	Hamilton,	Marsh,	Stevens, Minn.
Brumm,	Handy,	Maxwell,	Stewart, N. J.
Bull,	Harmer,	Meekison,	Stewart, Wis.
Burke,	Hartman,	Mercer,	Stone, C. W.
Burling,	Hawley,	Mesick,	Stowd, N. C.
Burton,	Heatwole,	Miller,	Sulloway,
Butler,	Hemenway,	Mills,	Sulzer,
Cannon,	Henderson,	Minor,	Sutherland,
Capron,	Henry, Conn.	Moody,	Tawney,
Castle,	Henry, Ind.	Moon,	Taylor, Ohio
Clark, Iowa	Hepburn,	Morris,	Terry,
Cochran, Mo.	Hicks,	Mudd,	Todd,
Cochrane, N. Y.	Hilborn,	Newlands,	Tongue,
Connell,	Hitt,	Northway,	Updegraff,
Connolly,	Hopkins,	Norton, Ohio	Vandiver,
Cooper, Wis.	Howard, Ala.	Olmsted,	Van Voorhis,
Cousins,	Howell,	Osborne,	Vehsage,
Cowherd,	Hull,	Otey,	Vincent,
Crump,	Hunter,	Otjen,	Wadsworth,
Crumpacker,	Hurley,	Packer, Pa.	Walker, Mass.
Cummings,	Johnson, Ind.	Parker, N. J.	Walker, Va.
Curtis, Iowa	Johnson, N. Dak.	Payne,	Wanger,
Curtis, Kans.	Jones, Va.	Pearce, Mo.	Warner,
Dalzell,	Jones, Wash.	Pearson,	Weaver,
Danford,	Kelley,	Perkins,	Weymouth,
Davenport,	Kerr,	Peters,	White, Ill.
Davidson, Wis.	Ketcham,	Prince,	White, N. C.
Davison, Ky.	Kirkpatrick,	Pugh,	Williams, Pa.
Dayton,	Knowles,	Ray,	Wise,
De Armond,	Knox,	Reeves,	Yost,
De Vries,	Lacey,	Ridgely,	Young
Dingley,	Lamb,	Rixey,	
Dockery,		Robbins,	

NAYS—37

Adamson,	De Graffenreid,	Kitchin,	Robertson, La.
Bailey,	Dinamore,	Kieberg,	Sims,
Bankhead,	Elliot,	Lester,	Smith, Ky.
Berry,	Fleming,	Little,	Stallings,
Brantley,	Hay,	Love,	Stephens, Tex.
Brewer,	Henry, Miss.	McCulloch,	Wheeler, Ky.
Brounard,	Henry, Tex.	Maddox,	Williams, Miss.
Brundidge,	Hinrichsen,	Pierce, Tenn.	
Brundy,	Howard, Ga.	Rhea,	
Clayton,	King,	Richardson,	

ANSWERED "PRESENT"—14

Hall,	Griffith,	McClellan,	Slayden,
Bartlett,	Griggs,	Norton, S. C.	Zenor.
Clarke, N. H.	Hooker,	Pitney,	
Gaines,	Jenkins,	Settle,	

NOT VOTING—101

Acheson,	Beach,	Booze,	Carmack,
Adams,	Belden,	Botkin,	Catchings,
Aldrich,	Belknap,	Boutell, Ill.	Chickering,
Allen,	Bennet, Pa.	Bradley,	Clark, Mo.
Arnold,	Bennett,	Brewster,	Coddington,
Baird,	Benton,	Bromwell,	Colson,
Barber,	Bingham,	Brosius,	Cooney,
Bartholdt,	Bland,	Campbell,	Cooper, Tex.

Corliss,	Howe,	Martin,	Stokes,
Cox,	Jett,	Meyer, La.	Stone, W. A.
Cranford,	Joy,	Miers, Ind.	Strait,
Davey,	Kulp,	Mitchell,	Strode, Nebr.
Davis,	Latimer,	Odell,	Sturtevant,
Dorr,	Lewis, Ga.	Ogden,	Swanson,
Dovener,	Livingston,	Overstreet,	Talbert,
Earnest,	Lorimer,	Powers,	Tate,
Evans,	Loud,	Quigg,	Taylor, Ala.
Farris,	Lovering,	Robb,	Thorp,
Fischer,	McAleer,	Sauerhering,	Underwood,
Fitzpatrick,	McCleary,	Shannon,	Ward,
Foss,	McDonald,	Shattuc,	Wheeler, Ala.
Fowler, N. C.	McDowell,	Shuford,	Wilber,
Fowler, N. J.	McMillin,	Smith, Wm. Aiden	Wilson.
Fox,	Maguire,	Southard,	
Gillet, N. Y.	Marshall,	Sparkman,	
Hill,		Sprague,	

So the bill was ordered to be engrossed and read a third time.

The following additional pairs were announced:

Until further notice:

Mr. BARBER with Mr. MAGUIRE.

Mr. BELDEN with Mr. McMILLIN.

For this day:

Mr. JOY with Mr. BAIRD.

Mr. THORP with Mr. TALBERT.

Mr. SOUTHARD with Mr. MEYER of Louisiana.

On this vote:

Mr. DORR with Mr. BALL.

Mr. GRIGGS. I desire to withdraw my vote. I am paired with Mr. BOUTELL of Illinois.

Mr. SAMUEL W. SMITH. While I am paired with the gentleman from Mississippi, Mr. FOX, for this week, I have an arrangement with him by which I am permitted to vote on this bill.

The result of the vote was announced as above stated.

Mr. BAILEY. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman from Texas demands the reading of the engrossed bill. It has not yet been prepared.

WAR REVENUE.

Mr. DINGLEY. I desire to present a conference report.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] presents a conference report which will be read.

The Clerk read as follows:

CONFERENCE REPORT ON THE BILL TO PROVIDE WAYS AND MEANS TO MEET WAR EXPENDITURES.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10100) to provide ways and means to meet war expenditures, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 20, 22, 31, 63, 69, 87, 90, 93, 102, 173.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 29, 31, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 89, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 142, 144, 145, 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, 157, 158, 159, 161, 163, 165, 166, 167, 168, 169, 170, 172, 179, 180, 181, 182, 183, 184, 187, 189, 192, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205, 206, 213, and agree to the same.

Amendments numbered 2 and 3: That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with amendments as follows: In line 7, page 1, after the word "sold," insert "or stored in warehouse;" and in line 1, page 2, after the word "tax," insert the words "Provided further, That the additional tax imposed in this section on all fermented liquors stored in warehouse to which a stamp had been affixed shall be assessed and collected in the manner now provided by law for the collection of taxes not paid by stamps;" and the Senate agree to the same.

Amendment 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: In line 18, page 4, strike out the word "lent" and insert in lieu thereof the word "loaned;" in lines 7 to 11, inclusive, page 5, strike out—

"6. Insurance agents shall pay \$12. Every person, firm, or company having an office or place of business and acting as agent of any fire, marine, life, mutual, or other insurance company or companies shall be regarded as an insurance agent."

In line 12, same page, strike out "seven" and insert "six;" in lines 13 and 14, same page, insert, after "halls," the words "in cities having more than 25,000 population as shown by the last preceding United States census;" in line 24, same page, strike out "eight" and insert "seven;" in line 7, page 6, strike out "nine" and insert "eight;" in line 15, same page, strike out "ten" and insert "nine;" in line 17, same page, after the words "thrown or," insert "where games of;" and in line 18, same page, after "billiards," insert "or pool are" and after "and" the words "that are."

Amendments 10 and 11: That the House recede from its disagreement to the amendments of the Senate numbered 10 and 11, and agree to the same with amendments as follows: In addition to the words struck out by said amendment, strike out, in lines 17 to 19, page 7, the words "addition to the quantity of tobacco and snuff in packages, now authorized by law, there may be packages;" and in lieu of the words inserted by amendment 11 insert the words "one of the 2, 3, and 4 ounce packages of tobacco and snuff now authorized by law, there may be packages thereof containing 1½ ounces, 2½ ounces, and 3½ ounces, respectively, and in addition to packages now authorized by law, there may be packages containing 1 ounce of smoking tobacco;" and the Senate agree to the same.

Amendment 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

In lieu of the words struck out insert: "And there shall also be assessed and collected, with the exceptions hereinafter in this section provided for, upon all the articles enumerated in this section which were manufactured, imported, and removed from factory or

custom-house before the passage of this act bearing tax stamps affixed to such articles for the payment of the taxes thereon, and canceled subsequent to April 14, 1898, and which articles were at the time of the passage of this act held and intended for sale by any person, a tax equal to one-half the difference between the tax already paid on such articles at the time of removal from the factory or custom-house and the tax levied in this act upon such articles."

"Every person having on the day succeeding the date of the passage of this act any of the above-described articles on hand for sale in excess of 1,000 pounds of manufactured tobacco and 20,000 cigars or cigarettes, and which have been removed from the factory where produced or the custom-house through which imported, bearing the rate of tax payable thereon at the time of such removal, shall make a full and true return under oath in duplicate of the quantity thereof, in pounds as to the tobacco and snuff and in thousands as to the cigars and cigarettes so held on that day, in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Such returns shall be made and delivered to the collector or deputy collector for the proper internal-revenue district within thirty days after the passage of this act. One of said returns shall be retained by the collector and the other forwarded to the Commissioner of Internal Revenue, together with the assessment list for the month in which the return is received, and the Commissioner of Internal Revenue shall assess and collect the taxes found to be due, as other taxes not paid by stamps are assessed and collected."

And the Senate agree to the same.

Amendment 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 4, page 14, strike out "shall" and insert "do;" in line 6, same page, strike out "shall;" in line 7, same page, strike out "shall" and insert "do;" in line 9, same page, strike out "shall;" and the Senate agree to the same.

Amendment 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 24, page 14, strike out "shall" and insert "do;" in line 1, page 15, strike out "shall;" in line 2, page 15, strike out "shall" and insert "do;" and the Senate agree to the same.

Amendment 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 10, page 15, strike out "shall;" in line 13, page 15, strike out "shall" and insert "do;" in line 15, page 15, strike out "shall;" in line 16, page 15, strike out "shall" and insert "do;" in line 18, same page, strike out "shall;" and the Senate agree to the same.

Amendment 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lines 16 and 17, page 16, strike out the words "less than one hundred nor;" and the Senate agree to the same.

Amendment 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In line 10, page 17, in lieu of the word struck out insert "July;" and the Senate agree to the same.

Amendment 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the words struck out insert the following:

"Provided, That any proprietor or proprietors of proprietary articles, or articles subject to stamp duty under Schedule B of this act, shall have the privilege of furnishing, without expense to the United States, in suitable form, to be approved by the Commissioner of Internal Revenue, for his or their own dies or designs for stamps to be used thereon, to be retained in the possession of the Commissioner of Internal Revenue, for his or their separate use, which shall not be duplicated to any other person. And the proprietor furnishing such dies or designs shall be required to purchase stamps printed therefrom in quantities of not less than \$2,000 face value at any one time. That in all cases where such stamp is used, instead of cancellation by initials and date, the said stamp shall be so affixed on the box, bottle, or package that in opening the same, or using the contents thereof, the said stamp shall be effectually destroyed; and in default thereof, the party making default shall be liable to the same penalty imposed for neglect to affix said stamp as hereinbefore prescribed in this act. Any person who shall fraudulently obtain or use any of the aforesaid stamps or designs therefor, and any person forging or counterfeiting, or causing or procuring the forging or counterfeiting, any representation, likeness, similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who shall sell or give away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, shall have knowingly or fraudulently in his, her, or their possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall be deemed guilty of a crime, and, upon conviction thereof, shall be punished by a fine not exceeding \$500 or imprisonment not exceeding one year, or both."

And the Senate agree to the same.

Amendment 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 1, page 32, strike out "official;" and in lines 1 and 2, same page, strike out "the several departments of the." In line 1, same page, insert after "of" the words "officers and employees of the;" and in line 2, same page, after "Government," the words "on official business;" and the Senate agree to the same.

Amendment 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 11, page 32, in lieu of the word struck out insert "July;" and the Senate agree to the same.

Amendment 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In line 17, page 63, strike out "and the" and insert "The;" and the Senate agree to the same.

Amendment 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In line 25, page 93, in lieu of the word struck out insert "July;" and the Senate agree to the same.

Amendment 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lines 16 to 17, page 97, strike out "while such merchandise is in the custody of the proper custom-house officers, and" and insert after "before," in line 17, same page, the word "the" and after "withdrawal" the words "of such merchandise;" and the Senate agree to the same.

Amendment 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lines 8 and 9, page 98, strike out "Provided, That" and insert "but;" in lines 9 and 10, page 98, strike out "January" and insert "July;" and after "ninety-nine," in line 10, page 98, insert:

"That the adhesive stamps used in the payment of the tax levied in Schedules A and B of this act shall be furnished for sale by the several collectors of internal revenue, who shall sell and deliver them at their face

value to all persons applying for the same, except officers or employees of the internal-revenue service: *Provided*, That such collectors may sell and deliver such stamps in quantities of not less than \$100 of face value, with a discount of 1 per cent, except as otherwise provided in this act."

And the Senate agree to the same.

Amendment 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In line 24, page 98, strike out "June" and insert "July;" and the Senate agree to the same.

Amendment 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In line 17, page 45, strike out "tendering" and insert "from whom any;" and after "goods" in line 17, same page, insert "are accepted;" in line 25, page 45, and lines 1 to 4, page 46, strike out "no stamp tax shall be required on any bundle or package of newspapers wholly or partially printed and intended for general circulation, and weighing not more than 100 pounds" and insert "but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment." In line 7, page 46, after "memorandum," insert "as herein provided." In line 13, page 46, strike out all after "messages" down to and including "conversations," in line 10, page 47, and in lieu thereof insert the following:

"It shall be the duty of every person, firm, or corporation owning or operating any telephone line or lines to make within the first fifteen days of each month a sworn statement to the collector of internal revenue in each of their respective districts, stating the number of messages or conversations transmitted over their respective lines during the preceding month for which a charge of 15 cents or more was imposed, and for each of such messages or conversations the said person, firm, or corporation shall pay a tax of 1 cent: *Provided*, That only one payment of said tax shall be required, notwithstanding the lines of one or more persons, firms, or corporations shall be used for the transmission of each of said messages or conversations."

Amendment 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In line 9, page 49, after "sale," strike out "if" and insert a comma; and the Senate agree to the same.

Amendment 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In line 13, page 52, strike out "ten" and insert "eight;" in line 19, page 52, strike out "fifty" and insert "forty;" in line 7, page 53, insert a comma before "operated;" in line 8, page 53, strike out "which is" and, after "conducted," insert "solely;" in line 9, page 53, strike out "sole" and insert "exclusive;" and the Senate agree to the same.

Amendment 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In line 3, page 53, strike out "fifty" and insert "forty;" and the Senate agree to the same.

Amendment 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lines 22 and 23, page 53, strike out "except farmers" purely local cooperative companies and associations." In line 5, page 54, after "thereof," insert as follows: "*Provided*, That purely cooperative or mutual fire-insurance companies carried on by the members thereof solely for the protection of their own property and not for profit shall be exempted from the tax herein provided;" and the Senate agree to the same.

Amendment 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In line 11, page 56, strike out "equal to" and insert in lieu thereof "at the same rate as;" and the Senate agree to the same.

Amendment 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In line 23, page 57, strike out "from the Government of claims by soldiers or their legal representatives of" and insert in lieu thereof "of claims from;" and in line 2, page 58, before "service," insert "military or naval;" and the Senate agree to the same.

Amendment 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In line 21, page 59, before "essences," insert "and carbonated natural spring waters;" and insert parentheses before "except," in line 20, and after "waters," in line 21; and the Senate agree to the same.

Amendment 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In line 14, page 60, strike out "one-fourth" and insert in lieu thereof "one-eighth;" and the Senate agree to the same.

Amendment 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In line 18, page 60, strike out "one-half" and insert in lieu thereof "two-eighths" and after "1 cent," in line 18, insert as follows: "where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 30 cents and shall not exceed at the retail price or value the sum of 15 cents, three-eighths of 1 cent;" and in line 25, page 60, strike out "ten" and insert "fifteen;" and the Senate agree to the same.

Amendment 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: After line 1, page 61, insert as follows: "And for each additional 25 cents of retail price or value or fractional part thereof in excess of 25 cents, five-eighths of 1 cent." And strike out from lines 5 to 21, inclusive, page 61, being the remainder of amendment 174 and all of amendments 175, 176, and 177; and the Senate agree to the same.

Amendment 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In line 23, page 63, strike out "one-fourth" and insert "one-eighth;" and the Senate agree to the same.

Amendment 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In line 2, page 64, strike out "one-half" and insert "two-eighths;" and following line 2 insert: "Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents and shall not exceed the retail price or value of 15 cents, three-eighths of 1 cent;" and the Senate agree to the same.

Amendment 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In line 9, page 64, strike out "ten" and insert "fifteen;" and the Senate agree to the same.

Amendment 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: After the word "cents," in line 10, page 64, insert "five-eighths of;" and in line 11, same page, after "1 cent," add "and for each additional 25 cents of retail price or value or fractional part thereof in excess of 25 cents, five-eighths of 1 cent;" and strike out lines 14 to 23, inclusive, page 64, and lines 1 to 5, inclusive, page 65; and the Senate agree to the same.

Amendment 191: That the House recede from its disagreement to the

amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 7, page 65, insert, before "package," the word "other;" and the Senate agree to the same.

Amendment 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In line 10, page 60, strike out "June" and insert "July;" and the Senate agree to the same.

Amendment 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In line 1, page 67, strike out "June" and insert "July;" and the Senate agree to the same.

Amendment 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In line 10, page 77, after "law" insert "including the laws in relation to the assessment of taxes;" and the Senate agree to the same.

Amendment 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In line 11, page 79, after "Provided," strike out the words down to and including "Provided further," in line 17; in line 19, same page, after the word "dollars," strike out the words down to and including "disposed of," in line 22; in line 6, page 80, strike out "three" and insert "four;" in line 8, same page, strike out "at not less than par;" in line 10, same page, strike out "twenty-five" and insert "twenty;" in line 19, same page, after "offered," insert "at par;" in line 30, same page, strike out "to be;" in lines 23 and 24, same page, strike out "Provided further: That such bonds and certificates shall be issued at par, no commissions shall be allowed thereon;" in line 25, same page, strike out "and certificates;" after "allotted," in line 2, page 81, insert the following: "Provided further: That any portion of any issue of said bonds not subscribed for at above par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds and certificates herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same;" and the Senate agree to the same.

Amendment 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: Strike out lines 11 to 25, inclusive, page 81, and lines 1 to 9, inclusive, page 82, and insert:

COINAGE OF SILVER BULLION.

"SEC. 34. That the Secretary of the Treasury is hereby authorized and directed to coin into standard silver dollars as rapidly as the public interests may require, to an amount, however, of not less than one and one-half millions of dollars in each month, all of the silver bullion now in the Treasury purchased in accordance with the provisions of the act approved July 13, 1890, entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' and said dollars, when so coined, shall be used and applied in the manner and for the purposes named in said act."

And the Senate agreed to the same.

Amendment 210: That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: Strike out lines 21 to 25, inclusive, page 82; all of pages 83, 84, 85, 86, 87, and to line 10, inclusive, page 88, and insert as follows:

"MIXED FLOUR."

"SEC. 35. That for the purposes of this act the words 'mixed flour' shall be understood to mean the food product made from wheat mixed or blended in whole or in part with any other grain or other material, or the manufactured product of any other grain or other material than wheat."

"SEC. 36. That every person, firm, or corporation, before engaging in the business of making, packing, or repacking mixed flour, shall pay a special tax at the rate of \$12 per annum, the same to be a tax of 4 cents per barrel or other package containing 196 pounds or more than 98 pounds; 2 cents on every half barrel or other package containing 98 pounds or more than 49 pounds; 1 cent on every quarter barrel or other package containing 49 pounds or more than 24 1/2 pounds; and one-half cent on every one-eighth barrel or other package containing 24 1/2 pounds or less, to be paid by the person, firm, or corporation making or packing said flour. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff shall, so far as applicable, be made to apply to stamps provided in this section: *Provided*, That when mixed flour, on the manufacture and sale of which the tax herein imposed has been paid, is sold and then repacked without the addition of any other material, such repacked flour shall not be liable to any additional tax; but the packages containing such repacked flour shall be branded or marked as required by the provisions of section 37 of this act, and shall contain the card provided for in section 37 hereof; and in addition thereto the person, firm, or corporation repacking mixed flour shall place on the packages containing the same a label in the following words: 'Notice.—The contents of this package have been taken from a regular statutory package, upon which the tax has been duly paid.' Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$250 and not more than \$500, or by imprisonment not to exceed one year."

"SEC. 41. That whenever any person, firm, or corporation sells, consigns, or removes for sale, consignment, or consumption any mixed flour upon which the tax required by this act has not been paid, it shall be the duty of the Commissioner of Internal Revenue, for a period of not more than one year after such sale, consignment, or removal, upon satisfactory proof, to estimate the amount of tax which should have been paid, and to make an assessment therefor and certify the same to the collector of the proper district. The tax so assessed shall be in addition to the penalties imposed by this act for an unauthorized sale or removal."

"SEC. 42. That all mixed flours, imported from foreign countries, shall, in addition to any import duties imposed thereon, pay an internal-revenue tax equal in amount to the tax imposed under section 40 of this act, such tax to be represented by coupon stamps, and the packages containing such imported mixed flour shall be marked, branded, labeled, and stamped as in the case of mixed flour made or packed in the United States. Any person, firm, or corporation purchasing or receiving for sale or repacking any such mixed flour which has not been branded, labeled, or stamped, as required by this act, or which is contained in packages which have not been marked, branded, labeled, or stamped, as required by this act, shall, upon conviction, be fined not less than \$50 nor more than \$500."

"SEC. 43. That any person, firm, or corporation knowingly purchasing or receiving for sale or for repacking and resale any mixed flour from any maker, packer, or importer, who has not paid the tax herein provided, shall, for each offense, be fined not less than \$50, and forfeit to the United States all the articles so purchased or received, or the full value thereof."

"SEC. 44. That mixed flour may be removed from the place of manufacture or from the place where packed for export to a foreign country without payment of tax or affixing stamps or label thereto, under such regulation and the filing of such bond and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person, firm, or corporation who shall export mixed flour

shall plainly mark on each package containing the same the words "Mixed flour," and the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed, in accordance with the provisions of sections 36 to 45, inclusive, of this act."

"SEC. 45. That whenever any package containing mixed flour is emptied it shall be the duty of the person in whose possession it is to destroy the stamp thereon. Any person disposing of such package without first having destroyed the stamp or mark or marks thereon shall, upon conviction, be punished by a fine not exceeding the sum of \$25."

"SEC. 46. That all fines, penalties, and forfeitures imposed by section 36 to section 45, both inclusive, of this act may be recovered in any court of competent jurisdiction."

"SEC. 47. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying into effect the provisions relating to the manufacture and sale of mixed flour, being section 35 to section 43, both inclusive, of this act, and the said Commissioner of Internal Revenue, by and with the approval of the Secretary of the Treasury, for the purpose of carrying said last-mentioned provisions of this act into effect, is hereby authorized to employ such additional clerks and agents as may be necessary for that purpose, not to exceed twenty in number."

"SEC. 48. That any person, firm, or corporation found guilty of a second or any subsequent violation of any of the provisions of section 36 to section 43, both inclusive, relating to the manufacture and sale of mixed flour as aforesaid, of this act shall, in addition to the penalties herein imposed, be imprisoned not less than thirty days nor more than ninety days."

"SEC. 49. That the provisions of this act relating to the manufacture and sale of mixed flour shall take effect and be in force sixty days from and after the date of the passage of this act; and all packages of mixed flour found on the premises of any person, firm, or corporation on said day, who has made, packed, or repacked the same, on which the tax herein authorized has not been paid, shall be deemed taxable under the provisions of section 36 to section 43, both inclusive, of this act, and shall be taxed and have affixed thereon such marks, brands, labels, and stamps as required by the provisions of said sections or by the rules and regulations prescribed by the Commissioner of Internal Revenue, under authority of this act."

And the Senate agreed to the same.

Amendment 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lines 1 and 2, page 95, strike out the words "on and after the 1st day of July, 1898;" in line 3 strike out "the following articles" and insert "tea when;" in lines 4 and 5, same page, strike out "the following duty, namely: On teas of all kinds" and insert "a duty of," and the Senate agree to the same.

Amendment 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In line 7, page 95, strike out "unless" and insert "except as;" and the Senate agree to the same.

NELSON DINGLEY,

SERENO E. PAYNE,

Managers on the part of the House.

W. B. ALLISON,

NELSON W. ALDRICH,

Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

Statement of managers on the part of the House as to effect of the agreement on the disagreeing votes of the two Houses on bill (H. R. 10100) to provide ways and means to meet war expenditures, and for other purposes.

The Senate accepts House provision placing the increased tax on fermented liquors stored in warehouse.

The House accepts the Senate provision allowing rebate of 7 1/2 per cent on the sale of stamps for fermented liquors, instead of 5 per cent, as provided by House.

The House accepts the Senate provision imposing special taxes on bankers, etc., with an amendment striking out insurance agents, and also making the tax as to theaters apply only to cities exceeding 25,000 population.

The House accepts the Senate rates on cigars and cigarettes, and the Senate accepts the House proposition imposing an additional tax on stocks on hand, but reducing the tax on such stocks one-half and excepting from its operation stocks not exceeding 1,000 pounds of tobacco and 20,000 cigars and cigarettes.

The House accepts the Senate amendment striking out the House provision imposing a special tax on retail tobacco dealers.

The House accepts the Senate amendment imposing a stamp tax on all speculative sales on stock and produce exchanges.

The Senate accepts the House exemption of receipts from stamp taxes.

The House accepts the Senate provision relating to stamp taxes on life-insurance policies, but reduced to 8 cents for each hundred dollars of insurance, to be paid only once, at the inception of the policy; and a corresponding reduction on weekly-payment insurance.

The House accepts the proprietary-medicine and perfumery amendments of the Senate, with a reduction of the rate of tax about one-third.

The Senate recedes from its amendment imposing stamp taxes on all articles sold under a trade-mark or any name or designation not open to general use.

The Senate amendment is agreed to providing that stamps may be affixed on medicinal articles held in stock as such articles are sold by the retailer.

The House accepts the Senate amendment imposing an excise tax of one-fourth of 1 per cent on corporations refining sugar or petroleum, measured by their gross receipts exceeding \$250,000, and also the Senate amendment imposing a stamp tax of 1 cent on the sale of each sleeping and parlor car ticket sold by the company issuing the same, and also the Senate legacy and inheritance tax.

The House recedes from its tonnage tax provision.

The Senate accepts the certificate of indebtedness and loan provisions of the House, with a reduction of the amount of bonds authorized to four hundred millions.

The Senate recedes from its coinage of the silver seigniorage amendment, and a substitute is agreed to simply authorizing and directing the coinage of not less than one and one-half millions silver dollars per month from the silver bullion held in the Treasury; such silver dollars to be applied as provided by the act of July 14, 1890.

The House accepts the Senate amendment imposing a duty of 10 cents per pound on imported tea, with an amendment providing that the duty shall take effect on the passage of the act.

The House agrees to the Senate amendment relating to mixed flour, with a substitute embodying the House bill on the same subject as reported by the Committee on Ways and Means.

NELSON DINGLEY,

SERENO E. PAYNE,

Managers on the part of the House.

Mr. DINGLEY. Mr. Speaker, it is the desire of the committee to complete the action of the House upon this bill to-night, in order that it may become a law, if possible, before the close of the week. This is almost absolutely necessary now that the provisions of the bill have become known to the public, in order to prevent large losses to the Government by reason of persons taking advantage of certain provisions of the bill which make a change of rates.

I wish to make some inquiry of the gentleman from Texas [Mr. BAILEY], representing the minority of the committee, as to the time that may be required for debate and whether we can fix a time for a vote. Although we could control the matter by means of the previous question, I prefer, if possible, to make some arrangement.

Mr. BAILEY. Mr. Speaker, I agree that if this bill is to become a law at all it is desirable that it should become a law without any unnecessary delay. I also recognize that, as the gentleman from Maine [Mr. DINGLEY], in charge of the bill, has the floor and has the majority of the House to support him, he can secure the ordering of the previous question.

But on this side we desire a reasonable time—only a reasonable time—to discuss the measure, and I say to the gentleman now that if he will consent to reasonable debate there will be no attempt to resist a decision of the question to-night. It may involve some personal inconvenience to members to remain here, but I know they are going to be required to remain anyway.

If we could proceed with such discussion as is necessary, the gentleman could still reserve sufficient of his time to resume the floor and move the previous question whenever he saw fit. I had thought that it might be well enough for us to take a recess at the conclusion of the reading of the report and the statement, and resume our session at 8 o'clock, and then conclude the consideration of the report before we adjourn to-night.

Mr. DINGLEY. I suggest to my friend from Texas that if there is to be any debate of any length it might be better that the debate proceed, if we could have an understanding as to the time the vote could be taken.

Mr. BAILEY. I do not think there will be any extensive debate or any demand for it on this side. I am so far advised of but two gentlemen who desire to speak; of course both of them members of the Committee on Ways and Means, but one of them desiring to yield to another member of the House. I think the report can be easily disposed of before anything like a late hour to-night.

Mr. DINGLEY. Can there not be an agreement as to the time of taking the vote? It might be a convenience to members to know at what time the vote is to be taken.

Mr. BAILEY. Well, I am sure there will not be a demand for exceeding an hour and a half debate on this side, and if we take a recess now until 8 o'clock we could take a vote at 11, and it may come earlier than that.

Mr. DINGLEY. Mr. Speaker, I desire to meet the convenience of members.

Mr. GROSVENOR. I suggest a recess until 7.30 o'clock.

Mr. MAHON. And a vote at 10.30.

Mr. DINGLEY. How about the suggestion of the gentleman from Ohio, that we take a recess until 7.30, and that the vote be taken at 10 o'clock, the time to be equally divided?

Mr. BAILEY. That would allow an hour and a quarter on a side.

Mr. DINGLEY. Yes.

Mr. McMILLIN. Let us take a recess until 8 o'clock.

Mr. BAILEY. I will say to the gentleman from Maine that if we resume the session at half past 7, that would not allow the most of the members time to go to their homes to take their dinners and return.

Mr. DINGLEY. It is only 6 o'clock now.

Mr. McMILLIN. Make it 8 o'clock.

Mr. BAILEY. I think if the gentleman from Maine will agree to that that we could return by 8, and I believe that we can vote by half past 10. [Applause.]

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that the House now take a recess until half past 7 this evening.

Mr. BAILEY. Eight o'clock.

Mr. DINGLEY. Until 8 o'clock this evening, and that the vote on the conference report be taken at 10.30 o'clock.

Mr. HILL. Reserving objection, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILL. If this request is complied with, will it be necessary to vote upon this report as a whole?

The SPEAKER. The gentleman from Connecticut asks if it will be necessary to vote on the report as a whole. The Chair understands that it is an agreement of the conferees which must be accepted or rejected.

Mr. HILL. Would it be in order, Mr. Speaker, to move to non-concur and refer the report back to the committee with instructions, if the previous question is voted down?

The SPEAKER. It would be in order to reject the report.

Mr. HILL. And refer it back with instructions?

The SPEAKER. It would then be referred back.

Mr. HILL. But it would be necessary first to vote down the previous question?

Mr. DINGLEY. To reject the conference report.

The SPEAKER. It would be necessary to vote down the report.

Mr. HILL. I object to any agreement upon the question, then.

Several MEMBERS. Oh, no!

Mr. HILL. Has the previous question been ordered?

The SPEAKER. The previous question has not been ordered.

Mr. HILL. Has it been demanded?

The SPEAKER. It has not been demanded.

Mr. HILL. I have no objection, then, to the recess.

Mr. MOODY. Mr. Speaker, before the question is put, I should like to ask the gentleman from Maine if any part of the one hour to be devoted to debate on this side of the House would be allotted to any gentleman on this side who might be opposed to the acceptance of the report?

Mr. DINGLEY. Oh, to any gentleman.

Mr. MOODY. I want no time myself.

The SPEAKER. The Chair will submit the request of the gentleman from Maine to the House.

Mr. BAILEY. Mr. Speaker, before that is done, I simply want to make a statement. Of course everybody in the House understands it, but it goes into the RECORD, and I want everybody who might examine that to understand it. That is, that while this is a conference report and an agreement between the conferees, it is not a recommendation to which I assented or which I countenance.

Mr. HULL. The report itself will show that.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] asks unanimous consent that the House now take a recess until 8 o'clock, and that debate be then had upon the conference report, and that a vote be taken at half past 10. Is there objection?

Mr. HOOKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. Would it be in order to have a separate vote upon any proposition in the report?

The SPEAKER. It would not be in order.

Mr. HOOKER. It could be done by unanimous consent, could it not?

The SPEAKER. The Chair thinks that even with unanimous consent it would be difficult to have it done. The way to reach the point that the gentleman has in mind is by the rejection of the report and further action of the committee, if the House sees fit.

Mr. HOOKER. I do not wish to delay the passage of this bill, but I feel like objecting to this arrangement unless an opportunity is going to be given to vote upon one proposition in this report.

Mr. HENDERSON. The gentleman will have the same right after the recess that he would have now. He will gain nothing by objecting.

Mr. HOOKER. But the proposition is that we have a vote at 10.30 o'clock on the whole business.

The SPEAKER. If the gentleman can suggest any way in which a conference report can be modified and at the same time agreed to—

Mr. HOOKER. I do not know that it could be done. I suppose an agreement could be reached by unanimous consent that we could take a vote upon one proposition, to which there is some objection, at least, upon this side of the Chamber.

Mr. McMILLIN. I suggest to the gentleman from Maine [Mr. DINGLEY] that he will be able to accomplish his purpose by moving the previous question at any time that he wishes to do so, giving notice as to the time.

Mr. DINGLEY. If an agreement can be obtained, as I think it can, I prefer to have it in that way.

The SPEAKER. Is there objection to the proposition of the gentleman from Maine [Mr. DINGLEY]?

Mr. HOOKER. I think I will object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. HENDERSON. Mr. Speaker, I suggest to the gentleman from Maine that he make the request that we take a recess until 8 o'clock. That leaves everything open.

Mr. HOPKINS. Let us have an agreement as to when we shall vote.

Mr. DINGLEY. I desire to give notice that at half past 10, unless unanimous consent is given, I shall move the previous question on the adoption of the report; and I now move that the House take a recess until 8 o'clock.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote, by unanimous consent, leave of absence was granted to Mr. GREENE, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9008. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899;

H. R. 2435. An act for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

H. R. 3391. An act for the relief of W. H. Barnard and Robert Thomas;

H. R. 9205. An act to authorize the extension eastwardly of the Columbia Railway;

H. R. 10420. An act for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.;

H. R. 2490. An act removing the charge of desertion from military record of W. H. Cohorn;

H. R. 1287. An act for the relief of Dr. John R. Hall, of Louisville, Ky.; and

H. R. 9075. An act to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. R. 95. Joint resolution instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry; also to restore to the State of New York the flag carried by the One hundred and thirteenth New York Volunteer Infantry;

S. R. 173. Joint resolution authorizing the President in his discretion to waive the one-year suspension from promotion and to order reexamination of officers of the Army in certain cases; and

S. 4048. An act granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville ville Indian Reservation, in the State of Washington.

And then (at 6 o'clock and 2 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker at 8 o'clock p. m.

WAR REVENUE BILL.

Mr. HILL. Mr. Speaker, is any business in order?

The SPEAKER. The Speaker thinks the question is—

Mr. HILL. I do not wish to take advantage of the absence of anyone; but if the House is in order for the transaction of any business—

The SPEAKER. The Chair thinks the House is in order for the transaction of the business that was before it at the time the recess was taken.

Mr. HILL. I move that the House do now adjourn.

The SPEAKER. The gentleman from Connecticut moves that the House do now adjourn.

Mr. HEPBURN. I raise the point of order against that motion. There was unanimous consent given, as I understand, that this session should continue to half past 10 o'clock.

Mr. HOOKER. I beg the gentleman's pardon. The motion was made to take a recess until 8 o'clock.

The SPEAKER. The Chair thinks there was only consent given for a recess—

Mr. HILL. Would it be in order to make an explanation of my reason for making the motion?

The SPEAKER. That was done by unanimous consent. It is not in order on a motion to adjourn to make an explanation.

Mr. MANN. A parliamentary inquiry. Was not the request for unanimous consent stated by the Chair that there should be a vote at half past 10 this evening?

The SPEAKER. No; only notice was given that the previous question would be called at that time. The gentleman from Connecticut moves that the House do now adjourn.

Mr. HILL. May I withdraw the motion to adjourn temporarily, so as to make an explanation, and then renew it?

The SPEAKER. The gentleman must withdraw it entirely if he withdraws it at all.

Mr. HILL. Will I hold the floor?

The SPEAKER. The gentleman will not hold the floor.

Mr. HILL. I insist, then, on the motion to adjourn.

The SPEAKER. The gentleman from Connecticut moves that the House do now adjourn.

Mr. SAMUEL W. SMITH. Is it in order to call for the yeas and nays on that?

The SPEAKER. Does the gentleman ask for the yeas and nays?

Mr. SAMUEL W. SMITH. Not for just a moment.

The question was taken; and the motion was rejected.

So the House refused to adjourn.

Mr. DINGLEY. Mr. Speaker, I desire to add a few words in explanation of the conference report which has been submitted to the House. The statement which has been read presents in general terms the points of agreement. Gentlemen are all aware that in any conference on the disagreeing amendments to a bill comprising so many provisions as a measure of this nature, which is especially a war revenue bill, many points of difference arise between the two Houses that necessarily must be compromised. It is impossible that any conference report on a bill of this nature can be such as to meet at every point the wishes of even any conferee or any member of the House. There must be compromises, necessarily, in order to secure legislation of this kind. There must be a give and take, having regard, of course, to matters of principle, preserving those entirely throughout, but surrendering in some points not embodying principles which it would not be our wish to do if we could possibly avoid it.

We have found this case in considering the differences between the House and the Senate on this war-revenue bill. There were so many conflicting interests, there were so many differences of opinion, especially between two bodies constituted differently in many respects as the Senate and House of Representatives are. But your conferees have endeavored at every point to obtain the substantial things that it was absolutely necessary should be obtained, and in surrendering to another body on some points, to surrender only those things that do not militate against the great objects which all are seeking.

Therefore, as I have already intimated, there are many things in the compromise which we have made and the agreement into which we entered to which I personally do not give entire assent, to which no conferee gives entire assent; but on the whole the result is one which seems to those conferees who represent the House, as undoubtedly it seemed also to the conferees representing the majority of the Senate, to be the best that could be obtained in order to secure the great results which we were all seeking.

In my judgment the agreement which we have reached is one which on the whole we should all unite in supporting as being the best obtainable under existing conditions.

What was the object we sought to accomplish? It was first to raise from \$100,000,000 to \$150,000,000 of revenue by taxation. It was also to provide by loans from \$400,000,000 to \$500,000,000 in addition to this to meet the probable expenditures of the war in which we are engaged up to at least the 1st of May next, for war expenditures are well-nigh certain to continue to that time.

The bill which the House passed provided for the raising of substantially \$100,000,000 by taxation and for loans of \$500,000,000, with \$100,000,000 temporary certificates for use during the period required to place the popular loan contemplated.

The amendments which the Senate made to the House bill provided for the raising of from \$140,000,000 to \$175,000,000 of revenue, and for loans to the extent of \$300,000,000, with \$100,000,000 of certificates of indebtedness.

The points of difference were many when the conferees came together, and the complete agreement reached has necessitated many compromises.

First, the Senate accepted the House provision imposing a tax of \$3 per barrel on fermented liquors, but struck out the House provision imposing this tax upon fermented liquors that should be stored, and also amended the provision of the House which provided for 5 per cent rebate on stamps for fermented liquors by increasing the rebate to 7½ per cent.

On these points of difference the conferees have reached an agreement by providing that fermented liquors stored in a warehouse on the passage of this act shall pay the additional tax, and that the Senate rebate of 7½ per cent on stamps sold shall be accepted.

Next, as to the provision with respect to tobacco and manufactures of tobacco, the Senate had adopted the House rate of 12 cents per pound on tobacco, and consequently there was no difference on that point. On cigars and cigarettes the House has accepted the Senate rates, which are a little less than the House rates.

The House had provided that stocks of tobacco and manufactured tobacco on hand should pay the same tax as that imposed on such articles when manufactured and sold subsequent to the passage of the act. The conferees finally reached an agreement providing for the imposition of one-half of the additional tax on all tobacco and manufactures of tobacco stamped subsequent to April 14, 1898, and in the hands of dealers or other persons where the stock consists of not more than a thousand pounds of tobacco nor more than 20,000 cigars or cigarettes. The small dealers throughout the country who have a small retail stock are not to be taxed as to the stock on hand, but the large dealers, those especially who have been laying in large stocks for speculative purposes, are to be taxed for so much of their stock on hand as has been stamped since April 14 to the extent of one-half of the increased tax, both as to tobacco and cigars and cigarettes. The date of April 14 was fixed as the time when speculators began to

buy and use stamps to avoid the payment of the increased tax, which was foreshadowed at about that time. In the two months since that date more than \$4,000,000 in stamps have been purchased in excess of the same period of last year.

Mr. SMITH of Kentucky rose.

The SPEAKER. Does the gentleman from Maine yield to the gentleman from Kentucky?

Mr. DINGLEY. If the gentleman will pardon me at this time, I desire to proceed with my statement, and when I have completed it, then he can put his question, if there is time.

Mr. SMITH of Kentucky. I want to know if it was 10,000 cigars or 20,000 cigars?

Mr. DINGLEY. Twenty thousand cigars and 1,000 pounds of tobacco. The object is very obvious, and that is not to disturb small retail dealers throughout the country where the tax to be collected would be very small. Therefore this compromise was accepted by the House and Senate conferees.

The Senate inserted a provision in the bill imposing special annual taxes upon bankers, brokers, pawnbrokers, commercial brokers, custom-house brokers, insurance agents, proprietors of theaters, proprietors of circuses and shows, and billiard rooms. The House conferees have accepted this amendment of the Senate, except as to insurance agents. They have been stricken from the list, imposing no special tax upon them on account of their large number and the small amount of business that many of them do, especially in the smaller communities of the country. The provision imposing a special tax on theaters and concert halls has been limited to cities exceeding 25,000 population.

The House provision imposing a special tax on retail tobacco and cigar dealers, which the Senate struck out, has gone out finally with the assent of the House conferees, for the reason that it would affect over 800,000 dealers, many of them making limited sales, and would yield a comparatively small revenue.

The increased tax on fermented liquors and tobacco takes effect on the day next subsequent to the passage of the act and the special taxes from and after July 1.

I next come to the adhesive-stamp taxes. The Senate has amended the House provision relating to the taxing by stamps of transactions on stock boards so as to cover produce boards and all transactions in futures, and the House has accepted this extension.

The House had refrained from imposing a stamp tax on receipts, for the reason that they are in so general use that it seemed to the House committee desirable, when the bill was originally framed, to omit the stamp tax upon them. The Senate placed a stamp tax upon receipts, but in conference the Senate conferees have receded from this tax. That has gone out of the bill as reported by the conferees.

The Senate largely increased the stamp tax on life-insurance policies, it will be remembered, but in conference that amount has been reduced about one-third, and, as I have said, the special tax on insurance agents has been dropped, and an agreement has been reached on these lines.

The Senate modified the House proposition relating to the tax on proprietary medicines, and in modifying it introduced new elements which placed the whole subject within the jurisdiction of the conferees. The result has been that after a careful investigation your conferees have accepted the general scope of the propositions contained in the Senate amendment—confining the tax to proprietary medicines—and the conferees of both Houses have concurred in reducing the tax on proprietary medicines and perfumes, etc., about one-third. Both the Senate and House conferees were satisfied, from all the investigations that have been made, that although the tax was precisely the same in the House bill as it was in the revenue acts from 1864 to 1872, yet that under existing conditions it was too large, and therefore it has been reduced about one-third all along the line.

The Senate amended the provision for taxing stocks of medicinal preparations on hand, so that they should be stamped only as sold by the retailer, on the ground that there are a large portion of these old stocks of druggists throughout the country that are unsalable, and that a stamp tax imposed upon all of that stock would be unjust and improper. The House conferees readily concurred in that view of the case, and accepted the Senate proposition, which imposes a stamp tax upon stocks of proprietary medicines only as the articles are sold by the retailer. So that in that case the tax is only paid by the retailer as he may sell the stock; and if any of it is unsalable, no tax is required upon it.

The Senate amendment imposing a stamp tax on all articles sold under a trade-mark or patent or special proprietary name was strenuously objected to by the House conferees, and went out.

The Senate imposed an excise tax of one-fourth of 1 per cent upon the gross receipts of all corporations refining sugar or petroleum where the amount of the gross receipts of the company exceed \$250,000. While the House conferees were fearful that a tax imposed in this way would be immediately transferred to the consumers of sugar and refined oil, yet in view of the fact that the

Senate had adopted it by a large majority, and with a view of reaching the two great trusts in this country, it has been thought desirable to try the experiment of this method of taxation, notwithstanding many regard it as of doubtful constitutionality and expediency.

Mr. RIDGELY. Is that one-fourth of 1 per cent on gross receipts?

Mr. DINGLEY. One fourth of 1 per cent on gross receipts is the proposed tax. While the House conferees would have suggested a different amount if the tax was to be imposed, yet it was felt that the gentlemen who had placed this kind of a tax in the bill ought to have a trial of it just as they had suggested it.

Mr. WALKER of Massachusetts. What about the compensatory duty? What effect will this have upon the business of refining sugar in this country, compared with other countries where no such tax is imposed?

Mr. DINGLEY. I suppose the gentleman from Massachusetts and myself would find a great many objections to a tax imposed on the gross receipts of any industry.

Mr. WALKER of Massachusetts. I do not think we should either of us find objection to a tax imposed on the domestic product, if a like duty were imposed on the imported article as a compensatory duty, so as not to drive the business out of the country.

Mr. DINGLEY. We have taken it just as the Senate proposed it. As they were very insistent upon that matter, we have accepted the proposition. And there is no probability that it will drive out of this country the business of refining either sugar or petroleum.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. WALKER of Massachusetts. The only point I want to make is whether the conferees were not endeavoring to protect the interests of the citizens of this country in their conference, rather than to please any Senators from here, there, or anywhere?

Mr. DINGLEY. Certainly.

Mr. WALKER of Massachusetts. Then the question is whether, if we propose a duty of a quarter of 1 per cent on the manufacture of sugar in this country, we ought not to place a corresponding compensatory duty on the imported article?

Mr. DINGLEY. This is a quarter of 1 per cent on the gross receipts.

Mr. WALKER of Massachusetts. That is still worse.

Mr. McMILLIN. Will the gentleman from Maine permit me to ask him a question?

Mr. DINGLEY. Certainly.

Mr. McMILLIN. Can the gentleman give any approximate estimate to the House as to what this branch of the bill will yield—what revenue will be yielded from this tax on sugar and petroleum?

Mr. DINGLEY. There were no statistics presented to the conferees that could be relied upon. The highest estimate was \$2,000,000 and the lowest was \$1,000,000 as the amount that would be yielded from these two interests.

Mr. McMILLIN. There is not much bankruptcy in that.

Mr. DINGLEY. I do not wish to be understood as saying that I approve of the taxation of the gross receipts of any industry. It was one of the things that we were obliged to accept in order to get an agreement, and there were many members of the conference who felt that perhaps the experiment might be instructive.

The Senate also imposed a stamp tax of 1 cent on each sleeping-car berth ticket and each chair ticket for a seat in a parlor car, and that has been accepted by the conferees.

Mr. McMILLIN. I should like to ask the gentleman right there, if it will not interrupt him, whether this is a graduated tax, or do you charge the same on a ticket for a berth from here to San Francisco as upon a ticket for a seat from here to Baltimore?

Mr. DINGLEY. The same tax on each is the way in which the Senate amendment imposes the tax.

Mr. McMILLIN. It is not a tax in proportion to the value of the ticket, but simply a tax on the ticket.

Mr. DINGLEY. The House conferees suggested that if this kind of a tax was to be imposed, there should be a graded tax; but it did not meet the approval of the gentlemen who were pressing this kind of a tax.

The House also accepts the legacy and inheritance tax proposed by the Senate, which the Senate conferees were insistent upon. The sole objection on the part of the House conferees lay in the fact that the States are largely using the inheritance tax for their own purposes, and there seemed to the majority of the conferees on the part of the House to be an objection against interfering with the field that the States occupy in this direction. But on the whole it was finally thought proper to accept the proposition.

Mr. HENRY of Connecticut. Can the gentleman state the expected receipts from this source?

Mr. DINGLEY. About \$9,000,000 is the Senate estimate of the expected receipts from this source.

The House recedes from its tonnage-tax proposition, it being

thought wiser by the Senate conferees that this matter should be reserved for future consideration.

As to the provision of the House for certificates of indebtedness and for the issue of bonds, the House provisions as to both have been practically accepted, with the exception that the amount of the issue of bonds provided by the House, which was \$500,000,000, has been reduced to \$400,000,000. In other respects the bond and certificate provisions are substantially as they passed the House.

The Senate adopted an amendment imposing a duty of 10 cents per pound upon imported tea. Gentlemen will remember the very decided vote by which the Senate imposed that duty. After careful consideration, and in view of the insistence of the Senate conferees, and for many reasons that seemed to the House conferees to make it wise to accept this suggestion, the House conferees have accepted the proposition to place a duty of 10 cents a pound upon tea, modifying the Senate proposition, which provided that this duty should take effect on the 1st day of July, so that it shall take effect on the passage of the act. It was very important that this should be done if the duty was to be imposed; important, too, that the bill should be passed at once, because within ten days from this time, perhaps within five days, the new crop of tea will begin to arrive in Atlantic ports. A few chests of the new tea have in fact already arrived in California.

Mr. BERRY. Can the gentleman state what amount of tea is consumed in this country?

Mr. DINGLEY. About 100,000,000 pounds of tea are consumed in this country at the present time.

Mr. RIDGELY. Does that tax apply to stocks on hand?

Mr. DINGLEY. It does not. There are very small stocks on hand at the present time. There has been no expectation on the part of importers of tea that this tax would be imposed, and consequently they have made no preparation for this change of duty, I am pleased to say.

The result is that the stock of tea on hand to-day is the smallest that has been known for years; and it happens to be the very time to catch the new crop, which will begin to arrive within ten days, and during the month of July will be here in very large proportion.

Mr. FITZGERALD. I should like to ask the chairman of the Committee on Ways and Means if the Republican members of the conference made any attempt to repeal the 10-cent tax upon tea? I am strenuously opposed to this tax myself, although I will vote for the bill as a war measure, and I would like to know what position the House conferees took upon this matter.

Mr. DINGLEY. They did not.

Mr. LOVE. Does this tax apply to stocks of tea on hand?

Mr. DINGLEY. It does not. It was the desire of the House conferees that this should apply, if possible, to stocks on hand; but there were difficulties in the way. In the first place, I may say, the stock on hand is exceptionally small. In the next place, the committee ascertained that the old tea on hand at this time, this being the close of the year, had depreciated in quality; and therefore it would not be just to impose upon the stock on hand an excise or internal-revenue tax corresponding with the duty upon tea. Another consideration was that the stock on hand being so small, and as we catch the new crop just at the proper time, we secure, by the speedy passage of this bill, practically the full annual revenue on tea, which will be not far from \$10,000,000.

Mr. SIMPSON. This is an import tax?

Mr. DINGLEY. It is an import tax on an article not produced in this country; and as it is not produced in this country, the tax is necessarily added to the cost.

Mr. FITZGERALD. And the consumer will not be taxed; the foreigner will pay the tax! [Laughter.]

Mr. DINGLEY. The Senate added to this bill—improperly as it seemed to your committee, but nevertheless technically appropriate to it as a revenue bill—a provision relating to mixed flour. Your committee was very desirous that some remedy should be adopted to remove the evils that have arisen in the adulteration of flour. The gentleman from Minnesota [Mr. TAWNEY], a member of the Committee on Ways and Means, had spent several months in investigating this subject thoroughly, and had prepared, in connection with the Internal Revenue Department, a bill which seemed to your committee exceedingly effective, and, if a bill of such nature is to be passed, entirely appropriate.

This bill has been favorably reported to the House by the Ways and Means Committee. As the Senate had introduced the matter into this bill, and had sent to us a measure on this subject which was not as carefully prepared and would not so well accomplish the object as the measure prepared by the gentleman from Minnesota, your conferees proposed to the Senate conferees to accede to the Senate amendment with an amendment substituting the bill which had been reported to this House. If the gentleman from Minnesota is present—

Several MEMBERS. He is here.

Mr. DINGLEY. I should like to have him make a brief statement as to the general scope of that measure. I yield him five minutes for that purpose.

Mr. TAWNEY. Mr. Speaker, for several months the Committee on Ways and Means have been investigating the subject of adulterated flour. Several bills were introduced early in this session providing for a special tax upon those engaged in the business of mixing flour, and also a small tax upon the manufacture and sale of mixed flour. The investigation which the committee has given to this subject has developed the fact that flour is being adulterated to-day by the use of flourine, which is a by-product of glucose, containing free sulphuric acid; mineraline, which is a product manufactured by the grinding of kaolin or clay into flour, and barytes.

The chemical analyses of these several adulterants reveal the fact that all of them are deleterious to health. In the judgment of the committee, therefore, it was deemed advisable, both in view of public health and on account of the effect of the process of adulteration upon our foreign or export trade in flour, that some remedy should be devised for this evil. A substitute for the several bills introduced was prepared by me.

This substitute, as the chairman of the committee has said, was drawn after consultation with the Internal Revenue Department and also after considering the evidence before the committee and the interests of those engaged in the business of manufacturing pure flour and who are acquainted with the practices carried on by those engaged in the business of adulterating wheat flour.

The provisions of the bill, briefly stated, are, first, a definition of mixed flour—a special tax of \$12 a year imposed upon those engaged in the business of mixing or blending or adulterating wheat flour.

Mr. LOVE. Is this tax of \$12 levied on the dealer regardless of the amount sold?

Mr. TAWNEY. It is regardless of the amount sold, just the same as the special tax on manufacturers of cigars and tobacco. In addition to that, there is a tax of 4 cents per barrel upon the manufacture and sale of mixed flour. The other features of the bill relate primarily to administration and conform to the oleomargarine law passed in the Forty-ninth Congress, in 1886, and the filled-cheese law, which was passed in 1896.

The bill is identically in line with both of those measures, which have been passed for the benefit of the consumers of those two food products. Flour being so universally consumed by the people, and the practice of adulteration having increased so enormously within the last eighteen months, and the character of the adulterants being clearly deleterious to health, the committee felt that under the circumstances, and because of the need of the Government for revenue, this was an excellent time and opportunity to provide for regulating the manufacture of this spurious product and as far as possible protect the health of the people by preventing the sale of adulterated flour for that which it is not, for the practice of adulteration is known to but very few of the consumers of flour.

Mr. BARTLETT. The gentleman will permit me to ask him a question. He does not mean to say that the adulteration is confined to minerals and those other deleterious products?

Mr. TAWNEY. No, sir.

Mr. BARTLETT. As I understand this amendment, it provides that any other grain than wheat being found in flour makes it adulterated?

Mr. TAWNEY. Yes, sir. It would be branded as mixed flour.

Mr. DINGLEY. Mr. Speaker—

Mr. TAWNEY. Just one word more. I will say that the manufacturers of corn flour and corn meal all over the United States have indorsed this bill. They are as anxious for the enactment of this legislation as are the manufacturers of wheat flour.

Mr. RIDGELY. One question. Do you impose the same tax and brands on flour that is exported?

Mr. TAWNEY. Yes, sir; protection to the export flour trade of the United States is one of the principal features of the amendment.

For the information of members who may desire to examine this subject and ascertain the facts, I will print with the statement I have made the report on the pure-flour bill which, by direction of the committee, I had the honor to make to the House on yesterday:

The Committee on Ways and Means have had under consideration the bill (H. R. 9380) defining mixed flour and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation thereof.

This bill was presented to the committee as a substitute for H. R. 6705, introduced by Mr. PEARCE of Missouri January 17, 1898.

Hearings before the full committee were granted to all persons who expressed a desire to be heard. The evidence thus presented to the committee will be found in Document No. 309, and consists of a report submitted by the Secretary of Agriculture showing the fact and extent of the adulteration of wheat flour, together with the kind and character of the adulterants used; also the statements of the representatives of the millers' executive committee, the Millers' National Association, the Winter Wheat Millers' League, the Southwestern Winter Wheat Millers' Association, the Illinois Millers' Association, besides representatives from the millers' State associations of Minnesota, the Dakotas, Wisconsin, Michigan, and all other States where flour or corn milling is a leading industry. The document referred to also contains letters from foreign buyers of American flour and reports from American consuls upon the fact and effect of the adulteration of wheat flour upon the export flour trade of the United States.

All of the foregoing evidence was submitted in support of this proposed legislation. In addition, there was filed with the committee numerous petitions and resolutions from boards of trade, chambers of commerce, and produce exchanges, representing almost every State in the Union, urging the passage of H. R. 8860, herewith reported. The only interest represented before the committee and appearing for the purpose of opposing the bill was the Glucose Sugar Refining Company, of Chicago.

The most important facts found by the committee from the evidence submitted are that wheat flour is, and for the past two years or more has been, adulterated by manufacturers and dealers in certain sections of the country and sold for pure wheat flour at about pure wheat flour prices, and that in almost every case the adulterants used are deleterious to health. The principal adulterants are corn flour, flourine, mineraline, and barytes. The chemical analyses of the three last-named products prove that all of them contain matter positively injurious to health, while mineraline and barytes contain absolutely no muscle-creating or life-sustaining qualities whatever.

In flourine, the adulterant most generally used, the amount of protein or muscle-forming material is so small that, according to the report of the Department of Agriculture, a laboring man would have to consume 160 pounds of it per day in order to obtain a sufficient amount of protein for an average day's work. (See Bulletins 21, 23, and 45, United States Experiment Stations, Department of Agriculture.)

In a letter transmitting a chemical analysis of flourine Professor Snyder, of the University of Minnesota, says:

"This flourine contains 0.018 per cent of free sulphuric acid. The acid character is so pronounced that when a piece of sensitive blue litmus paper is pressed against the dampened flour the paper is turned red, indicating the presence of free acid. The reaction of flourine is decidedly acid. The excess of acid has undoubtedly been used to give the material a better appearance, and also to prevent fermentation when the product is mixed with flour."

In this same letter Professor Snyder sums up the objectionable features of flourine as follows:

"Briefly stated, the analysis shows the objectionable features of flourine to be: The absence of bone-forming materials as phosphates, and the presence of objectionable mineral matter as sulphate of soda. Flourine is deficient in both protein and fat, and contains free sulphuric acid. If a person were fed on pure flourine, he would soon die for the want of the proper vital nutrients, because starch alone can not sustain life."

The following is the result of the chemical analysis of flourine referred to in the letter of Professor Snyder:

[Station No. 2800.]

UNIVERSITY OF MINNESOTA EXPERIMENT STATION,
CHEMICAL LABORATORY,
St. Anthony Park, Minn., April 13, 1898.

W. C. EDGAR:

The sample of flourine received April 10, 1898, has been found to have the following composition upon analysis:

	Per cent.
Water.....	8.73
Ash.....	25
Proteids.....	18
Amide bodies.....	24
Fat.....	48
Starch.....	88.69
Glucose, pentosans, and cellulose.....	1.41
Free sulphuric acid.....	.018

HARRY SNYDER, Chemist.

The fact that sulphuric acid is used in the manufacture of flourine was admitted by Dr. Arno Behr, who appeared before the committee as a representative of the Glucose Sugar Refining Company, and who is in the employ of said company as an analytical chemist, the quantity of acid thus admitted being not less than 2 ounces to a barrel of water. The use of sulphuric acid in the manufacture of glucose and flourine is also proven by the affidavit of Frank W. Powers, of St. Louis, Mo., who for more than two years was the head miller in a glucose mill. (See printed Hearings, page 111.)

The presence of this acid in flourine being established by the science of chemistry, by the sworn testimony and admissions of the employees of the producers of flourine, the evidence of experts and scientists is not necessary to prove that flourine used in the adulteration of wheat flour is injurious to health. If evidence of this character is needed, it may be found in the letter of Dr. George M. Kober, a reputable physician of the city of Washington, who for a number of years has made a study of this matter. Evidence to the same effect may be found in the letter of Prof. H. Willey, Chief of the Division of Chemistry, United States Department of Agriculture. (See page 67 of the Printed Hearings.)

Mineraline used as a wheat-flour adulterant is nothing more nor less than white clay, or kaolin, ground into a flour. Its constituent parts are shown by the chemical analysis made by the same chemist who analyzed the flourine hereinbefore referred to. The result of his analysis is herewith submitted:

[Station No. 2826.]

UNIVERSITY OF MINNESOTA EXPERIMENT STATION,
CHEMICAL LABORATORY,
St. Anthony Park, Minn., May 24, 1898.

W. C. EDGAR:

The sample of mineraline received May 23, 1898, has been found to have the following composition upon analysis:

	Per cent.
Silica (sand held in chemical combination).....	28.19
Alumina.....	52.40
Potash.....	18.34
Water (of hydration).....	3.07

Insoluble in hydrochloric acid..... 95.59

The material is feldspar, and contains a small amount of clay (as an impurity). It is a mineral found quite abundantly in many localities.

HARRY SNYDER, Chemist.

I also submit the letter of Professor Snyder, transmitting the analysis of this mineraline:

UNIVERSITY OF MINNESOTA,
AGRICULTURAL EXPERIMENT STATION,
St. Anthony Park, Minn., May 24, 1898.

DEAR SIR: I inclose the report of the analysis of the material called "mineraline." The analysis shows that it is feldspar, containing a little clay. Feldspar is a mineral which is used for making the glaze on porcelain. If used as an adulterant in flour it would be most decidedly injurious to health. This material is in a very fine state of division, and, being insoluble and indigestible, it would seriously interfere with the digestion and absorption of the food, to say nothing of its action as an irritant.

Mineraline has a slimy feeling and leaves a highly polished surface. It is one of the most insoluble substances found in nature. In order to get it into

condition for analysis it must first be roasted with strong fluxes at a high temperature. Concentrated hydrochloric acid dissolves less than 5 per cent of it.

Its use as an adulterant would be equivalent to using pulverized rock.

Very truly, yours,

HARRY SNYDER.

Mr. W. C. EDGAR,

Northwestern Miller, Minneapolis, Minn.

Barytes, which is another adulterant used by the sophisticators of wheat flour, is a white rock too well known to require any explanation or analysis to demonstrate the iniquity of its use in the manufacture of flour. When ground, as it is, into a flour it so nearly resembles in appearance wheat flour that it is practically impossible to detect the difference with the eye or by the sense of the touch. The ease with which a large percentage of this adulterant may therefore be used in the manufacture of wheat flour without the fear of being detected is very apparent. The fact that it is being used is proven by the following letter from a reputable wholesale flour establishment of Louisville, Ky.:

LOUISVILLE, KY., April 26, 1898.

DEAR SIR: We inclose you sample of what to us is a new method of adulteration. It is pulverized rock (barytes), and is being used by one of the large millers in this section. What per cent he is using we can not say, but it is found in considerable quantities in flour under his brand. Adulteration with corn products is plain stealing, but what do you think of adding injury to the theft?

This flour is sold principally in the Southeastern States.

We are, yours, truly,

JEFFERSON & CO.

EDITOR OF NORTHWESTERN MILLER, Minneapolis, Minn.

From the evidence thus presented to the committee there is no room to question the fact that our wheat flour is to-day adulterated with material absolutely deleterious to health. This practice, therefore, constitutes a menace to the health of more than 70,000,000 people. But it is not alone the public health that demands a remedy for the evil of adulteration. Flour is not alone the product from which the "staff of life" is made, but is one of our most important articles of foreign and domestic commerce.

The milling industry is now the largest single industry in the United States, but it can not long exist part honest and part dishonest. Competition between the honest miller who manufactures flour from all wheat and the dishonest miller who manufactures flour from part wheat and part corn-starch, flourine, barytes, or mineraline, and then sells it for the pure article, must either destroy the business of the honest miller or make him a rascal like his dishonest competitor. No one who will stop to consider the facts will deny that this is not competition, but annihilation.

This great and constantly growing industry is, therefore, seriously menaced by the fraudulent practice which has recently grown up among a class of men who, for the sake of larger profits, will not hesitate to destroy the health of their fellow-men. That this practice is rapidly driving the honest miller out of business or forcing him to be a dishonest producer of flour is evidenced by the following correspondence:

CHAMBERSBURG, PA., February 7, 1898.

DEAR SIR: We are gratified to note the great interest you have taken against the adulteration of flour. We ourselves are greatly interested in this subject, and believe every responsible manufacturer would issue a protest against the continuation of this malicious practice if they would but know or appreciate the results as it is probable we may see them in a few years hence if the Government does not put a stop to it.

Our business recently, we are well aware, has been quite profitable, it having been made so by the sale of corn mill and blending machinery for warehouses, etc. This machinery is demanding a big price. We know, however, on the other hand, that this blending or mixing is injuring the trade of the honest and responsible miller, and especially is it injuring the little fellows, or mills which are doing local work. To cite one instance, we inclose you a communication just recently received from one of our friends, Mr. W. P. Sykes. He has a small mill of 50 barrels capacity, and has always been up with the times, no doubt making money.

You can infer from his letter, however, what is staring him in his face, and what is representative of like situations in probably 15,000 mills in the United States. While we are not directly interested in this matter, yet we feel as though what affects the miller affects us, and if we can be of any assistance in having this matter adjusted we would thank you to kindly command us; and with best wishes for your success, we are,

Yours, very truly,

THE WOLF COMPANY,
Per H. G. WOLF.

Mr. AUGUSTINE GALLAGHER,
Washington, D. C.

This company last year did a business of perhaps \$400,000. It is by no means the largest of its kind in the country, but is one of the most enterprising, and is very keen to see that when they carry on business to compete with legitimate milling business of this country it is probably going to eat in and tear down the whole fabric.

CLEVELAND, TENN., January 18, 1898.

DEAR SIR: Since I put in grinders and had mill running I have made some heavy inroads on the local trade of Sweetwater Mill Company and others, and recently they cut my prices 40 cents per barrel. I can't meet them and use all wheat. They mix heavy. Now, what am I to do? Would you advise me to mix too? There are three large mills near me. They all mix with corn flour. I can't meet their prices and use 4 bushels of \$1.05 wheat. The trade all prefer my flour at same price, but won't pay 40 cents a barrel more.

What would you advise doing? I don't propose to be run out and won't do business just for fun. I would thank you for some advice, and I dislike very much the idea of mixing; but it is to be mix or else—

Yours, very truly,

W. P. SYKES.

P. S.—What kind of machine does Peerless Machine Company, of York, make? They make a blender. What would be necessary to equip me?

Yours,

W. P. S.

THE WOLF COMPANY, Chambersburg, Pa.

For the past year the various milling associations of the United States whose members are doing an honest and legitimate business have sought to detect and expose the men who are engaged in the nefarious practice of mixing impure products with wheat flour. The result of their investigation shows that in the year 1897 there was manufactured and sold between five and six million barrels of adulterated flour, and the business is only in its infancy. The percentage of wheat flour displaced by the use of these adulterants varies from 10 to 50 per cent, according to the conscience of the person engaged in the business.

Some idea of the extent to which these noxious adulterants are manufactured and sold for the purpose of adulterating flour, and also the price

and the manner in which they are used, may be gathered from the following circular letters, which are specimens of letters sent broadcast to the milling trade of the United States by the manufacturers of these adulterants:

THE GLUCOSE SUGAR REFINING COMPANY,
GENERAL OFFICES, THE ROOKERY,
Chicago, November 2, 1897.

DEAR SIR: We quote to-day's prices in carload lots, freight prepaid to your city, as follows: Flourine in 140-pound jute bags, \$1.22 per 100 pounds; in barrels, \$1.27 per 100 pounds. For shipment within thirty days from date of purchase, dates of shipment to be specified with order. Terms net cash ten days from date of shipment. Quotations named are subject to change without notice.

This grade is made expressly for the flour-mill trade. See inclosed circular for directions how to use it.

We trust the low quotation, the extra choice quality of our product, and the time of shipment will result in placing your orders with us.

Yours, truly,

THE GLUCOSE SUGAR REFINING CO.

HARVEST QUEEN MILLS, Elkhart, Ind.

Accompanying the above was the following:

"INSTRUCTIONS HOW TO MIX AND HANDLE OUR PRODUCT.

"We would advise substituting 10 per cent in patent, straight, and clears, and 15 per cent in the lower grades. With this percentage good results are obtained in both bread and biscuits, flourine being a natural product of both wheat and corn. All that is necessary or required to mix and assimilate thoroughly would be to feed the flourine into the finished product of the mill, conveying the mixture 20 or 25 feet; with this amount of conveying the flourine will be thoroughly mixed with the flour.

"It is not necessary to feed the flourine through the bolts in any particular, as the same is thoroughly pulverized and double bolted, and kiln dried to a very dry moisture percentage, whereas flour has a minimum of 13 and a maximum of 19, showing the keeping qualities in favor of flourine. We would call your attention to the fact that the germ or oily substance of corn is extracted, thereby assuring the flourine from becoming yellow or fermenting, which would be the case with corn flour.

"In using flourine as a substitute, especially in the lower grades, they are brought out in color at least two grades thereby, enabling the miller also to obtain on the particular grade from 15 cents to 30 cents per barrel more with the mixture than without. For all Southern trade flourine is used very extensively, as all flours are judged by their colors, enabling the miller to produce whiter flour and meet competition by using our product."

THE YORK MANUFACTURING COMPANY,
Greensboro, N. C., May 7, 1898.

GENTLEMEN: We invite your attention to our mineraline, which is without a doubt the greatest existing discovery.

There is no flour-mill man who can afford not to use it, for several reasons: Your flour will be much whiter and nicer; it does not injure the flour in any way; is not at all injurious to the health, and by using mineraline you realize a margin of from \$400 to \$1,000 on each carload you use.

To secure a low freight rate we mark it as "ship stuff."

We can furnish you mineraline, f. o. b. cars your station, for high-grade flour at \$30 per ton, for medium-grade flour at \$16 per ton, for bread meal at \$12 per ton, and for feed meal at \$8 per ton.

For a high-grade flour use 15 per cent mineraline, for medium-grade flour use 12 per cent mineraline, for bread meal use 12 per cent mineraline, and for feed meal use 18 per cent mineraline.

We furnish all our customers with a mixer free of charge. This machine will distribute completely any proportion desired, and costs nothing to attach.

All you have to do is to bore a hole in your elevator pipe, clamp on the machine, attach a cord to run it, fill up the hopper, and set the feed to the proportion desired.

Inclosed find sample of our mineraline for medium-grade flour.

You can not afford to let your competitor beat you in both quality and margin. We would be glad to hear from you.

Very truly, yours,

THE YORK MFG. CO.
Per M. H. K.

THE MARSHALL KENNEDY MILLING COMPANY,
Allegheny, Pa.

The above letter of the Glucose Sugar Refining Company, of Chicago, it will be observed, is dated November 2, 1897. The price of flourine there quoted is \$1.22 per 100 pounds. In the following letter, addressed to the New Ulm Roller Mill Company, of New Ulm, Minn., the same company, under date of May 25, 1898, quotes the price of flourine at \$1.50 per 100 pounds, an increase in the price since November last of 28 cents per 100 pounds, showing an increased demand for this product, and consequently its increased use as an adulterant of wheat flour. The letter referred to is herewith submitted:

THE GLUCOSE SUGAR REFINING COMPANY,
Chicago, May 25, 1898.

DEAR SIR: We quote to-day's prices in carload lots, freight prepaid to your city, as follows:

Flourine in 140-pound jute bags, \$1.50 per 100 pounds.
For shipment within thirty days from date of purchase, dates of shipment to be specified with order. Terms: Sight draft, bill of lading attached. The quotation named is subject to change without notice.

This grade is made expressly for the flour-mill trade. We trust the low quotation, the extra choice quality of our product, and time of shipment will result in placing your order with us.

Yours, truly,

THE GLUCOSE SUGAR REFINING COMPANY.

NEW ULM ROLLER MILL COMPANY,
Minneapolis, Minn.

We produce about 550,000 bushels of wheat annually. Estimating that the adulterator uses only 10 per cent, or 20 pounds of his substitute to each barrel of flour, as he is advised by the Glucose Company and the mineraline people for high-grade flour, this would show a displacement of 55,000,000 bushels of wheat annually, if all wheat flour produced was adulterated. I mention this merely to show the possibilities that unfold themselves to those who stop to consider this proposition in all of its various aspects.

The practice, therefore, of using these substitutes for corn and wheat in the manufacture of flour affects not only the health of the people—it not only tends to destroy the milling industry of the United States, but it also affects every farmer engaged in the production of either corn or wheat. And in addition to this, unless this practice of manufacturing adulterated

flour and selling it for pure flour is stopped, our foreign flour trade, which in 1897 equaled almost 15,000,000 barrels, will be entirely destroyed.

From the reports of American consuls abroad, and from letters written by foreign buyers of American flour, presented to the committee and printed in the hearings on House bill 9380, the American export trade in flour is not only menaced but is actually suffering to-day on account of the practice of adulterating wheat flour, shipping it abroad, and there selling it in competition with pure flour. Consul McCunn, of Dunfermline, on February 24, 1898, says:

"American flour is looked upon with suspicion, owing to the fact that it is believed to be mixed with corn ground exceedingly fine. I have it from unquestionable authority that four out of nine samples of American flour tested within the past three weeks are alleged to contain 10 per cent of corn flour. The high price of wheat and the low price of corn are believed to have led unscrupulous millers to adulterate their flour in this manner. If this adulteration is not speedily checked, it will expose the American flour trade to great danger, the effects of which will be far-reaching."

I also quote an abstract of a letter from H. Pulvermacher, of Hamburg, Germany, April 4, 1898, addressed to Kehlor Brothers, of St. Louis, Mo., as follows:

"Naturally there is considerable talking about flour adulteration. Every one of the importers, of the reasonable wholesale dealers, and consumers with us know very well that none of the big milling concerns, doing three-fourths or more of the trade in American flour in Germany, will ship an adulterated stuff. All these concerns have to lose a good repute, and nobody thinks these firms will risk it."

"But there is also some flour sent to Germany, by unknown mills almost, as consignments. If a bit of such an issue is found adulterated with corn flour or starch, this would do an inexpressible harm to the whole trade. Our home millers are not very favorably inclined toward the competition from abroad, and although I have not heard about a single lot seized with us as adulterated, the millers and agrarian press are exhibiting very much zeal to spread the rumors about adulteration in America. And I have not the slightest doubt that our Government will support them and will forbid or complicate the importation as soon as a single case of imported adulterated flour is found out."

"And such steps will enjoy the approval of the majority of people with us, because as a rule the tendency prevails in Germany to allow the importation of the raw material and to make difficult the importation of the manufacture. In such case of evidence of sending to us adulterated flour the honest miller will suffer under the fraudulent manipulations of the mixer. As the danger is imminent, I can also commend heartily the vigorous proceedings of the honest American miller to protect their trade, acquired with great pains; and a well-advised government ought to help them in any way."

The evils growing out of the business of mixing with wheat flour the refuse starch of the glucose factories, or ground clay, or rock, are so enormous, so far-reaching, so dangerous to the public health, and so injurious to legitimate trade, commerce, and industry that Congress should promptly apply an appropriate and an effective remedy. A remedy that will not alone require those engaged in the business of adulterating flour to brand their product and sell it for what it is, thereby protecting the consumer, but a remedy that will also require these parties to contribute to the support of the Government by the payment of a tax upon the sale of their product, thereby insuring the enforcement of the law by the agents of the Government charged with the duty of collecting its revenue.

This is all that the accompanying bill proposes. It requires the producers of mixed flour to brand their product, specifying the ingredients used in its manufacture, and at the same time the bill seeks to raise revenue for the Government—at a time, too, when more revenue is needed—thus affording to all classes protection against this fraud and possible disease. It proposes to suppress false pretenses and to promote fair dealing in the manufacture and sale of an article of food universally consumed. It will compel the sale of mixed flour for what it really is by preventing its sale for what it is not.

The power of Congress to enact legislation of this kind will not be questioned. This power has been exercised on several occasions in the past. Once, in 1894, by the passage of the act commonly known as the oleomargarine law, and again, in 1896, by the passage of an act known as the filled-cheese law. The right of Congress to enact either of these laws has never been questioned in the courts of last resort. Their benefit to the producers and consumers of pure butter and pure cheese is likewise conceded, while neither the Constitution nor the Government has suffered by the enactment or by the administration of these measures. In a case recently decided by the Supreme Court of the United States, involving the right of the State of Massachusetts, under the Constitution of the United States, to enact a law to regulate the manufacture and sale of oleomargarine, Justice Harlan, in delivering the opinion of the court, said:

"Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which in fact is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may have become the subject of trade in different parts of the country?"

Under the evidence, therefore, as to the fact and the effect of the adulteration of wheat flour, and under the precedents heretofore established by Congress, it is the judgment of the committee that the bill herewith reported should become a law, with the following amendment:

After the word "upon," on page 4, line 2, insert "the manufacture and sale, or removal for sale of."

Mr. DINGLEY. I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I want to make the observation that I regret that this subject has been injected into this great tax bill. It is a matter that ought to have been discussed at length and thorough knowledge touching the same obtained before it was legislated about.

Mr. HILL. Why not do it now?

Mr. CANNON. Let me complete my statement. I have only two minutes. I am not sure but what it is a tax upon a healthy food product in part—Indian corn. But the gentleman has well said that this conference report stands or falls as a whole; and in the present emergency, with the necessity for its enactment, and the revenues that are to come from it, however much I dislike this clause in the bill, I do not feel at liberty to vote against the conference report, but do want to make my protest at its being here, on this insufficient information, and at an early day in the future, if full investigation shows that this legislation is unwise, I trust that proper steps may be taken for its repeal.

Mr. DINGLEY. The estimated revenue that will be produced by the war-revenue act in the next fiscal year is nearly \$150,000,000, distributed as follows:

Tax on—	
Fermented liquors.....	\$58,906,120
Tobacco and snuff.....	43,840,560
Cigars and cigarettes.....	17,240,382
Manufacturers and dealers in tobacco.....	307,102
Bankers.....	2,294,600
Brokers, money and pawn.....	1,500,400
Brokers, commercial.....	213,094
Theaters, circuses, and other exhibitions.....	1,820,447
Bowling alleys and billiard tables.....	166,967
Stamp taxes:	
Sales of stocks, bonds, merchandise, etc.....	10,000,000
Bank checks.....	5,000,000
Bills of exchange (inland), promissory notes, etc.....	1,500,000
Bills of exchange (foreign), letters of credit, etc.....	500,000
Express and freight, covering all bills of lading.....	10,000,000
Life insurance.....	1,236,323
Mortgages.....	2,041,599
All other in Schedule B, say.....	18,000,000
Proprietary preparations and perfumery.....	15,000,000
Chewing gum.....	1,000,000
Legacies and successions.....	9,275,475
Duty on tea.....	10,000,000
Total.....	210,063,069
Add to the above the revenue from taxes unchanged on the basis of receipts for year 1897:	
Spirits.....	82,006,542
Brewers (special tax).....	160,927
Retail dealers in malt liquors.....	191,071
Wholesale dealers in malt liquors.....	278,801
Oleomargarine.....	1,034,929
Filled cheese.....	18,992
Bank circulation.....	85
Miscellaneous receipts.....	375,383
Total estimated revenues.....	294,100,899
Less revenues for 1897.....	146,019,593
Provided by the war-revenue act.....	148,481,306

THE SILVER-COINAGE PROVISION.

Mr. Speaker, I now desire to briefly refer to one of the provisions in the conference report which comes, as many other provisions necessarily do in a bill of this magnitude, as a matter of compromise. I refer now to the provision for the coinage of the silver bullion which is now in the Treasury.

Gentlemen will remember that under the act of 1890 about \$156,000,000 in value of silver was purchased at an average of 92 cents per ounce by the issue of about \$156,000,000 in Treasury notes, the purchasing having been closed by the act of 1893. By the act of 1890 it was provided that this silver bullion should be held in the Treasury and coined as required for the redemption of the Treasury notes which had been issued for its purchase, and the seigniorage or profit arising from coining silver at \$1.29 per ounce, purchased at 89 cents per ounce, covered into the Treasury.

Gentlemen now in the House who participated in that legislation will remember the circumstances under which that act was passed. It was passed as an experiment. It was passed partly to test the belief of many gentlemen that if we would take for monetary uses substantially the product of silver of this country, which was about 50,000,000 ounces, then silver bullion, which was worth a little less than 90 cents an ounce, would immediately rise to \$1.29, and thus make 16 ounces of silver everywhere in the world equal in value to one ounce of gold. I did not believe that this experiment would thus result. I objected at the start to the bill, but finally voted for it, largely for the purpose of testing the theory. I recognized that inasmuch as nothing but an increased demand for silver could raise the world's price, and inasmuch as the amount of silver bullion authorized to be purchased was all that could be used by free coinage by this country alone, the experiment would in fact test the theory that free coinage by this country alone would make 16 ounces of silver equal in value to 1 ounce of gold.

I was glad, therefore, to see the experiment tried in such a way that it could be stopped, if the result condemned the theory, without a depreciation of our currency.

Mr. Speaker, gentlemen will remember the result. We made these large purchases of silver for more than three years, and silver bullion, after a brief speculative advance, began to decline and went lower than ever before and has continued lower ever since, simply for the reason that the speculative advance stimulated an increased silver production because it made silver mining more profitable.

And in 1893, after such a complete overthrow of the theory that such an increased use of silver by this country would raise its value to \$1.29 per ounce, we were compelled to repeal so much of the act of 1890 as provided for the purchase of silver bullion.

Mr. BLAND. Will the gentleman allow me right there to state what was suggested at the time of the passage of that act?

Mr. DINGLEY. I can not yield to the gentleman because I have so little time. Of course there were gentlemen who had different views about that matter. Gentlemen voted for it for different purposes; and among them gentlemen like my friend who has

just addressed me, who agreed with me that the purchase of so much additional silver by this country alone—as much, I believed, as could be used under free coinage—would not permanently raise the world's price of silver.

Mr. BLAND. It would not, but free coinage would.

Mr. DINGLEY. I do not propose now to enter upon a discussion of the silver question, although it will not be denied that all scientific bimetallicists agree that nothing but an increased demand for silver can raise its price. I am merely stating the facts, in order that we may understand the situation.

We purchased the silver and issued the Treasury notes. Under the provisions of the act of 1890, still in force, the Secretary of the Treasury was authorized and directed to coin into standard silver dollars so much of this bullion from time to time as might be needed to redeem the Treasury notes issued for its purchase presented for redemption in such dollars, and to cancel such notes so redeemed, for the reason that standard silver dollars or representative silver certificates would take their place in the circulation.

Inasmuch as the only practical way in which new paper money in denominations of \$1, \$2, and \$5 can now be obtained is by presenting Treasury notes for redemption in silver dollars and then depositing these dollars and taking out silver certificates, the result has been that about \$54,000,000 of Treasury notes have been presented for redemption in silver dollars coined from this purchased bullion and the notes canceled and the seigniorage or profit arising from such coinage covered into the Treasury.

In the present fiscal year over \$30,000,000 have been coined from this silver bullion and used in redeeming and canceling about \$15,000,000 of Treasury notes and the balance converted into small silver certificates as seigniorage, and about \$15,000,000 of Treasury notes have been canceled, leaving now in the Treasury silver bullion that cost about \$102,000,000 and Treasury notes outstanding to a similar amount.

In other words, under the operations of the unrepealed provisions of the silver-purchase act of 1890, we shall coin this fiscal year over 20,000,000 silver dollars, redeem and cancel about \$15,000,000 Treasury notes, and cover the balance into the Treasury as seigniorage—silver certificates taking the place of the silver dollars. And without a word of new legislation, in about five years all the silver bullion purchased under the act of 1890 (about \$102,000,000 at cost) will have been coined into silver dollars and that amount of Treasury notes canceled.

And this transaction has been safe because the silver dollars, or rather the silver certificates, have gone into circulation in the denominations of ones, twos, and fives, as wanted for the retail trade, and being in constant use in that trade have not accumulated in the banks and found an outlet in payment of gold duties, and thus taken the place of gold in the Treasury. For so long as the silver dollars coined and new silver certificates issued on them are no more than are wanted for constant use in the retail trade, they do not weaken the gold reserve, and their coinage and issue are safe. If this coinage is pushed beyond this limit, they come back to the Treasury in place of gold and thus impair the ability of the Treasury to keep its paper and silver as good as gold. For so long as the Government coins silver or issues paper and puts into its Treasury the profit of the transaction, it must keep all the money thus coined or issued as good as gold or else dishonor its obligations and depreciate our currency.

In this condition of our legislation and the practice under this legislation the Senate sent over to us an amendment to the war-revenue bill a proposition to take what it was estimated would be the profit after all this silver bullion had been coined in the next five years, what is called the seigniorage, to coin that into silver dollars and issue that in silver certificates in the next ten months and throw it into the circulation of the country, and to follow this up by coining and turning the remainder into the circulation at the rate of four millions per month.

It is obvious that if that should be done it would be more than the retail trade of the country would use, and it would come back to the banks and would be immediately used for the payment of duties which would otherwise be paid in gold.

The House conferees at once said to the Senate conferees, "We can not accept any such proposition as that. We believe it is wiser to do nothing, and let the act of 1890 work out its own salvation." As to the proposition of the Senate, that would have been our position to the end. After many hours spent in such controversy, as always takes place on important dissenting amendments, various propositions of compromise were made, and finally it was suggested that we put in simply the provision agreed to by the conferees, which simply recites what has been the law since 1890 and will continue to be the practice of the Treasury under it, in order that such a recital might of itself refute the charge that nothing is being done with the silver bullion purchased under the act of 1890.

That provision as agreed upon by the conferees is simply this: That a million and a half dollars per month of this silver bullion,

at least, shall be coined. That is less than what we will coin this fiscal year, and less than we shall coin the next fiscal year without this provision. We are certain to coin more than that during the next four years, but it was thought that by putting it in in this way it might remove many criticisms that have been made in many quarters by people who think we are not coining any silver, and who think that we have a great asset piled up in the Treasury that we are refusing to use in any manner.

Let me repeat. There is nothing in the provision we have inserted here that is not already in the law of 1890, except this: There is a specific provision as to the minimum amount that shall be coined, and that minimum amount is based upon what has been coined. We would have preferred, indeed we earnestly insisted, that nothing should be said of this matter, believing it was not appropriate to bring it into this bill, but, after struggling a long time, it seemed to the House conferees that a mere recital of what is already the law and the practice of the Treasury Department would do no harm and might still the fears that have arisen in some quarters. Therefore the House conferees accepted the suggestion and the matter was settled, and we were able to come to an agreement.

It must be borne in mind that the insertion in the substitute of a requirement for a minimum coinage of one and a half millions per month—less than what has been coined this year—does not make it necessary to issue and put into circulation that amount of silver certificates unless they are wanted for the retail trade. If the silver dollars coined are not actually wanted for the retail trade, Treasury notes will not be presented for redemption, and therefore any surplus dollars not called for will remain in the Treasury just as they remain now.

There is nothing, therefore, in the substitute for the objectionable Senate seigniorage amendment, agreed to by the conferees, to which there ought to be any objection from those of us who propose to abide by the existing law and maintain all our currency as good as gold.

Mr. HENRY of Connecticut. I understood the gentleman to say that the aggregate silver coinage since this law has been in operation—some eight years—has been only \$54,000,000.

Mr. DINGLEY. Fifty-four million dollars. That is besides the profit which has arisen on the coinage. There has been a profit of \$19,000,000 on the coinage. Thus, as a matter of fact, about 73,000,000 silver dollars have been coined during the five years.

Mr. HENRY of Connecticut. Does the gentleman believe we should, under the operation of the Sherman law, continue to coin silver at the rate of \$18,000,000 a year?

Mr. DINGLEY. I am going to be very frank about this matter. I was one of those who opposed the passage of the Sherman Act in 1890; and although I finally assented to it, I assented under protest, believing it would result just as it did result. I am sure I have no partiality for that law. But it having been passed, and we having bought silver bullion of which there remains what cost a little over one hundred millions, and that law standing on the statute books to-day under which we are coining it for the purpose of redeeming or canceling the Treasury notes, I think it should be carried out according to its intent or purpose in that direction as it is being executed.

Mr. MOODY. May I ask the gentleman a question very briefly in regard to the construction of this report? As I understand, the bill as now reported provides that the dollars which may be coined under the Sherman Act shall be used and applied in the manner and to the purposes named in that act.

Mr. DINGLEY. Yes, sir.

Mr. MOODY. And the Sherman Act provides that the standard silver dollars coined under its provisions shall be coined to the extent that may be necessary to provide for the redemption of the Treasury notes?

Mr. DINGLEY. Yes, sir.

Mr. MOODY. Now, I wish to ask the gentleman whether his construction is that when a sufficient amount of the bullion has been coined under this provision to provide for the redemption of all the outstanding Treasury notes, the coinage will cease; or will it go on until all the bullion in the Treasury is coined?

Mr. DINGLEY. The coinage will go on, of course, until the bullion is all coined; but all the bullion will have been coined when all the Treasury notes are redeemed and canceled.

Mr. MOODY. I do not think I made myself clear; no doubt it was my own fault. The act of 1890 provides that the bullion shall be coined only as required for the redemption of the Treasury notes.

Mr. DINGLEY. Precisely.

Mr. MOODY. Now, when we go on under the provisions embraced in this conference report, and shall have coined one hundred and two millions, or whatever it may be, to provide for the redemption of the outstanding Treasury notes, then will this act be sufficient to carry on the coinage of the bullion then remaining in the Treasury?

Mr. DINGLEY. Certainly. This bullion cost about 93 cents per ounce; and there is just enough of it in the Treasury when fully coined to redeem every Treasury note that is out, and then to cover, as these notes are absorbed into the circulation, the seigniorage (which will be about \$42,000,000 after all is coined) into the Treasury. But it will take four or five years under the provision of this bill to accomplish that; and it would be accomplished in four or five years without any legislation. But a great many people seem to persist in thinking it will not be, and they are constantly saying we are doing nothing in this direction.

Now, for myself—and I have given this matter a great deal of attention during the past year and recent years—for myself, while I would have preferred that there should have been nothing said on the matter, yet if this simple statement of the law and the practice as it exists to-day will remove what may be the honest suspicions of any citizens, I certainly do not object to it.

THE LOAN PROVISIONS.

Mr. Speaker, under the leave which has been granted for the extension of remarks in the RECORD, I desire to make some observations in reply to the criticisms of the bond provisions of this bill by gentlemen on the other side.

I have been endeavoring to fathom the motives of such criticism. We are engaged in a war—a war which the same gentlemen who criticize bonds were most insistent in bringing about. Indeed, one of these gentlemen, amid the applause of the other side, declared on this floor a few weeks ago that the Democratic members of this body—at least those who supported Mr. Bryan for the Presidency—had taken the Republicans by the neck and forced them into the war.

And yet these gentlemen who claim that they brought on the war have voted at every stage against this bill to provide ways and means to meet war expenditures, not because of any taxes imposed by it, but because it authorizes the issue of bonds—because it authorizes the raising by borrowing of such means to carry on the war as can not be provided by taxation; for the same men who fight the battles ought not to pay all the expenses of a war carried on for those who are to come after us and who are to reap the advantages of victory.

Gentlemen on the other side have brought their assaults to bear on the fact that this bill proposes to borrow and issue interest-bearing obligations to pay at some future time what we borrow.

Now, Mr. Speaker, if there is any way of obtaining money required to carry on this war, after we have exhausted our resources by taxation, except by borrowing and giving our promise to pay what we borrow, with interest for the use of the same, I should be pleased to have it pointed out. I want the gentlemen on the other side who have denounced the issue of bonds, or promises to pay with interest, to tell this House how it is possible for this Government to borrow without paying what we borrow, with interest for its use—just what we did in the war of 1812, in the war with Mexico, and in the war to preserve the Union; and just what every other nation has done under similar circumstances.

I repeat, we propose a popular loan. We propose to go to the people of this country and ask them to loan the Government such sums as they desire to lay by for a rainy day. Does anyone suppose that the people of this country can loan the Government such means as they have unless we propose to pay the principal which we borrow, with interest for its use? And if we propose to pay we must give our interest-bearing obligations or promises to pay—in other words, issue bonds. Do gentlemen who have denounced the issue of bonds or obligations to pay with interest, know of any other way of borrowing money? Certainly I do not.

Some of our Democratic friends imbued with "flat" ideas of money have indeed told us that we can make a forced loan by issuing legal-tender noninterest-bearing notes, irredeemable in value money, and simply receivable for taxes, and thus secure money to carry on the war without present cost and without "mortgaging the future."

This plan of making something out of nothing, this "flat" dream of making money by running a printing press and stamping pieces of paper with figures, which, Jove-like, leap forth with the value or purchasing power which they indicate, is a very old one, and whenever or wherever tried has resulted in the depreciation of the currency, the demoralization of business, and—unless abandoned by inaugurating redemption in value money—in the end a general collapse. All history shows that the most expensive way of borrowing is by issuing irredeemable paper, which is simply a forced loan. It is expensive, because the depreciation of such paper not only largely increases Government expenditure by raising prices, but also destroys confidence and seriously injures business.

I can understand how those who desire to depreciate our currency may desire to try such a ruinous expedient, and may object to obligations to be paid; but I can not understand how others can join in the denunciation of borrowing by the issue of bonds or interest-bearing promises to pay what we borrow for the purpose

of arming, clothing, feeding, and paying our brave volunteers who have gone to the front either by land or by sea to sustain the country's cause.

Mr. BAILEY. Mr. Speaker, this bill as it comes to the House from the conference committee is very much better than it was when it went to the Senate from the House; but it is not so good as it was when it went to the conference committee from the Senate. The Senate had greatly improved the House bill, although it had not freed it from one serious objection; and if the conference committee had accepted the amendments of the Senate, the bill, except as to its bond provision, could have commanded the almost unanimous support of both sides of this Chamber.

There are some discrepancies and absurdities in the bill, as perhaps there must be in all measures this long and this complicated. I shall not, of course, within the brief time permitted to me—because I must divide with other members of the Committee on Ways and Means the hour to which I am entitled—attempt to discuss all of even the important features of the bill.

I will—and with that I shall content myself on that question—thank the gentleman from Maine [Mr. DINGLEY] for his very frank admission that the seigniorage provision, as it now appears in this bill, amounts to absolutely nothing. He says it is neither more nor less than the law as it stands to-day, and in that opinion I concur.

I desire first to call the attention of the House to the very great peculiarity of this tobacco schedule. The conference committee have agreed, as the Senate before them had agreed, to the House tax of 13 cents per pound upon chewing and smoking tobacco, which is equivalent to a tax of at least 25 per cent upon the ordinary grades. The Senate committee raised that tax to 16 cents per pound, but afterwards receded from that and adopted the House rate of 13 cents per pound.

But when these gentlemen came to deal with the cigars which are smoked by well-to-do people and the cigarettes which are mainly smoked by the dudes, instead of levying a tax of 25 per cent, as they had upon the tobacco consumed by the masses of the people, they have levied a duty of less than 8 per cent upon cigars which retail at 5 cents apiece, and upon the higher priced cigars the tax, instead of being even 8 per cent, is actually less than 4 per cent. Thus we have the remarkable anomaly of a bill designed to raise revenue to support the Government in a great emergency laying a tax of 25 per cent upon the articles of almost universal use among the people who can ill afford to pay any tax at all, and a tax of less than 4 per cent upon articles which are used by people who are able to pay a tax of more than 25 per cent. In other words, they lay a tax of 25 per cent upon those who are not able to pay a tax of 4 per cent, and lay a tax of less than 4 per cent upon those who could well afford to pay a tax of 25 per cent. And these discrepancies, or rather these discriminations against the masses of the people, run through the entire bill.

They have laid a tax of a dollar upon the hundred for deeds which enable the poor man to sell his home to pay his debts, and yet they lay a tax of but 80 cents on the hundred dollars upon the insurance policies issued by the gigantic corporations whose capital exceeds in some instances \$300,000,000. When you sell your neighbor a piece of land to make him a home or to bury his dead, you are required to pay a dollar on the hundred for the privilege. Yet when an insurance company sells their policies out of which these companies have accumulated colossal fortunes, a tax of but 80 cents on the hundred dollars is imposed.

When a man is too poor to pay his note and must suffer it to go to protest, they tax him first upon the note when he gives it, and next upon the protest when he is unable to pay it; and yet the conference committee have stricken from this bill the provisions under which the railroad corporations of the country would be compelled to pay a tax upon their receipts. In other words, the railroad companies, under the provisions of this bill, can give you a receipt for money which they have received, and they pay no tax; but if your neighbor must protest your note because you could not pay it, he must pay a tax.

I will not, however, attempt to enter upon an enumeration, but must say that these inequalities, these inequities, and these discriminations are to be found in nearly all the pages of this bill.

Mr. Speaker, until this afternoon I had intended to devote myself very largely to a discussion of that provision which the gentleman from Illinois [Mr. CANNON] said ought to have found no place in the bill, and to which proposition the gentleman from Maine himself [Mr. DINGLEY] assented. I had intended to analyze and discuss the provision for a tax upon what is known as mixed flour. I do not think that such a provision ought to find a place in this bill, or that such a bill ought to find a place upon the statute books of this country—not that I am in favor of adulterated food; nor that I am opposed to the exercise of the Federal power over the question, so far as it can be properly exercised.

I was willing that whenever adulterated flour should become the subject of interstate and foreign commerce the Federal Government should regulate it. But these gentlemen were not will-

ing to stop there. They have gone further, and very much further. Under the pretense of a tax which they do not expect and do not desire shall raise a revenue, they have provided for going down into the States and regulating the manufacture and sale and even the consumption of certain food products. If they can do this with flour, as they have done with oleomargarine, they can do it and will do it with every product that may come into competition with the interests of their constituents. If this kind of legislation should continue, I warn the Representatives from the cotton States here to-night that in less than ten years they will have regulated by a law of Congress every product into the manufacture or production of which the great cotton-seed product of the South enters. That is not only the tendency; but it is a deliberate purpose.

Now, Mr. Speaker, I do not deny the power of Congress to say that when a citizen of Illinois sells to a citizen of Texas any kind of a product, that product shall be sold for what it is and stamped for what it is sold. That is necessary, because the citizen of Texas could not be protected against deceptions and impositions by a law of Texas, for the reason that the product is the subject of interstate commerce, and the decisions of the courts, regrettable though I think them, are binding upon all executive officers, and under them Texas can not defend its own citizens against that imposition. Therefore, there is a reason for asking that in such cases the Federal Government shall protect the citizens of the several States from the deceptions and frauds of traders in other States.

But whether one citizen of Texas cheats another citizen of Texas in his flour mill ought to be first a question between them and then a question between the mill owner and the State of Texas. Under this bill, with that insidious tax provision, which is a mere pretext and a plain subterfuge, the Federal Government can send its officers into the State of Missouri, stand over every flour mill, inspect the quality of the flour, and then follow it to a Missouri home and regulate it there. It can go into the State and regulate the manufacture of flour made in the State, sold in the State, and consumed in the State.

Where can any gentleman find a Federal authority for such a law? They confess that it does not exist, and in order to lay the predicate for it they impose a tax and then ask the courts to sustain this unlawful and unconstitutional exercise of Federal power upon the ground that it is a regulation to collect a tax that is not laid to be collected, and the hope of the authors of the bill is that it will not be collected. Upon the theory that it is to raise revenue, Congress is asked to license men to sell adulterated food. The gentleman who introduced the bill, and for whom I have the highest respect, would not say to this House that he hopes or that he intends that this shall become a source of revenue.

Mr. TAWNEY. If the gentleman will permit me, I will say that, based on the production of mixed flour in 1897, from the best estimates that can be made by men acquainted with the trade, this provision of the law will produce at least \$250,000 of revenue.

Mr. BAILEY. And the gentleman from Minnesota—

Mr. TAWNEY. And that estimate is made by the Internal Revenue Department.

Mr. BAILEY. And the gentleman from Minnesota hopes that when men are compelled to disclose the fact that their flour is not pure, they will be unable to sell it. Is not that true?

Mr. TAWNEY. If the gentleman will permit me—

Mr. BAILEY. That seems to be an embarrassing question.

Mr. TAWNEY. I will say that the experience under the oleomargarine law has been that the manufacture and consumption of oleomargarine has increased instead of having been diminished, and the revenue of the Government has been materially increased by that law; but the producer can no longer impose upon the consumer his product and sell it for that which it is not. Every man who buys it now knows that he is buying oleomargarine, and he pays oleomargarine prices and not butter prices. The same will be the effect with adulterated flour, with the exception, perhaps, that the men who to-day are selling ground clay and barytes will not be able to sell that product at all, because they will have to put upon the package or sack the name of the ingredients of which their product is made.

Mr. BAILEY. And therefore it follows that the Government will get no revenue from the sale.

Mr. TAWNEY. Not from that source.

Mr. BAILEY. But, Mr. Speaker, the only reason why the oleomargarine law defeated the purpose of its authors was that the people had more sense than Congress. They thought it could not safely be left to the people, and the people knew better. They continued to eat it, because it was shown by experts that oleomargarine was better than the butter made from the milk of a poor cow; and the reason the Government collects revenue is that the people had more sense than the Congress that passed the law. [Applause.]

Mr. SIMPSON. And if this bill passes, we will all have to eat clay. [Laughter.]

Mr. BAILEY. But, Mr. Speaker, it is useless to argue this.

There was a time when I thought—but that was before I came to Congress—that a man might appeal to general principles upon this floor to sustain himself in argument. I fear that the time has come in American politics when neither the Constitution nor general principles stand in the way of men doing what they want to do.

I believe, or rather I fear—I hope it is not true, and I hope that the time will come when men will have the courage and wisdom to disprove the sneer of a distinguished Republican who said "that a thing is unconstitutional when you do not want it, and perfectly constitutional when you do" [laughter]—that it is futile to appeal to gentlemen on that side of the Chamber, and it may be futile to appeal to gentlemen on this side, that we observe our general principles against an attempt through a tax by the Federal Government to have it take charge of the health and the food of the people. I have believed that there was something still left to the States. I believed that the right to prescribe the qualifications of their voters, until this evening, had been left to them.

I still believe that the health and morals are left to them; and yet when you vote for this bill, you vote bodily to take possession of the people's food, under a law of Congress, and to determine whether it be wholesome or not. If they can do it in the case of flour, they can do it in the case of lard and meat; they can do it in the case of everything that the people eat, and they have done it in about all that the people drink. There must be some place to stop, or else there is a place for falling off. We can not go on this way; and yet with the Federal Government determining the question of pure butter, good cheese, and honest wheat, I am unable to know where it will stop.

Mr. Speaker, a glance at the clock admonishes me that I will have less time than I have agreed to yield to others. I now yield five minutes to the gentleman from Kansas [Mr. SIMPSON]. [Loud applause.]

[Mr. SIMPSON addressed the House. See Appendix.]

Mr. BAILEY. Mr. Speaker, I now yield fifteen minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I yield to my colleague from Tennessee [Mr. PIERCE].

[Mr. PIERCE of Tennessee addressed the House. See Appendix.]

Mr. BAILEY. Mr. Speaker, I desire to yield the remainder of my time to the gentleman from Virginia [Mr. SWANSON], but before I do I desire to request that, in addition to the time remaining to me, he may have fifteen minutes besides. He is a member of the Committee on Ways and Means, and did not occupy any of the time of the House when this bill was originally before the House.

The SPEAKER. The gentleman can be recognized in his own right for fifteen minutes, and the gentleman can yield to him.

Mr. BAILEY. I understood that the gentleman from Maine was going to move the previous question at 10.30 o'clock. One hour has been consumed on that side, and when my hour is consumed there will be about fifteen minutes remaining upon each side. I yield to the gentleman from Virginia [Mr. SWANSON].

Mr. GROSVENOR. I should like to inquire what is the result of this consultation on the two sides of the House. How much time is left and where is it located?

Mr. SWANSON. Mr. Speaker, as I understand, the gentleman from Texas [Mr. BAILEY] has ten minutes. Then there are fifteen minutes more remaining on this side, and fifteen minutes on that side, and this does not extend the time of the discussion at all, but simply gives me the privilege of using ten minutes belonging to the gentleman from Texas and fifteen minutes remaining on this side.

Mr. GROSVENOR. Mr. Speaker, is an extension of time asked for?

The SPEAKER. Not an extension of time. There is no time fixed for taking the vote, but the gentleman from Maine [Mr. DINGLEY] gave notice that at 10.30 o'clock he would move the previous question.

Mr. HOPKINS. That is what we want to have him do.

Mr. GROSVENOR. Has the time of this side been all occupied?

A MEMBER. No; there are fifteen minutes remaining.

The SPEAKER. The gentleman from Virginia [Mr. SWANSON].

[Mr. SWANSON addressed the House. See Appendix.]

[Mr. GROSVENOR addressed the House. See Appendix.]

[Mr. SWANSON addressed the House. See Appendix.]

Mr. DINGLEY. Mr. Speaker, this morning I assured the gentleman from Connecticut [Mr. HILL] that he should have five minutes, and I feel that having given that assurance to the gentleman I can not deny it to him. I will yield five minutes to him, in view of the assurance that I gave him.

Mr. HILL. Mr. Speaker, I understood I was to have ten minutes. I believe it would be a wise thing for this House to postpone

the vote on the previous question and hear from the people of the United States upon this matter through the press to-morrow. For I believe that the result would be that this bill would not be adopted as it now stands. I am utterly opposed to the seigniorage provision in this bill. Gentlemen say that it is a matter of slight importance. If it is a matter of slight importance, why does the Senate insist upon it so strenuously? The gentleman from Maine [Mr. DINGLEY] and the gentleman from Texas [Mr. BAILEY] both agree that it is a matter of slight importance. Has it come to this that a compromise of principle is a matter of slight importance?

Mr. SIMPSON. The gentleman's language would indicate that he is falling under the accusation of the gentleman from Ohio of being a traitor.

Mr. HILL. It is because we stood by this question of principle that this Administration is in power to-day. Because we stood by this question of principle this Republican majority is in this House to-day. [Applause on the Republican side.] Because Oregon stood by this question of principle they gave one of the most magnificent Republican majorities which that State has ever given. Now, what is that question of principle? For there seems to be some doubt in regard to this matter.

The law of 1890 provided that the Secretary of the Treasury should coin each month 2,000,000 ounces of silver bullion until July 1, 1891, and then under the provisions of the act as much as might be necessary to provide for the redemption of the Treasury notes therein provided for after the year 1891. Under the parity clause those Treasury notes were redeemable in gold and were not presented for redemption in silver. How, then, has the coinage gone on? Simply in this way: That as the business interests of the country and the business demands of the country required small bills, those Treasury notes were presented and redeemed in silver dollars, and silver dollars coined and put back into the Treasury and silver certificates issued against them.

In other words, just as fast as the business requirements of this country demanded the coinage of that bullion it has been coined. Now, how fast was that? In 1891 we coined \$23,000,000, in 1892 \$6,000,000, in 1893 \$1,000,000, in 1894 \$3,000,000, then \$800,000, then \$19,000,000, and last year \$18,000,000. Now, that is an average of \$8,000,000 a year. The seigniorage has accrued and gone into the Treasury monthly as that was done. This proposition proposes to utterly and radically change the whole system. It proposes, in the first place, to pass a law by which the provisions of the redemption are practically done away with, for all of this bullion can be coined into 146,000,000 silver dollars in a single year, if the mints had the capacity to do it, under the provisions of this bill.

Under the law of 1890 it can only be coined as fast as the Treasury notes are presented for redemption. Under the provisions of this bill it must be coined twice as fast as it has been coined during the last five years. And it might all be coined if we had mint capacity enough to do it and the currency be inflated by \$42,000,000.

Mr. SIMPSON. I should like to ask, Mr. Speaker, whether this—

The SPEAKER. The gentleman from Kansas is not in order.

Mr. PAYNE. I hope the gentleman will be seated.

The SPEAKER. The Chair thinks all gentlemen should be seated.

Mr. HILL. Mr. Speaker, the language of the Sherman law practically said that this bullion should be coined as fast as the business interests of the country required it. In other words, as fast as the Treasury notes were presented for redemption in silver. This law says that the bullion shall be coined as rapidly as the public interest may require. If it had stopped there, well and good, but it goes on and says, "however, to an amount not less than one and a half million dollars a month." Now, what will be the result? Precisely what the gentleman from Maine [Mr. DINGLEY] stated. We have to-day \$97,000,000 of gold bullion in the Treasury, and here is a letter from the Secretary of the Treasury asking for an appropriation of \$250,000 to authorize him to coin that gold bullion, as it is necessary—

A MEMBER. Silver bullion.

Mr. HILL. I mean gold bullion, as it is necessary to use it in the expenses of the Government. You fill your mints with the coinage of this silver bullion from which the Government can get practically nothing to meet the expenses of this war, because the first \$100,000,000 has got to be taken up with the redemption of your Treasury notes, and you stop the coinage of your gold bullion, which is available for the expenses of the Government, and, as the gentleman from Maine said, this silver going out into the country will go into the custom-house and you will have silver instead of gold to carry on the expenses of this Government. Gentlemen, there is no mistake about this proposition. It is a dangerous proposition. I do not think we need to hesitate to postpone this matter and think of it overnight. I do not think we need to hesitate, if necessary, to send this back to a free-silver Senate and say to them that we protest against this action in the face of Republican principles. [Applause on the Republican side.]

It is said that we will make a record against voting supplies for this war. I made my record when I voted five weeks ago to send this bill to the Senate providing \$600,000,000 to carry on this war. Can we not keep it overnight after waiting six weeks for them to send back a silver proposition to us? We made our record then, gentlemen, and the record that you are going to make to-night, gentlemen on this side of the House, if you vote for this seigniorage proposition, is not on a war measure. It is on a silver proposition from a free-silver Senate. Think of it! [Applause on the Republican side.]

Mr. DINGLEY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HOPKINS. Mr. Speaker, if the debate is to be prolonged, I move that the House do now adjourn. [Applause.]

Mr. McMILLIN. Regular order. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

Mr. HOPKINS. I withdraw my motion.

The SPEAKER. The gentleman from Illinois withdraws the motion.

Mr. HENDERSON. Mr. Speaker—

Mr. RICHARDSON. Mr. Speaker, I understood the vote was to be taken at half past 10. Has there been any extension of the time for debate?

The SPEAKER. The gentleman from Maine has not called for the previous question.

Mr. RICHARDSON. I understood the gentleman announced that he was going to call for the previous question at half past 10.

Mr. GAINES. That was agreed to.

The SPEAKER. That is a matter that was not agreed to.

Mr. DINGLEY. I intend to call for the previous question in a very few minutes.

Mr. RICHARDSON. Will the gentleman from Maine give us the same length of time that is used on that side?

Mr. McMILLIN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. I wish to know what proportion of the time has been used by the respective sides for and against this proposition?

The SPEAKER. The same time has been used on both sides, and seven minutes additional upon the Republican side.

Mr. SULZER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Did I understand the Chair to state this afternoon, when stating the question, that we were to take the vote at half past 10?

The SPEAKER. The Chair did not. The proposition was made, but was not accepted by the House.

Mr. HENDERSON. Mr. Speaker, we started out in this war—

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman from Iowa has the floor.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. Is it in relation to the gentleman having the floor?

Mr. BAILEY. It is in relation to his right to the floor. I desire to inquire how the gentleman from Iowa obtained the floor?

The SPEAKER. The floor was yielded to him by the gentleman from Maine.

Mr. BAILEY. I desire to inquire if the gentleman from Maine had any time to yield? My impression is that he used his hour.

The SPEAKER. The gentleman is right in supposing that he had used his hour.

Mr. BAILEY. I am willing that the gentleman from Iowa should proceed.

Mr. HENDERSON. I want nothing but what is fair to both sides.

Mr. PAYNE. Mr. Speaker, if I can be recognized, I will yield five minutes to the gentleman from Iowa.

Mr. HENDERSON. I hope that whatever time is yielded to this side will be yielded to the other.

Mr. BAILEY. That is satisfactory. [Cries of "That is right!"]

Mr. HENDERSON. Mr. Speaker, we started out in this war side by side as a House of Representatives. I believe that if there ever was a time when we should keep cool and act like lawmakers and patriots it is now. [Applause.] I have no words of criticism or abuse for the conferees on the part of the House, on either side, or for the other side of this House. I have some well-defined views as to my duty at this hour. I know what the difficulties of the conferees were. I know what the difficulties of the Committee on Ways and Means and the difficulties of the Senate Committee on Finance were. It is not an easy matter to scan the great interests of seventy-odd millions of people and impose taxes with absolute justice. The Immortal can only do that, and we are all mortal. There are several things in this bill that do not please me.

But I believe that the conferees have earnestly labored to do what was best in this trying hour of our country's history. They

have brought in a bill which will give \$150,000,000 a year additional revenue to the Government, which will enable the Chief Executive to raise \$400,000,000 by the sale of bonds at a low rate of interest, if necessary, and to our own people, which will enable him to raise \$100,000,000 additional on short-time interest-bearing certificates to run the Government, if necessary. Here is ample means for the cash work in this time of war. We have already armed the President with power to call out all the men that may be needed. We have done the two great things that are needed.

In this bill, I admit, I find injected a proposition which has been condemned by the American people at the polls [applause]—a proposition abhorrent to my mind and to the judgment of my people; but, Mr. Speaker, while I shall vote to approve this report and clothe the Chief Executive with all needed power to arm, clothe, and equip men and buy and build ships for battle, I serve notice on those who have injected politics in this bill that my vote shall not estop me from fighting a 50-cent dollar whenever I am confronted with it. [Renewed applause.] They must not anywhere consider my hands shackled to encourage the recognition of a currency that will be debased in the pockets of the American people or in the pockets of the sailors or soldiers. With this simple protest, I stand ready to sustain the conferees and vote for the adoption of this report, and they can not bring it to a vote too soon for one who believes in prosecuting this war with all vigor and without reserve, as I do. [Applause.]

[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. PAYNE. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I should not venture to address the House to-night upon this subject if I did not feel that I was expressing the sentiment not only of my own judgment, but of several of my colleagues. I have sympathized with the views of the gentleman from Connecticut [Mr. HILL] to a considerable degree, and I have doubted whether my duty did not call upon me to vote against the conferees' report to mark my disapprobation of the provision in it providing for a further coinage of silver bullion.

But upon more mature reflection and careful examination of the law, and in consideration of the admirable explanation made by the gentleman from Maine [Mr. DINGLEY], I am satisfied that if that provision becomes law, no more silver will be coined under its operation than will be coined under the operation of existing conditions and that no silver will be coined more quickly under its operations than will be coined under existing conditions.

I am further satisfied to the depths of my heart that if I vote against the adoption of this conference report, I seriously imperil the final passage of this bill. I am satisfied not only by the statements made on the floor, but the statements made in private conversation by the gentleman who explained the situation thoroughly; and in view of these considerations, I can not take upon myself the responsibility of imperiling the passage of this bill, and accordingly, reluctantly and under protest, I feel compelled to vote for its adoption. [Applause on the Republican side.]

Mr. PAYNE. Now, Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, in the short time allowed to me I can merely state this case, and with that I shall have to content myself. It is admitted that this bill carries taxation amounting to \$150,000,000 a year. It is also admitted that we now have on hand a considerable amount of money in excess of the gold reserve. It is claimed that only this silver that is on hand can be coined.

It is also admitted, but truth compels me to say that that is a mere pretense and that no more will be coined than is now being coined; but the power is given in the bill. Now, the point where the difference comes is that those of us on this side, seeing an opportunity of carrying on this war as it ought to be carried on without making bonds to run for ten years and putting our hands into the pockets of posterity, say that this bill ought to go back to the conferees to try to get rid of that.

Now, Mr. Speaker, let there be no doubt, either here, in Cuba, or in Spain, what the spirit of the American people is. This war has been inaugurated, as we declared, not for conquest, but for the purpose of freeing Cuba and relieving it of its suffering; and in that righteous cause I am glad to say that every Democrat, every Republican, and every Populist on this floor and in this country joins hands and locks shields and is ready to go to the conflict. [Applause.]

But whilst that is so, Mr. Speaker, there is no reason why this bill should be rushed through with three hours' debate at midnight instead of being sent again to conference and let us spend one or two days more in trying to make it a more just bill, when all admit that it is not just. [Applause on the Democratic side.]

Mr. PAYNE. If I can have the attention of the House for three or four minutes, which perhaps is not too much to ask in a matter so important as this for a member of the conference committee, I shall then yield to the desire for a vote.

We have here in this conference report a proposition to raise by taxation \$150,000,000 a year to carry on the war. We have in addition to that a proposition to allow the Secretary of the Treasury to issue bonds, limited to the amount of \$400,000,000, to be sold to the people of the United States by popular subscription, to carry on the war. We need both these sources of revenue.

Every thinking man who has studied the question of finance—the question of providing sufficient funds to carry on this war—knows that it will take five or six hundred million dollars to carry us through the first twelve months of our operations. We have the armies already marching and sailing toward the field.

We have brave sailors on a hundred battle ships—sailors who have already been bathed in fire, sailors whom we must support, sailors for whom we must care, sailors for whom we must provide food and clothing and munitions of war to make this conflict short, sharp, and decisive. Now, some members of the House say we must wait a little longer. Do they not understand the provisions of this bill? Is there any part of the bill that each and every member does not understand? Why should we delay beyond this night to send this bill over to the Senate?

On the other hand, we have here a proposition that some gentlemen do not like. If there were a proposition in it that surrendered the principle of sound and honest money, I should never be found signing a report to bring it into this House. What is the proposition that we have brought in here? The gentleman from Texas [Mr. BAILEY] says:

I will—and with that I content myself on that question—thank the gentleman from Maine [Mr. DINGLEY] for his very frank admission that the seigniorage provision as it now appears in this bill amounts to absolutely nothing. It is neither more nor less than the law as it stands to-day, he says, and in that opinion I concur.

And yet this proposition which the gentleman from Texas says does not amount even to a shadow, which he says amounts to absolutely nothing, is held up on this side of the House as a bugbear, standing in the way of gentlemen who with patriotic zeal and patriotic desire are anxious to vote ample funds, to provide the Executive the means to carry this war to a speedy conclusion.

Gentlemen, can you afford to vote against this report? Vote it down, and what then? Where is there anything better? How will you get anything more yielded? Will you send it over to another body, a large majority of which are opposed to nearly every proposition we bring up to provide means to carry on the war, and are anxious to put a proposition into this bill that does mean something in the way of cheap and dishonest money?

How does this proposition change the law as we have it to-day? It does not dot an "i" or cross a "t" except in the provision that the Secretary shall hereafter every month coin an amount of money not equal to that which he has coined month by month during the past year. Can you hang an excuse on that to answer a patriotic constituency for your vote against this revenue bill?

Mr. Speaker, I yield to the gentleman from Maine [Mr. DINGLEY] to ask the previous question.

Mr. DINGLEY. Mr. Speaker, I move the previous question upon agreeing to the report.

Mr. RIDGELY. Will the gentleman from Maine yield for a moment?

Mr. DINGLEY. Let that come afterwards.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RIDGELY. I had an arrangement for a little time, but in the crowd on this side, and owing to the fact that the other side had consumed more time, I have been unable to obtain the floor, and I now ask permission to print.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded.

The question was taken on agreeing to the conference report; and the Speaker announced that the ayes seemed to have it.

Mr. BAILEY. Division.

Mr. DINGLEY. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 107, answered "present" 6, not voting 87; as follows:

YEAS—154.

Alexander,	Butler,	Davidson, Wis.	Grosvonor,
Babcock,	Cannon,	Davison, Ky.	Grout,
Barham,	Capron,	Dayton,	Grow,
Barney,	Clark, Iowa	Dingley,	Hager,
Barrows,	Clarke, N. H.	Dolliver,	Hamilton,
Bartholdt,	Cochrane, N. Y.	Driggs,	Harmer,
Belford,	Connell,	Eddy,	Hawley,
Bishop,	Connolly,	Ellis,	Heatwole,
Booze,	Cooper, Wis.	Fenton,	Hemenway,
Boutelle, Me.	Cousins,	Fitzgerald,	Henderson,
Broderrick,	Crump,	Fletcher,	Henry, Ind.
Brownell,	Crumppacker,	Foots,	Hepburn,
Brown,	Cummings,	Gardner,	Hicks,
Brownlow,	Curtis, Iowa	Gibson,	Hilborn,
Brumm,	Curtis, Kans.	Gillet, N. Y.	Hitt,
Bull,	Dalzell,	Gillett, Mass.	Hopkins,
Burleigh,	Danford,	Graft,	Howell,
Burton,	Davenport,	Griffin,	Hull,

Jenkins,
Johnson, Ind.
Johnson, N. Dak.
Ketcham,
Kirkpatrick,
Knox,
Lacey,
Landis,
Lawrence,
Linney,
Loud,
Loudenslager,
Low,
Lybrand,
McAleer,
McCall,
McCleary,
McClellan,
McEwan,
Mahany,
Mahon,

Mann,
Marsh,
Mercer,
Merrick,
Miller,
Mills,
Minor,
Moody,
Morris,
Mudd,
Northway,
Olmsted,
Otjen,
Packer, Pa.
Parker, N. J.
Payne,
Pearce, Mo.
Pearson,
Perkins,
Pitney,
Powers,

Prince,
Pugh,
Ray,
Reeves,
Robbins,
Russell,
Shelden,
Showalter,
Smith, Ill.
Smith, Wm. Alden
Snover,
Southwick,
Spalding,
Sperry,
Steele,
Stevens, Minn.
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Sulloway,
Tawney,

Taylor, Ohio
Thorp,
Tongue,
Updegraff,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Weaver,
Weymouth,
White, Ill.
White, N. C.
Wilber,
Williams, Pa.
Wise,
Yost,
Young.

NAYS—107.

Adamsen,
Bailey,
Baker, Ill.
Ball,
Bankhead,
Barlow,
Bartlett,
Bell,
Berry,
Bland,
Botkin,
Brantley,
Brenner, Ohio
Brewer,
Brewster,
Broussard,
Brucker,
Brundidge,
Burke,
Carmack,
Castle,
Clardy,
Clark, Mo.
Clayton,
Cochran, Mo.
Cowherd,
De Armond,

De Graffenreid,
De Vries,
Dinsmore,
Dockery,
Elliott,
Fleming,
Gaines,
Greene,
Griffith,
Griggs,
Gunn,
Handy,
Hartman,
Hay,
Henry, Conn.
Henry, Miss.
Henry, Tex.
Hill,
Hinrichsen,
Howard, Ga.
Hunter,
Jones, Va.
Jones, Wash.
Kelley,
King,
Kitchin,
Kleberg,

Knowles,
Lamb,
Lanham,
Lester,
Lewis, Wash.
Littauer,
Little,
Lloyd,
Love,
McCormick,
McCulloch,
McIntire,
McMillin,
McRae,
Maddox,
Maxwell,
Meekison,
Moon,
Newlands,
Norton, S. C.
Osborne,
Otey,
Peters,
Pierce, Tenn.
Rhea,
Richardson,
Ridgely,

Rixey,
Robb,
Robertson, La.
Robinson, Ind.
Sayers,
Shafroth,
Simpson,
Sims,
Skinner,
Smith, Ky.
Stallings,
Stark,
Stephens, Tex.
Stokes,
Stowd, N. C.
Sulzer,
Sutherland,
Swanson,
Talbert,
Terry,
Todd,
Vandiver,
Vincent,
Wheeler, Ky.
Williams, Miss.
Wilson.

ANSWERED "PRESENT"—6.

Bennett,
Settle,

Sherman,
Slayden,

Smith, S. W.

Zenor.

NOT VOTING—87.

Acheson,
Adams,
Aldrich,
Allen,
Arnold,
Baile,
Baker, Md.
Barber,
Barrett,
Beach,
Beiden,
Belknap,
Benner, Pa.
Benton,
Bingham,
Bodine,
Boutell, Ill.
Bradley,
Brosius,
Campbell,
Catchings,
Chickering,

Codding,
Colson,
Cooney,
Cooper, Tex.
Corliss,
Cox,
Cranford,
Davey,
Davis,
Dorr,
Dorenar,
Ermentrout,
Evans,
Faria,
Fischer,
Fitzpatrick,
Foss,
Fowler, N. C.
Fowler, N. J.
Fox,
Hooker,
Howard, Ala.

Howe,
Hurley,
Jett,
Joy,
Kerr,
Kulp,
Latimer,
Lents,
Lewis, Ga.
Livingston,
Lorimer,
Lovering,
McDonald,
McDowell,
Maguire,
Marshall,
Martin,
Meyer, La.
Miers, Ind.
Mitchell,
Norton, Ohio
Odell,

Ogden,
Overstreet,
Quigg,
Hoyce,
Sauerhering,
Shannon,
Shattuc,
Shuford,
Southard,
Sparkman,
Sprague,
Stone, W. A.
Strait,
Strode, Neb.
Sturtevant,
Tate,
Taylor, Ala.
Underwood,
Vehslage,
Ward,
Wheeler, Ala.

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

For the rest of the day:

Mr. JOY with Mr. BAIRD.

Mr. SOUTHARD with Mr. MEYER of Louisiana.

On this vote:

Mr. DORR with Mr. NORTON of Ohio.

Mr. BOUTELL of Illinois with Mr. McDOWELL.

Mr. FISCHER with Mr. VEHS�AGE.

Mr. BINGHAM with Mr. TATE.

Mr. WARD with Mr. OGDEN.

Mr. ODELL with Mr. BRADLEY.

Mr. ADAMS with Mr. BODINE.

Mr. HURLEY with Mr. LATIMER.

Mr. McCLELLAN. Mr. Speaker, I have a general pair with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. I am informed that if he were present, he would vote "yea." I have therefore taken the responsibility of breaking my pair, and voted "yea."

Mr. SAMUEL W. SMITH. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. FOX. I desire to withdraw my vote and be marked "present." If permitted, I should vote "yea."

Mr. SETTLE. Mr. Speaker, if I were not paired with the gentleman from Kentucky, Mr. EVANS, I should vote "nay."

Mr. PITNEY. Mr. Speaker, I voted "nay" as a protest against the silver-coinage proposition contained in this report. That protest being unavailing, I desire to change my vote from "nay" to "yea."

The result of the vote was then announced as above recorded. [Loud applause.]

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that there be printed for the use of the House such number of copies of the war revenue bill that has passed the House as can be printed within the limitation.

Mr. HENDERSON. I ask the gentleman from Maine to add to that request that they be put to the credit of members in the folding room.

Mr. BAILEY. Would the gentleman have any objection to couple with that a request that members may be permitted to print remarks in the RECORD on this bill?

Mr. DINGLEY. Let this stand alone, and then there can be a proposition of that kind submitted. My request also is that the bills be distributed through the folding room and placed to the credit of members.

The SPEAKER. The gentleman from Maine asks unanimous consent that the House may print as many copies of the war revenue bill as may be printed without the concurrence of the Senate. Is there objection?

Mr. HENDERSON. And that they be put to the credit of members in the folding room.

The SPEAKER. And that they put to the credit of members in the folding room? Is there objection? [After a pause.] The Chair hears none.

Mr. DINGLEY. I ask unanimous consent that members be allowed to print remarks on the war revenue bill in the RECORD for five days.

The SPEAKER. The gentleman from Maine asks that unanimous consent be given for members to print remarks on the war revenue bill, to be presented within five days following.

Mr. BAILEY. Mr. Speaker, I ask the gentleman to make it ten days.

Mr. HENDERSON. I hope the gentleman will yield to the suggestion of the gentleman from Texas.

Mr. CANNON. That is not too long for our friends on the other side to apologize for their votes on this conference report.

Mr. DINGLEY. In view of the desire expressed around me, I make the request that it be for ten days.

The SPEAKER. The gentleman modifies his request, and asks that permission be given to print remarks for ten days. Is there objection? [After a pause.] The Chair hears none.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 11 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for the reimbursement of Joseph A. Manson, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAWLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10450) providing for the restoration to the Navy of James D. Crenshaw, reported the same without amendment, accompanied by a report (No. 1538); which said bill and report were referred to the Private Calendar.

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 594) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register, reported the same without amendment, accompanied by a report (No. 1539); which said bill and report were referred to the Private Calendar.

Mr. COLSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 8633) for the relief of the heirs of Neil McEneny, of Johnstown, Pa., reported the same without amendment, accompanied by a report (No. 1540); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 10636) providing for the employment of bakers in the United States Army—to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 10637) for the relief of certain veterans who have been pensioned under the laws of the United States—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 10638) to make the provisions of section 1446 of the Revised Statutes applicable to officers of the Navy serving in the present war with Spain—to the Committee on Naval Affairs.

By Mr. PAYNE: A bill (H. R. 10639) to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRANTLEY: A bill (H. R. 10640) to provide for the improvement of the inner harbor of Brunswick, Ga., known as East River and Academy Creek—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10641) to amend the item in the river and harbor act of 1896 providing for the improvement of the channel across the outer bar of Brunswick, Ga., known as St. Simons Bar—to the Committee on Rivers and Harbors.

By Mr. HURLEY: A bill (H. R. 10642) to amend section 10 of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898—to the Committee on Military Affairs.

By Mr. FITZGERALD: A joint resolution (H. Res. 282) for the relief of John Lyons and the firm of James Collins & Co.—to the Committee on Ways and Means.

By Mr. MEYER of Louisiana: A resolution (House Res. No. 320) providing a time for the consideration of H. R. 10403, to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10643) granting a pension to Julia A. Wright—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 10644) granting a pension to Sarah O. Butterfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10645) granting a pension to Maggie E. Callahan and Johanna A. Callahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10646) granting a pension to Abbie J. McNett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10647) granting an increase of pension to Samuel S. Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10648) granting a pension to Mary E. Fisk—to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 10649) for the relief of P. L. Coultry—to the Committee on Accounts.

By Mr. MUDD (by request): A bill (H. R. 10650) to authorize the President to appoint as passed assistant engineer Assistant Engineer Michael H. Plunkett, with pay in the fourth period of five years of that grade—to the Committee on Naval Affairs.

By Mr. ROBBINS: A bill (H. R. 10651) increasing the pension of William H. McMasters, first lieutenant Company H, One hundred and forty-fifth Pennsylvania Infantry—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 10652) to remove the charge of desertion standing against James McGreevey—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of A. Haug, of Philadelphia, Pa., protesting against additional tax on tobacco in stock—to the Committee on Ways and Means.

By Mr. ALEXANDER: Paper to accompany a bill for the relief of Julia A. Wright, widow of Dayton R. Leland, late of Company G, Forty-ninth Regiment New York Volunteers—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Protest of prominent manufacturers

of Davenport, Iowa, against that part of the war-revenue bill taxing corporations one-fourth of 1 per cent of their gross receipts—to the Committee on Ways and Means.

Also, petition of Mrs. W. N. Potter and 85 other citizens of Ludora, Iowa, for the passage of a bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER: Petitions of citizens of Mount Holly, N. J., in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Bordentown, N. J., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union and Methodist Episcopal Church of Medford, N. J., and the Young People's Society of Christian Endeavor of the Presbyterian Church of Pennington, N. J., for the bill which forbids the sale of alcoholic liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petitions of the Woman's Foreign Missionary Society and Epworth League of Burlington, N. J., the Woman's Christian Temperance Union and the Methodist Episcopal Church of Elwood, N. J., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the Methodist Episcopal Church and Woman's Christian Temperance Union of Medford, N. J., and Young People's Society of Christian Endeavor of the Presbyterian Church of Pennington, N. J.; for the passage of bills to protect State anti-cigarette laws, to forbid the transmission of lottery messages by telegraph, and to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petitions of the Woman's Foreign Missionary Society and Epworth League of Burlington, N. J., praying for the enactment of legislation to protect State anti-cigarette laws by providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. GROUT: Petition of the Young People's Christian Union of South Barre, Vt., Nellie A. Grandy, president, in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LACEY: Resolution of the National Live Stock Exchange, approved by the Sioux City Live Stock Exchange, urging the passage of Senate bill No. 3354, relating to extension of authority granted the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Northwest Iowa Homeopathic Medical Society, favoring the passage of Senate bill No. 104, to prevent unjust discrimination in the appointment of surgeons in the Army and Navy—to the Committee on Naval Affairs.

By Mr. LITTLE: Petition of the board of public affairs of Poteau, Ind. T., asking for a change of the Federal court from Cameron to Poteau—to the Committee on the Judiciary.

By Mr. MAXWELL: Papers to accompany House bill No. 8952, for the relief of J. C. Knap, late of Company K, Eighty-fifth New York Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. MEEKISON: Three petitions of citizens of Henry, Wood, Seneca, Defiance, Putnam, and Van Wert counties, Ohio, protesting against the imposition of an additional revenue tax on tobacco and cigars in stock—to the Committee on Ways and Means.

By Mr. WANGER: Petition of C. B. Shoemaker, Howard Leopold, and 51 other citizens of Pottstown, Pa., for the prohibition of the sale of intoxicating beverages in army and navy canteens, at Soldiers' Homes, immigrant stations, and in all Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

FRIDAY, June 10, 1898.

Prayer by Rev. LUCIEN CLARK, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

QUARTERMASTER'S SUPPLIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill to repeal so much of the act approved July 31, 1876, as relates to certain advertisements for contracts not to be published in the District of Columbia; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10100) to provide ways and means to meet war expenditures.

The message also announced that the House had passed a concurrent resolution authorizing the Secretary of War to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-fifth Congress not already entitled by law to receive the same, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 4048) granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation, in the State of Washington;

A bill (H. R. 1287) for the relief of Dr. John R. Hall, of Louisville, Ky.;

A bill (H. R. 2425) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

A bill (H. R. 2430) removing the charge of desertion from military record of W. H. Cohorn;

A bill (H. R. 3301) for the relief of W. H. Barnard and Robert Thomas;

A bill (H. R. 9008) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899;

A bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company;

A bill (H. R. 9205) to authorize the extension eastwardly of the Columbian Railway;

A bill (H. R. 10420) for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.;

A joint resolution (S. R. 95) instructing the Secretary of War to return to the State of Ohio the flags of certain regiments of Ohio Volunteer Infantry, also to restore to the State of New York the flag carried by the One hundred and thirteenth New York Volunteer Infantry; and

A joint resolution (S. R. 172) authorizing the President in his discretion to waive the one year's suspension from promotion and to order reexamination of officers of the Army in certain cases.

PETITIONS AND MEMORIALS.

Mr. HALE presented the memorials of F. A. Cole and 17 other citizens; of Delmont Cleveland and 17 other citizens, and of Eldridge Brothers and 19 other citizens, all in the State of Maine, remonstrating against the passage of the so-called anti-scalping ticket bill or any similar measure; which were ordered to lie on the table.

Mr. GALLINGER. I present the petition of John S. Tilton and 223 other citizens and firms of Portsmouth, N. H., praying for the immediate appropriation of \$100,000 by Congress for harbor fortifications. I presume the petition will properly go to the Committee on Coast Defenses, and I venture to bespeak for it careful consideration by that committee at the earliest possible moment.

The VICE-PRESIDENT. The petition will be referred to the Committee on Coast Defenses.

Mr. TURPIE presented a petition of the Board of Trade of Indianapolis, Ind., praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

STEAMER ARKADIA.

Mr. FRYE. I am directed by the Committee on Commerce to report a bill to provide an American register for the steamer *Arkadia*, and I ask for its present consideration.

The bill (S. 4749) to provide an American register for the steamer *Arkadia* was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer *Arkadia*, owned by the New York and Porto Rico Steamship Company, incorporated under the laws of the State of New York, to be registered as a vessel of the United States: Provided, That the said steamship shall not engage in the coastwise trade of the United States, but shall not be excluded from that between this country and Porto Rico.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. WOLCOTT introduced a bill (S. 4750) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company; which was read twice by its title, and referred to the Committee on Public Lands.

SEIZURES OF TIMBER BY SPECIAL AGENT.

Mr. JONES of Arkansas. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior is hereby directed to inform the Senate what instructions are given to Charles E. M. Schlierholz, special agent, General Land Office, at Batesville, Ark., as to seizing timber, and particularly whether said Schlierholz is instructed to seize all timber arriving at that place.

Mr. JONES of Arkansas. Mr. President, some time ago complaints began to come in to me from Batesville, Ark., and from Newport, Ark., both situated on White River, that an agent of the General Land Office was giving great trouble to people who were engaged in business there, and asking that the attention of the Department should be called to it. Amongst other things, I had a letter from Gen. Robert Neill, who was formerly a member of the House of Representatives, a gentleman of ability and character, giving me accounts of what this agent was doing. It seemed to me utterly impossible that such things should be allowed by the Government. I went personally to the Land Office and had a talk with the Commissioner of Public Lands, calling his attention to the matter.

Some correspondence took place afterwards, and I was in hopes that the conduct of this officer would be corrected. About the 29th of May I received a letter which indicated that, so far from these things being stopped, they were growing worse. I went to the Commissioner of the General Land Office and, finding him not in, I left a letter, which I hold in my hand, with the request that it receive his immediate attention.

I want to call the attention of the Senate to the statements made in this letter. It is written by Mr. Handford, a banker at Batesville and a dealer in timber, with whom I am personally acquainted. Batesville is situated at the foot of the mountains, White River coming down out of Missouri and the northern part of Arkansas, through a thickly timbered section of the country, which is partly occupied by settlers. It is a means of business and livelihood for many of those people to cut timber in small quantities from their holdings and bring it down White River in rafts, to be sold at Batesville and Newport.

This Government officer seems to consider himself authorized by the Government to seize all the timber that comes to those places. He seems to assume that every man who brings timber down to Batesville or Newport is a thief. He seems to operate on the hypothesis that all the timber brought to those places is stolen. There doubtless may be some timber taken from the public lands here and there, but the thing against which I protest is that any man wearing the livery of the United States Government shall start out by presuming that every man he finds in the possession of timber is a thief and that he shall prove himself clear or that his timber shall be seized and sold by the United States Government and shall be personally robbed.

Now, Mr. President, I wish to read to the Senate some paragraphs of a letter which is dated Batesville, Ark., May 27, 1898. The writer of this letter is Mr. J. S. Handford, who is president of the Bank of Batesville and a member of the firm of C. R. Handford & Co., dealers in timber. Mr. C. R. Handford, the principal of this firm, was a Union soldier and bears wounds received in that service during the war.

Mr. J. S. Handford says:

Now, there is not a man in the State but believes the Government timber ought to be protected, but this agent seizes everything that comes down the river, and ninety-nine rafts out of one hundred, I will venture to say, are off of deeded lands; yet this agent brands the raftsmen as thieves, and causes them to walk back to their homes to get sworn proof that the timber is off of deeded lands before he will release it; and then if there is the least flaw in the proof, he holds the timber. Some of it has been carried away by the high water, and he sarcastically tells the poor fellows that the Government is not responsible, although the timber has been seized and is in the care of deputy United States marshals.

To one raftman, whose raft he seized, he would give only from one day to the next to go 40 miles (and on account of having no money would have to walk) to get his proof. Since then the largest portion of his timber has been carried away and lost by high water and the poor fellow loses his winter's work.

In another case Mr. Noe, a good, reliable farmer, living at Yellville, Marion County, brought timber down, which this agent seized and sold. Since then Mr. Noe has brought proof that the agent himself admits will clear the timber, and he tells Mr. Noe that when court meets he will have the amount the timber sold for refunded to him.

Timber sold at auction does not bring as much as the owners could get at private sale, so he not only gets less for his timber than it is worth, but has had to borrow means to go home on, is put to the expense of getting up the evidence, and can not get his money until court meets, and yesterday started on foot on a long trip of 75 miles back home on account of this "Spanish ruler."

Mr. Handford continues. He and his brother are buyers of rafts. In this letter he further says:

This agent, Schlierholz, seizes all of our timber that comes in. So far we have given about \$5,000 bonds. When I asked him for his authority, he said the Department in Washington had ordered him to proceed as he was doing, which I do not believe. I also asked him for his information that our timber was cut from Government lands; and he said he had an anonymous letter to that effect.

A few days ago a petition was sent from here by the business men of the town to the head of the Land Department in Washington condemning this agent's actions, and while none of us sanction or indorse the stealing of Government timber and will lend the Government agents all support and help we can to stop it, yet we do think that such high handed "Spanish" procedure as is inflicted on us is wrong, and would ask that said agent be instructed that he shall have personal knowledge of his own that timber he is seizing is off of Government lands, or one or two affidavits of reliable citizens to that effect, before he seizes and libels it, in place of making hard working, honest men walk from 50 to 100 miles to get proof, only to return and find the timber sold, while he sits here as dictator.

Yours, very truly,

J. S. HANDFORD.

Mr. Handford's letter shows the spirit that seems to animate this agent, Schlierholz. It seems that this man assumes that every American citizen who cuts timber off his own land and brings it down the river is a thief.

I wish to read to the Senate a remarkable document which this man issues to show upon what terms persons would be safe in buying timber. It was sent by him to a purchaser of rafts at Batesville and to a purchaser of rafts at Newport and to other timber buyers. It has been sent to me by several of these buyers, not from one only.

I wish the Senate to listen to it. It is a marvelous document. It would seem that this man has not yet learned that in this country, at least, a man will be presumed to be an honest man and be entitled to the property he has in his possession until there is some sort of proof brought to bear to raise a doubt about it. It is dated Batesville, Ark., April 6, 1898, and is as follows:

BATESVILLE, ARK., April 6, 1898.

In order to protect yourself against imposition on the part of timbermen, you should ascertain through affidavits, made before an officer with a seal, that the timber was cut and removed from lands other than vacant or unperfected homestead lands; also should this proof be accompanied by at least two affidavits, made by reliable parties, to which reliability the officer should certify in his jurat, that the timber was cut and removed from such lands; and above all should the owner of the land certify to such facts under oath, and the tax receipt or other evidence of ownership, such as certificate of recorder of deeds, should accompany the affidavit.

The full description of the land by part of section, number of section, township, and range should accompany the affidavit, or rather be embodied in the affidavits, and the amount of trees cut on said land should be stated, as well as the amount of timber removed, as near as possible, so as to enable me to make a personal investigation of the premises. Any false statements will be prosecuted under the "perjury" act. Each party who brings down a raft and claims to have it cut from his other deeded lands should be prepared to furnish this evidence, or otherwise the raft will be held for investigation.

CHAS. A. M. SCHLIERHOLZ,
Special Agent, G. L. O.

From the initials just given, I suppose he is a special agent of the General Land Office.

Mr. President, a man assuming to exercise powers under the General Land Office such as this man assumes ought to be kicked out of the service. He ought not to be allowed to disgrace the Government of the United States by the exercise of such infamous imposition and tyranny for one hour.

As I said in the beginning, I went to the Commissioner of the General Land Office. I know that gentleman. I do not think he would permit, knowingly, this sort of conduct. I called attention at the office to this fact. It may be he did not know how reliable these gentlemen are. At any rate, nothing has been done. If he has admonished this fellow, he has paid no attention to the admonition.

I have tried to see the Secretary of the Interior, but as I am very much engaged and it is impossible for me to see him on all occasions, I have been unable to do so. I have no doubt that if the Secretary of the Interior fully understood these facts he would not permit it. He is an American citizen who, I believe, understands what the rights of citizens are, and he would not allow an underling of his to commit such acts of tyranny.

But I have been working at this for two or three months and getting nothing out of it. I have introduced a resolution here, hoping that the exposure of this transaction may bring some results. If this man has been exercising the authority which he claims, I shall offer a resolution here asking the Committee on Public Lands to investigate the matter more fully.

I also have a letter from Messrs. McLaughlin, Harrison & Co., dealers in lumber, of Batesville, Ark., under date of June 7, 1898, in which they say:

HON. JAMES K. JONES,
United States Senate, Washington, D. C.

DEAR SIR: * * * We therefore offer for your consideration and advice a copy of a petition sent to the Hon. Binger Hermann, Commissioner of the Land Office, signed by every business man in this town, which sets forth a statement of facts that will be proven beyond doubt in the Federal court. We also inclose a copy of notice or instructions, as sent out over the country by Charles A. M. Schlierholz, special agent, which will explain itself.

We do not believe this high-handed procedure is authorized by Mr. Hermann, but that Schlierholz is taking advantage of his commission to seize and sell all the timber to a man here who is in some way connected with him and who has succeeded thus far in purchasing the timber at the sales, particularly walnut timber. It would be of inestimable value to us if we could secure from Mr. Hermann a denial that he instructed Schlierholz to pursue the course shown in our petition and specified in the inclosed notice. Kindly give the matter your valued consideration and assistance, for which we take the liberty to thank you in advance.

Yours, truly,

MCLAUGHLIN, HARRISON & CO.

The petition to which they refer is as follows, and, I understand, is signed by the business community of Batesville. I know personally many of the business men of Batesville, and any statement they may make is worthy of credence and the fullest consideration. I have already read the notice sent out by this special agent.

To the Hon. BINGER HERMANN,

United States Land Commissioner, Washington, D. C.:

For the past three months a special agent of the United States Government has been established in this city as censor, seizing all the timber of every kind that has come down the river, making a general claim that all the timber was stolen from Government land. He does not offer any proof to substantiate this claim, but undertakes to secure evidence by arresting the men in charge of the rafts, and after administering an oath he proceeds to take their written statements. In some instances the said agent has allowed the owners to go back home to procure proofs; and when the proofs suited him, he released the timber.

In other cases he would tell them to go home and get proofs, and before they could return he would have the timber advertised for sale. In these cases, he says, he can not stop the sale, although the owners may have ample proof. In every instance the owners are compelled to walk back to their homes, a distance varying from 15 to 200 miles, as they are poor and depend entirely upon the proceeds of their rafts not only for money to get back home, but for the actual necessities of life for some months to come.

In some cases this agent has so frightened these simple mountaineers by his display of authority as an agent of the United States that they have abandoned their rafts altogether and made no effort to regain them. To some of them the expense incurred in traveling, making these proofs, employing legal counsel, etc., although in itself not very great, is to them a hardship.

This timber is cut either from their own lands, to which they have deeds, or from deeded lands of their neighbors, to be paid for out of the proceeds of the rafts. Several cases have occurred during these three months in which the timber has been carried away by the floods, after the special agent of the Government had seized it, due to carelessness or incompetency. In these cases the said special agent coolly informed the owners of the timber that there was no help for it and no recourse left them to recover the value or any part thereof from the Government.

In cases of homesteads on which final proof had been made of course the raftsmen can not show a deed, as the Government is a year or so behind in issuing deeds, which is no fault of the homesteader. Yet they have certificates of final proof from local land offices, and have a right to do as they wish with their timber or land.

We do not encourage or justify parties in cutting timber from Government land and will aid the Government in stopping such depredations, but the arbitrary action of this special agent in seizing every raft that comes to this port is a great wrong and is working a great hardship on a number of poor and innocent people. It is an outrage when an honest man can not cut his timber from his own lands and bring it to market the same as any other commodity without having it seized and being put to an endless amount of annoyance and expense, and in many cases to have his proofs rejected after going to all the expense and trouble of making them.

Therefore we, the undersigned, respectfully petition that you instruct Mr. Charles A. M. Schlierholz, the special agent referred to, to either have personal knowledge or sufficient sworn evidence that the timber is from Government lands before seizing it, thus saving honest people a great deal of trouble and expense, and from being branded as common thieves, by having their timber seized and libeled by the Government's special agent.

I have a number of other letters to the same effect, coming from other people as well as this gentleman from whose letter I have read, but I have shown enough to the Senate of what this man has been doing. However, I will read one more letter:

BATESVILLE, ARK., June 6, 1898.

MY DEAR SIR: I inclose a letter from Mr. Keener, who had a raft seized by this agent and sold. Of course it did not bring at auction as much as it would at private sale. This poor fellow had to walk home, a distance of 180 miles, to get his proofs that his timber was cut from deeded land, only to have it rejected. As many of these people are not able to pay their witnesses to come to court (the Government does not pay defendant's witnesses, and they have a right to demand mileage and one day's attendance in advance), some of them will just give up and let their timber go, as they are not able to fight the case.

Although the timber may be cut from deeded land, this agent tells them he has orders to seize everything that comes down, and emphasizes the fact that the burden of proof rests on the raftsmen. So far he has seized about \$2,500 worth of our timber, and to keep it from selling at public outcry we had to interplead and give bond in twice the amount, which throws the burden of proof on us, unless we can get Judge Williams to see what a villainous piece of business this special agent is perpetrating on us. So we have undertaken to get up evidence to clear our timber. My brother (O. R. Handford) left here on the 12th of May to get up our witnesses and evidence. He has traveled 800 miles on horseback, and paid out in cash for witnesses, mileage, marshal's fees, and expenses nearly \$225, and is not through yet; and we understand we have no recourse for the great damage this special agent's actions have done to our business, or for the trouble, time, and expense we are put to.

While this outrageous business is working a great hardship on us and has damaged the trade of Batesville at least \$20,000 during the spring, yet that is nothing compared to the hardship it works on the poor devils that are sent home afoot to destitute families, who were depending on the proceeds of the rafts to provide the necessities of life and to get tools and implements to make their little crops on. I tell you the picture is dark, but absolutely true, and the half has not been told.

We sincerely hope that if Mr. Hermann needs a special agent here he will put a man here who will not call every man a thief who brings a raft down White River and say that he would not believe them on oath, as this man Schlierholz has done, which can be proven.

When our timber was seized, we were told we must give bond for it or it would be sold. I told him it was not off Government land. He said his instructions were to seize everything that came down the river and sell it at public sale, unless bonded, which forces us to bond our own property and then have the burden of proof thrown on us.

One thing more; I hope the Land Commissioner will instruct his agent here that if he finds any persons cutting timber from Government lands, if the agent does not seize it where it is cut, but allows it to be run to market before seizing it, that said agent notify us not to buy said timber, for as innocent purchasers we do not want to get into trouble, and by so doing we can help the agent and at the same time protect ourselves. I suggest this because the special agent is now and has been for over a week up in the hills spying around to see if he can hear of anyone cutting Government timber.

Pardon me for bothering you so much, but as we have had one whole year's business ruined by this agent, we are full of it.

Yours, very truly,

J. S. HANDFORD.

P. S.—We have just learned from the special prosecuting attorney that these cases will not come up this term of court, which meets on the 15th instant, on account of the Government not having sufficient evidence at hand; this, too, after all our trouble and expense. We think they should have had evidence before seizing the timber and should be compelled to go to trial or dismiss the cases. I asked the special agent what proof he had against us, and he said he had anonymous letters that the timber was cut from Government land.

J. S. H.

I think the letter from Keener will touch the sympathy of every person living. It was written from Forsyth, Mo., 180 miles from Batesville. The letter is written with a pencil and is badly spelled, showing that he is a poor, uneducated fellow in the country who has undertaken to make a living. He says:

FORSYTH, MO., April 21, 1898.

SIR: You will find in envelope the proof for my timber. You take the papers to Schlierholz, get it loose, and send me the check to Cedar Creek post-office. It took me six days to walk home, 180 miles. If you get it loose, send me check forthwith. I am in a cramp. My rope—take care of it until I call for it. That is all. I will expect to hear from you soon.

Respectfully,

W. J. KEENER.

Mr. HANDFORD.

This poor fellow had gone down on his raft, carrying his provisions with him, doubtless, on his raft. When he arrived at Batesville, this man, without one solitary particle of proof, seizes his timber, ties it up, sends him back afoot, without money to pay his expenses, rejects his proof when submitted to him, sells his timber, and now he has got to await the action of the Federal court to secure the money that the timber brought by the sale by this autocrat and satrap.

Mr. TELLER. I wish to ask the Senator if the timber is sold without a judicial adjudication?

Mr. JONES of Arkansas. So I understand. It seems that it is seized and sold by him at public auction. The statement is that this man seizes all the timber which comes to that place and assumes that it was stolen until proof to the contrary is shown.

Mr. TELLER. He assumes that it was stolen from the Government?

Mr. JONES of Arkansas. That seems to be the assumption.

Mr. TELLER. If he had done it out in my part of the country, they would have dumped him in the river.

Mr. JONES of Arkansas. That is what he doubtless deserves, and I think the Department here ought at least to dump him out of the public service.

I ask for the adoption of the resolution.

The resolution was agreed to.

LIST OF PRIVATE CLAIMS.

Mr. TELLER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Senate Committee on Claims cause to be prepared an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 4th day of March, 1891, and up to the 4th day of March, 1899, and that said list be communicated to the Senate.

Mr. PLATT of Connecticut. What claims does the Senator mean—claims that have been before the Committee on Claims, or that have been before any committee?

Mr. TELLER. I desire to have, if possible, a list prepared of all the claims that are before Congress. There was a resolution instructing the committee to do it about two years ago, but the committee did not undertake the work. I thought, now that we have gotten rid of so many of the claims and as we have a pretty good foundation for the work, perhaps we could go on with it.

Mr. PLATT of Connecticut. I should like the resolution to be broad enough to include all the claims that have been before other committees than the Claims Committee, for this reason—

Mr. TELLER. That is what I intend. I intend to take all the claims pending before Congress, if we can, and if the resolution is not broad enough and the Senator from Connecticut will offer any suggestion making it broader, I shall have no objection to it.

Mr. PLATT of Connecticut. I only wish to say in this connection that we passed yesterday a bill which included all the claims which have been passed upon by the Senate favorably that have come from the Committee on Claims; but there are a large number of claims that have been reported by other committees, and often such claims have passed the Senate. If those claims could be brought into this list, I should be very glad.

Mr. TELLER. That is the purpose. What I desire, and what I think is very much needed, is a history of all these claims. It

will be a big job, but it is absolutely necessary for a proper consideration of the claims.

Mr. HOAR. Should not the resolution be accompanied or followed by some reasonable appropriation?

Mr. TELLER. I propose to do that on an appropriation bill, the deficiency appropriation bill, for instance. I did not think it was worth while to send the matter to the Committee on Contingent Expenses now. I am not prepared to state just at this moment what amount of money ought to be appropriated. I have not any great desire to pursue the work, but I am going to have it done, because there has been a great deal of pressure to have it done, as the former resolution was not executed.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 408) to restore a pension to Harriet M. Knowlton;

An act (S. 862) granting a pension to Mary A. Benjamin;

An act (S. 1910) conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes;

An act (S. 2357) granting an increase of pension to Merlin C. Harris;

An act (S. 3026) granting a pension to Ida Emmott;

An act (S. 3254) granting a pension to Adelaide H. Lamberton; and

An act (S. 4008) to construe an act approved June 3, 1864, relating and including the disability of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry.

The message also announced that the President had on this day approved and signed the act (S. 3553) granting a pension to Amos Webster.

WAR REVENUE BILL.

Mr. ALDRICH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10100) to provide ways and means to meet war expenditures, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 23, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 89, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 139, 142, 144, 145, 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, 157, 158, 159, 161, 163, 165, 166, 167, 168, 169, 170, 172, 173, 179, 180, 181, 182, 183, 184, 187, 189, 192, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205, 206, 213, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 29, 31, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 89, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 139, 142, 144, 145, 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, 157, 158, 159, 161, 163, 165, 166, 167, 168, 169, 170, 172, 173, 179, 180, 181, 182, 183, 184, 187, 189, 192, 193, 194, 195, 196, 197, 198, 199, 202, 203, 204, 205, 206, 213, and agree to the same.

Amendments numbered 2 and 3: That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with amendments as follows: In line 7, page 1, after the word "sold," insert "or stored in warehouse," and in line 1, page 2, after the word "tax," insert the words: "Provided further, That the additional tax imposed in this section on all fermented liquors stored in warehouse to which a stamp had been affixed shall be assessed and collected in the manner now provided by law for the collection of taxes not paid by stamps;" and the Senate agree to the same.

Amendment 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: In line 18, page 4, strike out the word "lent" and insert in lieu thereof the word "loaned;" in lines 7 to 11, inclusive, page 5, strike out: "Six. Insurance agents shall pay \$12. Every person, firm, or company having an office or place of business and acting as agent of any fire, marine, life, mutual, or other insurance company or companies shall be regarded as an insurance agent;" in line 12, same page, strike out "seven" and insert "six;" in lines 13 and 14, same page, insert, after "halls," the words "in cities having more than 25,000 population as shown by the last preceding United States census;" in line 23, same page, strike out "eight" and insert "seven;" in line 7, page 6, strike out "nine" and insert "eight;" in line 15, same page, strike out "ten" and insert "nine;" in line 17, same page, after the words "thrown or" insert "where games of;" and in line 18, same page, after "billiards," insert "or pool are;" and after "and" the words "that are."

Amendment 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with amendments as follows: In addition to the words struck out by said amendment, strike out, in lines 17 to 19, page 7, the words "in addition to the quantity of tobacco and snuff in packages now authorized by law, there may be packages" and in lieu of the words inserted by amendment 11 insert the words "in lieu of the 2, 3, and 4 ounce packages of tobacco and snuff now authorized by law, there may be packages thereof containing 1 1/2 ounces, 3 ounces, and 3 1/2 ounces, respectively, and in addition to packages now authorized by law, there may be packages containing 1 ounce of smoking tobacco;" and the Senate agree to the same.

Amendment 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows. In lieu of the words struck out insert:

"And there shall also be assessed and collected, with the exceptions hereinafter in this section provided for, upon all the articles enumerated in this section which were manufactured, imported, and removed from factory or custom-house before the passage of this act bearing tax stamps affixed to such articles for the payment of the taxes thereon, and canceled subsequent to April 14, 1898, and which articles were at the time of the passage of this act held and intended for sale by any person, a tax equal to one-half the difference between the tax already paid on such articles at the time of removal from the factory or custom-house and the tax levied in this act upon such articles."

"Every person having on the day succeeding the date of the passage of this act any of the above-described articles on hand for sale in excess of 1,000 pounds of manufactured tobacco and 30,000 cigars or cigarettes, and which have been removed from the factory where produced or the custom-house

through which imported, bearing the rate of tax payable thereon at the time of such removal, shall make a full and true return under oath in duplicate of the quantity thereof, in pounds as to the tobacco and snuff and in thousands as to the cigars and cigarettes so held on that day, in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Such returns shall be made and delivered to the collector or deputy collector for the proper internal-revenue district within thirty days after the passage of this act. One of said returns shall be retained by the collector and the other forwarded to the Commissioner of Internal Revenue, together with the assessment list for the month in which the return is received, and the Commissioner of Internal Revenue shall assess and collect the taxes found to be due as other taxes not paid by stamps are assessed and collected."

And the Senate agree to the same.

Amendment 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 4, page 14, strike out "shall" and insert "do;" in line 6, same page, strike out "shall;" in line 7, same page, strike out "shall" and insert "do;" in line 9, same page, strike out "shall;" and the Senate agree to the same.

Amendment 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 24, page 14, strike out "shall" and insert "do;" in line 1, page 15, strike out "shall;" in line 2, page 15, strike out "shall" and insert "do;" and the Senate agree to the same.

Amendment 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 10, page 15, strike out "shall;" in line 13, page 15, strike out "shall" and insert "do;" in line 15, page 15, strike out "shall;" in line 16, page 15, strike out "shall" and insert "do;" in line 18, same page, strike out "shall;" and the Senate agree to the same.

Amendment 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lines 16 and 17, page 16, strike out the words "less than one hundred nor;" and the Senate agree to the same.

Amendment 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In line 10, page 17, in lieu of the word struck out, insert "July;" and the Senate agree to the same.

Amendment 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the words struck out insert the following:

"Provided, That any proprietor or proprietors of proprietary articles, or articles subject to stamp duty under Schedule B of this act, shall have the privilege of furnishing, without expense to the United States, in suitable form, to be approved by the Commissioner of Internal Revenue, his or their own dies or designs for stamps to be used thereon, to be retained in the possession of the Commissioner of Internal Revenue, for his or their separate use, which shall not be duplicated to any other person. And the proprietor furnishing such dies or designs shall be required to purchase stamps printed therefrom in quantities of not less than \$2.00 face value at any one time. That in all cases where such stamp is used instead of cancellation by initials and date, the said stamp shall be so affixed on the box, bottle, or package that in opening the same, or using the contents thereof, the said stamp shall be effectually destroyed; and in default thereof the party making default shall be liable to the same penalty imposed for neglect to affix said stamp as hereinbefore prescribed in this act. Any person who shall fraudulently obtain or use any of the aforesaid stamps or designs therefor, and any person forging or counterfeiting, or causing or procuring the forging or counterfeiting, any representation, likeness, similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who shall sell or give away said stamps, or selling the same, or being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, shall have knowingly or fraudulently in his, her, or their possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall be deemed guilty of a crime, and, upon conviction thereof, shall be punished by a fine not exceeding \$500 or imprisonment not exceeding one year, or both."

And the Senate agree to the same.

Amendment 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 1, page 32, strike out "official;" and in lines 1 and 2, same page, strike out "the several departments of the;" in line 1, same page, insert, after "of," the words "officers and employees of the;" and in line 2, same page, after "Government," the words "on official business;" and the Senate agree to the same.

Amendment 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 11, page 32, in lieu of the word struck out insert "July;" and the Senate agree to the same.

Amendment 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In line 17, page 63, strike out "and the" and insert ". The;" and the Senate agree to the same.

Amendment 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In line 25, page 36, in lieu of the word struck out insert "July;" and the Senate agree to the same.

Amendment 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lines 16 and 17, page 37, strike out "while such merchandise is in the custody of the proper custom-house officers, and;" and insert after "before," in line 17, same page, the word "the" and after "withdrawal" the words "of such merchandise;" and the Senate agree to the same.

Amendment 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lines 8 and 9, page 38, strike out "Provided, That" and insert "but;" in lines 9 and 10, page 38, strike out "January" and insert "July;" and after "ninety-nine," in line 10, page 38, insert:

"That the adhesive stamps used in the payment of the tax levied in Schedules A and B of this act shall be furnished for sale by the several collectors of internal revenue, who shall sell and deliver them at their face value to all persons applying for the same, except officers or employees of the internal-revenue service: Provided, That such collectors may sell and deliver such stamps in quantities of not less than \$100 of face value, with a discount of 1 per cent, except as otherwise provided in this act."

And the Senate agree to the same.

Amendment 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In line 24, page 38, strike out "June" and insert "July."

Amendment 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In line 17, page 45, strike out "tendering" and insert

"from whom any;" and after "goods," in line 17, same page, insert "are accepted;" in line 25, page 45, and lines 1 to 4, page 46, strike out "no stamp tax shall be required on any bundle or package of newspapers wholly or partially printed and intended for general circulation, and weighing not more than 100 pounds" and insert "but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment;" in line 7, page 46, after "memorandum" insert "as herein provided;" in line 13, page 46, strike out all after "messages" down to and including "conversations," in line 10, page 47, and in lieu thereof insert the following:

"It shall be the duty of every person, firm, or corporation owning or operating any telephone line or lines to make within the first fifteen days of each month a sworn statement to the collector of internal revenue in each of their respective districts, stating the number of messages or conversations transmitted over their respective lines during the preceding month for which a charge of 15 cents or more was imposed, and for each of such messages or conversations the said person, firm, or corporation shall pay a tax of 1 cent: *Provided*, That only one payment of said tax shall be required, notwithstanding the lines of one or more persons, firms, or corporations shall be used for the transmission of each of said messages or conversations."

Amendment 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In line 9, page 49, after "sale," strike out "if" and insert a comma; and the Senate agree to the same.

Amendment 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In line 13, page 52, strike out "ten" and insert "eight;" in line 19, page 52, strike out "fifty" and insert "forty;" in line 7, page 53, insert a comma before "operated;" in line 8, page 53, strike out "which is" and after "conducted" insert "solely;" in line 9, page 53, strike out "sole" and insert "exclusive;" and the Senate agree to the same.

Amendment 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In line 3, page 53, strike out "fifty" and insert "forty;" and the Senate agree to the same.

Amendment 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lines 22 and 23, page 53, strike out "except farmers' purely local cooperative companies and associations;" in line 5, page 54, after "thereof," insert as follows: "Provided, That purely cooperative or mutual fire insurance companies carried on by the members thereof solely for the protection of their own property and not for profit shall be exempted from the tax herein provided;" and the Senate agree to the same.

Amendment 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In line 11, page 55, strike out "equal to" and insert in lieu thereof "at the same rate as;" and the Senate agree to the same.

Amendment 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In line 23, page 57, strike out "from the Government of claims by soldiers or their legal representatives of" and insert in lieu thereof "of claims from;" and in line 2, page 58, before "service," insert "military or naval;" and the Senate agree to the same.

Amendment 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In line 21, page 59, before "essences," insert "and carbonated natural spring waters;" and insert parenthesis before "except," in line 30, and after "waters," in line 21; and the Senate agree to the same.

Amendment 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In line 14, page 60, strike out "one-fourth" and insert in lieu thereof "one-eighth;" and the Senate agree to the same.

Amendment 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In line 18, page 60, strike out "one-half" and insert in lieu thereof "two-eighths;" and after "1 cent," in line 18, insert as follows: "Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents, and shall not exceed at the retail price or value the sum of 15 cents, three-eighths of 1 cent;" and in line 25, page 60, strike out "ten" and insert "fifteen;" and the Senate agree to the same.

Amendment 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: After line 1, page 61, insert as follows: "And for each additional 25 cents of retail price or value or fractional part thereof in excess of 25 cents, five-eighths of 1 cent;" and strike out from lines 5 to 21, inclusive, page 61, being the remainder of amendment 174 and all of amendments 175, 176, and 177; and the Senate agree to the same.

Amendment 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In line 23, page 63, strike out "one-fourth" and insert "one-eighth;" and the Senate agree to the same.

Amendment 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In line 2, page 64, strike out "one-half" and insert "two-eighths;" and following line 2 insert:

"Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of 10 cents and shall not exceed the retail price or value of 15 cents, three-eighths of 1 cent."

And the Senate agree to the same.

Amendment 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In line 9, page 64, strike out "ten" and insert "fifteen;" and the Senate agree to the same.

Amendment 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: After the word "cents," in line 10, page 64, insert "five-eighths of;" and in line 11, same page, after "1 cent," add "and for each additional 25 cents of retail price or value or fractional part thereof in excess of 25 cents, five-eighths of 1 cent;" and strike out lines 14 to 25, inclusive, page 64, and lines 1 to 5, inclusive, page 65; and the Senate agree to the same.

Amendment 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 7, page 65, insert before "package" the word "other;" and the Senate agree to the same.

Amendment 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In line 10, page 66, strike out "June" and insert "July;" and the Senate agree to the same.

Amendment 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In line 1, page 67, strike out "June" and insert "July;" and the Senate agree to the same.

Amendment 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an

amendment as follows: In line 10, page 77, after "law," insert "including the laws in relation to the assessment of taxes;" and the Senate agree to the same.

Amendment 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In line 11, page 79, after "Provided" strike out the words down to and including "Provided further," in line 17; in line 19, same page, after the word "dollars," strike out the words down to and including "disposed of" in line 22; in line 6, page 80, strike out "three" and insert "four;" in line 8, same page, strike out "at not less than par;" in line 10, same page, strike out "twenty-five" and insert "twenty;" in line 19, same page, after "offered," insert "at par;" in line 20, same page, strike out "to be;" in lines 23 and 24, same page, strike out "Provided further, That such bonds and certificates shall be issued at par, no commissions shall be allowed thereon;" in line 25, same page, strike out "and certificates;" after "allotted," in line 2, page 81, insert the following: "Provided further, That any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds and certificates herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same;" and the Senate agree to the same.

Amendment 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: Strike out lines 11 to 25, inclusive, page 81, and lines 1 to 9, inclusive, page 82, and insert:

"COINAGE OF SILVER BULLION.

"Sec. 34. That the Secretary of the Treasury is hereby authorized and directed to coin into standard silver dollars as rapidly as the public interests may require, to an amount, however, of not less than one and one-half millions of dollars in each month, all of the silver bullion now in the Treasury purchased in accordance with the provisions of the act approved July 14, 1890, entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' and said dollars, when so coined, shall be used and applied in the manner and for the purposes named in said act."

And the Senate agree to the same.

Amendment 210: That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: Strike out lines 21 to 25, inclusive, page 82; all of pages 83, 84, 85, 86, 87, and to line 10, inclusive, page 88, and insert as follows:

"MIXED FLOUR.

"Sec. 35. That for the purposes of this act the words 'mixed flour' shall be understood to mean the food product made from wheat mixed or blended in whole or in part with any other grain or other material, or the manufactured product of any other grain or other material than wheat."

"Sec. 36. That every person, firm, or corporation, before engaging in the business of making, packing, or repacking mixed flour, shall pay a special tax at the rate of \$12 per annum, the same to be a tax of 4 cents per barrel or other package containing 196 pounds or more than 98 pounds; 2 cents on every half barrel or other package containing 98 pounds or more than 49 pounds; 1 cent on every quarter barrel or other package containing 49 pounds or more than 24 pounds; and one-half cent on every one-eighth barrel or other package containing 24 pounds or less, to be paid by the person, firm, or corporation making or packing said flour. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff shall, so far as applicable, be made to apply to stamps provided in this section: *Provided*, That when mixed flour, on the manufacture and sale of which the tax herein imposed has been paid, is sold and then repacked without the addition of any other material, such repacked flour shall not be liable to any additional tax; but the packages containing such repacked flour shall be branded or marked as required by the provisions of section 37 of this act, and shall contain the card provided for in section 37 hereof; and in addition thereto the person, firm, or corporation repacking mixed flour shall place on the packages containing the same a label in the following words: 'Notice.—The contents of this package have been taken from a regular statutory package, upon which the tax has been duly paid.' Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$250 and not more than \$500, or by imprisonment not to exceed one year."

"Sec. 37. That every person, firm, or corporation making, packing, or repacking mixed flour shall plainly mark or brand each package containing the same with the words 'mixed flour' in plain black letters not less than 2 inches in length, together with the true weight of such package, the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed. In addition thereto, such maker or packer shall place in each package a card not smaller than 2 inches in width by 3 inches in length, upon which shall be printed the words 'mixed flour,' together with the names of the ingredients composing the same, and the name of the maker or packer, and the place where made or packed. Any person, firm, or corporation making, packing, or repacking mixed flour hereunder, failing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$250 and not more than \$500, or be imprisoned not less than sixty days nor more than one year."

"Sec. 38. That all sales and consignments of mixed flour shall be in packages not before used for that purpose; and every person, firm, or corporation knowingly selling or offering for sale any mixed flour in other than marked and branded packages, as required by the provisions of this act relating to the manufacture and sale of mixed flour, or who packs in any package or packages any mixed flour in any manner contrary to the provisions relating to the manufacture and sale of mixed flour of this act, or who falsely marks or brands any package or packages containing mixed flour, or unlawfully removes such marks or brands, shall, for each such offense, be punished by a fine of not less than \$250 and not more than \$500, or by imprisonment not less than thirty days nor more than one year."

"Sec. 39. That in addition to the branding and marking of mixed flour as herein provided, there shall be affixed to the packages containing the same a label in the following words: 'Notice.—The [manufacturer or packer, as the case may be] of the mixed flour herein contained has complied with all the requirements of law. Every person is cautioned not to use this package or label again or to remove the contents without destroying the revenue stamp thereon, under the penalty prescribed by law in such cases.' Every person, firm, or corporation failing or neglecting to affix such label to any package containing mixed flour made or packed by him or them, or who removes from any such package any label so affixed, shall, upon conviction thereof, be fined not less than \$50 for each label so removed."

"Sec. 40. That barrels or other packages in which mixed flour may be packed shall contain not to exceed 196 pounds; that upon the manufacture and sale of mixed flour there shall be levied a tax of 4 cents per barrel or other package containing 196 pounds or more than 98 pounds; 2 cents on every half barrel or other package containing 98 pounds or more than 49 pounds;

1 cent on every quarter barrel or other package containing 40 pounds or more than 24 pounds; and one-half cent on every one-eighth barrel or other package containing 24 pounds or less, to be paid by the person, firm, or corporation making or packing said flour. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff shall, so far as applicable, be made to apply to stamps provided in this section: *Provided*, That when mixed flour, on the manufacture and sale of which the tax herein imposed has been paid, is sold and then repacked without the addition of any other material, such repacked flour shall not be liable to any additional tax; but the packages containing such repacked flour shall be branded or marked as required by the provisions of section 37 of this act, and shall contain the card provided for in section 37 hereof; and in addition thereto the person, firm, or corporation repacking mixed flour shall place on the packages containing the same a label in the following words: "Notice.—The contents of this package have been taken from a regular statutory package, upon which the tax has been duly paid." Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$50 and not more than \$500, or by imprisonment not to exceed one year.

"Sec. 41. That whenever any person, firm, or corporation sells, consigns, or removes for sale, consignment, or consumption any mixed flour upon which the tax required by this act has not been paid, it shall be the duty of the Commissioner of Internal Revenue, for a period of not more than one year after such sale, consignment, or removal, upon satisfactory proof, to estimate the amount of tax which should have been paid, and to make an assessment therefor and certify the same to the collector of the proper district. The tax so assessed shall be in addition to the penalties imposed by this act for an unauthorized sale or removal.

"Sec. 42. That all mixed flours, imported from foreign countries, shall, in addition to any import duties imposed thereon, pay an internal-revenue tax equal in amount to the tax imposed under section 40 of this act, such tax to be represented by coupon stamps, and the packages containing such imported mixed flour shall be marked, branded, labeled, and stamped as in the case of mixed flour made or packed in the United States. Any person, firm, or corporation purchasing or receiving for sale or repacking any such mixed flour which has not been branded, labeled, or stamped, as required by this act, or which is contained in packages which have not been marked, branded, labeled, or stamped, as required by this act, shall, upon conviction, be fined not less than \$50 nor more than \$500.

"Sec. 43. That any person, firm, or corporation knowingly purchasing or receiving for sale or for repacking and resale any mixed flour from any maker, packer, or importer, who has not paid the tax herein provided, shall, for each offense, be fined not less than \$50, and forfeit to the United States all the articles so purchased or received, or the full value thereof.

"Sec. 44. That mixed flour may be removed from the place of manufacture or from the place where packed for export to a foreign country without payment of tax or affixing stamps or label thereto, under such regulation and the filing of such bond and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person, firm, or corporation who shall export mixed flour shall plainly mark on each package containing the same the words "mixed flour," and the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed, in accordance with the provisions of sections 36 to 45, inclusive, of this act.

"Sec. 45. That whenever any package containing mixed flour is emptied it shall be the duty of the person in whose possession it is to destroy the stamp thereon. Any person disposing of such package without first having destroyed the stamp or mark or marks thereon shall, upon conviction, be punished by a fine not exceeding the sum of \$25.

"Sec. 46. That all fines, penalties, and forfeitures imposed by section 36 to section 45, both inclusive, of this act may be recovered in any court of competent jurisdiction.

"Sec. 47. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying into effect the provisions relating to the manufacture and sale of mixed flour, being section 36 to section 45, both inclusive, of this act, and that said Commissioner of Internal Revenue, by and with the approval of the Secretary of the Treasury, for the purpose of carrying said last-mentioned provisions of this act into effect, is hereby authorized to employ such additional clerks and agents as may be necessary for that purpose, not to exceed twenty in number.

"Sec. 48. That any person, firm, or corporation found guilty of a second or any subsequent violation of any of the provisions of section 36 to section 45, both inclusive, relating to the manufacture and sale of mixed flour as aforesaid, of this act shall, in addition to the penalties herein imposed, be imprisoned not less than thirty days nor more than ninety days.

"Sec. 49. That the provisions of this act relating to the manufacture and sale of mixed flour shall take effect and be in force sixty days from and after the date of the passage of this act; and all packages of mixed flour found on the premises of any person, firm, or corporation on said day, who has made, packed, or repacked the same, on which the tax herein authorized has not been paid, shall be deemed taxable under the provisions of section 36 to section 45, both inclusive, of this act, and shall be taxed and have affixed thereon such marks, brands, labels, and stamps as required by the provisions of said sections or by the rules and regulations prescribed by the Commissioner of Internal Revenue, under authority of this act."

And the Senate agree to the same.

Amendment 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lines 1 and 2, page 95, strike out the words "on and after the 1st day of July, 1898;" in line 3 strike out "the following articles" and insert "as when;" in lines 4 and 5, same page, strike out "the following duty, namely: On tons of all kinds" and insert "a duty of;" and the Senate agree to the same.

Amendment 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In line 7, page 95, strike out "unless" and insert "except as;" and the Senate agree to the same.

W. B. ALLISON,
NELSON W. ALDRICH,
Managers on the part of the Senate.
NELSON DINGLEY,
SERENO E. PAYNE,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. ALDRICH. Mr. President, Senators are no doubt familiar with the nature of the action of the committee of conference, as both the report and the bill are printed and on the desks of Senators, and it does not seem to me necessary that any further state-

ment should be made in this connection, unless there may be some questions which Senators may desire to ask or some information which they may wish to have.

Mr. JONES of Arkansas. Mr. President, I did not sign the report made by the conference committee on this bill, and shall vote against its adoption. There are some things in the action of the conference committee which are entirely satisfactory to me, but there are a number of other things which are by no means satisfactory. In retaining the rebate of 74 per cent on beer, in retaining the inheritance tax, the taxes on the refining of coal oil and sugar, the taxes on sleeping cars and tea, they reflected the wishes of the Senate, in my opinion, and did well.

The reduction of the amount of silver provided to be coined from \$4,000,000 per month to \$1,500,000 I do not think was necessary. I do not think it was needed. At the same time, I am glad that they retained a provision for the coinage of all the silver in the Treasury. That is a decided gain and one that I think the Senate and the country is to be congratulated upon. I would very much have preferred the provision as it was made by the Senate in the bill; but, not getting that, I am gratified that the conferees have retained so much as they have.

There are some things, however, agreed to by the conferees to which I am bitterly and utterly opposed, and on account of which I would be glad to see the Senate vote this conference report down, reject it, and send the bill back to conference. One, and perhaps the most glaring of these, is the proposed addition to the bonded debt. The Senate provided, over the protests of a number of Senators on this floor, for the issue of \$300,000,000 of bonds.

We who were opposed to that had undertaken to show that there was no necessity for the issue of those bonds; and I believe we have successfully shown it. Not satisfied with the \$300,000,000 of bonds, as provided by the Senate, the conferees have agreed to issue \$400,000,000—\$100,000,000 additional to those provided for by the Senate.

The Washington Post of yesterday morning—I think it was yesterday, but a day or two ago at any rate—contained this paragraph:

Preparations are substantially complete at the Treasury Department to invite offers for the bonds for carrying on the Spanish war as soon as the bonds are authorized by Congress.

There is an express provision in this bill that these bonds shall be used only for carrying on the present war. In view of that express declaration in the bill, as agreed to by the conferees of both Houses, what is said by the Post is significant. I read it again:

Preparations are substantially complete at the Treasury Department to invite offers for the bonds for carrying on the Spanish war as soon as the bonds are authorized by Congress.

The Treasury Department does not wait for any necessity for the bonds, but proposes to go at it at once. The article in the Post continues:

There will not be a delay of two days in issuing a circular stating the terms under which the bonds are offered and inviting bids at par. Envelopes have already been prepared, addressed to every national bank, to the postmaster at every money-order office, and to the representatives of certain express companies who have offered to aid in the placement of the loan. The circulars announcing the loan will be placed in these envelopes, and dispatched as soon as the exact terms of the act of Congress are known.

It is the present intention to offer \$200,000,000 in bonds at once—

Within two days, although the country is assured and the Senate is assured, and the conferees have solemnly put it in this bill, that these bonds are to be sold only to prosecute this Spanish war, the sale of \$200,000,000 of bonds is to be provided for at once, without waiting for incurring any additional expenditures.

The article proceeds further—

reserving the right to issue an additional \$100,000,000 under the proposals of the minority of the Finance Committee in case an additional issue becomes necessary.

Thirty days, probably, will be given for receiving bids before the loan is allotted. Allotments will be made at once, however, for the full amount of all bids for \$1,000 or less. It is not anticipated that these will reach a sufficient amount to absorb the whole loan, but it is desired to give the preference to small bidders.

No reference whatever is made to the amount of bonds to be sold or that are necessary to be sold, but the only question is about absorbing the whole loan, \$200,000,000 to be sold at once and the right reserved to sell \$100,000,000 more according to this proposition, without the delay of two days.

Mr. GEAR. Is that an official report from which the Senator has been reading?

Mr. JONES of Arkansas. No, sir; I have read a clipping from the Washington Post, usually a reliable newspaper, and I venture the prediction that what is said in that newspaper will be verified by events.

Mr. GEAR. That is mere guesswork on the part of the Senator, and it is mere guesswork on the part of the editor of that paper.

Mr. JONES of Arkansas. He does not state that it is guesswork. He says the "preparations are substantially complete," and that the addressed envelopes are already prepared. I read a

statement a few days ago from a New York paper to the same effect; and there is not a man on the other side of the Chamber who has any doubt about the truth of the statement.

Mr. ALDRICH. It is clear that the suggestion made by the Senator from Arkansas that there is no man on this side of the Chamber who doubts that the Secretary will issue \$200,000,000 or \$300,000,000 of these bonds at once must have been made inadvertently. The law will provide, when this report shall be agreed to, that the Secretary of the Treasury may, from time to time, as the proceeds may be required to defray the expenditures authorized on account of the existing war, issue certain bonds, or so much of them as may be necessary for this purpose. Does the Senator from Arkansas mean to say that the Secretary of the Treasury, in direct violation of this law, will issue a large amount of bonds which are not necessary for the purpose stated?

Mr. JONES of Arkansas. I suppose the Secretary of the Treasury imagines that the sale of \$300,000,000 of bonds is immediately necessary and that probably \$100,000,000 more will be necessary in thirty days. We have heard statements made on the floor of the Senate that this will be the most expensive war that ever was known; that there never has been any war in the past which will approach it in cost; and we have had predictions that the expenses will amount to seven or eight hundred million dollars if this war shall continue for but twelve months; and I do not believe the statement has been limited to twelve months, but that that amount of money would be expended long before that time.

We have been constantly told how enormous these expenses would be, and we see such statements made by the newspapers, whose reporters go to the Departments to inquire about the steps to be taken and as to the actual facts going on in the Treasury. I do not know whether the statements are true; but I have read the story as published; I have given the name of the newspaper; I have given the authority; and the circumstantial way in which the facts are stated convinces me that the story is well founded.

Mr. ALLISON. May I interrupt the Senator?

Mr. JONES of Arkansas. Certainly.

Mr. ALLISON. The Senator is reading a clipping from a newspaper which states that all the bonds under \$1,000 are to be first issued, showing plainly that the Secretary of the Treasury, if he had any conversation with this newspaper reporter, was giving his own views and ideas and not the idea of the law. This law expressly provides that these bonds shall first be offered to individuals and that the smaller amounts shall be first offered. So, whatever may have been the circular prepared two or three weeks ago, when this bill becomes a law, the circular must undoubtedly be in accord with the law itself; otherwise bidders would be deceived.

Mr. JONES of Arkansas. We shall all see what will be the result of this. This, I understand, is to be a circular sent out inviting bids for these bonds at par. We understand that this is because it is to be a popular loan. We were told by the Secretary of the Treasury in the Finance Committee that he did not believe a popular loan would succeed; and I believe the Secretary of the Treasury was right about it.

This thing of putting \$200,000,000 of bonds upon the market at once, with the idea that they will be taken by people having small holdings and in small quantities, I believe to be utterly absurd. If you start a popular loan and give the people time to adjust their small affairs in such a way that they will be enabled to put their money in bonds, they might do it; but they can not do it in the hurried way which is here proposed. Imagine a man in the country having a small amount of money, with the little notice he will have, being able to invest in these bonds. He may have a little something, but he may not be able to make it available within thirty days. He must have some information about the terms, etc.

The process is entirely too complicated and new for him to readily understand and avail himself of it, and he will not be enabled to do so; but, Mr. President, there will be American citizens who have the ready money who will understand about how these bonds are to be got at par and how many of them can be got at par. The great bulk of this \$200,000,000 will be taken at par by men who will take the bonds in large quantities.

Mr. ALLISON. Now let me ask the Senator another question. Does the Senator suppose that the Secretary of the Treasury will at once withdraw from circulation \$200,000,000 and put it into the Treasury under this proposed law?

Mr. JONES of Arkansas. I do not know what the Secretary will do with the money, but if he sells the bonds I suppose he will get money for them. He may make contracts to deliver the bonds later and get the money hereafter. I can not say about that. I do not think he has any right to do that. I do not believe that, carrying out the spirit of this law as it was agreed to, as it pretends on its face to mean, he has any right to offer to sell \$200,000,000 of these bonds within two days after the bill passes.

Mr. MORGAN. For what kind of money will the bonds be sold?

Mr. ALLISON. The money of the realm—the money of the country.

Mr. COCKRELL. Greenbacks, silver certificates, Treasury notes, and gold.

Mr. MORGAN. National-bank notes

Mr. COCKRELL. Yes.

Mr. JONES of Arkansas. Any money considered lawful money; but they are to be paid in coin. They will be sold for anything that is current, but they will be paid in coin, according to the terms of the contract.

Mr. MORGAN. Coin will mean gold.

Mr. JONES of Arkansas. Yes, by the construction of the present officers.

Mr. MORGAN. All money in circulation in the United States is equal to coin.

Mr. JONES of Arkansas. I do not propose to go into a discussion of the financial question now. I doubt if the Senator from Iowa and I agree. All the money in circulation in this country is at par at the present time; it is all of the same value.

Mr. GEAR. It is equal to coin. Therefore they can receive it for the bonds.

Mr. JONES of Arkansas. You are not willing to pay it to those who hold the public debt.

Mr. GEAR. Pay them coin. That is what the bonds call for.

Mr. JONES of Arkansas. Yes, if they ask for it; but you pay them in gold coin. Mr. President, this is a sufficient reason for me to vote against the conference report. I do not believe there is any necessity for the issue of these bonds.

It may not be out of place, as it is early in the day, for me to read a financial article which I find in the New York Sun of the 16th of May about the issue of bonds:

A confident belief that the end of the war with Spain is not far off prevails on the Stock Exchange and shows itself in the firmness with which last week's advance in prices, produced by the naval victory at Manila, has been maintained and even increased. This belief proceeds rather from a conviction that the great European financiers will insist upon Spain's surrender than from any evidence that the Spanish Government is ready to yield to our demands. Investors, however, are waiting to see what Congress will finally do with the new revenue bill. If the Democrats in the Senate succeed in eliminating from the bill the provision for a bond issue, and thus in keeping the Government out of the market as a borrower, all good investments ought to rise; but, if, on the contrary, a bond issue should be ordered, which is the more probable, they would be likely to fall.

On some accounts it would not be a bad thing if the opponents of a bond issue were to prevail, and if taxation and not borrowing should be the means adopted for raising money for the present emergency. That taxation could, if necessary, be made sufficient for the purpose is indisputable. Thirty years ago, when the country's population was less than half as great as it is now, the Government's net revenue was between \$400,000,000 and \$500,000,000 annually, whereas for the fiscal year ending June 30, 1897, it was only \$448,000,000. Hence half the taxation per head of 1866 and the years immediately following it would give us an additional revenue of from \$50,000,000 to \$100,000,000. An equal rate would add not less than \$450,000,000 to the present revenue, and doubling the rate would provide us with a sum beyond the most extravagant estimates of our needs imaginable.

A taxation of \$15.73 per head of a population of 35,500,000 in 1896 yielded \$558,000,000, and taxes of \$30 per head of a population of 72,000,000 would yield over \$1,400,000,000. Now, the largest estimate of the cost of the war is \$25,000,000 per month, or \$300,000,000 for a year—if the war should last so long—and the taxation needed to produce this sum, in addition to that required for the Government's ordinary expenditures, would not be onerous, and certainly not crushing.

I will not detain the Senate by reading the whole of the article, but will insert the remainder of it in my remarks:

Indeed, even so recently as in 1886 the surplus of our ordinary revenue over ordinary expenses enabled us to reduce our interest-bearing debt by \$120,000,000 in one year, and but for the increase of the pension list and the revision of the tariff the surplus would be as great now.

Of our ability, therefore, to pay for the war as we go along, without borrowing, except for short periods, in anticipation of the payment of taxes, there can be no doubt. Whether we shall do it or not is a pure question of expediency, on both sides of which, as on both sides of all questions, much can be said. One argument, however, in favor of taxation, in preference to borrowing, has not been considered sufficiently if at all, and that is, the demonstration of financial strength which our resort exclusively to taxation would make to foreign nations. They know that we have men enough, materials enough, and mechanical ingenuity enough to cope with any or all of them at sea or on land; it remains now to show them that we also have ample pecuniary means to do it.

It has already become evident to clear-sighted observers, both here and in Europe, that the outcome of our war with Spain is going to be a more intimate contact between us and other civilized nations. We are going to occupy Cuba until we can safely leave it to be governed by the Cubans; we are probably going to conquer Puerto Rico; we are going to annex Hawaii; we shall have to take and keep possession of the Philippine Islands for an indefinite period, and we shall have to assert and obtain much greater privileges in China than we now enjoy. All this will necessarily bring us, more or less, into rivalry and collision with foreign powers, and in our diplomatic controversies with them our resources for war making will not be the least potent factor in enforcing our rights.

Money alone, it is true, will not suffice to make a nation powerful. The ability to create wealth does not necessarily carry with it the ability to fight, and sometimes, indeed, the luxury which wealth brings with it enfeebles its possessors. Nevertheless, when wealth has been gained by daring enterprise, guided by sagacity, it becomes an instrument fit, not only for gaining more wealth, but for acquiring and extending mastery over less able competitors. The same commercial skill which enriched Carthage enabled it to defy and very nearly to conquer Rome. The merchantmen of Venice, of Genoa, and of Portugal had for companions war galleys which gave their owners political as well as financial influence. Of a similar instructive purport

is the recent history of Great Britain, the wealth of which, so far from enervating its citizens, made them for years the masters of the ocean and the dictators of the world, and still makes their country the foremost in Europe.

As we have reduced our national debt from \$2,231,000,000 at the close of the war for the Union to \$247,000,000 at the present day, including the \$365,000,000 added by the Cleveland Administration to supply deficits in the revenue in 1894 and 1896, so we have, by untold millions, reduced our State, municipal, and railroad debt to foreign bondholders, and New York has become a cheaper market in which to borrow money than any financial center in Europe.

The war for the Union, therefore, costly as it was, and vast as were the operations it involved, affords no indication of our present war-making capacity. Since it ended we have increased in wealth and strength, not only by natural accretion, but the citizens against whom we were then contending now stand shoulder to shoulder with us and have added their resources to ours. Our skill in military and naval affairs has been improved by the experience we then gained and by subsequent observation and study. We have been emancipated from our financial dependence on Europe and we can now safely dispense with its friendship and defy its enmity. That we shall be victorious over Spain in the present contest is not to be doubted; our only concern should be to achieve the victory in the way that shall make it the most useful to us in its future consequences.

MATTHEW MARSHALL.

This paper, having no sympathy with the financial policy of the Democratic party, frankly admits that there is practically no necessity for the issue of bonds at all. Yet the conferees on the part of the Senate were not willing to hold the issue of bonds down to \$300,000,000, as it had been provided by their own recommendations and by a vote of the Senate. This, as I said, is a sufficient reason why I shall vote against the conference report; but there are other reasons.

Mr. President, in the original preparation of this bill there was an effort made to put a tax on a number of articles, on freight bills, on promissory notes, on bills of exchange, on drafts, and all that sort of thing. A tax of 2 cents was proposed on almost every one of these things, including receipts. We reported the bill back putting a tax of 2 cents on promissory notes up to \$100, I believe, and 2 cents for each additional \$100. We provided that deeds, almost all conveyances of property and money, should be stamped at the rate of 2 cents for every \$100.

We did not provide that freight bills on railroads should carry the same tax of 2 cents that all other transactions carried, but we provided that there should be a tax of 1 cent on those, with the understanding that when the money was collected at the other end of the line there would be tax put upon the receipts, which would bring 2 cents on each transaction. It was estimated that the number of these transactions would be enormous and that the amount of revenue coming to the Government from this source would be very large.

The conference committee, instead of standing by that provision and requiring this class of people to pay their share of the Government taxes, have struck receipts out of the bill and propose to allow receipts to go without paying any taxes. The estimates are different. I think one man stated that the number of freight bills issued by his railroad would amount to 75,000,000 a year. They would certainly amount to not less than 250,000,000 all told in the United States. There must in round numbers be as many receipts as that. So the purpose of that proposition is to release railroads from taxation to the extent of 1 cent upon each one of these transactions, amounting to 250,000,000 in number.

There is no justification for taxing every promissory note given by everybody throughout the country, for taxing deeds, for taxing almost every conveyance of property that can be conceived of, for taxing all these transactions in which the private individual may engage, and yet provide in the bill a release of the railroads from the obligation to pay a tax on their receipts.

I know the putting of taxes on papers is vexatious. It will be resented by the people generally everywhere; but where it is necessary the people of the country are patriotic and willing to pay their share of the taxes. But if it is necessary to require the people of the country to pay 2 cents on every \$100 worth of promissory notes, 2 cents on every draft or check or bill of exchange, I can not understand upon what theory the Senate of the United States shall hold that the railroads issuing this enormous number of receipts shall not be required to pay one-half as much for each one of them as the individual pays.

One of these freight bills may cover a whole train load of cars. It may take the freight of thirty cars, involving thousands of dollars of money, and a 1-cent tax was all that was required on that one transaction, whereas the poor, miserable wretch who owns but a few dollars of property and has got to give a note for the balance must pay 2 cents on every \$100 worth of his note.

Mr. President, here is a discrimination against the masses of the people, against the consumers and in favor of the great and rich corporations which we find running through Republican legislation everywhere and which characterizes their financial management all through the history of this country. It is not a matter of much surprise, yet after they had recommended a tax on these receipts in this way, it seems to me they ought to have been con-

sistent enough to have brought it back from the conference committee.

There is one other thing to which I objected very seriously, but upon which the Senate had not given contrary instructions. I refer to the tax of \$1.50 on cigarettes. I believe it would have been wiser to have kept the tax the House placed on cigarettes, \$2. We had increased the tax on tobacco 100 per cent; we had proposed to increase the tax on cigars 100 per cent, and it seemed but reasonable that the tax on cigarettes should be increased at the same rate. The Senate had reduced the tax on cigars and cigarettes—to 50 per cent on cigarettes, to less than 100 per cent on cigars—but insisted on 100 per cent on tobacco, and seemed to be very much disappointed because they were not able to make it over 150 per cent. The same reasons, I suppose, determined that.

Mr. President, I am not going to enter into an extended debate of these questions. I stated briefly the points upon which and because of which I will vote against agreeing to the conference report. I suppose it has already been arranged and that it is intended to be passed without regard to the feeling of the opposition against it on this side; but I can not by my voice or my vote give my assent to the consummation of these wrongs which I have pointed out, although there may be features in the bill which otherwise might commend it to my judgment.

Mr. WOLCOTT. Mr. President, it is a very long time since a measure even approaching this in importance has passed through the stages of active debate, passed into conference, and come out of it with such an absence of friction and such practical unanimity of view on both sides of the Chamber as this bill has come. I notice in the appreciative remarks of the Senator from Arkansas [Mr. JONES] that the criticisms now made are made not upon the action of the conference committee, but are made principally upon sections which were acted upon by the Senate and not changed by the conference committee.

The principal subject of discussion and of difference on the part of the Senator from Arkansas is the question of bonded indebtedness. That was all settled by the Senate, and the conference committee, of which the Senator from Arkansas was a member, did not touch the question, except to increase the limit of possible issue from three hundred to four hundred million dollars, the Senate having cut the issue down from five hundred to three hundred million dollars.

Mr. President, while it may be true that the Secretary of the Treasury, who has done many foolish things, has prepared a certain circular inadvertently and in advance of his public duty and before the law was passed giving him authority, providing for an improvident and hasty sale of these bonds to the banks, it is also true that the Finance Committee of the Senate of the United States, the Senate of the United States, and the conference committee of the two Houses of Congress have so hedged him around that the bonds must first be offered, not at a premium, to individuals and the bids smallest in amount are to be accepted by the Treasury Department first. I do not agree with the Senator from Arkansas that the bonds will not be generally taken.

I am sorry he made the statement, because I know that he as well as the rest of us desires that the people shall take the bonds, and I think he may rest assured that under the provisions of law the Secretary will in honor and in law be bound to see to it that there is a proper lapse of time given for the people to have an opportunity to subscribe for the bonds. Judged and measured by the quotable value of American securities, the bonds will appreciate in value to 104 or 105.

The people of the United States know the value of the securities of their own Government, and I have no doubt, Mr. President, that in almost every hamlet of the land these bonds will be subscribed for in small amounts, and under the law, whatever may be the Secretary's views as to whether the people will take them or not (and he volunteered some which did not have much value to anybody but himself), the people of the United States will take the bonds; they will be scattered all through the Union, to be held by the people as an evidence of their patriotism and their confidence in the righteousness of their cause and the ability of this country to maintain its credit and at the same time to carry on its war with honor.

Mr. President, outside of those questions, the conference committee have acted with remarkable ability, and as one Senator I desire to express my grateful appreciation of the dignified and able manner in which they have stood successfully by the action of the majority of the Senate, whether the amendments offered came from the other side of the Chamber or from this. We had a bill here from the House which has been so radically changed that its father would not know it. We have added to it here in the Senate provisions as to the licensing of certain callings, which have been retained in conference.

We have given the personal succession tax, and it has been retained. We have given a peremptory requirement that stamps shall be attached to bills of lading, and bills of lading given for

all shipments, and that is retained by the conference; and that provision alone will bring more money into the Treasury of the United States from the pockets of the railroad corporations than would the tax of one-quarter of 1 per cent upon their gross receipts.

They have taken from the bill the tonnage tax, which seemed odious to so many people who desired in all honorable ways to cultivate peaceful relations in this crisis with the rest of the world. There has been hardly an important amendment that has not been kept in the measure. The other side of the Chamber, supported fairly and generously by many votes upon this side, put upon the bill the provision taxing certain corporations a share upon their gross receipts, and the conference committee fought for the amendments, although its members may have voted against it in the Senate, and they kept it in.

Upon the one measure which seemed to me personally of very great importance, the seigniorage provision, although the two Republican members of the conference committee in open Senate voted against it, I am very glad to know that they have kept the principle within the bill. It has in itself nothing to do with bimetallism, but in these days, when the very name of silver sounds discreditable to certain people, I think it is a very honorable recognition of the rights of the majority in this Chamber that the conference committee should have kept in the bill the recognition of the principle that the presence of this bullion was a menace, and that it should be disposed of in some way. I was very glad to hear the Senator from Arkansas express also his appreciation of that action of the conference committee.

We all would have been glad to have seen it disposed of at the rate of \$4,000,000 a month as the minimum, but in its wisdom the conference committee has reported a measure which makes the coinage of the bullion in the Treasury peremptory, requires it, and makes a minimum of \$1,500,000. That will take something over five years, provided the Secretary does not increase the coinage facilities, and I think every man who understands the situation in this country to-day believes that even he will feel himself impelled to the more rapid coinage of silver. This silver is to be coined, and every month something over \$600,000 of new money, money which ought to go out among the people, will go out in the form of silver coinage with certificates issued against it, or in silver dollars, to swell the circulating medium of the country, money which can be accepted without the slightest impairment of our public credit, and this menace, this threat of the existence of the bullion in the Treasury is forever removed.

For that reason, Mr. President, I think it is a matter of rejoicing that we have come out of this discussion, which at times was spirited during the last three weeks, with such an admirable result and have reported to the Senate a bill which, in my opinion, will yield to the revenues of this Government not less than \$150,000,000 a year, and which I believe when it once gets into workable order will yield \$200,000,000 a year to the revenues of this country.

Mr. CHILTON. Mr. President, I regret that I am unable to express the satisfaction with the conference report which the Senator from Colorado [Mr. WOLCOTT] seems to feel. The conferees have yielded many things which are of great importance. By proper care on their part I believe nearly every Senate amendment could have been saved.

Some of the points of agreement reported I fail to understand. For instance, there is an attempted restoration of the tax on tobacco stocks on hand, but it is provided that the tax, which is fixed at one-half of the ordinary increase, shall apply only to tobacco on which the stamps were canceled subsequent to April 14. Now, why was that date selected?

Mr. ALDRICH. That is about the time when the public had notice that there would probably be a considerable increase in the tobacco tax.

Mr. CHILTON. That is a very peculiar reason. If it had been April 1 or April 15, or May 1, or any other even date, it would have seemed to me more natural than the fixing of April 14.

Mr. ALDRICH. That was purely accidental, I will state to the Senator. We agreed in conference that about April 15 was the time when the speculative movement in the purchase of tobacco commenced, and we asked the Commissioner of Internal Revenue to prepare a suitable amendment; and when it was brought up here, he had in it the date April 14. I do not know why he put it in. It was purely accidental.

Mr. JONES of Arkansas. Will the Senator allow me? The committee asked the Commissioner of Internal Revenue to state to the committee the increased sale of tobacco, and my recollection is that the increased sales reported for April were very large.

Mr. ALDRICH. Mostly after the middle of the month. We asked the Commissioner when the increased sale of stamps commenced, and he said when the bill was reported.

Mr. JONES of Arkansas. There was an increase in sales of stamps beginning in March.

Mr. ALDRICH. A slight increase; but the really speculative

purchases, if such there were, did not commence until the bill was reported to the House; and we fixed that date on that account.

Mr. CHILTON. I will not undertake to follow the details concerning the speculative purchase of tobacco throughout the country, but it seems to me it is a very dangerous and perplexing thing to fix an arbitrary retroactive day for the taking effect of the tax. Those persons who accumulated large stocks prior to the date named will obtain a release from the increased taxes, while those who bought their stocks of tobacco afterwards will feel the heavy hand. Such a policy is one which is open to criticism; still more, it is one which is open to abuse in legislation. It will look to the business men of the country like capricious action on the part of the conferees of the Senate and the House.

Mr. CLAY. Will the Senator from Texas let me ask him a question?

Mr. CHILTON. Certainly.

Mr. CLAY. There are many of us who are opposed to this feature of the conference report. Is it not true that we are compelled to vote for or against the report as a whole? We can not move to amend it, and the only way we can get this feature of the bill changed is to vote to send it back to the committee.

Mr. CHILTON. That is true.

Mr. CLAY. I so understand.

Mr. CHILTON. Mr. President, I believe public sentiment would have been better satisfied if the conferees had arranged so that the bill either taxed all tobacco stocks on hand at a certain rate or left them all untaxed. The people of this country will have the right to regard it as an unreasonable exercise of power on the part of those in authority to name an arbitrary date for the going into effect of this particular increase and to fix that date two months anterior to the actual passage of the bill by the Congress of the United States.

Mr. ALLISON. If it will not disturb the Senator, I should like to ask him one question as respects the duties of the conferees.

Mr. CHILTON. Not at all.

Mr. ALLISON. The Senate without division struck out the House provision which taxed all stocks of tobacco on hand 6 cents. It did it on grounds perfectly well known to all Senators. Therefore the Senate conferees went into conference instructed practically by the Senate as to their judgment that no stocks of tobacco on hand or in the hands of dealers should be taxed at all. Now the Senator says it would have been better for us to have taxed all stocks rather than to secure the best adjustment we were able to secure, in accordance with the will of the Senate whereby only speculative stocks should be taxed. It seems to me that the conferees on the part of the Senate did very well toward exerting the influence and power of the Senate as represented by that vote.

Mr. CHILTON. The Senator hardly states my position fairly. It is this: If I concluded that it was wise to tax the stocks on hand partially—that is, not to charge such stocks with the full increase of taxation provided for in the bill—I should think it better to make the partial increase apply to all stocks on hand rather than draw the line at a particular date.

Mr. ALDRICH. The Senator from Texas understands as well as anybody that the members of the Finance Committee were unanimously opposed to taxing any tobacco on hand whatever. There were certain members of the committee who stated in discussion of the question that if it was possible to tax the speculative purchases of tobacco, after everybody had notice that the tax would be increased, if there was any way by which that could be done, that that was a proper thing to do, perhaps. We all agreed that under no circumstances should the great mass of small dealers throughout the country be obliged to submit their books and their accounts and their stocks to examination by a revenue officer.

Mr. ALLISON. Old and new.

Mr. ALDRICH. Old and new, and this date was selected after long conference and great discussion between the House and Senate, the House insisting vigorously and determinedly that all tobacco ought to be taxed. It was finally arranged in the compromise that we would tax tobacco made since the middle of April, that being the time when the bill was reported to the House, and that we would tax only that portion of the stock on hand which was in excess of 1,000 pounds. I venture to say that there is not a man in the State of Texas who has over 1,000 pounds of tobacco on hand which was made between the 15th of April and the time the act will go into effect. There may be possibly one or two men in the city of Galveston who would have to pay twenty-five or thirty dollars; possibly there are, but outside of that there is not a man in the State of Texas, and hardly a man in the United States, who would be affected by this provision. There are not 10,000 men in the whole United States at the outside who would be affected by this provision.

Mr. CHILTON. My difficulties about this particular section do not arise from its relation to the business of the State of Texas. I do not know whether there will be ten or ten thousand men who

will have to pay a tax under the provisions of this particular clause of the conference report. But I can state without hesitation that to fix an arbitrary past date for the going into effect of this tax constitutes a sort of legislative caprice which will give an advantage to certain persons which they ought not to possess. Whoever may have had the foresight to lay in their stocks of tobacco before the 14th of April will have an advantage which others who were not so judicious or lucky or prophetic or rich will be deprived of.

Mr. ALDRICH. The Senator from Texas, who is familiar with the economic legislation of the civilized countries of the world, must be aware that outside of the United States, I think without exception, all revenue measures go into effect from the day they are introduced in the lower house. For instance, all English revenue laws go into effect on the date they are first presented in the House of Commons, the idea being that that was a notice to all the citizens of Great Britain and all the people of the world that there was to be a change affecting certain interests in the revenue laws of the country.

We practically took the date upon which this bill was presented in the other House, because at that time there was practically an official notice that there was to be a considerable increase in the tax upon tobacco. I think no great injustice can be done anyone if we tax the purely speculative purchases not the whole difference in the tax between what it was before and what it is now, but one-half. I think no great injustice can be done any man under the provision of the bill, whether he lives in the State of Texas or anywhere else.

Mr. CHILTON. Mr. President, while I represent the State of Texas in a direct sense, I feel fully at liberty to discuss upon this floor the effect, direct and indirect, of any proposed legislation with respect to its bearing upon the United States as a whole.

I repeat, sir, that I believe it will be the source of just complaint that a particular date two months anterior to the passage of this bill has been selected for the going into effect of the increased tax upon tobacco.

There may be strong philosophical reasons why all stocks on hand should be taxed, as stated by the Senator from Rhode Island, for it will be remembered that in the history of the legislation of this country where certain reductions of taxes have been made—for example, on tobacco—provision has also been made for the reimbursement of all persons who had purchased tobacco bearing the increased tax, before the law making the reduction became operative. I can well understand how it might be contended here that the increased tax on tobacco should apply to stocks on hand, so as to put all dealers on the same footing.

I can understand how, on the same principle, it might be contended that all partial increases as well should apply to stocks on hand; but I do not understand, and I do not believe the people of this country will understand, why, as I have said, an arbitrary date, one never forecasted in the public prints or in either House of Congress, should be fixed and a man who happened to buy his tobacco before that date in quantities of a thousand pounds or more shall have an exemption from the effects of this increase, while those who bought their stock after that date will be subjected to it.

If it should turn out, Mr. President, that any great speculative combination, anticipating the course of this revenue measure should have laid in large quantities of tobacco prior to the 14th of April, this arbitrary and unusual date, and that their stocks under this law will go scot-free while others who have had smaller opportunities must stand the imposition of the tax without relief, I can well see that very great disappointment and discontent may arise among those whose only fault is that they bought tobacco on April 15 instead of April 13.

Now, Mr. President, proceeding with some of the details of this conference report, I notice that committee have provided that private dies shall be used. I will not go into that very fully, but I want to say that all legislation, in my judgment, which gives a man with capital the opportunity to use facilities which are not afforded to the ordinary manufacturer who must buy his stamps in small quantities is contrary to the true genius of revenue legislation.

I believe that all our citizens ought to have been put upon exactly the same footing, and that the man who buys a hundred dollars' worth of stamps ought to have exactly the same privileges that are given to a man who buys \$2,000 worth. I am aware that the old law contains a similar provision, but it is bound to have worked a species of discrimination, and I do not believe it ought to be repeated.

Next, Mr. President, I come to the clause which was mentioned by the Senator from Arkansas, the tax on receipts. It seems to me that this tax, with an exemption applying to small transactions, ought to have been retained in the bill. The exemption of receipts altogether will operate tremendously in favor of great corporations and wealth owners in this country, whose transactions are very large and very frequent. They are but slightly

touched as the bill now stands, and I think it would be fair to ask them to make contribution in this way to the revenues of the General Government. If you go to the English stamp act, it will be found that all receipts for a less sum than £2, or, say, \$10, are taxed.

I come next to the tax on medicines, proprietary articles, and other preparations, and I wish to call attention to the fact that in this particular instance we have an illustration of the folly of putting Senators in charge of a conference who are not friendly to the will of the Senate as expressed.

Mr. CAFFERY. Will the Senator from Texas pardon me?

Mr. CHILTON. Certainly.

Mr. CAFFERY. I wish to ask if his objection to the tax on tobacco is the objection that its retroactive effect does not go far enough back?

Mr. CHILTON. No, sir. Personally I do not believe there ought to be a retroactive tax on tobacco.

Mr. CAFFERY. Does the Senator think that it ought to bear upon those who purchased prior to the 15th of April?

Mr. CHILTON. The 14th of April is the date, and it is a very curious date.

Mr. CAFFERY. I understood the Senator's objection was that the tax is fixed at the 14th of April and does not cover stocks acquired before that time.

Mr. CHILTON. No; personally I do not think any of the tobacco on hand ought to have been taxed. While there are some inequalities arising from exemptions of stocks on hand, I believe it would have been better to have followed the Senate's action, leaving the tax to date from the passage of the bill. But my proposition is that if you once determine to tax retroactively there should be no fixing of an arbitrary date, but every citizen holding tobacco should be put on a level.

Now, Mr. President, I return again to the question of proprietary articles. The Senate will remember that when this bill came to this body all proprietary articles of certain descriptions were taxed. I wish to read to the Senate the terms of the bill as the House passed it:

For and upon every packet, box, bottle, pot, or phial, or other inclosure, containing any pills, powders, tinctures, troches or lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, and all preparations or compositions whatsoever, made and sold, or removed for sale, by any person or persons whatever, wherein the person making or preparing the same has or claims to have any private formula, or occult secret, or art for the making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters patent, etc.

In the Senate Finance Committee the word "medicinal" was inserted before "preparations or compositions." Thus it will be observed that as the House passed the bill all preparations, all compositions whatsoever, made and sold or removed for sale under the circumstances mentioned, as, for example, where the manufacturer "has or claims to have the exclusive right or title to the making or preparing the same, etc.," would be taxed. The House bill would have subjected to taxation articles like sapollo and diamond dyes, stove polish, and many other preparations of that sort.

What did the Senate Finance Committee do? They inserted the word "medicinal," and in that way they exempted from taxation all those preparations or compositions which were not used for medical purposes. Feeling that this exemption made an unfair discrimination, I offered in the open Senate an amendment taking in the larger field of preparations not medicinal, and it was carried here by a vote of 41 to 31. The Senator from Rhode Island expressed his hostility to that amendment at the time the Senate acted. He has prevailed in the end. He went into that conference representing the Senate, and, with the Senator from Iowa, has agreed to give away the amendment.

Mr. President, I feel that the Senator from Rhode Island and the Senator from Iowa have abused the Senatorial privilege in the way they have treated this amendment. They could easily have accomplished the purpose of the Senate by going back to the language used in the original House bill. It is an abuse of the rules of the Senate for the conferees, after the Senate has voted practically to concur, because our vote amounted practically to a vote to concur in the House bill, to go into conference, and in that conference give up the proposition for which the Senate voted.

Mr. JONES of Arkansas. And for which the House voted, too.

Mr. CHILTON. And for which the House voted, too, as the Senator from Arkansas suggests.

Now, Mr. President, under the bill as it is now reported there will be a vast army of manufacturers in this country who will be exempt from any contribution to the necessities of the Federal Government. They are men who have made enormous fortunes in their business. Their factories turn out articles of manufacture which are protected by patent rights or trade-marks, or by name or designation not open to general use. Why should they be favored by the Senate and House of Representatives of the United States? There is no just reason for it.

But will Senators say that it was impossible to so frame a law that these articles could be reached? If so, I deny it. It is my deliberate judgment there has been no serious attempt on the part of the majority of the conferees to frame a law which will reach these particular articles. If they had truly desired to subject those articles to taxation in accordance with the will registered by the Senate, they would have found phraseology to cover the case and yet saved all unnecessary trouble to the people of this country.

If they could have done no better, they might have followed the English example. In the stamp act of Great Britain ten or fifteen pages are taken up with an enumeration of articles which are subjected to taxation. They are mentioned in detail by name, as A's pills, B's tonic, and five hundred other things, and then, after naming all the articles in common use which the lawmakers in England could think of, they sum up the case by using general language intended to cover all other articles of the same kind or description. There is nothing in the way of reaching all these difficulties except the inclination to reach them.

I must confess that I feel some little concern and some little resentment that this particular amendment of the Senate, voted for deliberately, has been given away by the members of the conference committee of the Senate apparently without a struggle. I was about to say that I hoped to have some opportunity of paying these gentlemen back in the same coin. I will not say that, because if I shall hereafter be honored by the Senate with a position on a conference committee, I shall always endeavor to carry out the will of those whom I represent.

Attention has been called to the conference agreement concerning silver coinage. It seems to me it is an absolute farce to call it legislation providing for the expansion of the currency. The original idea of those who reported the seigniorage amendment to the Senate was, first, that they would furnish some reasonable, immediate contribution to the necessities of the Federal Treasury in the conduct of this war.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Texas will suspend a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

Mr. ALDRICH. I ask that the unfinished business be laid aside temporarily.

The PRESIDING OFFICER. That order will be made, if there be no objection. It is so ordered. The Senator from Texas will proceed.

Mr. CHILTON. I repeat, Mr. President, that the primary design of those who framed the seigniorage amendment as it came from the Senate Finance Committee was to supply to the Secretary of the Treasury instantly a resource which he might apply to the current and pressing disbursements of the war. A secondary design was to give a recognition to silver coinage. So far as supplying the immediate necessities of the Government is concerned, this amendment is absolutely futile. It provides, sir, that there shall be not less than a million and a half dollars of the silver bullion on hand coined every month. Now, you understand that that includes silver coin for the redemption of the Treasury notes and all other purposes. It treats the silver bullion on hand in the mass. Therefore the only expansion of our currency which would follow would be the percentage of seigniorage, or the profit which arises on the coinage of the million and a half dollars per month.

This amounts to but little. Under the existing law there is already a slight addition to our silver currency by reason of the seigniorage which is coined from month to month. If the Secretary of the Treasury, for instance, in the month of May coins a million dollars in order to redeem the outstanding Treasury notes under the Sherman law, he would also coin the seigniorage or profit which arose on that million dollars of silver. The only possible benefit which the particular clause in the bill reported by the conference committee can give is in making certain that there must be every month an addition to the currency equal to the seigniorage on a million and a half dollars. That is all there is about it.

This seems to me, Mr. President, such a very feeble and inconsequential recognition of silver that it hardly deserves the name. Speaking for myself as one friendly to silver coinage, I regard it as a concession of no practical value.

Now, Mr. President, the bond section is the last feature of the bill to which I will refer. There have been some amendments made which I regret. In the first place, I regret that the limit should have been raised from \$800,000,000 to \$400,000,000, and in the next place I can but regret that the conference committee should have stricken out that clause of the bill touching the short-term certificates, which reads:

That at least fifty millions of said certificates herein authorized shall be issued before any of the bonds provided for in this act shall be issued, sold, or disposed of.

It seems to me that if we are going to resort to the borrowing power of the Government, if we are going to issue interest-bearing obligations, it would certainly be judicious to issue the short-term obligations for the present and not rush precipitately into the issue of long-term bonds from the very beginning.

If that clause had been left in the law it would have compelled the Secretary of the Treasury to exhaust the borrowing power of the Government by short-term interest-bearing securities to the extent at least of \$50,000,000 before he resorted to the long-term bonds which are mentioned in the succeeding paragraph.

On the whole, Mr. President, I think the conference committee have acted very unwisely in agreeing, as they have done, upon this measure as it is now presented to the Senate.

Mr. BACON. Mr. President, I did not occupy any time of the Senate, certainly not more than a very limited portion of it, when this bill was before the Senate upon its passage, and I do not propose to do so now except for a very few minutes.

I was opposed to the passage of the bill when it was before the Senate. I am still more opposed to the conference report. In other words, I think the bill is more objectionable now than it was then. If I was opposed to the issuance of \$300,000,000 of bonds at that time, of course I must be still more opposed to the issuance of \$400,000,000 of bonds. There are other features in the bill which are very objectionable to me, but which I can manifestly not now indicate in detail. I think very many of the taxes imposed ought not to have been imposed, and I think there are very many things left free of taxation which should have been subjected to the burden equally with other interests.

Mr. President, I do not favor the raising of revenue for the Government, either State or Federal, by criminal process. I am opposed to a system of taxation which lets go free of criminal punishment the property holder who secretes his property, as has been stated by learned Senators in this debate, and who thus screens it from taxation and who can only be reached by taxation through a succession tax when the man comes to die and his property has to be transferred, while it imprisons another man for a less offense. I am opposed, I say, to a system of taxation which allows the man to go free who secretes his millions and screens them from taxation, and puts another man to trial before a court and jury and puts him in the penitentiary for the violation of a very small stamp duty.

I am also emphatically opposed to retroactive taxes.

I can not go into details, Mr. President, but I desire to say this much, in order that it may not be understood that I am opposing the passage of this bill from any partisan motive. I opposed the original bill and I oppose the adoption of the conference report because I believe the principles involved in the bill to be vicious and not entitled to my support.

I am sorry that I can not agree with the distinguished Senators who have lauded the work of the conference committee. Upon the matter of silver, upon which the Senate has been congratulated, there has practically been nothing done by the conference report except to attempt to deceive the country into the belief that they have made a substantial concession in the interest of the coinage of silver.

Mr. President, I do not make that charge lightly or without some facts to support it. There is upon the statute books now a provision of law for the coinage of silver. There is upon the statute books now a provision by which more silver can be coined than the minimum limit which is put here. The truth is, that from the date of the purchase of the bullion in 1890 up to the present time there has been very nearly as much silver coined per month as the limit fixed by this bill. Of course, nobody thinks for a moment that one dollar more than the minimum limit is going to be coined. So I may speak of that really as the maximum limit.

I hold in my hand the reply the Secretary of the Treasury made in response to a resolution adopted by the Senate in which he gives the amount of silver bullion which has been coined since the passage of the act of 1890. There were several questions submitted by the Senate which were to be answered by the Secretary of the Treasury. Among others was the question, how much of the silver bullion purchased by the Government under the act of 1890, had been coined from August 13, 1890, which was the date of the passage of that act, up to November 1, 1893, practically three years, because the coinage did not begin immediately after the passage of the law; it took some little time for the law to get into operation. You might call it in round numbers three years.

Now, in the first three years there were coined out of that silver bullion 36,087,285 standard dollars, which is \$12,000,000 a year, \$1,000,000 a month. Of course the Secretary of the Treasury could have coined more than that amount. Under the present law he can coin all of it just as fast as the mints will permit him to coin it; and without any law except the general provision that he shall coin what may be necessary for the redemption of outstanding Treasury notes, there was coined in the first three years at the rate of a million dollars a month. But subsequent to that time, between November 1, 1893, and February 1, 1898, which is

practically four years and three months, you might say, there were coined 37,735,572 standard silver dollars out of this particular bullion which we have in view. This does not, of course, include the subsidiary silver at all. So there was a total at that time coined of \$73,822,857 of this bullion. That report was called for in February, and it only came up to the 1st of February.

Since then we have had another report from the Secretary of the Treasury, which indicates that there has been practically about \$2,000,000 coined since of this bullion, making over \$75,000,000 of the bullion which has been coined under the present law, and making over \$10,000,000 a year which has been coined under the present law, and the coinage is still going on.

Now, how much is there in the way of a concession, how much is there in the way of any new recognition on the part of the conferees, if you please, or of Congress if it should agree to this report? How much is there of any recognition of any additional right of coinage or of any practical coinage itself? None whatever.

Mr. WOLCOTT. I should like to ask a question, if the Senator from Georgia will permit me.

Mr. BACON. Certainly.

Mr. WOLCOTT. Under the existing law the President was to coin in his discretion as it might be called for for redemption. Under the plan as agreed upon by the conference he is required to coin a minimum of a million and a half a month. Is that nothing?

Mr. BACON. It is something, but very little.

Mr. WOLCOTT. I understood the Senator to say that it was nothing.

Mr. BACON. It is very little.

Mr. WOLCOTT. I understood the Senator to say that it was nothing.

Mr. BACON. I do not know whether the RECORD will show that I said it was nothing or not.

Mr. WOLCOTT. I understood the Senator to say no recognition at all and no change of existing conditions?

Mr. BACON. The Senator would not understand me as speaking in anything but general terms when I used such an expression as that. Of course, the question of mathematics comes in, and mathematics is an exact science, and if there was a difference of a cent, if the Senator held me to a strict interpretation of the language, it would be an incorrect statement to say "nothing."

Mr. WOLCOTT. I did not mean for a moment to put that suggestion to the Senator, but I understood the Senator to say that there had been no change, and this is a change in which the minimum is stipulated.

Mr. BACON. The Senator has not listened to what I have said.

Mr. WOLCOTT. I have listened with very great attention and with very great interest, as I always do to whatever the Senator says.

Mr. BACON. I beg the Senator's pardon. I did not misunderstand him, nor misconstrue him.

Mr. PLATT of Connecticut. Does it not appear from the figures which the Senator has given that there has been coined less than an average of \$1,000,000 a month?

Mr. BACON. There has been; that is true.

Mr. PLATT of Connecticut. This provides for the coinage of a million and a half per month.

Mr. WOLCOTT. As a minimum.

Mr. BACON. That is true; but what is that? In the first three years after the passage of the old act there was more than a million a month coined, and since that time there has been an amount coined which would probably reach to over \$10,000,000 a year; but in this great country and with the vast volume of currency which is needed, what is a few hundred thousand dollars a month in the question of coinage?

It was to utilize to the Government a valuable fund which is to-day lying idle in the Treasury; but will any Senator who denies it rise in his place and say that with the whole amount of \$140,000,000 of that bullion coined with legal-tender quality, it would not still remain on a parity with all other currency in this country, with gold as well as paper? Does not every Senator know that the legal-tender quality which is stamped upon this coin would have made that amount of money easily absorbed in the great business of this great country? It can not be successfully denied.

Mr. President, we stand in the presence of a great exigency, and here is bullion which has already been bought by the Government, which we said ought to be utilized, and which we demanded should be utilized in raising the money necessary to pay the expenses of this war. How much of it will be utilized for this purpose when it will take ten years to coin it—ten years to coin the little amount of bullion in the Treasury?

Mr. WOLCOTT. I know the Senator will be glad to be mathematically correct even to the extent of a penny. It will take about five years and six months to coin the bullion.

Mr. BACON. I am glad to know that it will only be that long.

Mr. TELLER. There is \$141,000,000 to be divided.

Mr. WOLCOTT. I understand there is \$102,000,000 still to be coined. Is that not the amount?

Mr. TELLER. No; \$141,000,000 is to be coined, and the coinage value of the silver bullion in the Treasury is \$141,303,000. It will take seven years and ten months to coin it.

Mr. WOLCOTT. Seven years, did my colleague say?

Mr. TELLER. Seven years and ten months.

Mr. BACON. I had not made the calculation; but I hold in my hand the report of the Secretary of the Treasury, made in February last, in which it is said it was \$144,179,389. The general remark had been made that it would take ten years to coin the silver bullion in the Treasury, and I was speaking generally. But even say it will take seven years, that practically would amount to a denial of the privilege by the Government of using this bullion for the purpose of meeting the present exigency, and that was the purpose we had in view in asking that this silver bullion be coined.

I am very frank to say that originally I favored the amendment offered by the Senator from Colorado. I thought it was better that this bullion should be coined before certificates were issued. I believe the issuance of certificates against bullion is a vicious system, and I do not wish to see it adopted in the future. Therefore I favored the amendment offered by the Senator from Colorado, which required that all the bullion should be coined and that the certificates should be issued as fast as the dollars were coined. That amendment also required to be coined not less than \$4,000,000 a month, and that the seigniorage, amounting to \$42,000,000, should be taken out of the first money coined and be used in paying the expenses of the war. But the action of the conference committee changed all this, and, in my judgment, is not to be commended at this time, denying to the Government the use of this silver bullion, which is its property and which can be used in the prosecution of this war, without putting our people to any additional expense either in the way of principal or of interest.

Why, Mr. President, this \$400,000,000 of bonds means \$12,000,000 a year in the way of interest, and not only that, but it means \$12,000,000 profit in premium to the purchasers of these bonds. In the twenty years these bonds are to run the interest to be paid on them will amount to the stupendous sum of \$240,000,000. In the issuance of legal-tender notes and in the coinage of the silver bullion we proposed to supply the needed amount of money and save this interest. Since 1878 to the present time we have carried \$346,000,000 legal-tender notes at par, and at 3 per cent have thereby saved in interest \$207,600,000. With the vast increase in population, as well as in business, which has doubled since then, the country could more easily carry \$500,000,000 of legal tenders now than it could \$346,000,000 twenty years ago. Who will say we ought to have issued interest-bearing bonds for this \$346,000,000 instead of the noninterest-bearing legal-tender notes? By issuing these notes we have saved a great deal more than \$207,600,000, because the rate of interest during the time has been greater than 3 per cent. Have they been a drag in business circles? Have they been below par? No; nor would the legal tenders we propose be below par. But if the legal tenders were issued, and if the silver bullion were coined, while the Government would save \$240,000,000 interest, certain parties would fail to make their millions out of the bonds. I will not, however, now attempt to discuss that question. The statement of it is sufficient to show the folly, if nothing more, of refusing to use a fund for which nothing is to be paid for principal or interest and upon which there is to be no speculation on the premium.

What I started to say a moment ago, when the Senator from Colorado interrupted me, was this: That the various features of this conference report illustrate to my mind the fatal defects under which we labor in our present rules with reference to conference reports. The Senate ought to determine for itself what measures it will support and what measures it will condemn. The Senate ought not to be put in a position where, in order to get some measures it approves, it is required to adopt others which it disapproves. Here are two illustrations. I do not now recall what the majority in the Senate was in the vote on the coinage of the seigniorage, but it was certainly very large and certainly very decisive.

There is no reason to doubt but what if that question could be submitted to the Senate to-day it would vote the same way, and yet in order that the conference report may be adopted in other features which Senators approve, they must also vote for the adoption of the report with reference to this particular measure which they do not approve. The same thing is true, Mr. President, of the amendment offered by the Senator from Texas [Mr. CHILTON], which was adopted by the Senate.

Mr. President, one other word in conclusion. In the debate upon this bill, in which, as I have said heretofore, I did not participate at length, a suggestion was made by several Senators who favored the bill that those who are opposed to it were not giving proper support to the Government at this time. I do not think

that that is a proper construction or suggestion. It is true in all instances that a revenue measure for the support of the Government, whether in peace or in war, is a measure to a large degree controlled by the opinions of Senators as to the particular way in which revenue should be raised.

For instance, when a tariff bill is under consideration which is proposed by the Democrats, if they are in power, the Republicans oppose that bill and vote against it. They certainly could not be charged with a desire that the Government should not have proper revenue. They are simply contending that the revenue shall be raised in accordance with their particular views. So we, in this instance, are as anxious as the Senators who favor this bill that the proper revenue shall be furnished, but we differ with them as to the particular way in which the revenue shall be raised.

When it comes to the question of appropriation, whatever may be required by the Government, by the Administration, will be voted as cheerfully by us as by those who now support this bill. There can not properly be a suggestion of this kind, for even at a time before war was declared, when there was simply a speck of war in the sky, we did what, so far as I know, is unprecedented—without dissent, without party division, we voted to put \$50,000,000 in the hands of the Executive, to be expended in his discretion; and since then there has been no sacrifice required by the country for the proper prosecution of this war which we have not made as cheerfully as Senators upon the other side.

Nay, more, Mr. President. Some of us who did not believe that there should be a war, some of us who deplored war and sought to avert it, some of us who thought that other measures should be adopted, when finally it was inevitable that war must come, when the President in his message said to Congress he could do no more, those of us thus believing and thus situated, when we saw that by our votes we could not prevent war, waived our personal feelings and our personal views, and, standing as we did in the gaze of the whole world, thought we should present an unbroken front when we flung down the gage of battle. As a patriotic duty we gave up our individual views and stood with those who favored the declaration in order that at such a supreme moment there might not appear to be division among us.

So, in all particulars, Mr. President, in the discharge of our duty in this grave emergency, we will be found as eager and as zealous not only in money, but in that which is more precious than money—we will be as eager and as zealous as they in contributing everything which is necessary to the prosecution of the war to a successful issue. But to do this it is not necessary and we must not be required to support revenue measures which we believe to be vicious and opposed to the true interests of the people and of the country.

Mr. TELLER. Mr. President, I want to call the attention of the conference committee to some amendments made to the bill. In line 8, on page 80, the conferees have stricken out the words "at not less than par" in the provision that these bonds should be sold at not less than par. They have added a provision to the effect that the bonds authorized by this section shall be first offered at par as a popular loan, under such regulations as may be prescribed by the Secretary of the Treasury, so as to give citizens of the United States an opportunity to participate in the subscription to the loan.

Later on, on page 81, they insert this proviso:

Provided further, That any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, but no commission shall be allowed or paid thereon.

I want to know of the committee whether it is the intention by making these changes to authorize and require the Secretary of the Treasury, under any condition, to sell these bonds below par? I fear, as the language now stands, it may be contended that he may offer them at par, and if they are not taken at par that he may then offer them at a less sum. I hope the committee will state what was their purpose in making these changes.

Mr. ALDRICH. If the Senator from Colorado will look at the bill as it passed the Senate, he will find that there is an apparent conflict between the provision in line 8, "at not less than par," and the provision in line 24 that the bonds shall be issued at par, contemplating, apparently, that they will not be issued at par in one case and may be in the other. In order to make this absolutely clear the committee have provided that all of these bonds shall be offered to public subscription at par.

Mr. TELLER. And not less?

Mr. ALDRICH. And not less. They shall be offered absolutely at par. Then, in case any portion of the bonds shall not be subscribed for at par, the Secretary of the Treasury may sell them at not less than par. So that under no circumstances whatever can the Secretary of the Treasury dispose of any of these bonds at less than par. I think that is absolutely clear.

Mr. TELLER. I do not myself think it is very clear; but it seems to me that probably, after that statement, no Secretary of the Treasury will take the responsibility of selling them otherwise.

Mr. GORMAN. If the Senator will allow me, I will say that as to this point I had some conversation with the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. Yes; the Senator from Maryland first called my attention to this apparent discrepancy between the two provisions in the bill, and in order to make the point which he raised perfectly clear the change has been made.

Mr. GORMAN. The discrepancy struck me when the bill passed, and I called the attention of the committee to the fact that unless the Secretary of the Treasury was directed by the law to offer the bonds at par the country people, the people outside the great commercial centers, would not know how to bid. I think the provision as it is now framed makes it perfectly clear, and in my judgment it gives the very opportunity desired, so that anybody can subscribe \$50 for a \$50 bond. I understand that that is the intention of the committee.

Mr. ALDRICH. That is the undoubted intention of the committee; and I think it is very clear.

Mr. GORMAN. That is the only way in which the people can have the opportunity to obtain the bonds.

Mr. TELLER. I do not desire to detain the Senate in exploiting my own views. I thought the language was perhaps a little obscure, and I desire to have a statement from the conferees in relation to that point to show that they did not intend that the bonds should be disposed of for less than par, and that no commissions should be allowed.

Mr. ALLISON. That is made perfectly plain, as we think, in the amendment. Of course, if it shall turn out that the Secretary of the Treasury shall offer \$50,000,000 or \$100,000,000 of bonds and they should not be taken at par, then he will be obliged to take the balance of that issue and go into the market, of course, and sell those bonds, but he can not sell them for less than par.

Mr. PLATT of Connecticut. And he may sell them for more.

Mr. ALLISON. Yes, he may sell them for more.

Mr. TELLER. I understand the purpose of the committee, then, is that if the popular subscription should be a failure, the Secretary of the Treasury may negotiate with syndicates and sell the bonds, but that he must not sell them below par, nor must he allow a commission to syndicates for selling them.

Mr. ALLISON. Yes.

Mr. TELLER. That is as I understand it. With that understanding, I have no further remarks to make in regard to that provision. I suppose the Secretary will sell the bonds at par if they are not taken at the first subscription.

Mr. ALLISON. That is right.

Mr. TELLER. And that the people will have the right to take them by subscription at par.

Mr. ALLISON. Yes.

Mr. TELLER. I think, with these explanations, we understand what the committee believes the law will be.

I want to call the attention of the committee to the provision that the Secretary of the Treasury is authorized from time to time to issue certificates. I understand the certificates to be issued are limited to \$100,000,000. Is that correct?

Mr. ALLISON. Yes; that is correct.

Mr. TELLER. Now, I want to inquire why these certificates are not also to be offered as a popular loan, the same as the bonds?

Mr. ALDRICH. The conferees on the part of the House of Representatives suggested to us that that was not practicable; that these were certificates which were only to be issued in case of emergency, and that in most cases it would not be practicable, at least it would not be desirable, to confine the Secretary of the Treasury to a popular loan at first upon these certificates. In other words, it would require an advertisement, and cause perhaps a delay of from thirty to sixty days to make it a popular loan. The Secretary can not sell them at less than par, and there might be an emergency arise which would make it necessary to raise the money at once without the delay necessarily incident to a popular loan and at a rate of interest not exceeding 3 per cent. That means, of course, that they can not be sold at less than par.

Mr. TELLER. I was about to inquire if the purpose was that they should not be issued for less than par. I understand the method of issuing the certificates is not to issue them as a loan originally, but to issue them in the payment of the indebtedness of the Government.

Mr. ALDRICH. That is right.

Mr. TELLER. For that reason there is a propriety that the Treasury should be allowed to issue them without advertisement, and there might be some difficulty in making a popular loan, as there probably is.

Mr. ALLISON. There is another reason which influenced me in accepting the House system, and that is that this is intended to be an emergency provision. It may be that the Treasury will want to borrow only for ninety days and not for a year, and it may be that the money market will be easy when they borrow, so that they can borrow on favorable terms. There seemed to be so many things surrounding this question, this being intended as a bill to

meet an emergency, it was thought best to leave the Secretary of the Treasury unhampered, except that he can not sell them at less than par.

Mr. PLATT of Connecticut. May I inquire of the chairman of the conference committee whether there might not an embarrassment arise if the Secretary of the Treasury were first obliged to offer the certificates as a popular loan and the money did not come in? He might not be able to get the money for the bonds as soon as it was required.

Mr. ALLISON. That might be an embarrassment, but that did not disturb me in any way. I did not think that that was likely to happen. But we did strike out that provision requiring him to issue this \$50,000,000. It may be that the Secretary of the Treasury will want to borrow for ninety days or sixty days \$25,000,000, and he may be able to do it at 2 per cent or 2½ per cent; but if he were obliged to offer them at par to all the people, of course it would cause delay; and if he offered them at par he would have to offer them at 3 per cent.

Mr. TELLER. I may be mistaken—and if I am mistaken the Senator who has the bill in charge can correct me—but I do not understand that under the English system they issue their exchequer bills on time.

Mr. ALLISON. They do. They issue them on time.

Mr. TELLER. At a specified time?

Mr. ALLISON. At a specified time, sixty or ninety days. That is my understanding.

Mr. TELLER. I am under the impression that they issue them at the option of the Government, though I may be mistaken. I think they are issued at the option of the Government, and issued against taxes for a year or two years.

Mr. ALLISON. They have been issued both ways, but the Government is perfectly free to issue them as it pleases. An exchequer bill is usually issued against taxes, and when they are taken up new ones are issued.

Mr. TELLER. I am not specially attacking the certificates. I think that is a better method of raising money than raising it by a bond issue, because for the first year, at any rate, they will be under the control of the Government, if the Government sees fit to redeem them. At least, the amount is limited to \$100,000,000, and there can be no more outstanding than \$100,000,000 at any time.

The committee have also agreed that instead of \$300,000,000, as the Senate voted, we shall issue \$400,000,000 of bonds. I am not quite capable of congratulating myself or the country, as my colleague does, upon the action of the committee in that particular; but I am not going over that, except to say that I was very much of the opinion that this bill would come back with \$500,000,000 of bonds instead of \$400,000,000. I am agreeably surprised that the amount provided for is not more than \$400,000,000, although I do not get very much comfort out of that, because there will be \$100,000,000 of certificates and \$400,000,000 of bonds. That will make \$500,000,000, at all events, which, added to the \$260,000,000, will give us \$760,000,000 of increased interest-bearing debt practically in a time of peace, for this is not a very great war, so far at least. It may be very expensive, but it does not seem to be much of a war.

What disturbs me, and the reason I am not willing to vote for the adoption of this conference report, is that it seems to me that we are now entering upon a system of creating a national debt to which there is not likely to be any limit. I do not know what this war is to cost. It does not seem to me that it ought to cost \$500,000,000, and I am free to say that I shall be greatly disappointed if it does cost that amount. I will venture to say that it will not cost that amount, in my judgment, unless there is gross mismanagement of the great resources of the people of the United States in the way of accumulating an army and fighting our battles. We ought to close this war in such time that there should be no \$500,000,000 expended.

Mr. President, I am under the impression—I have stated it before and now repeat it—that there is a determined effort to create a great national debt under one excuse and another. Some people want these bonds for the purpose of carrying on and continuing and extending the present banking system; others care little about the banking system, but they are anxious, if possible, to get rid of Government paper, of greenbacks and Treasury notes, and they hope in this way, or in some way, to get rid of this Government paper.

If the bonds are sold and greenbacks are paid in, when the war closes we shall find ourselves with a very large amount of money on hand. The greenbacks and the Treasury notes will be kept in the Treasury; for that has been the advice of the late Secretary of State, Mr. Sherman, repeatedly given, and of other influential members of the Republican party, that the greenbacks and Treasury notes shall be kept in the Treasury and not allowed to go out. In other words, it is a way of nullifying the act of 1873, which declared that as the greenbacks came in they should be reissued.

There has been published a letter from a distinguished gentleman who occupies the public eye to some considerable extent in another branch of the legislative department that this war will cost two thousand million dollars. Mr. President, I hope that he does not speak by authority of the Administration, although he is a very close and ardent supporter of the Administration, as I understand. It is mortifying to me to think that this war will cost two thousand million dollars. That can not be possible, unless there shall be some unfortunate occurrence to throw us into a general war with the great powers of Europe. I do not believe it.

I shall not vote for this conference report; I shall not vote for any bill which contains an increase of the national interest-bearing debt of the United States until it shall have been demonstrated to me that there is no other method of raising money to carry on this war. When that shall have been demonstrated, or when it shall ever be demonstrated to me that the honor and integrity and good faith of the Government of the United States require that debt to be increased, I shall vote for it; but, Mr. President, I am not so now impressed. I believe we should have conducted this war to a successful issue without increasing the bonded debt at all. It might have been, and very likely would have been, necessary to have increased the paper currency of the Government of the United States.

As I demonstrated the other day in the few remarks which I then made, and which nobody has challenged, if we add \$150,000,000 to the present currency, we would have less paper money than we had in 1873, when we declared that the greenbacks should no longer be contracted or destroyed; we would have, if the estimates of the Treasury Department are correct, three and a half times as much gold in circulation in the country as we had at that time. Therefore our population could float a paper circulation three and a half times greater than it was then. I will add now if we added \$300,000,000 of greenbacks to the present issue, and estimated that every greenback which has ever been issued is still in existence, we would then have less paper money per capita than we had in 1873, when the Senate and the House of Representatives with great unanimity, at least, I will say, declared that there should be no more destruction of the greenback money.

Mr. President, I believe this bonded indebtedness might have been avoided, I believe the great interests of the American people require that it should be avoided, and I believe that this is but the beginning of a great big debt that is to be put upon this country, not for the benefit and the advantage of the masses, but for the benefit and advantage of the few.

While I want to see this war prosecuted with vigor, while I want to see it prosecuted to a successful issue by freeing the people with whom we have expressed so much sympathy from the domination and control of Spain, while I am ready, with all of my associates here of every political faith, to give to the Government all that it needs in the way of money and to withhold criticism, which sometimes it is difficult to avoid expressing, and to give to the Administration that support to which I believe every Administration is entitled in a time of emergency, in a great crisis like war, I shall not vote for the adoption of this conference report with this increased interest-bearing indebtedness of \$500,000,000.

I know that the Secretary may not issue \$500,000,000 worth, but I am morally certain he will. I exceedingly fear that he will call upon us for the power to issue many more than that. For that reason, for the reason that I believe it might be avoided, because, in my opinion, a great public debt is a great national calamity, I am going to vote for the second time against the bill by voting against the conference report.

Mr. GORMAN. Mr. President, I shall vote for the conference report, but not because I am in accord with all the provisions retained in the bill. In my view a much more perfect and just bill could have been framed. Some of its provisions are objectionable to me, and they ought to have been modified. I recognize the condition of the Treasury and the condition of the country, however, and I believe that the conferees on the part of the Senate, dealing as they had to with a body whose views are entirely different from those of the Senate on many provisions of the bill, have made a fair, and I think a very liberal report so far as the Senate views are concerned. Dissenting as I do from many of the details, I shall nevertheless vote for the conference report because it is the only thing feasible, and, in my judgment, the condition is such that it ought to be terminated at once.

[Mr. CANNON addressed the Senate. See Appendix.]

Mr. PETTIGREW. Mr. President, I do not care to discuss the bill, but I propose briefly to show who will pay the tax.

We are all agreed, no matter what our political belief may be, that money enough should be raised to carry on the war. There is no conflict upon that question, yet we have discussed the revenue bill for weeks. And why? Simply because we differ as to how

the money shall be raised. We say, and by the amendments we have offered have shown, that we desire to have the accumulated wealth of this country pay its share of the burden. The majority say, "We will levy a per capita tax; we will lay the burden upon the people of this country, the toiling masses; not upon wealth, but upon consumption, upon the individual." Your policy is that by which a man with \$100,000,000 pays the same share of the burden of this war as his coachman who works for \$1 a day.

That is one of the issues in this contest; that is one of the questions upon which there is disagreement and one of the reasons why we refuse to support this bill.

You say we will issue interest-bearing bonds. We say no more bonds shall be issued until the necessity arises and that the necessity has not come yet. We say we will issue \$150,000,000 in currency. You say the currency is necessary, but we will issue interest-bearing bonds and the banks may issue the currency, and that makes another issue.

After all, what is the process? We issue \$400,000,000 of interest-bearing bonds and say we are going to allow the public to subscribe. Every person within the sound of my voice knows the public is unable to subscribe. The bonds will go to the bankers; and what is the process. Four hundred million dollars of bonds can be taken to the Treasury of the United States and there they can secure 90 per cent of the face value of the bonds in currency. Ninety per cent of currency is \$360,000,000 in money. The bonds can be taken to the Treasury of the United States and exchanged for national-bank currency. What is the process? The custom is when we ask for subscriptions of bonds to require payment of 10 or 20 per cent.

In this case perhaps we would require 10 per cent. Four hundred million dollars of bonds are issued. The banks subscribe for them and pay 10 per cent in cash. They immediately signify their desire to deposit them and secure currency. They are to make another payment in thirty days, and before the thirty days are up the national-bank currency is printed by the Government and handed over to them, and the bonds are deposited in the vaults of the Treasury Department. How does it work out? The banks then have paid in currency to the United States but \$40,000,000. They have received \$400,000,000 of bonds and exchanged them for \$360,000,000 of currency. They are required to make no other payment whatever, because the \$360,000,000 of currency which they receive can be immediately turned over to the Treasury to pay the bonds.

If they had paid for the bonds when the purchase was made they could take then the \$360,000,000 of currency which they would then have, and for which, in fact, they have paid but \$20,000,000, and loan it to the people of this country at 6 per cent. Against this we contend, and it makes another issue.

We say that currency is not as good as the greenbacks which we propose to issue, because the greenback is legal tender, because it has behind it as security the whole property of the people of the United States. You say it will make the money better not to have it legal tender, which is money good enough to get in debt with but not fit to pay with. You say it will make the money better to have the bank draw 3 per cent on your \$400,000,000 worth of bonds.

Who is behind this bank currency? Nobody, unless it is the people of the United States. Why, then, should the people of the United States be called upon to pay interest upon it? Why not, in the first place, if you will issue bonds, put them in the Treasury of the United States and then issue your paper against them, and thus save the interest on \$400,000,000? Who can raise any objection to that? Why, instead of delivering these \$400,000,000 of bonds to the bankers, do we not place them in the vaults of the Treasury in the first place and then say they shall remain there as a sacred fund, securing the payment or redemption, if you please, of the greenbacks you issue?

What argument can be made except the argument of greed, except the desire to further promote special interests? Why should the bonds be delivered to the banks and the people of the United States be forced to pay \$12,000,000 a year interest upon them, and then they lie in the Treasury as security for money which the banks take out and loan to the people?

I should like to hear that contention answered. Nobody undertakes to answer it. Where is the sense, the reason, or the judgment that justifies such financiering as that?

But, Mr. President, who will pay this tax, this per capita tax, this tax levied upon consumption? The tax under this bill will be paid by the men who are filling the ranks of our armies as privates, by the people who have no property; and when it is collected, it will be turned over to the men who have all the property and get all the contracts and whose sons hold all the offices. You propose under this bill to make the people who toil in this country not only pay the entire expense of the war, but furnish all the private soldiers, and then you fill every position above that of pri-

vate with the sons of rich men, so that all the best salaries shall go to them, and thus array the classes against the masses and make another issue.

I remember in 1889 how startled I was when I read an article—I think it was in the *Forum*—by Shearman, of New York, showing the distribution of wealth in this country. I thought it could not be true. He showed that 250,000 families owned over \$44,000,000,000 of the wealth of the United States. He arrived at his conclusion by taking the rich men, showing what their wealth was, deducting that from the nation's wealth, and seeing what was left for the rest of the people. I thought the figures must be untrue, that such calculations could not be sustained. But, Mr. President, when we took the census in 1890, Mr. Shearman's figures were more than corroborated. The census of 1890 shows a condition of affairs produced in this country within thirty years of time which has caused the destruction of every free Government that ever lived, and it will cause the destruction of ours.

Holmes, who had charge of the compilation of the indebtedness of the United States under the census of 1890, publishes this statement: He divides the people of this country into three classes. He has class 1, class 2, and class 3; which is very appropriate. He might have said caste 1, caste 2, and caste 3, and then his language would have accorded with the division of the population in India, for instance. In India the population is also divided into three classes, 80 per cent of whom never have enough to eat, 16 per cent of whom have barely enough to eat, and 4 per cent of whom live in unlimited wealth and luxury. That is the caste we hear so much about in India.

The same condition of affairs has grown up in our country, and here is the proof of it: Millionaires, 4,000 families, less than three one-hundredths per cent of our population; aggregate wealth, \$12,000,000,000, 20 per cent of the wealth of the people of the United States. Rich, 1,139,000 families, or 8.97 per cent of our population; aggregate wealth, \$30,600,000,000, making a total for these two, which he places under one class, of \$42,600,000,000, or 71 per cent of the wealth of the people of the United States, leaving 29 per cent for the 91 per cent of our population. Then he divides still further. He says under the head of class 1—really it should be class 2, for he divides the rest of the population into three classes—3,556,000 families own \$12,000,000,000 of the wealth. More than one-fourth of our population own only the same amount that 4,000 families own.

Mr. GALLINGER. If it will not disturb the Senator, I should like to ask him if he seriously places any dependence upon those figures, even though they were exploited in the last census? Does he seriously believe that they are at all accurate? And I will make this further observation that I have in mind: A gentleman—I think he was born in the State of New Hampshire—who was reputed to have been worth from \$10,000,000 to \$20,000,000, figured in some of these lists that have been published of the multimillionaires of the country. He died somewhat recently, and I think I am correct in saying that his estate will not show \$1,000,000, and I believe considerably less than that amount. Is it not possible, I will ask the Senator again, that these figures are very erroneous? Is it not a guess at best as to the amount of wealth that any individual or firm possesses in the United States?

Mr. PETTIGREW. If the Senator will listen until I have finished, he can draw his own conclusion as to whether I have made a case and believe what I am saying. The facts and figures which I will give have never been disputed.

Class 2, 1,397,000 families, have \$2,400,000,000 of wealth. Class 3, or 6,604,000 families, or 52 per cent of our population, have \$3,000,000,000 of wealth, or one-fourth of the wealth of the 4,000 families which own this country. The total poor people of this country, or 91 per cent of our population, own 29 per cent of our wealth, or \$17,400,000,000, while the rich, the 1,143,000 families, own \$42,600,000,000 of the wealth. Mr. Holmes then publishes documents which show the relative wealth to population, which I will publish in the *RECORD* as a part of my remarks.

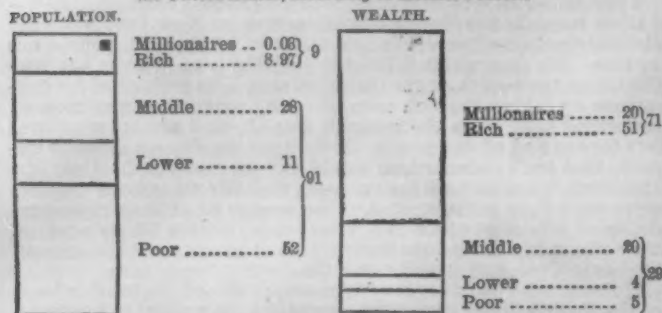
Holmes's table of the distribution of wealth in the United States.

Class.	Families.	Per cent.	Average wealth.	Aggregate wealth.	Per cent.
Millionaires	4,000	0.03	\$3,000,000	\$12,000,000,000	20
Rich	1,139,000	8.97	26,560	30,600,000,000	51
Total rich	1,143,000	9	37,358	42,600,000,000	71
Class 1	3,556,000	28	3,374	12,000,000,000	20
Class 2	1,397,000	11	1,718	2,400,000,000	4
Class 3	6,604,000	53	454	3,000,000,000	5
Total poor	11,557,000	91	1,514	17,400,000,000	29
Grand total	12,700,000	100	4,725	60,000,000,000	100

Class 1 are the families owning farms or homes without incumbrances.

class 2 are those owning them with incumbrances, and class 3 are tenants of farms or homes owned by others.

Diagrams showing, by percentages, the population and wealth distribution in the United States, according to Holmes's tables.



This diagram shows by its percentages the population and wealth and the distribution of wealth in the United States, according to Holmes's tables, and Holmes was the compiler of the census of the United States for 1890 in relation to farms, homes, and mortgages. Now, look at this diagram. It is an interesting study. Here it shows where the property of the United States has gone. Can you see that little black spot? Can you see it? That represents three one-hundredths of the population.

Rich pay \$27,000,000; poor pay \$273,000,000.

How did Mr. Holmes arrive at this conclusion? He took the wealth of the poor of this country and the middle classes. He ascertained it by finding out what the mortgages amounted to. He inquired about the ownership of every house, every piece of property in the land, and then he deducted that from the whole sum, and the result showed what the very rich possessed. Shearman did the opposite. He determined how much the very rich possessed, deducted it from the whole sum, and saw what the mass of the people possessed in this country. The two results are so parallel, so corroborative of each other, that I will publish both tables.

Here are Mr. Shearman's tables: The rich, 235,000 families, own \$43,900,000,000 of the wealth of this country. The middle classes, 1,200,000 families, own \$7,500,000,000 of the wealth. The working classes, 11,567,000 families, own \$11,175,000,000 of the wealth. In other words, according to his tables, the rich, 10.6 per cent of our population, own 70 per cent of the wealth.

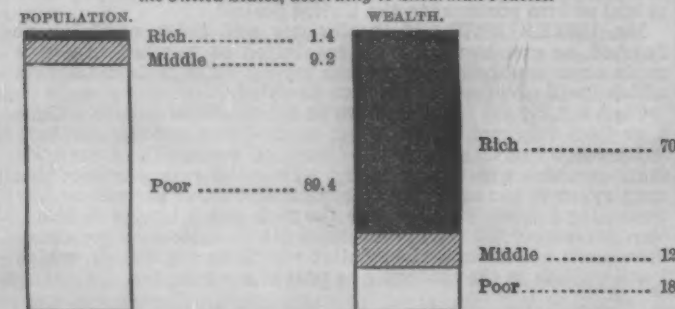
According to Mr. Holmes's table the rich are 9 per cent of our population and own 71 per cent of the wealth of this country.

I will also publish Mr. Shearman's table.

American wealth.

Class.	Families.	Wealth.	Per family.
Rich	235,000	\$43,900,000,000	\$186,567
Middle	1,200,000	7,500,000,000	6,250
Working	11,567,000	11,175,000,000	968

Diagrams showing, by percentages, the population and wealth distribution in the United States, according to Shearman's tables.



Commenting on this, Mr. Shearman says:

The United States of America are practically owned by less than 250,000 persons, constituting less than 1 in 60 of its adult male population. Within thirty years, the present methods of taxation being continued, the United States of America will be substantially owned by less than 50,000 persons, constituting less than 1 in 500 of the male population.

He says that this is an underestimate, and in the second article adds:

If this system continues, the coming of the billionaire on the one hand and of the million paupers on the other is inevitable.

But what is more, Mr. President, we had another investigation. Mr. Spahr, who is a writer upon the Outlook, a journal published in New York, a law lecturer in the New York Law Academy, a man of decided ability, a statistician well known throughout the world, and a lawyer by profession, made an investigation. His investigation was carried on differently from that of both the others. He went to the probate courts, and he ascertained the

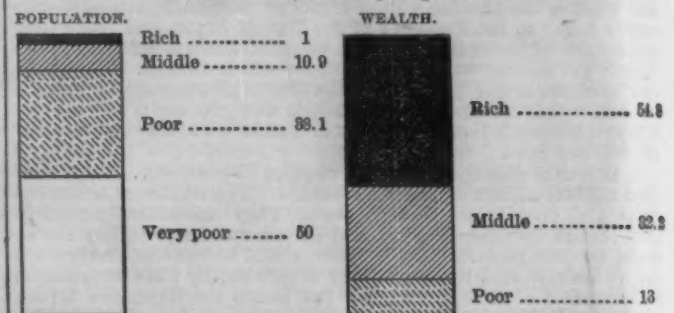
estates which were administered upon, and from that examination he makes a table which almost exactly corroborates the other two.

He shows that the rich—125,000 families, 1 per cent of our population—have \$32,880,000,000 of wealth; the middle classes, 1,302,500 families, have \$19,320,000,000 of wealth; the poor, 4,762,500 families, have \$7,800,000,000 of wealth, and he puts down the rest of the population as having nothing or practically nothing, the amount is so small, they being more than half of our population, and the amount they own is scarcely worth considering.

Spahr's table of the distribution of wealth in the United States.

Class.	Families.	Per cent.	Average wealth.	Aggregate wealth.	Per cent.
Rich	125,000	1	\$263,040	\$32,880,000,000	54.8
Middle	1,302,500	10.9	14,180	19,320,000,000	32.2
Poor	4,762,500	38.1	1,630	7,800,000,000	13
Very poor	6,250,000	50			
Total	13,500,000	100	4,800	60,000,000,000	100

Diagrams showing, by percentages, the population and wealth distribution in the United States, according to Spahr's tables.



Mr. Spahr, commenting on this, says:

Whatever error there is in this table is demonstrably on the side of understating the present concentration of wealth, for in the returns made to the surrogates the debts are not yet deducted from the value of the estates, and it is the small house owners and shopkeepers and farmers whose debts cover the most considerable portion of their holdings. We must recognize, therefore, that the nation's vast wealth does not bring comfort and independence to the rank and file of the people. If the nation's wealth is to mean the nation's well-being, the rank and file of the people must reverse the policies which the rich, and the tools of the rich, have thrust upon them.

He discovered an alarming state of affairs in the State of New York. He found that out of every four men who died at over 25 years of age, three left no property whatever to be administered upon, and he found by an examination of the probate records this distribution of wealth absolutely corroborating the figures of the census and the article written by Mr. Shearman. Mr. Spahr is a Populist, Mr. Holmes is a Republican, and Mr. Shearman is a Democrat.

I do not believe the facts developed in this investigation can be successfully disputed. They are based upon the investigations of our own census, based upon an examination of the probate records of the various States, and based upon calculations as to the wealth of individuals.

To continue this phase of the subject, Mr. President, an investigation of the distribution of wealth in England has demonstrated the same result. The very rich consist of 223,500 families, and they own \$27,781,000,000 of the wealth of Great Britain. The average wealth of these families is \$125,149. The average wealth of our enormously rich families, according to Mr. Shearman's tables, is \$186,567 for each family. It is easy to presume that Mr. Shearman's figures are correct, that 235,000 families own \$186,567 each. That embraces the multimillionaires, men who own fifty, one hundred, and two hundred million dollars each. The rich men, therefore, have on the average more wealth in this country than in England. Where, then, is all our boast about the distribution of wealth? Where, then, is our boast about the advantage our toiler has under free institutions? Where the beneficent result of the tariff?

What is more, the middle classes in Great Britain, consisting of 1,824,400 people, own \$9,142,000,000 of wealth; the working classes, consisting of 4,629,100 families, own \$1,930,000,000 of wealth; in other words, nearly two-thirds, or quite two-thirds of the people of Great Britain practically own nothing. They own less than \$80 apiece, men, women, and children—not enough to support them a year.

What are the facts in regard to our own country? I will use Mr. Holmes's tables, because they are based upon the census. Six million six hundred and four thousand families in the United States have an average wealth of \$454 per family, or about eighty-five or ninety dollars apiece, and practically own no property whatever; and yet this is absolutely parallel with the result

worked out by Great Britain, and we have worked it out under our system of government. We have pursued her policy as to finance, as to monopoly privileges, as to special legislation, class legislation, and unequal taxation, and landed in the same place where she has landed. I say, Mr. President, that, with figures like these, free government is a failure, unless we can apply the remedy.

Now, I proceed to show how we have brought about, in a large measure, this result. In the first place, it has been by just such legislation as we are called upon to vote for to-day. The rich people of this country, according to Holmes's tables, own \$42,600,000,000 of the wealth, and under this bill they will pay twenty-seven millions of the taxes.

They are the people—everybody knows it—who will buy the bonds to be sold under this bill, and they will take these bonds, \$400,000,000 of them—put them in the Treasury of the United States, draw \$12,000,000 a year interest, get \$300,000,000 of national-bank currency, and loan that at 6 per cent, which will make them \$21,600,000 per annum, and thus receive, owing to this bond measure, \$33,600,000 a year, and pay in taxes \$37,000,000. It is a fine scheme. They pay a fraction over one-twentieth of 1 per cent upon their wealth. They pay \$27,000,000, and the poor, who are 91 per cent of our population, who own \$17,400,000,000 of the wealth of this country, pay under this bill \$273,000,000 of the tax of \$300,000,000.

Suppose the bill yields \$300,000,000 before it is repealed, and if it yields less the amount they will pay will be in just the same proportion. I took \$300,000,000 because I supposed at the time I made these figures that just \$300,000,000 of bonds would be issued; but no matter whether the revenue is raised this year or next year, or in three years, or whenever we raise \$300,000,000, this is the distribution of the burden. The poor, who are 91 per cent of our population, will pay \$273,000,000, while the rich will pay \$27,000,000. The poor will pay 1.56 per cent, while the rich will pay a little over one-twentieth of 1 per cent.

The poor, the 91 per cent of our population, pay more than thirty times more upon the property they own than the rich people pay, and yet we refuse to levy a tax upon corporations. The rich should pay, if they paid in proportion to their wealth, \$212,500,000. They do pay \$27,000,000. The poor should pay \$35,500,000. They do pay \$273,000,000. That is why I am opposed to this bill; that is why I did not vote for it and will not vote for it.

What is more, 52 per cent of the population, according to Holmes's tables, own but \$3,000,000,000 of wealth, and 52 per cent of our population practically to-day have no property, and over 52 per cent do not own the homes in which they live. Fifty-two per cent of our people, who own \$3,000,000,000 of wealth, would pay \$156,000,000 of this tax if we raised \$300,000,000, or 5.2 per cent on every dollar of what they have; and their property is almost entirely in clothing, household furniture, and personal effects.

They do not own their homes or real estate. Their property is perishable and ought not to be taxed at all. They pay, then, over 5,000 times on their property more than the very rich; for the very rich, who compose 4,000 families in this country, own \$12,000,000,000 of wealth, and they pay under this bill, under an assessment upon necessities, upon consumption, the magnificent sum of \$94,480 of a tax of \$300,000,000, or less than eight ten-thousands of 1 per cent upon every dollar of their wealth.

They are the people from whom your officers are selected to receive big salaries and pretend to carry on military operations; they are the class who furnish the money for the contracts; they are the men who are selling to the Government yachts absolutely worthless for naval purposes and old, broken-down ships which are found to be only fit to obstruct harbors so that our war vessels can not get at the enemy. These people would pay, if they paid upon their wealth, \$60,000,000 a year, instead of \$94,480, which they do pay.

Mr. President, this result has been brought about by legislation; by unequal, dishonest taxation like that within the present bill; by granting monopoly privileges, special legislation, like the banking and transportation privileges, in the interest of the few. The Theban Sphinx destroyed all who refused to answer her question. If we refuse to answer this question, if we fail to answer it, such failure will destroy us.

The inexorable lessons of history prove what the result must be. I can not regard the talk about a popular loan as anything but hypocritical. How can the public subscribe when the public has no property? How can the 52 per cent of our people who own but \$454 per family, or \$90 worth of property each, and that in personal effects, such as worn clothing and second-hand household utensils, buy 3 per cent bonds? He who knows these facts and yet talks about a popular loan certainly does not expect to do other than act the part of a demagogue and deceive the public.

Mr. President, it is because of the manner and method of taxation that I decline to vote for this measure. It is because the Senate voted down the income tax, the tax upon corporations, and

almost every burden that could be laid upon the rich people of this country. We did, however, vote a small tax upon the sugar trust and the Standard Oil trust. The tax on the sugar trust will amount to \$400,000 a year. It requires a hundred pounds of sugar to pay 1 cent of tax, and that tax they will add to the cost of the sugar, because it is an iron-clad, iron-bound organization, and they can take the amount of the tax out of the people of this country.

If you had placed a tax of 2½ or 3 per cent upon the production of the sugar trust, you would have given independent refiners a chance, and that would have afforded individuals an opportunity to start refineries if the trust undertook to put the burden of the tax upon the people. You would then accomplish some good; then you would encourage the private industries of this country and would break up the trust. Instead of that, we put one-fourth of 1 per cent upon the products of the trust, and that they will place upon the people of this country, for every one who knows anything about it is aware that they absolutely control the price of sugar. As I said before, if you had made the tax 3 per cent, you would have broken up the trust and encouraged individual refiners.

The Standard Oil trust will pay about the same amount and in the same way. But some one has said that these trusts are beneficent institutions, that they are benefactors, that they encourage economy, and that the people get the benefit of the economy of trust production; but under this bill, passed for the purpose of escaping any taxation whatever, these two trusts sent to every Senator, I presume, for I received one, a circular from the American Grocer, containing the following item:

UNTHINKING PREJUDICE.
[From the American Grocer.]

There was never a better illustration of the prejudice against large corporations than when Senator WHITE, of California, offered an amendment to the revenue bill taxing oil and sugar refining corporations on their gross receipts and the Senate agreed to it. Senator WHITE stated that he desired to hit the Standard Oil Company and the American Sugar Refining Company.

These two corporations have done more than any others to reduce the cost to the public of the staples in which they deal, and yet, because they have grown rich by retaining a small part of the economic benefits they have conferred upon the public, they are singled out for legislative attack. The following statistics speak louder than words.

Then they proceed to give statistics, in which they undertake to show that these products have declined in price since the trust was organized. They say:

Prices of refined petroleum oils per gallon.

	Cents.		Cents.
1871.....	25.7	1891.....	7
1881.....	10.3	1896.....	6.15

Mr. President, I will undertake to show that instead of being beneficent institutions these two great trusts have charged a greater difference between the price of the raw and the refined article than the price was before the trusts were organized. I will undertake to explode the popular delusion that the trust is an economical institution in the interest of the public. It is an economical institution in the interest absolutely and exclusively of the men who are in the trust.

The sugar trust, for instance, since it was organized, has raised the price of refined sugar. In other words, the price is much higher now than it was before the trust was organized. Raw sugar has declined, but the difference between the cost of raw and refined sugar is the measure of the test as to whether or not the trust has reduced the price. They go into the markets of the world. Sugar is shipped everywhere, and it is produced in many quarters of the globe. They buy the raw sugar, and they charge us more for refining it than we had to pay before the trust was created. I will publish as part of my remarks a table on this subject.

For instance, in 1887—and the sugar trust was formed shortly after that—the cost of centrifugal sugar was 5.38 per pound; the cost of refined sugar, granulated, was 6.02 per pound. The difference was 0.64, or on a hundred pounds 64 cents.

Immediately after the trust was organized, and it was organized in 1888, the cost of raw sugar was 5.93 and the cost of refined sugar was 7.18. The difference was 1.25 between refined and raw. They kept this price up, though at one time they dropped it to 70 cents and at another time to 73 cents. In 1892 it was 1.13, in 1893 it was 1.15, in 1894 it was 0.88, in 1895 it was 0.88, and in 1896 it was 0.91.

Average prices of sugar, raw centrifugals, 96 degrees, and granulated refined, in New York, for the calendar years 1886 to 1896.

Year.	Raw centrifugal.	Refined granulated.	Difference.	Year.	Raw centrifugal.	Refined granulated.	Difference.
	Cents.	Cents.	Cents.		Cents.	Cents.	Cents.
1886*.....	5.52	6.26	0.71	1892†.....	3.32	4.35	1.03
1887*.....	5.38	6.02	.64	1893†.....	3.09	4.94	1.15
1888*.....	5.93	7.18	1.25	1894†.....	3.24	4.12	.88
1889*.....	6.57	7.89	1.32	1895*.....	3.27	4.15	.88
1890*.....	5.57	6.27	.70	1896*.....	3.63	4.53	.91
1891*.....	3.92	4.65	.73				

* Duty paid.

† Free of duty.

These figures are taken from the Statistical Sugar Trade Journal of New York. They show that at no time since the trust was organized has the difference between the cost of raw and refined sugars been so small as in 1897, before the formation of the trust. In 1887 the average difference between the cost of raw centrifugals and refined granulated was sixty-four one-hundredths of 1 cent per pound. The next year the trust took advantage of their mastery of the situation and advanced the price of granulated one cent and a quarter a pound above the price of raw sugar. In 1889 they gave the screw another twist and advanced the price to 1 cent and thirty-two one-hundredths of a cent above the price of raw sugar.

In 1890 a tariff bill was pending which put sugar on the free list, but in which the trust wanted the protection of a duty on refined, and so it reduced its margin of profit to seventy one-hundredths of a cent a pound. This was only increased by three one-hundredths of a cent in 1891, but the margin was over a cent a pound in 1892 and 1893. The trust came down to eighty-eight one-hundredths of a cent a pound in 1894, while the Wilson bill was pending, and kept that rate, on an average, in 1895. Last year the difference was ninety-one one-hundredths of a cent, which is about the average of the past eleven years, or twenty-one one-hundredths more than in 1886, the year before the trust was organized. The difference at present, as I have shown already, is a little over ninety-seven one-hundredths of a cent a pound.

When the reduction in the cost of refining sugar since 1886 is taken into consideration, when we take into consideration the cheaper labor, cheaper material of every kind, which can be had to-day than in 1886, this increase between the cost of raw and refined sugar shows how perfectly and how completely the trust have been able to manipulate and control the market.

Everybody knows the facts; and yet, Mr. President, the great newspapers of this country constantly circulate the story that the trust has caused a decline in the price of sugar, knowing, as they do, that their statement is untrue; but the trouble is that the great corporate newspapers of this country are owned by special interests and run in those interests, or they sell their editorial columns for cash for any interest that may come along.

They are anonymous; they have no character; no one is behind them. They hire men to write editorials who write against their convictions, the same as a man hires a lawyer to try his case. They retail these falsehoods for the purpose of influencing the people of this country in behalf of the special interests which they always represent, sometimes because their stock is owned by men whose interests are promoted thereby; and their editorials are ordered from the business office, oftentimes by men who do not and can not speak the English language; and again the editorial columns are sold, purchased, for the purpose of promoting an interest for which they receive pay. The people of this country are rapidly finding out this fact. The great newspapers of this country are gradually losing the influence which they never had the right to possess in any particular.

I will also publish a table with regard to the price of oil and the difference between the price of raw and refined oil from 1870 to 1893. The price of oil has gone down the same as that of raw sugar. The Standard Oil trust sells its oil all over the world in competition with Russia. The price of raw oil has dropped enormously, but since the trust was organized the price between raw and refined oil has not dropped a particle.

Oil, and the difference between the cost of crude and refined, from 1870 to 1893.

Year.	Price crude oil.	Price refined oil.	Difference.	Year.	Price crude oil.	Price refined oil.	Difference.
	Cents.	Cents.	Cents.		Cents.	Cents.	Cents.
1870	9.10	20.95	11.85	1889	1.87	7.89	5.52
1871	10.52	24.14	13.62	1890	2.52	8.02	5.50
1872	9.43	23.59	14.16	1891	1.99	8.15	6.16
1873	4.12	17.87	13.75	1892	2.11	7.99	5.88
1874	2.81	12.98	10.17	1893	1.69	7.07	5.38
1875	2.96	13.00	10.04				
1876	5.99	19.16	13.17	1887	1.59	6.73	5.13
1877	5.68	15.44	9.76	1888	2.03	7.49	5.41
1878	2.79	10.79	8.00	1889	2.24	7.11	4.87
1879	2.04	8.09	6.04	1890	2.06	7.30	5.24
1880	2.24	9.05	6.81	1891	1.67	6.85	5.18
1881	2.30	8.01	5.71	1892	1.33	6.07	4.75
				1893	1.50	5.29	4.79

Bearing in mind that the Standard Oil trust was formally organized in 1882, although in process of formation several years before that time, we observe that the average difference in price between crude and refined oil during the four years 1870-1873 was 14.697 cents per gallon, and during 1890-1893 was 5.885 cents, and during 1890-1893 was 4.97 cents.

The average difference during 1881, 1882, and 1883 was 5.577 cents, and during 1891, 1892, and 1893 it was 5.55 cents.

This establishes the fact that the fall in the charge for refining,

which had been very rapid prior to the formation of the trust, has almost disappeared since then. The Standard Oil Company, although more farsighted in forestalling public attack by some concessions in price than the sugar and some other trusts, has evidently intercepted many of the benefits which the progress in arts would inevitably have conferred upon the public under free competition. In the case of sugar it has risen, and in the case of oil it has not declined.

What is more, the sugar trust combined and made great improvements in the refining of sugar. Then they employed foreigners to do the work, because American citizens would not do the work required of them. The heat is intense. In summer many of the men die and very many of them go insane from the intense heat required to work in the sugar refineries.

There is nothing in the line of philanthropy, nothing in the line of public benefit, nothing in the way of cheapening the product, which justifies the existence of a single trust in this country; yet when I offered an amendment to this bill which would tax these trusts 1½ per cent, which would have driven them out of existence or else built up competitors, private firms, who would have reduced the price to the people of this country, it was voted down by an overwhelming majority.

So I say we have reached the point where the Republican party has become the champion of the trusts—no, Mr. President, not the champion of the trusts, but the trust. In 1888 and 1892 the Republican party declared against trusts and in their platform; but in 1896, when the trusts got possession of the party and of the convention, they were silent upon that subject, because they had decided they would not abuse each other.

Mr. President, the apportionment in the next campaign of the Republican party ought to be changed. Instead of a distribution of delegates to the next Republican convention among the States according to the Republican voters or population, they should declare that every corporation shall have one vote, that for every \$10,000 of stock they shall have another, and if they are in a trust they shall have one vote for every \$5,000 worth of stock, so that their real interests, which own and control the party to-day, will have a fair show that all their interests are to be taken care of.

I am glad of the new alignment of parties which has occurred in this body. I am glad to see that the gold Democrats have gone where they belong and have joined the Republican party, as they should. I notice with regret that those Senators who for a time insisted upon the free and unlimited coinage of silver as a measure of relief have finally concluded to be absorbed into the old party and take their chances on the war to help them out. Two other Senators remain to be accounted for—two eccentric Senators—one the Senator from New Hampshire [Mr. CHANDLER] and the other the Senator from Colorado [Mr. WOLCOTT], who are following the will-o'-the-wisp of international bimetallicism through the sloughs of credulity and confidence.

Mr. STEWART. Mr. President, the objectionable feature of this bill is the issuance of long-time bonds, which I regard as entirely unnecessary, and as a departure from the traditions of the country from the foundation of the Government.

For all the time previous to 1862, when emergencies of this character arose, such as the war of 1812 and the Mexican war, short-time bonds, running usually for one year, called Treasury notes, were issued. They were not bonds, but they were Treasury notes drawing a low rate of interest, and were receivable for Government dues. They were convenient to be used in the payment of taxes, and kept the United States out of debt.

When the civil war broke out we had Treasury notes under the law as it then stood. Such notes were first used. Finally there was issued legal-tender money, the greenbacks, but there were no long-time bonds issued; they were all short-time bonds, and were under the control of the Government, to be funded or disposed of as it pleased, at the option of the Government, when the war closed.

No system of long-time bonds or indebtedness grew up during the war. After the war closed, the clamor was to strengthen the public credit, and the mode of strengthening it was to increase the interest-bearing obligations. Long-time bonds were issued under the act of July 14, 1870, but they were largely retired. Previous to the extra session of 1893 there had been retired seventeen millions of these bonds. The Government paid them off, and continued to pay them off, as long as the circulating medium was sufficiently great to stimulate production and create business to be taxed.

If the debt had been paid off at the same rate for the last five years as it was for the five years previous to the repeal of the purchasing clause of the Sherman Act, we should now have no national debt. The debt was paid off for the five years preceding 1893 at the rate of over \$112,000,000 a year. If the conditions had continued as they then were, we should have had no debt now.

Since the repeal of that act and the putting out of no more new money we have been increasing our public indebtedness

about \$60,000,000 a year. It is now proposed to add \$500,000,000 to the bonded debt. The hundred millions of short-time bonds, redeemable at the option of the Government, will remain a permanent loan. No goldite Secretary of the Treasury will be likely to redeem them.

The bonded indebtedness will be raised by this scheme to about thirteen hundred or fourteen hundred million dollars, which, measured by the burden of labor required to pay it, will be much larger than any debt ever saddled upon the country and will be much larger than the debt was when the war closed. It appears to be the design or determination to depart from the traditions established by Madison and followed until the civil war and to repudiate the traditions of Lincoln's Administration when greenbacks and short-time bonds were issued to avoid the establishment of a permanent debt.

What are the influences demanding a permanent debt? Unfortunately, under the present system this permanent debt enables bankers to invest their money at a rate of fully 20 per cent per annum. This offers them 20 per cent per annum interest. You may say ask how I make that out.

A bank deposits \$100,000 of 3 per cent bonds and receives from the United States \$90,000 of Government money called national-bank circulation. Ten thousand is the full extent of the investment of the bank. The Government pays \$3,000 interest on the bonds, from which must be deducted 1 per cent on the \$90,000 of circulation, which is \$900. The Department charges would be about \$100, which must be added to the \$900 tax, making \$1,000. The \$1,000 deducted from the \$3,000 interest leaves \$2,000 as the net return for the investment of \$10,000, which is 20 per cent on the money invested. The Government pays this interest semiannually and the bank uses the \$90,000 received from the Government in its business.

For what reason does the United States pay bankers 20 per cent per annum for the use of their money? Is it because Government money given to banks and issued by them is said to be money better than money issued directly by the Government? This appears to be the excuse for the swindle. It is proposed by Mr. Gage to give back to the banks the entire cost of the bonds deposited, dollar for dollar. In that case the banks will receive from the Government \$100,000 for which they will pay no consideration whatever except the bank tax, which, under the law as it now stands, is 1 per cent, but which Mr. Gage proposes to reduce to one-fourth of 1 per cent. If Mr. Gage's recommendations are adopted, the Government will loan money to banks for one-fourth of 1 per cent and issue bonds to borrow money at 3 per cent. It may be very good for the banks, but it is bad for the people.

Is it to be wondered at that there should be a special effort, a strong lobby, to get out bonds? You say that the Government may issue bonds under existing law. Why not use those bonds? Because it requires a large investment. Those bonds are worth 120, and then you have to invest \$30,000 to get \$90,000 of circulation. They want better terms. If they can get bonds at par and receive currency dollar for dollar, they have no investment. Their \$100,000 of currency is net profit, less one-fourth per cent, the proposed tax. That makes a powerful influence to perpetuate the national debt.

It is said that we can afford to do that, to give them this money without charge, issue the full amount and relieve them from taxation, give them the circulation without drawback. Why? Because we need the money, and they say their money is so much better than United States money; that they can well afford to make the sacrifice. It seems strange that if the United States issues money and gives it to the banks that such money should be any better money than if issued directly by the United States. If anybody can explain why it is, I should like to know. I should like to know why it would not be just as good money if the bonds were deposited in the Treasury and \$100,000 of circulation issued directly on them as it would be to give the money away to the banks.

The reason why this pressure is brought upon Congress is the vast speculation of the banks. They are determined, according to the plan put forward in Indianapolis and in Baltimore and by the Secretary of the Treasury, to have the privilege of receiving from the Government money as a donation without cost. There are nearly 4,000 national banks. They are everywhere. The officers of these banks meet every man who goes to the bank for accommodation. They bring their power to bear upon their customers. They control votes everywhere, and that is why we are departing from the teachings of the fathers, departing from the customs of the better days of the Republic. That is why we are building up an enormous national debt.

The increase of taxation now necessary for this war and the increased expenditures at home and abroad require a larger circulation. If we hold the possessions which we are acquiring, we will add ten or fifteen millions to our population in the next year. Money will be required there, and more money ought to be issued. We proposed to use the \$42,000,000 of seigniorage which is lying idle

in the Treasury. But that is not granted to us. That can not be used. It must lie idle and we must borrow money and pay interest on it. There is no reason assigned for it.

It is true that the committee has reported in favor of coining \$1,500,000 of silver a month, when the Secretary might coin under the present law, if he wanted to, four times that amount. It is, however, an answer to his suggestion to sell the bullion at auction. The Secretary has made the world believe he was going to put it on the market and sell it at auction.

The coinage required by the bill is a little damper on that scheme. It is to be coined into dollars, and it will prevent him from attempting to coin it into something else. It is a little check on the wild schemes of the enthusiastic goldite who presides over the Treasury Department. That is all. It is not half what he ought to do if he would do his duty in this emergency. He should be in favor of availing himself of the \$42,000,000. It is the best money they have, better than gold. Silver certificates are better than gold.

Money is useful in proportion to the functions it will perform. If it will perform all the functions of money, it is useful. What more faithful money exists in this country than the silver certificates? One-half of your whole business is done by them. Go anywhere and you will find them circulating from hand to hand. You will find them in the banks. They are not hiding away. They have much better habits than gold. Gold is a natural traitor, and always was. Whenever there is a struggle, it goes abroad and becomes impounded under foreign mint laws. You have to issue bonds to redeem the traitor and bring it back. Gold has never fought a battle. It is the speculator's money. It does not serve to circulate among the people, and it never did.

We are willing that the rich shall have their kind of money for speculation if they will allow the poor to have money that circulates. That is all we ask. We do not propose to demonetize gold. We are willing that the speculators shall have gold. Nobody else ever used it. It has always been used for speculative purposes. It has left every country in time of war, and it will continue to do so. But the habits of silver certificates are excellent. My friend is laughing at me, but he does all his marketing and his business with them. All of us do. You do not handle gold. It is no good for any purpose except speculative purposes.

In the last year of the late war the internal-revenue tax on the business of the country raised \$300,000,000. That was when we had 20,000,000 population. You can not levy that amount of tax on 70,000,000 people without causing universal distress. Our people to-day can not pay as much internal-revenue taxes with the same ease as 20,000,000 in the North could pay during the war, because you have not got money to pay it with. You will find it everywhere in business. It will be a great annoyance. Money will be scarce. Times will be hard. It may be that the national banks will take up some of these bonds and give us some money; probably they will. They will not, however, if the scheme spoken of here of the bonds being taken by the people is successful.

I am glad this bill is coming to a termination, because it is better to raise the money in almost any way than not to have it at all. We must have it. I do not regret as much as many do the condition into which we are floating. I have been of the opinion all my life that it was a part of the destiny of this country to expand and absorb. That has been the destiny of every country while it was a live country and not a decaying civilization.

A long time ago I had occasion to talk about the question in this Chamber. I do not want to be reminiscent or to weary the Senate with quotations, but I will be pardoned for the egotism of a short quotation from myself. On the 11th of January, 1871, a resolution was pending before the Senate providing for a committee to go to San Domingo and make an investigation in that country and report as to the desirability of acquiring it and all the conditions and circumstances connected therewith. I advocated the resolution, and I said:

By voting for this resolution we are committed to this and nothing more. We are committed to saying that the question of annexation is not closed; that a fair proposition for annexation will be considered by the United States. I want that understood.

I want our Canadian brothers to understand that whenever they desire free trade with the United States, whenever they desire to enjoy the same blessings that we do, whenever they desire to retain the immigrants that come from Europe to their country and not have them come to the United States in order to make a living as soon as they get there, whenever they desire prosperity and growth with us, the door is open. They can come. We want them to have that distinctly understood.

We want Cuba to understand that, although a tropical Isle, although now under the heel of the most wicked despotism on earth, although crushed by a system of slavery more cruel than the Anglo-Saxon ever dreamed of, when she gets tired of that, and when she desires the blessing of free government and free institutions, when she wants to interchange her products with us and we with her, when she wants to go in with us in our grand destiny of expansion and glory, when she wants to become a part of our country, the door is open for receiving the proposition and considering it honestly and fairly.

Then, again, I said in the course of the debate:

So long as our destiny continues to be growth, so long as it continues to be prosperity, so long will it continue to be expansion. No instance in history

will contradict this assertion. The age of the decay of every nation has commenced with the day that it gave up territory; but while it grew and while it prospered it expanded like the mighty oak. It will be so with us. We shall have to meet this question of annexation, not only south but north, in the next twenty years. Our population, our wealth, our railroad system, our manufactures, and our agricultural resources are all so expanding that the commercial relations of this country to the surrounding provinces will be such that they must come and go with us.

Again:

Although we may vote that the question of annexation is not an open question to-day, it "will not down." It will always be coming up. In the language of a very beautiful address by the Swiss Assembly in regard to the question of the rights of the negroes, "unsettled questions have no pity for the repose of mankind." You may say so of this question of annexation. As long as any part of this continent remains unannexed to this country the question will be open, and will be considered not only by us but by our children and our children's children. What I object to is the declaration of a policy that precludes all idea of ever considering this question. We expect to consider it now and hereafter, both south and north. We expect it to be an open question. All the American people expect to consider it.

With regard to what is transpiring, it seems to me it is a part of destiny, and that however this war was brought on, whether rightfully or wrongfully, however it may be prosecuted, whether vigorously or otherwise, we have entered upon a policy from which we can not withdraw. No growing nation can take down its flag when it has been once raised. The day a nation takes down its flag from territory, that day decay commences. Cuba ought not to be acquired by conquest.

We should treat the patriots of Cuba the same as Dewey treats the insurgents of Manila. Their cooperation with him shows the virtue and power of having those people friendly to us. We can not afford to pursue a policy which will make enemies of the 10,000,000 people about to be annexed. Dewey has shown in his cooperation with the insurgents at Manila as much wisdom and patriotism as a statesman as he did bravery and gallantry as a sailor. I wish the same policy had been pursued with regard to General Gomez and the patriot bands. If arms had been taken to them, if money and means of organizing an army had been given to them, they would have taken care of their fellow-citizens.

It did not require an army to be sent to Cuba. I hope that the little experiment which is now being tried at Santiago will have a salutary effect upon the Administration. I believe it will open their eyes. Arms have been given to a few of Garcia's men, and they are fighting gallantly the battles of their country and helping to capture Santiago. It is a most effective force.

We could have had a far greater force in the more populous part of the island when the war commenced; and it may not yet be too late. Let us make them friends. Let them come to us voluntarily, if at all. I do not believe in coercion. I do not believe in trampling upon the rights of any people on earth. I am in favor of expansion by extending the blessings of our institutions, which the world recognizes. Let them come. There is no danger so long as they come as our friends.

We went to war to right the wrongs of Cubans and to save the lives of the reconcentrados. We went to war there because the patriot Cubans had resisted tyranny for years, until their rights were respected by the world. They had won the admiration of the world and called forth the panegyrics of all parties in this country. I regret that we have not seized upon the opportunity to cooperate with them and have a hundred thousand Cubans in our armies. Our failure to do it has been most disastrous.

The Spanish authorities have been able to increase their army by volunteers until it is said that it is swollen to 60,000. It is because the men had nowhere else to go. If the Cubans had received money to organize an army, the Spanish army would have been defeated. I hope it is not now too late. What has occurred in Manila should be done in Cuba, but, I pray you, do not get in the way of the manifest destiny of this country.

Remember that we can not haul down the American flag when once it has been planted, no matter by whom it has been planted. We will keep it up. It will remain where it has been planted. The country may expand and continue to do so. Why should it be pretended that our nation is an exception to all others? Our nation can not adopt a policy of repression, a selfish policy, and refuse to grow and expand as others. The law of growth and the law of decay apply to nations as well as to individuals. We can not avoid it.

I do not wish to prolong this discussion, but that reminds me that we have here pressing upon us a great question for determination before Congress adjourns. The Sandwich Islands are knocking at our door. They desire to come into this Union. Their reception is in accordance with the policy of our country. It has been advocated by the great men of this country for more than fifty years. Everybody has anticipated the result. The islands must come in. Why obstruct it? We need them.

Every military man whose judgment is worth a farthing tells us that it is a military necessity, and we know that it is a necessity of our growth. We know that it is a necessity of our expansion. We know that we must have coaling stations throughout the

world or abandon the growth of this great nation. The navies of the world now must be propelled by steam.

Sailing vessels are out of date. The whole thing is changed; and without coaling stations you can not have steam. We can not otherwise be among the leading nations of the world and protect ourselves from decay. As if by Providence, Dewey planted the flag in Manila to get coal for our fleet that we could work out our destiny. I appeal to our friends to make no mistake. Do not get in the way of Providence. Let us make every effort to govern ourselves. The danger is not expansion. The danger is in contraction and maladministration in financial legislation, in manipulating the currency, in taking from us the source of development, the instrumentality of association, in robbing us of the only instrumentality by which people can be civilized.

If you take the grasp of contraction off the throats of this country and give it an adequate supply of money which shall be equal to the demand, so that we can have stability of prices, we can grow and prosper, and the people will be free; but whether we expand or not there can be no freedom while financial slavery reigns. There can be no freedom when systems are devised whereby a favored few can get 20 per cent for their investments. When the few control the circulating medium for their own convenience, you can have no prosperity. Give us liberty; give us freedom; let us use that great instrumentality of association, money; let us have an honest measure; let us grow and expand; and the future grandeur of this country no man can foretell.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. ALDRICH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TURPIE. I wish to call the attention of the honorable Senator from Iowa to what is entitled section 34, the seigniorage section. I understood from the statement of the honorable Senator from Colorado this morning that the coinage of silver dollars and the issue of certificates corresponding with it were to be coincident. But there is nothing in the section as amended calling for the issue of certificates in any manner, and, indeed, there is no mention of an issue of certificates in that section. What I wish to know is the reason of that omission—whether it is because the conference committee condemned the policy of issuing certificates or whether they thought that under the present law an issue of certificates would occur whenever coinage was ordered and authorized.

Mr. ALLISON. The provision alluded to by the Senator from Indiana in no way changes the method of dealing with the coined silver. Under the act of 1878 the difference between the purchase of silver and the number of dollars coined was turned into the Treasury as seigniorage, and that was the policy up to 1890, when the law was changed. Since 1890 the seigniorage has uniformly been turned into the Treasury as money and counted as money. So this seigniorage will be money in the Treasury upon which silver certificates can be issued if the silver dollars go out. In no respect does it change the manner of dealing with the seigniorage arising from these coins.

Under the law of 1890 the coined dollars, of course not including the seigniorage, will stand against the Treasury notes until they are redeemed, or at least the Treasury notes will be increased as the silver is coined. So in no respect does the provision now inserted in the bill change the general law upon that subject. There can be no question about that. It was framed with the intent and purpose of continuing that provision.

Mr. TURPIE. Then I will ask this question of the Senator: Is it necessary that there shall be any further provision of law for the issue of certificates upon the amount involved in this section?

Mr. ALDRICH. Certainly not.

Mr. ALLISON. There is no necessity for any additional provision of law.

The VICE-PRESIDENT. The yeas and nays have been ordered on agreeing to the conference report.

The Secretary proceeded to call the roll, and Mr. ALDRICH, Mr. ALLISON, and Mr. BACON answered to their names.

Mr. BUTLER. Mr. President, what is the pending question?

The VICE-PRESIDENT. The pending question is, Will the Senate agree to the conference report?

Mr. BUTLER. Before we proceed, I wish to—

Mr. ALDRICH. Debate is not in order.

The VICE-PRESIDENT. Debate is not in order, except by the unanimous consent of the Senate.

Mr. ALDRICH. I object.

Mr. FRYE. Regular order.

Mr. HAWLEY. The roll call had commenced, and Senators had answered.

Mr. CULLOM. Two or three of them.

Mr. BUTLER. I hope the Senator will not do that.

Mr. ALDRICH, Mr. FRYE, and Mr. HAWLEY. Regular order!

The VICE-PRESIDENT. The Secretary will proceed with the roll call.

The Secretary resumed the calling of the roll.

Mr. BERRY (when his name was called). Upon this question I am paired with the junior Senator from New York [Mr. PLATT]. If the junior Senator from New York were here, he would vote "yea" and I should vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from Minnesota [Mr. DAVIS]. I observe that he is absent. Hence I withhold my vote. If he were present, I should vote "nay."

Mr. GORMAN (when Mr. FAULKNER's name was called). I was requested by the Senator from West Virginia [Mr. FAULKNER] to announce his pair with the Senator from Washington [Mr. TURNER]. If the Senator from West Virginia were here, he would vote "yea."

Mr. GORMAN (when Mr. GRAY's name was called). The senior Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. VEST]. If the Senator from Delaware were here, he would vote "yea," and the Senator from Missouri would vote "nay."

Mr. FRYE (when Mr. HALE's name was called). My colleague [Mr. HALE] is absent from the city, and is paired, I understand, with the senior Senator from Arkansas [Mr. JONES].

Mr. JONES of Arkansas. I will transfer my pair to the Senator from Nebraska [Mr. ALLEN].

Mr. FRYE. If my colleague were present, he would vote "yea."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE], but I have taken the liberty of transferring that pair to the Senator from Nebraska [Mr. ALLEN]. I vote "nay."

Mr. CLAY (when Mr. LODGE's name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Delaware [Mr. KENNEY], so that the junior Senator from Massachusetts will stand paired with the junior Senator from Delaware, and the junior Senator from Pennsylvania [Mr. PENROSE] can vote.

Mr. BURROWS (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is necessarily absent. He is paired with the Senator from Nevada [Mr. STEWART]. If my colleague were present, he would vote "yea."

Mr. MALLORY (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MITCHELL (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but as we are of one mind on this question, I will vote. I vote "yea."

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Delaware [Mr. KENNEY]. The junior Senator from Georgia [Mr. CLAY] has transferred his pair with the junior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Delaware [Mr. KENNEY], and I will vote. I vote "yea."

Mr. CHANDLER (when Mr. SEWELL's name was called). The Senator from New Jersey [Mr. SEWELL] is absent. If he were present, he would vote "yea."

Mr. MITCHELL. I have already made that announcement.

Mr. SHOUP (when his name was called). I have a regular pair with the senior Senator from California [Mr. WHITE]. Inasmuch as he voted against the bill, I presume if he were present he would vote "nay" on this question. I have made an arrangement with the junior Senator from Texas [Mr. CHILTON] by which we transfer our pairs, so that we may both vote. I vote "yea."

Mr. STEWART (when his name was called). I am paired with the senior Senator from Michigan [Mr. McMILLAN]. If he were present, he would vote "yea" and I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. THURSTON]. He being absent, I can not vote. If allowed to vote, I would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from Washington [Mr. TURNER]. I am of the opinion that that Senator, if present, would vote "yea." However, I do not feel at liberty to so announce it.

Mr. ALDRICH. The Senator's pair has been transferred.

Mr. WARREN. I am informed that my pair has been transferred, and I will vote. I vote "yea."

The roll call was concluded.

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who is absent. I have arranged with the Senator from Wyoming [Mr. CLARK], who is paired with the Senator from Kansas [Mr. HARRIS], to transfer our pairs, so that the Senator from Rhode Island will stand paired with the Senator from Kansas, and that will leave the Senator from Wyoming and myself free to vote.

Mr. CLARK. I vote "yea."

Mr. BACON (after having voted in the negative). I have already voted. I will let my vote stand.

Mr. CHILTON. Under the announcement made by the Senator from Idaho [Mr. SHOUP], the Senator from Minnesota [Mr. DAVIS] will stand paired with the Senator from California [Mr. WHITE], and I am at liberty to vote. I vote "nay."

Mr. WARREN (after having voted in the affirmative). I voted with the understanding that the pair I have with the Senator from Washington [Mr. TURNER] is transferred to the Senator from New Jersey [Mr. SEWELL], and I announced that transfer of pairs. The Senator from Washington [Mr. TURNER] stands paired with the Senator from New Jersey [Mr. SEWELL].

Mr. NELSON (after having voted in the affirmative). I have voted with the understanding that the senior Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. VEST]. Is that correct?

Mr. CULLOM. That is correct.

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. That was the statement made.

Mr. CLAY. I desire to announce that had the junior Senator from Massachusetts [Mr. LODGE] been present he would have voted "yea," and the junior Senator from Delaware [Mr. KENNEY] would have voted "nay."

Mr. ALDRICH. My colleague [Mr. WETMORE] is necessarily absent from the city. I understand by the arrangement announced by the Senator from Georgia [Mr. BACON] he is paired upon this question with the Senator from Kansas [Mr. HARRIS]. If my colleague were present, he would vote "yea."

Mr. BACON. The Senator's statement is correct.

The result was announced—yeas 43, nays 22; as follows:

YEAS—43.

Aldrich,	Fairbanks,	Lindsay,	Perkins,
Allison,	Foraker,	McBride,	Platt, Conn.
Baker,	Frye,	McEnery,	Pritchard,
Burrows,	Gallinger,	Mantle,	Quay,
Caffery,	Gear,	Mason,	Shoup,
Carter,	Gorman,	Mitchell,	Turpie,
Chandler,	Hanna,	Morgan,	Warren,
Clark,	Hansbrough,	Morrill,	Wellington,
Cullom,	Hawley,	Murphy,	Wilson,
Deboe,	Hoar,	Nelson,	Wolcott,
Elkins,	Kyle,	Penrose,	

NAYS—22.

Bacon,	Cockrell,	Martin,	Rawlins,
Bate,	Daniel,	Mills,	Roch,
Butler,	Helfield,	Money,	Sullivan,
Cannon,	Jones, Ark.	Pasco,	Teller,
Chilton,	Jones, Nev.	Pettigrew,	
Clay,	McLaurin,	Pettus,	

NOT VOTING—24.

Allen,	Harris,	Proctor,	Tillman,
Berry,	Kenney,	Sewell,	Turley,
Davis,	Lodge,	Smith,	Turner,
Faulkner,	McMillan,	Spooner,	Vest,
Gray,	Mallory,	Stewart,	Wetmore,
Hale,	Platt, N. Y.	Thurston,	White,

So the conference report was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

VISITING INDIANS AT OMAHA EXPOSITION.

Mr. QUAY. I offer a resolution which I ask to have read and adopted.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior is hereby requested to make such arrangements as may be necessary to secure at the Trans-Mississippi and International Exposition to be held in the city of Omaha, Nebr., the attendance of the Iroquois tribes and Delawares of Canada and of the Abenakis of St. Francis and Becancourt, and such other Indian nations as have emigrated from the territory now of the United States to Canada.

Mr. QUAY. I ask immediate consideration of the resolution.

Mr. FORAKER. Will the Senator from Pennsylvania allow me just a moment?

Mr. QUAY. Let me have the resolution passed.

Mr. FORAKER. I do not want to have the resolution passed until the unfinished business has been laid aside for that purpose. I am willing that it shall be temporarily laid aside.

Mr. QUAY. I yield to the Senator from Ohio.

Mr. FORAKER. To accommodate the Senator from Pennsylvania, I agree that the unfinished business may be temporarily put aside so that his resolution may be considered.

The VICE-PRESIDENT. The unfinished business, the Chair understands, will keep its place as unfinished business. The resolution offered by the Senator from Pennsylvania is before the Senate.

Mr. COCKRELL. Let the resolution be read for information.

Mr. QUAY. I desire simply to state that an exposition is going to be held at Omaha. It is in progress now. The Indian tribes of the United States have been invited to meet there at Omaha to participate in the exposition. The object of the resolution is to ask the Secretary of the Interior to invite the tribes that have emigrated from the United States to Canada to participate in the exposition. That is all there is in it. There is no appropriation of money involved in it.

Mr. HOAR. I suggest to the Senator from Pennsylvania to amend the resolution by addressing the request to the President, as these are persons resident in a foreign country.

Mr. COCKRELL. The conversation, no doubt, is very interesting, but we do not hear a word of it over here.

Mr. QUAY. I have no objection to such an amendment.

The VICE-PRESIDENT. Will the Senator from Massachusetts repeat his statement?

Mr. HOAR. I merely suggested to the Senator from Pennsylvania whether it would not in his judgment be a better form of proceeding to address the request to the President of the United States. These are persons residing in a foreign country, with whom the Secretary of the Interior is not in any relation. Also, it seems to me that it hardly comports with the dignity of the Senate to address such requests to officers below the President. We never do that as a rule.

Mr. CARTER. I understand the Senator from Pennsylvania has accepted the amendment of the Senator from Massachusetts.

Mr. HOAR. Very well.

Mr. QUAY. The resolution can be amended so as to have it addressed to the President of the United States. I have no objection.

The VICE-PRESIDENT. The resolution will be amended by striking out "the Secretary of the Interior" and inserting "the President of the United States." The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

CLAIM OF METHODIST BOOK CONCERN SOUTH.

Mr. BUTLER. Mr. President—

Mr. CLAY. Will the Senator from North Carolina yield to me for a few moments?

Mr. BUTLER. Certainly.

Mr. CLAY. Mr. President, during the present session of Congress there was appropriated \$380,000 to pay a claim for damages sustained by the Southern Methodist Publishing House Company, owned and controlled by the Methodist Episcopal Church South. This bill came from the Committee on Claims, of which I am a member, and I gave it my support, both in the committee room and on the floor of the Senate. That this was a just claim I thought then, and have not changed my opinion. I gave the claim a most careful and searching investigation, and the evidence satisfied me beyond a doubt that the claimants had been damaged by the Government more than we gave them, and that the Government, both in equity and law, was liable for the injury and destruction of claimants' property.

Under the evidence the claim received every vote present except one Senator. The claim arose on account of the late civil war between the States.

The Methodist Episcopal Church South had invested \$700,000 in a publishing house in the city of Nashville, Tenn., used to print and distribute religious books and literature among the people. This magnificent plant was seized by the Federal Government after Nashville had surrendered to the Federal authorities and was used by the Federal Army for nearly two years to do Government printing, when the people of Nashville had been assured that all citizens would be protected in the use and enjoyment of their property so soon as they submitted and acknowledged the supremacy of the Federal laws. They had surrendered, and Nashville, including these claimants, was under the protection of the Federal Government when their property was seized for governmental purposes.

With this assurance of the Government that the citizens of Nashville would be protected in the enjoyment and use of their property, the claimants had a right to expect that so long as they were loyal and obedient to the laws there would be no interference in any way with their right to possess, keep, and control this publishing house. Notwithstanding this fact, the Federal Government forcibly seized the entire plant, operated it for nearly two years without paying any rent for it, and injured the property more than half its value. An abundance of evidence of the highest character was furnished, conclusively demonstrating the above statement.

It was gratifying to me to see both sides of the Senate rally to the support of this just measure, and the patriotic sentiments expressed on the floor of the Senate by Senators HOAR and HALE and other Republican Senators were highly appreciated by the people of my State, and were an evidence that the antagonisms growing out of the late civil war had been forgotten and that we were again a happy, united country. It was especially gratifying

to me that Republican Senators had largely contributed to the passage of an act providing for the payment of a just claim going to a Southern institution, which claim arose by reason of the conflict between the States in an unfortunate civil war.

I do not desire to discuss further the merits of this claim. It will doubtless be conceded by this Senate and the entire country that the Government justly owed this money to the claimants. The question to which I wish to direct the remainder of my remarks has reference to the recent disclosures of the large fees paid counsel for services claimed to have been rendered on the passage of this bill, in view of the statements made on the floor of the Senate when the measure was under consideration. The senior Senator from Tennessee, always scrupulously honest and zealously guarding the interests of the Government, telegraphed to Nashville to Barbee & Smith, agents of the Book Publishing Company, asking them what amount of this sum would be paid as lawyers' fees. The telegram was as follows:

WASHINGTON, March 7, 1893.

BARBEE & SMITH, Methodist Publishing House, Nashville, Tenn.:

Telegraph to-day answer to Senator PASCO's letter to you Saturday as to Stahlman having fee of 40 per cent or any other fee in case of payment of your claim. I would like to hear from you also. In my judgment, if true, it will endanger the bill.

WM. B. BATE.

In reply to this telegram Messrs. Barbee & Smith wired Senator BATE as follows:

NASHVILLE, TENN., March 7, 1893.

Hon. W. B. BATE, Washington, D. C.:

We wired Senator PASCO only this morning as follows: "The statement is untrue, and you are therefore authorized to deny it."

BARBEE & SMITH.

Now, mark you, Mr. President, Senator BATE wanted to know of Barbee & Smith by his telegram whether or not Mr. Stahlman was to have a fee of 40 per cent or any other fee to be paid out of this claim, and the reply made by Messrs. Barbee & Smith said that the statement was untrue and authorized its denial on the floor of the Senate. This reply was a positive and direct statement that neither 40 per cent nor any other fee would be paid in the event of the passage of this bill. In order to substantiate this statement, I took the precaution to ask the agent who was here representing the claim to confirm this telegram, and I was assured most positively that this statement was true, and so stated on the floor of the Senate. I had read the telegram to General BATE before making this statement. It now appears there was a contract to pay 35 per cent of this claim to counsel representing it.

Both myself and colleague were asked by the Methodist ministers of Georgia to support this bill. They asked us to give it our support because it was a just demand due from the Government to the Methodist Episcopal Church South. These ministers are men of the highest character and give their life work to the cause of Christianity, and I desire to say, knowing them as I do, that they repudiate and condemn the methods and deception practiced as developed since the passage of this bill. I feel sure that when the facts are fully understood this noble class of men in my State, always laboring for the good of their fellow-man, will disapprove and condemn the conduct of the agents of the Publishing House Company in misleading not only General BATE, but the entire Senate.

I have for more than a quarter of a century been a member of that church which was to be benefited by the passage of this act. I do not hesitate to place the criticism (and severe criticism is deserved) on the agents for their conduct in misleading the Senate as has been disclosed by recent publications throughout the country. If these agents had a contract to pay Mr. Stahlman 35 per cent of the recovery and sent a telegram to General BATE denying that he was to receive 40 per cent or any other fee, then a palpable fraud was committed upon the Southern Methodist Episcopal Church, and the conduct of the men who apparently are responsible for this fraud should be thoroughly ventilated and exposed.

The wrong in this case consists in the fact that more than a hundred thousand dollars of this sum appropriated went to pay counsel fees when the Senate was assured that not one cent of it would go in this way. I do not believe these facts have ever been made apparent to the ministers representing this Christian denomination.

I believe that when the facts are fully understood that the Methodist Episcopal Church South will unanimously condemn and repudiate the conduct of these agents in misleading General BATE and the entire Senate. Candor compels me to say that the conduct of Messrs. Barbee & Smith, as I see it, is without excuse and has placed in a false position many Southern Senators, and is a reflection upon the membership and rights of a religious institution that was not cognizant of their conduct, an institution whose ministry, for deep and consecrated piety and unassailable honesty, have the approval and indorsement of the good people of this entire country.

It has only recently been known that the Senate was led to believe that this entire sum was to go for the benefit of the church,

when, in fact, more than a third of it was otherwise appropriated. These disclosures will lead to a thorough investigation and, I trust, to the exposure and condemnation of the guilty parties. The Methodist Episcopal Church South can not afford to and will not approve, ratify, or in any way palliate the conduct of the guilty parties. The Senator from Washington does this noble institution a great injustice when he attempts to make its ministry and membership responsible for the conduct of these agents. Let the investigation be had. Let it be searching and thorough, and let no guilty party escape. What we want in both church and state is clean, honest methods, and then we can transmit to our children a pure, just, and good Government.

I am through, Mr. President.

Mr. HOAR. Before the Senator sits down, I hope he will add to his very proper and just advice and counsel that this Methodist Book Concern ought properly, if the facts be as he is now informed, to return the money to the Treasury of the United States. There is no other way in which they can repudiate this transaction. Then it will be for Congress hereafter to determine what shall be done with the claim.

Mr. CLAY. I agree with the distinguished Senator from Massachusetts.

Mr. HOAR. I hope the Senator will add that advice to the Methodist Book Concern.

ISSUE OF BONDS, ETC.

Mr. BACON. Will the Senator from North Carolina yield to me for just two or three minutes? I simply wish to make a statement in this connection.

Mr. BUTLER. The Senator from Georgia must pardon me. I like to be courteous—

Mr. BACON. I do not hear what the Senator is saying, but I judge from his manner that he refuses to yield.

Mr. GALLINGER. What is the question before the Senate, Mr. President?

The VICE-PRESIDENT. The Senator from North Carolina [Mr. BUTLER] is recognized.

Mr. GALLINGER and Mr. HOAR. On what question?

The VICE-PRESIDENT. The Chair does not know.

Mr. CHANDLER. The Senator from North Carolina did not get an opportunity to state before he was interrupted by the Senator from Georgia.

Mr. BUTLER. I send to the desk an extract which I desire to have read; but before it is read I will state that it is an extract from the Associated Press report of the proceedings of the Senate on last Friday a week ago, which was published on Saturday morning, June 4, in the daily press of the country taking the Associated Press reports, which is a very large per cent of the newspapers of the country.

The Secretary read as follows:

Mr. ALDRICH (Republican, Rhode Island) then pressed the amendment of the minority of the Finance Committee, providing for the issue of one hundred millions of certificates of indebtedness and the hundred millions of bonds to be used exclusively for the payment of the expenses of the war. After an extended debate the question was brought to an issue, and by the decisive vote of 45 to 31 the bond amendment was incorporated in the bill as a substitute for the amendment to issue legal-tender notes.

The bond proposition received the votes of 37 Republicans, 7 Democrats, and 1 Populist. The Democrats who voted for it were Messrs. CANNON, FAULKNER, GORMAN, GRAY, LINDSAY, MITCHELL, and MURPHY; and the Populist was Mr. KYLE. No Republicans voted against the issue of bonds. The votes in opposition to bonds were cast by 21 Democrats, 5 Populists, and 5 Silver Republicans.

Mr. BUTLER. Mr. President, the country gets its information of what is done in this body very largely from the Associated Press. That is the information which has gone to the people of the country, and at least 99 per cent of the people, I might say, have that information, and that alone, about our action and about how the members of the Senate vote.

I do not want the Populist party misrepresented again to-morrow morning, and I am sure the Associated Press will not willfully and knowingly do it. Therefore I have had this extract read for the purpose of making a statement to correct the statement in that report and to prevent an incorrect report being published to-morrow morning.

I regret that the Senator who is most concerned about this statement is not in his seat. I attempted to have this extract read before the vote was taken on the adoption of the conference report on the revenue bill, when nearly every Senator, including the Senator referred to, was in his seat. I regret that I could not have been recognized at that time; but as I was not, I have to take this opportunity.

I wish to state that not a single member of the Populist party voted for the issue of bonds, and the statement made by the Associated Press that one Populist voted for the issue of bonds is a mistake—is absolutely false. In fact, I might put it stronger and say that it was a slander on the People's Party. As chairman of the national executive committee of the People's Party, I state officially that no member of the People's Party voted for any such measure, and it is a reflection on our party to have it go

out before the country that any member of the party would vote for an issue of interest-bearing bonds when it is not absolutely necessary to issue them to defend the national flag. I deny most positively that any such extreme emergency has arisen, and not one will say so except those who are anxious to find an opportunity to barter the national honor for gold under a pretense.

Mr. MONEY. Is the Senator through?

Mr. BUTLER. No.

Mr. MONEY. Excuse me.

Mr. BUTLER. Mr. President, I might say further that it seems to me that the very intelligent representatives of the Associated Press might not have made this mistake, for if they had noticed the vote cast in this body by every Populist member of the Senate, the many peculiar votes cast by the Senator referred to, they could not have made this mistake.

The person whom they included as a Populist has practically voted against every Populist measure and principle which has been before this body while the revenue bill was under consideration, as well as before that. That he had deserted to the enemy, indeed it ought to have been known to all since his last election to the Senate. But this statement I hope will be sufficient to prevent any such classification of him being made in the future that will slander the People's Party.

He is a Republican. They can get his vote when they need it. His present and his future votes will prove my statements. Let it be known from now on that the Republican party has a majority in the Senate—a majority in all branches of the Government, and, is therefore, responsible for all legislation that is enacted.

Mr. President, before I take my seat, since I could not make this statement before the vote was taken, I call attention to one amendment to the revenue bill made by the conference committee. I call attention to the following sentence, which was eliminated from the provision for loans, on page 79, line 19:

And that at least fifty millions of said certificates herein authorized shall be issued before any of the bonds provided for in this act shall be issued, sold, or disposed of.

I have been puzzled very much to know why that sentence was stricken from the loan provision. The first information I got was from an authorized statement of the Secretary of the Treasury, published in the New York Journal of yesterday morning. I think this statement of the Secretary of the Treasury ought to go into the RECORD.

It is known that the Secretary of the Treasury until within the last two or three days, certainly until last Monday, was in favor of the issue of these certificates—in favor of fifty millions of them being issued before bonds were issued. Suddenly he changed his views, and suddenly the conference committee changed its views. This is what the Secretary of the Treasury says to explain his change of views on so important a question:

The argument for issuing bonds directly to the people, instead of certificates of indebtedness to be followed by bonds, is that since the bonds are a preferable investment, the public is apt to hold back and fail to subscribe for the certificates largely. This would convey to the world the false impression that the issue was weak and that the public was not standing by the Administration.

While if the bonds are issued directly the public will subscribe for them several times over, and the world will see the true state of affairs—that the people are ready to support the Government with their money as well as their lives. I trust and believe Congress will take this view of the matter. It is the better fiscal policy.—Secretary Gage in an authorized statement to the Journal.

Mr. President, there are a few facts connected with this matter to which it is well to call attention now. Before the Secretary of the Treasury changed his mind in that respect—

Mr. PLATT of Connecticut. May I interrupt the Senator?

Mr. BUTLER. Yes.

Mr. PLATT of Connecticut. Do I understand the Senator from North Carolina to say that up to a recent period the Secretary of the Treasury had been in favor of issuing \$50,000,000 of certificates before the issue of bonds?

Mr. BUTLER. I so understand; and I stated that the Secretary of the Treasury was in favor of the provision put in by the minority of the Committee on Finance, which was adopted by a majority of the Senate on last Saturday, providing that \$50,000,000 of these certificates should be issued before any of the bonds should be sold under the bill.

Mr. PLATT of Connecticut. I think, in justice to the Secretary of the Treasury, I ought to say that at the time that provision was put in the bill by the Senate I happened to be at the Treasury Department, and the Secretary said that he thought it was an unwise provision to put in the bill.

Mr. BUTLER. I should like to know if he gave any reasons besides those which I have read why it was an unwise provision?

Mr. PLATT of Connecticut. The reason he gave me, as I understand, was that in his opinion it would require two weeks or longer to try the experiment of whether or not the certificates would be taken by popular subscription and that it might be necessary in an emergency to get the money quicker than that.

Mr. BUTLER. More quickly than he could raise it by the issue of certificates?

Mr. PLATT of Connecticut. By popular subscription.

Mr. BUTLER. That is why you made the modification in the loan provision. The only question I am discussing is, why the Secretary of the Treasury changed his opinion, as I understand it, and so conveyed it to the committee of conference, that \$50,000,000 of these certificates should not be required to be issued before bonds were issued.

Mr. ALLISON. Mr. President, I think it might be well enough to say here what I understand the fact to be, and that is, when this provision was inserted by the minority of the Finance Committee in the clause in relation to certificates, the Secretary of the Treasury was not consulted about it; and I can say, as the Senator from Connecticut has said, that when the attention of the Secretary of the Treasury was called to the provision, he did not give it his approval, but he gave several reasons to me why he thought it was an unwise thing to do. I will not, however, trouble the Senate by stating them now.

Mr. BUTLER. I am sorry the Senator from Iowa will not now state information that is so important. If now is not the proper time to give the Senate the information, then the time will surely never arrive. But I should like to ask whether it was before the Senator from Iowa and other members of the Finance Committee recommended that provision to the Senate or after the Senate had acted that the Secretary of the Treasury expressed his opinion or conveyed it to the Senator from Iowa?

Mr. ALLISON. It was immediately after the report was made by the Finance Committee. There are many provisions in the bill, I will say, which, if the Secretary of the Treasury had drawn them, would have been drawn otherwise; but those having charge of this matter did the best they could in regard to these questions, having proper respect for the views of the Secretary of the Treasury. There has been no special change of opinion on the part of anybody so far as I know.

Mr. BUTLER. Then it seems that the members of the Senate Committee on Finance were in favor of this provision to issue \$50,000,000 of certificates, and the Secretary of the Treasury was not in favor of it, but was opposing it. They must have had some good reason for being in favor of it which was sufficient to make them recommend to the Senate what the Secretary of the Treasury did not favor; and since that time it seems they have changed their opinion to conform to the opinion of the Secretary of the Treasury. Now, it seems to me that it would be well to inquire into this matter further. Somebody has changed their views, and that, too, suddenly, on a very important matter.

Mr. ALLISON. Mr. President, of course at this hour I do not wish to occupy the time of the Senate; but I stated once, and I will repeat, that when this provision was inserted, arranged for, and prepared as a section of the bill, the Secretary of the Treasury was not consulted.

It was the opinion of those who prepared these amendments, when they were prepared, that it was a wise thing to do, and in adjusting the bill in conference we receded. The arguments were conclusive to my mind that we had better recede rather than retain the provision. It is a matter of no great moment one way or the other, and I do not know what the Senator from North Carolina expects to make out of it.

Mr. BUTLER. It is a matter of great moment this far. I intend to try to arrive at the truth, the true inwardness of this sudden and peculiar flop. If this provision for \$50,000,000 of short-time certificates, to be issued first, had been adopted, then no bonds could have been issued until the certificates were issued, and therefore we might have ended this war before these long-time bonds were issued. Another victory like the one of Dewey at Manila would have ended this war thirty days ago, and would end it now, as everybody knows. If Sampson and Schley would let loose their dogs of war on Cuba and win a decisive victory, the war would be ended, and there would be no excuse to issue bonds. It is of that much moment it would not do to let our fleet take Cuba or let Spain sue for peace before these bonds were issued. That is the milk in the cocoanut, in my opinion, and I do not mind stating it frankly.

Mr. President, as the Senator from Colorado [Mr. TELLER] has said, none of us can keep from thinking. We all no doubt have very strong opinions, which it is difficult not to express, but in the face of a foreign foe none of us desire to express them as long as it is possible to keep silent. I will say this much, however, that in my opinion this war could have been ended a month ago. I am not in possession of the information which the Departments have, and therefore probably should not express an opinion, because mine is expressed on current information, such as the public has; but, Mr. President, we get our information largely from the press, and we know that Spain is unable to hold out against us very long in this war.

It is absurd to say that it can be a long war unless we want to make it a long war.

Spain is about to sue for peace. Already reports have been given out semi-officially from our Government to the effect that if Spain sued for peace now we would not for a few days consider the proposition.

Mr. President, in the great metropolitan papers we see it stated in headlines that Spain is ready to ask for an end of hostilities. That information has been coming in dribblets for weeks. Everybody knows that it is simply suicidal for Spain to carry on the war longer. We can crush her at a blow and stop the war when we want to.

Mr. President, the morning papers contain some information which I think is important enough to put into the RECORD at this time for future discussion if necessary. Here is a cable dispatch from London which I have marked, which shows that Spain is now ready to surrender. I will not take the time of the Senate to read it, but I will ask to have it inserted in the RECORD. It shows that we have already won the fight and that an issue of bonds is not necessary, but is absurdly unnecessary. This article shows that this is for the bond sharks and not to whip Spain.

Mr. GALLINGER. I object, Mr. President.

Mr. CHANDLER. If it relates to the subject of war, I shall object. I thoroughly concur in the spirit which a few days ago, when war movements and the general subject of the war was being mentioned, led to a motion to proceed to consider the business in secret session. I hope the Senator will not proceed along the line on which he has begun. I have no objection to his talking about the certificates and the bonds, but war movements generally must not be discussed in open session.

Mr. BUTLER. Is it very dangerous to this Government to talk about how strong we are? Is it dangerous to let foreign powers know that we can close this war when we get ready to do so? Is such information important enough to the enemy to make it necessary for us to go into executive session?

Mr. CHANDLER. Allow me to interrupt the Senator a moment. It is all very well for him to say that there is no harm in saying how strong we are, but suppose another Senator gets up and says we are not so strong, and points out some weakness in our national condition.

Mr. BUTLER. If we have such a Tory Senator among us, who will make such a suggestion in reply to me, then it will be time enough to move to go into secret session.

Mr. CHANDLER. I can not tell whether I object to the Senator's article until I know what the heading of it is.

Mr. MONEY. I will ask the Senator from North Carolina if he will yield to me for one moment to get up a bridge bill which it is important should go through, and it can be passed in a minute?

Mr. BUTLER. If the Senator will pardon me, I can not yield now. The Senator from New Hampshire wants the headlines before he knows whether or not he will object. The headlines are, "Spain now wants peace."

Mr. CHANDLER. I move that we proceed to consider this subject in secret session.

Mr. HAWLEY. I second the motion.

Mr. MONEY. Will the Senator yield to me for one moment? I do not want the session to be terminated until I can have the bill to which I have referred acted upon.

Mr. BUTLER. I see that the Senator from New Hampshire and the Senator from Connecticut are alarmed lest Spain should want peace before we issue these bonds, and I also see the inconvenience to which some Senators will be put if we go into secret session.

Mr. MONEY. I have no objection to going into secret session, if you want to do so.

Mr. BUTLER. I do not want to do so; it is not necessary. I suppose all Senators have read the London cable dispatch which was published this morning in the leading daily papers. I want it to go into the RECORD, but I have said all I want to say. There is no necessity of going into secret session, for I am through expressing any sentiments I had to express.

Mr. CHANDLER. This article ought not to go into the RECORD. It ought not to be known that it was read in the Senate of the United States. I think we ought to stop right here. If the Senator kindly withdraws it, of course I withdraw the motion for a secret session.

Mr. MONEY. Mr. President—

Mr. BUTLER. I have not yielded the floor.

Mr. KYLE. Mr. President—

The VICE-PRESIDENT. The Senator from North Carolina has not yielded the floor.

Mr. GALLINGER. Mr. President, I rise to a question of order. I make the point of order that there is no question before the Senate, and that the Senator from North Carolina is not in order in addressing the Senate when there is no question pending.

The VICE-PRESIDENT. The point of order is well taken.

Mr. BUTLER. The point of order may be well taken, but the Senator from New Hampshire [Mr. GALLINGER] seems not in a pleasant mood to-day, and he is very much afraid that some facts

about this bond issue will get into the RECORD. I can understand his anxiety, for the people will not like these truths.

Mr. GALLINGER. I ask that the rule be enforced, Mr. President.

The VICE-PRESIDENT. The Chair decides that the point of order is well taken. The Senator from Mississippi [Mr. MONEY] is recognized.

Mr. MONEY. I ask unanimous consent to take from the Calendar Senate bill 4710, to amend an act for the construction of a bridge across the Yalobusha River.

Mr. KYLE. Will the Senator from Mississippi yield to me for one moment?

Mr. MONEY. The bill to which I refer will take but a minute.

Mr. KYLE. I merely wish to utter one or two sentences.

Mr. MONEY. All right. I yield to the Senator.

Mr. KYLE. Mr. President—

Mr. CHANDLER. It seems to me, as the Senator from South Dakota [Mr. KYLE] was seeking the floor when the point of order was made by my colleague, and as he wants to reply to the Senator from North Carolina [Mr. BUTLER], he had better do it upon the bill of the Senator from Mississippi [Mr. MONEY], and then it will be strictly in accordance with the rules of the Senate. [Laughter.]

PERSONAL EXPLANATION.

Mr. KYLE. I ask as a question of personal privilege that I be allowed to say just a few words.

The VICE-PRESIDENT. Does the Senator from Mississippi yield?

Mr. MONEY. Certainly, I yield.

Mr. KYLE. Mr. President, the Senator from North Carolina [Mr. BUTLER] seems to be very much concerned in regard to my political status, and more concerned, perhaps, in regard to the classification given by the Associated Press. I want to say in one sentence that I am not responsible to anyone but myself for my political status, and likewise responsible to myself for my political views, and I may thank the good Lord daily that I do not have to get my political views through the quill of the Senator from North Carolina.

There are Populists and Populists in the United States. There is a grand body of them whom I know well, in my own State as well as in other States; the honest yeomanry of the country, who love and revere American institutions; men who are in the ranks of labor, in the ranks of merchants. They are Populists with whom I am glad to shake hands and affiliate; but there are Populists, upon the other hand—socialists and other classes—whose very aim, in my judgment, is to undermine American institutions, with whom I can not affiliate and with whom I never will affiliate. Moreover, Mr. President, let me say right here that men like the Senator from North Carolina do more to injure the cause of reform in America, as well as in the world, than any other class of men of whom I have knowledge.

I do not wish to make a speech upon this question, but I want to say with reference to the revenue bill that, without a suggestion made to me by any Senator upon this floor or by any other man, I have taken my own position, which I believe, in the face of the pending difficulties, is the proper position for a loyal and patriotic citizen to take.

I will state to my Democratic friends and to my Populist friends upon this floor that the position they have taken they may think will redound to their ultimate political glory; but as sure as the sun rises and sets the people of this country are going to support the men who stand by the Administration in times of difficulty. Talk about an issue of bonds. We are bound to stand by the party in power in time of war so long as they demand of us nothing that is extraordinary and outlandish; and we are not asked to do anything that is extraordinary. A united front in times like these is the best fortification against a foreign foe, and I consider it a very inopportune time for any party to play for political preferment.

The Administration party presented to Congress the question of raising funds for the conduct of the war. Only three ways were open to us—direct taxation, borrowing money upon bonds, and a forced loan. My individual judgment approved the proposition to raise one-half the expense by direct taxation, and inasmuch as the war must ultimately prove a blessing to future generations, they should be called upon to bear their fair share of the burden. In taking this position I do not run counter to my previously expressed and well-known views that bonds should not be issued in time of peace. The people of to-day should be taxed to pay the running expenses of the Government, and an issue of bonds for that purpose is not justifiable. But where a permanent blessing is to inure to a community or nation from war or public improvement, the customary and rational method adopted by every state and nation is to entail a portion of the burden upon succeeding generations, which largely reap the reward.

The question of a forced loan—a legal-tender issue—is a com-

plex one, and involves the policy of changing our financial system, a matter which, in my judgment, should not be broached at this time. Such agitation is dangerous to financial credit in time of peace, not to speak of complications which might arise from the uncertainties of war.

Under our present system, and under the prevailing policy of the Government, we float, not without difficulty, \$346,000,000 in legal-tender notes. For three years past these have been the target of attack by manipulators of finance, and the "endless-chain" process has proven detrimental to business interests, as well as to show the unstable character of our financial system. To add \$150,000,000 more of such notes to our currency would increase by 25 per cent the existing complications and would place the whole legal-tender issue in jeopardy.

A consideration of the legal-tender proposition at this time is to inject inopportune the whole greenback question, and to confess openly to the world that we must resort to a forced loan at the beginning of hostilities. Such a proposition in the eyes of other nations is a confession of weakness. Nations in the past have been unable to carry on war without resort to an issue of bonds, and the United States Government is not an exception. Individuals, counties, and States borrow money in this way, and it is not "extraordinary" that we should be asked to follow this plan now. The nation's financial policy, if changed, must be considered in times of peace, and no question should be presented at this time to divide a country otherwise patriotically united.

As to the other propositions of the revenue bill, I wish distinctly to state that I favored every measure which in my judgment looked to fair and equitable taxation. The so-called corporation amendment, offered as a substitute for the stamp-tax provision, went entirely too far, as there are thousands of small business corporations brought into competition with companies and firms having as large or larger capital, and which under the majority amendment would not be subject to taxation. The amendment of the Senator from Maryland [Mr. GORMAN]—a corporation tax—was much more just and received my cordial support, as did the proposition to tax the sugar and oil trusts offered by Senator WHITE.

The proposition to coin the seigniorage—\$42,600,000 silver bullion—also received my support, but all propositions to so change wording and constructions as to weight down and prevent the passage of the bill as promptly received my negative vote. Many amendments having merit in them as independent propositions were offered, in my opinion, for the express purpose of defeating the revenue measure, and for that reason were tabled by the Senate.

Suffice it to say that I cast every vote conscientiously, without consultation with anyone, and without the customary coercion of caucus rule. The passage of the revenue bill was assured by a very large majority, and many voted against it reluctantly. My vote was not needed to pass the measure, and I could easily have voted differently for policy's sake; but I have come to the point in my political career when I feel independent enough to consider every question in the light of the nation's good and not with an eye for the temporary advantage of a political party.

Mr. President, I am not going to make a speech upon the bond bill, but I have my reasons for voting as I have, and I am proud of the position I have taken.

YALOBUSHA RIVER BRIDGE.

Mr. MONEY. I ask unanimous consent to call up the bill (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to insert, after the enacting clause, the following:

That the act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," approved April 20, 1896, be, and the same is hereby, amended so as to read as follows:

The amendment was agreed to.

Mr. PETTIGREW. I do not care to speak to this bill, but I do care to make some remarks in regard to the debate which has preceded it.

Mr. MONEY. Will the Senator do me the kindness to make his remarks after the bill is disposed of? It will be through in a moment.

Mr. PETTIGREW. Under the circumstances I think not. I shall be very brief, however.

Mr. MONEY. The Senator always is brief.

Mr. PETTIGREW. Mr. President, a controversy seems to have arisen concerning the political party to which my colleague belongs, and it appears to me that the time has come when the people of South Dakota have a right to know where he stands. It seems to me, owing to the conflicting accounts, the votes which

he has cast, and the things which have been said, that the people of South Dakota have a right to be definitely informed regarding the party to which their representative belongs. I have been unable to secure an utterance from my colleague on the subject, and the people of the country and the people of South Dakota have likewise failed to obtain any declaration that would settle this much-mooted question.

The facts are that when he was first elected it was by a combination of Populists and Democrats. When he was last elected it was by a combination of 52 Republicans, 9 so-called Populists, and 4 Democrats. It is well known, also, Mr. President, to the people of South Dakota that he agreed in advance of his election by the Republican party to vote for the tariff bill if necessary, although every vote he had cast during his first six years in the Senate was for free trade—free wool, free barley, and free almost everything. He made a speech in favor of free wool.

Mr. KYLE. Will my colleague please give the facts in regard to that; give his authority for the facts?

Mr. PETTIGREW. Oh, yes; I will accommodate my colleague.

Mr. KYLE. It is about like all the other assertions he will make probably—he has no facts for them at all. I deny in toto the statement he has made.

Mr. PETTIGREW. I will leave the Senate to judge as to the facts and as to whether there is any foundation for the charge I make.

The following is an extract from the speech by Senator KYLE at a ratification meeting held February 18, 1891, taken down in shorthand and published in the Journal of February 19, 1891.

Mr. GALLINGER. From what paper?

Mr. PETTIGREW. The Pierre Journal.

My first leaning toward the Democratic party commenced fifteen years ago, when I became imbued with free-trade doctrines through the instruction of my teacher in political economy. Further study of the economic questions confirmed those views and drew me toward the Democratic party—

This was at a jollification held over his election as a Democrat—and when I found the affairs in our country dominated by a Republican ring, I withdrew from the party and joined the opposition. The platform of the Democratic party is the same as the Independent. They want lower taxes and more money to pay them with, and that is the platform I stand upon.

When my colleague uttered these words he had just been elected by a combination of Populists and Democrats, and had made an agreement to be a free trader and support Cleveland's Administration. In consideration of these pledges he received the Democratic votes. I will now read an interview with my colleague just after his last election, when he was voted for by 52 Republican members of the legislature, 9 Populists, and 4 Democrats.

[Special to the Minneapolis Journal.]

WASHINGTON, D. C., April 6, 1897.

As was first predicted in Washington dispatches to the Journal, Senator KYLE will support the Republicans in the Senate in all matters pertaining to the tariff. While he admits this, he insists that he has not changed his position regarding the tariff question. In an interview to-day he said:

"I am not in favor of an extreme tariff measure, but with a great deficiency in revenues it is necessary to pass a bill that will supply the Government with sufficient money for its needs."

"So far as I am concerned or the Populist party, we had no particular liking for the Wilson bill, except that feature which provided for an income tax. I believe the new bill should be passed, and I will not oppose its passage. I think the Republicans should have an opportunity to try the methods of relief they suggest, and if they succeed in restoring prosperity no one will be more pleased than I. I believe the Senate will pass a moderate bill and one which I can probably support. I consider the bill which passed the House an extreme measure and feel confident it will be modified in many particulars."

The effect of KYLE's support will practically be to insure the Republicans a quorum of the whole Senate until the tariff bill is finally passed. His talk would indicate, however, that he does not propose to cut loose from his former affiliations, but merely to support the present tariff bill.

And so the last tariff bill received not his vote, because he left the Senate, but he left his pair with a Republican; left it with the person in charge of Republican pairs; left a written pair to be used if necessary, but it was not used, because it was not necessary.

Mr. KYLE. I deny that.

Mr. PETTIGREW. It is not necessary for you to deny it.

Mr. KYLE. Probably the Senator who has charge of the pairs can state the facts.

The VICE-PRESIDENT. The junior Senator from South Dakota is not in order.

Mr. KYLE. I left no such instructions at all.

Mr. PETTIGREW. Senator HANSBROUGH had your pair.

Mr. KYLE. He has no such letter.

Mr. PETTIGREW. Senator HANSBROUGH, who is present, can answer.

It is generally understood in South Dakota that for the purpose of procuring a seat in this body my colleague made a trade with the Republicans, by which they agreed to vote for him and he agreed to support the tariff bill and to support their policy on everything but silver. Here is a resolution pertaining to this phase of the subject passed by 43 or 48 members of the legislature which last elected Mr. KYLE:

Whereas in joint session of the legislature of the State of South Dakota this day assembled, JAMES H. KYLE received 52 Republican votes, 9 Populist votes, and 4 Democratic votes for United States Senator.

And whereas it is reported that said JAMES H. KYLE has made certain pledges that he will vote with the Republican party upon certain Republican party measures: Now, therefore,

Be it resolved by the undersigned free-silver members of said legislature, That the said JAMES H. KYLE has not been elected by the free-silver members of the legislature of South Dakota, and that the free-silver forces of this State are not responsible for his election and we do not consider him a representative of the free-silver cause.

J. S. Stewart, senator, Brule County; F. W. Webb, senator, Brown County; W. S. Major, senator, Hand County; M. E. Hart, senator, Lake County; E. E. King, senator, Hanson County; L. Bothum, senator, Minnehaha County; C. S. Palmer, senator, Minnehaha County; Wm. Bradley, senator, Meade County; J. Sickler, senator, Jerauld County; Rufus Whealey, senator, Moody County; I. A. Keith, senator, Kingsbury County; Louis N. Crill, senator, Union County; G. A. Schlund, senator, Davison County; J. P. Buck, senator, Pennington County; U. S. Cook, senator, Aurora County; A. J. Kellar, senator, Fall River County; D. W. Jackson, senator, Miner County; John Colvin, speaker, house of representatives.

George B. Daly, representative, Brown County; L. M. Benson, representative, Brown County; W. E. Kidd, representative, Brown County; Henry Alwes, representative, Minnehaha County; Ole P. Oleson, representative, Yankton County; A. H. Oleson, representative, Lawrence County; Henry Court, representative, Lawrence County; J. Power, representative, Lake County; M. H. Hegdal, representative, Lake County; Moses Moeson, representative, Miner County; S. T. Johnson, representative, Brookings County; Peter Peterson, representative, Brookings County; L. E. Blackstone, representative, Kingsbury County; G. W. Anderson, representative, Kingsbury County; F. G. King, representative, Potter County; Ed Brunsau, representative, Union County; C. W. Deane, representative, Union County; P. H. McManus, representative, Hanson County; Otto Anderson, representative, Pennington County; Zach Holmes, representative, Pennington County; B. F. Wright, representative, Moody County; O. D. Anderson, representative, Aurora County; Irving A. Weeks, representative, Brule County; Ole L. Hanes, representative, Day County; D. G. Bruce, representative, Fall River County; H. S. Mastick, representative, Meade County; B. N. Oliver, representative, Custer County.

The Aberdeen (S. Dak.) Star, published at Mr. KYLE's home, commented as follows upon the foregoing resolution:

It is the duty of the members of the People's Party of this State to openly repudiate Mr. KYLE.

As the facts in the infamous deal which resulted in his reelection to the Senate come to light it appears that KYLE was to pose as a Populist and remain in the People's Party as a disorganizing element. In this way he can be more serviceable to the Republicans than by openly joining their ranks.

There is one way, and one way only, to insure the future of the People's Party in this State, and that is by applying the knife freely to the running sore that is afflicting it. KYLE has long been an obstacle to party progress. His whole influence has been cast on the side of conservatism. He has, so far as his influence counted, smothered every radical movement of the party. His presence has been irritating, and all advance for three years has been made in spite of him and not because of him.

Now that he has openly betrayed the party there should be no hesitation in spewing him out. There is no room for traitors in the party. Let him go over to the party which bought him. And there is no room for Kyle partisans in the People's Party. The ranks must close over the little gap he has left, and we must proceed to business in front of us. But that there shall be no mistake, People's committees should denounce the scamp and define their position. Mr. KYLE has basely betrayed us and can not remain our representative. And this fact should be publicly proclaimed to the people of the State.

A Pierre news telegram says:

PIERRE, March 8, 1893.

On the evening of the day on which KYLE, by Republican votes, was re-elected United States Senator, the free-silver members met and unanimously adopted the resolutions given below. The publication of these was withheld until the adjournment of the legislature, but they are now released, and are given to the public that no one need be deceived as to the standing of the archtraitor in the party of this State.

The resolution was signed by forty-four members of the legislature.

Here is a letter from Mr. Sweet, who was a Republican member of the legislature and refused to become a party to the deal. It is as follows:

Representative Sweet, of Hutchinson, the only Republican who refused to vote for KYLE, is out in a long letter, in which he says, speaking of KYLE: "He has uniformly voted in favor of free silver, in favor of free wool, in favor of free barley, and in favor of every proposition advocated by the ultra-Pop Democrats of either branch of Congress. I copy from his speech at the ratification held at Pierre, February 18, 1891:

"My first leanings toward the Democratic party commenced fifteen years ago, and when I found the affairs of my country dominated by a Republican ring, I withdrew from the party and joined the opposition. The platform of the Democratic party is the same as the Independent, and is the platform I stand upon."

"These were the words of Senator KYLE six years ago. These words, his Senatorial history, and the Republican denunciation of his course flashed through my mind when I was informed by one of the Republican steering committee about two hours before he was elected last Thursday that he had promised, in case the Republicans would turn in and reelect him, to hereafter vote with the Republicans on all measures except the money question. I abhorred the suggestion. It was too bitter a dish of crow for me to swallow, but I was not struck dumb. I expressed my ideas to the member in classic language and notified him that he need not count me in the deal."

"I do not doubt that he will vote with the Administration on tariff questions for the next six years as honestly as he has voted with the free traders during the past six years. Even for this advantage in the Senate of the United States I can not believe it was good policy to elect him with Republican votes, and do not regret that I did not give him one. If my friends and constituents think that I made a mistake, I must differ with them honestly and crave their indulgence, and earnestly request them to send a better and more pliable man next time to represent them at the State capital."

"PIERRE, February 22, 1897."

"E. T. SWEET."

Now, the facts in the matter are these: Right after the election of 1896 the leading Republican papers of the State advocated the election of Mr. KYLE. Their representatives visited the Republican national committee, visited those members of the national committee who had this matter in charge, and during November and December, before the legislature met, we well knew there was an understanding by which Mr. KYLE was to be elected to the Senate by Republicans, and that he was to stand by the Administration when needed. These representatives of the Republican party, the national committeemen and others, as I said before, visited their national committee, or members of the national committee, and arranged a complete understanding.

These facts are well known in the State. There is no possible doubt about it in the minds of anybody. Mr. Pickler was the Republican nominee for the Senate. He was urged to withdraw. While the national committee did not directly ask that he should withdraw in favor of Mr. KYLE, it is significant that at the time the national committee wrote their letter asking Mr. Pickler to withdraw, the men whom Pickler was told to consult, Mr. Kittredge, who was the national Republican committeeman, and Mr. Elliott, chairman of the Republican State central committee, were openly working for Mr. KYLE. They published interviews urging KYLE's election. In this connection the following letter from Henry Payne is quite pertinent:

[Republican national committee—Chicago headquarters—M. A. Hanna, chairman, Henry C. Payne, Charles G. Dawes, W. T. Durbin, Cyrus Leland, Edwin F. Brown, subtreasurer.]

MILWAUKEE, Wis., February 8, 1897.

MY DEAR SIR: I have yours of the 14th instant, which I have carefully read. The national committee will do anything proper to aid in your election, or in the election of any good Republican from South Dakota, or the election of any other person who would act with the Administration on the tariff question; but we look to Mr. Elliott, the chairman of your State committee, and to Mr. Kittredge, member of the national committee from South Dakota, to point the way wherein we can exercise our influence.

These two men, Mr. Kittredge and Mr. Elliott, were publicly urging the election of Mr. KYLE. The Republican papers were all urging it and publishing articles about it constantly. This letter is dated February 8. They had then been at work for two or three months urging the election of Mr. KYLE.

Continuing, the letter to Mr. Pickler from the Republican committee says:

We have been advised that it will be impossible to secure your election; that the fight between the factions of the Populists and Democrats is so intense that there might be a chance to elect some Republican who has not been quite so conspicuous in the party as you have.

Recalling our conversation and what you say in your letter, I have no doubt you will be ready to withdraw your name in case the steering committee advise you to do so.

Referring to the same steering committee that went to Mr. Sweet and told him what the deal was. He refused to be a party to it and refused to vote for Mr. KYLE. The letter to Mr. Pickler concludes:

We have felt that any active interference by the national committee would be resented by the local Republicans. You may be sure that we are intensely anxious regarding the result; so much depends upon getting an Administration Senator from your State. It probably means the control or loss of control of the United States Senate.

We shall appreciate the sacrifice made by you if you should withdraw, and can only urge that you take this course for the reason that it would seem to have been demonstrated that your election is impossible.

I would gladly go to Pierre, but am quite sure that it would do more harm than good.

Very truly, yours,

H. C. PAYNE.

Hon. J. A. PICKLER, Pierre, S. Dak.

I came into possession of this letter in a way that authorizes me to use it, and I feel that the country has a right to know and the people of South Dakota have a right to know the facts. If there has been a transaction through which support for a certain measure has been purchased with an office, and the goods have been delivered, you might as well stand up and admit it, and not dodge around it with misleading subterfuges and equivocating expressions.

I could read extracts from the leading papers of the State of South Dakota—the Ruralist, and the Star, and various other papers—in which they comment on this transaction, but the drift is all the same. There is scarcely a Populist paper in the State that did not at the time consider the transaction as a corrupt bargain and sale.

Mr. President, the shame and disgrace of this transaction is keenly felt by the people of South Dakota. Without regard to political affiliations, all respectable people in the State repudiate the corrupt transaction, and they also repudiate my colleague. I do not believe he could get an audience on any subject in any town in the State. He is despised by all the People's Party and by most Democrats, while the respectable portion of the Republican party hold him in supreme contempt.

Mr. KYLE. Mr. President, the Senator has very correctly stated my training as regards economic views. I was brought up a Republican, and during all the years of my career as a Republican I held to the doctrines of low tariff and bimetallicism. I stand there to-day. Everybody in the Senate, everybody in my State,

knows just where I have stood in the past and where I stand now. I supported the Wilson tariff act of 1894. That was by no means a free-trade measure, but a very high protective tariff bill. I voted for it because I thought it was better than the McKinley tariff act. I think so yet. I so expressed myself in the Senate at that time.

So far as free trade is concerned, it is a theory, and never as an actuality has it been practiced in any government that pretends to raise revenue. The only question is where the tariff shall be placed. Some people think upon one article and some upon another. That is all there is of it. My bimetallic views are likewise known to everybody here.

So far as any corrupt trade is concerned, I merely wish to refer to it. It is a falsehood, malicious, intentionally malicious, from beginning to end. The members of the national committee, probably some of them are upon the floor, understood from the months of the steering committee in Pierre last winter everything that was done, and what I said before and in the papers I say here in the presence of this body. Not one single thing was done that could not come out here in open light of day and to the full knowledge of the Senate.

The reason for the step taken by the Republican party in the Senatorial contest was because they felt that a radical Populist would come to the United States Senate instead of myself, and they preferred to vote for me because of my conservative course during the past six years and because I made my campaign for reelection on an antisocialistic platform.

As regards the passage of the late tariff bill, I stated my position to my colleague from Nebraska, Senator ALLEN, two or three months before I went back to the Senatorial contest, and he understands it well. I published in the press at Minneapolis at the time—November, 1896, after the Presidential election—a statement that, under all the circumstances, the three branches of the United States Government should be in the hands of one party. The Executive was Republican, the House was Republican, and the Senate should be the same for the good of the country. Also the Senator from Nebraska and others of us agreed at that time to remain silent when a new tariff act should come up for passage, preferring not to obstruct, and thus give the party in power every opportunity to bring prosperity to the country.

Everybody knew my position. The people of my State knew that I would not obstruct the tariff. Our votes were not considered a necessity. The same is true in regard to the revenue measure. Everybody knows these things, and the question was never asked whether or not I would vote for these propositions.

I wish to state now that the malicious attacks to which my colleague refers, from the South Dakota Ruralist, the Star, and similar papers in my State, are from the pen and brains of socialists stinging under defeat, and whom our people will never intrust with the responsibility of State affairs. Some of these papers have already gone to their doom, and the rest will follow. They ought not to receive consideration from respectable citizens of our State. I shall not take time to reply to these things now, but I shall hope to hereafter. It is now late in the evening, but I wish to add in closing that this whole thing, the statements of my colleague, are malicious fabrications from beginning to end, and the man who asserts them is as corrupt and mendacious as the charges he makes.

Mr. CHANDLER. Mr. President—

Mr. MONEY. Will the Senator from New Hampshire allow me to have the pending bridge bill finished? It will just take about half a minute, and then I will give him the balance of the evening.

Mr. CHANDLER. I have waited to move that the Senate proceed to the consideration of executive business, and I make that motion.

Mr. BERRY (to Mr. CHANDLER). Let the Senator from Mississippi pass his bill.

Mr. MONEY. It will take only a minute.

Mr. CHANDLER. The Senator knows that I would be very glad to give way, but I shall have to yield to the Senator from South Dakota [Mr. PETTIGREW], who wants to speak on the bill. If the Senator from Mississippi and the Senator from Arkansas think I had better do it, I will withdraw the motion and let the debate go on.

Mr. MONEY. That is right. I am very much obliged to the Senator from New Hampshire.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. PETTIGREW. Mr. President, the rather remarkable speech just delivered by my colleague shows such lack of moral perception, such want of principle, that I am forced to the conclusion that his opinions and convictions have been so long subjected to barter and sale that he can not appreciate or comprehend the enormity of his acts. Mr. KYLE made the campaign of 1896 as a Populist, stumping the State for Bryan and advocating throughout every principle of the Populistic party. He solicited money to make his campaign for the Senate from the Democratic

Congressional campaign committee and received large sums. While the legislature was in session reports of his disgraceful trade reached the senate and Mr. KYLE was asked by wire if the reports were true.

He denounced all such stories as false. He makes the same defense now, but his worthless word will have no weight against a mass of evidence so conclusive of his perfidy.

The following editorial from the Aberdeen Star, KYLE's home Populist paper, will throw some light on this subject:

Although KYLE publicly denies that he has any understanding with the Republicans, the latter generally believe the story which is current that he has committed himself to support all Republican measures with the exception of free silver. Your correspondent was informed to-night by a Republican who has been working on the combination that the interview which resulted in the agreement took place this morning. There were present KYLE, Pickler, one of KYLE's managers, and two of the Republican steering committee. The interview was protracted, and during it the whole ground was covered.

KYLE agreed to vote with the Republicans—to vote for the tariff measure and every Republican measure. He reserved the right to vote upon the silver question as he saw fit, but qualified this reservation by explaining that since the last election he thought that a measure for the free and unlimited coinage of silver alone would not probably come to a vote in Congress, and should it come up he would not vote for it if it were in such shape as to imperil the passage of any other Administration measure. The talk was so explicit and the understanding so perfect that the Republican members of the legislature were readily induced to agree to the arrangement. No caucus was held, but the committee saw the members separately, and the whole affair was managed so quietly that nothing leaked out till the whole business was arranged. One Republican—Sweet, of Hutchinson—refused to go into the deal.

Here is another newspaper account of the conspiracy:

On Monday last, 15th instant, the Populists caucused and adjourned to meet last Thursday night. In the meantime they had agreed upon a caucus nominee. This decision soon reached the ears of the Republicans, who at once began to rally to meet the emergency. Major Pickler had reached the conclusion that it would be impossible to elect a pronounced Republican and gracefully withdrew from the contest and went to work with the Republicans.

It was soon ascertained that KYLE could muster 13 votes that could be counted on from start to finish, and the greatest political maneuver that was ever successfully carried out in the State began. It was no easy work to convince some of the Republican members that the time had come to act, and that there was no time to spare, and the work was not completed until 7 o'clock in the morning, Thursday. In hallways of the Locke Hotel Republicans were fitting about in their night robes, while the silver forces slept in adjoining rooms unsuspectingly.

Mr. BUTLER. Will the Senator from South Dakota yield to me one moment?

Mr. PETTIGREW. I yield.

Mr. BUTLER. The Senator said he was not able yet to place his colleague. His colleague stated that he thought the Senate ought to be Republican, inasmuch as the President was Republican and the House was Republican, and, of course, therefore, he had to make himself a Republican to make that majority. Therefore, let it be understood from now on that the Senate is Republican and by the admission of the Senator whose vote is necessary to make it Republican.

Mr. PETTIGREW. I will say in this connection that my colleague on the 30th of December, 1895, made a statement to that effect, and I think we can safely class him as a man without conviction or character—a Republican, for revenue only.

The proposition that a member of the United States Senate finds it his duty to abandon his party and ally himself with the opposition party for the purpose of giving his political opponents entire control of the Government is one never before enunciated since political organizations divided the sentiments of a self-governing people. The public servant who is conscientiously ready to swap political conviction for governmental symmetry can not be far in advance of the heavenly announcement that is to usher in the millennium.

This would certainly be the case in the absence of controlling circumstances, but the coincidence of an election by Republican votes and an anxiety for the political welfare of a Republican Administration tends to rudely dissolve the illusion Mr. KYLE seeks to establish on the basis of an abnormal conscience. We of South Dakota have known him in all his varied phases, and he will never be able to square himself with the public through the creation of flimsy pretexts in excuse for oft-repeated political apostasy.

He has now abandoned every position held by the People's Party, and within two weeks has voted against taxing corporations, against an income tax, against issuing greenbacks or money direct by the Government, against postal savings banks, in favor of the issue of bonds, and against amending the Washington street-car charters so as to limit the length of the franchise.

As a reward for all this treachery and betrayal of principle, he basks in the smiles of the Republican Administration, and receives his pay in appointments for his friends. These favors he unblushingly solicits as the consideration for his votes.

Mr. PETTUS. If the Senator from South Dakota will allow me, I want to ask a favor. It is to adjourn this discussion to a more convenient season and to a better place.

Mr. PETTIGREW. It gives me great pleasure to grant the favor to the Senator from Alabama.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi,' approved April 29, 1898."

EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were reopened, and (at 6 o'clock and 32 minutes p. m.) the Senate adjourned until Monday, June 13, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 10, 1898.

ASSAYER.

Frederick A. Wing, of Washington, to be assayer in charge at the assay office of the United States at Seattle, in the State of Washington. Office created by act of Congress approved May 31, 1898.

RECEIVERS OF PUBLIC MONEYS.

F. W. King, of Dighton, Kans., to be receiver of public moneys at Wakeeney, Kans., vice William E. Saum, resigned.

George A. McKenzie, of Stockton, Cal., to be receiver of public moneys at Stockton, Cal., vice Henry S. Sargent, deceased.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-generals.

Charles F. Roe, of New York.

Thomas L. Rosser, of Virginia.

To be commissary of subsistence with the rank of major.

James Clayland Mullikin, of Maryland.

Mr. Mullikin was nominated to the Senate on the 20th ultimo and confirmed on the 24th ultimo under the name of H. Clay Mullikin. This message is to correct error in name of the nominee.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Capt. Harry F. Hodges, Corps of Engineers, United States Army.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be second lieutenant.

Hilary A. Herbert, jr., of the District of Columbia.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captain.

Fred J. H. Rickon, of California.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be second lieutenant.

William S. Whitehead, jr., of New Jersey.

THIRD REGIMENT OF VOLUNTEER ENGINEERS.

To be second lieutenant.

Alfred Hampton, of Texas.

FOURTH REGIMENT OF VOLUNTEER INFANTRY.

To be second lieutenants.

Richard T. Ellis, of Ohio.

Kent Browning, of Ohio.

SECOND REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Floyd Stewart, of Louisiana.

To be assistant quartermaster with the rank of captain.

Second Lieut. Jacques De L. Lafitte, First United States Infantry.

FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Charles P. Newberry, of Maryland.

John D. Treadwell, of Virginia.

George C. Broome, of the District of Columbia.

To be first lieutenant.

George D. Barbour, of the District of Columbia.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Hugh H. Haralson, of Mississippi.

To be second lieutenants.

Rudolph Bumgardner, of Virginia.

Langhorne D. Lewis, of Virginia.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be assistant surgeons with the rank of first lieutenant.

John W. Cox, of Tennessee.
Zachary D. Massey, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

Archelaus M. Hughes, of Tennessee.

To be captain.

Henry L. Jonkinson, of New Jersey.

To be first lieutenant.

James R. Gillespie, post quartermaster-sergeant, United States Army.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

David Frank Powell, of Wisconsin.

To be second lieutenant.

Reon Barnes, jr., of New York.

FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be first lieutenant.

James C. Hixson, of Alabama.

The nomination of J. Courtney Hixon, of Alabama, for the above-named office, which was submitted to the Senate June 8, 1898, is hereby withdrawn.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be major.

Duncan B. Harrison, of Illinois.

The nomination of Duncan B. Harrison, of Mississippi, for the above-named office, which was delivered to the Senate June 8, 1898, is hereby withdrawn.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

William Frye Tebbetts, of New York.

The nomination of William Frye Tebbetts, of New York, to be captain in the Eighth Regiment United States Volunteer Infantry, which was delivered to the Senate June 8, 1898, is hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 10, 1898.

THIRD REGIMENT OF VOLUNTEER ENGINEERS.

To be colonel.

Capt. David Du B. Gaillard, Corps of Engineers, United States Army.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-generals.

Charles P. Mattocks, of Maine.

Mark W. Sheafe, of South Dakota.

To be inspector-general with the rank of lieutenant-colonel.

Capt. Winfield S. Edgerly, Seventh United States Cavalry.

To be inspector-general with the rank of major.

Daniel M. White, of New Hampshire.

To be additional paymaster.

Hiram L. Grant, of North Carolina.

To be brigade surgeons with the rank of major.

William H. Devine, of Massachusetts.

Floyd Stewart, of Louisiana, Second Regiment United States Volunteer Infantry.

To be additional paymasters.

Thomas A. Cummings, of Montana.

Eugene Coffin, of the District of Columbia.

To be commissaries of subsistence with the rank of captain.

Carl K. Mower, of Ohio.

Frederic H. Pomroy, of New York.

To be major and chief quartermaster.

Otto Falk, of Wisconsin.

To be commissary of subsistence with the rank of major.

James Clayland Mullikin, of Maryland.

FOR APPOINTMENT IN THE SIGNAL CORPS.

To be captain.

Charles S. Conner, of Missouri.

To be first lieutenants.

Wilkie Woodard, of Ohio.

Edward T. Miller, of Ohio.

Williamson S. Wright, of Indiana.

To be second lieutenants.

Gustav Hirsch, of Ohio.

Carl Darnell, of Connecticut.

George M. Whitson, of Tennessee.

To be commissaries of subsistence with the rank of captain.

Edward W. Hurlbut, of Colorado.

Charles E. Golden, of Wyoming.

James Colfax Grant, of Minnesota.

To be chief quartermaster with the rank of major.

Morris C. Hutchins, of Kentucky.

To be assistant quartermaster with the rank of captain.

Clifton L. Fenton, of Ohio.

To be assistant adjutant-general with the rank of major.

William Cooke Daniels, of Colorado.

To be major.

Duncan B. Harrison, of Illinois, Ninth Regiment United States Volunteer Infantry.

To be inspector-general of volunteers with the rank of major.

First Lieut. Robert A. Brown, Fourth United States Cavalry.

To be chief commissary of subsistence with the rank of major.

First Lieut. Walter K. Wright, Sixteenth United States Infantry.

To be chief quartermaster with the rank of major.

Capt. Charles A. Vernon, Nineteenth United States Infantry.

To be commissaries of subsistence with the rank of captain.

Second Lieut. John W. Barker, Third United States Infantry.

C. Dupont Condert, of New York.

George W. Nellis, of New York.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captains.

William Barclay Parsons, of New York.

Ira A. Shaler, of New York.

Eugene Ellicott, of Pennsylvania.

Allen D. Raymond, of Pennsylvania.

Merritt H. Smith, of New York.

Arthur Haviland, of New York.

Charles P. Kahler, of Maryland.

Charles Parker Breese, of Virginia.

William G. Ramsay, of New Jersey.

To be first lieutenants.

David L. Hough, of New York.

Edmund M. Sawtelle, of the District of Columbia.

George W. Bramwell, of New York.

Henry C. Wilson, of the District of Columbia.

Maurice A. Viele, of New York.

To be second lieutenants.

Heber R. Bishop, jr., of New York.

Lawrence Lewis Gillespie, of New York.

Walter Abbott, of Massachusetts.

George Perrine, of New York.

Henry P. Walker, of Massachusetts.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be lieutenant-colonel.

Capt. Edward Burr, Corps of Engineers, United States Army.

To be major.

Capt. William C. Langfitt, Corps of Engineers, United States Army.

To be captain.

Second Lieut. Robert P. Johnston, Corps of Engineers, United States Army.

To be first lieutenant.

Charles W. Parker, of Ohio.

To be second lieutenant.

Frank H. Martin, of Iowa.

REGISTERS OF THE LAND OFFICE.

George W. Hayes, of Burns, Oreg., to be register of the land office at Burns, Oreg.

Jay P. Lucas, of Arlington, Oreg., to be register of the land office at The Dalles, Oreg.

RECEIVERS OF PUBLIC MONIES.

Samuel O. Swackhamer, of Union, Oreg., to be receiver of public moneys at La Grande, Oreg.

Otis Patterson, of Heppner, Oreg., to be receiver of public moneys at The Dalles, Oreg.

POSTMASTERS.

John Q. Saint, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

Robert W. Bannatyne, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania.

Gale Armstrong, to be postmaster at Rogersville, in the county of Hawkins and State of Tennessee.

William B. Stoddard, to be postmaster at Montrose, in the county of Susquehanna and State of Pennsylvania.

Harriet F. Gault, to be postmaster at Media, in the county of Delaware and State of Pennsylvania.

Bennie Johnson, to be postmaster at Cumberland, in the county of Barron and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 10, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CORRECTIONS.

Mr. STEWART of New Jersey. Mr. Speaker, on the call of the House last night on the adoption of the conferees' report on the war revenue bill I voted "no," in order to record my feeble protest against what I thought was an infliction on the country of the silver provision.

Mr. PAYNE. Well, we do not want a speech on that now.

Mr. STEWART of New Jersey. Finding my vote was insufficient, I withdrew it, and in order to get into good and congenial company I voted "aye." I would like to have the RECORD show it.

Mr. BAILEY. That is not a correction, Mr. Speaker. I desire to correct the RECORD, and perhaps the Journal as well. On page 6374 as recorded is a roll call upon an amendment which was really taken on the engrossment and third reading of the bill, and the recorded roll call on the engrossment and third reading of the bill is the roll call on the amendment.

The SPEAKER. The Chair is informed that that has been corrected in the Journal.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to correct the RECORD. In the statement of the vote last night on the war revenue bill I am simply recorded as voting in the affirmative. In fact, I voted in the negative, and in favor of insisting on the House's disagreement to the amendments proposed by the Senate, and especially as to silver coinage.

After the pairs were announced, and it was apparent that there was a majority to concur, I desired to vote for the bill as a war-revenue measure and asked leave to recall my vote and vote "aye," which was done. I was preceded in this action by Mr. Low of New York, and followed by Messrs. PITNEY and STEWART of New Jersey. This should be shown by the stenographer's notes, and I desire that the RECORD may be corrected in this regard to agree with the facts.

The SPEAKER. The correction will be made in accordance with the stenographer's notes.

Mr. RICHARDSON. Mr. Speaker, on page 6375, on the engrossment and third reading of the bill with respect to voting by soldiers on yesterday afternoon, I am recorded as not voting. I voted "no."

The SPEAKER. The Chair thinks that gentlemen may have been led into an error by the transposition of the two roll calls in the RECORD. When that correction is made, all corrections will be made. The Chair is informed that there are no mistakes in the tally sheet. On the tally sheet the gentleman from Tennessee [Mr. RICHARDSON] is reported as voting.

Mr. RICHARDSON. Yes; but at the bottom it says, "So the bill was ordered to be engrossed and read a third time."

The SPEAKER. The gentleman is recorded on the tally sheet as voting "no."

Mr. RICHARDSON. But I am not recorded in the RECORD.

The SPEAKER. There is a mistake in the RECORD; the two roll calls are transposed. The corrections will be made when the votes are put under the proper head.

VOTING BY SOLDIERS IN CONGRESSIONAL ELECTIONS.

Mr. SAMUEL W. SMITH. Mr. Speaker, I call for the regular order.

Mr. COLSON. Mr. Speaker, I desire to say that I was unavoidably absent last evening, but if I had been present, I should have voted "aye" on the adoption of the conferees' report on the war revenue bill.

The SPEAKER. The Clerk will read the title to the bill under consideration.

The Clerk read as follows:

H. R. 10550. To enable the volunteer soldiers during the war with Spain to vote at Congressional elections.

Mr. BAILEY. I withdraw the demand for the reading of the engrossed bill.

The SPEAKER. The question is on the passage of the bill.

Mr. CUMMINGS. I desire to move to recommit this bill with instructions to the committee to report an additional section giving the Naval Reserve the right to vote.

Mr. SAMUEL W. SMITH. On that I move the previous question.

The previous question was ordered.

Mr. LOVE. Mr. Speaker, I would like to have the bill read. I think it has not been fully understood, and I should very much like to have it read.

The SPEAKER. Did the gentleman rise to make that request in time?

Mr. LOVE. Yes, sir.

The SPEAKER. The Clerk will report the bill.

Mr. STEELE. As I understand, the gentleman did not rise to demand the reading of the bill until long after the Speaker had made the announcement and the House had proceeded with the further consideration of the measure.

Mr. LOVE. I do not want to obstruct the passage of this measure, but it has been reported that one of the amendments adopted yesterday is of such a character that it would be, in my view, a very serious objection to the bill. Hence I want to know whether such an amendment was engrafted on the bill, because, if so, it would change my vote upon the question.

The Clerk read the bill.

Mr. SAMUEL W. SMITH. Mr. Speaker, I desire to withhold the previous question for a moment, and ask unanimous consent that the gentleman from New York—

Mr. BARTLETT. Mr. Speaker, I submit that the previous question has been ordered and can not now be withheld.

The SPEAKER. The previous question, having been ordered, can not be withheld. The gentleman from Michigan can ask unanimous consent. The gentleman asks unanimous consent—

Mr. SAMUEL W. SMITH. Before making my request I desire to state why I desire to have the previous question withdrawn.

Mr. CUMMINGS. I call for the regular order. I was taken from my feet by a demand for the previous question by the gentleman from Michigan, and he has no more right to discuss this question than I have.

The SPEAKER. The gentleman from New York has a right to demand the regular order; and the question is on the adoption of the motion of the gentleman from New York.

Mr. LACEY. Will the Chair submit the proposition for unanimous consent?

The SPEAKER. The Chair can not do so when the regular order is demanded, which is equivalent to an objection.

Mr. LACEY. The request is for the benefit of the gentleman from New York, to enable him to offer his amendment.

The SPEAKER. The regular order is called for. The question is on the motion of the gentleman from New York [Mr. CUMMINGS] to recommit the bill with instructions which the Clerk will report.

The Clerk read as follows:

That the bill be recommitted with instructions to add an additional section giving the Naval Reserve in the Government service the right to vote the same as the volunteers in the Army.

Mr. LACEY. I ask unanimous consent that the section on that subject be accepted as a part of the bill.

Mr. RICHARDSON. I call for the regular order. I object to any request for unanimous consent.

The SPEAKER. Objection is made by the gentleman from Tennessee to the proposition of the gentleman from Iowa. The question is on agreeing to the motion of the gentleman from New York. [The question was put.] The yeas seem to have it.

Mr. CUMMINGS. I call for the yeas and nays.

The yeas and nays were ordered, 67 voting therefor.

The question was taken; and there were—yeas 103, nays 121, answered "present" 11, not voting 110; as follows:

YEAS—103.

Adams,	Clardy,	Hunter,	Maxwell,
Bailey,	Clark, Mo.	Johnson, Ind.	Meekison,
Baird,	Clayton,	Jones, Wash.	Mills,
Baker, Ill.	Connolly,	Kitchin,	Moody,
Barlow,	Cummings,	Kleberg,	Moon,
Barrows,	De Armond,	Knox,	Osborne,
Bartlett,	De Graffenreid,	Lamb,	Otey,
Bell,	De Vries,	Landis,	Pearson,
Bennett,	Dinamore,	Lanham,	Peters,
Berry,	Driggs,	Lawrence,	Pierce, Tenn.
Bland,	Elliott,	Lester,	Richardson,
Bodine,	Fitzpatrick,	Linney,	Rixey,
Bradley,	Fleming,	Little,	Robb,
Brantley,	Gillet, Mass.	Livingston,	Robertson, La.
Brenner, Ohio	Griggs,	Lloyd,	Robinson, Ind.
Brewer,	Gunn,	Loud,	Russell,
Broussard,	Handy,	Love,	Sayers,
Brucker,	Hay,	McAleer,	Settle,
Brundidge,	Henry, Miss.	McCulloch,	Sims,
Burke,	Henry, Tex.	McRae,	Skinner,
Carmack,	Hinrichsen,	Maddox,	Sperry,
Castle,	Howard, Ga.	Mahany,	Stallings,
Catchings,	Howe,	Mann,	Stark,

Stephens, Tex.
Stowd, N. C.
Sulzer,

Talbert,
Tate,
Terry,

Vehelago,
Wheeler, Ky.
White, Ill.

Williams, Miss
Wilson.

NAYS—121.

Babcock,
Baker, Md.
Barham,
Barney,
Barrett,
Bartholdt,
Bingham,
Bishop,
Booze,
Broderick,
Bromwell,
Brown,
Brownlow,
Bull,
Burleigh,
Burton,
Butler,
Cannon,
Capron,
Clark, Iowa
Clark, N. H.
Connell,
Cooper, Wis.
Cousins,
Crump,
Crumpacker,
Curtis, Iowa
Curtis, Kans.
Dalsell,
Danford,
Davenport,

Davidson, Wis.
Davison, Ky.
Dayton,
Dingley,
Dolliver,
Eddy,
Ellis,
Fowler, N. J.
Gardner,
Gibson,
Gillett, N. Y.
Graft,
Griffin,
Grosvenor,
Grow,
Hager,
Hamilton,
Hemenway,
Henry, Conn.
Henry, Ind.
Hepburn,
Hilborn,
Hill,
Hitt,
Hopkins,
Hull,
Johnson, N. Dak.
Ketcham,
Kirkpatrick,
Knowles,
Lacey,

Littauer,
Loudenslager,
Low,
Lybrand,
McDonald,
McEwan,
McIntire,
Marsh,
Mercer,
Mesick,
Miller,
Minor,
Morris,
Mudd,
Northway,
Olmsted,
Otjen,
Parker, N. J.
Payne,
Perkins,
Pitney,
Powers,
Pugh,
Ray,
Reeves,
Ridgely,
Robbins,
Shelden,
Sherman,
Showalter,

Simpson,
Smith, Ill.
Smith, S. W.
Smith, Wm. Alden,
Snover,
Spalding,
Steele,
Stewart, N. J.
Stone, C. W.
Sulloway,
Tawney,
Taylor, Ohio
Thorp,
Updegraff,
Van Voorhis,
Vincent,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Weaver,
Weymouth,
White, N. C.
Williams, Pa.
Wise,
Yost,
Young.

ANSWERED "PRESENT"—11.

Chickering,
Coddling,
Davey,

Henderson,
King,
McClellan,

Maguire,
Rhea,
Slayden,

Smith, Ky.
Zenor.

NOT VOTING—110.

Acheson,
Adams,
Aldrich,
Alexander,
Allen,
Arnold,
Ball,
Bankhead,
Barber,
Beach,
Belden,
Belford,
Belknap,
Bennet, Pa.
Benton,
Botkin,
Boutell, Ill.
Boutelle, Mo.
Brewster,
Brosius,
Brumm,
Campbell,
Cochran, Mo.
Cochrane, N. Y.
Colson,
Cooney,
Cooper, Tex.
Corliss,
Cowherd,
Cox,

Cranford,
Davis,
Dockery,
Dorr,
Dovener,
Ermentrout,
Evans,
Farris,
Fenton,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler, N. C.
Fox,
Gaines,
Greene,
Griffith,
Grout,
Harmer,
Hartman,
Hawley,
Heatwole,
Hicks,
Hooker,
Howard, Ala.
Howell,
Hurley,
Jenkins,

Jett,
Jones, Va.
Joy,
Kelley,
Kerr,
Kulp,
Latimer,
Lents,
Lewis, Ga.
Lewis, Wash.
Lorimer,
Lovering,
McCall,
McCleary,
McCormick,
McDowell,
McMillin,
Marshall,
Martin,
Meyer, La.
Miers, Ind.
Mitchell,
Newlands,
Norton, Ohio
Norton, S. C.
Odell,
Ogden,
Overstreet,
Packer, Pa.
Pearce, Mo.

Prince,
Quigg,
Royle,
Sauerhering,
Shafroth,
Shannon,
Shattuc,
Shuford,
Southard,
Southwick,
Sparkman,
Sprague,
Stevens, Minn.
Stewart, Wis.
Stokes,
Stone, W. A.
Strait,
Strode, Neb.
Sturtevant,
Sutherland,
Swanson,
Taylor, Ala.
Todd,
Tongue,
Underwood,
Vandiver,
Ward,
Wheeler, Ala.
Wilber.

Mr. EVANS with Mr. SMITH of Kentucky.
Mr. KULP with Mr. LEWIS of Georgia.
Mr. STURTEVANT with Mr. SLAYDEN.
Mr. ALDRICH with Mr. ALLEN.
Mr. ROYSE with Mr. ZENOR.
Mr. QUIGG with Mr. CRANFORD.
Mr. SAMUEL W. SMITH with Mr. FOX.
Mr. OVERSTREET with Mr. MIERS of Indiana.
Mr. BOUTELL of Illinois with Mr. GRIGGS.
Mr. MITCHELL with Mr. BENNER of Pennsylvania.
Mr. ARNOLD with Mr. COX.
Mr. HARNER with Mr. MARSHALL.
Mr. MCCALL with Mr. JONES of Virginia.
Mr. SPRAGUE with Mr. LENTZ.
Mr. BARBER with Mr. MAGUIRE.
Mr. LORIMER with Mr. CAMPBELL.
Mr. SHATTUC with Mr. STRAIT.
Mr. ADAMS with Mr. McDOWELL.
Mr. BELFORD with Mr. DAVEY.
For this day:
Mr. KERR with Mr. DOCKERY.
Mr. FISCHER with Mr. BENTON.
Mr. FARIS with Mr. BALL.
Mr. LOVERING with Mr. COONEY.
Mr. STEVENS of Minnesota with Mr. LEWIS of Washington.
Mr. CODDING with Mr. KING.
Mr. ACHESON with Mr. GRIFFITH.
Mr. SOUTHWICK with Mr. NORTON of South Carolina.
Mr. SHANNON with Mr. SUTHERLAND.
Mr. SOUTHARD with Mr. MEYER of Louisiana.
Mr. CHICKERING with Mr. FITZGERALD.
Mr. LITTAUER with Mr. DAVEY.
Mr. JENKINS with Mr. STOKES.
Mr. WILBER with Mr. VANDIVER.
On this vote:
Mr. WARD with Mr. OGDEN.
Mr. DORR with Mr. NORTON of Ohio.
Mr. HURLEY with Mr. LATIMER.
Mr. BRUMM with Mr. COCHRAN of Missouri.
Mr. LACEY. Mr. Speaker, I ask for a recapitulation of the vote.

The Clerk recapitulated the names of those voting.
Mr. DAVEY. I am paired with the gentleman from New York, Mr. BELFORD. I wish to withdraw my vote.
The result of the vote was announced as above recorded.
The SPEAKER. The question is on the passage of the bill.
The question being taken, the Speaker announced that the ayes appeared to have it.
Mr. BAILEY demanded a division.
Mr. NORTHWAY and others demanded the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 108, nays 40, answered "present" 0, not voting 107; as follows:

YEAS—108.

Alexander,
Babcock,
Baker, Ill.
Baker, Md.
Barham,
Barlow,
Barney,
Barrett,
Barrows,
Bartholdt,
Bell,
Bennett,
Benton,
Bingham,
Bishop,
Bland,
Bodine,
Booze,
Bradley,
Brenner, Ohio
Broderick,
Bromwell,
Brown,
Brownlow,
Brucker,
Bull,
Burke,
Burleigh,
Burton,
Butler,
Cannon,
Capron,
Castle,
Chickering,
Clark, Iowa
Clark, Mo.
Clark, N. H.
Hilborn,
Hill,
Hinrichsen,
Hitt,
Hooker,
Hopkins,
Howe,

Crump,
Crumpacker,
Cummings,
Curtis, Iowa
Dalsell,
Danford,
Davenport,
Davidson, Wis.
Davison, Ky.
Dayton,
De Armond,
De Vries,
Dingley,
Dockery,
Dolliver,
Driggs,
Eddy,
Ellis,
Fenton,
Fitzgerald,
Fowler, N. J.
Gardner,
Gibson,
Gillett, N. Y.
Gillett, Mass.
Graft,
Griffin,
Grosvenor,
Grow,
Gunn,
Hamilton,
Handy,
Heatwole,
Hemenway,
Henry, Conn.
Henry, Ind.
Hilborn,
Hill,
Hinrichsen,
Hitt,
Hooker,
Hopkins,
Howe,

Howell,
Hull,
Hunter,
Johnson, Ind.
Johnson, N. Dak.
Jones, Wash.
Ketcham,
Kirkpatrick,
Knowles,
Knox,
Lacey,
Lamb,
Landis,
Lanham,
Lawrence,
Lewis, Wash.
Linney,
Littauer,
Lloyd,
Loudenslager,
Low,
Lybrand,
McAloer,
McCormick,
McDonald,
McEwan,
McIntire,
McRae,
Mahony,
Mahon,
Marsh,
Maxwell,
Meekison,
Mercer,
Mesick,
Miller,
Mills,
Minor,
Moody,
Moon,
Morris,
Mudd,
Newlands,

Northway
Olmsted,
Osborne,
Oty,
Otjen,
Packer, Pa.
Parker, N. J.
Payne,
Pearce, Mo.
Pearson,
Perkins,
Peters,
Pitney,
Powers,
Pugh,
Ray,
Reeves,
Ridgely,
Rixey,
Robb,
Robbins,
Robinson, Ind.
Russell,
Sayers,
Shafroth,
Shelden,
Sherman,
Showalter,
Simpson,
Skinner,
Smith, Ill.
Smith, S. W.
Smith, Wm. Alden
Snover,
Spalding,
Sperry,
Stark,
Steele,
Stevens, Minn.
Stewart, N. J.
Stone, C. W.
Stowd, N. C.
Sulloway,

So the motion to recommit with instructions was rejected.

Mr. GRIGGS. Mr. Speaker, I am paired generally with the gentleman from Illinois, Mr. BOUTELL. Being assured by his delegation that he would vote "aye," I have voted "aye" upon this bill, and will let my vote stand.

Mr. KING. I desire to withdraw my vote, being paired with the gentleman from Pennsylvania, Mr. CODDING.

Mr. MCCLELLAN. I am paired with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. I do not know how he would have voted if present, and so I change my vote to "present."

The SPEAKER. The vote of the gentleman will be withdrawn.

Mr. SLAYDEN. I am paired with the gentleman from Pennsylvania, Mr. STURTEVANT. I have tried to ascertain from members of his delegation how he would have voted. They do not know, so I withdraw my vote. I wish to be marked "present."

The SPEAKER. The vote will be withdrawn.

Mr. RICHARDSON. My colleague, Mr. McMILLIN, is detained from the House by important business and asks to be excused to-day.

The SPEAKER. Without objection, leave will be granted.

There was no objection.

The Clerk announced the following pairs:

Until further notice:

Mr. BELKNAP with Mr. JETT.

Mr. SAUERHERING with Mr. UNDERWOOD.

Mr. BENNETT with Mr. GAINES.

Mr. DOVENER with Mr. SPARKMAN.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. FOSS with Mr. COOPER of Texas.

Mr. HICKS with Mr. BANKHEAD.

Mr. WILLIAM A. STONE with Mr. MCCLELLAN.

Mr. HENDERSON with Mr. McMILLIN.

Mr. CORLISS with Mr. FITZPATRICK.

Sulzer,
Talbert,
Tawney,
Taylor, Ohio
Terry,
Thorp,
Tongue,

Updegraff,
Van Voorhis,
Vehslage,
Vincent,
Wadsworth,
Walker, Mass.
Walker, Va.

Wanger,
Warner,
Weaver,
Weymouth,
White, Ill.
White, N. C.
Williams, Pa.

Wilson,
Wise,
Yost,
Young,
Zenor.

NAYS—40.

Adamson,
Bailey,
Baird,
Bartlett,
Brantley,
Brewer,
Broussard,
Brundidge,
Carmack,
Catchings,

Clardy,
Clayton,
De Graffenreid,
Dinsmore,
Elliott,
Flaming,
Hay,
Henry, Miss.
Henry, Tex.
Howard, Ga.

Kitchin,
Kieberg,
Lester,
Little,
Livingston,
Love,
McCulloch,
Maddox,
Pierce, Tenn.
Rhea,

Richardson,
Robertson, La.
Sims,
Stallings,
Stephens, Tex.
Swanson,
Tate,
Wheeler, Ky.
Williams, Miss.

ANSWERED "PRESENT"—9.

Codding,
Davey,
Gaines,

Griggs,
Henderson,

King,
McClellan,

Maguire,
Meyer, La.

NOT VOTING—107.

Acheson,
Adams,
Aldrich,
Allen,
Arnold,
Ball,
Bankhead,
Barber,
Beach,
Belden,
Belford,
Belknap,
Benner, Pa.
Berry,
Botkin,
Boutelle, Ill.
Boutelle, Me.
Brewster,
Brosius,
Brumm,
Campbell,
Cochrane, N. Y.
Colson,
Cooney,
Cooper, Tex.
Coulson,
Cox,

Cranford,
Curtis, Kans.
Davis,
Dorr,
Dovener,
Ermentrout,
Evans,
Faris,
Fischer,
Fitzpatrick,
Fletcher,
Foots,
Foss,
Fowler, N. C.
Fox,
Greene,
Griffith,
Groul,
Hager,
Harmer,
Hartman,
Hawley,
Hepburn,
Hicks,
Howard, Ala.
Hurley,
Jenkins,

Jett,
Jones, Va.
Joy,
Kelley,
Kerr,
Kulp,
Latimer,
Lentz,
Lewis, Ga.
Lorimer,
Loud,
Loving,
McCall,
McCleary,
McDowell,
McMillin,
Mann,
Marshall,
Martin,
Miers, Ind.
Mitchell,
Norton, Ohio
Norton, S. C.
Odell,
Ogden,
Overstreet,
Prince,

Quigg,
Royse,
Sauerhering,
Shannon,
Shattuc,
Shuford,
Slayden,
Smith, Ky.
Southard,
Southwick,
Sparkman,
Sprague,
Stewart, Wis.
Stokes,
Stone, W. A.
Strait,
Strode, Nebr.
Sturtevant,
Sutherland,
Taylor, Ala.
Todd,
Underwood,
Vandiver,
Ward,
Wheeler, Ala.
Wilber.

So the bill was passed.

Mr. GRIGGS. I desire to withdraw my vote. I am paired with the gentleman from Illinois, Mr. BOUTELLE.

Mr. KING. I desire to withdraw my vote, being paired with the gentleman from Pennsylvania, Mr. CODDING.

Mr. ZENOR. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. ROYSE, but I feel very well satisfied that if he were present, he would vote for this bill; so I will break my pair, and desire to change my vote from "present" to "aye."

Mr. CLARDY. Mr. Speaker, my colleague, Mr. SMITH of Kentucky, is paired, but if he were present and unpaired, he would vote "no."

The result of the vote was announced as above recorded.

Mr. TALBERT. Mr. Speaker, I ask unanimous consent that we be given three days in which to print on this bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that there be three days' leave to print remarks upon the bill which has just passed. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

ORDER OF BUSINESS.

Mr. MAGUIRE. Mr. Speaker, I desire to call up—

The SPEAKER. The gentleman from California [Mr. MAGUIRE] rises to a privileged matter.

Mr. MAGUIRE. I call up the contested-election case of Ryan vs. Brewster.

Mr. HULL. Will the gentleman yield for a very small matter—

Mr. GROSVENOR. I shall raise the question of consideration on this contested-election case.

Mr. SULZER. I can not hear the gentleman from Ohio.

The SPEAKER. The gentleman from California presents a privileged report and resolution, which the Clerk will read to the House.

Mr. RAY of New York. Mr. Speaker, does that take precedence of the unfinished business on the Private Calendar on Friday?

The SPEAKER. The Chair thinks an election case is a question of the highest privilege. If the gentleman has any authority to the contrary, the Chair will hear him. The Chair understands that it is an undisputed election case.

Mr. RAY of New York. I submit to the ruling of the Chair.

Mr. SULZER. Mr. Speaker, it is a disputed election case.

Mr. MAGUIRE. The committee are unanimous, but there is a question which the gentleman from New York [Mr. SULZER]

desires to present. I ask that the resolution accompanying the report be read.

Mr. CANNON (to Mr. GROSVENOR). If you are going to raise the question of consideration—

The SPEAKER. The question of consideration would have to be raised now.

Mr. GROSVENOR. Mr. Speaker, I raise the question of consideration now for the purpose of reaching the question of annexation.

The SPEAKER. The gentleman from Ohio raises the question of consideration.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. BARTLETT and Mr. WILLIAMS of Mississippi demanded a division.

The House divided; and there were—ayes 77, yeas 78.

Mr. MAGUIRE. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. CANNON. I desire to ask the gentleman from Ohio [Mr. GROSVENOR] a question. Does this question of consideration involve the calling up of Hawaiian annexation?

Mr. GROSVENOR. It does.

Mr. JOHNSON of Indiana. That is what we want to defeat.

Mr. CANNON. That is what we want to get at.

Mr. JOHNSON of Indiana. That is what we want to defeat.

Several MEMBERS. Regular order!

The SPEAKER. The yeas and nays are ordered, and the Clerk will call the roll.

Mr. BENNETT. Mr. Speaker, will a call for the regular order now bring us back to the unfinished business on the Private Calendar?

The SPEAKER. The Chair did not understand the gentleman.

Mr. BENNETT. Would the Chair consider it as being in order now to call for the regular order?

The SPEAKER. This is the regular order.

The question was taken; and there were—yeas 94, yeas 129, answered "present" 7, not voting 124; as follows:

YEAS—94.

Adamson,
Bailey,
Baird,
Baker, Ill.
Ball,
Bankhead,
Barlow,
Bartlett,
Bell,
Benton,
Bland,
Bodine,
Bradley,
Brantley,
Brewer,
Broussard,
Brucker,
Brundidge,
Burke,
Carmack,
Castle,
Clardy,
Clark, Mo.
Clayton,

Cochran, Mo.
Cowherd,
Crumacker,
Davison, Ky.
De Armond,
De Graffenreid,
Dockery,
Elliott,
Fitzpatrick,
Fleming,
Gaines,
Greene,
Gunn,
Handy,
Hay,
Henry, Miss.
Henry, Tex.
Hinrichsen,
Howard, Ga.
Hunter,
Johnson, Ind.
Jones, Wash.
Kitchin,
Kieberg,

Knowles,
Lamb,
Lanham,
Lester,
Lewis, Wash.
Little,
Lloyd,
Love,
McAleer,
McCulloch,
McEwan,
Maddox,
Maxwell,
Meekison,
Moon,
Osborne,
Otey,
Peters,
Pierce, Tenn.
Richardson,
Ridgely,
Rixey,
Robb,

Robertson, La.
Robinson, Ind.
Sayers,
Settle,
Shafroth,
Simpson,
Sims,
Stallings,
Stark,
Stephens, Tex.
Stowd, N. C.
Sulzer,
Swanson,
Talbert,
Tate,
Terry,
Vehslage,
Wadsworth,
Wheeler, Ky.
White, N. C.
Williams, Miss.
Wilson.

NAYS—129.

Babcock,
Barham,
Barrett,
Bennett,
Berry,
Bingham,
Bishop,
Boose,
Broderick,
Brownell,
Brown,
Brownlow,
Bull,
Burleigh,
Burton,
Butler,
Cannon,
Capron,
Chickering,
Clark, Iowa
Connell,
Cooper, Wis.
Cousins,
Crump,
Cummings,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,
Davenport,
Davidson, Wis.
De Vries,
Dingley,

Dolliver,
Eddy,
Ellis,
Fletcher,
Gardner,
Gibson,
Gillett, Mass.
Graft,
Griffin,
Grosvenor,
Grow,
Hamilton,
Hawley,
Heatwole,
Henry, Conn.
Henry, Ind.
Hepburn,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins,
Howe,
Howell,
Hull,
Johnson, N. Dak.
Ketcham,
Kirkpatrick,
Knox,
Lacey,
Landis,
Lawrence,
Linney,

Littauer,
Livingston,
Loudenslager,
Low,
Lybrand,
McDonald,
McIntire,
Mahon,
Mann,
Marah,
Mercor,
Miller,
Mills,
Minor,
Moody,
Morris,
Mudd,
Newlands,
Northway,
Olmsted,
Otjen,
Packer, Pa.
Payne,
Pearce, Mo.
Pearson,
Perkins,
Pitney,
Powers,
Pugh,
Ray,
Reeves,
Robbins,
Russell,

Shelden,
Sherman,
Showalter,
Smith, Ill.
Smith, Wm. Alden
Snover,
Spalding,
Steels,
Stevens, Minn.
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Suloway,
Tawney,
Taylor, Ohio
Thorp,
Todd,
Tongue,
Updegraff,
Van Voorhis,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Weaver,
Weymouth,
White, Ill.
Wise,
Yost,
Young.

ANSWERED "PRESENT"—7.

Codding,
Driggs,

McClellan,
Maguire,

Smith, S. W.
Stokes,

Zenor

NOT VOTING—124.

Acheson,	Corliss,	Harley,	Ogden,
Adams,	Cox,	Jenkins,	Overstreet,
Aldrich,	Cranford,	Jett,	Parker, N. J.
Alexander,	Davey,	Jones, Va.	Prince,
Allen,	Davis,	Joy,	Quigg,
Arnold,	Dayton,	Kelley,	Roysse,
Baker, Md.	Dismore,	Kerr,	Sauerhering,
Barber,	Dorr,	King,	Shannon,
Barner,	Dovener,	Kulp,	Shattuc,
Barrows,	Ermentrout,	Latimer,	Shuford,
Bartholdt,	Evans,	Lentz,	Skinner,
Beach,	Faria,	Lewis, Ga.	Slayden,
Belden,	Fenton,	Lorimer,	Smith, Ky.
Belford,	Fischer,	Loud,	Southard,
Belknap,	Fitzgerald,	Lovering,	Southwick,
Benner, Pa.	Footo,	McCall,	Sparkman,
Botkin,	Foss,	McCleary,	Sperry,
Boutell, Ill.	Fowler, N. C.	McCormick,	Sprague,
Boutelle, Me.	Powder, N. J.	McDowell,	Stone, W. A.
Brenner, Ohio	Fox,	McMillin,	Strait,
Brewster,	Gillet, N. Y.	McRae,	Strode, Nebr.
Brosius,	Griffith,	Mahany,	Sturtevant,
Brumm,	Griggs,	Marshall,	Sutherland,
Campbell,	Grout,	Martin,	Taylor, Ala.
Catchings,	Hager,	Mesick,	Underwood,
Clarke, N. H.	Harmer,	Meyer, La.	Vandiver,
Cochrane, N. Y.	Hartman,	Miers, Ind.	Vincent,
Colson,	Hemenway,	Mitchell,	Ward,
Connolly,	Henderson,	Norton, Ohio	Wheeler, Ala.
Cooney,	Hicks,	Norton, S. C.	Wilber,
Cooper, Tex.	Howard, Ala.	Odell,	Williams, Pa.

So the House refused to consider the contested-election case.

Mr. MAGUIRE. I desire to know if I am recorded as voting?

The SPEAKER. The gentleman is recorded as voting in the affirmative.

Mr. MAGUIRE. I am paired with the gentleman from Maryland, Mr. BARBER. I do not know how he would vote on this question, and I withdraw my name and ask to be marked "present."

Mr. STOKES. Mr. Speaker, I am recorded in the negative. I am paired with the gentleman from Wisconsin, Mr. JENKINS. I would like to withdraw my vote and be marked "present."

Mr. SAMUEL W. SMITH. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. FOX. I desire to withdraw my vote.

The following additional pairs were announced:

Until further notice:

Mr. DORR with Mr. DRIGGS.

On this vote:

Mr. BARTHOLDT with Mr. BRENNER of Ohio.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker—

The SPEAKER. The gentleman from Ohio.

Mr. RAY of New York. Now I call for the regular order.

Mr. GROSVENOR. I move that the House of Representatives proceed at this time to the consideration of public business.

Mr. RAY of New York. And I call for the regular order.

Mr. RICHARDSON. I make the point of order that that motion is not in order.

Mr. GROSVENOR. I am ready to discuss the point of order with the gentleman.

Mr. HAY. Mr. Speaker, I rise to present a privileged report, being that on House resolution 309.

The SPEAKER. The Chair thinks it is rather late to raise that question.

Mr. HAY. I had to give way to a question of higher privilege that has just been disposed of.

The SPEAKER. The question has been put. The gentleman will state his point of order.

Mr. RICHARDSON. The point of order I make against the motion of the gentleman from Ohio is this: This being Friday, the Private Calendar, or the business on the Private Calendar, is the first in order; and as I remember the rule, it provides that on Friday the motion first in order is that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar. The rule then goes on to say that if voted down—giving the substance of the rule—then it is in order to proceed to the consideration of public business, as on any other day. The motion of the gentleman from Ohio is not that motion; he has not made that motion; and I submit that under the ruling that has been given that motion should be made. Now, I know there is unfinished business on the Private Calendar, on the table; and, under the holding of the present occupant of the chair, unfinished business on the Private Calendar and still undisposed of must be disposed of before going into Committee of the Whole to consider other business on the Private Calendar.

But, Mr. Speaker, while that is true, and while technically a motion to go into Committee of the Whole for the consideration of business on the Private Calendar might not be in order under the holding of the present occupant of the chair in a former Congress until the unfinished business is disposed of, yet the motion

to consider private business, and before going into Committee of the Whole, I think should be the motion submitted, and not a motion to proceed to the consideration of public business. We have not had any such motion as that. That motion never yet has been made on this floor, so far as I know, in order to get rid of the consideration of private business on Friday. But the unfinished business comes first, which belongs to the Private Calendar, and must be first disposed of. So I submit, Mr. Speaker, to do that the only way you can get rid of the Private Calendar is a motion to go into Committee of the Whole on the Private Calendar; and if it is negative, then I concede the public business will be first in order, and that, of course, will bring up all the business on the Speaker's table.

Mr. RAY of New York. I desire to say right there that twice during this session of Congress, on Friday, when we had unfinished business upon the Private Calendar, the motion was made to go into Committee of the Whole for the purpose of considering bills on the Private Calendar with a view to taking up the unfinished business on the Calendar, and it was held that such a motion was out of order and could not be made; that we could not take up the Private Calendar so long as there was business on the Private Calendar, business that had passed through the Committee of the Whole and was unfinished.

Mr. RICHARDSON. I stated that.

Mr. RAY of New York. That has been twice held by the Chair during the present Congress.

Mr. RICHARDSON. I stated that. That does not negative the argument I made. That must be first disposed of, and in order to do that a motion should be made to go into Committee of the Whole; and if the House sees fit not to do that, it is in order to proceed with the regular business as on any other day.

Mr. RAY of New York. May I interrupt the gentleman again?

Mr. RICHARDSON. Yes.

Mr. RAY of New York. So long as it is held that you can not on Friday, under the rules of this House set apart for the consideration of private business, go to the consideration of business on the Calendar itself until the unfinished business is disposed of on that Calendar, and that a motion to take up that business itself is in order, how can it be in order to take up other business?

Mr. RICHARDSON. I was saying that it was in order to take up the unfinished business on the Private Calendar.

Mr. RAY of New York. It is in order to take up the unfinished business on the Calendar, but it has been ruled that a motion was out of order to take up business on the Calendar that was not unfinished business. That being true, how can it possibly be in order to leave the unfinished business to take up other business that is not provided for by the rules at all when this day is given to private business?

Mr. RICHARDSON. There is no difference between the gentleman from New York and myself. The point I make is that the motion of the gentleman from Ohio [Mr. GROSVENOR] on Friday, without having disposed of the Private Calendar, without having touched the unfinished business of the Private Calendar, this unfinished business coming over from a former day—that it is without precedent in this House to move to consider public business. That is the motion of the gentleman from Ohio. It has never been made in this House, so far as I know, and I submit that it is not in order. You must get rid of the private business first.

Mr. TERRY. Mr. Speaker, a call for the regular order would naturally carry the House to the consideration of the unfinished business, would it not?

The SPEAKER. The Chair desires to say—

Mr. GROSVENOR. Mr. Speaker, I would like to say a word about the point of order. I confess that it is to me a somewhat novel question, but I have worked it out to my own entire satisfaction. I may be allowed to say to the gentleman from Tennessee [Mr. RICHARDSON] that to merely state that a motion is not in order is hardly an argument by which to sustain his position. The sixth subdivision, which is the controlling rule of order of the House, is made for the purpose of giving to the House, by its own vote, the right on Friday to either consider private business or public business. There is the starting point of the argument. It is left to the House, it is in the power of the House to either consider private business, business on the Private Calendar, or the House has the power to brush it aside and take up public business.

Now, the rule does not attempt, as in many cases, to say that this first proposition to proceed to resolve ourselves into a Committee of the Whole on the Private Calendar must be made as a motion precedent to the further step of the House. On the contrary, it simply provides that on that day the House has the power to proceed to the Private Calendar, and coupled with that is the entire power given to the House to refuse that motion and take up the other motion.

Now, it does not appear by this discussion so far that the House is bound to take up the unfinished business, but that seems to have been the ruling of the Chair. Whatever the House may do

by two votes it may do by one vote. Whatever power the House has, where the rule does not forbid it, where the rule does not specify that the formal proposition must be first proposed, the House has the right to cut across lots and take up by its own motion such business, public or private, as the House may see fit to take up.

Mr. HEPBURN. Will the gentleman read Rule XXVI in connection with the sixth clause or subdivision?

Mr. GROSVENOR. Yes; I call the attention of the Chair—The SPEAKER. The Chair is ready to rule.

Mr. GROSVENOR. Well, Mr. Speaker, I never succeeded in doing any good by talking after the jury had made up its verdict. [Laughter.]

The SPEAKER. The Chair wants to call the attention of the House to the actual situation. There is not only the rule which declares that after a failure to go into Committee of the Whole for the consideration of private business, public business shall then be considered in order, but there is also another provision which has been kept in all the revisions, which might seem superfluous except in the light of what the Chair is about to remark:

Friday in each week shall be set apart for the consideration of private business unless otherwise determined by the House.

Now, it so happens that in the matter of transacting business until quite recently the first clause of the rule covered the whole subject in actual practice. That is, there was no business transacted by the House prior to going into Committee of the Whole House. There was no business. It was not the practice of the House to do as it does now. The House always came out of Committee of the Whole in time to finish up the business which had been done in it. But owing to pressure of pension cases the House committee have adopted the plan of running the full time, and then turning over to the House, to be disposed of on the next Friday, a long list of cases. Of course those cases were first in order on private bill day, and were so ruled to be by the Chair. That created a situation which obliged the Chair to say that until that business was disposed of it was not in order to move to go into Committee of the Whole.

That leaves apparently a large portion of the day beyond the disposal of the House, and the rule of the House evidently contemplated that the House should have control of Friday; that it should be private bill day unless otherwise determined; but if otherwise determined, it should be given up to public business. Now, then, how shall it be determined? It seems in no other way except by motion, and the House has the same control over it that it has in the other case—in this case by direct motion, because it can not be reached by the motion to go into Committee of the Whole. The one set of rulings seem necessarily to lead to the other. Therefore the Chair will put the question to the House, and it is for the House to dispose of entirely. The gentleman moves that we lay aside private business for the day.

Mr. RIDGELY. I rise to a parliamentary inquiry.

The SPEAKER. What is the gentleman's question?

Mr. RIDGELY. To vote for the motion of the gentleman from Ohio is to vote to set aside the soldiers' pension business and take up other business?

The question being taken, there were on a division (called for by Mr. RICHARDSON)—ayes 97, noes 79.

Mr. WILLIAMS of Mississippi. Tellers.

Mr. GROSVENOR. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 89, answered "present" 11, not voting 111; as follows:

YEAS—143.

Alexander,	Curtis, Kans.	Hitt,	Olmsted,
Babcock,	Daisell,	Hooker,	Otjen,
Baker, Md.	Danford,	Hopkins,	Packer, Pa.
Barham,	Davenport,	Howe,	Parker, N. J.
Barney,	Davidson, Wis.	Howell,	Payne,
Barrett,	Davidson, Ky.	Hull,	Pearce, Mo.
Barrows,	De Vries,	Johnson, N. Dak.	Pearson,
Bennett,	Dingley,	Jones, Wash.	Perkins,
Berry,	Dolliver,	Ketcham,	Pitney,
Bingham,	Eddy,	Kirkpatrick,	Powers,
Bishop,	Fletcher,	Knox,	Prince,
Boose,	Fowler, N. J.	Lacey,	Pugh,
Brewster,	Gibson,	Lauda,	Ray,
Broderick,	Gillet, N. Y.	Lawrence,	Reeves,
Bromwell,	Gillet, Mass.	Laney,	Robbins,
Brown,	Graft,	Loudenslager,	Russell,
Brownlow,	Griffin,	Low,	Shannon,
Brucker,	Grosvenor,	McCall,	Shelden,
Burleigh,	Grout,	McDonald,	Sherman,
Burton,	Grow,	Mann,	Showalter,
Butler,	Ilger,	Marsh,	Skinner,
Cannon,	Hamilton,	Mercer,	Smith, Ill.
Chickering,	Hawley,	Mesick,	Smith, Wm. Alden
Clark, Iowa	Heatwole,	Miller,	Snover,
Clarke, N. H.	Hemenway,	Mills,	Spalding,
Connell,	Henry, Conn.	Minor,	Steele,
Cooper, Wis.	Henry, Ind.	Moody,	Stevens, Minn.
Cossina,	Hepburn,	Morris,	Stewart, N. J.
Crump,	Hicks,	Mudd,	Stewart, Wis.
Cummings,	Hilborn,	Newlands,	Sulloway,
Curtis, Iowa	Hill,	Northway,	Sulzer,

Tawney,
Taylor, Ohio
Thorp,
Todd,
Tongue,

Updegraff,
Van Voorhis,
Vehslage,
Walker, Mass.
Walker, Va.

Wenger,
Warner,
Weaver,
Weymouth,
White, Ill.

Williams, Pa.
Wise,
Yost,
Young.

NAYS—89.

Adamson,
Bailey,
Baird,
Baker, Ill.
Ball,
Bankhead,
Barlow,
Bartlett,
Bell,
Benton,
Bland,
Bodine,
Bradley,
Brantley,
Brewer,
Broussard,
Brundidge,
Burke,
Carmack,
Castle,
Catchings,
Clardy,
Clark, Mo.

Clayton,
Connolly,
Cowherd,
Crumpacker,
De Graffenreid,
Dockery,
Elliott,
Fitzgerald,
Fleming,
Greene,
Gunn,
Handy,
Hartman,
Hay,
Henry, Miss.
Henry, Tex.
Hinrichson,
Howard, Ga.
Hunter,
Johnson, Ind.
Jones, Va.
Kitchin,

Kleberg,
Knowles,
Lanham,
Lester,
Lewis, Wash.
Little,
Livingston,
Lloyd,
Loud,
Love,
McAleer,
McCormick,
McCulloch,
McEwan,
Maddox,
Maxwell,
Meekison,
Moon,
Osborne,
Peters,
Pierce, Tenn.
Rhea,
Richardson,

Ridgely,
Rixey,
Robb,
Robertson, La.
Robinson, Ind.
Sayers,
Settle,
Shafroth,
Simpson,
Sims,
Stark,
Stephens, Tex.
Swanson,
Talbert,
Tate,
Terry,
Wheeler, Ky.
White, N. C.
Williams, Miss.
Wilson.

ANSWERED "PRESENT"—11.

Codding,
Davey,
De Armond,

Driggs,
King,
McClellan,

Mahon,
Meyer, La.
Slayden,

Stokes,
Stowd, N. C.

NOT VOTING—111.

Acheson,
Adams,
Aldrich,
Allen,
Arnold,
Barber,
Bartholdt,
Beach,
Belden,
Belford,
Belknap,
Benner, Pa.
Botkin,
Boutell, Ill.
Boutelle, Me.
Breunier, Ohio
Brumm,
Bull,
Campbell,
Capron,
Cochran, Mo.
Cochrane, N. Y.
Colson,
Cooney,
Cooper, Tex.
Corliss,
Cox,

Cranford,
Davis,
Dayton,
Dinsmore,
Dorr,
Dovener,
Ellis,
Ermentrout,
Evans,
Faris,
Fenton,
Fischer,
Fitzpatrick,
Foote,
Foss,
Fowler, N. C.
Fox,
Gardner,
Griffith,
Griggs,
Harmer,
Henderson,
Howard, Ala.
Hurley,
Jenkins,
Jett,
Joy,
Kelley,

Kerr,
Kulp,
Lamb,
Latimer,
Lents,
Lewis, Ga.
Littauer,
Lorimer,
Lovering,
Lybrand,
McCleary,
McDowell,
McIntire,
McMillin,
McRae,
Maguire,
Mahany,
Marshall,
Martin,
Miers, Ind.
Mitchell,
Norton, Ohio
Norton, S. C.
Odell,
Ogden,
Oney,
Overstreet,
Quigg,

Royse,
Sauerharing,
Shattuc,
Shuford,
Smith, Ky.
Smith, S. W.
Southard,
Southwick,
Sparkman,
Sperry,
Sprague,
Stallings,
Stone, C. W.
Stone, W. A.
Strait,
Strode, Nebr.
Sturtevant,
Sutherland,
Taylor, Ala.
Underwood,
Vandiver,
Vincent,
Wadsworth,
Ward,
Wheeler, Ala.
Wilber,
Zenor.

So the motion of Mr. GROSVENOR to proceed to public business was agreed to.

Mr. MCCLELLAN. I am paired with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. As I do not know how he would vote on this question, I withdraw my vote and ask to be marked "present." I voted "no."

Mr. SLAYDEN. I am paired with the gentleman from Pennsylvania, Mr. STURTEVANT. If he were present, I would vote "no."

Mr. DE ARMOND. I have voted "no." I withdraw my vote and ask to be marked "present."

Mr. MAHON. I withdraw my vote and ask to be marked "present." I voted "aye."

Mr. HENDERSON. I am paired with Judge McMILLIN, of Tennessee. But for that fact I should vote "aye" on this question.

The following additional pairs were announced:

On this vote:

Mr. CHARLES W. STONE with Mr. BRENNER of Ohio.

Until further notice:

Mr. COCHRANE of New York with Mr. McRAE.

The SPEAKER. On this question the yeas are 143, the nays 89; and the House determines to lay aside public business.

CIVILIAN APPOINTMENTS IN VOLUNTEER ARMY.

Several members addressed the Chair.

Mr. GROSVENOR. I call for the regular order.

Mr. HAY. I desire to call up a privileged report from the Committee on Military Affairs.

The SPEAKER. The gentleman from Virginia calls up a privileged report.

Mr. HAY. It is House resolution No. 809.

Several MEMBERS. What is the report?

Mr. HAY. It is a resolution favorably reported by the Committee on Military Affairs, calling upon the Secretary of War for certain information. The Clerk has it, and will please read the resolution and also the report.

Mr. DINGLEY. What is the report?

Mr. GROSVENOR. I should like to ask the gentleman in charge of it if it will take any time?

Mr. HAY. I really could not say, sir.

Mr. GROSVENOR. I raise the question of consideration upon it.

Mr. DOCKERY. We had better have it reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, requested to furnish for the information of the House the names of all civilians appointed to positions in the Volunteer Army since the 24th day of April, 1898, together with the names of States from which said civilians were appointed.

Mr. GROSVENOR. By what process does this gain its privilege?

Mr. HAY. The Clerk will oblige me, if it is in order, by reading the report of the committee, which is very brief.

Mr. GROSVENOR. Mr. Speaker, has that resolution been referred to a committee?

Mr. HAY. It has; and it has been reported favorably by the Committee on Military Affairs.

The SPEAKER. It is reported by the committee.

Mr. HAY. I call for the reading of the report.

Mr. GROSVENOR. I ask for the previous question on the adoption of the resolution.

Mr. HAY. I believe I have the floor.

The SPEAKER. Does the gentleman raise the question of consideration?

Mr. GROSVENOR. I ask for the previous question on the adoption of the resolution.

Mr. HAY. The gentleman has no right to do that. I have the floor.

The SPEAKER. The gentleman from Virginia is entitled to that under the rules of the House.

Mr. GROSVENOR. Then I raise the question of consideration.

Mr. WILLIAMS of Mississippi. A point of order, Mr. Speaker. The gentleman from Virginia has the floor now, has he not?

The SPEAKER. The gentleman from Ohio or any member has the floor for the purpose of raising the question of consideration.

Mr. WILLIAMS of Mississippi. Before the other gentleman surrenders the floor? How was the gentleman from Ohio [Mr. GROSVENOR] recognized?

The SPEAKER. Any member has a right to raise the question of consideration, and in order to raise it he has to be given the floor.

Mr. WILLIAMS of Mississippi. At any time?

The SPEAKER. Not at any time; but before consideration has been entered upon. The question before the House now is, Will the House consider the resolution?

Mr. TERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TERRY. When a privileged matter is called up, has not the committee reporting the privileged matter the right to have its report read before the question of consideration is raised?

The SPEAKER. It has not. No one has a right to have a report read except as a part of his remarks, and that would be in the nature of consideration.

Mr. HANDY. Mr. Speaker, I ask unanimous consent that the resolution may be reported again, so that the House may see what is in dispute.

Mr. DALZELL and others objected.

The SPEAKER. Objection is made. The question is, Will the House now consider the resolution?

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. HANDY. Division!

Mr. HENDERSON. I demand the yeas and nays at once. That is the only way to get at it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 137, answered "present" 12, not voting 134; as follows:

YEAS—71

Adamson,	Crumpacker,	Lester,	Robb,
Baird,	De Armond,	Little,	Robertson, La.
Baker, Ill.	De Graffenreid,	Lloyd,	Robinson, Ind.
Ball,	Elliott,	Love,	Sayers,
Bankhead,	Fleming,	McAleer,	Settle,
Bell,	Gaines,	McCulloch,	Shafroth,
Bland,	Groome,	McDonald,	Simpson,
Bodino,	Handy,	McEwan,	Sims,
Brewer,	Hartman,	Maddox,	Skinner,
Broussard,	Henry, Tex.	Maxwell,	Stark,
Brundidge,	Hirrichsen,	Meekison,	Stephens, Tex.
Burke,	Howard, Ga.	Moon,	Strowd, N. C.
Carmack,	Hunter,	Norton, S. C.	Talbot,
Castle,	Johnson, Ind.	Peters,	Tate,
Clardy,	Kitchin,	Rhea,	Terry,
Clark, Mo.	Kieberg,	Richardson,	Wheeler, Ky.
Clayton,	Knowles,	Ridgely,	Williams, Miss.
Cowherd,	Lanham,	Rixey,	

NAYS—137.

Alexander,	Davison, Ky.	Knox,	Pugh,
Baker, Md.	Dayton,	Lacey,	Reeves,
Barham,	De Vries,	Landis,	Robbins,
Barney,	Dingley,	Lawrence,	Russell,
Barrett,	Dinsmore,	Linney,	Shannon,
Barrows,	Dolliver,	Littauer,	Shelden,
Bartholdt,	Eddy,	Livingston,	Sherman,
Bennett,	Fletcher,	Loudenslager,	Shawalter,
Berry,	Fowler, N. J.	Low,	Spalding,
Bishop,	Gardner,	Lybrand,	Sperry,
Bosze,	Gibson,	McCormick,	Steele,
Brewster,	Gillet, N. Y.	Mahon,	Stevens, Minn.
Broderick,	Grosvenor,	Mann,	Stewart, N. J.
Brown,	Grout,	Marsh,	Stewart, Wis.
Brownlow,	Grow,	Mercer,	Sulloway,
Brucker,	Hager,	Miller,	Sulzer,
Burleigh,	Hamilton,	Mills,	Sutherland,
Burton,	Hawley,	Minor,	Tawney,
Butler,	Hay,	Moody,	Taylor, Ohio
Cannon,	Heatwole,	Morris,	Thorp,
Chickering,	Henry, Conn.	Mudd,	Tongue,
Clark, Iowa	Henry, Ind.	Newlands,	Updegraff,
Clarke, N. H.	Hepburn,	Northway,	Van Voorhis,
Cochran, Mo.	Hicks,	Olmsted,	Walker, Mass.
Connell,	Hilborn,	Osborne,	Walker, Va.
Comolly,	Hill,	Otjen,	Wanger,
Cooper, Wis.	Hitt,	Packer, Pa.	Warner,
Cousins,	Hooker,	Parker, N. J.	White, Ill.
Crump,	Hopkins,	Payne,	Williams, Pa.
Cummings,	Howe,	Pearce, Mo.	Wise,
Curtis, Kans.	Howell,	Pearson,	Yost,
Dalzell,	Hull,	Perkins,	Young,
Danford,	Johnson, N. Dak.	Pitney,	
Davenport,	Joy,	Powers,	
Davidson, Wis.	Kirkpatrick,	Prince,	

ANSWERED "PRESENT"—12.

Davey,	Jones, Wash.	McClellan,	Stokes,
Driggs,	King,	Maguire,	White, N. C.
Henderson,	Lewis, Wash.	Slayden,	Zenor.

NOT VOTING—134.

Acheson,	Cooper, Tex.	Jones, Va.	Sauerhering,
Adams,	Corliss,	Kelley,	Shattuc,
Aldrich,	Cox,	Kerr,	Shuford,
Allen,	Cranford,	Ketcham,	Smith, Ill.
Arnold,	Curtis, Iowa	Kulp,	Smith, Ky.
Babcock,	Davis,	Lamb,	Smith, S. W.
Bailey,	Dockery,	Latimer,	Smith, Wm. Alden
Barber,	Dorr,	Lentz,	Snover,
Barlow,	Dovener,	Lewis, Ga.	Southard,
Bartlett,	Ellis,	Lorimer,	Southwick,
Beach,	Ermentrout,	Loud,	Sparkman,
Belden,	Evans,	Lovering,	Sprague,
Belford,	Faris,	McCall,	Stallings,
Bellnap,	Fenton,	McCleary,	Stone, C. W.
Benner, Pa.	Fischer,	McDowell,	Stone, W. A.
Benton,	Fitzgerald,	McIntire,	Strait,
Bingham,	Fitzpatrick,	McMillin,	Strode, Nebr.
Botkin,	Foote,	McRae,	Sturtevant,
Boutell, Ill.	Foss,	Mahany,	Swanson,
Boutelle, Ma.	Fowler, N. C.	Marshall,	Taylor, Ala.
Bradley,	Fox,	Martin,	Todd,
Brantley,	Gillett, Mass.	Mesick,	Underwood,
Brenner, Ohio	Graff,	Meyer, La.	Vandiver,
Bromwell,	Griffin,	Miers, Ind.	Vehslage,
Brosius,	Griffith,	Mitchell,	Vineant,
Brumm,	Griggs,	Norton, Ohio	Wadsworth,
Bull,	Gunn,	Odell,	Ward,
Campbell,	Harmer,	Ogden,	Weaver,
Capron,	Hemenway,	Otey,	Weymouth,
Catchings,	Henry, Miss.	Overstreet,	Wheeler, Ala.
Cochran, N. Y.	Howard, Ala.	Pierce, Tenn.	Wilber,
Coddling,	Hurley,	Quigg,	Wilson.
Colson,	Jenkins,	Ray,	
Cooney,	Jett,	Royse,	

So the House refused to consider the resolution.

The Clerk announced the following additional pairs:

Until further notice:

Mr. COCHRANE of New York with Mr. McRAE.

For this day:

Mr. CURTIS of Iowa with Mr. WILSON.

Mr. HAY. Mr. Speaker, I voted "aye." I desire to change my vote from "aye" to "no."

The result of the vote was announced as above recorded.

Mr. HAY. Mr. Speaker—

Mr. GROSVENOR. Regular order, Mr. Speaker.

Mr. HAY. I move to reconsider the vote by which the House refused to consider the resolution.

The SPEAKER. The Chair thinks the state of the vote indicates that that motion is dilatory.

Mr. HAY. The information called for in the resolution is very important, and it seems to me that if the House would consider it, it would take but a little while to get at it.

Mr. PAYNE. I make the point of order that the motion is dilatory.

The SPEAKER. The Chair thinks so.

Mr. HAY. It was not necessary for the gentleman from New York to have done that, because I was not pressing the motion at all.

Mr. DINSMORE. Mr. Speaker, I should like to change my vote from "no" to "aye."

The SPEAKER. The Chair thinks it is too late. The announcement has been made. The Chair will lay before the House the first business under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEwan, its Chief Clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

- S. 1572. An act granting a pension to Albert Hammer;
 - S. 2002. An act granting an increase of pension to Byron R. Pierce;
 - S. 2015. An act granting a pension to Lillian M. Yost;
 - S. 2720. An act granting a pension to Lydia E. Bowers;
 - S. 2616. An act to pension Harriette F. Hovey;
 - S. 2494. An act granting a pension to Mary A. Colhoun;
 - S. 571. An act granting a pension to Mrs. Susan Mellsop;
 - S. 4550. An act granting an increase of pension to Col. Jehri F. McMahon;
 - S. 4483. An act granting an increase of pension to John H. Crandall;
 - S. 3330. An act granting an increase of pension to H. B. Armstrong;
 - S. 4394. An act granting an increase of pension to Alexander Keen;
 - S. 1821. An act granting a pension to John Bailey;
 - S. 1580. An act granting an increase of pension to Cutler D. Sanborn;
 - S. 717. An act granting an increase of pension to Eva W. Brannan, widow of the late Maj. Gen. John Milton Brannan, United States Army;
 - S. 4575. An act granting an increase of pension to John McVicar;
 - S. 3911. An act pensioning H. C. Bedell, Company A, One hundred and ninety-first New York Volunteers;
 - S. 1774. An act granting a pension to Mrs. Henrietta Cummins;
 - S. 4147. An act granting an increase of pension to R. W. Haywood;
 - S. 360. An act granting a pension to James Ballard;
 - S. 1797. An act granting an increase of pension to John A. Hughes;
 - S. 4233. An act granting a pension to Solomon Kline;
 - S. 601. An act granting a pension to S. W. Taylor;
 - S. 2107. An act granting an increase of pension to Theodore S. Cross;
 - S. 1688. An act granting a pension to Alden B. Thompson;
 - S. 4701. An act granting an increase of pension to Charles W. Tilton;
 - S. 3532. An act granting a pension to J. K. Hager;
 - S. 3534. An act granting a pension to Annie E. Joseph;
 - S. 3283. An act to increase the pension of Mary F. Hopkins;
 - S. R. 165. Joint resolution to amend the joint resolution permitting Anson Mills, colonel of the Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893;
 - S. 1699. An act to remove the charge of desertion from the military record of George F. Harter;
 - S. 2919. An act granting a pension to Olivia Worden, widow of the late John L. Worden, United States Navy;
 - S. 412. An act to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889;
 - S. 4749. An act to provide an American register for the steamer *Arkadia*;
 - S. 1036. An act granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes;
- The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:
- H. R. 10087. An act to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas;
 - H. R. 5040. An act for the relief of Isaac N. Babb;
 - H. Res. 7. Joint resolution directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York; and
 - H. R. 4239. An act to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers.
- The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:
- H. R. 8181. An act for the relief of John A. Bingham;
 - H. R. 4961. An act granting an increase of pension to George W. Osborn;
 - H. R. 8290. An act granting an increase of pension to Thomas S. Tefft;
 - H. R. 7321. An act granting an increase of pension to Lauritz Olsen;
 - H. R. 6411. An act granting an increase of pension to Henry K. Opp;

H. R. 619. An act granting an increase of pension to Frank Rockwith;

H. R. 6379. An act granting a pension to Joseph C. Berry, alias Joseph White;

H. R. 6388. An act granting an increase of pension to J. R. Mathers;

H. R. 8861. An act granting an increase of pension to George H. Givens; and

H. R. 10290. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 18, 1891, and the act amendatory thereto, approved February 21, 1893.

The message also announced that the Senate had passed with amendments the bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, had insisted upon its amendments, and asked a conference with the House of Representatives, and had appointed Mr. GALLINGER, Mr. McMILLAN, and Mr. FAULKNER as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1827. An act granting an increase of pension to Stephen M. Davis—to the Committee on Invalid Pensions.

S. 881. An act for the relief of Salvador Costa—to the Committee on War Claims.

LIFE-SAVING STATION, CHARLEVOIX, MICH.

The SPEAKER laid before the House the bill (H. R. 5522) to authorize the establishment of a life-saving station at or near Charlevoix, Mich., with the following Senate amendment thereto:

In line 4, after the word "at," insert the words "or near."

Mr. MESICK. I move that the House concur in the Senate amendment.

Mr. RICHARDSON. I should like to have the gentleman make some explanation as to what this amendment is and the reason for it.

Mr. MESICK. I will say for the benefit of the gentleman and for the benefit of the House that this bill passed the House and went to the Senate. The only amendment of the Senate is to insert the words "or near." The original bill provided that the life-saving station should be established at Charlevoix. This simply provides that it may be established at or near Charlevoix. Those words are inserted.

The Senate amendment was concurred in.

MEDICAL CORPS OF THE NAVY OF THE UNITED STATES.

The next business presented from the Speaker's table was the bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties and regulate its pay, with Senate amendments.

The Senate amendments were read, as follows:

Page 1, line 8, after "officers" insert "removable in the discretion of the Secretary."

Page 3, lines 2, 3, and 4, strike out "Provided, That the operation of the provisions of this act shall be limited to the duration of the present war with Spain."

Mr. CUMMINGS. Mr. Speaker, I move to concur in the Senate amendments.

Mr. RICHARDSON. I would like the gentleman, if he will, to give us some explanation of what these Senate amendments do. It is impossible to hear.

Mr. CUMMINGS. It simply confines the operation of the bill to the present war. I presume the Senate thought that the matter was left a little loosely in the original bill. That is all there is of it.

Mr. HANDY. I should like to have these Senate amendments reported once more. They are very short.

Mr. CUMMINGS. I hope the Senate amendments will be again read, Mr. Speaker.

The amendments of the Senate were again reported.

Mr. HANDY. Mr. Speaker, it seems to me, as I gather the meaning of the Senate amendments, the effect is exactly contrary to what the gentleman stated. It strikes out the words.

Mr. CUMMINGS. I misunderstood the reading of it myself. I ask that the matter stand over without prejudice until the chairman of the Committee on Naval Affairs shall be present.

The SPEAKER. If there be no objection, the matter will go over without prejudice. [After a pause.] The Chair hears none.

CAPITAL RAILWAY COMPANY.

The next business presented from the Speaker's table was the bill (H. R. 5149) to amend the charter of the Capital Railway Company, with Senate amendments.

The Senate amendments were read, as follows:

After line 10 insert:

"Sec. 2. That the time granted the Capital Railway Company to construct its road by act approved May 28, 1893, is hereby extended one year from the approval of this act, and if the underground system now used by the company is finally rejected, it is authorized to install an underground system essentially similar to that used by the Metropolitan Railway Company."

After line 10 insert:

"Sec. 3. That Congress reserves the right to alter, amend, or repeal this act."

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. HANDY. Mr. Speaker, I raise the question of consideration.

Mr. HEPBURN. The chairman of the committee is not present, and I ask unanimous consent—

Mr. HANDY. I raise the question of consideration.

The SPEAKER. The gentleman from Delaware raises the question of consideration.

Mr. RICHARDSON. I move that the House proceed to consider.

Mr. PAYNE. I ask unanimous consent that the bill stand over without prejudice.

Mr. CLARK of Missouri. I object.

Mr. RICHARDSON. I am authorized by the chairman of the committee to make the motion to concur, and I am ready to make it if the House decides to consider the bill; and I hope it will be considered. It is a matter of some importance and ought to be acted on.

The SPEAKER. The question is, Shall the House consider the Senate amendments?

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. HANDY. Division.

Mr. SHERMAN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERMAN. Did not the gentleman from Delaware make this motion?

The SPEAKER. The gentleman raised the question of consideration.

Mr. SHERMAN. Did not the Speaker announce that the yeas seemed to have it?

The SPEAKER. The Chair did.

Mr. SHERMAN. Then the gentleman from Delaware, it seems to me, raises a point now for a dilatory purpose.

Mr. HANDY. The gentleman is very unkind to impute such a motive to "the gentleman from Delaware." Since the gentleman has made such a suggestion, I demand the yeas and nays.

Mr. TAWNEY. The gentleman is now proving that it is purely dilatory.

Mr. HANDY. It is a constitutional right to have the yeas and nays taken.

Mr. TAWNEY. That is conclusive evidence of the dilatory tactics of the gentleman.

The SPEAKER. The gentleman raised the question of consideration, the House was dividing, and the gentleman calls for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Thirty-nine gentlemen have arisen—not a sufficient number.

Mr. HANDY. I ask for the other side.

Mr. TAWNEY. You can not do that. You asked for the first side.

Mr. HAY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAY. A moment ago I moved to reconsider the vote by which the question of considering the resolution I called up was defeated, and the Speaker intimated that he thought it was not in order at that time. May I now ask to make that motion to reconsider, and permit the motion to lie over, not to take it up at this time?

The SPEAKER. The Chair thinks it is not a question of present consideration. The Chair thinks it is too late.

Mr. HAY. I do not care for present consideration, I just want to enter the motion.

The SPEAKER. The gentleman can bring it up again.

Mr. STEELE. After we have disposed of the Hawaiian matter.

Mr. HANDY. I ask the other side on ordering the yeas and nays. [Cries of "Too late!"]

I asked immediately, Mr. Speaker.

The other side was counted.

The SPEAKER. And 114 on the other side; a sufficient number, and the yeas and nays are ordered.

ORDER OF BUSINESS.

Mr. JOHNSON of Indiana. I would like to say a word. I think if I can get the attention of the House I can suggest an amicable arrangement whereby the controversy present here can be adjusted to the satisfaction of all persons concerned. It is

well known, of course, that the business the gentleman from Ohio is now endeavoring to get before the House is the joint resolution for the annexation of Hawaii. Now, much of the opposition manifested here grows out of the impression that if the resolution is called up there will be no opportunity given for debate.

I have no doubt all opposition would cease if there was reasonable assurance that a fair opportunity for discussion would be given. I would like to interrogate the gentleman from Ohio [Mr. GROSVENOR] and the chairman of the Committee on Foreign Relations [Mr. HITT] as to what is the expectation as to time for discussion in the event that it comes up?

Mr. TAWNEY. I think it would be well to let the opposition drop out and let the matter come up and then arrange that.

Mr. JOHNSON of Indiana. I tried to submit this remark before the result of the vote was known, or before a division was called for.

Mr. TAWNEY. If you will stop the filibustering now—

Mr. PEARCE of Missouri. I call for the regular order, Mr. Speaker.

Mr. JOHNSON of Indiana. I am interrogating the gentlemen as to whether they are willing to afford a reasonable opportunity for debate; if so, I am satisfied that all opposition will cease. I am not authorized to speak for anybody but myself; it is my own suggestion.

Mr. DINSMORE. Mr. Speaker, I have not participated in the dilatory performance on our side to any extent. I represent the minority on the question when it is taken up. It is a matter of very grave importance to the country. I do not want to filibuster against anything in this House, but I would like for the majority to give us an opportunity to debate this very important question. I would not have said this except in connection with the remarks made by the gentleman from Indiana.

Mr. GROSVENOR. I want to say, Mr. Speaker, for myself, in answer to the question by the gentleman from Indiana, that I have no more to do with that question than any other member on the floor. If I had, in the light of the enormous importance of the question, I should certainly favor full debate. I only regret that the time is being wasted when debate might as well be going on. I am not a member of the Committee on Foreign Affairs, and I represent nothing but my own opinion as a humble member of the House.

Mr. JOHNSON of Indiana. The reason I interrogated the gentleman from Ohio was that he seemed to be in charge of the matter to a certain extent, and I assumed that he represented the friends of the measure.

Mr. GROSVENOR. The gentleman from Illinois asked me to call the matter up. Mr. HITT is not in very good health.

Mr. JOHNSON of Indiana. My reason for interrogating him was I understood that he had stated that it was the expectation to cut off debate.

Mr. GROSVENOR. Oh, that was only a joke.

Mr. HITT. Mr. Speaker, the gentleman from Indiana inquired of me and I stated to him that there was no such understanding. The gentleman from Arkansas [Mr. DINSMORE] and myself have consulted several times on the question, and until this consumption and waste of time began to-day there was an attempt by the gentleman from Arkansas representing the minority and myself to reach an agreement as to the time which would be deemed fair and liberal on both sides for debate. But in the present course of proceedings in the House it is impossible for us to unite or agree upon anything. If we can get consideration of the resolution, I think with the temper that the gentleman from Arkansas has shown, and his colleagues on the committee whom he represents, with the sentiment prevailing on this side of the House, I hope that we can reach an arrangement for a reasonable time for debate.

Mr. JOHNSON of Indiana. Mr. Speaker, I want to say that I did approach the gentleman from Illinois with a view of ascertaining what was the intention respecting debate. The gentleman's manner was so entirely unsatisfactory as to give me the inference that there was not going to be much, if any, debate, and when the filibustering commenced, if it may be so characterized, I understood from a gentleman that talked with the chairman of the Committee on Foreign Affairs that it was proposed to close the debate early to-morrow afternoon.

Mr. HITT. I informed the gentleman from Indiana that that was without authority and that I said nothing of the kind.

The SPEAKER. The Chair will suggest that if any conclusion is to be arrived at it is to be arrived at by entire good feeling on the part of the members of the House.

Mr. JOHNSON of Indiana. My whole purpose, Mr. Speaker, is to be pacific.

Mr. DINSMORE. Mr. Speaker, I would ask the chairman of the Committee on Foreign Relations if we can not agree to take a vote on the question next Wednesday at 5 o'clock?

Mr. GROSVENOR. But when do you want to take it up?

Mr. HENDERSON. Take it up now. Mr. Speaker, I ask unanimous consent that we proceed with the consideration of the

Hawaiian resolution and that the same be voted on next Wednesday at 5 o'clock.

Mr. HITT. Mr. Speaker, in view of the fact that a special order has been set down for to-morrow and that Monday is District day, I ask unanimous consent of the House that the special order for to-morrow be deferred until any day the friends of the late Senator can agree upon, and that the remainder of to-day and Saturday, Monday, Tuesday, and Wednesday be devoted to the discussion of the Hawaiian resolution, and that the vote be taken at 5 o'clock next Wednesday.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the order of business set for to-morrow be vacated, to be taken up at any time which may be suggested by the gentleman from Tennessee [Mr. RICHARDSON], that District of Columbia business set for Monday next be postponed, and that the debate on the Hawaiian resolution proceed from now until 5 o'clock on Wednesday afternoon next, when a vote shall be taken. Is there objection?

Mr. RICHARDSON. One word, Mr. Speaker. There are three matters of unfinished business now on the Speaker's table which will not take three minutes for their disposition. If those can be disposed of, I shall not object and I hope no other gentleman will.

The SPEAKER. With the modification suggested by the gentleman from Tennessee, is there objection to the order requested?

Mr. SHERMAN. I should like to know whether the proposed modification refers to two bills now on the Speaker's table which I have been trying to have called up in order that conferees may be appointed.

The SPEAKER. That, as the Chair understands, is what is referred to. Is there objection? The Chair hears none. [Applause.]

Mr. HANDY. I ask unanimous consent to vacate the order just made upon my demand for the yeas and nays.

The SPEAKER. The Chair thinks that the order just adopted by unanimous consent would vacate the order for the yeas and nays, but if there be no objection that order will be considered as vacated. The Chair hears no objection.

Mr. PEARCE of Missouri. Is it understood, then, that the vote will be taken on the Hawaiian question on Wednesday next at 5 o'clock?

The SPEAKER. At 5 o'clock.

Mr. HITT. I desire that there be an understanding as to the control and division of the time. The gentleman from Arkansas [Mr. DINSMORE] has suggested to me that the time be equally divided, and that the time in opposition to the resolution be controlled by him.

Mr. SULZER. That the time be equally divided between members in favor of the proposition and members against it.

EULOGIES ON THE LATE SENATOR ISHAM G. HARRIS.

Mr. RICHARDSON. While the gentlemen are conferring, I ask unanimous consent that the eulogies on the late Senator HARRIS, which were to have been delivered to-morrow, be postponed until a week from to-morrow at 2 o'clock.

There was no objection.

CAPITAL RAILWAY COMPANY.

Mr. RICHARDSON. Upon the bill which was pending, House bill No. 5149, to amend the charter of the Capital Railway Company, I move that the amendments of the Senate be concurred in. The motion was agreed to.

LANDS IN SANTA BARBARA, CAL.

The SPEAKER laid before the House the bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal.; and the amendments of the Senate were read.

Mr. BARLOW. I move that the amendments be concurred in. The motion was agreed to.

BELT RAILWAY, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes.

The amendments were read.

Mr. BABCOCK. I move that the House nonconcur in the amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON as conferees on the part of the House.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway, of the District of Columbia, the Maryland and Washington Railway, and for other purposes.

Mr. BABCOCK. I move that the House nonconcur in the amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON as conferees on the part of the House.

INDIAN TERRITORY.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes.

The amendments of the Senate were read.

On motion of Mr. SHERMAN, the House nonconcurrred in the Senate amendments, and agreed to the conference asked for by the Senate; and the Speaker appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. LITTLE.

AGREEMENT WITH THE SEMINOLE INDIANS.

The Speaker laid before the House the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians, with House amendments thereto in which the Senate nonconcurrred.

On motion of Mr. SHERMAN, the House insisted upon its amendments, and agreed to the conference asked by the Senate; and the Speaker appointed as conferees on the part of the House Mr. LACEY, Mr. SNOVER, and Mr. ZENOR.

PRICE W. HAWLEY.

The SPEAKER laid before the House the bill (H. R. 3141) increasing the pension of Price W. Hawley, with a Senate amendment thereto.

On motion of Mr. PERKINS, the House concurred in the Senate amendment.

LUCRETIA C. WARING.

The SPEAKER laid before the House the bill (S. 104) to increase the pension of Lucretia C. Waring, with a House amendment thereto in which the Senate nonconcurrred and asked for a conference.

On motion of Mr. RAY of New York, the House insisted upon its amendment, and agreed to the conference asked by the Senate; and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. WEYMOUTH, and Mr. SIMS.

The SPEAKER. This finishes the business on the Speaker's table.

VACATING ORDER FOR NIGHT SESSION.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Does the order that has been made have any effect upon the recess that will be taken at 5 o'clock to-day under the rule? In order that I may be certain, I ask unanimous consent that that part of the rule be dispensed with for this day.

The SPEAKER. The gentleman asks unanimous consent that the night session be dispensed with. Is there objection?

Mr. RAY of New York. Mr. Speaker, before that is done, I would like consent to have four conference reports in regard to pension bills considered. They will, I think, excite no opposition, and I should like to have them disposed of. If that can be done, I shall not object to the request of the gentleman, my colleague from New York.

The SPEAKER. The gentleman asks permission, in connection with the request of his colleague, to dispose of four conference reports. Is there objection to that proposition and to the proposition made by the gentleman from New York [Mr. PAYNE]?

There was no objection.

The SPEAKER. The order for the night session will be considered as vacated, and the House will not take a recess at 5 o'clock.

LOWELL H. HOPKINSON.

The SPEAKER laid before the House the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 378) granting a pension to Lowell H. Hopkinson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 8.

That the House of Representatives recede from its disagreement to the amendment of the Senate relating to the title of the bill, and agree to the same.

GEO. W. RAY,

V. WARNER,

Managers on the part of the House.

J. H. GALLINGER,

FRANK J. CANNON,

LUCIEN BAKER,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement to accompany conference report on the bill (H. R. 378) granting a pension to Lowell H. Hopkinson.

Lowell H. Hopkinson is totally helpless. The House passed the bill increasing his pension from \$12 to \$50 per month on the ground that his disabilities were incurred in the service. The Senate reduced the amount from \$50 to \$30 per month.

The effect of the conference agreement is to grant the soldier an increase of pension to \$50 per month, which is just and proper, as the evidence in the case fully warrants the increase. The other amendment, which is to the title, is proper and merely formal, as it substitutes the words "granting an increase of pension" for the words "granting a pension."

Dated June 3, 1898.

GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

The conference report was agreed to.

CATHERINE CLIFFORD.

The SPEAKER laid before the House the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1801) granting an increase of pension to Catherine Clifford, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 7, disagreed to by the House of Representatives, and agree to a new amendment as follows: In lieu of the amount proposed to be inserted by said amendment insert "twenty-five;" and the Senate agree to the same.

And that the House of Representatives recede from its disagreement to the amendment of the Senate to the words "at the rate," in lines 6 and 7, and agree to the same.

GEO. W. RAY,
V. WARNER,
Managers on the part of the House.
J. H. GALLINGER,
H. C. HANSBROUGH,
W. N. ROACH,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement to accompany conference report on the bill (H. R. 1801) granting an increase of pension to Catherine Clifford.

As the House passed this bill it increased the pension of the claimant to \$30 per month.

The Senate amended the bill by reducing the amount to \$25 per month.

The result of the conference agreement is to fix the pension of Catherine Clifford at \$25 per month.

The other amendments are merely formal, and the effect of the conference report is to increase the pension of the claimant from \$12 to \$25 per month.

Dated June 3, 1898.

GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

On motion of Mr. RAY of New York, the conference report was agreed to.

PETER CASTLE.

The SPEAKER laid before the House the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4498) granting an increase of pension to Peter Castle, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 7 disagreed to by the House of Representatives, and agree to a new amendment as follows: In lieu of the amount proposed to be inserted by said amendment insert "twenty;" and the Senate agree to the same.

And that the House of Representatives recede from its disagreement to the amendment of the Senate in line 8 and agree to the same.

GEO. W. RAY,
V. WARNER,
Managers on the part of the House.
J. H. GALLINGER,
GEO. L. SHOUP,
RICHARD R. KENNEY,
Managers on the part of the Senate.

The following is the statement of the conferees on the part of the House:

Statement to accompany conference report on the bill (H. R. 4498) granting an increase of pension to Peter Castle.

As the House passed this bill it increased the pension of the soldier to \$25 per month. The Senate reduced the amount to \$16 per month. The conferees fixed the amount at \$20 per month, which is regarded as just and proper under the circumstances of the case.

The Senate substituted the words "he is now receiving" in place of the words "heretofore granted him," and the House accepts the amendment.

The effect of the agreement is to increase the pension of the soldier from \$6 to \$20 per month.

Dated June 3, 1898.

GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

On motion of Mr. RAY of New York, the conference report was agreed to.

EDWARD STARR.

The SPEAKER laid before the House the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5006) to increase the pension of Edward Starr, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment where it occurs in line 7, relating to the amount named therein.

That the House of Representatives recede from its disagreement to the

amendment of the Senate to the words "at the rate," proposed to be inserted therein, and agree to the same.

GEO. W. RAY,
V. WARNER,
Managers on the part of the House.
J. H. GALLINGER,
JAMES H. KYLE,
Managers on the part of the Senate.

The statement of the conferees on the part of the House is as follows:

Statement to accompany conference report on the bill (H. R. 5006) to increase the pension of Edward Starr.

The House bill increased the pension of this soldier from \$12 to \$30 per month.

The Senate amended the same by reducing the amount to \$20 per month. The Senate recedes from its amendment decreasing the amount, and the result of the conference is to increase the pension of this soldier from \$12 to \$30 per month, on the ground that he is now 76 years of age, helpless, and that he requires the constant aid and attendance of a nurse, and is very poor.

The other amendment proposed by the Senate, and which is concurred in, is merely formal.

The effect of the conference report is to increase the pension of the soldier from \$12 to \$30 per month.

Dated June 3, 1898.

GEO. W. RAY,
V. WARNER,
Managers on the part of the House.

On motion of Mr. RAY of New York, the conference report was agreed to.

STREET PARKING IN DISTRICT OF COLUMBIA.

Mr. COWHERD. Mr. Speaker, I desire to submit a conference report on the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia the control of the street parking in said District. I simply ask leave to have the conference report printed in the RECORD, as some members desire to see it.

The SPEAKER. The gentleman from Missouri [Mr. Cowherd] presents a conference report and asks that it be printed in the RECORD. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia the control of the street parking in said District, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted strike out all after the enacting clause and insert the following:

"The jurisdiction and control of the street parking in the streets and avenues of the District of Columbia is hereby transferred to and vested in the Commissioners of the District of Columbia."

"Sec. 2. That the park system of the District of Columbia is hereby placed under the exclusive charge and control of the Chief of Engineers of the United States Army, under such regulations as may be prescribed by the President of the United States, through the Secretary of War."

"The said park system shall be held to comprise:

"(a) All public spaces laid down as reservations on the map of 1894 accompanying the annual report for 1894 of the officer in charge of public buildings and grounds;

"(b) All portions of the space in the streets and avenues of the said District, after the same shall have been set aside by the Commissioners of the District of Columbia for park purposes."

"Provided, That no areas less than 250 square feet between sidewalk lines shall be included within the said park system, and no improvements shall be made in unimproved public spaces in streets between building lines or building lines prolonged until the outlines of such portions as are to be improved as parks shall have been laid out by the Commissioners of the District of Columbia: And provided further, That the Chief of Engineers is authorized temporarily to turn over the care of any of the parking spaces included in Class B above to private owners of adjoining lands under such regulations as he may prescribe and with the condition that the said private owner shall pay special assessments for improvements contiguous to such parking under the same regulations as are or may be prescribed for private lands: And provided further, That where in any portion of a street more than one-half of the front is occupied and used for business purposes the Commissioners are authorized and directed to denominate such portion of the street as a business street and shall authorize the use for business purposes by abutting property owners of so much of the sidewalk and parking as may not be needed, in the judgment of the said Commissioners, by the general public, under such general regulations as the said Commissioners may prescribe."

"Sec. 3. This act shall not affect in any manner the provisions in the act of March 3, 1891, entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes,' that no permits for projections beyond the building line on the streets and avenues of the city of Washington shall be granted except upon special application and with the concurrence of all said Commissioners and the approval of the Secretary of War; and the operation of said provision is hereby extended to the entire District of Columbia."

"Sec. 4. That when, in the judgment of the Commissioners of the District of Columbia, the public necessity or convenience require them to enter upon any of the spaces or reservations under the jurisdiction of the Chief of Engineers for the purpose of widening the roadway of any street or avenue adjacent thereto or to establish sidewalks along the same, the Chief of Engineers, with the approval of the Secretary of War, is authorized to grant the necessary permission upon the application of the Commissioners."

"Sec. 5. That when, in accordance with law or mutual legal agreement, spaces or portions of public land are transferred from the jurisdiction of the Chief of Engineers of the United States Army, as established by this act to that of the Commissioners of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary."

"Sec. 6. That the said Chief of Engineers and the said Commissioners are

hereby authorized to make all needful rules and regulations for the government and proper care of all the public grounds placed by this act under their respective charge and control; and to annex to such rules and regulations such reasonable penalties as will secure their enforcement.

"SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed; but nothing contained in this act shall be construed to affect in any way any pending litigation involving the validity or invalidity of the occupation of any public space or reservation in the District of Columbia."

And the Senate agree to the same.

W. S. COWHERD,
JOHN J. JENKINS,
G. M. CURTIS,

Conferees on the part of the House.

JAMES McMILLAN,
REDFIELD PROCTOR,
A. P. GORMAN,

Conferees on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5880) vesting in the Commissioners of the District of Columbia control of the street parking in the said District, after further conference, submit the following statement:

Since the formal report of this bill, subdivisions "b" and "d" of section 3 have been stricken out. This strikes out from the proposed park system established by the bill the intersection of parkings at street corners, and the parks acquired under the act of 1893, known as the highway act, so that the park system of the District hereby placed under the control of the Chief of Engineers will consist as follows:

(a) All public places laid down as reservations on the map of 1894, accompanying the annual report for 1894 of the officer in charge of public buildings and grounds.

(b) All portions of the spaces in the streets and avenues of the said District, after the same shall have been set aside by the Commissioners of the District of Columbia for park purposes.

In other respects the bill is as it was reported to the House.

STAFF OFFICERS OF THE VOLUNTEER ARMY.

Mr. HULL. Mr. Speaker, by consent of the gentleman from Illinois [Mr. HITT], I ask unanimous consent for the present consideration of the bill (H. R. 10606) which fixes the status of the volunteer staff. I do not believe it will take two minutes. It is exceedingly important, as every staff officer serving with volunteers is affected by the ruling of the Department, and the legislation is very necessary.

The bill was read, as follows:

Be it enacted, etc., That so much of section 10 of the act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," as provides that "officers appointed or assigned to the staff of commanders of Army corps, divisions, and brigades shall serve only in such capacity, and that when relieved from such staff service such appointments or assignments shall terminate," be, and the same is hereby, repealed, and that assignments of the officers of the volunteer staff shall be governed by the same rules and regulations as those of the Regular Army.

Mr. HULL. I ask that the report of the committee be read, as it gives a full explanation of the matter, and it is very short.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred a letter from the honorable Secretary of War, dated June 4, hereto attached, report to the House a bill (H. R. 10606) with the recommendation that it do pass.

WAR DEPARTMENT, Washington, June 4, 1898.

SIR: I have the honor to call your attention to a certain restriction in the act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes."

Section 10 of the act in question gives to the commander of each army corps, division, and brigade an assistant adjutant-general, an engineer, an inspector-general, a quartermaster, a commissary of subsistence, a surgeon, and aides-de-camp, and to each corps a judge-advocate, and no more officers than those mentioned can be appointed than there are corps, divisions, or brigades. And it is provided "that when relieved from such staff service said appointments or assignments shall terminate."

It will be seen that under strict construction of this proviso these officers are restrained from the performance of any other duty than that of the position to which they are appointed. It often happens in the administration of an army that the quartermaster must act as both quartermaster and commissary, and frequently the adjutant-general must act as inspector-general, and vice versa, so that officers are embarrassed; and the opinion has been given by those competent that an adjutant-general, in the absence of an inspector-general, could not, under the law, perform the duties of the absent officer. No more could a division commissary be sent to obtain supplies for his troops, because his absence from the division might be construed as a termination of staff appointment, as it would in a measure "relieve him from such staff service."

However well intended the proviso may have been, its practical application leads to embarrassment, and its early repeal, upon the lines laid down in the bill herewith, is urged upon Congress, it being especially desirable that the volunteer staff be placed under the same rules and regulations for assignment, and all that relates to them, that govern the staff of the Regular Army.

Very respectfully,

R. A. ALGER,
Secretary of War.

Hon. J. A. T. HULL,
Chairman Committee on Military Affairs, House of Representatives.

Mr. RICHARDSON. I should like to ask the gentleman, if I may, what effect this will have upon the Regular Army?

Mr. HULL. None at all. It simply puts the staff officers of the volunteers on the same footing, so far as assignments to duty are concerned, as the Regular Army staff. As the law stands now, the assistant adjutant-general of a division, for instance,

must be the assistant adjutant-general of the division only, and can do no other duty. This enlarges the opportunity for employment of the volunteer staff. It creates no additional office.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

Mr. DALZELL. Mr. Speaker, I am inclined to believe that there is no disposition on the part of the Committee on Foreign Affairs to insist upon opening up the question to-day; and therefore I ask unanimous consent that the House adjourn.

The SPEAKER. The gentleman can make the motion.

Mr. DALZELL. I move that the House do now adjourn.

The question was taken; and, pending the announcement, leave of absence was granted as follows:

To Mr. FLETCHER, for one day, on account of important business.

To Mr. HARMER, for one week, on account of sickness.

To Mr. BRUMM, for three days, on account of sickness.

The motion was then agreed to; and accordingly (at 3 o'clock and 56 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief of the division of stationery, printing, and binding in the Treasury Department relating to an additional appropriation for his department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the Chief of Engineers relative to the improvement of Humboldt Harbor, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a draft of a bill relating to advertising for supplies in District of Columbia newspapers, with a favorable recommendation—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HURLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4846) for the relief of William F. Wall, reported the same without amendment, accompanied by a report (No. 1541); which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8338) to restore Edward Kershner to rank and pay as medical inspector, United States Navy, reported the same without amendment, accompanied by a report (No. 1542); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1340) for the relief of John Clyde Sullivan, reported the same without amendment, accompanied by a report (No. 1543); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHICKERING: A bill (H. R. 10653) to amend section 4400, Title LII, of the Revised Statutes, relating to the inspection of foreign passenger steam vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. BELL: A bill (H. R. 10654) granting a right of way to the Cripple Creek District Railway Company across the public domain and timber reserve—to the Committee on the Public Lands.

By Mr. MAXWELL: A bill (H. R. 10655) to restrict the use of money or other consideration in the election of Senators and Representatives of Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM: A bill (H. R. 10656) granting a pension to Henrietta Payton, widow of Caleb E. Payton, late of United States steamship *Miami*, of United States Navy—to the Committee on Invalid Pensions.

By Mr. CALLAHAN: A bill (H. R. 10657) granting a pension to David Inman—to the Committee on Invalid Pensions.

By Mr. FOOTE: A bill (H. R. 10658) for the relief of William Brown, alias Daniel Mulligan—to the Committee on Military Affairs.

Also, a bill (H. R. 10659) for the relief of Alice Weber—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 10660) to correct the military record of Thomas Stevenson—to the Committee on Military Affairs.

By Mr. HURLEY: A bill (H. R. 10661) to remove the charge of desertion standing against the name of Thomas Sullivan—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 10662) to grant a pension to John M. Calloway and correct his military record—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 10663) for the relief of Bolivar Sheild—to the Committee on War Claims.

Also, a bill (H. R. 10664) for the relief of Mrs. Sarah C. Jones and Mrs. Lucy F. Tyler—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE of Maine: Petition of Rev. H. B. Long and other citizens of the State of Maine, in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of the Methodist Episcopal Church of South Royalton, Vt., Rev. E. W. Sharp, presiding, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Rev. H. M. Goddard and the two Congregational churches of Royalton and South Royalton, Vt., and the Methodist Episcopal Church of South Royalton, Rev. E. W. Sharp, presiding, to forbid the transmission of lottery messages by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Rev. H. M. Goddard and the two Congregational churches of Royalton and South Royalton, Vt., and the Epworth League of Trinity Methodist Episcopal Church of South Royalton, Rev. E. W. Sharp, presiding, asking for the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of W. L. Paine and 14 other members of the Independent Order of Good Templars Lodge of South Royalton, Vt., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HURLEY: Resolutions of the eleventh annual convention of the International Association of Factory Inspectors in favor of legislation which will more effectually restrict immigration and prevent the admission of illiterate, pauper, and criminal classes to the United States—to the Committee on Immigration and Naturalization.

By Mr. PRINCE: Petition of the First Methodist Episcopal Church of Rock Island, Ill., asking for the passage of the bill to raise the age of protection for girls—to the Committee on the Judiciary.

Also, petition of the Young People's Christian Union of the United Presbyterian Church of Aledo, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise—to the Committee on the Judiciary.

By Mr. THORP: Petition of J. E. Robertson and other citizens of Fort Mitchell, Va., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WISE: Papers to accompany House bill No. 10471, for the relief of Louisa S. Guthrie, widow and executrix of John I. Guthrie, deceased—to the Committee on Claims.

Also, papers to accompany House bill to pay Bolivar Shield for property taken by the Government during the war—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 11, 1898.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

EXPLANATION.

Mr. GROSVENOR. Mr. Speaker, I respectfully request the attention of the House in regard to a matter that transpired at the night session of the House on Thursday night, at the time of the debate on the war revenue bill; and I do it upon the ground, first, that I do not claim to be infallible in my judgment as to what I ought to do on many occasions. I distrust my judgment as to what I did on that occasion. In the heat of debate, Mr. Speaker, as a matter of apology, I think I am more liable to use strong and sometimes bitter language than most men at a time of excitement such as then arose.

I do not care to claim, however, that anything that I said was by any means unpremeditated, and the conditions that surrounded the House at the time, in my judgment, were to some extent, doubtless, a sufficient apology. But I believe I did injustice to the gentleman from Virginia [Mr. SWANSON] in attributing to him a condition of opinion and sentiment which was objectionable and would be very injurious to that gentleman. And so far as my language on that occasion conveyed that sort of sentiment, it shall be cheerfully withdrawn and retracted. I should have made this much of explanation at the time but for a statement made by that gentleman, which I felt put it beyond possibility, without any further conference, that I could enter upon any withdrawal or explanation.

I have toward that gentleman nothing but the very kindest feeling. He is a very shining mark for Republican criticism, because of the earnest and sometimes, as I have thought, possibly, savage attacks upon the Republican party which he makes, but beyond recognizing him as a foe "worthy of any man's steel," I have not had any feeling against him. Personally, I have always liked him. He is a member of the committee on which I serve, and is a vigilant and valuable member of the House. I desire here and now to be authorized by the silence of the House to so modify my language on that occasion that it will not be injurious and personally objectionable in any respect to him.

Mr. SWANSON. Mr. Speaker, in consideration of the statement made by the gentleman from Ohio, and the fact that he withdraws what he says was objectionable and injurious to me, a statement which is alike creditable to himself and satisfactory to me, I desire also to withdraw anything I may have said that was offensive to or reflected on the gentleman from Ohio.

MEDICAL CORPS OF THE NAVY OF THE UNITED STATES.

Mr. BOUTELLE of Maine. Mr. Speaker, there is a very important bill on the Speaker's table, which reached here from the Senate yesterday, with regard to the organization of the hospital corps of the Navy, the emergency and importance of which is obvious to every member of the House. The amendments of the Senate are entirely unimportant, and I ask that the pending order may be deferred for a moment, in order that the House may put that bill into immediate operation.

Mr. HITT. Will it take any time?

Mr. BOUTELLE of Maine. I have no idea that it will take any time at all.

The Clerk read as follows:

A bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duty and regulate its pay, with the following Senate amendments:

Page 1, line 8, after "officers" insert "removable in the discretion of the Secretary."

Page 3, lines 2, 3, and 4, strike out "Provided, That the operation of the provisions of this act shall be limited to the duration of the present war with Spain."

Mr. BOUTELLE of Maine. The amendments of the Senate make no substantial alteration of the bill, and I ask that the amendments may be concurred in, Mr. Speaker.

Mr. McEWAN. Mr. Speaker, I understand that the amendments of the Senate make it for all time, instead of during this war.

Mr. BOUTELLE of Maine. Precisely; but it is entirely within the control of Congress.

Mr. McEWAN. I think that was disputed when it was last before the House. But I withdraw any objection to its consideration.

Mr. BOUTELLE of Maine. I move to concur in the Senate amendments.

Mr. WHEELER of Kentucky. I ask that the section be read as it will read if amended.

The Clerk read as follows:

SEC. 4. That all benefits derived from existing laws, or that may hereafter be allowed by law, to other warrant officers or enlisted men in the Navy shall

be allowed in the same manner to the warrant officers or enlisted men in the hospital corps of the Navy.

Mr. WHEELER of Kentucky. That is not the amendment.
Mr. BOUTELLE of Maine. I will state to the gentleman if he will permit. The only difference is that the House inserted a proviso that the bill should be operative only during the present war. There was probably a misunderstanding that this created some new authority in the Navy Department, but it does not, and the operations of the bill will be subject to the discretion of the Department as to appointments of all these warrant officers and petty officers as now.

Mr. WHEELER of Kentucky. Does it not provide for a permanent increase of the hospital corps of the Navy after the cessation of hostilities?

Mr. BOUTELLE of Maine. All these petty officers and warrant officers are within the limitation of the number of men provided for, and the Navy Department has always rated the men in the service to petty officers and warrant officers, according to the rules of the service. It provides no increase in the number of employees of the Navy at all.

Mr. UNDERWOOD. I will ask the gentleman from Maine, Is not this bill one that was up in the House before?

Mr. BOUTELLE of Maine. Precisely. It is the bill to which the gentleman offered an amendment.

Mr. UNDERWOOD. And the bill as it stood then increased the amount of pay for those officers at that time?

Mr. BOUTELLE of Maine. It changes the rate of some compensations in a slight degree, but very small. This bill is exceedingly important. The gentleman himself, from the latitude from which he hails, is perfectly well aware that the season admonishes us that we ought to put our hospital corps into a state of good organization at once; and we have other information urging the necessity for it.

This amendment of the Senate is really nothing substantial. I was willing to allow the gentleman's amendment to prevail in the House, because Congress would have it in its power at any time to continue this, and the same power exists in Congress to abrogate it at any time.

Mr. UNDERWOOD. Has the bill been to conference?

Mr. BOUTELLE of Maine. It has not. I did not deem it of sufficient importance to ask that it go to conference.

Mr. UNDERWOOD. My main objection is not to this bill, but I think now that we are increasing the taxes, now that we have these great war expenditures which we have got to meet, there ought to be no steps taken toward putting a permanent increase in any of these branches. If you start here an increased pay in this one branch, the next branch of the service will come forward and say, "You have increased the pay of these men, now why not increase our pay?"

Mr. BOUTELLE of Maine. After the present war the number will be reduced, just as it will in other branches of the service. As soon as the exigencies have passed there will be a reorganization, but this measure is now needed in order that the sick and wounded may be properly taken care of.

Mr. UNDERWOOD. It was admitted when we had the subject up before us that this meant a permanent increase in this little branch of the service of about \$11,000 a year.

Mr. BOUTELLE of Maine. Yes, \$11,000 a year.

Mr. UNDERWOOD. Now, I think, in view of the fact that the vote in the House was 183 to 8, 4, or 5 in favor of striking that out, the Naval Committee should insist on a conference in this matter.

Mr. BOUTELLE of Maine. I am positive the Senate would not yield in this matter, because it provides the requisite organization and to increase the rating applicable to the present exigency. The increase is slight, and, as is reported by the Surgeon-General, it is absolutely necessary to obtain the men that are required. I hope there will be no objection to agreeing to the Senate amendment.

Mr. UNDERWOOD. I do not want to object to the bill; I am willing that it should hold during the present war; but to make any permanent increase at the present time I think is not wise. I am willing for a vote, but I desire to make a motion to nonconcur.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BOUTELLE of Maine. Mr. Speaker, I move to concur in the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. Does the motion to concur have precedence over a motion to nonconcur?

The SPEAKER. It has. A negative vote to concur is equivalent to a vote to nonconcur. The question is, Will the House concur in the Senate amendment?

The Senate amendment was agreed to.

On motion of Mr. BOUTELLE of Maine, a motion to reconsider the vote whereby the amendment was concurred in was laid on the table.

PRINTING WAR REVENUE ACT.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution for the printing of the war revenue act, 16,000 copies for the use of the House and 8,000 copies for the use of the Senate.

Mr. MARSH. How many copies will that give to each member of the House?

Mr. PAYNE. Something over forty.

Mr. MARSH. I suggest to the gentleman from Maine that that is not a sufficient number, because in every little village of the country there are parties who are taxed under this bill who will want copies.

Mr. DINGLEY. I have no objection to increasing the number. I placed the whole amount at 24,000 copies.

Mr. MARSH. I think it ought to be twice as large.

Mr. MCRAE. This is to be in the usual document form?

Mr. DINGLEY. Yes.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 24,000 copies of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," be printed, 16,000 copies for the use of the House and 8,000 copies for the use of the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. PERKINS. Has the gentleman from Maine any estimate of the cost of printing these copies?

Mr. DINGLEY. I have not obtained an estimate of the cost, but of course the difference between 10,000 copies and 20,000 copies the gentleman from Iowa knows, as a practical printer, is substantially the cost of the paper and the printing.

Mr. PERKINS. Might it not be well to provide in the resolution that the copies should be distributed through the folding room?

Mr. DINGLEY. I suppose they would be. If desirable, I will add "to be distributed through the folding room."

Mr. MARSH. I make this suggestion because there is not a village which has a drug store that is not taxed and is not interested in this bill, and letters are coming in all over the country for copies of it in order that parties interested may inform themselves as to its provisions and as to their liability under the law. I hope the gentleman will consent to double the number of copies.

Mr. DINGLEY. I am perfectly willing that the number should be increased.

Mr. RICHARDSON. Is this a concurrent resolution?

Mr. DINGLEY. It is a concurrent resolution.

Mr. RICHARDSON. Then it does not make any difference as to the number of copies.

Mr. PERKINS. Mr. Speaker, I think there will be occasion for a larger number of copies than is provided for in this resolution, and I move to amend by increasing the number to 32,000 copies for the House and 16,000 copies for the Senate, making 48,000 in all.

The Clerk read as follows:

Strike out "twenty-four" and insert "forty-eight;" so as to read "48,000." Strike out "sixteen" and insert "thirty-two;" strike out "eight" and insert "sixteen;" so as to read 32,000 for the use of the House and 16,000 for the use of the Senate.

Mr. DINGLEY. That amendment is satisfactory, so far as I am concerned.

Mr. BLAND. I suggest a provision that the documents be distributed through the folding room.

Mr. DINGLEY. That would be done, at any rate.

The question being taken, the amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

HAWAII.

The SPEAKER. The gentleman from Illinois [Mr. HITT] is entitled to the floor upon the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. HITT. Mr. Speaker, I am informed that all the copies of the report accompanying this joint resolution have been exhausted. I therefore move that it be reprinted.

Mr. GROSVENOR. The bill and report.

Mr. HITT. Yes; the bill and report, as the bill also has been exhausted.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill and report on this joint resolution be reprinted. Without objection, that order will be made.

Mr. RICHARDSON. I suppose this order will include the views of the minority.

Mr. HITT. Yes, sir; they are included as a part of the report.

The SPEAKER. The views of the minority will be included in the order. The Chair hears no objection.

Mr. HITT. Mr. Speaker, the measure which is now before the House for the annexation of the Hawaiian Islands is substantially the same as a treaty negotiated last year, which is here put into the

form of a joint resolution. The treaty was duly ratified by the Senate of the Republic of Hawaii. We therefore know that we are acting with the cordial assent of the Government of the country proposed to be annexed. That treaty was preceded by another, negotiated by President Harrison five years ago between the two countries, providing for the annexation of the Hawaiian Islands to the United States, which treaty was duly ratified by the Government of Hawaii and would probably have been ratified by our Senate had it not been withdrawn by reason of a change of the occupant of our Executive office.

This is not a novel question at all. It is not an emergency proposition sprung upon us suddenly. It is not a case of greed for territory and overweening influence brought to bear by a great and powerful Government upon one of the smallest in the world to constrain it to give up its independent existence and be absorbed by the other under the form of a legal proceeding. There is no oppression on our side, there is no unwillingness on the other side. The whole proceeding is with the cordial assent of the duly constituted authorities of the Hawaiian Republic, and in accordance with the terms of the constitution of that Republic.

It is in pursuance of a policy long discussed and well known there and to our people here and to all the world. It is a result often contemplated by the successive governments of those islands for fifty years, because the circumstances surrounding the little nation in all the changes in its history have plainly made this a foregone conclusion. So slender, so tottering a political existence in the midst of the mighty political powers of the world had a precarious tenure of life. It was a continual temptation to them—an all important possession of a weak power. It has often been threatened. Several times it has been seized and occupied by a passing commander of a frigate—by a French captain in 1820, by a British commander in 1843, again by the French in 1849.

Conscious of its feeble ability to maintain independence among the nations, the subject of union with our country has been contemplated long. One of the kings of Hawaii executed a deed of cession to the United States in 1851. Another of the kings prepared a draft of a treaty of annexation to the United States in 1854, but before it was executed he died. As I have said, treaties of annexation to the United States have twice been negotiated with this Government within the last five years. It is the natural result of events and causes long operating and now concluding with mutual, cordial consent.

There is nothing that can impute to us, though this is so great and mighty a nation, any purpose of exercising undue pressure, as has ordinarily been the case in European history where a powerful government has taken possession of, absorbed, and extinguished a smaller. The only question we have to consider, when this little commonwealth with open hands offers itself to us, is whether we would be better off by taking this step; whether it would be advantageous to us to accept these islands; whether they are worth owning; whether their possession is of any value to us or not.

ARE THE ISLANDS WORTH ANNEXING?

That is a simple question and ought to be easily answered. Other nations have long since expressed their opinion of the value of the islands in many ways. Though it is a very small nationality, a very small extent of the earth's surface, not equal in people to a Congressional district represented on this floor, yet nineteen nations continually maintain representatives at Honolulu to watch their interests. We keep there to-day an envoy extraordinary and minister plenipotentiary. Why? Not because they are fertile and beautiful islands, not because there are a little over a hundred thousand people there. No; it is because of the supreme importance and value of the islands on account of their position.

They sit facing our western coast—that long stretch confronting the great Pacific Ocean, the most extensive body of water in the world, stretching away for six, seven, eight thousand miles—and they are the nearest point to our coast, and far, very far, removed from any other point in that vast sea. They are 2,000 miles away from us. That seems a very considerable distance, but the immense stretch beyond them to the other portions of the earth is so much greater that they seem comparatively near and are a part of our own system.

With the great change in the construction of fighting ships, all of which are now moved by steam, coal has become an essential of maritime war, as much so as powder or guns, and across that wide ocean any vessel of war coming to attack the United States must stop for coal and supplies at the Hawaiian Islands before it can attack us. No ship can be constructed, no battle ship exists in the world, which can make the trip from the other side of that wide sea to our shores, conduct any operation of hostility against us, and ever get back unless it has its supply of coal renewed.

Mr. KELLEY. Will the gentleman permit an interruption?

Mr. HITT. I should prefer to make my statement consecutively. There will be nearly a whole week for debate and plenty of time for the gentleman to state his views.

Mr. KELLEY. I simply want to call the gentleman's attention to the map.

Mr. HITT. I will hear the gentleman with interest when he comes to address the House. We are all pretty familiar with the map—the remarkable position of these islands and the routes that ships are accustomed to follow. I do not suppose that my personal opinion is worth more than that of the average of mankind who are not specially qualified as commanders and mariners, nor that any member of the House is so presumptuous as to consider his own personal opinion itself an important fact.

But we have on this critical and central question, which is not one of common judgment, the opinions of the most distinguished, specially expert, and able men of the age, the greatest commanders of our armies and our fleets who are living. It is an impressive and convincing fact that all have given the same opinion. There has been no divergence. Everyone has stated that the possession of those islands was to us of great importance, many of them say indispensable; that it will diminish, not increase, the necessity for naval force, economize ships of war and not require more; that in the possession of an enemy, if we shall so foolishly and unwisely act as to refuse annexation and permit them to pass into the hands of an enemy, they will furnish a secure base for active operations to harass and destroy the cities of our western coast; that in our possession, duly fortified, those islands will paralyze any fleet, however strong, however superior to our own naval force in the Pacific, before it can attack our coast.

I accept the opinion of men like Admiral Walker and Captain Mahan and General Schofield, Admiral Belknap, General Alexander, and Admiral Dupont and Chief Engineer Melville. It is a long list of great sailors and soldiers, distinguished strategists and authorities. The striking fact is that there is no dissent among them. These men, who are authorities, have all concurred as to the great importance of the islands. On one of the islands is Pearl Harbor, now unimproved, a possible stronghold and a refuge for a fleet, which, fortified by the expenditure of half a million dollars and garrisoned and aided by the militia of the island and its resources, can be made impregnable to any naval force, however large.

I speak of a naval force. To capture it there must be a land force also. The possession of all the islands was stated by these able men, who were before the committee, to be essential, as they would furnish a valuable militia to promptly cooperate with a garrison of one or two regiments of artillery until, in the short distance from our shore, we could reinforce them with abundant military strength to repel the assault of the disembarking troops, who must come many thousands of miles farther than our own.

This is not my mere assertion or opinion on so grave and technical a question. I am merely giving some of the leading points made by those whose names command the respect of the military and naval professions throughout the world and who have said that the possession not only of Pearl Harbor but of all that little group of islands is to us a necessity. I will give some expressions used by these distinguished authorities. I might give many more.

Captain Mahan, the most distinguished writer and authority of our time on the history of sea power, says:

It is obvious that if we do not hold the islands ourselves, we can not expect the neutrals in the war to prevent the other belligerent from occupying them; nor can the inhabitants themselves prevent such occupation. The commercial value is not great enough to provoke neutral interposition. In short, in war we should need a larger Navy to defend the Pacific coast, because we should have not only to defend our own coast, but to prevent, by naval force, an enemy from occupying the islands; whereas, if we preoccupied them, fortifications could preserve them to us.

In my opinion it is not practicable for any trans-Pacific country to invade our Pacific coast without occupying Hawaii as a base.

General Schofield, who spent three months on the islands and made a careful survey of Pearl River Harbor, stated to our committee:

Its secure anchorage for large fleets, its distance from the sea, beyond the reach of the guns of war ships, and the great ease with which the entrance to the harbor could be defended by batteries so as to make it a perfectly safe refuge for merchant shipping or naval cruisers, or even a fleet which might find it necessary under any circumstances to take refuge there; for coaling grounds, for navy-yard repair shops, storehouses, and everything of that kind.

The most important feature of all is that it economizes the naval force rather than increases it. It is capable of absolute defense by shore batteries; so that a naval fleet, after going there and replenishing its supplies and making what repairs are needed, can go away and leave the harbor perfectly safe under the protection of the army. Then arises at once the question why this harbor will be of consequence to the United States. It has not been easy to make that perfectly clear to the minds of men who have not made such subjects the study of a lifetime till now; but the conditions of the present war, it seems to me, ought to make it clear to everybody.

At this moment the Government is fitting out quite a large fleet of steamers at San Francisco to carry large detachments of troops and military supplies of all kinds to the Philippine Islands. Honolulu is almost in the direct route. That fleet, of course, will want very much to recanal at Honolulu, thus saving that amount of freight and tonnage for essential stores to be carried with it. Otherwise they would have to carry coal enough to carry them all the way from San Francisco to Manila and that would occupy a large amount of the carrying capacity of the fleet, and if they recanal at Honolulu all that will be saved. More than that, a fleet is liable at any time to meet with stress of weather, or perhaps a heavy storm, and there might be an accident to the machinery which will make it necessary to put into the nearest port possible

for repairs and additional supplies. By the time it reaches there its coal supply may be well-nigh exhausted; it then has to replenish its coal supply to carry it to whatever port it could reach.

If I am not misinformed in regard to the laws of neutrality, the supply of coal that can be taken on board at neutral ports is only sufficient to bring it back to the nearest home port, and not enough to carry it across the ocean, so that if we had to regard Honolulu as a neutral port, we could only load up coal enough to bring us back to San Francisco. Now, let us suppose, on the other hand, that the Spanish navy in the Pacific as well as in the Atlantic, or both, were a little stronger than ours instead of being somewhat weaker. The first thing they would do would be to go and take possession of the Sandwich Islands and make them the base of naval operations against the Pacific coast.

You have only to consider the state of mind which exists all along the Atlantic coast under the erroneous apprehension that the Spanish fleet might possibly assail our coast to see what would be the case if the Spanish fleet were a good deal stronger than ours and took possession of Honolulu and made it a base of operations in attacking the points on the Pacific coast. We would be absolutely powerless, because we would have no fleet there to dispute the possession of the Sandwich Islands, whereas, if we held that place and fortified it so that a foreign navy could not take it, it could not operate against the Pacific coast at all, for it could not bring coal enough across the Pacific Ocean to sustain an attack on the Pacific coast. Then the Sandwich Islands would be a base for naval operations just as Puerto Rico is against the Atlantic coast. If Spain is strong enough to hold Puerto Rico, so that a squadron can replenish with supplies—coal, ammunition, and provisions—there, the whole Spanish fleet can raid our Atlantic coast at will.

It happens that in this war we have picked out the only nation in the world that is a little weaker than ourselves. The Spanish fleet on the Asiatic station was the only one of all the fleets we could have overcome as we did. Of course that can not again happen, for we will not be able to pick up so weak an enemy next time. We are liable at any time to get into a war with a nation which has a more powerful fleet than ours, and it is of vital importance, therefore, if we can, to hold the point from which they can conduct operations against our Pacific coast. Especially is that true until the Nicaragua Canal is finished, because we can not send a fleet from the Atlantic to the Pacific. We can not send them around Cape Horn and repel an attack there. If we had the canal finished, we would be much better off in that respect; but even then we would want the possession of a base very much.

We got a preemption title to those islands through the volunteer action of our American missionaries who went there and civilized and Christianized those people and established a Government that has no parallel in the history of the world, considering its age, and we made a preemption which nobody in the world thinks of disputing, provided we perfect our title. If we do not perfect it in due time, we have lost those islands. Anybody else can come in and undertake to get them.

So it seems to me the time is now ripe when this Government should do that which has been in contemplation from the beginning as a necessary consequence of the first action of our people in going there and settling those islands and establishing a good Government and education and the action of our Government from that time forward on every suitable occasion in claiming the right of American influence over those islands, absolutely excluding any other foreign power from any interference.

The same eminent and experienced soldier, when asked whether it would be sufficient to have Pearl Harbor without the islands, said we ought to have the islands to hold the harbor; that if left free and neutral complications would arise with foreign nations, who would take advantage of a weak little Republic with claims for damages enforced by war ships, as is frequently seen. If annexed, we would settle any dispute with a foreign nation; that we would be much stronger if we owned the islands as part of our territory, and would then also have the resources of the islands, which are so fertile, for military supplies; that if we do not have the political control they may become Japanese; and we would be surrounded by a hostile people.

Admiral Walker, who has had long experience in the waters of the Hawaiian Islands, emphatically confirmed the views of General Schofield, especially that it would cost far less to protect the Pacific coast with the Hawaiian Islands than without them; that it would be taking a point of advantage instead of giving it to your enemy.

Admiral Dupont, in a report made as long ago as 1851, expressed his view in these words:

It is impossible to estimate too highly the value and importance of the Sandwich Islands, whether in a commercial or military point of view. Should circumstances ever place them in our hands, they would prove the most important acquisition we could make in the whole Pacific Ocean—an acquisition intimately connected with our commercial and naval supremacy in those seas.

THE TEACHING OF RECENT EVENTS.

For a war of defense the Hawaiian Islands are to us inestimably important, most essential, and in this light they have been most often discussed. The discussion in past years has attracted little public attention, because our people, until they were lately awakened by the war and the movement to reinforce Dewey, have not thought much about the exposed situation of our western coast in case of war with a really great power or the necessity of possessing these islands confronting our Pacific coast.

We learn fast in war time. Not long ago, when the air was filled with rumors of Spanish war ships coming to our eastern and northeastern coast, many members here, and I was one of them, received telegrams from the coast cities, to use their influence to have an adequate naval force sent to the threatened coast on the northeast. Now we have fleets and strong land forces and coast defenses on the east. We have comparatively slender preparations on the west coast. There is not anywhere on the east a group of islands of such cardinal and unique importance as the Sandwich Islands—not even the Bermudas.

Not only in defensive war but in war of any kind they are necessary to us. In the events of the hour we have an illustration of the importance and the military necessity of possessing those islands. The present war was begun for the declared purpose of

expelling Spain from Cuba and liberating the struggling people of that island; but once involved in war, it is the duty of the President, who is Commander of the Army and Navy, to strike at Spain wherever he can effectively; and a great and successful blow was struck in Manila by gallant Admiral Dewey and his fleet. [Applause.]

There is no one in our country so recreant to his duty as an American that he would refuse to support the President in succoring Dewey after his magnificent victory, lying in Manila Bay, holding in control the Spanish power there, but unable to land for want of reinforcements and surrounded by millions of Spanish subjects. Yet it is not possible to send support to Dewey to-day without taking on coal and supplies at Honolulu in the Hawaiian Islands—a neutral power.

By the law of nations, that power is bound to refuse to allow ships engaged in war to take on supplies or stay in port over twenty-four hours and is liable for all damages to Spanish interests caused by allowing the rules of neutrality in war to be violated by us. We are strong; Hawaii is weak. We absolutely must use that port, and do use it.

If the rights and duties of neutrality were enforced by the Hawaiian Government, and the *Monadnock* and the *Monterey*, which are leaving San Francisco for Manila, were compelled to go through with such coal as they could carry, they could not get half way before their fires would go out and they would lie weltering, helpless, dead, like derelicts, in the Pacific. In order to reach the Philippine Islands it is a necessity that the transports, battle ships, and other vessels of the fleet shall take on supplies at Honolulu, and they are doing it.

IS OUR PRESENT POSITION HONORABLE?

There is a feature connected with this that is humiliating to an American who loves the consistent dignity and honor of his country and desires to have it command the respect of the world. Within the last two weeks I have heard, in conversation among members of this House, expressions of great impatience at the conduct of European powers, upon newspaper rumor that Spanish ships of war had been permitted to recalc in one French island, that a Spanish ship of war had been allowed to stay thirty-six hours in a port of another island belonging to France, that supplies had been derived by Spain from Germany, even in this time of war. The discontent expressed throughout our country in the press was so wide, the criticism so sharp, that M. Hanotaux, the French minister of foreign affairs, in order to preserve and promote amicable relations and kindly sentiments, made a public statement disposing of all these disquieting rumors, and declaring that France loyally and faithfully observes and will observe her obligations as a neutral toward both belligerents everywhere.

While we have been giving notice to France, Germany, and Great Britain that war was existing and calling their attention to their duty as neutral powers, in order that they might issue neutrality proclamations, while on the east we respectfully approached German William, who commands a hundred legions, with long formal notices of our belligerency, trusting that he would adhere to the rules of neutrality, we came on the west to the little Republic of Hawaii, and without a word of courtesy or request took possession of all we cared to take, in utter contempt of her neutrality, of our duties as a belligerent nation dealing with a neutral country, and in disregard of the heavy liabilities we forced upon Hawaii.

We had even piled up 10,000 tons of coal in Honolulu Harbor for our Navy, a considerable part of it before the declaration of war. Yesterday came the news that the *Charleston*, one of our battle ships, entered the harbor of Honolulu without so much as saying "by your leave," to stay there as long as she will. All the other ships in the fleet going over to our Asiatic squadron do the same thing. We have the superior physical force to do this, but we are not in a position to do it with impunity in the face of the public opinion of the world, if we desire to command the respect of mankind and our own self-respect.

THE THREE RULES GOVERNING NEUTRALITY.

What is the law that governs the conduct of a neutral nation and its liability? When the treaty of Washington was negotiated in this city in 1871, the United States presented and proposed three general rules which should be observed by a neutral nation and determine its liability. The English refused to assent to them in the language first proposed, and after long debate and modification at last those rules were put in due form, accepted, and solemnly placed in that famous treaty. Both nations agreed to observe and be bound by them in future, and to invite the adherence and cooperation of all other nations.

You have recently seen the spirit and substance of those rules reflected in the proclamations of neutrality issued by many nations. Those famous rules sprang from our suggestion. Let me read their words, and then see the liability to which we put a neutral nation which, willingly or unwillingly, must submit to what we are doing to-day at Honolulu, and notice especially the second

rule which we then pressed and now disregard, and under which Hawaii is liable to Spain. By the sixth article of the treaty of Washington of 1871 a neutral is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a power with which it is at peace, and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use.

Secondly, not to permit or suffer either belligerent—

Either Spain or the United States—

to make use of its ports or waters as the base of naval operations against the other or for the purpose of renewal or augmentation of military supplies or arms or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligation and duty.

That is the law of nations as we pressed it unsparingly, and under which we collected \$15,500,000 from Great Britain for depredations committed on our interests by ships that had been coaled or harbored in British ports in violation of that law. So for every damage done to Spanish interests by an American war ship which has been supplied, repaired, or coaled in the Sandwich Islands that Government, the property of the people of those islands, is liable to pay to Spain the full amount of loss.

When this war is over and peace is declared, if the gentlemen opposed to this resolution prevail and prevent annexation and continue Hawaii's independent existence, if the liabilities of the islands on the claims of Spain against the Republic of Hawaii should be referred to arbitration, and the President of the United States should be one of the arbitrators, he would have to vote to compel them to pay the last cent, no matter how vast might be the burden of taxation it would impose on that little people.

PRESSURE NOW BY FOREIGN POWERS.

Now, this is not a vague speculation. It is not merely hypothetical. The property owners in the island are alarmed. The foreign powers represented there are active. I hold in my hand a dispatch from our minister at Honolulu of May 10, a part of which I can not with propriety read, and have not authority to do so; but I will read this part:

The strongest influence has been brought to bear upon the Government urging it to proclaim neutrality, give notice to the *Bennington* to leave port, and invite the cooperation of other powers to protect the neutrality of the group.

He proceeds to state that this is the opinion of the diplomatic corps here, and not only them, but the foreign merchants also, "and I regret to say many who heretofore have been classed as American sympathizers and urgent annexationists." Do you wonder at them? With the prospect of such trouble and taxation amounting to confiscation, fearing that the United States, with the powerful influences at work in Washington hostile to Hawaii, may not come to their rescue, when we have not given a hint, much less a pledge, to stand between the little Republic and danger, do you wonder that merchants and all property owners are disquieted?

But without any words from us or any assurance from our Government, notwithstanding the pressure to which it has been subjected, the brave little Hawaiian Government, loving America better than Spain and confident in the justice of the great American people as a child trusts its father, remains unchanged in its purpose. [Applause.]

Are you not as Americans proud of that little colony, the only true American colony, the only spot on earth beyond our boundaries in the wide world where our country is preferred above all others? [Renewed applause.] That steadfast body of men, pressed and menaced by the influence of so many empires and kingdoms, threatening them with the danger that would follow if they permitted the American flag to stay in their harbor, remained constant in their devotion to the colors they loved and the people they always trusted. They are the same men who, when threatened with an unscrupulous, corrupt, and arbitrary monarchy, which had violated the constitution, besieged the King in his palace and shook his throne, overcame his army, and compelled him to swear observance of the constitution which he had violated.

The same resolute men drove a worthless Queen from the throne when she again attempted to overthrow the constitution and destroy the guaranties of property—the woman who, when she talked with Minister Willis of restoration, wished one condition, that she might behold the Americans. I have no apology to make for men sprung from our blood who have borne themselves with such enlightenment, courage, and energy as these men have done [applause], whose only fault is that they love our flag more than their own. They love the flag under which many of them once fought. Some of them fought under another, the bonnie blue flag, during our great war; but at heart brave Americans all, they have united there to sustain the cause of the United States in this war with Spain, animated by a love of American institutions and love of liberty. They are men who can not be intimidated or turned aside from their purpose, men who have successfully resisted every influence to bring them under the control of other foreign governments or any domestic tyranny.

OUR NATIONAL HONOR IN QUESTION.

This is a very practical and important question with them, and it is important to us. I said we had only the question of interest to consider here to-day, whether it would be advantageous to us to annex. Have we not also a high question of national honor?

While we are demanding the observance of neutrality by other nations, we disregard it ourselves. We are compelled to it by military necessity. That is the fact. What is the honorable solution? Annex them and end it all. In a war of defense, as I have stated, these islands are to us indispensable. We find, too, that in this contest with Spain, which has taken the form of offensive war, as we are attacking them in the Orient, we are compelled to use them in order to support Dewey.

DANGER OF DELAY.

Can we put this question off indefinitely? Can we play with our duty under the law of nations, or shall we try to turn about and treat them sincerely as neutral? We know that the actual real neutrality of the islands would to-day work us a great injury. The minority propose that we should guarantee the independence of the islands, which, of course, perpetuates their neutrality and puts us in a position that we can not endure.

Mr. JOHNSON of Indiana. I hope the gentleman will not turn too much to one side. If he turns too short to the right, gentlemen can not hear him on that side, and if he turns too sharp to the left we can not hear him on this; and we all want to hear the gentleman.

Mr. HITT. I appreciate the gentleman's suggestion, as it implies that my remarks have his attention.

We can not afford to let them alone. We must possess and fortify and hold and use them or leave them to their fate. The other side of the House propose to guarantee their independence by a declaration of Congress. That is a mere matter of words, and when war arises words are brushed aside and armies and navies decide; and we should prepare not by declarations, but by taking the islands. Besides, independence implies all the duties and rights of neutrality. The gentlemen would put our Government in the dishonorable position of declaring and guaranteeing Hawaiian independence as a neutral nation at the very moment when we are disregarding their neutrality and independence.

THEIR FUTURE THREATENED.

They can not remain as they are. The future is threatening. Sagacious statesmen have long foreseen it.

Mr. Willis, whom so many old members will recollect as a valuable member of this House, was sent to these islands by Mr. Cleveland to demand the overthrow of the republican government. We all recollect his dispatches. Many of us had the advantage of conversation with him when he returned to this country.

RIISING POWER OF JAPAN IN HAWAII.

In one of those dispatches he mentioned, incidentally, what he also said here in conversation, that far the most threatening fact in the condition of the islands was the rapid growth of the Japanese element, and the purpose for which it was being sent there. There are over 24,000 Japanese on the island. They are mostly men, grown men; 19,000 of them are men.

If they voted, it would be converted into a Japanese commonwealth immediately. This is not a light thing.

A BIT OF HISTORY.

Over twelve years ago the planters, desirous of having other labor to diversify their Chinese and Portuguese labor, tried to have an additional supply from Japan. An arrangement was made, which was put into a convention in 1886, permitting the Japanese Immigration Company to send over Japanese laborers upon due authorization from the Hawaiian Government. These Japanese came at first in small numbers; but pretty soon they began to come faster, and the Japanese Government, which is directed by able statesmen, anxious to take advantage of all opportunities, made a demand that these Japanese subjects going there should have the same rights as the natives.

A JAPANESE FUTURE NOW PLAINLY THREATENED THEM.

That startled the Hawaiian Government. That was what Mr. Willis referred to when we met him here in conversation. The demand was ingeniously presented and energetically sustained. It might seem surprising that such a demand should be made. It was based upon an old treaty made by Japan in 1873 with one of the kings, which it was claimed granted to all Japanese forever the rights of the most favored nation. In truth, that treaty related only to traders and their privileges in the ports, and was so meant. It gave to Japanese liberty to come with ships and cargoes to ports where trade with other nations was permitted, where they might hire houses and warehouses and trade, enjoying the same privileges as were granted to other nations. I will give the exact language of the article, with the incidental expression in the middle of it, on which so broad a claim was built up.

ART. II. The subjects of each of the two high contracting parties, respectively, shall have the liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other where trade with other nations is permitted; they may remain and reside in

any such ports and places, respectively, and hire and occupy houses and warehouses, and may trade in all kinds of produce, manufactures, and merchandise of lawful commerce, enjoying at all times the same privileges as may have been or may hereafter be granted to the citizens or subjects of any other nation, paying at all times such duties and taxes as may be exacted from the citizens or subjects of other nations doing business or residing within the territories of each of the high contracting parties.

The sixth article provides that the treaty may be revised, on six months' notice, by mutual consent. As the Japanese did not propose to give consent, by their way of doing business it would be perpetual.

However, it did not amount to anything without finding a "favored nation." They found an old treaty, made way back in 1863, by one of the native kings with Spain, drawn apparently in very liberal terms, and meant to enable the traders to come and trade in the ports, which provided that they should "enjoy the same rights and privileges which are granted to natives."

So, by carrying over these privileges given to Spanish traders as such by a Kanaka king thirty-five years ago, and under which Spain had never thought of claiming the voting franchise, by distributing them to the Japanese traders in 1878 they spread them out in their demand over the whole Japanese population, laborers and all. That population was being poured in at a tremendous pace, sometimes 1,000 a week, and they would have soon overwhelmed everything on the island by sheer numbers. The Hawaiian Republic made its utmost endeavors to struggle against this flood. They protested, they denied any such interpretation of a treaty which concerned not laborers, but merely traders, such as came on trading voyages in that old time.

They demanded that only those should land who had permits by the convention of 1896. They adopted a police restriction against paupers, such as all governments have a right to make. The police regulation required every one who came to have \$50. The immigration company in Japan was up to the exigency. They sent them still without permits and met the pauper restriction by a curious device. As the coolie left the vessel to go off, he was handed \$50, which he took in one hand, and after he passed the inspector he handed it back to the Japanese agent; and so they pretended to comply with the literal terms of the restriction.

The Hawaiian Government would not submit to such proceedings. They arrested those without permits or bona fide money and turned back hundreds of them—over 1,100. The Japanese Government were in dead earnest by this time. The game was in sight. If they could once get these men in sufficient numbers there with the voting power, they would soon turn the whole Government into a Japanese commonwealth, and then they would quickly end the reciprocity treaty with the United States and all our special rights to Pearl Harbor or anything else. Japan sent a ship of war, which might well alarm them, and a high official with it, who demanded that the permit should not be required, and that they should be free to come in as voluntary immigrants without stint; that Hawaii had no right to inquire into the bona fide character of the fifty-dollar transaction, and presented a great claim for indemnity to those turned back.

The little Republic held out stoutly and asked for arbitration. Japan said, "We will arbitrate; we will soon let you know exactly what we will do;" and the next month they said they would arbitrate all questions between the two countries except as to the bona fide character of the fifty-dollar transaction and the permit for immigration, nor would they arbitrate the treaty-construction question. In short, they were willing to refer to arbitration everything except the questions to be arbitrated. The horizon looked dark for Hawaii.

But at this point the little Republic made a treaty of annexation with the United States, and Japan learned that they could not discuss the matter further with them, because they had made a treaty of annexation with the United States, which, by its very nature, would extinguish all other treaties. Even that did not stop Japan, and she made an earnest protest to the United States against the treaty of annexation. Our Government answered promptly that Japan was not concerned in it; that we could deal only with the Hawaiian Republic, and refused to consider the protest, and this in such terms that Japan formally withdrew it. But she has not withdrawn these claims, she has not withdrawn the demand against the Hawaiian Government of the right to pour in Japanese without permit, or the right to demand for all Japanese any privileges or rights of the natives, which would include the right to vote and hold office.

Now, suppose we reject this offer of the Hawaiian Republic to join our country and become part of us. They are then left an independent government, with no hope of joining us, and become responsible for their own international relations and must answer to Japan. If Japan should succeed in her contention as to the old treaty rights, her people will vote and soon change the administration of affairs there. They would elect their own officials and government in Hawaii.

RECIPROCITY AND PEARL HARBOR RIGHTS THREATENED.

They could at once attack the reciprocity treaty with the United States. By the terms of that treaty either party may terminate

it on twelve months' notice. Pearl Harbor is therein granted to us; that is, we have a right to enter the harbor to improve it and use it as a coaling and naval station.

We have never done any of these things. The entrance has not even been opened. No ship of ours has gone in there. Nothing whatever has been done in that direction. I tried vainly to have an appropriation made by Congress over a year ago to have the harbor opened and improved and our flag raised, in order to strengthen our title by possession, so that when the question of our tenure should come up we might have that point in our favor—an important point in any contention which might arise under international law. But since we have done nothing the case stands thus: The Pearl Harbor grant to us in the reciprocity treaty was in a new article, Article II, added when the treaty was renewed in 1897. After that amendment had been put on in the Senate, and before exchange of ratifications of the renewed reciprocity treaty thus modified, there was an exchange of official notes between Minister Carter, of the Hawaiian Islands, and Mr. Bayard, Secretary of State of the United States.

Mr. Carter stated that they wanted it distinctly understood that in assenting to the Senate provision in a reciprocity treaty granting to the United States the use of Pearl Harbor as a coaling station they did not propose any derogation of the sovereignty or jurisdiction of the Hawaiian Islands or any cession of territory whatever; that it was to be regarded as a privilege granted as compensation for the advantages they obtained by reciprocity, and that with the cessation of reciprocity the Pearl Harbor grant would cease.

Mr. TAWNEY. In the line of what the gentleman is saying, will he pardon an interruption?

Mr. HITT. If the gentleman will wait a moment I will read Mr. Bayard's words in reply, so as to make my statement complete:

No ambiguity or obscurity in that amendment is observable; and I can discern therein no subtraction from Hawaiian sovereignty over the harbor to which it relates, nor any language importing a longer duration for the interpolated Article II—

That is, the grant of Pearl Harbor—

than is provided for in Article I of the supplementary convention.

Article I provides that this arrangement may be abrogated on one year's notice. There is our tenure of Pearl River.

Mr. TAWNEY. Is it not a fact that under that grant the Government of the United States obtains absolutely nothing except the use of the water—that we obtain no land at all for the purpose of utilizing the harbor as a coaling station?

Mr. HITT. I will read the language of Article II:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of the vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

As the honorable gentleman says, we get nothing but the use of the water in that grant.

Mr. Speaker, I have held the floor so much longer than I intended that I will hasten to conclude.

COMMERCIAL INTERESTS.

The commercial value of the islands, the great interests that are to be promoted or are to languish, dependent upon our possession of the islands, which are the crossing place of almost all the lines of steamers in that sea, have been often discussed. We have a very large trade there, over \$18,000,000 annually of late years, and increasing. Not only do we admit their unrefined sugar free to our country, but, under the reciprocity treaty, they admit our products free of duty, and last year we sold to them \$6,800,000 worth of goods.

Of course, if the islands are diverted to other control—if that treaty terminates—we will rapidly lose their trade. At present they purchase from us three-fourths of all their imports. We have a great shipping trade there, American ships carrying nearly all the trade of the island. Honolulu is the only port in the world where American shipping is so greatly in the ascendant as to outnumber that of all other countries put together. Of the seven trans-Pacific steamship lines, six make Honolulu a way station. Shall we let it pass into rival or hostile control?

Mr. GAINES. Will the gentleman allow me just one question for information? I understand from reliable sources that the population of that island is more or less afflicted with leprosy. Will the gentleman please let us know what are the facts on that point?

CHARACTER OF THE POPULATION—LEPROSY.

Mr. HITT. The population of the island, 100,000, is a mixed population. About half, or nearly half, are Asiatic—Chinese and Japanese. About twenty to twenty-five thousand are people of European or American origin—a good many Americans, a good many Germans, British, and a large number Portuguese and other nationalities. This Caucasian element is the strong intellectual and industrial force of the island. The Portuguese are people who have been there for some time. More than half of them were born

on the island: were educated in the schools there, which are similar to the schools here, and those children speak English as an ordinary American child. There is little or no leprosy among them or any cleanly, highly civilized people anywhere. After annexation the Asiatics would rapidly disappear in numbers under the operation of our laws and under the penal code of the islands, which would send back Chinese laborers very soon.

The contract system would be terminated. The immigration from this country would no doubt increase. I have seen little reason to believe that there would be any difficulty whatever in regard to any maladies save among those Asiatic elements and the Kanakas. There is leprosy, brought to the islands, it is said, by the Chinese. I am not familiar with the facts, personally, never having visited the islands. There is a vague impression, especially among Bible readers, who are very prevalent in this House [laughter], as to that word "leprosy" in descriptions of the islands, which is not correct as to the form of disease called leprosy as it exists in Hawaii, and which I have myself often seen in the Orient.

It is a malady that rarely affects people of the Caucasian race of the better class, who use an abundance of soap and water. It is not contagious in the ordinary sense. Why, I have seen children in the huts of lepers in Turkey, sons and daughters of lepers, 8 and 10 years of age, who were beautiful children, and who had never been away from the leper village. That is a common sight in the Orient. It is not the loathsome, running disease mentioned so often in the Bible. It seems to be a paralysis and withering of the ears, fingers, etc., and they drop away painlessly.

It is communicated by long association and intercourse, but it is not communicated like the smallpox, or yellow fever, or any of those rapidly contagious maladies. The present vigorous, well-organized, well-arranged government of the islands has segregated it at Molokai; and though the elements there for the spread of such maladies are very favorable, in that oriental population, and among those weak and diseased natives, yet it is a comparatively small detraction from the condition of the general population of the island, and it would probably never be found to affect us in this country. We have had it in a sporadic way in our country for a long time and it is controlled. There is a leper colony in Louisiana and one in Canada. I will leave that question to experts.

Mr. LOVE. I should like to ask the gentleman what number of American citizens there are in the island?

Mr. HITT. I do not think there are any American citizens except some travelers and sojourners. There are many people there of American origin, but they are Hawaiians, some of them sons and grandsons of men who went from the United States. But they are not American citizens, except partially, by a peculiar provision of their law, which allows men to retain a title to foreign citizenship. I think there are a good many of them; but what is ordinarily meant by strictly American citizens relates to people who travel or sojourn there from this country and go away. There are several thousands there of American origin, and who are very strongly American at heart.

Mr. WHEELER of Kentucky. I have listened with a great deal of interest to what the gentleman has said about this; but there is one phase of the question that I think the House would hear with a great deal of interest, and that is the result and effect of annexation, not upon the commercial or military welfare of this country, but as a departure from the established customs of our country. I should like to hear the gentleman upon that phase of the question.

NO NEW POLICE.

Mr. HITT. This measure does not launch us upon any new policy, as I tried to explain, but the importance of the question lies, first of all, in the necessity of possessing these islands for the defense of our western shore, the protection and promotion of our commercial interests, and the welfare and security of our own country generally. Mr. Blaine stated it very well in a dispatch where he said the Panama Canal connecting our two shores, facilitating their defense and communication, was a purely American question, and that the possession of the Sandwich or Hawaiian Islands, giving them strategic control of the North Pacific, was one of purely American policy.

In the whole of what I have said I have discussed this question solely as it affected our own country. The population there is so small that it can not be considered an element of much comparative importance. It is not one seven-hundredth part of our population at home. It is the importance of the group as a point, what military and naval men call a strategic point, that makes it of extreme importance and should make us prompt to seize upon the first opportunity to have rightful possession of the islands.

SUGAR COMPETITION.

Something is said about the danger to our beet-sugar interests in this country from the competition of Hawaiian cane sugar after annexation coming in free of duty. There may well be some persons connected with the sugar-refining interest who are hostile to annexation; but the producers of beet sugar or unre-

finied sugar have nothing to apprehend. The total available natural canelands in the islands do not amount to four townships of our land. They could not supply a tenth of what we consume. Besides, annexation will make no difference to the farmer here, as the raw or unrefined sugar of the Hawaiian Islands now comes in as free of duty under the Hawaiian reciprocity treaty as it would after annexation, and the only man who is affected is the refiner, who is protected now by the tariff against refined Hawaiian sugar. Refined sugar does not come in free under the treaty, and if annexation comes the refined sugar will come in free, and of course the refiners are hostile to it.

Mr. RIDGELY. A short time ago I asked the gentleman's permission to ask a question.

Mr. CLARDY. I should like to ask the gentlemen a question.

Mr. HITT. I will yield to the gentleman from Kansas first.

Mr. RIDGELY. My question is this: The chairman of the Committee on Foreign Affairs stated what is a very important matter in regard to the treaty existing between the Sandwich Islands and Japan. Under that treaty the Japanese Government claimed the right of citizenship for Japanese subjects who are now on the island, or who may hereafter go there under this treaty. Now, my question is, if we accept the islands under the present bill, will we have to accept those Japanese subjects under that treaty?

Mr. HITT. Not at all—not as citizens.

Mr. RIDGELY. And involve ourselves in that affair.

Mr. HITT. This action extinguishing the sovereignty of Hawaii and incorporating the islands in the United States would abrogate all her treaties. The only part that would survive would be claims arising or accruing prior to this time under former treaties. All treaties fall with the extinction of the existence of a nation. Their foreign affairs pass under our control.

POSSIBLE STATEHOOD.

Mr. CLARDY. The gentleman has very interestingly and very instructively explained various features of this question, but there is one point that I should like to know still further about, and that is this: Suppose these islands are received into the United States under this resolution, what does this Administration intend, or what do the people of the United States intend, to do with them? Will they be admitted as a State? It seems to me that is a very important question.

Mr. HITT. I am not a mind reader, and the Almighty alone can answer what is in men's minds.

Mr. CLARDY. The gentleman ought to have some idea of what the Government intends to do.

Mr. HITT. You will have to find that out from other sources. By the terms of this resolution all such questions will be determined by Congress, and Congress will and should do what the American people want done. The President will have no power over the subject.

Mr. RIDGELY. Do the Japanese in Hawaii vote?

Mr. HITT. They do not vote now, and the disposition and mode of government of those islands and everything connected with them is, under the terms of the joint resolution, left in the control of Congress.

Mr. FLEMING. I should like to ask this question, which I think is a legitimate one: What is the personal opinion of the gentleman himself as to the status that the Hawaiian Islands ought to occupy in future developments of the country? I should like to know if the gentleman has any information on the subject.

Mr. HITT. It is nothing but the private opinion of one individual, and is of little value.

Mr. FLEMING. It would carry a great deal of weight, and it is a question that is troubling some of us as to the development that is to come in the future.

Mr. HITT. It is a development that relates to the future. Chief Justice Taney, in the Dred Scott decision, speaking of the constitutionality of the acquisition of territory, said that there was no power granted in the Constitution of the United States to acquire any territory in any way; that there was only a grant to Congress to admit States. A State is a civil political organization of people occupying territory or land previously possessed by the United States. That has been the fact as to all States admitted except Texas, which was acquired as a Territory or possession, and admitted as a State at the same time.

Judge Taney added that in the construction of the power to admit States it authorizes the acquisition of territory not fit for admission at the time, and the power to acquire territory for that purpose rests upon the same discretion, and is a question for the political department of the Government.

In truth, it is impossible to imagine a sovereign state without the power of increasing its boundaries. It enters into the very idea of sovereignty, and Chief Justice Fuller said in the Mormon Church case that the power to make acquisitions of territory by consent, by treaty, or by cession is an incident of national sovereignty. Chief Justice Taney said in his supplemental remark, after his comments on the restricted grant in the Constitution to

admit States, that territory that was acquired was always acquired with a theoretical view to ultimately being a State or a part of a State, a condition of statehood in some form at some time.

Mr. FLEMING. That is what I meant.

Mr. HITT. When we admitted those vast stretches of ice and rock in Alaska that border upon the Arctic Ocean it was with the theoretical view that some day, under some conditions, they might be a part of the United States as States, not merely as a landed possession or territory; but we have waited a generation, and we may wait a thousand years. There are gentlemen sitting all around me who represent districts in States made out of territory which we kept waiting the greater part of a century. How long was the region which is Montana a territorial possession? I do not know what will be the ultimate destiny of this little group of islands and their population, but we may imagine that, with the assent of California or Oregon or Washington, they may become a county or counties and a part of one of those States, and thus assume the quality of statehood. But this I give merely as a suggestion, and representing the opinion of nobody else, and I did not intend to bring it into the debate.

Mr. SIMS. Will the gentleman allow me to ask him a practical question which he has not touched upon?

Mr. DINSMORE. I should like to call attention to the fact that the chairman of the committee [Mr. HITT] requested that he should not be interrupted. It is manifest to everybody that he is not physically strong.

Mr. SIMS. I want to ask about the expense that it will be to this Government to maintain this territory. If the gentleman does not care to answer it, it does not make any difference.

Mr. HITT. That is a question no man can answer with precision. It is a well-managed little republic on a sound financial basis. There is a balance to credit now in the budget of the islands. They are not running in debt, but have a margin of surplus. I trust we can administer them as economically as that Government does. With the gentleman who has asked me the question and other gentlemen who will be here in Congress, I have confidence enough in their wisdom to feel sure that the affairs of a little added population, numbering but one seven-hundredth part of our own people, will be successfully cared for in our future legislation.

I have detained the House very long, and I hope that I have not failed to answer any question.

Mr. HENRY of Mississippi. I want to ask the gentleman one question for information. I do not want to insist on the gentleman answering if it will inconvenience him: If we take these islands and annex them, have we to pay anything in the way of debts?

Mr. HITT. Well, they have assets and liabilities, the assets being twice as great as the liabilities. We take both when we take the Government. There is a provision in the resolution that the debt shall not in any case exceed \$4,000,000. The assets of the islands are given in the statement of the financial officer showing that they are nearly twice that.

Mr. HENRY of Mississippi. Do we assume the indebtedness? Mr. HITT. With their assets we take their liabilities. The assets are \$7,938,000, and the liabilities about \$3,900,000.

Mr. BARTLETT. I want to ask the gentleman a question for information on a point upon which I have no information. If the gentleman does not desire to answer it, I shall not ask the question.

Mr. HITT. I will endeavor to answer the gentleman.

Mr. BARTLETT. Is there anything in the shape of paper money or bills which this Government becomes responsible to redeem; and if so, how much?

Mr. HITT. There are liabilities; but they are all easily ascertainable by the official reports before us. There are three series of bonds, in all \$3,380,200. There are deposits in postal savings bank of \$882,345.29, making \$4,212,545.29, less bond proceeds cash in the treasury of \$321,565.90 and postal bank deposits of \$111,371.04, in all \$332,936.94, leaving total net debt \$3,879,608.35. I think there are no other bills or paper money. It does not appear in the report.

Mr. BARTLETT. I understand that there are several hundred thousand—probably \$280,000.

Mr. HITT. It is a pretty sound Government financially; the public credit there is good.

I have consumed so much time I should ask the pardon of the House. The consideration of this measure has been long deferred. There has been so much discussion throughout the country, such manifest impatience for its consideration here, that at last there is a pretty clear perception by almost everyone that the annexation resolution before us is in response and obedience to the demands of the whole country. I think the constituency of nine-tenths of the gentlemen here, if they could utter their will by votes, would command us to promptly pass this resolution. Our votes in passing it will voice the earnest purpose of the American people; the conservative sentiment of the country is expressed by it, as a measure for the welfare, for the security and prosperity of the whole nation. Let us pass it and carry out the will of the

American people. I thank the House for such patient attention. [Loud applause.]

Mr. PAYNE. Will the gentleman from Arkansas yield a moment, that I may make a request of the House to pass a couple of bills that the War Department are very urgent to have passed at this time?

Mr. DINSMORE. Does the gentleman think the bills will provoke any discussion at all?

Mr. PAYNE. Not at all. If they do, I will withdraw them.

Mr. DINSMORE. How long will it take?

Mr. PAYNE. Not more than five minutes.

Mr. DINSMORE. Of course I do not object.

Mr. BLAND. Mr. Speaker, I think that when we assign a certain time for a great debate in this House, it ought not to be interfered with. Unless there is an overpowering necessity it can certainly wait until next Wednesday.

Mr. PAYNE. It is very urgently required by the War Department to provide ships to transport troops.

Mr. BLAND. I will not object to this, but I think we ought not to take the time that has been given to debate of important questions.

Mr. SIMS. What is the character of the bills the gentleman speaks of?

Mr. PAYNE. It is to secure vessels for the transportation of troops.

Mr. SIMS. I do not think the debate ought to be interrupted.

Mr. PAYNE. It will not take five minutes.

The SPEAKER pro tempore (Mr. PARKER of New Jersey). Does the gentleman from Arkansas yield to the gentleman from New York?

Mr. SIMS. Now, I want a straight understanding about this.

Mr. PAYNE. It will not take as much time as the gentleman is consuming.

Mr. SIMS. Do you suppose any war measure so important as to grab these islands?

Mr. PAYNE. It will not take any time.

Mr. SIMS. I will object unless there is an understanding that the time for debate shall be extended.

Mr. PAYNE. So far as I am concerned, I am willing that the time shall be extended.

The SPEAKER pro tempore. Unanimous consent is asked by the gentleman from New York to suspend the debate for the passage of the bills he has mentioned.

Mr. SIMS. I object, unless that other agreement goes into it—that the debate is to be postponed beyond 5 o'clock.

The SPEAKER pro tempore. Is there objection?

Mr. SIMS. I do, without that is agreed to.

The SPEAKER pro tempore. Objection is made.

Mr. SIMS. Now, I do not want to be misunderstood—[Cries of "Go on!"]

The SPEAKER pro tempore. Objection has to be made or not made.

Mr. SIMS. I will make it, then. I object.

Mr. DINSMORE. Mr. Speaker, it must be assumed—it can not be denied—that members who represent constituencies in this House of any party must and do desire that the best shall happen to our common country. We may differ and do differ in our political opinions on many questions, and yet we may all be honest. It is often the case that members put aside their own convictions in obedience to party demand, and I have grave fears—indeed, am sure—that this incident will be a notable example.

The question presented for consideration of the House to-day is one upon which I have thought much in the past, during different administrations of power in this country. It is a question upon which I have undergone a change in my own views, for at one time I thought, without having investigated or studied the question in all its bearings, that the United States should take to itself the Islands of Hawaii. But, sir, I am to-day and have long been opposed to adding these islands to our territory.

I am opposed to it, in the first place, at this time, because I do not believe that we have any constitutional authority by the method proposed to us now to take them. Secondly, I think that if we could do it lawfully, it is not desirable that we should do so for many reasons. Subjecting myself to the criticism which was placed upon those pointed out by the honorable chairman of the committee who has just taken his seat, who take issue with the different distinguished gentlemen skilled in military and naval affairs, I must be allowed, as only one humble citizen and a Representative in this House, to say that I do not accept the theory presented by those gentlemen that "the possession of the Hawaiian Islands by the United States is indispensable to us."

That is the way it was stated in its strongest terms by the chairman of the committee. I do not believe that the ownership and possession of the Hawaiian Islands is essential to the United States, either as a permanent defense against war in time of peace or as a present war emergency. I frankly concede that their possession affords advantage—one advantage as against possession in

the hands of a formidable hostile power—but that advantage is greatly exaggerated, and the evils that would result, in my judgment, outweigh this advantage. I do not believe that we have the power to take them to ourselves except as a State, and I do not believe that the people of these islands are suitable for citizenship of the United States. I am opposed to it because the people of Hawaii have not been consulted in the matter.

I am opposed to it, and here again I place myself in opposition to the military experts, and I grant now that these gentlemen are much more capable of forming correct opinions with reference to military matters than I am, but it is a poor man who, until he is convinced of his error, will yield because of any man's superior advantages or position. I do not believe that it is correct, as stated by these gentlemen, that it will require less military strength upon our part on the seas, but I believe it will require more, and I shall attempt to give the reason for that opinion.

Mr. Speaker, whatever may be the advantage to our country from a military standpoint in acquiring the Hawaiian Islands, I am opposed to annexation, because it is but the first step that these gentlemen ask us to take upon a policy which is strictly in conflict with every tradition of our Government and the prospect of its honorable success and prosperity. I noticed when I alluded to the Constitution there were smiles on some of the countenances of gentlemen in the House. I know it has become quite old-fashioned to talk about the Constitution. I know that in these degenerate days it is not considered up to date to talk about being governed and restrained by the Constitution of the United States.

But, sir, I for one wish to declare in this honorable presence that I hope never to arrive at a time when I shall be induced by any temptation to say that I recognize any higher law for the government of this nation and the Congress in its duties toward it than the Constitution which I swore before the Speaker to defend against all enemies, foreign and domestic. It is not only the men who are guilty of treason at home who attempt by cooperation with a foreign enemy to break down and destroy the Constitution or that are distinguished as domestic enemies; they are enemies of the Constitution who, for any cause, in any way, attempt at home to nullify and render inoperative the provisions of that Constitution and trample them under foot.

For a century and more this Government has grown from its small beginning until it has become the greatest of states. I would have it continue so, Mr. Speaker, not by enlarging its territory, but by strengthening it in its internal affairs; by strengthening our institutions at home; by building up patriotism in the hearts of the people; by conserving the public interest; by promoting all industrial methods, and above all by strengthening our unity, restricting extension from our compact form, thus keeping every part of the country in touch and sympathy with every other. While we have refrained from interference with foreign nations, we have prospered under the direction of those wholesome admonitions, the sage advice of the wise and patriotic who built the ship of state. We have avoided entangling alliances with foreign nations, while we have maintained peace, commerce, and honest friendship, in the language of Mr. Jefferson, with all.

I regret to see any part of our people desiring to depart from the ancient traditional policy of our Government. We adopted the Monroe doctrine. That doctrine declared not only that we would resent and oppose if necessary any interference on the American continent by foreign powers or the upbuilding of monarchical institutions here, but there was on our part an undertaking in good faith to refrain from interference with the affairs of foreign countries. And while on this point I would like to read from a statement of a gentleman for whom the whole country has respect on account of the greatness of his intellect and the ripeness of his wisdom—I mean ex-Senator Edmunds, of Vermont.

In what I am about to read he is speaking with reference to our proposed retention of the Philippine Islands. I admit that the considerations are not exactly the same as those which apply to Hawaii. I do not mean to say that there would be an absolute violation of the Monroe doctrine if we should acquire Hawaii, because the Hawaiian Islands are nearest to the American Continent—are an outpost, as it were, of ours. I go further and say candidly that I appreciate, I think, such advantages as would accrue to the United States from the possession of the Hawaiian Islands.

I say with respect for gentlemen who may differ from me, that the single advantage upon which our possession of those islands can be maintained with any show of logic or consistency is that if the Hawaiian Islands were in the hands of a strong foreign hostile power that power would be in better position to attack us than if we were in possession of them. But I shall go further into that question a little later on.

Let me remark before reading this extract that if we acquire Hawaii it is but the first step in the progress of colonial aggrandizement. We all know it. I hear it every day, not only from uninformed and impulsive people at the hotels and on the street, but from dignified, sober, reflective members of Congress. The

press teems with it. "We are going on!" "We are not going to stop at Hawaii!" "We will take the Philippines and Puerto Rico and the Canaries, and establish ourselves upon every Spanish possession on the seas!"

These are expressions we hear every day. Newspapers assuming to speak for the President tell us from twice to thrice a week that he is anxious to get complete possession of Puerto Rico and the Philippines before Spain capitulates—that no overtures for peace will be entertained until these islands are reduced to our possession. Think of it! And this war was inaugurated for humanity's sake, with a distinct disavowal of motives of conquest! Who speaks of the suffering reconcentrados now, though suffering tenfold more than when the war began? The public mind is diseased with the fever of war, judgment is fled to brutish beasts, and men have lost their reason. American blood is to be spilled, American treasure wasted, for acquisition of territory which, if permanently acquired, threatens the sacrifice of peace, the happiness of our people, the very life of our Republic.

It is against this policy that I protest, because I believe it is inimical to the interests of this great country, that it portends disaster to us as a nation.

Here is the language of Mr. Edmunds:

If the United States were to hold those islands for a coaling station or as a colony the European nations might lodge a protest similar to this:

"As America has always tried to follow the Monroe doctrine and succeeded in her attempt, it would be like putting this doctrine into the other balance of the scale. She has always asked us to leave the Western Hemisphere alone, which we have done, supposing that she would continue to follow the same doctrine; but now America is interfering with our province in the East, and if she intends to hold it she can not expect us to respect her wishes in regard to the western part of the world."

Should America thoroughly subdue the insurrection in the Philippines, and keep the country with the sanction of Spain after the termination of the war, she could dispose of it as she thinks fit, but it would not be policy to do this, as it would show favoritism toward the country to whom it was sold and make enemies of those nations who wished for it and did not obtain it.

Should the United States wish to dispose of the islands after peace has been proclaimed, she could not do better than offer them back to Spain, either as a purchase or as a present, after the war indemnity had been paid. To this proceeding the European nations could lodge no reasonable objection, and it would show them that America did not wish to tread upon a foe after she had defeated her, and that the war was really carried on for the sake of humanity.

What shall we do with these islands? Are we to establish at once a colonial policy? I shall read briefly from the opinion of the United States Supreme Court as to our constitutional powers with respect to colonial possessions. If we acquire the Philippines, shall we sell them? If so, as ex-Senator Edmunds says, we probably make enemies of the countries who would object to the possession of the Philippines by the purchasing power.

But over and above this consideration, Mr. Speaker, there is a greater and a higher reason which commends itself to me as an American and a believer in republican institutions, and is a basic principle of our national polity—the right of an individual to have a controlling power in fixing and determining his own destiny. If you sell the Philippines, you not only sell the territory, but you undertake to sell the people.

What right have we to sell the inhabitants of the Philippine Islands, 13,000,000 of people, into the dominion and sovereignty of any power on earth without their consent? I protest against such a proceeding. I shall not give my consent to any measure that does not recognize the right of the American people to determine for themselves their destiny and that does not at the same time consult the wishes of people where their destiny is involved.

Mr. Speaker, upon this question of a colonial policy let me add a word further. It is denied by some that the annexation of Hawaii is in conflict with our policy in the past. They say that we have annexed territory before. But what I want to call attention to is the fact that no territory has ever been acquired into the possession of the United States by the method proposed in this resolution.

It is contended by some that this proposed resolution is authorized by precedents in our past history. The learned Senators who made their report on this subject have embodied this idea in that document, indeed have distinctly declared it, and so have the majority in their report to this branch of the Congress; but I shall undertake to show to the House in such poor way as may be within my ability that it is not so; that the cases cited are no precedents.

Under the Constitution, Congress has the right to admit new States into the Union. Let me read from the decision of the Supreme Court in 19 Howard, the celebrated Dred Scott decision, which treats directly of this subject. In delivering the opinion of the court the learned Chief Justice Taney said, amongst other things:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given; and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative powers and duties of the State and citizens of the State and the Federal

Government. But no power is given to acquire territory to be held and governed permanently in that character.

And he also said, quoting from Mr. Madison:

He speaks of the acquisition of the Northwestern Territory by the confederated States, by the cession from Virginia and the establishment of a government there, as an exercise of power unwarranted by the Articles of Confederation, and dangerous to the liberties of the people, and he urges the adoption of a constitution as a security and safeguard against the exercise of such power.

In an "obiter dictum" in the same decision the learned Chief Justice says that—

The different departments of the Government have recognized the right of the United States to acquire territory which, at the time, it is intended to admit as a new State into the Union.

Mr. Jefferson acquired Louisiana under this view, but by treaty confirmed by the Senate, and to become a State or several States.

Is that the question presented here? Is there anything in these resolutions of the majority proposing that Hawaii shall be admitted as a State into the Union? Would any gentleman have the temerity to stand up in this assembly and say that he would take it into the Union as a State? Do the committee reporting these resolutions say that at any time in the future it is expected to admit them to statehood? What is the population? This "gallant little republic" that the distinguished gentleman from Illinois, my colleague upon the committee, Mr. HITT, referred to a while ago, has 20 per cent of white blood—European and American.

Mr. CLARK of Missouri. Let me suggest to my colleague that of that 20 per cent, 16 per cent are Portuguese, from the Azores Islands.

The SPEAKER pro tempore [Mr. PARKER of New Jersey]. Does the gentleman from Arkansas yield to the gentleman from Missouri?

Mr. DINSMORE. I understand the fact stated by the gentleman from Missouri to be correct, and I was going to state it myself.

Mr. CLARK of Missouri. I do not think the Speaker pro tempore ought to object to my question, if the gentleman from Arkansas does not.

The SPEAKER pro tempore. The gentleman had stated that he did not desire to be interrupted, and the Chair desired to know.

Mr. DINSMORE. It is true, as my colleague states, that that proportion of the white population are Portuguese; but they are superior to the rest not of pure white blood. Forty-two per cent of the population of the island are Mongolian, Chinese and Japanese. Are you to take into full citizenship the Chinese whom your laws exclude from coming into this country? Are you going to confer upon them the immunities and privileges and sovereignty of American citizenship, when you say that they are not good enough even to come among us upon our own territory temporarily?

Nobody pretends any purpose to take the Hawaiian Islands into the Union as a State, but the purpose is simply and solely, so far as the contention goes, to acquire them for the purpose of assisting us in our military and commercial operations.

But they say that Texas furnishes a precedent. When gentlemen ask such extraordinary legislation as this from the Congress they see the necessity of showing some precedent for the action which is requested here. They strain for precedents. All the vast territory that has been acquired upon our continent came by treaty. I do not stop to recite history, because everybody knows. But they say Texas was acquired to the possession of the United States by a resolution similar to this.

Are gentlemen familiar with the history of the admission of Texas into the Union? Texas never was annexed. They tried to annex it after the treaty failed, but Congress refused to annex. Resolutions somewhat akin to this were introduced in Congress, but Congress rejected them. What did they do? They passed a resolution of Congress looking to the introduction and admission of Texas into the Union as a State; when? After it had organized itself into a State, with a constitution republican in form, constructed by a convention of delegates selected by the people, and after that constitution had been submitted to and ratified by its people, all in pursuance of the resolution I have referred to first passed through the Congress of the United States.

For emphasis, I repeat, a convention was called in Texas, at which a constitution was submitted and adopted, and afterwards it was ratified by a direct vote of the people. Was Texas then in the Union? Such is not the history of the legislation. Then Texas had placed herself in a position to become a State of the Union. She had a constitution republican in form; she had submitted that constitution to the people; it had been ratified by the people, not only by the existing government in Texas, but by the people of the State.

Then they were in a condition to be received into the Union, not annexed. Then Congress passed another resolution on the 29th of December, 1845, the former resolution having been passed in March prior thereto, and took Texas into the body of the free, sovereign States of this Union, giving to every man in it the right of citizenship. Is that a precedent for this legislation? What do the majority propose? It is well to measure their proposal by

their precedent. Simply by a joint resolution of Congress to make the Hawaiian Islands a possession of the United States, not even with the purpose of statehood, and without the consent of the people of the islands. The distinguished committee who reported to the Senate say that where consent has been obtained from the state in any authentic way it is legitimate to annex it to the Union.

I say Texas never was annexed. I say further that the consent of the people of Hawaii has never been received in any way. There is only the form of a dead treaty which was rejected or abandoned by the United States Senate after it was agreed to by the plenipotentiaries of the United States and the oligarchy in Hawaii, but which had not and has never been consented to by the people of the islands. It might as well be said, and far more justly, that a treaty signed by a plenipotentiary of the British Crown, ratified by a British Parliament, would impart the consent of the people of Canada to be annexed to the United States.

You must admit as a State. Such is the Constitution, and such is the precedent to which you refer. I should like to hear some gentleman argue this case in detail, and try to show the analogy between the resolutions passed in the Texas case and the one here. The resolutions in the Texas case were alternative in form. They provided that if the President of the United States should deem it more proper or wiser—I do not remember the exact language—not to submit the resolutions to Texas for a constitution and form of government, to be ratified by the people, that a commission should be appointed to settle with the Texas Government and people the terms upon which they might be, not annexed, but admitted into the Union as a State. But as a matter of fact, the former method was adopted. They took the constitutional method and organized it in convention, and ratified it by the people, made themselves ready for statehood, and then, by another resolution, they were taken into the sisterhood of States.

Mr. Speaker, it seems to me that it is feeble of gentlemen to cite Texas as authority for the procedure asked in this present emergency. It seems to me, sir, that it is a giving away of their case to do it; that they are grasping at straws and bringing to their aid authority which is directly in the teeth of their position. But they say, and my distinguished friend from Minnesota [Mr. TAWNEY] in his very entertaining speech of not long ago said, and the Committee on Foreign Affairs in the majority report say, that there are other precedents; that we have annexed islands in the Caribbean Sea; that we annexed Midway Island in the Pacific. Read their report. I can not take the time to read it, but look at the report and see what they cite as precedents for the action proposed here. Did we annex those islands?

Mr. Speaker, we did no such thing. We have never annexed an island. By discovery the United States flag was ordered to be placed over Midway Island, for the purpose of establishing a naval station, and that is the only circumstance to prove it, except an appropriation made for that purpose, but it was abandoned afterwards. We claim to exercise no sovereignty over it now.

They say that Navassa was annexed; that all the guano islands were annexed. Are gentlemen familiar with the statute by which those islands were taken into our possession for a time? They were not annexed.

Congress, in 1856, passed an act which said that where a citizen of the United States discovered an island in the sea, an island, rock, or key containing guano, an island uninhabited and not under the sovereignty of any other power, that that island should be considered as "appertaining to" the United States. Did you ever know of that word "appertaining" being used by anybody in good conscience, by any State, corporation, or individual attempting to set up title to property? How careful they seem to have been to avoid such language as would confer, upon the part of the United States, any sovereignty or ownership on those islands.

They should "appertain" to the United States, but for what purpose? Permanently? The statute does not say so. For the purpose of enabling the citizens of the United States to procure guano, after having entered into bonds to the United States Government that he would sell that guano to no other person than United States citizens, and at a fixed price, and Congress specifically declares in the act that the United States shall not be considered as bound to retain possession of the islands? Is that all?

No, Mr. Speaker; in this apt and appropriate precedent mentioned by the Committee on Foreign Affairs to guide us in this serious undertaking the United States Congress says that crimes committed upon these islands shall be considered as crimes committed—in the territory of the United States? Oh, no; but on the high seas, and punishable as such. And these careful and dignified gentlemen, representing the people of the United States, coming and asking us to depart from the firmly established and time-honored policy of this nation, give us as a justification that the United States rendered guano islands in the Caribbean Sea "appertaining" to the United States temporarily for the purpose of obtaining guano, and in the act specifically disclaiming ownership or sovereignty.

They must be inhabited by nobody, not under the sovereignty of any other power, and be taken only for a specific purpose. Is this a precedent? These gentlemen say so. I will not discuss it further. It is too palpable. There are no other precedents offered but the ones I have referred to; and these but prove the desperation of the annexation party.

So much for precedents. The distinguished chairman of the committee this morning said that the possession of the Hawaiian Islands was necessary for the defense of the United States and our commerce, and necessary in the present emergency in the war with Spain, because, said he, our ships can not traverse the broad expanse of the Pacific and carry their own coal; and they must have some coaling station by the way. There is no place, said he, but Hawaii.

I mention the remarks of my distinguished friend from Minnesota who spoke of having our guns on the Hawaiian Islands, to protect our trade, when the Nicaraguan Canal shall be built, an event we all hope for. He said that we must have Hawaii to protect our trade through that canal with our guns in Pearl Harbor. It was at the time ridiculed by my versatile friend from Mississippi [Mr. WILLIAMS] who remarked, "What guns they would have to be."

Now, Mr. Speaker, I want it distinctly understood that I take issue with that proposition. I want to tell you, and if gentlemen do not know it they ought to know it, there is a better way now to Manila, in the Philippines, than by Hawaii. There is a nearer way than by Hawaii—over 800 miles nearer, with good harborage, a good coaling station, and coal already there provided, within the jurisdiction and control of the United States. Gentlemen seem startled by this statement.

Let me tell gentlemen, Mr. Speaker, that from San Francisco, by way of Kiska, in the Aleutian Islands, and by way of Unalaska, where there is already a coaling station, to Yokohama and Hongkong and to Manila is over 800 miles nearer, according to the official maps made by the accredited scientific authorities of the United States, than by way of Honolulu. You gentlemen have got down in the document room, coming from the Navy Department, the Hydrographic Bureau, a map which will verify every statement I make, and the official figures are there given, made by Lieutenant-Commander Clover. The document is called "Highways of Commerce," and each volume contains the map or chart. Here it is, and if anybody wants to examine it he can take it and look at it.

Now, listen to me, and I will give you the distances. I will ask gentlemen to listen attentively to this, because, in view of the position taken by my distinguished friend, the chairman of the Committee on Foreign Affairs, and the annexationists here, it is very pertinent. You look at the map they had here. It was made on the Mercator's projection, which is misleading in its appearance, because it makes no allowance for the earth's curvature. You measure the distances with a tape on that map and it will seem that my statements are erroneous.

But follow the curvature of the earth, which is adhered to in the Hydrographic Office, and you will find that from San Francisco to Kiska it is 2,608 miles; from Kiska to Yokohama, 1,964 miles; Yokohama to Manila, 1,732 miles, making 6,344 miles from San Francisco to Manila. By way of Honolulu it is from San Francisco to Honolulu 2,083 miles; from Honolulu to Manila, 5,067 miles, making 7,150 miles, a difference in favor of the American route of 803 miles.

Mr. RICHARDSON. By our own route?

Mr. DINSMORE. By our own route.

Mr. FLEMING. And a much greater difference if you start from Portland.

Mr. DINSMORE. Why, certainly. This is the official map. Examine that map, and you will find from San Francisco via Kiska to Yokohama it is 4,593 miles, and from San Francisco to Yokohama by Honolulu 5,480 miles, a difference of 883 miles in favor of the American route.

Mr. RICHARDSON. Any difference in navigation?

Mr. DINSMORE. There is no difference in the navigation of material importance.

I would like to have the attention of gentlemen upon this point. I will go to the map presently and point out these different routes. Now, then, I come to Nicaragua; and if the gentleman from Minnesota [Mr. TAWNEY] is in the House, I would ask his attention particularly to Nicaragua, for he insisted that possession of Hawaii was necessary for the defense of the Nicaragua Canal. You look at the map made on the Mercator's projection, which would verify, seemingly, their position. From Nicaragua to Honolulu it is 4,210 miles, and from Nicaragua to San Francisco is 2,700 miles, 1,510 miles nearer to San Francisco than Honolulu.

You do not need to turn to Honolulu as a basis of protection for the Nicaragua Canal when you have it on your own coast, from San Francisco, which is nearer.

Now, Mr. Speaker, let me tell you about Kyska. There is a harbor there more than a mile and a half long and a mile wide. There is deep water with a good anchorage bottom, several fath-

oms of water throughout its whole area, enough at all points and more for vessels of the deepest draft; and not only so, but in an island 25 miles long, and right upon the shore is fresh water in abundance.

Mr. HARTMAN. There is a fresh-water lake on the island.

Mr. DINSMORE. There is a fresh-water lake near its margin. There is a harbor that will float the navies of the world, 800 miles nearer to Manila from our own coast than by way of the Honolulu route. Then what need for a coaling station at Honolulu? Mr. Speaker, there is absolutely nothing in the annexationist coal theory, but if it is necessary, we have the exclusive privilege already by treaty with Hawaii. That treaty provides that no other nation but the United States shall have the privilege even of entering Pearl Harbor, and we are given the right to do all things necessary to make it an efficient coaling and repair station, to the exclusion of every other power, even Hawaii herself, and that carries with it the right to strengthen and fortify it, to make of it a naval station with the armament to defend it. What more do we want than this?

The gentleman from Illinois [Mr. HITT] says this treaty, according to its terms, may be terminated by either party to the treaty. So it may. But who will abrogate the treaty? Will the Hawaiians? Never, if we avail ourselves of the rights granted, because the Hawaiians know they have more to expect from us than from any other nation. But, says the gentleman, some other power or people may get control of the Government in Hawaii, and they would terminate the treaty. An event the anticipation of which there is nothing to justify. The mere assertion of our purpose not to allow any other power to control Hawaii has been sufficient to prevent it for fifty years, and the world respects our wishes more to-day than ever before. They have regarded them because hitherto we have in good faith refrained from interference with foreign territory, while insisting upon the enforcement of the Monroe doctrine with reference to European control in our hemisphere. If we depart from our honorable course we need not wonder if Europe ignores our contention.

Mr. HARTMAN. Will the gentleman allow me, before he leaves the subject? With reference to Kiska, the reports of the Weather Bureau show that the temperature is never down to zero.

Mr. DINSMORE. I am coming to that. I know that many people have believed that navigation in that region is obstructed by ice. So I sent to the Weather Bureau, and I have a letter from the Chief of the Bureau on the subject, and I want to tell you that it does not get as cold at Kiska as it gets here. They are never troubled with ice, for they never have any. You must be informed that they never know the mercury to get lower than 7 degrees above zero.

UNITED STATES DEPARTMENT OF AGRICULTURE,
WEATHER BUREAU,
Washington, D. C., June 9, 1898.

DEAR SIR: I beg to acknowledge the receipt of your letter of even date in regard to the climate of certain of the Aleutian Islands.

I have pleasure in transmitting herewith a copy of the daily extremes of temperature at Kiska Island for November and December, 1895, January and February, 1896, the only time during which observations were made at this place. I also inclose a tabular statement of the lowest temperatures ever recorded at Unalaska during a period of seven years. At the latter point the lowest temperature ever recorded was 9° above zero. Westward the weather is not quite so cold.

We have little data as regards the freedom of the harbor from ice. At Unalaska moving ice obstructed the harbor during a short period in the winter of 1872. We should say that interruptions to navigation due to ice at Kiska, to the westward, are not serious.

The mean winter temperature at Atka Island, longitude 155° 45' W. from Greenwich, is 33°. The sea temperature is, of course, a few degrees higher.

Very respectfully,

WILLIS L. MOORE,
Chief of Bureau.

MR. HUGH A. DINSMORE,
United States House of Representatives, Washington, D. C.

CLIMATE OF ALASKA.

[By A. J. Henry, Chief of Division of Records and Meteorological Data.]

The statistics of temperature of central and interior Alaska given below are of especial interest at the present time. The climate of the coast is comparatively well known, chiefly through the compilation of Dr. William H. Dall, published in the Pacific Coast Pilot, Alaska, Appendix I, Meteorology and Bibliography, Washington, 1879.

The chain of coast stations in Alaska maintained by the Signal Service (now Weather Bureau) was extended up the Yukon in the fall of 1892, and a few fragmentary series of meteorological observations were maintained at the trading posts of the Alaska Commercial Company during the closed season. As soon as the ice went out of the river observations were discontinued, not to be resumed until the end of the open season, about the middle of September. The observing stations, with their geographical coordinates, are given below. The names of the stations are those now in use, with the following exceptions: Nuklukayot is given on the most recent Coast Survey map of Alaska as "Tuklukyt."

The post is but a few miles below the junction of the Yukon and Tanana rivers; indeed, it is not certain but that observations were made at the mouth of the Tanana for a portion of the time. Tchatoowlin was known in 1893 as Johnny's Village or Kiat-ol-Klin (Schwatska). The Coast Survey map gives the name as "Belle Isle." Camp Colonna, the station on the Porcupine River at its intersection with the one hundred and forty-first meridian, was occupied by the boundary survey party sent out by the United States Coast and Geodetic Survey, under the leadership of Mr. J. H. Turner. Camp Davidson is the station at the intersection of the one hundred and forty-first meridian and the Yukon. It was occupied by a Coast Survey party under the charge of Mr. J. E. McGrath.

Monthly and annual mean temperature (in degrees Fahrenheit).

MEAN TEMPERATURE.

Stations.	Latitude.	Longitude.	Elevation.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Annual.	Length of record.			
																	From—	To—	Years.	Months.
Coast.																				
Fort Wrangell.....	56 30	132 28	Feet. 25-35	26.2	30.8	31.6	42.7	49.3	55.3	58.2	57.5	52.3	45.9	33.5	32.8	43	May, 1868	Aug., 1882	4	18
Sitka*.....	57 08	131 19	63	31.4	32.9	35.6	40.8	47	52.4	55.4	55.9	51.5	44.9	38.1	33.2	43.3	Jan., 1828	Dec., 1876	45	2
Sitka†.....	.....	.....	.....	34.2	33	37.2	41.9	46.9	51.6	54.4	56.6	52.3	45.7	39.8	35	44.5	Apr., 1881	Sept., 1887	5	18
Killsnoo?.....	57 22	134 20	.....	28.7	28.9	33.3	35.5	44.9	50.3	54.8	53.6	46.5	41.2	32.7	30.6	39.8	May, 1881	Dec., 1896	11	25
Juneau.....	58 19	134 28	.....	27.5	24.7	33.5	40.1	47.7	53.6	56.6	55	49.9	41.9	31.2	29.3	40.9	May, 1883	.....do.....	2	28
Kadiak.....	57 48	152 19	.....	30	32.2	32.6	38.3	43.2	49.5	54.7	55.2	50	42.3	34.7	30.5	40.6	Jan., 1869	Aug., 1893	8	54
Unalaska*.....	53 53	166 32	13	30	31.9	30.4	35.6	40.9	46.5	50.6	51.9	45.5	37.6	33.6	30.1	38.7	Oct., 1827	Apr., 1868	6	20
Unalaska†.....	53 54	166 24	13	33.5	30.5	32.6	35.2	40.4	45.9	49.6	50.3	46	40.4	34.6	32.8	39.3	June, 1872	May, 1886	13	33
St. Michaels.....	63 28	161 48	30	7.4	5.3	8.9	19.9	33.1	46.3	53.6	51.9	43.9	30.5	15.6	4.8	26.1	July, 1874	June, 1886	11	13
Point Barrow.....	71 22	156 16	.....	-17.5	-12.6	-11.8	-1.2	21.4	32.8	38.1	37.9	27.8	4.4	-6	-15.4	7.7	Sept., 1852	Aug., 1883	3	10
Interior.																				
Anvik.....	62 37	160 06	.....	1.8	1.3	15.5	25.4	42	.....	.....	.....	43	35.1	10	-2.1	.....	Oct., 1892	Mar., 1891	.....	31
Nuklukayet.....	65 10	152 45	.....	-11.1	-9	6.7	22.2	43.7	.....	.....	54.4	43.4	25.9	-4.6	-19.9	.....	Aug., 1882	May, 1886	.....	27
Fort Yukon.....	66 32	145 18	412	-29.5	-11.6	0.6	.....	41.3	.....	.....	.....	.....	.....	.....	.....	.....	Jan., 1861	May, 1861	.....	4
Tchatoowklin.....	65 30	142 38	.....	-15.8	-11.3	11.3	31	45.1	.....	.....	54.2	42.7	19.7	2.5	-15	.....	Oct., 1882	May, 1886	.....	26
Fort Reliance.....	64 10	139 25	.....	-28.7	-19.7	10.5	28.7	43.9	.....	.....	43.9	27.3	7	-22.4	.....	.....	Sept., 1882	.....do.....	.....	16
Camp Davidson.....	.....	.....	.....	-17.4	-9.9	7.1	23.6	45	57.2	60.3	52.1	39	30.5	2.9	-15.6	22.9	Sept., 1889	June, 1891	1	10
Camp Colonna.....	.....	.....	.....	-15.2	-15.3	-8	6.4	41	51.9	.....	.....	.....	20.1	-4.4	-17.4	.....	Oct., 1889	June, 1890	.....	9

EXTREMES OF TEMPERATURE—MAXIMUM.

Anvik.....	85	87	46	46	67	.....	65	66	51	39	25	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nuklukayet.....	85	88	46	46	72	.....	79	72	54	36	17	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tchatoowkili.....	17	83	56	62	82	.....	80	78	69	39	30	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Reliance.....	20	27	45	59	76	.....	67	55	36	34	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Camp Davidson.....	25	37	38	56	74	84	87	74	66	39	17	.....	.....	.....	.....	.....	.....	.....	.....	.....
Camp Colonna.....	17	36	33	51	68	79	85	74	66	34	17	.....	.....	.....	.....	.....	.....	.....	.....	.....

EXTREMES OF TEMPERATURE—MINIMUM.

Anvik.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nuklukayet.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tchatoowkili.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Reliance.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Camp Davidson.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Camp Colonna.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

NOTE.—The number of years during which observations were made continuously is given under the heading "Years." The total number of months, exclusive of the whole years, is given under the heading "Months."

* Russian series.

† Signal Service.

‡ Means from 1889-1896, inclusive, used; means prior to that time not computed.

Daily maximum and minimum temperatures at Kiska, Alaska.

Day.	Jan., 1880.		Feb., 1880.		Nov., 1885.		Dec., 1885.	
	Maxi- mum.	Mini- mum.	Maxi- mum.	Mini- mum.	Maxi- mum.	Mini- mum.	Maxi- mum.	Mini- mum.
1.....	37	31	36	33	40	37	41	32
2.....	37	30	37	33	38	32	37	31
3.....	37	32	36	30	38	28	36	30
4.....	36	31	37	28	43	32	39	30
5.....	35	32	32	20	44	34	39	29
6.....	36	29	34	22	47	38	38	29
7.....	36	26	34	22	46	40	35	21
8.....	35	17	33	15	44	36	35	24
9.....	36	23	33	20	40	34	36	23
10.....	37	26	35	28	42	33	39	29
11.....	37	23	41	32	43	34	34	24
12.....	36	20	37	28	45	35	35	20
13.....	38	30	31	26	46	36	36	23
14.....	36	25	32	26	40	30	35	27
15.....	36	32	33	27	38	28	33	22
16.....	36	25	31	23	38	30	36	24
17.....	37	24	32	23	36	25	36	30
18.....	40	34	35	28	43	27	42	30
19.....	39	32	36	28	45	36	41	33
20.....	41	32	36	28	39	39	37	27
21.....	36	29	36	23	43	33	30	25
22.....	39	32	36	26	39	38	34	18
23.....	39	31	34	20	42	33	35	31
24.....	38	31	38	28	38	35	36	31
25.....	40	32	44	28	37	35	34	23
26.....	39	32	36	23	37	35	36	26
27.....	37	32	42	20	35	25	36	30
28.....	37	33	36	27	34	28	37	30
29.....	39	33	.....	.....	34	27	40	30
30.....	39	34	.....	.....	39	18	36	28
31.....	39	35	.....	.....	.....	.....	36	31

Minimum temperature of Unalaska, Alaska.

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1872.....	37	42	.....	36	33	21	19
1878.....	36	33	21	19
1879.....	37	34	24	13
1880.....
1881.....
1882.....
1883.....
1884.....
1885.....
1886.....
1887.....
1888.....
1889.....
1890.....

Mean temperature of Attu Island, Alaska; latitude 59° 58'; longitude, 117° 31' W. Degrees.

January, 1881.....	31.2
February, 1881.....	32.1
March, 1881.....	29.3

Why, it is not so cold in Kiska as it is in Unalaska, and it is not cold enough in Unalaska to make ice enough to obstruct navigation.

Vessels go at all times in the winter to those places. Ask any sailing master, any captain, and they will all tell you there is no fear of ice or of obstruction to navigation there.

Now, to what does that bring us? To the recognition of the fact absolutely that from the standpoint of coal the Hawaiian Islands are needless to us. It is nonsense to talk about the necessity for coaling purposes, because you have got it 800 miles nearer on another route, in our own possession. We can make a naval station at Kiska, in a temperate climate, with all the advantages, everything required, and but one point remains. If into the hands of a hostile strong power Hawaii should fall, it would be a danger to the United States.

Now, just a few observations upon this point. We were told by the chairman of the committee this morning, and correctly, that the great ships of war are not able to steam across the Pacific Ocean and carry their coal supply with them. That is true; but has the gentleman reflected that it was argued, and correctly, by the gentleman who spoke on a former occasion, the gentleman from Minnesota [Mr. TAWNEY], and the gentleman himself also this morning said, I believe, that ships could not come and attack us at Honolulu if we owned the islands, because their coal supply would be exhausted and they could not get back.

Do gentlemen reflect that when in the hands of a foreign power, if it controlled Hawaii, ships could not come from Honolulu and attack our western coast, because when they got to the United States they dare not engage us in battle unless they know that they could overcome us, because if they do, their coal supply is exhausted at once, and they can not get away? They will be as helpless and inoffensive as painted ships upon a painted ocean. I do not admit the correctness of the theory that possession of Hawaii will render us able to do with less military and naval establishment than is necessary without it. A navy will be indispensable for protection of a station there, and just as strong a naval force will be necessary for defense of our coast as if we owned the islands and a naval station there.

Mr. Speaker, ships of war can carry colliers; they do carry colliers. We know from the testimony of Admiral Irwin before

our committee that during the war he coaled from colliers at sea. All of you who remember the *Alabama* during the war know that while she did not carry colliers or coal from colliers, she sailed around the world. She procured her coal in violation of the neutrality laws, possibly, and she paid big prices for it; but she got it, and she ran for years until finally, off the coast of France near Cherbourg, Captain Winslow took her in.

But, as I said, vessels of war can carry colliers, and do carry them. Admiral Dewey, when he found war was coming on, made preparations at Hongkong. He knew he would have to get out of there when war was declared. I had a letter from one of his officers, written the day before he sailed, and he said: "We are all ready and the Admiral has provided himself with everything. He has colliers and takes them with him."

Mr. Speaker, everybody knows that when a vessel of war is out in a heavy sea in mid-ocean it is practically impossible to take on coal from a collier. But it is not so in a time of comparative calm. Under the lee of an island or a coast anywhere or in a period of comparative calm in the open sea coal can be taken on board. What are colliers for? Sir, we would be compelled to keep a fleet at Honolulu in order to protect commerce. We must keep ships of war there, because if we do not the navies of the world can go there and batter down our forts and disable our guns, as Admiral Sampson has just been doing in Santiago de Cuba.

But, in addition to that, we must keep ships upon our own coast. If we were at war with Great Britain, she would not have to cross the Pacific; she has naval stations on the westward American coast. But from the Asiatic side they can avoid Hawaii, go around it, and come to our coast exactly as for weeks and weeks in the Caribbean Sea Admiral Cervera eluded the two fleets that were looking after and chasing him every day in the great trackless waste of waters. Vessels must come in sight before they can be engaged in combat. So that after all as a strategic point the Hawaiian Islands are not of so much consequence as gentlemen contend.

Mr. Speaker, before going further let me ask how much time have I remaining?

The SPEAKER pro tempore (Mr. PARKER of New Jersey). Ten minutes.

Mr. HITT. Mr. Speaker, the remark just made by the Chair implies that in this debate the hour rule prevails. Was there not an agreement made yesterday that the time allotted to this debate should be under the control of the gentleman from Arkansas [Mr. DINSMORE] on the side of those opposed to the resolution and under the control of myself on the affirmative side?

The SPEAKER pro tempore. The present occupant of the chair has understood the time to be under the control of the gentleman from Illinois and the gentleman from Arkansas.

Mr. PAYNE. I do not think that was agreed to last evening.

The SPEAKER pro tempore. Then, as the Chair understands, consent is now asked that the time to be occupied in this debate be under the control of the gentleman from Illinois and the gentleman from Arkansas. Is there objection? The Chair hears none.

The Chair, in replying to the question of the gentleman from Arkansas, simply stated for the convenience of that gentleman at what time the hour would expire.

Mr. DINSMORE. I want to stop within the hour, out of consideration for other gentlemen who want to be heard.

Now, there is the map, if any gentleman wants to examine this question. It gives the curvature of the earth. Take a steel tape and draw it from point to point on an ordinary globe and you will see the relative distances. And if you want to satisfy yourselves as to the accuracy of this map, here are the certificates from an officer of the United States who has sent it to the House in obedience to our demand.

I can not dwell longer on that point; but there is another matter to which I wish to allude.

Mr. Speaker, what is the necessity for our entering upon a policy of annexation? We are engaged in a war. For what purpose was this war inaugurated? What was the motive assigned for our action at the time when we made the demands upon Spain to which she did not accede? The motive was humanitarian. We said: "We will not tolerate right here at our doors a condition which we consider barbarous and inhuman, even though it is not upon our own soil; no civilized nation would tolerate the cruel persecution going on at the instance of Spain in the Island of Cuba; and it must stop."

We disavowed any intention of aggression on our part. We disavowed any purpose to make Cuba a part of our territory or to exercise any sovereignty over it. In view of such declarations, is it good faith upon our part to inaugurate such a policy with reference to Puerto Rico and the Canaries and the Philippines? I say it is unworthy of respectable manhood, and what is not respectable for man is not decent for a nation. [Applause.] And

even if it were, I contend it is contrary to the welfare and interest of our country.

What must we expect if we enter upon a colonial policy? Suppose we set our feet upon territory in the Orient. From that moment we become involved in every European controversy with reference to aggressions and the acquirement of territory there. No longer will our ancient peace abide with us. That angel which has extended her beneficent wings over our heads for so many years and enabled our people to build up their homes and to live happily with their families, to lie down at night restful and at their ease because no danger threatened, will be gone. She will desert us; and we shall never have a moment that we can confidently rely upon as a time of peace.

Mr. Joseph Chamberlain, the colonial secretary of Great Britain, the other day said in a public speech:

The time has arrived when Great Britain may be confronted by a combination of powers, and our first duty, therefore, is to draw all parts of the Empire into close unity, and our next to maintain the bonds of permanent unity with our kinsmen across the Atlantic. [Loud cheers.]

There is a powerful and generous nation, speaking our language—

Speaking of us—

bred of our race and having interests identical with ours. I would go so far as to say that, terrible as war may be, even war itself would be cheaply purchased if in a great and noble cause the Stars and Stripes and the Union Jack should wave together over an Anglo-Saxon alliance. [Prolonged cheers.]

Do you get the full significance of that statement? There is an appeal to the pride of every American. Who does not feel the temptation? Who does not feel a warm throbbing of his heart at the contemplation of the spectacle presented to us by a cousin across the ocean, the spectacle of our flag side by side with the flag of the other great English-speaking nation of the world? But it is not a consummation to be wished, from the standpoint of American citizenship. We honor and respect the British. I like them. But we seek no alliance. What is it that Mr. Chamberlain says is the motive?

We are like to be confronted by a combination of powers. Our first duty, therefore, is to draw all parts of the Empire into close unity.

Think of the possibility of the necessity for such a statement with reference to our Government! Think of our being likely to be confronted by a combination of powers making it necessary to draw all parts of our country into close unity. Great Britain is scattered over the whole face of the globe. She has her colonies in every clime. She has never stayed her hand in reaching for the possession of territory, and it is a difficult task to bring all those peoples together into unity.

But, Mr. Speaker, it should be a matter of profound pride and gratification to every American to know that in our compact form on this great continent, whenever the American heart throbs, the blood goes bounding through the veins to every extremity of the great national body, as quickly and as responsively as the electric fluid flies from the touch of the operator's hand to the farthest end of the wire. And why so? Because we have not scattered possessions.

We are not a colonial nation; we have concentrated rather than diffused our power; we have a compact republican government here, made strong by the union of States touching arm to arm; we have followed the policy laid down to us by our fathers and have avoided entangling alliances, and have respected and obeyed the Monroe doctrine to such an extent that up to this good day, at least, not a nation in all the world has dared to plant her colors upon Hawaii and keep them there and call it her own.

Great Britain did it once. France did it once, but out of respect to the demands and wishes of America in the assertion of the Monroe doctrine those colors were pulled down, and for more than fifty years the powers of the earth have respected our right there; and so long as we are decent and honest, and respect the principles and spirit of the Monroe doctrine ourselves, they will continue to respect them. But, as Mr. Edmonds says practically, the moment we depart from it, we may then begin to prepare for our defense.

Mr. Speaker, hastening to a conclusion, let me read from the great English author, Mr. Anthony Froude.

The SPEAKER pro tempore. The gentleman's hour has expired.

Mr. SIMS. The gentleman from Arkansas can use any time he has given to me.

Mr. DINSMORE. I thank my friend very much. Here is an Englishman talking. I quote from first chapter of Mr. Anthony Froude's *Cæsar*. He is speaking from an English standpoint:

To the student of political history, and to the English student above all others, the conversion of the Roman Republic into a military empire commands a peculiar interest. Notwithstanding many differences, the English and the Romans essentially resemble one another. The early Romans possessed the faculty of self-government beyond any people of whom we have historical knowledge, with the one exception of ourselves. In virtue of their temporal freedom they became the most powerful nation in the known world, and their liberties perished only when Rome became the mistress of conquered races to whom she was unable or unwilling to extend her privileges.

If England were similarly supreme, if all rival powers were eclipsed by her or laid under her feet, the imperial tendencies, which are as strongly marked in us as our love of liberty, might lead us over the same course to the same end. If there be one lesson which history clearly teaches, it is this, that free nations can not govern subject provinces. If they are unable or unwilling to admit their dependencies to share their own constitution, the constitution itself will fall in pieces from mere incompetence for its duties.

Mr. JOHNSON of Indiana. What is the gentleman reading from?

Mr. DINSMORE. From the first chapter of Froude's *Cesar*, from an Englishman comparing England, the colonial country, to Rome, and predicting the fall that must come, and that Mr. Chamberlain the other day stated was imminent, because he says she is like to be confronted by a combination of powers rendering it necessary for her to concentrate into unity the national forces of the government; a condition which is impossible to us; and God grant we may be wise enough to pursue such a policy that it will ever be impossible that we shall be divided, and it shall be necessary to concentrate our national unity.

Mr. Speaker, eminent men have been quoted in this debate. Mr. Marcy was the first who ever hinted at the acquisition of Hawaii itself. I admit here that it has been thought for a long time that it might be necessary. I do not say that the time may not come when it will be legitimate; but it is not now, in its present condition, and by the unlawful methods which are invoked in the resolution brought here by the Committee on Foreign Affairs.

Sir, for one I hope that we shall continue to pursue the policy of the past, and I can do no better in conclusion than to quote from the language of the late Secretary of State, Mr. Sherman. A recent letter from him as Secretary of State has been printed, in which he recommends the acquisition of Hawaii to the territory of the United States. But, sir, let it not be forgotten—it is a matter of common note and everybody knows it, for the newspapers have discussed it from one end of the land to the other—that during this present Administration that distinguished man, who stood so high in his party for so many years, was not the actual acting Secretary of State, but that his duties, because of ill health and the physical weakness of advanced age, were performed by the present Secretary of State, Mr. Day. Everybody knew it.

What did Mr. Sherman say just a few years ago, when he was rounding out his life and leaving behind him a monument to speak in the future of his acts done in the past? I speak now of his recently published book. And however much there may be in the public life of that man in the past of which I disapprove, however much I may reprobate and condemn his public policies, we are forced to respect the concluding statement in the book which records his life work. The man stood looking back upon his past, reverently thinking of his future. His course was finished. He was leaving to the world his own estimate of his public service and the men associated with him. If there be a period in a man's life when he is sincere and speaks from a patriotic heart, it is then. And these words come sounding like words of the sages of the past, who devoted their lives to public duty, forgetful of self, with patriotism pure next to religion. Mr. Sherman says:

The events of the future are beyond the vision of mankind, but I hope that our people will be content with internal growth and avoid the complications of foreign acquisitions. Our family of States is already large enough to create embarrassment in the Senate, and a republic should not hold dependent provinces or possessions. Every new acquisition will create embarrassments. Canada and Mexico as independent republics will be more valuable to the United States than if carved into additional States. The Union already embraces discordant elements enough without adding others. If my life is prolonged, I will do all I can to add to the strength and prosperity of the United States, but nothing to extend its limits or to add new dangers by acquisition of foreign territory.

What grand sentiments are these, Mr. Speaker! These are the words of our present President's lately retired Secretary of State, written as the final lines in passing from the stage of life.

Mr. Speaker, I hope that we shall be able to act in this matter as cool, deliberate, and patriotic statesmen. I hope that we may not yield to the feverish feelings of war which have taken possession of men's minds and hearts. Within the last two months we have seen men by the dozen, by the score, in this very body change their opinion on this question.

The war fever has got into their blood, and they are about to do a foolish thing. It will be the greatest blunder in our national history. It is mere vanity, a desire to place ourselves alongside other nations who depend upon acquiring and holding territory abroad. We may take Manila; we may acquire Puerto Rico; we may take the Canaries and set up our flag, our dominion, and our sovereignty. If we do, Mr. Speaker, we may expect to see the disintegration of this giant Republic of ours, which nothing else, in my judgment, can accomplish. If you will take them, do it; but God help us! [Loud applause on the Democratic side.]

I ask unanimous consent to revise and extend my remarks in the RECORD, and also to print certain documents which I referred to, but did not take time to read, but which I wish to make a part of my remarks.

Mr. HITT. I also ask unanimous consent that gentlemen may be allowed to print remarks on this subject for ten days.

The SPEAKER pro tempore. Unanimous consent is asked that gentlemen have leave to print remarks on this subject in the RECORD within ten days from the close of the debate. Is there objection? [After a pause.] The Chair hears none.

WAR REVENUE BILL.

Mr. DINGLEY. Mr. Speaker, in enrolling the war revenue bill it has been found necessary to give directions to the enrolling clerk, and I ask consideration of the concurrent resolution which I send to the Chair.

The SPEAKER pro tempore. Unanimous consent is asked to interrupt the debate for the passage of the resolution which the Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the enrolling clerk of the House be, and he is hereby, authorized and directed to enroll the act (H. R. 10100) entitled "An act to provide ways and means to meet war expenditures, and for other purposes," in accordance with the text of said act as submitted to both Houses in connection with the report of the managers of the two Houses on the disagreeing votes.

Mr. BAILEY. I desire to know the necessity for this.

Mr. DINGLEY. It has been found that there was an omission of one or two sections of the last part of the bill in the report down at the Printing Office; but the bill itself as submitted as the result of the conference was correct, and we simply desire to authorize the enrolling clerk to follow the bill which was submitted as a result of the conference, that being correct.

Mr. BAILEY. And this omission relates to mixed flour?

Mr. DINGLEY. Yes, sir.

Mr. BAILEY. I desire to ask the gentleman from Maine if this is the mistake of the enrolling clerk or the mistake—

Mr. DINGLEY. It is a mistake of some one in the omission of one page of copy in making up the report, but the bill itself is correct—that which was submitted to the House.

Mr. BAILEY. Of course it was the conference report and not the bill which was submitted to the House.

Mr. DINGLEY. We had it before us, as the gentleman will remember, as the result of our action. The printed bill itself is correct.

Mr. BAILEY. If any objection on my part would defeat that flour provision of the bill, I would certainly object; but I realize that it would only delay the matter, and I do not offer any objection.

The SPEAKER pro tempore. Is there objection to the consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The question was taken; and the concurrent resolution was adopted.

Mr. HITT. I yield to the gentleman from Massachusetts [Mr. GILLET] twenty minutes.

Mr. GILLET of Massachusetts. Mr. Speaker, when a few years ago the annexation of Hawaii became a live issue I was instinctively opposed to it. I felt then, as I feel now, the great force of the arguments against it. I appreciate that to our isolation and compactness we owe much of our security and strength; that to extend our possessions outside of this continent is to extend our vulnerability; that we still have undeveloped resources here sufficient to occupy our energy for another century; that the great menace to our future prosperity is lowering the character of our citizenship, and that to enter upon a career of imperial expansion is to break our cherished traditions, to expose ourselves to foreign complications and war, and to win a broader empire at the risk of heavy taxes, corrupt administration, and a deteriorating suffrage.

The one answer to all this was the imperious argument of military necessity. But to me that hardly seemed sufficient. War seemed improbable, the rational era of peace seemed near, and especially unlikely seemed a war with any oriental power which could make Hawaii essential. Yet, while the question was still unsettled and we were academically discussing it, suddenly the whole problem is lighted up by the flame of actual war. We suddenly find ourselves, by a most dramatic and unforeseen change, the probable possessor of a vast Eastern territory and our fleet there in urgent need of help. We suddenly find the neutrality or hostility of Hawaii inconsistent with our most pressing needs, and the annexation, which we considered of doubtful expediency when war seemed almost impossible, suddenly becomes almost a necessary step in the prosecution of actual war.

The transformation is indeed startling. We were looking on with some jealousy while European nations were partitioning among themselves the Chinese Empire and making for themselves new provinces and markets and establishing permanent trade footings in that vast and populous East, which is just entering into the commercial current of the world; and we were wondering if we ought not to have our share in this dismemberment, and how we could accomplish it, when in the twinkling of an eye,

without any plan or thought of our own, we find ourselves prospective masters of a vaster area and population than any of our rivals, and plunged at once into the responsibilities and politics of the far East, and Hawaii, which had seemed so useless and unnecessary, became our essential stepping-stone and base. Seldom has the force of a theoretical argument been so startlingly illustrated and vindicated. It may not be conclusive or permanent, but I suspect that the dazzling victory of our fleet in Manila Bay not only overthrew Spanish supremacy, but overcame the force of many traditions at home. We must be cautious not to become intoxicated with success and be tempted by pride into dangerous projects.

The present war has opened our eyes to many facts seldom thought of before. One is that the age of amicable adjustment of all disputes has not yet arrived, though I trust we all feel that the United States ought always to lead the van of the international movement in that direction. Another is that we can not hope to be always free from European entanglements. Inventions have brought us nearer to Europe than Massachusetts was to Pennsylvania when Washington gave us his famous advice, and the mutual exchange of the products of the soil and of the brain is bringing the whole world daily into closer touch. Moreover, the colonizing policy of the great powers, just now illustrated by the partition of China, is occasioning new and wide opportunities for interests to clash and disputes to arise.

Nor ought we in forecasting the future to overlook the manifest tendency of our own people. A restless, belligerent spirit has been evident here for some years, a willingness to interfere in international matters even at the risk of war, a growing pride in and liking for our war equipment, which will inevitably receive a great impetus from the present conflict. So I think we must fairly recognize that while our people feel that the great mission of this country is a peaceful one, to lead the world in the march of scientific, material, and political development, yet there is here a strong, self-assertive pride which may at any time embroil us in armed conflict.

Recognizing this, it is but prudent for us to be prepared for war. From the sudden appreciation of the utter inadequacy of our late peace armament, under which we are yet smarting, it is but fair to conclude that in the immediate future at least we will not again allow our defenses to be so weak. Our Navy particularly is likely to be kept increasingly large and formidable. But a navy is powerless without coal, and the Geneva award has settled conclusively that neutral ports can not be made the basis of a coal supply. If, therefore, our Navy is to be effective in the Pacific, we must have there coaling stations of our own; and by far the most desirable spot in the whole ocean, the central point of navigation and commerce, is Hawaii.

By a singular combination of circumstances we can take it to-day with the cordial assent of its Government and without giving just cause of offense to any nation. That there are strong arguments against it I have already acknowledged; that the problem of its future government is difficult I admit; that it will ever attain a population or importance entitling it to statehood I doubt, but that as a military outpost it is indispensable I am convinced, and that suffices to end my objections.

The argument is often advanced that we have already, by treaty with Hawaii, the right to a coaling station in Pearl Harbor sufficient for all our needs without annexation. But it is a question whether that title can not be at any moment annulled by Hawaii. Moreover, we must make of Pearl Harbor a veritable Gibraltar, fortified and garrisoned and supplied against attack from land as well as sea, for if not annexed we can not be sure of the eternal friendship of Hawaii. But if we annex it we attach to ourselves a population intelligent, friendly, and self-supporting; able of themselves to make a good defense against any common foe, and requiring only such fortification and support as we give to our own cities.

Nor will I deny that I am in some measure influenced by a special sympathy with these islands, which were first redeemed from savagery by the devotion of our American missionaries, and which are perhaps the most conspicuous example upon the globe of the good accomplished by those noble religious societies organized for the redemption of distant and unknown heathen. After many days the bread they cast upon the waters is returning to us again, and a little band of Americans, following in the footsteps of our missionaries, popular and respected because of their national spirit of freedom and order, has so won the confidence of the people as to lead them in throwing off the debauched monarchy and instituting a republic modeled on our own, and they now show their love for their native country by asking to return to our allegiance and to bring with them as a gift the rich and fertile province they have won and to share in the honor and protection of our flag. Such a petition it is hard to deny.

And now, Mr. Speaker, I wish to use the balance of my time in discussing a question not relevant to the measure before us, but in which I am greatly interested, and which, apparently, I shall have

no other opportunity to bring to the attention of the House. At the beginning of the war I introduced the following resolutions:

Whereas neither the United States nor Spain were parties to the Declaration of Paris in 1856, respecting the conduct of war upon the high seas; and

Whereas the United States refused its assent to said declaration on the ground that it did not exempt from capture all private property except contraband of war: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That during the present war with Spain no privateers shall be commissioned by the United States.

Resolved, That merchant ships and their cargoes shall be exempt from capture as prizes unless they carry contraband of war or try to violate a blockade.

Resolved, That merchant ships already captured shall be released.

These resolutions have been much criticised by the press as Utopian and impracticable and inconsistent with successful war; but I think the critics have not understood either how fully these resolutions accord with the general principles on which civilized war is waged to-day or how completely we are committed to their support by our past diplomatic history. I think I can show that the privateering or prize-taking practice on the ocean, which these resolutions are intended to prevent, is a relic of barbarism which is wholly at variance with the conduct of war on land, which is opposed to the whole trend of modern civilization and the current of international law, and which has been especially attacked and disowned by nearly all our most prominent statesmen from Washington to Lincoln. And I think now, when we are engaged in a contest with a fourth-rate power whose material resources are inconsiderable, we can well afford to give up the profit of a few prizes in order to put ourselves on record as unselfishly practicing in war the noble and rational doctrine which we have preached to others through a century of peace.

From the time of the Thirty Years' War there has been an ever-increasing international movement to mitigate the horrors of military campaigns as far as is possible without diminishing their effectiveness. The principle has come to be more and more recognized that the real enemy in war, the real object of attack, is the hostile state itself, with its armed defenders—not its inoffensive, noncombatant private citizens or subjects. Attack upon the latter produces a maximum of human suffering with a minimum of military effect; and besides, it is radically unjust, for the private citizens on either side are not necessarily enemies in fact; many of them have brothers, friends, even children, under the adverse flag; many have bitterly opposed the war and used all their efforts for a speedy peace. These two reasons are at the basis of the change which has very gradually but very surely come over the law of war since Grotius's time—a change admirably and succinctly expressed in our Instructions for the Government of Armies in the Field:

As civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and the hostile country itself with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will permit.

Examples of the application of this principle are numerous, but I need cite only a few. In the days of the Thirty Years' War cities taken by assault were sacked, many of the inhabitants put to the sword, others held for ransom, and all property, public and private, treated as booty. To-day proceedings such as these would provoke intervention by the powers. To-day even the garrison may not be put to the sword, and the unarmed portion of the population, as long as it behaves quietly and refrains from hostile demonstrations, may not be maltreated at all.

Again, in former times an army on the march pillaged indiscriminately, taking all the private property it could find. To-day it takes what it needs, it is true, but not by way of pillage—only by way of requisition, signed by the commander, who is responsible for it, and who consequently takes no more than is necessary. The practice is gradually growing to pay for it all afterwards. It is the English rule, and the one to be gathered from our Instructions before referred to, and it is provided for by our treaty of Guadalupe Hidalgo with Mexico.

Private property, under these circumstances, is not taken, but borrowed—not wrenched as from an enemy, but exacted from inhabitants of a district by the power which is the ruling power de facto there at the time. On this ground only is the right of contribution and requisition supported by modern writers, whereas formerly it was simply a corollary of the general principle that all private property was booty.

In other words, the absolute rights of the victor over (1) the persons and (2) the property of the unarmed and inoffensive vanquished, which were recognized up to the time of Grotius, are admitted no longer, and in their stead we acknowledge the principle which I quoted a moment ago from the United States Instructions for the Government of Armies in the Field.

Now, it is plain that the same reasons which conspire to exempt private property on land apply with precisely the same force to private property at sea. We go to war, let us say, with Spain. Our quarrel is with Spain, not with private Spanish individuals;

not with Spanish women and children, nor peaceable Spanish farmers, nor, for the same reason, peaceable Spanish merchants and merchant sailors. It is true, again, just as in war on land, that to attack harmless merchants combines the maximum of distress to inoffensive individuals with the minimum of effect in bringing the hostile Government to terms. The parallel is perfect; the conclusion is irresistible. The laws of war ought to exempt from hostile capture private property at sea as well as on land. Yet for some reason they do not, and though with every year we have drifted nearer to it, the change which is necessary to make the laws of war at sea consistent with those of war on land has not yet come.

The question may well be asked, Why should this matter concern the United States more than another nation? Why should we go out of our way to help change the law, when the existing law is not galling, but rather favorable, to ourselves? There are two answers, I think. First, the law ought to be changed; in the interest of civilization, in the name of humanity, for the sake of all mankind, this step ought to be taken to wipe away another useless horror of war, simply because it is a horror and because it is useless. The United States has always aspired to lead the van of enterprises such as this, and what more fitting occasion to take a step in the interest of civilization and humanity than a war of which civilization and humanity were the cause? But, secondly, the United States is concerned because it already stands committed, to the whole extent of its national credit, to the policy of abolishing the capture of private property on the ocean.

My resolutions have been criticised in various quarters as innovations. Do my critics know that the principles they are deriding are not my principles, but the principles of Franklin, of both the Adamsses, of Jefferson, of Monroe, of Pierce, of Clay, of Marcy, of Cass, of Seward, and of Lincoln? That they are provided for by the United States in two of its existing treaties? That the refusal of other powers to agree to them in 1856 was the sole reason for the failure of the United States to sign the Declaration of Paris? I do not know how anyone with a knowledge of American history can fail to know or have forgotten these things. A very brief review of what the United States has done already and bound itself to do for the future in this direction will be sufficient, I think, to relieve me from the charge of innovation.

In 1785 Franklin inserted a provision in our treaty with Prussia to the effect that in case of war between Prussia and us merchant vessels on both sides "shall be allowed to pass free and unmolested." The idea, and even the words, had been previously authorized by Congress in its general plan for treaties, adopted April 2, 1784, as may be seen in its secret journals. Franklin was the only one of our diplomatic agents abroad who succeeded in incorporating this provision into a treaty, but they all tried. These efforts, interrupted by the disturbances of the Napoleonic wars and our own war of 1812, were vigorously renewed under the second Administration of Monroe.

The war of 1823, between France and Spain, was conducted on these principles, as far at least as France was concerned, and President Monroe expressed his admiration and sympathy for France's conduct, and our ministers at Paris, London, and St. Petersburg were instructed by John Quincy Adams, then Secretary of State, to press the matter "upon the moral sense" of the Governments to which they were respectively accredited, with a view to an international agreement. France and Russia proved good ground for the seed thus sown, but for various reasons the negotiations with England fell through and nothing was done. But Adams never forgot it, and afterwards as President he referred to the "abolition of private war upon the ocean" as one of the cherished objects of the diplomacy of the United States.

From 1825 to 1854 the question slept, the rebuffs which the United States had encountered at the Court of St. James and our own internal dissensions conspiring to cause it to drop out of the public eye. At the outbreak of the Crimean war, however, it became apparent that the deadly hatred of privateers which the excesses of the Napoleonic wars had sown in the weak and habitually neutral states of Europe was about to bear fruit and ripen into an overwhelming movement for their abolition, in which, as a matter of course, the United States would be asked to join. The danger of such a step was at once obvious to the Pierce Cabinet.

It was all very well for great naval powers, who maintained huge armaments at prodigious cost, even in time of peace, to desire the abolition of privateering; but for a power with a large carrying trade, a weak navy, and a long coast line it would be national suicide, unless at the same time the principle of Franklin and Adams and Monroe, which for thirty years had lain on the shelf, were taken out and adopted. So President Pierce, in his annual message (1854), foreshadowed our policy in this regard, saying that if the European powers would go the whole way with us and abolish all capture of private property at sea we would "readily meet them on that broad ground;" but that if they would not, then a proposition to abolish privateering simply

would be, from the point of view of American diplomacy, a disastrous proposition, and one to which "this Government could never listen."

This, as everybody knows, is just what happened. The Congress of Paris in 1856 framed a declaration on the subject of maritime rights, which consisted of four articles:

- (1) Privateering is and remains abolished.
- (2) The neutral flag protects the enemy's goods except contraband of war.
- (3) Neutral goods, except contraband of war, are not subject to seizure under the enemy's flag.
- (4) Blockades, to be binding, must be effective, i. e., maintained by a force sufficient to render approach to the enemy's coast really dangerous.

The third and fourth articles were already part of international law. The second had always been a great favorite with the United States, and its principle had been incorporated in many of our treaties. In the declaration, however, the four articles were inseparable, and they were presented in turn to all the powers to sign or refuse to sign as a whole. All except three signed. Spain and Mexico refused absolutely, on account of the first article, being powers with long coast lines and weak navies. The United States acted, firmly and decorously, on the lines foreshadowed by President Pierce in 1854. Mr. Marcy, Secretary of State, proposed to amend the first article as follows:

And the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, except it be contraband.

It is true that the Buchanan Cabinet afterwards withdrew this amendment before it had been definitely rejected by the European powers; but the withdrawal was probably on account of something in the wording, certainly not from any sympathy with the existing practice of capturing private property at sea, for Mr. Buchanan had declared against it in a most outspoken way when he was minister to England, and Mr. Cass, while still in office, in 1859, referred to it bitterly as something "not adapted to the sentiments of the age in which we live." Whatever the reasons, we know, though, that the proposition was withdrawn, and the United States was not a party to the Declaration of Paris when the civil war broke out and the dread of Confederate privateers fell like a dark shadow over the great commerce of the North.

Then, when the Government at Montgomery announced its intention to issue letters of marque, Mr. Seward renewed the proposition which is now usually referred to as the "Marcy amendment." Further, Mr. Seward offered on the part of the United States to sign the declaration as it stood if the Marcy amendment were unacceptable; but he was quite clear about this point, that the Marcy amendment was the "greater good" and the bare declaration the "lesser." The negotiations fell through again, the European powers holding that an accession to the declaration at that time by the United States would be too late to bind the revolted States; and so we had to struggle through the civil war with all our commerce exposed.

Since then we have had no war, and we have made no further attempt to establish the principle for which we have fought so constantly that we may, I think, almost call it "our principle"—a principle which to-day is referred to by continental writers in conjunction with the name of an American Secretary of State. It has been in our thoughts, however, and as recently as 1871 we incorporated it into another treaty—with Italy—which is still in force. And now comes this war with Spain, a poor, bankrupt, fourth-class power, and we have already taken over \$2,000,000 worth of private property at sea; and it seems to me that if ever we are going to have a time and an opportunity to show that we are sincere, and always have been sincere, in our diplomatic struggle for this principle now is the time and here is the opportunity.

Other nations have occasionally offered at the outbreak of war to admit the immunity of private property at sea. France did in 1823; England and France together in 1860; Austria and Italy and Prussia in 1866; Prussia in 1870. But in nearly all these cases, especially the last, the offer lost half its value as a precedent because it was clearly dictated by self-interest. Prussia, for example, in 1870, had a large commerce and no navy to protect it, and her offer to adopt the "Marcy amendment" at that time was regarded by France as a piece of colossal impudence and rejected forthwith. So suppose Spain should say to us now, "You have taken \$2,000,000 worth of our ships, but this is a barbarous kind of warfare, so let us stop it from this time, and we will both restore our captures;" the proposition would be neither valuable nor graceful coming from Spain.

But how different if it came from us! If we in this war, which we have entered into without idea of gain, solely for the sake of humanity and the wiping out of a black blot on nineteenth century civilization—if we should make such an offer, would not that be a triumphant vindication of our past and a magnificent precedent for the future? And if we do not make it, how shall we ever afterwards be able to urge it, and how shall we endure the inevitable comment that America puts forward great principles when it suits American pockets, but tramples them quietly under foot when they curtail her revenue?

I am aware that what I am urging is not likely to be popular with that Executive Department on which we are most relying in this present crisis—I mean the Department of the Navy. Officers and men alike are interested in prize money and would naturally decry any legislation which diminished it. But why should sailors need to have any pecuniary inducement to assail the enemy more than soldiers? On land there is no longer prize money, or booty, or ransom. That on the sea it is conducive to better service or more efficient discipline I should doubt. Certainly it is open to the charge of favoritism and unfairness. Compensation ought not to depend on mere chance, and I should think the winnings of the fortunate might make others dissatisfied.

Moreover, if compensation beyond their pay is granted the sailors, justice would seem to demand that it be granted for perilous and daring service—to those who have engaged in deadly battle, who have fought the enemy's ships of war or fortifications. But prize money goes principally to the captors of merchantmen, generally unarmed and defenseless. It is won without risk by the light, swift boats, while the heavy men-of-war who must bear the brunt of the fighting and are our main reliance have little chance of winning prizes. I saw by the papers recently that the little *Mangrove*, with a crew of less than forty men, captured a prize worth over \$800,000, giving the men \$20,000 apiece.

That hardly seems fair when the men in our battle ships, to whom we look mainly for our defense and who undertake the real hazards of the war, get nothing. The whole system is antiquated and obsolete and unfair as well as barbarous, and it should be ended. And, in ending it, we are the nation which should take the lead. We must do so to be consistent with our past diplomatic history, as I have shown. We must do so to be consistent with what is our constant endeavor as well as our boast—to lead the world in progress and civilization. We believe that we have contributed more than any other nation to the discoveries and advances which have made this century such a marvelous epoch in the world's history.

In one sphere we have lagged behind—in armament for war. The reason for this was creditable; we have thought that war should be avoided; that it was an indication of discarded savagery, and that we should act so reasonably and justly as not to give occasion for it. Yet, when suddenly plunged into a civil war, we astounded the world by our capacity for development in that direction, and again astounded it as much by our sudden resumption of our peaceful avocations and the immediate absorption of a million soldiers into civil pursuits. Now, again, we find ourselves plunged suddenly into war, and though unprepared, we are apparently going to show the world again our surprising capacity for the speedy development of warlike power and prowess.

But we ought at the same time to show that in adopting the barbarity of war we do not forget our mission of progress and civilization. War is essentially destructive. No one can hope or desire to make it harmless. Modern inventions have immensely increased its deadliness, and the same tendency will doubtless continue.

All that civilization can hope to accomplish in mitigation is to limit its scope, to remove classes of individuals and property from its increasing severity, and thus concentrate its damage and exempt from its blight as much of the nation as possible. Thus, while growing ever more terrible and more destructive within its sphere, that sphere ought ever to be growing narrower and wars growing shorter; more destructive momentarily to the actual combatants, but less exhausting to the nation and the world. This has been the history of the development of war, and it is along these lines only that we can aid in future development.

If it is wise in peace to prepare for war, as we have recently learned to our cost, so it is wise in war to prepare for peace—to wage it so that we shall win not only victory, but the future respect of the world; shall achieve not only an honorable peace, but an amelioration of the condition of war; shall be proud not only of the valor of our arms, but of the statesmanship in our councils. All this we can in some measure achieve by adopting or offering to adopt as our policy the principle of these resolutions. I say offering to adopt, but if we make the proposition I think there can be no doubt that Spain will be glad to accept it, since it is so obviously for her interest, and then both nations would be proceeding under modern, civilized rules of war.

Of course, if Spain declined to recognize our magnanimity and reciprocate by adopting a similar resolution, it could not be expected that we would allow her to make war on one plan while we acted on another, and we should be obliged to abandon our plan and, by way of reprisal, descend to her level. But that is barely conceivable. We may reasonably conclude, I think, that she will follow the course that is most to her interest, and be very glad and eager to exempt private property from capture if we will.

By adopting the principle of these resolutions, then; by adopting it now when it is to our disadvantage, we shall prove to the world that we are ready to sacrifice some material gain for the establishment of a noble American policy, and that though we

are a peaceful people, preferring the rule of reason to the rule of brute strength, yet we may be moved to interference by the sufferings of others and that even then, in the heat of conflict, we do not forget our duty as the nation of progress and civilization.

War gives phenomenal opportunity for distinction, both to nations and to men. The glamour of martial renown is so brilliant and dazzling that it tends to obscure the victories of peace. But no matter how glittering in this war the gallantry of our Army and Navy may be, no matter how we may enhance our prestige and broaden our future history by our military achievements, I believe it is possible for us also to do something noteworthy and enduring by legislation. And if we should adopt this principle of the exemption of private property from capture on the sea, and thus inscribe a new paragraph in the ever-progressing code of international law, I believe future historians, in describing the triumphs of this war, would not exhaust all their admiration on the Army and Navy, but would record that the Congress also, which at some cost had championed and established this American doctrine, had accomplished something for the glory of the United States and for the advancement of the world, had marked an epoch in the practice of war and in the progress of civilization whose beneficent influence might even outlive the fame of military success.

Mr. HITT. I yield ten minutes to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, the annexation of the Hawaiian Islands, for the first time in our history, is presented to us as a war necessity. Their strategic features have long been understood. Ever since steam supplanted wind these islands have been recognized as the only bridge over which the vast Pacific could be safely passed by a fleet of modern war vessels. The cession of Pearl Harbor was advocated because it was the key to the full defense of our western shore and because that key should rest only in the grasp of the United States.

Naval officers have written, and their readers have believed, that under present conditions it is not practicable for any trans-Pacific nation to invade our western coast without occupying Hawaii as a base, and for years it has been admitted that it would be vastly easier to defend these islands by preoccupying and fortifying them. It has been demonstrated by the highest naval experts that a navy sufficient to protect our Pacific coast would also be ample to protect these islands, for in the event of war Hawaii must be occupied by the United States not only for a base, but to prevent an enemy from using it against us as his base. In a war neutrals would not prevent belligerents from taking possession of it.

All this has long been known. There is not a word written or spoken to-day in favor of the annexation of these islands that has not often been heard during the past thirty years. Yet not until we are in the presence of necessities growing out of actual war are these facts sufficiently and fully realized and appreciated to arouse the country to proper action. Necessity is not more the mother of invention than it is the schoolmaster of a great people. To-day we need the Hawaiian Islands much more than they ever needed us. Since the splendid achievement of Admiral Dewey Hawaii has become as absolutely necessary to the successful conduct of war as it has heretofore appeared to be necessary in the theories of astute strategists. And yet the reasons for annexation are no stronger or truer to-day than they were a year ago.

A STARTLING ADMISSION.

A few weeks ago I listened with great interest to the able speech of the distinguished gentleman from Indiana [Mr. JOHNSON] in opposition to the annexation of Hawaii. It was forceful and highly patriotic and will take its place among the best speeches delivered on the negative of this question. But at the very outset he made an admission, almost startling, coming from him, that "the very few of our countrymen who have given any attention to the subject are inclined to favor annexation!" Is the converse of this proposition also true? Are we to understand from the gentleman that those of our countrymen who have given no attention to the subject are inclined to oppose annexation?

I do not charge this as true, although the gentleman from Indiana seems to admit it, but I do believe that the better informed one becomes upon this subject the more inclined he is to accept annexation as the only wise and patriotic escape from the present situation.

JAPAN'S INCREASING INFLUENCE.

The question is not only, Shall we annex Hawaii, but are we willing to allow some other nation to annex it? Whatever may be the declarations or political intentions of the Japanese Government as a Government, it is no longer a secret that the people of Hawaii are in danger of passing under the domination of Japan "by a peaceful process," as Captain Mahan says, "of overrunning and assimilation." For several months during 1896 and 1897 the Japanese entered Hawaii at the rate of 2,000 per month, until now they number 25,000, or nearly one-quarter of the total population. When Hawaii attempts to stay such an inva-

sion by a resort to laws similar to our own against contract laborers and paupers. Japan refuses to recognize its right so to legislate and demands unrestricted immigration.

Add to this demand the tremendous leap which Japan has taken within the past two years, becoming a recognized great power of the Pacific, if not of the world, and it is easy to understand why the conditions and attitude of Japan have changed quickly and radically with respect to Hawaii. If these changing conditions are permitted to go on, it is only a question of time, and possibly of very short time, how soon the supremacy of Japan will be completed.

THE WORK OF THE ANGLO-SAXON.

This fact, if unaccepted or disregarded by the people of the United States, is fully and startlingly recognized by the Anglo-Saxon residents and their supporters, who have given to Hawaii its civilization, its schools, its churches, its commerce, and its great producing capacity, who own more than three-fourths of all the property of the country, who have transferred to it the institutions, the laws, and the helpful civilizing influences of America, filling the land with railroads, cars, engines, waterworks, telephones, and all the latest inventions, improvements, and conveniences, which aid in making our country so desirable and so progressive.

These 8,000 Americans, English, and Germans, who have accomplished all this and more, will not suffer themselves to be swallowed up by the civilization of a remote East whose standards of living are so much lower than ours that satisfactory existence to them is equivalent to destitution and despair to us. These people have not toiled and endured privations for two generations, turning Hawaii into a garden spot, rich in everything that makes home and life desirable, only at last to have it fall into the possession of Japan, either by the fiat of Government or by its inundation with orientalism.

THEIR OFFER AND THEIR APPEAL.

These heroic souls, backed by a large proportion of native Hawaiians, are now facing this problem. They offer to us four and one-half millions of acres, an extent of territory larger than Connecticut and Rhode Island combined, which are practically owned as well as governed by a people who are bone of our bone and flesh of our flesh.

Under laws similar to those in the United States they are striving to hold back the flow of oriental immigration, that these favored isles of the sea may come to the great Republic as free as possible from Asiatic influences; they appeal to us to study and understand the seriousness of their situation and the importance to us of their country; they call attention to the fact that Hawaii imports more of the products of the United States than any other country bordering on the Pacific; that it bought more largely in 1896 than any other nation save Australia; that it was the second largest wine customer, the third best purchaser of salmon and barley, and the sixth best purchaser of American flour; that twice as many American vessels visit Hawaii in the course of a year as enter any other country on the globe; that in all the ports of Europe in 1896 the American flag floated at the masthead of only 30 ships, that in the ports of Asia it was seen flying from the topmasts of but 98 ships, that in all the ports of the United Kingdom our flag flying from the mast of a ship could be counted but 88 times, while in the ports of Hawaii it floated gracefully in the trade winds from the mainmasts of 191 vessels.

THE NEED OF A STRONG ARM.

The whole trend of trade, of law, of government, and of thought is American. The President of the Republic, who is a type of the men responsible for this wonderful growth, is a native of Hawaii and the son of two Maine missionaries, who went to the Sandwich Islands in the early decades of the century to aid in the work of civilization. For the last five years these people have desired to fly our flag, to give us their sovereignty, to accept our laws, and to obey our commands; but they can not continue this invitation forever.

The need of some strong arm to uphold them is apparent. With the eyes of Japan fixed in deadly fascination upon their country, backed by its new life born of successful war, by its powerful navy sweeping in broadening circles about their domain, by its modern steel guns ranged upon their one great city, and, worse than all, by its commercial element already settled in position to compete with and gradually destroy its merchants, these people are compelled to come to us or to go elsewhere to prevent being swallowed up by the Orient.

ENGLAND WILLING TO TAKE THEM.

Where else can they go? It is an open secret that England, like Barkis, is perfectly willing. Under the English flag their property, their civilization, their laws, everything they hold dear and wish to conserve, will be entirely secure. No oriental or other power ever treads on that flag. Once under its folds, Hawaii would form a part of the great Anglo-Saxon community growing

up in the Pacific Ocean. Australia, larger than the United States if we except Alaska, with its wonderful resources, developed and undeveloped, stops the flow of two oceans under the Southern Cross. To the north and east a whole fleet of islands, marshaled as if for war, are flying the same flag and controlled by the same world-inspiring, progress-making people. Between that fleet of islands and British America is Hawaii, affording the only port between Asia and America where a ton of coal or a barrel of water can be obtained.

Would England reject this Gibraltar of the Pacific? Not while the spirit of commerce guides the statesmen who define her policy throughout the world and the keen eye of its admiralty office conserves her interests by providing in times of peace greater security and advantage for times of war.

THE MONROE DOCTRINE.

The question, therefore, presents itself, Shall America or England accept the invitation of this Anglo-Saxon blood that is holding Hawaii to-day against the progressive, commercial, and national spirit which dominates this New World power that is projected into the domain of international politics?

For more than fifty years we have maintained that these islands are more nearly related to us than to any other nation and that no power should take possession of or control them. In 1843 Mr. Webster, then Secretary of State, in replying to the application of the Hawaiian Government for recognition, wrote as follows:

The President is of opinion that the interests of all the commercial nations require that that Government (Hawaii) shall not be interfered with by foreign powers. The United States are more interested in the fate of the islands and of their Government than any other nation can be, and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands must not be interfered with as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government or any exclusive privileges or preferences in matters of commerce.

In 1843, after England had seized the islands, Mr. Legare, then Secretary of State under President Polk, wrote the United States minister at London as follows:

It is well known that we have no wish to plant or to acquire colonies abroad. Yet there is something so entirely peculiar in the relations between this little Commonwealth, Hawaii, and ourselves that we might even feel justified, consistently with our own principles, in interfering by force to prevent its falling into the hands of one of the great powers of Europe. These relations spring out of the local situation, the history and the character and institutions of the Hawaiian Islands, as well as out of the declarations formally made by this Government during the course of the last session of Congress, to which I beg leave to call your particular attention.

If the attempts now making by ourselves as well as other Christian powers to open the markets of China to a more general commerce be successful, there can be no doubt but that a great part of that commerce will find its way over the isthmus. In that event it will be impossible to overrate the importance of the Hawaiian group as a stage in the long voyage between Asia and America. But without anticipating events which, however, seem inevitable and even approaching, the actual demands of an immense navigation make the free use of these roadsteads and ports indispensable to us. It seems doubtful whether even the undisputed possession of the Oregon Territory and the use of the Columbia River, or indeed anything short of the acquisition of California (if that were possible), would be sufficient indemnity to us for the loss of these harbors.

In 1849, when the French showed a disposition hostile to the Hawaiian Government, Mr. Buchanan, then Secretary of State, sent the following dispatch to the United States minister resident at Honolulu:

We ardently desire that the Hawaiian Islands may maintain their independence. It would be highly injurious to our interests if, tempted by their weakness, they should be seized by Great Britain or France; more especially so since our recent acquisitions from Mexico on the Pacific Ocean.

Again, in 1850, Secretary of State Clayton, and later, in 1851, Mr. Webster addressed the United States minister at Paris, their language having no uncertain meaning. Mr. Webster, referring to the further demands against Hawaii, said:

A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government.

A few months later, upon hearing that the French still threatened Hawaii, Mr. Webster wrote as follows to the American consul at Honolulu:

I trust the French will not take possession; but if they do, they will be dislodged, if my advice is taken, if the whole power of the Government is required to do it.

From that day to this our Government has maintained the same position respecting these islands, and are we now to be told that we do not wish to increase our Navy to defend them, or our appropriations to fortify them? That in order to avoid entangling alliances with other countries we must refuse to make Hawaii a part of our territory? Is it no longer true, as Mr. Webster said, that "the United States are more interested in the fate of the islands and of their Government than any other nation can be?" Was Secretary Legare wrong when he said that "it will be impossible to overrate the importance of the Hawaiian group as a stage in the long voyage between Asia and America?"

Shall it be said that Secretary Clayton was misinformed when he proclaimed the fact that "the situation of the Sandwich Islands in respect to our possessions on the Pacific and the commercial bonds between them and the United States are such that we could never with indifference allow them to pass under the domination or exclusive control of any other power"? The great Secretary of State under President Fillmore believed "the Hawaiian Islands are ten times nearer to the United States than to any of the powers of Europe. Five-sixths of all their commercial intercourse is with the United States, and these considerations have fixed the course which the Government of the United States will pursue in regard to them."

Are these statesmanlike views less true to-day than in 1851? Shall the fears of the gentleman from Indiana "that Hawaii will be a source of irritation for all time to come;" that it may cost us something to fortify and protect it; that because it is not contiguous to our territory and its inhabitants are not homogeneous—shall such and similar fears overturn the sentiments of our greatest statesmen and change the policy of our Government that has been adhered to for more than half a century?

HAWAII NEVER BEFORE OFFERED US.

The gentleman from Indiana was misinformed when he asserted several weeks ago that in 1853 these islands were offered to us for the mere acceptance of them and that the statesmanship of that day was sensible and patriotic enough to respectfully decline them. In August, 1853, and again in January, 1854, petitions in favor of annexation to the United States were presented to the King, and, although opposed by the missionaries and many others, the King, disheartened by the demands of foreign powers, by threats of filibusters and by conspirators at home, commanded Mr. Wyllie, his secretary of state, to ascertain on what terms a treaty of annexation could be negotiated. Acting under instructions from Mr. Marcy, our minister, Mr. Gregg completed such a treaty on August 7, 1854, but the King's death occurred before he had concluded his consideration of it, and his successor refused to ratify it. This closed all negotiations between the two countries until July 20, 1893, when a treaty of reciprocity was concluded.

AMERICA WILL NEVER CONSENT TO ENGLAND'S CONTROL.

But what do gentlemen say to the proposition that these islands, being refused by us, shall pass, under the invitation of the Hawaiian Government, under the control of England? Would they have the United States play the part of "the dog in the manger"? Shall we decline annexation and disallow the great, protecting Anglo-Saxon arm of England to take them within her embrace? If, as gentlemen say, we do not wish to increase our Navy to defend them or our appropriations to fortify them; if their trade and their strategic position are of less value to us than the money it might cost to uphold them, why longer consider them within the Monroe doctrine?

If our view of their value has changed since the days of Webster and Marcy and Legare; if in 1891 Mr. Blaine was wrong in his statement that "the situation of the Hawaiian Islands, giving them strategic control of the North Pacific, brings their possession within the range of questions of purely American policy, as much so as that of the Isthmus itself;" if everything that has been said and done respecting these islands for half a century is wrong, then why care who owns them or controls them?

But let me say to the gentlemen that this country will never consent that the great statesmen of the past were wrong. Whatever be the cost of defending them, whatever be the fears of entangling foreign alliances, whatever be the character of their population, their distance from the Pacific coast, or the undesirability of further annexation of territory, the people of the United States will never willingly allow England or any other country to possess or control Hawaii.

THE PEOPLE FRIENDLY TO ANNEXATION.

I can not credit the statement that the people of Hawaii are opposed to annexation. They favored it in 1854, but their King refused to ratify the treaty. In 1867 Secretary Seward feared that the reciprocity treaty would be actively opposed on the ground that it would "hinder and defeat an early annexation, to which the people of the Sandwich Islands are supposed to be now strongly inclined." "Annexation," continued the great War Secretary of State, "is in every case to be preferred to reciprocity." Secretary Fish and Mr. Blaine, although more guarded, perhaps, in their language, were of the same opinion.

The "monster petition" opposing annexation to which reference has been made is neither representative nor honest. It is well understood that it was prepared by the immediate followers of the late Queen; that the methods employed to obtain it were not of a high character, and that what it purports to show is untrue and unfounded. That the native Hawaiians, as well as half-breeds, are as friendly to annexation as the Germans, Scandinavians, and

Anglo-Saxons is well understood by those who have been in position, official and otherwise, to know the true feeling that obtains upon those islands.

ITS TERRITORY NOT CONTIGUOUS.

Mr. Speaker, I do not reject annexation because Hawaii is not contiguous. Alaska is not contiguous; the Aleutian Islands are not contiguous; Midway Island, 1,200 miles west of Honolulu, which we annexed in 1867, and for the development of which we appropriated \$50,000, is not contiguous territory. When we annexed Louisiana, it was farther away from our seat of government than Hawaii is to-day.

True, it was contiguous by land as Alaska is, but no one in 1803 went to New Orleans by land any more than they now go to Alaska by an overland route. England is 2,800 miles from New York, but no one thinks of it being farther away or more difficult to reach than San Francisco. Water plowed by the modern steamship is no more of a barrier than land traversed by a modern railroad train. In the days of Rome's greatness it was easier to reach Alexandria or Athens or Carthage than to cross into the contiguous territory of the Gauls. It was by land, too, let us remember, that the peoples came who finally conquered Rome.

CHARACTER OF THE HAWAIIAN PEOPLE.

But the principal objection to annexation seems to be to its people. The entire population of these islands is less in number than the number that sometimes passes through the gates of Castle Garden in a single month; but among them all there is not a beggar, a pauper, or a tramp. A prison may be necessary, but not a poor-house. Their producing capacity per capita is larger than in any other nation of the world. School attendance is compulsory, and instead of ignorance being the general rule and intelligence the exception, as the gentleman from Indiana charges, outside of the Japanese and Chinese, ignorance is said to be the exception and intelligence the general rule.

The gentleman admits as much when he affirms that "a monster petition has been presented by two-thirds of the native inhabitants of that island." Ignorance does not sign and present petitions upon any subject, and when two-thirds of 30,000 people can thus make themselves heard and felt, they are not to be classified or compared, as the gentleman from Indiana would have us believe, with "the ignorance, the pauperism, and the crime of the Old World," such as are excluded from our shores by a recent act of Congress.

The Chinese rushed into Hawaii when California was being filled by three times as many Orientals; but a country which under better conditions will be able to support 1,000,000, instead of 100,000 population, as now, need not fear 21,000 Chinese. The State of California, with 1,200,000 people, has no fear of its 72,000 Asiatics. In ten years, from 1880 to 1890, this class of its population fell off over 3,000.

There is no reason to believe that the Chinese of Hawaii will form an exception, for they are there only to accumulate, anxiously looking forward to the day when, having a few hundred dollars, the steamer shall return them to their own people and homes. Within ten years after the sources of supply are cut off as effectually as in the United States the Orientals of Hawaii will be found infrequently, and then only washing the dirty linen of a superior and more prosperous people.

CHARACTER OF PEOPLE FORMERLY ANNEXED BY THE UNITED STATES.

Mr. Speaker, what has been the character of the people heretofore annexed? We purchased the province of Louisiana in 1803; Spain ceded Florida in 1819; Texas was annexed in 1846; the great territory of Utah, Arizona, and California was ceded by Mexico in 1848; the Gadsden purchase was consummated in 1853, and Alaska came to us in 1867; yet not one of these cessions brought a homogeneous or desirable people. Louisiana had a few thousand Frenchmen and a few hundred thousand Indians. The population of Florida was composed of Spaniards and Indians. Texas added only Mexicans to more Spanish and Indians. With the exception of a few Americans and some Spanish priests, the cession of California brought us nothing but more Mexicans and Indians. The Gadsden purchase increased this number, while Alaska enriched us with several hundred Russians and 40,000 Arctic Indians.

Undesirable as these people were, the country survives, and no one to-day would part with an inch of territory so acquired.

NO DANGER FROM LEPROSY.

But from these acquisitions we got no leprosy, I hear it said. No, but we got the yellow-fever scourge, which, under the wiser treatment and conditions of these latter days, is gradually disappearing. Under similar wise treatment and segregation now in force in Hawaii, no one sees leprosy or thinks of it, or is in danger from it. Like the leprosy of Egypt, one must inquire where it is and seek it out if he would see it. Such a reason is unworthy serious consideration.

INFLUENCE OF AMERICAN CIVILIZATION.

Mr. Speaker, excluding the Chinese and Japanese, who, as I have shown, will gradually disappear of their own volition, there are about 60,000 people—men, women, and children—in Hawaii. Of these, 39,000 are native and half-breed Hawaiians—a race which, it is claimed by the opponents of annexation, is dying out. The remaining 21,000 are Anglo-Saxon, Germans, Scandinavians, and Portuguese, such people as are scattered all over our country, with whom we are familiar, to whom we do not object, and among whom we live and associate, without a thought that they are not homogeneous or desirable.

Among these 60,000 people there are to-day 195 schools in which only English is studied, and 14,000 pupils, taught by 426 teachers, receiving an average salary of \$626 per year, 46.5 per cent of whom are Americans and 26.5 are Hawaiians and part Hawaiians. Of the pupils 56.5 per cent are Hawaiians and 25 per cent Portuguese.

In 1897 the total number of children of school age (6 to 15 years) was 14,286, of whom 96.20 per cent were in school. Of the total Hawaiian population above 6 years of age, 85.28 per cent can read and write.

It is a mistake the gentleman from Indiana makes when he says these people "have not been educated as we have; that they have not our habits of thought." For seventy years they have been living under the influences of American civilization. They speak and study our language; the Stars and Stripes are as familiar as their own flag; their laws are copied from those of the United States; their rulers, whether under the Crown or the Republic, have been largely of American birth or ancestry; they know and see only United States money; the English is the language of their courts and of the educated classes, and among their holidays are the Fourth of July, Decoration Day, and Washington's and Lincoln's birthdays. Outside of the United States there is no people so American, so closely allied with our institutions, and so well acquainted with our history and our life.

In eighty years we have absorbed more than 40,000,000 foreigners, and the mixture of these races has developed a people which stands out in the world's history as the most intelligent, the most inventive, the most prosperous, and the best equipped for war or peace; a people which the world calls "American," as distinctive and homogeneous, as loyal and patriotic, as proud and as resentful of insult to their country's honor as is the Englishman or German or Frenchman. Some may not read and speak the language as readily as others; the glorious history of the past, the shaded lines between State and Federal Government, and the relation of liberty and license may not be known with equal clearness to all; but the flag is recognized, the law is respected, the school is attended, and the peace is kept better than in any other country on the globe.

Mr. HITT. I do not see the gentleman from Arkansas on the floor, but the arrangement is that he is to yield to the gentleman from Missouri [Mr. CLARK].

Mr. DINSMORE. I yield such time as he may desire to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I this day speak for the integrity, the honor, the perpetuity of the American Republic.

"Hear me for my cause," your cause, our country's cause, the cause of representative government—aye, the cause of humanity itself.

GRAVITY OF THE SUBJECT.

Since that fateful shot was fired at Sumter, which was heard round the world, a greater question has not been debated in the American Congress.

No such privileges, opportunities, and immunities as ours have ever been vouchsafed to any other of the children of men.

Into our keeping has been committed the ark of the covenant of human liberty. To preserve it free from contamination, not only for ourselves but for all peoples and kindred and tongues, is the stupendous task set by the fathers for our accomplishment. We can not, we will not, we must not, we dare not, prove recreant to this momentous trust.

Should we shrink from our high destiny, should we shirk this paramount duty to our country and our kind, should we wantonly or foolishly jeopardize our birthright of freedom bought with the treasure, the suffering, the heroism, the blood, and the lives of our Revolutionary sires, we will not only receive but will richly deserve the execration of our posterity and of the world till the last syllable of recorded time.

Job's momentous question, "If a man die shall he live again?" has been answered in the affirmative with practical unanimity by all wearing the human form divine except "the fool who hath said in his heart, 'there is no God.'"

But to that other important query, "If a nation die shall it live again?" the history of our race for six thousand years gives for response a melancholy but emphatic "No!"

Annexationists appear to labor under the delusion that in the twinkling of an eye any sort of a human being, no matter how

ignorant, vicious, or degraded, can be made worthy of American citizenship by a simple act of Congress. Not so, however. Fitness for that exalted privilege can be obtained only by having the right sort of natural qualifications to build on and then by being educated for centuries in the hard school of experience.

Confidence is said to be a plant of slow growth. So is human liberty. It is marvelous to remember at what a snail's pace, with what painful steps, we have advanced from barbarism to self-government.

It is precisely a thousand years since Alfred the Great died; yet he is universally recognized as one of the founders of our system of jurisprudence and one of the authors of our freedom. But back of him, extending to the dawn of civilization in the woods of Germany, were thousands of humbler friends of liberty working with feeble lights, but with stout hearts, whose very names have perished from the memory of the living.

Magna Charta, Trial by Jury, the Bill of Rights, the Petition of Right, the Long Parliament, the Commonwealth, the Revolution of 1683, the Right of the Writ of Habeas Corpus, the American Revolution, the Declaration of Independence, the old Articles of Confederation, the Constitution of the United States—these are only the luminous mileposts on the long, tedious, hazardous, and triumphal road by which we have traveled to the proud position which we occupy this hour.

All the aspirations, all the efforts, all the sacrifices of all the English-speaking patriots who have lived and wrought and fought and bled and died in the sacred cause of liberty since the unlettered barons wrenched the Great Charter from the feeble hands of Craven John at Runnymede have found their perfect consummation in the American Republic.

That we might be free great Oliver charged the feudal lords of Britain at Naseby, Marston Moor, and Dunbar, beheaded the King in front of his own banqueting house, and made royalty throughout the ends of the earth tremble at the mere mention of his name.

For us John Hampden died at Chalgrove, John Milton was reduced to beggary, and Algernon Sidney went to ignominious death upon the scaffold.

To secure this fair heritage the elder Pitt wore away his mighty energies and Wolfe ascended to immortal glory from the Plains of Abraham.

For us English lovers of freedom had their ears cut off, their noses slit, were attainted, whipped at the cart's tail, transported, broken on the wheel, burned at the stake, hanged upon the gibbet, buried at the crossroads with stakes driven through their bodies, and had their rotting heads exhibited on every castle wall throughout the three Kingdoms.

To establish representative government our Revolutionary fathers endured untold hardships through seven long, weary, bloody, terrible years of war, and the doubt and gloom of seven more terrible years of peace.

The heads of the men who in Europe and America have given up their lives that we might enjoy the inestimable blessings of freedom would form a pyramid of skulls far loftier than that erected by Tamerlane upon the plains of Asia.

Our institutions have indeed been purchased with a very great price; and yet we are about to imperil them by entering upon a vainglorious policy of imperial aggrandizement, gorgeous in appearance, but surely fatal in its effect, or all history is a lie.

WHY TERRITORIAL EXPANSION?

Why do we desire to expand our territory? It is too large already. You know, Mr. Speaker, with your long service here and your keen powers of observation, that from the beginning of things—*ab urbe condita*—the most perplexing questions of legislation, of government, and of politics have grown out of our abnormal size. The largeness of our territory, our wide diversity of soil, climate, employment, and interest, have always been the stumbling blocks to perfect unity. On this rock—when our area was insignificant compared with what it is now—the constitutional convention of 1787, with George Washington at its head, came near going to pieces. These things caused the most titanic civil war that the world ever saw, which raged with insatiable fury until this Republic became another Rachel weeping for her children and refusing to be comforted because they were not. These things divide us here now into warring factions, for, loath as we are to admit it, our political differences are in the main founded on issues purely sectional or local.

Vastness of area, wealth of resources, variety of climate, abundance of navigable waters, multitudes of population—these alone are not all the necessary constituent elements from which a great, free, and enduring government must be builded.

Russia has all these galore, and yet she is the veriest despotism on which the sun looks down.

The Austrian Empire possesses these in an extraordinary degree; nevertheless she presents this moment to the astonished gaze of men only a dissolving view, and is held together solely by the

personal influence of her Emperor, the venerable and well-beloved Francis Joseph.

Ages ago Sir William Jones stated the question and gave the answer in immortal verse:

What constitutes a state?
Not high-raised battlement or labour'd mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crown'd;
Not bays and broad-arm'd ports,
Where, laughing at the storm, rich navies ride;
Not starr'd and spangled courts,
Where low-brow'd baseness wafts perfume to pride
No! Men—high-minded men—
With pow'rs as far above dull brutes endued
In forest, brake, or den,
As beasts excel cold rocks and brambles rude;
Men who their duties know,
But know their rights, and, knowing, dare maintain;
Prevent the long-aim'd blow
And crush the tyrant while they rend the chain.
These constitute a state;
And sovereign law, that state's collected will,
O'er thrones and globes elate,
Sits empress, crowning good, repressing ill.

CUT BONO?

What shall it profit us, even temporarily, to do this thing? The annexationists draw a picture of these islands in rosy hues, and tell a dulcet story of the free homesteads awaiting us in that tropical region. We are to get the crown lands in return for this four millions we are now appropriating and for the other countless millions which we will expend in the future. As a matter of fact, the crown lands are absolutely worthless. Rest assured that the sugar barons have already secured titles to every foot of land of any value. The free homesteads to be carved out of the crown lands are a fake, pure and simple. All the crown lands which will ever be opened to homestead entry are too dry to till without irrigation and so high up in the air that irrigation is impossible.

Even if there are valuable crown lands which have never been broken to the plow and fertilized by water, they are not for our children and other white people of our breed, for the all-sufficient reason that they can not endure outdoor work in that sultry climate. More farming lands there simply mean more Chinese cheap labor, more Chinese contract labor, more Chinese and Japanese slave labor, brought into our country to compete with our free white labor. Such an outrageous and iniquitous performance is forbidden by good morals, as well as by an exalted love of country.

But the annexationists have their plan like the nigger's coon trap, "set to catch 'em gwine and comin'."

They at first gave it out that the reason we needed the islands was that we could then grow for ourselves all the sugar we wanted, representing that the cane-sugar industry out there was only in its infancy, and could be increased ad libitum. That statement so alarmed the sugar-beet enthusiasts that they howled so loud that the annexationists hauled in their horns on the sugar question and declared that they had been mistaken about that, and that what we really needed the islands for was to raise our own coffee, so that neither Spain nor any other nation could prevent us from having an abundance of that delightful tippie.

Within the last few days the nimble advocates of annexation have abandoned both sugar and coffee as reasons and have found a brand new one—Commodore Dewey's splendid victory at Manila! Since he performed that immortal deed without our owning these islands, they say that it is absolutely necessary for us to buy them in order that we may send reinforcements to him. Suppose Dewey had lost that battle; what then? Do you not know that the annexationists would have been yelling at the top of their voices that we need these islands because of his defeat?

Now, if his great victory proves anything at all about these islands, it is that we have no earthly use for them, for he could not have done any better if we had owned all the islands in all the seas. [Applause.]

We are told that we need these islands as a strategic base in military operations. All the admirals, rear-admirals, commodores, generals, colonels, majors, and captains say so. How does it happen, then, that we have gotten along splendidly for one hundred and nine years without these volcanic rocks? If we did not need them when we were only three millions strong, or only ten, twenty, thirty, forty, fifty, or sixty millions strong, why are we likely to perish for want of them now that our census would show 75,000,000 souls? Some of the learned Thebans will do well to address themselves to that question. Have we grown weaker as we have multiplied in population? Certainly no jingo will have the hardihood to maintain a proposition so preposterous. And yet that is precisely the conclusion to which their logic inevitably leads—which is the reductio ad absurdum.

But we had before the Committee on Foreign Affairs certain illustrious witnesses to testify in favor of annexation, to enlighten the beclouded intellects of the minority, and to convert us from plain patriotism to wild jingoism. Among others was Lieut. Gen.

John M. Schofield. Part of his evidence appeared in the public press after it was edited carefully by some expert annexationist. By one of those curious coincidences that sometimes appear in human affairs the only portion of the General's evidence that was of any consequence or which could throw any light on the subject was eliminated from the press report. It was this, that on the entire coast of the Sandwich Islands there is but one harbor valuable for military or naval purposes or susceptible of being fortified. That is Pearl Harbor, and we already have that. So General Schofield, once commander of the American Army, testified, and he testified from personal observation and information. What does this prove? It knocks the bottom clear out of the annexation scheme; it demonstrates that we do not need them even for strategic purposes, for, having Pearl Harbor, we possess all that portion of the islands that we need for strategic, military, or naval purposes without polluting and weakening our system of government by taking to our bosom a horde of Asiatic savages. Why, then, run the awful risk of beginning a policy of imperial aggrandizement and territorial expansion of which no prophet, not even General GROSVENOR, can see the end or foretell the evil?

I will go as far as any man here or elsewhere in doing all those things necessary to the defense of my country. I permit no man to excel me in patriotism; but I am unwilling to do an unnecessary thing, a dangerous thing, which is proved to be unnecessary by a witness produced to testify in its behalf.

What is our patriotic duty, then? It is as clear as the noonday sun shining in a cloudless sky, and it is this: To hold Pearl Harbor and fortify it to the utmost, even until it is as strong as Gibraltar, if that be possible. That is the part of patriotism and of wisdom. That removes all the dangers to our institutions. I am willing to vote every dollar necessary for that great work; and the fact that gentlemen will not accept that solution of the question is proof positive that their intention is to make the annexation of these islands the beginning of a general and extensive policy of territorial expansion.

And I warn gentlemen who solemnly aver that they are opposed to the policy of imperial aggrandizement, and yet who advocate this senseless scheme, that when some party in the days to come shall openly declare the whole programme they will be estopped by this week's work from objecting. Now is the accepted time for killing this thing. This is the day of salvation.

MUST HAVE AN ISLAND.

We are told that we must have an island or we must perish. The jingoes here are as much fascinated by the prospect of having an island as was Sancho Panza. [Laughter.] It was his vision by day and his dream by night, and it brought him nothing but misfortune and unrest. Why this sudden and urgent necessity for an island?

It is said that we need it in case of foreign war, especially in case of a war with a great naval power. Is that true or not? Will we never learn anything from experience? How stands the record? We have waged three foreign wars, and come off victors in every one of them, without an island. In two of them we defeated England, the greatest sea power of the world, without an island to our name—once when we were only 3,000,000 strong, and again when we could muster only 12,000,000 men, women, and children, counting the slaves. The strangest part of this glorious history is that the ocean was the very place where we thrashed England the most soundly—without an island. Indeed, had it not been for our victories upon the water and for that matchless achievement of the Iron Soldier of the Hermitage at Chalmette, we would not have been in strictly prime condition for crowing over the war of 1812.

Reflections upon Hull's surrender and the vandal burning of this Capitol and the White House are not conducive to a heavenly frame of mind even at this late date. "A horse! A horse! My kingdom for a horse!" was Hunchback Richard's cry on Bosworth Field. That certainly was a good stiff price for a charger, but our jingoes are willing to pay a greater price for an island. They are willing to let the Trojan horse into the citadel of our safety. An island is necessary in a time of war, is it? It is a fine thing old Andrew Jackson did not know that, or he might have retreated up the Mississippi and left Pakenham's troops to enjoy at their leisure "the booty and the beauty of New Orleans." I have a question which I wish to ask the mathematical jingo solely for information. If with a handful of raw militia Andrew Jackson in one hour killed 2,600 English soldiers—the picked veterans of the peninsula—with a loss of only 7 killed and 8 wounded, without an island, what in heaven's name would he have done to them if he had only had an island? [Laughter and applause.]

AS TO SAGEBRUSH STATES.

There constantly ascends to heaven an ear-splitting, heartrending, and ridiculous wail from our Eastern brethren as to the evils of sagebrush States and the sins of sagebrush statesmen, as though a robust patriotism could not flourish as well in Cripple Creek as on Beacon street, upon the Great Plains as well as on Wall street,

within the shadow of Pikes Peak as well as in sight of Bunker Hill Monument, upon the Snake River as well as on Narragansett Bay. [Applause.]

According to the solar-walk and milky-way statesmen of the East [laughter] it is a crime against liberty, especially against the Manhattanese, that fifty or one hundred thousand pioneer Americans, brave, sober, industrious State builders, who conquered the wilderness with a rifle in one hand and an ax in the other, in Nevada, Utah, Idaho, Wyoming, or Montana, should have as much representation in the Senate of the United States as five or six million New Yorkers. They gnaw a file with deafening racket about this all the time, forgetful that equal representation in the Senate was one of the compromises without which there could have been no Constitution and no Union.

In their arrogant ignorance they have even clamored for an act of Congress or a constitutional amendment depriving Nevada and other nascent Commonwealths in the Rocky Mountain region of their equal representation in the Senate, oblivious of the insuperable obstacle that the Constitution itself provides that no State can be deprived of its equal representation in the Senate without its own consent, which, of course, can never be obtained, for, whatever else may be said of the Rocky Mountaineers, they are not natural-born fools.

The plain, unvarnished truth is that the proposition to diminish the Senatorial representation of these States is nothing but a scheme to punish them for not voting the goldbug ticket. [Applause.]

Evil inventions sometimes return to plague the inventors. Several of these States were admitted for the sole purpose of perpetuating Republican ascendancy in the Senate and in the Electoral College. Now that they have sense enough to vote their own interests, very much to the amazement of their godfathers, the wise men of the East must grin and bear it with what patience they can muster. [Applause.]

There are four more Territories which we Southwesterners are anxious to bring within the sisterhood of States—Arizona, New Mexico, Oklahoma, and Indianola. They are kept out now most unjustly because they are liable to vote the Democratic ticket and cocksure to vote for the free and unlimited coinage of gold and silver at the ratio of 16 to 1.

For fifty years New Mexico has been knocking at the doors of Congress, asking for statehood, and she is still cooling her heels on the outside, notwithstanding the fact that she possesses all the constitutional qualifications, having a population greater than that of Nevada, Idaho, Montana, Utah, or Delaware.

The population in the mountain States is sparse. That much is true. But they are American citizens of the bravest, thriftiest, most industrious, most adventurous, and most patriotic sort. After these hardy pioneers have builded cities, constructed railroads, erected churches and schoolhouses, digged canals, bridged the streams, and made that region a more delectable place for human habitation, Easterners will pour in, and amid the grandeur of the Rocky Mountains will calmly go to celebrating the landing of the Mayflower. [Laughter and applause.]

What shall we think of the consistency of people who denounce these young mountain Commonwealths as sage brush and rotten borough States, unfit to touch the immaculate skirts of prim, precise Massachusetts or to kiss the hem of the gorgeous garments of her imperial highness New York, and in the same breath propose to admit Hawaii, which is removed by 2,500 miles of ocean from our borders and whose mongrel population consists of Hawaiians (pure and mixed), 89,504; Japanese, 25,407; Chinese, 21,616; Portuguese, 15,291; British, 2,250; Germans, 1,432; Americans, 3,080, including the largest and most repulsive collection of lepers beneath the sun?

O judgment! thou art fled to brutish beasts,
And men have lost their reason!

[Applause.]

THE REASONS WHY.

Why is this monstrous proposition made? Let us be plain and state the truth though it shame the devil. This crime against free government is to be committed for three reasons:

1. Because some \$5,000,000 of Hawaiian bonds have been sold in this country at about 80 cents on the dollar. We are asked to guarantee the payment of four millions of these bonds. The moment we annex the islands these bonds will soar to par and certain favored patriots possessed of inside information will reap a profit of 70 cents for every 80 cents invested, making a total of three and one-half millions—a very comfortable nest egg to have in the family.

2. There is a pressing necessity for two rotten borough Senators to eke out the single gold-standard majority at the other end of the Capitol.

3. But, above all, William McKinley will have sore need for the three electoral votes of Hawaii in the melancholy days of November in 1900, when he again faces at the polls the great tribune of the people, William Jennings Bryan, of Nebraska. [Applause.]

For these base and forbidden ends we are asked to do an act which will jeopardize the American Republic.

Mr. Speaker, ever since we could read, you and I and all of us, in our self-gratulations upon the success of our experiment in representative government, have held up to the scornful gaze of men the farcical elections in Old Sarum, Pocket, Breeches, and other rotten English boroughs. But should we do this foolish, this wicked thing, Johnnie Bull, dull as he is in matters of wit and humor, will have the joke on us and will make us the perpetual butt for his ridicule. The half dozen voters at Old Sarum were not a lot of nondescript Asiatic-Polynesian igmoramuses, but were Englishmen, habituated to representative government, whose fathers fought at Hastings, at Crécy, and at Agincourt. They belonged to that great Teutonic stock, the imperial race of the world, which for nineteen hundred years has gone forth conquering and to conquer, governing and to govern. But how can we justify either to ourselves or to our posterity the act we are about to commit? How can we endure our shame when a Chinese Senator from Hawaii, with his pigtail hanging down his back, with his pagan joss in his hand, shall rise from his curule chair and in pigeon English proceed to chop logic with GEORGE FRISBIE HOAR or HENRY CABOT LODGE? O tempora! O mores! [Laughter and applause.]

Then will true patriots—the descendants of the Pilgrims—hide their diminished heads and in agony of soul exclaim in the language of Truthful James on a celebrated occasion:

Do I sleep? Do I dream?
Do I wonder and doubt?
Are things what they seem,
Or is visions about?
Is our civilization a failure,
Or is the Caucasian played out?

[Laughter and applause.]

FIGHT FOR CHINESE EXCLUSION.

For more than a quarter of a century a persistent fight has been waged by the denizens of the Pacific Slope against the sublimated humanitarianism of the East to exclude Chinese immigrants from our shores. When in the Fifty-third Congress we passed a bill requiring every almond-eyed disciple of Confucius domiciled in the United States to file his photograph and the mold of his thumb—not as works of art or souvenirs of affection, but as evidences of good faith—for purposes of identification when about to revisit his native land, we supposed that we had finally settled the difficulty; but we are now coolly invited to stultify ourselves and undo the labor of many years by an act which will in one moment admit more Chinese into this country than the Chinese Six Companies of San Francisco would have imported in fifty years.

I press these questions home upon your minds and consciences: Are we ready to admit Chinese to citizenship? Are we willing that they shall have a voice in our affairs? Do we propose deliberately and absolutely without provocation to take that reckless leap into the dark? Do not a great many people believe that we have already gone too far in the attempt to assimilate all the peoples of the earth? Is not this question constantly asked: Is the American Republic endowed with the stomach of an ostrich that there is no limit to its digestive powers? Is there not a large, insistent, and growing sentiment in this country in favor of restricting even white immigration to the able-bodied, the virtuous, the intelligent?

We might as well look these questions squarely and courageously in the face. We can not shunt them out of the way. They will not down at our bidding or for our convenience.

A Chinaman never can be fit for American citizenship. His color, his diet, his mental conformation, his habits of thought, his methods of conduct, his style of living, his ideas of government, his theory of the domestic relations, his code of morals, his religion, his passiveness in servitude, his ultra conservatism, his manners, his amusements, the very fashion of his dress, are radically un-American. In all these he is thoroughly incorrigible. His ways are not our ways. He is among us, but not of us. What he was when the Great Wall was a-building he is now while William of Hohenzollern is incorporating him *vi et armis* into his body politic. He changes his allegiance (or, speaking more accurately, his allegiance is changed for him) from the Emperor of China to the Emperor of Germany with a sangfroid that is amazing, and with a smile that is childlike and bland. Empires may fall, empires may rise, empires may be sliced up, dismembered, atomized—the Yellow Sea may be reddened with the blood of his countrymen—he cares not. He holds his peace. He keeps the even tenor of his way. And what he is now he will be in the last day—suave, stolid, imperturbable, indefatigable, unpatriotic.

But one thing he does to perfection—he accumulates money. Having money, he must be taxed. Taxation and representation go together. That proposition was the essence of that historic preamble for which our Revolutionary fathers flung their gage of battle at the feet of the haughty son of a hundred kings. If the Chinese go on increasing in this country and we continue to tax

them, we must, as a vindication of the patriots who performed the immortal tea act in Boston Harbor, let them vote. Indeed, a Federal judge in Oregon naturalized one the other day. To do that habitually is surely to write the epitaph of free government on this continent; for at the last census there were 550,000,000 people in the Chinese Empire—perhaps they number 700,000,000 by this time—and the Emperor could send 100,000,000 of his subjects to this country and never miss them. Naturalized here, they could outvote us, underbid us in all work, secure all the contracts, get all our money, and run things generally.

Could old Ben Franklin return to us in the flesh, he would propound to us this question: "Gentlemen, are you not paying too much for the little Hawaiian whistle?"

How does the prospect of heathen-Chinese domination suit you philosophers, statesmen, and jingos?

'Tis but the same rehearsal of the past.
First freedom, then glory; when that fails,
Wealth, vice, corruption—barbarism at last.

But we will be told that it will be made unlawful for Hawaiian Chinese to come to America. Believe them not. It can not be done. The American Congress on a historic occasion by a superhuman effort solemnly enacted that it could not be done. I plant myself on the doctrine of stare decisis and declare that we must not violate the precedents of nearly a hundred years. History repeats itself with startling accuracy. The pioneer Missouri State makers, though in their honored graves, are avenged at last. They placed a clause in their first constitution prohibiting free persons of color from coming from other States and settling in that imperial Commonwealth.

But north of Mason and Dixon's Line,

At once there rose so wild a yell,
As all the fiends from heaven that fell
Had pealed the banner cry of hell.

Secession was loudly threatened by the Northern contingent in Congress if that clause were not eliminated. For two years Missouri, the richest-dowered Territory that ever knocked at these doors for admission, was kept out, and finally, as a condition precedent to her entrance into the Union, Congress required that her legislature should by solemn ordinance declare that that clause should forever remain a dead letter, and it was so ordained.

Now, after seventy-seven years, in order to smuggle in a few volcanic rocks in mid ocean and to endow the variegated inhabitants thereof with the invaluable privileges and immunities of American citizens—in order to protect them with the old flag and to gladden their hearts with a four million appropriation—this Congress proposes to do the identical thing which it declared it an unpardonable sin for Missouri to do. Missouri did not exclude free persons of color. Neither can Congress keep out the Hawaiian Celestials.

THE DISEASE CONTAGIOUS.

Annexionists with one accord will poo-poo the idea of danger to the Republic and will solemnly asseverate that the acquisition of Hawaii does not presage further territorial expansion.

Believe them not, Mr. Speaker. Put not your faith in jingoes. Study that strange and intricate machine, the human heart. Consider the unconquerable Anglo-Saxon lust for land. Revolve in your mind whether greed has ever yet set limits to its possessions. Reflect upon the question whether the rolling snowball grows larger or smaller in its journey down the hill. Gaze on the picture of the Macedonian madman, drunk in the palace of the Babylonish kings, mingling his tears with his wine because there were no more worlds to conquer.

Remember Napoleon's dazzling dream of universal empire, and how he ended dismally, the modern Prometheus bound to the rock of St. Helena with the vulture of ambition preying on his vitals.

Think of the sad plaint of Queen Mary, who so mourned her lost French city as to declare that after death they would find the word "Calais" engraved upon her heart.

Recall the almost incredible story of how Frederick the Great bravely and doggedly waged what to all others seemed a hopeless fight with his multitudinous enemies, during which his fortunes were so desperate and his literary ambition so great that he carried a bottle of corrosive sublimate in one pocket and a ream of his own lame verses in the other, and how at the end of the Seven Years' War all Europe in arms could not wrest Silesia from his iron grasp.

Review the whole history of the human race and tell us how many rulers have ever willingly alienated one foot of land over which they exercised dominion.

There is only one, and he shines forth a bright particular star among the sovereigns of the earth—the Emperor Adrian, who voluntarily relinquished vast territories, thereby setting bounds to the Empire and preserving its life for centuries.

The way to remain sober is to resolutely refuse the first drink. The way to cultivate "peace, commerce, and honest friendship with all nations," which Jefferson enjoined upon us, and to have

"entangling alliances with none," which was part of his creed, and also of Washington's, is to decline this glittering Hawaiian bauble.

All history proves that the passion for acquiring territory grows with what it feeds on.

The man who asserted that his modest desires would be satisfied when he owned all the land which joined his was the typical American.

The moment we go beyond low-water mark, our feet take hold of national death. There is no limit to our foreign acquisitions except our own wisdom and our own moderation, for we are now strong enough to work our will among the nations of the earth.

The proud boast—

No pent-up Utica contracts your powers,
The whole, the boundless continent is yours—

pales into pitiable insignificance beside what we can say and can make good if we conclude to go into the business of imperial aggrandizement. The entire Western Hemisphere and all the islands of the adjacent seas are ours, if we desire to possess them. No human power can stay our arms. Had we been animated by the spirit of universal conquest, the scream of our eagles would long since have resounded amid the Andes and the Cordilleras.

When Robert Lord Clive was impeached for plundering the East Indians of a princely fortune, while admitting that he had appropriated vast sums to his own uses, he exclaimed in a fine burst of indignation: "By God, at this moment I am astonished at my own moderation!"

All land grabbers, big and little, have heretofore been astonished at our moderation, but it has been our strength, our glory, our salvation.

And are we now to reverse the policy of a century—that policy which has made us the wonder of the world?

We are invited to take the first step in that primrose path of dalliance which leads to the eternal bonfire. And where will we stop?

Hawaii is first, then south to Cape Horn, northward to the Pole, westward until the starry banner of the Republic will float in gory triumph over the most ancient capitals of the Orient, eastward to an unceasing and ruinous conflict with all Europe.

No reason can be urged for annexing the Sandwich Islands which will not apply with equal force to the annexation of something else and everything else.

"The Pearl of the Pacific" is the beginning of the end. Then "the Gem of the Antilles," for if we need an island in the Pacific, why not one also in the Atlantic?

Indeed that preeminent twister of the British lion's caudal appendage, Senator HENRY CABOT LODGE, of Nahant [laughter], is not to be satisfied with the one Island of Cuba in the West Indies, so he has introduced a bill to purchase the islands of St. Thomas, St. Croix, and St. John; and many here are talking of annexing Puerto Rico, the Philippines, the Canaries, and the Caroline islands.

The jingo bacillus is indefatigable in its work. Every day or two some prophetic jingo, in the endeavor to excel all his tribe, proposes to annex the five seething, bubbling, eruptive Central American Republics. Jingoism appears to be more contagious than the measles, the smallpox, or the black plague, and let us fervently pray that it will not also prove more fatal. [Applause.]

That eminent publicist, orator, and author, Henry Watterson, has capped the climax of jingoism by proposing to annex Ireland. Somebody else asked "Marse Henry" why we should squander time and money annexing Ireland when we have already annexed the vast majority of the Irish?

One of my Missouri friends—a preacher in my church at that—Mr. WALKER of Massachusetts. What church is that?

Mr. CLARK of Missouri. The Christian Church, vulgarly called the Campbellite.

Mr. JOHNSON of Indiana. The fact that you are in communication with a preacher shows that antiannexionists are not outside the pale of salvation.

Mr. CLARK of Missouri (continuing). Wrote me last week to immortalize myself by proposing in this House to partition Spain, giving the largest slices to France and Portugal, with a piece around Gibraltar to England big enough to keep the British lion from roaring. You jingoes here are mere babes and sucklings beside my reverend brother from Missouri. You need to be fed on strong meat in huge chunks for a long time to bring you up to his exalted standard.

This whole annexation scheme reminds me of a game of cards, about which I know nothing [laughter], but of which I have heard a great deal, called draw poker—which has been solemnly adjudicated by a Nevada court to be a scientific performance and not a game of chance as popularly considered [laughter]—in which one of the most prominent features is "raising" your opponents until you "raise" them clear out of the game. Every jingo appears to be determined to "raise" all others in this bad and desperate game.

If we annex Hawaii and you, Mr. Speaker, should preside here twenty years hence, it may be that you will have a polyglot House and it will be your painful duty to recognize "the gentleman from Patagonia," "the gentleman from Cuba," "the gentleman from Santo Domingo," "the gentleman from Corea," "the gentleman from Hongkong," "the gentleman from Fiji," "the gentleman from Greenland," or, with fear and trembling, "the gentleman from the Cannibal Islands," who will gaze upon you with watering mouth and gleaming teeth. [Great laughter and applause.]

In that stupendous day there will be a new officer within these historic walls, whose title will be "interpreter to the Speaker," for your ears will be assailed by speech in as many discordant voices as were heard at the confusion of tongues on the plain of Shinar at the foot of the unfinished Tower of Babel. [Applause.]

THE ENGLISH ALLIANCE.

Jingoism is more rapid in its progress than quick consumption. So virulent is it that many are now advocating an alliance with England—certainly the most preposterous idea that was ever hatched in the brain of man. Are we to give no heed to the lessons of history? Are we to scout the wisdom of the fathers? Are we to take leave of our senses because we are engaged in a struggle with a third-rate power, which, if vigorously pressed, will be gloriously concluded in time to celebrate our triumph on the 4th of next July? Who is to be the gainer by such an arrangement? Certainly not America. Mr. Joseph Chamberlain's gush about what an inspiring spectacle it would be to see our soldiers and British troops fighting together under the Star-Spangled Banner and the Union Jack may be wisdom from his standpoint, but from ours it is sheer nonsense—unmitigated bosh. After thrashing Spain, we have no enemies to fight, but England has a superabundance of them. Like the poor, they are always with her, because John Bull's longing eyes are always fixed on somebody else's possessions.

An alliance with England! Have gentlemen considered what a partnership with that quarrelsome nation means? It means that our armies would soon be fighting against the French in Africa, against the Russians in Afghanistan, against the Germans in China, against the Japanese in Korea, against the Italians in the Mediterranean, against the Austrians on the Danube, and against the Turks in the Golden Horn. The best blood of America would enrich foreign soil from the Punjab to St. Petersburg and from the Cape of Good Hope to the Land of the Midnight Sun. That is jingoism run mad. Is not that a ravishing picture? What mothers and fathers are willing to so sacrifice their sons? Who is going to pay the piper for such a wild dance? How can we be made happier, more prosperous, or more puissant by such an amazing performance? Time and time again we have expressed our sympathy with downtrodden Ireland by speeches, by resolutions, by public meetings, by large contributions of cash, by every other method known among men short of sending an army for her liberation. In fact, the armed enemies of Great Britain have found a great deal of substantial aid in this country. Now, as part and parcel of this fantastic, grotesque, and suicidal jingo scheme, we are to join hands with the merciless oppressors of the Irish race. God forbid that we should be such howling idiots! The proper policy for us to pursue is to do what we have always done—attend strictly to our own business and let the Old World take care of itself, fight its own battles, and settle its own bills.

IN THE FACE OF OUR OWN RESOLUTIONS.

Let it not be forgotten that we went into this Spanish war on a solemn resolution, passed by both Houses of Congress and signed by the President, that we are not waging it for purposes of imperial aggrandizement or territorial expansion, but solely for love of humanity. It is not putting it too strong to say that that resolution raised us immeasurably in the eyes of all civilized nations, placed us on an unequalled pinnacle of glory, and made us many valuable friends in Europe.

Now, within six weeks of the passage of that lofty resolution, we are beginning to do precisely the reverse, putting ourselves in position to be charged with acting with Punic faith and dragging our country down from the high pedestal on which we placed her, thereby reducing her to the low and common level of the land-grabbers of the Old World.

OTHER REASONS AGAINST.

Some of the other inevitable evils of annexation are an increase in our standing Army; an increase in our Navy; a vast increase in our taxes. Unless the American people have made up their minds deliberately to do those three things, we have no right to saddle such a load upon their backs—a load which will go on augmenting year by year so long as the world shall stand. Most assuredly I refuse to be a party to such an outrage upon those who, in the last analysis, must foot the bills.

HOW SHALL WE GOVERN THEM?

That a great many people who are in favor of annexation have been scared at the idea of creating a State out of these islands

is shown by the fact that the annexationists evolved a scheme to make them a county or counties of California.

This latter proposition was a little better than making a State of them, for while as a part of California they would not have two United States Senators and three Presidential electors of their own, still the hateful fact remains that by holding the balance of power in California politics they might control the two Senators and nine electors from that State, which they would generally do, as California is a close State.

But as California objected strenuously to that, we are now assured that it is not intended to make either a State or a California county out of them.

If this be true, if this is not a trick with which to rope in the unwary, why is it not so stated in this resolution? True, it might have no binding effect upon our successors here, but an agreement so solemnly entered into would have a moral effect for all time, and would go far toward removing opposition, not that we would be convinced of the wisdom of annexation upon any terms, but because we would be choosing the lesser of two evils.

Even that would not solve the problem of "What will we do with them?" For if we annex them we must govern them some way. If not as a State, or a county of California, then what? Do we propose to resolve this day that we will hold the people of these islands in perpetual tutelage as a Territory, by which term we have hitherto meant a State in embryo?

A perpetual chrysalis existence as a Territory is repugnant to the genius of our institutions and out of harmony with our entire history. Home rule has been our policy from the beginning, and the chief boast of the younger Harrison's Administration was that it relieved the people of six Territories from the reproach and annoyances of Territorial leading strings and conferred upon them the glory and dignity of statehood.

Again, I submit that these people are not fit to vote in Territorial elections if they are unfit to vote in State elections, which they clearly are, even according to the standard of President Dole's little oligarchy; otherwise he would not have so revised the voting lists as to confine the suffrage to 2,800 persons out of a total population of 109,000 souls—that is to say, about one-seventh as many people are allowed to vote now as were permitted to vote under the monarchy.

If, however, these people are fit for neither a State nor a county nor a Territory, what form of government shall we give them? Crown colonies like the English? Or shall we send American proconsuls to plunder these unfortunate people as the Roman proconsuls plundered the ancient world or set up a system of satrapies to be controlled by the central Government here in Washington—a system utterly un-American in its character and contradictory of our entire theory of government?

Ah! Mr. Speaker, there comes to my mind this moment the sage remark of Abraham Lincoln, which I commend to the American Congress: "If we could first know where we are and whither we are tending, we would the better know what to do and how to do it."

BECAUSE IT IS GIVEN TO US.

We hear a vast deal of ecstatic talk about these leprous islands "falling into our laps," as if that were a reason for annexation. Are we such Simple Simons as to accept everything offered us? Because a hog with the cholera, or a sheep with the rot, or a horse with the glanders, or a dog with the rabies is given to us, by the same token we should annex him to our animal possessions and infect the whole lot with a loathsome and incurable disease.

We are to take them because, forsooth, they are given to us! That is the main argument for annexation, but even that is not the truth. Far from it. By these very resolutions we pay four millions for a starter. How many millions will finally go the same road Omniscience alone can tell. We are paying down cash on Mr. Dole's counter for these volcanic rocks nearly one-third as much as Thomas Jefferson paid for "the Louisiana Purchase."

No; it is not given to us. And if it were, I would still say with the ancient poet, "Timeo Danaos et dona ferentes"—Beware of the Greeks bearing gifts.

FOR WHOSE BENEFIT?

For whose benefit and behoof are we to do this preposterous thing? Not for ourselves or our children, surely; for Hawaii has a tropical climate, beneath whose burning, blistering sun no Anglo-American can work out doors.

Why not learn something from the great historic and scientific fact—for fact it is, though it may be amazing—that Teutonic civilization and representative government are coextensive with the wheat belt? They are exotics in the Tropics, and will wither and perish there.

WHO IS ITS FATHER?

Who is back of this annexation scheme? Who has worked up a sentiment in its favor? Who has maintained a lobby here to labor for its success? Who has enlisted a portion of the public

press, and caused it to question the patriotism and cast insinuations against the integrity of the men who have the courage, the wisdom, and the patriotism to fight this colossal job?

I was long since taught that it is a sound practice when trying to fix responsibility for a crime to search for the person or persons who would reap the greatest profit from its commission.

Applying that rule of common sense to this case, to what conclusion are we irresistibly led? To this: That the sugar kings of the Sandwich Islands are the chief promoters of the scheme, because they are easily the chief beneficiaries. Even the holders of Hawaiian bonds are not in it with them, because all the bonds ever issued by the Dole Government are not equal to the profits which the sugar kings will make out of annexation in each and every year henceforth and forever so long as they shall live, because annexation will make raw Hawaiian sugar come in free, and the sugar kings will pocket the tariff on the same, which amounts under the blessed Dingley bill to millions of dollars annually, and will grow as the Hawaiian sugar output increases, and is really a gift from us, which already exceeds \$65,000,000.

But it will be answered that reciprocity already lets Hawaiian sugar in free, and therefore the kings have and can have no interest in annexation. Do not believe that for one moment, Mr. Speaker. The reciprocity treaty is a tiptop thing for the kings, but it is only temporary in its nature, and annexation would be a permanent blessing to them. I do not know much about stocks; I have had no experience with the ticker; but, mark my prediction, the moment annexation is an assured fact sugar stocks will soar skyward—a direction in which their owners will never go. To this low estate have we fallen at last that the sugar kings of the Sandwich Islands force us from the safe, wise, honorable policy of one hundred and nine years into a new, dubious, and untried policy which endangers our prosperity and is a menace to our very existence.

I would not be understood as asserting that members in advocating annexation are consciously influenced by the sugar kings or are in any manner corrupted by them. I am perfectly willing to admit that their motives are absolutely pure. Nevertheless, I believe that the sentiment in favor of annexation now, in the day of William McKinley, under the impulse of which members are rushing upon ills they know not of, is largely the work of the sugar kings, just as the sentiment favorable to annexation in the days of William L. Marcy was distinctively the creation of the propagandists of African slavery. As annexation was resisted and defeated by lovers of human freedom then, so it ought to be resisted and defeated by lovers of human freedom now.

REESTABLISHMENT OF HUMAN SLAVERY.

To the Republicans who are shouting for annexation I commend the fine Shakespearean dictum, "Consistency, thou art a jewel."

The Republican party claims now—since emancipation has become popular and since the vote of our "Brother in Black" controls the elections in several close States—that it waged for four years a costly and bloody war to extirpate African slavery from this country. In 1861 the claim was that that awful war was for the preservation of the Union. Indeed, Abraham Lincoln, the greatest of all Republicans dead or alive, so stated in his famous and wonderful letter to Horace Greeley. So believing, hundreds of thousands of brave, patriotic Democrats helped put down the rebellion, which could not have been put down without them. Now, however, generally, but especially about election time, the seductive tale is whispered in the credulous ears of Afro-Americans that the civil war was fought solely to free them, and that nobody did any fighting in the Federal armies save and except Republicans; all of which is a fable.

But if the civil war was carried on to free the negroes, as is now claimed, how can Republicans justify themselves either in the forum of conscience or at the bar of public opinion for annexing the Sandwich Islands, thereby again grafting slavery onto the Republic? No man who has any reputation for veracity will jeopardize it by denying that coolie slavery does exist in the Sandwich Islands to-day as thoroughly as African slavery ever did exist in South Carolina or in Massachusetts up to the time when it was found to be unprofitable on that stern and rockbound coast. [Applause.] Furthermore, men of intelligence know that Chinese slavery is more brutal and more immoral than was African slavery in its worst estate, even in Massachusetts. It is a matter of common knowledge that Chinese men are sold into slavery, and that Chinese women are sold into and especially prepared by cruel surgical operations and physical mutilations for a species of slavery ten times worse than death itself.

PROTEST OF ORGANIZED LABOR.

Perhaps it may quicken the consciences, open the eyes, and dampen the ardor of certain jingoes here to know that organized labor is against this annexation scheme. This element, which justly looks to its own interests, and which is more and more every year finding ways to make its influence felt, opposes this Hawaiian job under the impulse of self-preservation, which has

been wisely defined as "the first law of nature." The labor organizations of California, being nearest the scene, being at the point of earliest contact, and being the first who would suffer from competition with coolie slave labor, were very properly the first to sound the alarm. They were soon reenforced by an earnest protest from the American Federation of Labor, which demonstrates that workingmen throughout the land sympathize with their imperiled brethren on the Pacific Slope.

The Federation places its strong resolution against annexation on the ground that it "would be tantamount to the admission of a slave State, the representatives of which would necessarily work and vote for the enslavement of labor in general."

Members with jingo tendencies will be serving their country, and perhaps themselves, by giving heed to this note of warning, thereby escaping the wrath to come.

AGAINST THE WILL OF THE HAWAIIAN PEOPLE.

The corner stone of this Republic is the proposition enunciated by Thomas Jefferson, the chief priest, apostle, and prophet of constitutional liberty—"Governments derive their just powers from the consent of the governed."

If that proposition is not true, then the American Revolution was a monstrous crime; Washington, Warren, Montgomery, Greene, Marion, and all that band of heroes were turbulent traitors to King George III; John Hancock, Old John Adams, Patrick Henry, Richard Henry Lee, and their Congressional compeers pestilent disturbers of the peace; and all the blood shed in our two wars with Great Britain was wanton and wicked waste. If that proposition is not true, William McKinley is this day exercising functions usurped from Victoria Guelph, and this body is composed of mouthy brawlers doing unlawfully those things which the English House of Commons has the sole right to do.

If that proposition is not true, you, Mr. Speaker, are not Speaker *de jure*, but only Speaker *de facto*, interfering pro tanto with the prerogatives of the speaker of the English House of Commons, Mr. Gully, who is the grandson of a professional pugilist. [Laughter and applause.]

This annexation scheme is in flagrant violation of that basic principle of our Republic, for many thousand Hawaiians—more than the entire male adult population—have solemnly protested against the sale and delivery of their country to us by a little gang of adventurers who, claiming to be the whole thing, are offering to us a property of which they have robbed the rightful owners. And now America, which has been solemnly declared by the Supreme Court to be a Christian land, is to be made the receiver of these stolen Hawaiian goods.

If an ordinary citizen receives stolen goods, he commits a penitentiary offense. Wherein, I beg leave to inquire, is the difference of principle in stealing ordinary property and in stealing an island or a group of islands, or in receiving them after they are stolen? The only justification lies in the thievish theory that if the theft is big enough, it ceases to be a crime and takes on the character and complexion of a virtue, and the perpetrators thereof, instead of being consigned to the striped uniforms, cramped quarters, meager diet, and hard labor of felons, are to be hailed as statesmen and rewarded with the plaudits of a grateful people—a theory which, I regret to say, is growing in this country.

But the jingoes tell us that this protest of the Hawaiians is all bogus, gotten up by designing knaves, and that the Hawaiians are falling over each other in their eagerness for annexation. If this is true, why not submit this annexation scheme to a popular vote in Hawaii, as was done in the case of Texas, and which was provided for in the treaty once negotiated with Santo Domingo, but which happily was never ratified, or have a plebiscite, as Napoleon III was in the habit of doing whenever he felt like it or wished to cure himself of ennui produced by wearing his uncle's heavy crown, which was too large for him? That would be fair and would remove one difficulty. Certainly Mr. Sanford B. Dole could guarantee that every vote in favor of annexation would be counted at least once.

Does he or do his sponsors here shrink from the test of Hawaiian manhood suffrage on that proposition?

If a fair election on that proposition can not be had, what assurance have we that fair elections can be had hereafter, if we annex these islands? If the Hawaiians are not fit to vote on a proposition of vital interest to themselves, who will have the effrontery to say that they are fit to vote for all coming time on propositions of vital interest to us and to our posterity?

If governments do derive their just powers from the consent of the governed, how does it happen that the Hawaiians are to have no voice in a performance which transforms their country from an independent nation into a mere outpost of this Republic?

Let him answer who can.

This submission to a vote of the Hawaiian male adults of a proposition decisive of their destiny ought to be insisted on by Congress as a condition precedent to even considering annexation.

This is the American method of procedure—a method bottomed on the eternal principles of wisdom, justice, and liberty.

We should demand a free ballot and a fair count for the Hawaiians, whose patrimony has been appropriated by President Dole and his partners in the oligarchy.

The annexation shouters claim that the Hawaiian names appended to the remonstrance are largely fictitious, and chiefly secured as signers under false pretenses. We deny it. Issue is squarely joined on an important matter of fact. It can be settled by a vote of the Hawaiian males over 21 years of age. Who can deny that that is a fair test?

All the machinery of elections is in the hands of the little coterie of oligarchists. They are able, resolute, ambitious men. They can be relied upon to see to it that every annexation voter votes and that his vote is counted. They can also be relied on to see to it that not an unlawful vote is cast against the scheme of annexation, for their fortunes depend upon annexation. Can anything be more clearly just? Is President Dole afraid of the verdict of his own people? I pause for a reply.

None of his friends answer, so I will answer myself. He can not be induced to submit this scheme to a popular manhood suffrage vote, for the very good reason that he knows that he and his friends hold office through usurpation and that the vast majority of the Hawaiian people are bitterly opposed to him and all his works. He the friend of liberty, is he? How does it happen, then, that while under the monarchy 14,000 persons were permitted to vote, only 2,800 are given the elective franchise under the oligarchy?

Let it be remembered also that a large percentage of these 2,800 voters have been colonized in Hawaii by Dole & Co. since they have been conducting the Government. What a misleading misnomer is it to dignify this little handful of close-corporation oligarchists with the name of a republic! What a burlesque upon truth, what a travesty upon justice, what an affront to intelligence to assert that Dole and his gang have any claims upon us or upon any other friends of representative government and human freedom!

Oh, yes, but we are told that all male citizens of the Sandwich Islands can vote who will swear that they will support the present Republic and the present constitution of Hawaii. Now, at first blush that seems perfectly fair; but it is a delusion and a snare, as will readily appear from this fact: The constitution, which the Hawaiian people never had any hand in adopting, provides for this very scheme of annexation, which the Hawaiian people detest. That condition for voting is a very skillful contrivance. It exhausted human ingenuity to invent it and is worthy of Machiavelli himself. In order to vote at all a citizen of the Sandwich Islands must solemnly swear to support a constitution which deprives his country of its nationality. What man who has any reputation to lose will risk it by arising in his place here and declaring that he indorses such a swindle on a feeble people? Under it only about 2,800 persons vote, and that is about the number in favor of annexation.

SHALL HAWAIIANS CONTROL OUR FUTURE?

I put this question to every man in the Republic of whatever politics: Are you willing that the destinies of your children and your children's children shall be determined in some crisis of your country's fate by the votes of two mongrel Senators from Hawaii or 3 electoral votes from that leprous island? Two votes or less in the Senate and 3 votes or less in the electoral college have ere this determined matters of great pith and moment. Old John Adams beat Jefferson only 3 votes in 1796.

Write it on the tablets of your memory that the resolution declaring the war of 1812 passed the Senate by only 1 majority.

Let it never be forgotten that the greatest crime ever committed on this continent, the rape of the Presidency, was accomplished by only 1 majority in the electoral college, even after the infamous 8 to 7 commission had stolen bodily the electoral votes of Louisiana, South Carolina, and Florida.

HAWAIIAN LOBBYISTS.

The propaganda which has been carried on openly in this city for the last five or six years by the agents of the Hawaiian sugar kings in favor of annexation is a disgrace to this Government and has lowered us in the eyes of ourselves and the rest of the world. It has no parallel in all history. Minister Hatch has lobbied for it. Ex-Minister Thurston has lobbied for it, and has written and sent a book in favor of it broadcast over the land, which book the Senate Committee on Foreign Affairs made a part of its report. Other lesser personages have lobbied for it. These not succeeding, at last appeared President Sanford B. Dole, in all his bewhiskered glory.

What other government on earth would permit the agents of a foreign government to come into its very capital and openly interfere with its affairs? Suppose, when the arbitration treaty with England was pending in the Senate, Queen Victoria had come to Washington to lobby for its ratification. Such a howl would have gone up as would have startled the man in the moon, and it would have been a howl of righteous indignation. If Sanford B. Dole was not here to influence public opinion and the

action of Congress, what was he here for? Will we be told that he was seeking health? Is it credible that a man from the Tropics would risk his life in this climate in midwinter for pleasure? Did he want to see the country? If so, why not come at a more convenient season? And why make his visit in January, at the precise time that his precious treaty of annexation was being debated in the secret sessions of the Senate and was a few votes short of the necessary two-thirds majority?

Have we not always been extremely jealous of foreign officials interfering with our affairs—yes, always, till now, and even now make an exception only in favor of the Hawaiian plotters?

Did not Washington drive the impudent, meddling Genet, minister of the French Republic, out of the country at the risk of a war with France when we were a feeble folk?

Did not Mr. Secretary of State Daniel Webster's dark brow grow darker when he thought of the brave Kossuth haranguing our people on our affairs?

Did not our Government demand the recall of Minister Sackville-West for his imprudent letter touching a Presidential election? And did not his Government, recognizing the justice of the demand, instantly recall him?

Was not the foolish and insulting letter of Minister Dupuy de Lôme about President McKinley and our people one of the things that irritated our people into demanding this war?

Why have not Thurston, Hatch, Dole, and all the rest been sent about their business and given plainly to understand that we need no instruction from them as to our duty or our interests?

Surely this is an amazing performance.

MANIFEST DESTINY.

We hear much of "manifest destiny." That is a charming phrase. It tickles the ears of men; it panders to human vanity; it feeds the lurid flames of our ambition; it whets the sword of conquest; it is an anodyne for the troubled conscience, but it lureth to destruction. At the last it biteth like a serpent and stingeth like an adder. It is, however, no new doctrine. It is as old as the hills, "rock-ribbed and ancient as the sun." Years and years ago, stripped of all disguises and adornments, it was formulated by that eminent annexationist, Rob Roy, in this plain, blunt language:

The good old rule, the simple plan,
That they should take who have the power,
And they should keep who can.

Moses placed his veto on this convenient theory of "manifest destiny" when with inspired pen on tables of stone he wrote this stern command: "Thou shalt not covet thy neighbor's lands." Even in this presence, I beg leave to suggest that the decalogue is a moral code, not for the temporary and exclusive use of the disgruntled children of Israel, foot-sore and weary with wandering in the wilderness, but is applicable to all persons in all countries and at all times, for the principles of right and wrong are eternal and do not change with latitude and longitude or with the lapsing years or with the various tongues of men.

"Manifest destiny" has been the specious plea of every robber and freebooter since the world began and will continue to be until the elements shall melt with fervent heat.

It was "manifest destiny" which led Lot to overreach his uncle Abraham in selecting the rich lands of the valley, and you remember the weird story of Sodom and Gomorrah.

The "manifest destiny" of Jacob enabled him to appropriate the birthright of his luckless brother Esau.

"Manifest destiny" led Philip's invincible son across the sea, across the Granicus, even to farthest Ind, to build up an immense empire, which crumbled to pieces at his death.

"Manifest destiny" sent the Roman emperors to the burning sands of Africa, to the impenetrable forests of Gaul, to the inhospitable mountains of Asia, to the bottomless bogs of England, and at last put up the imperial crown for sale at auction to the highest bidder.

"Manifest destiny" caused Bajazet to desolate the fairest portions of Asia, and he ended by being hauled around in an iron cage as a ravening wild beast, which he was.

"Manifest destiny" impelled Mad Charles of Sweden to put all northern Europe to the sword until he met his Nemesis in Peter the Great at Pultowa.

"Manifest destiny" was Napoleon's gauzy justification for all the bones bleaching from Toulon to Mount St. Jean. He was always prating about his star; but it disappeared forever in the sunken road of Ohain, and he wandered from the stricken field "the immense somnambulist of a shattered dream."

"Manifest destiny" makes England the great bully of the world, oppressing the weak, toadying to the strong, laying up wrath against that day of wrath, that dies ire, which is as sure to come for her as that a just God reigns on high.

Oh, yes! "Manifest destiny" is a seductive thing. It is the beautiful, the irresistible, the wicked Circe beckoning us on to our undoing. The entire pathway of man since the day when

Adam was driven from Eden with flaming swords is black with the wrecks of nations who harkened to the siren song of "Manifest destiny," and the epitaph upon whose tombstones is: "They were, but they are not."

Hitherto we have been the favorites of heaven; but let us not tempt fate too far or destiny will grow weary of partnership with us and dissolve it as she did with Napoleon at Waterloo.

Hawaii is a blind for our eyes, a snare for our feet, a bait for our cupidity, the will-o'-the-wisp which will lead us into the Slough of Despond, the bewitching, scheming, treacherous Delilah destined to shear our Samson of his leonine locks and to deliver him bound hand and foot into the power of the Philistines.

Hawaii is the fly which will make our whole pot of ointment stink in the nostrils of the civilized world.

Let us put away this supreme temptation from before our faces, and generations yet unborn will bless us for this act of wisdom, self-abnegation, and patriotism.

Nature has set bounds to this magnificent Republic beyond which she should not go—the Atlantic on the east, the Gulf of Mexico and the Rio Grande on the south, the Pacific on the west, and in the fullness of time, without the expenditure of a dollar or the spilling of one drop of blood or the shedding of a single tear, the frozen ocean on the north.

Within those wide, extended limits we will live and grow and flourish, the happiest, the richest, the most puissant, the most intelligent, the securest people on the whole face of the earth.

But depart from the plan of justice, of wisdom, and of moderation, go chasing the ignis fatuus of "manifest destiny" over land and over sea, and some day Macaulay's artistic New Zealander, after finishing his picture of the ruins of St. Paul's, will sit on a broken arch of "the Long Bridge" and sketch the ruins of this Capitol. Before you consummate this monstrous folly I say to you, in the language of Galgacus to the ancient Britons, "Think of your forefathers; think of your posterity!" [Prolonged applause.]

Mr. HITT. I yield twenty minutes to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, I hope I shall be able to relieve the House from any effects which may have been produced by the lamentations of its Jeremiah. [Laughter.] In the discussion and decision of this question there is not the first element or purpose of territorial expansion. We enter upon the discussion and decision of this question of accepting Hawaii in precisely the same manner and upon the same principles that we would enter upon the discussion of the question of building a ship of our Navy. It is within as narrow limits as that question. It is clearly a question of our national defense, our national duty, our national existence, in the position in which the great Former of the destiny of nations has placed us.

I have struggled against this decision. I have been opposed to the annexation of Hawaii until I heard the shot of the guns of Dewey at Manila; and then I awakened to the importance of this question to the great destiny, as I believe, of this nation. No man has a moral right in his power and strength in any community to shut himself up within his own selfish interest and advantage and there live, seeking what he may for himself and forgetting those about him. He has not this right either in a State or in a nation, nor has any nation such a right. It has no right to cut itself off from all the moral obligations that rest upon it to secure righteousness and maintain peace in the great community of nations.

Are there any obligations resting upon the great empire of Great Britain to secure justice? Do we look upon her to discharge any of the duties that become her in her place of power among the nations? And are we to be absolved from every obligation that rests upon England? Was that the idea of our fathers? Have we received nothing in blessing from Almighty God? Shall we return nothing to our fellow-nations in our interest in them as our fellows? I do not make any claim that it is our duty to right the wrongs of every people and of every nation under all circumstances, but I do say that it is the duty of this nation to take its proper place among the nations of the world, and that we stand verily guilty before God if we do not do our full duty in maintaining peace in the world. We are seeking Hawaii for peace.

The roots of all moral courage rest in physical courage. The power of moral courage, in the last analysis, rests in the physical courage of the man or the nation, and the certainty that moral courage will find exercise in physical courage and in physical action when duty calls. In order that we may have practical courage, physical courage, and moral courage we must have the means of legitimately exercising our physical power, else we are as weak as China when attacked by Japan. Where was this nation in practical physical power when Chile threatened us but a short time since? If Chile had pursued her purpose to the end she would have won as against us, for a time. Where should we have been in this contest with the weak power of Spain ten years ago? Spain would have won if the contest had been commenced then.

Mr. Speaker, I have become convinced that this nation, to maintain her self-respect and the respect of the nations and in the interest of peace, must have a navy as powerful as any nation in the world, ship for ship, man for man, fort for fort. [Applause.] We must have Hawaii as a part of our naval outfit. We must have the Nicaragua Canal as a part of our naval as well as mercantile outfit. [Applause.] Those are three things that this nation owes to itself and owes it to every other nation of the world to have. It is a duty that we can not shirk. Any man who belittles his own power and shirks his own duty shrinks and shrivels and does injury to his town as long as he exists on this earth. Every nation that forgets its high place, every nation that fails to do its duty, must shrink and shrivel in the life of each one of its citizens all the days of its existence.

I was struck in a manner that I have never been struck before by any event in our history, more than when the guns were fired on Fort Sumter, by the electrical effect upon this nation when we heard the guns of Dewey at Manila. [Applause.] This nation towers to a height more than double that she ever had attained before. And I say here that we must come up to our opportunities, that we must be in the possession of the physical power to make our moral decisions effective, or we must see civilization hindered if not retrograded.

What are the other nations of the earth doing? Where is the nation standing for liberty among the nations, with the power and disposition to enforce it, except England? I ask here and now, are we to enter into alliance with England? No! Are we to have an alliance with England? Yes. What kind of an alliance? None whatever in form, but an alliance of good fellowship, of duty done, seeing our duty eye to eye for humanity. I believe that this Government, uniting with Japan and Great Britain, should enter into a treaty to-morrow, if possible, that the ports of all three nations, under all circumstances, should be open to each one and all of the three nations. How long? Not a day beyond the time when either nation shall give notice that the agreement is terminated.

The most lasting alliance that can be made, and the only one that can be lasting, is an alliance which will last during the free consent of the parties to it. The moment you make an alliance for all time each party begins to think when and where and how it shall be terminated; but when you make an alliance that can be terminated at any moment, each party is studying to maintain and perpetuate it. What shall we add to that? Following the example of the three American commissioners, who alone settled the trouble of our southern neighbor Venezuela, we will agree that when any difficulty arises between any two of the three nations that the two nations that are at a misunderstanding shall each appoint—what? A court of arbitration? No, for a court of arbitration will breed war. What then? Each of the countries at odds shall appoint three commissioners of its own citizens, and agree that for two years they will take no further action.

Then each commissioner of each country is in duty bound and under bonds to find grounds of agreement, not of dissent. But if you have a court of arbitration, the commissioners of each nation become counsel for their respective nation, and are studying for grounds of disagreement, and not of agreement. This is all the alliance we want with any nation. The time has come, and in the interest of peace, when this country must and will have the power of enforcing the just and righteous decision of a righteous people. The righteous are in the majority always in this country. They always have been in every exigency in the past, and will be in the future; and not only in this country, but in every other nation that speaks the language of the Anglo-Saxon race.

Now, what will become of our friend Russia, that has always stood by us? Because of our power and because of our friendship to the mother country we will see that neither she nor any other country does injustice to our friend Russia, or any other nation that is friendly or even unfriendly to us. The time of our swaddling clothes has gone. The pitcher is broken at the well, and never can be restored. We can not shut our eyes to the fact that we have attained to-day, as I said before, to a stature such as none of us dreamed we should ever reach in our day or even in that of our immediate children. We can not shirk its responsibilities. We can not return again to the place of a physical pigmy or a moral dwarf. [Applause.]

Mr. DINSMORE. I promised to yield some time to the gentleman from Arizona [Mr. SMITH], and if he is present, I should be glad to have him occupy his time. He does not seem to be present, Mr. Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10100) to provide ways and means to meet war expenditures.

The message also announced that the Senate had passed with amendments the bill (H. R. 4930) for the allowance of certain

claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. TELLER, Mr. PASCO, and Mr. STEWART as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 4710) to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," approved April 29, 1898; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 1271. An act granting a pension to Clara A. Short;
- H. R. 2669. An act granting an increase of pension to Henry H. Tucker;
- H. R. 7007. An act to increase the pension of Samuel B. Davis;
- H. R. 4672. An act granting an increase of pension to Alfred D. Johnson;
- H. R. 8871. An act for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulf Port, Miss., and to Biloxi, Miss., and for a survey of Ship Island Pass;
- H. R. 8680. An act granting an increase of pension to William Tompkins; and
- H. R. 8226. An act to make certain grants of land to the Territory of New Mexico, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

- S. 1572. An act granting a pension to Albert Hammer—to the Committee on Invalid Pensions.
- S. 2002. An act granting an increase of pension to Bryon R. Pierce—to the Committee on Invalid Pensions.
- S. 2015. An act granting a pension to Lillian M. Yost—to the Committee on Invalid Pensions.
- S. 2729. An act granting a pension to Lydia E. Bowers—to the Committee on Invalid Pensions.
- S. 2616. An act to pension Harriette F. Hovey—to the Committee on Invalid Pensions.
- S. 2494. An act granting a pension to Mary A. Colhoun—to the Committee on Invalid Pensions.
- S. 571. An act granting a pension to Mrs. Susan Mellsoy—to the Committee on Invalid Pensions.
- S. 4550. An act granting an increase of pension to Col. John F. McMahon—to the Committee on Invalid Pensions.
- S. 4483. An act granting an increase of pension to John H. Randall—to the Committee on Invalid Pensions.
- S. 1693. An act granting a pension to Alden B. Thompson—to the Committee on Pensions.
- S. 4710. An act to amend an act entitled "An act providing for the construction of a bridge across the Yalobusha River, between Leflore and Carroll counties, in the State of Mississippi," approved April 29, 1898—to the Committee on Interstate and Foreign Commerce.
- S. 3930. An act granting an increase of pension to H. B. Armstrong—to the Committee on Pensions.
- S. 4394. An act granting an increase of pension to Alexander Keen—to the Committee on Pensions.
- S. 1821. An act granting a pension to John Bailey—to the Committee on Invalid Pensions.
- S. 1580. An act granting an increase of pension to Cutler D. Sanborn—to the Committee on Invalid Pensions.
- S. 717. An act granting an increase of pension to Eva W. Brannan, widow of the late Maj. Gen. John Milton Brannan, United States Army—to the Committee on Invalid Pensions.
- S. 4575. An act granting an increase of pension to John McVicar—to the Committee on Invalid Pensions.
- S. 3911. An act pensioning H. C. Bedell, Company A, One hundred and ninety-first New York Volunteers—to the Committee on Invalid Pensions.
- S. 1774. An act granting a pension to Mrs. Henretta Cummins—to the Committee on Invalid Pensions.
- S. 4147. An act granting an increase of pension to R. W. Haywood—to the Committee on Pensions.
- S. 369. An act granting a pension to James Ballard—to the Committee on Invalid Pensions.
- S. 1797. An act granting an increase of pension to John A. Hughes—to the Committee on Invalid Pensions.
- S. 4238. An act granting a pension to Solomon Kline—to the Committee on Invalid Pensions.
- S. 601. An act granting a pension to S. W. Taylor—to the Committee on Invalid Pensions.

S. 2107. An act granting an increase of pension to Theodore S. Cross—to the Committee on Invalid Pensions.

S. 4701. An act granting an increase of pension to Charles W. Tilton—to the Committee on Invalid Pensions.

S. 3532. An act granting a pension to J. K. Hager—to the Committee on Invalid Pensions.

S. 3534. An act granting a pension to Annie E. Joseph—to the Committee on Invalid Pensions.

S. 3285. An act to increase the pension of Mary F. Hopkins—to the Committee on Invalid Pensions.

S. R. 165. Joint resolution to amend the joint resolution permitting Anson Mills, colonel of the Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893—to the Committee on Military Affairs.

S. 1690. An act to remove the charge of desertion from the military record of George F. Harter—to the Committee on Military Affairs.

S. 2919. An act granting a pension to Olivia Worden, widow of the late John L. Worden, United States Navy—to the Committee on Invalid Pensions.

S. 412. An act to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1899—to the Committee on Indian Affairs.

S. 1036. An act granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. REEVES for four days, on account of important business.

And then, on motion of Mr. HITT (at 4 o'clock and 43 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Director of the Mint submitting estimates of deficiencies in certain appropriations, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CLARK of Iowa, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 460) to extend the uses of the mail service, reported the same without amendment, accompanied by a report (No. 1544); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4304) regulating the postage on letters written by the blind, reported the same with amendment, accompanied by a report (No. 1545); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred House bill 10331, reported in lieu thereof a bill (H. R. 10666) authorizing the Secretary of the Interior to permit the use of the buildings of the Fort Supply Military Reservation by Oklahoma Territory for an insane asylum, accompanied by a report (No. 1546); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COCHRAN of Missouri: A bill (H. R. 10665) granting pensions to teamsters engaged in the military service of the United States during the Mexican war—to the Committee on Pensions.

By Mr. SHAFROTH (from the Committee on the Public Lands): A bill (H. R. 10666) authorizing the Secretary of the Interior to permit the use of the buildings on the Fort Supply Military Reservation by Oklahoma Territory for an insane asylum (in lieu of H. R. 10331)—to the Committee of the Whole House on the state of the Union.

By Mr. RICHARDSON: A bill (H. R. 10667) to change name of

Capital Railway Company—to the Committee on the District of Columbia.

By Mr. CHICKERING: A bill (H. R. 10668) for sharing with the several States the expense of State canals providing free transportation to interstate and foreign commerce—to the Committee on Railways and Canals.

Also, a bill (H. R. 10669) to amend certain acts regulating navigation—to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. EDDY: A bill (H. R. 10670) to pension Maria J. Blaisdell—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10671) granting a pension to Lucia A. Hynes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COWHERD: Petition of various labor organizations of Kansas City, Mo., in opposition to the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of business firms of Kansas City, Mo., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ERMENROUT: Protest of Wetherill & Bro., of Philadelphia, Pa., against the adoption of the Chilton amendment to the war-revenue bill—to the Committee on Ways and Means.

Also, petition of W. H. Snyder, supreme recorder of the Fraternal Mystic Circle, Philadelphia, Pa., in opposition to the clause in the war-revenue bill imposing a tax on fraternal benefit societies—to the Committee on Ways and Means.

Also, protests of the National Remedy Company, of New York City, against the retroactive clause in the war-revenue bill—to the Committee on Ways and Means.

Also, protest of Lazell, Dailey & Co., of New York, against the clause in House bill No. 10100 requiring wholesalers and retailers to stamp existing stock of proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. FENTON: Petition of John McNaughton, to accompany House bill No. 8788, for his relief—to the Committee on War Claims.

Also, petition of Ellen Owens, to accompany House bill No. 6401, for her relief—to the Committee on War Claims.

Also, petition of Thomas McCall and papers, to accompany House bill No. 6031, for relief—to the Committee on Military Affairs.

By Mr. TODD: Petition of the Michigan Stove Company, of Detroit, Mich., protesting against certain provisions in House bill No. 10100, known as the war-revenue bill—to the Committee on Ways and Means.

Also, petition of the State Millers' Association of Michigan, in favor of the pure-food bill—to the Committee on Ways and Means.

By Mr. WARD: Papers to accompany House bill for the relief of William A. Wheeler—to the Committee on War Claims.

SENATE.

MONDAY, June 13, 1898.

Prayer by Rev. J. B. STITT, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

OFFICIAL RECORDS OF UNION AND CONFEDERATE ARMIES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-fifth Congress not already entitled by law to receive the same; and he is further authorized to use for this purpose such incomplete sets as remain unsold or uncalled for by the beneficiaries designated to receive them under the authority contained in the several acts of Congress providing for the distribution and sale of this publication: Provided, That the Secretary of War may call upon the Public Printer to print and bind such parts of said work as will enable him to complete the sets herein provided for.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 378) granting a pension to Lowell H. Hopkinson;

A bill (H. R. 1801) granting an increase of pension to Catherine Clifford;

A bill (H. R. 4498) granting an increase of pension to Peter Castle; and

A bill (H. R. 5006) to increase the pension of Edward Starr.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3141) increasing the pension of Price W. Hawley;

A bill (H. R. 5149) to amend the charter of the Capital Railway Company;

A bill (H. R. 5522) to authorize the establishment of a life-saving station at or near Charlevoix, Mich.;

A bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal.; and

A bill (H. R. 10220) to organize a hospital corps of the Navy of the United States; to define its duties and to regulate its pay.

The message further announced that the House insists upon its amendment to the bill (S. 104) to increase the pension of Lucretia C. Waring disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. WEYMOUTH, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 3596) to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. SNOVER, and Mr. ZENOR managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the following bills, agrees to the conferences asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the respective conferences on the part of the House:

A bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, Maryland and Washington Railway Company, and for other purposes; and

A bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10350) to enable volunteer soldiers during the war with Spain to vote at Congressional elections; and

A bill (H. R. 10608) to amend section 10 of an act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes."

The message also announced that the House had passed a concurrent resolution to print 32,000 copies of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes;" in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution authorizing and directing the enrolling clerk of the House to enroll the act (H. R. 10100) to provide ways and means to meet war expenditures, and for other purposes, in accordance with the text of said act as submitted to both Houses in connection with the report of the managers of the two Houses on the disagreeing votes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1271) granting a pension to Clara A. Short;

A bill (H. R. 2669) granting an increase of pension to Henry H. Tucker;

A bill (H. R. 4672) granting an increase of pension to Alfred D. Johnson;

A bill (H. R. 7007) to increase the pension of Samuel B. Davis;

A bill (H. R. 8236) to make certain grants of land to the Territory of New Mexico, and for other purposes;

A bill (H. R. 8680) granting an increase of pension to William Tompkins; and

A bill (H. R. 8871) for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulfport, Miss., and to Biloxi, Miss., and for a survey of Ship Island Pass.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the council of the Cuban revolutionary party of New York, expressing their thanks to the Senate for their vote declaring the freedom and independence of the Cuban people; which was ordered to lie on the table.

He also presented a petition of the Oakland Board of Trade, of Oakland, Cal., praying for the annexation of the Hawaiian Islands; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of J. W. Martin and 59 other citizens of Missouri, praying Congress that instead of issuing bonds and increasing taxes, that it exercise its constitutional power and issue non-interest bearing full legal-tender Treasury notes, with which to pay the expenses of the war with Spain; which was referred to the Committee on Finance.

Mr. CHILTON presented a petition of the executive committee of the Cattle Raisers' Association, of Texas, praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of the Board of Trade of Indianapolis, Ind., praying for the passage of the bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report, accompanied by a bill (S. 4751) for the widening of Nineteenth street NW.; which was read twice by its title.

Mr. CANNON, from the Committee on Public Lands, to whom was referred the bill (S. 4694) to permit the State of Utah to select certain granted lands, reported it with amendments.

Mr. TELLER, from the Committee on Claims, reported an amendment proposing an appropriation of \$1,000 to be paid the clerk and assistant clerk of the Senate Committee on Claims for the preparation of the omnibus claims bill and report, together with an index of both, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

CRIPPLE CREEK DISTRICT RAILWAY.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4750) granting right of way through Pikes Peak Timber Land Reserve and the public lands to Cripple Creek District Railway Company, to report it favorably without amendment. I ask unanimous consent that the bill may be considered at this time. It is a very short bill and will take but a moment.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 4752) to amend certain acts regulating navigation; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4753) to amend section 4400, Title LIII, of the Revised Statutes, relating to the inspection of foreign passenger steam vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILSON introduced a bill (S. 4754) for the relief of Clinton F. Pulsifer; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4755) for the relief of Mathias A. Young; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER introduced a bill (S. 4756) for the relief of Michael McNulty; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 4757) to grant the right of way through the Indian Territory to the Gulf, Chickasaw and Kansas Railway Company for the purpose of constructing a railway, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SULLIVAN introduced a bill (S. 4758) for the relief of the estate of Joseph Albert Stouse, deceased, late of Yazoo City, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAFFERY (by request) introduced a bill (S. 4760) for the

relief of Pierre Jolivet, of St. Mary Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 4761) for the relief of Harriet A. Mills, of Clinton, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 4762) for the relief of Mary C. Cleveland, of Clinton, La.; which was read twice by its title, and referred to the Committee on Claims.

WILLIAM STEPHENSON SMITH.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6308) to pension William Stephenson Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its disagreement to the amendment of the Senate, and agree to the same.

J. H. GALLINGER,

J. C. PRITCHARD,

JOHN L. MITCHELL,

Managers on the part of the Senate.

H. R. GIBSON,

V. WARNER,

R. W. MIERS,

Managers on the part of the House.

The report was agreed to.

ENROLLMENT OF WAR REVENUE ACT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring). That the enrolling clerk of the House be, and he is hereby, authorized and directed to enroll the act (H. R. 10100) entitled "An act to provide ways and means to meet war expenditures, and for other purposes," in accordance with the text of said act as submitted to both Houses in connection with the report of the managers of the two Houses on the disagreeing votes.

Mr. ALLISON. I ask unanimous consent that the resolution may be now considered. It is important to have it adopted.

The VICE-PRESIDENT. The resolution is before the Senate, in the absence of objection.

Mr. PASCO. I should like to ask for an explanation of the resolution. It is an unusual one.

Mr. ALLISON. It is somewhat unusual, but this has been done frequently. There was one mistake in the printed report of the conference. I do not think it is very material, although it is a jumble. How it could possibly have gotten into the report I do not understand. It relates only to the thirty-sixth section of the bill, which refers to mixed flour, and the mistake is printed in the report. I have examined the report carefully with the bill, and I find that to be the only trouble. It is necessary that the resolution shall be passed in order that the error may be corrected.

In the conference report section 36 is a section covering the special tax upon persons, firms, and corporations engaged in the business of making or packing mixed flour, but after imposing the tax there is a section which appears to have been the original section as proposed by the Senator from Illinois [Mr. MASON], but which was not in the conference report as actually agreed to. Section 36, as agreed to by the conference committee, reads:

SEC. 36. That every person, firm, or corporation, before engaging in the business of making, packing, or repacking mixed flour, shall pay a special tax at the rate of \$12 per annum, the same to be paid and posted in accordance with the provisions of sections 3242 and 3259 of the Revised Statutes, and subject to the fines and penalties therein imposed for any violation thereof.

That was the agreement in the conference. That section is in the report down to and including the words "to be." Then there is a long provision which seems to have no relation to the subject whatever. How the mistake occurred I do not know. The object is to secure an enrollment in accordance with the actual report.

Mr. CULLOM. May I inquire whether the conference report as made was intended to cover the case so that the object aimed at by the original introducer of the amendment should be really accomplished?

Mr. ALLISON. Undoubtedly.

Mr. CHILTON. I suggest to the Senator from Iowa that as I see no other members of the Finance Committee representing our side present he defer calling up this matter until a later hour in the day. I think it will be all right, but I prefer to have those members here.

Mr. ALLISON. The matter ought to be attended to at the earliest possible moment with a view of having the bill enrolled.

Mr. PASCO. It seemed from reading the resolution as though it was merely to correct a mistake in enrollment, and I could not see why the clerks could not correct it; but I now understand that it goes further and covers some errors which crept into the report of the conference committee.

Mr. ALLISON. It involves a single error. I think the general provision of the law would enable it to be enforced without this correction, but it is such a jumble that it was thought wise to make the correction before the enrollment of the bill. But if Senators desire to have the resolution go over for the present, that course can be taken.

Mr. CHILTON. I think it would be a little better to wait. I

shall endeavor very soon to confer with other members of the committee upon this side.

Mr. ALLISON. I presume there will be no trouble about it. I will allow the resolution to lie over for the present.

The VICE-PRESIDENT. The resolution will be laid aside temporarily.

Mr. ALLISON subsequently said: I ask that the resolution laid before the Senate a few moments ago may be considered. The Senator from Arkansas [Mr. JONES] is now present.

The VICE-PRESIDENT. The Secretary will again read the concurrent resolution of the House of Representatives.

The concurrent resolution was read, and agreed to.

PRINTING OF WAR REVENUE ACT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 48,000 copies of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," be printed—32,000 copies for the use of the House and 16,000 copies for the use of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 10806) to amend section 10 of an act approved April 23, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 10530) to enable volunteer soldiers during the war with Spain to vote at Congressional elections was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Military Affairs.

Mr. HOAR. I do not think it should go to the Committee on Military Affairs. It should go either to the Committee on Privileges and Elections or the Committee on the Judiciary.

The VICE-PRESIDENT. If the Senator desires to make a motion to refer, the Chair will entertain it.

Mr. HOAR. I think the bill should go to the Committee on Privileges and Elections.

The VICE-PRESIDENT. Is there any objection to that reference? The Chair hears none, and the bill is so referred.

PRINTING OF OMNIBUS CLAIMS BILL.

Mr. TELLER. I desire to have printed of the bill which passed the Senate the other day, known generally as the omnibus claims bill, House bill 4996, 500 copies, with the index which has been prepared. A very careful index has been prepared. I ask for the passage of the resolution which I send to the desk.

The resolution was read, and agreed to, as follows:

Ordered, That 500 copies of the Senate amendments to the bill "for the allowance of certain claims for stores and supplies," etc. (H. R. 4996), be printed together with an index of the same.

PRINTING OF WAR REVENUE ACT.

Mr. ALLISON submitted the following resolution; which was read:

Resolved, That there be printed for the immediate use of the Senate 2,000 copies of the "Act to provide ways and means to meet war expenditures, and for other purposes," with paper covers and index, said copies to be delivered to the Senate document room.

Mr. ALLISON. I think, perhaps, the resolution had better go to the Committee on Printing, with the concurrent resolution of the House on the same subject.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Printing.

INQUIRIES BY THE COMMITTEE ON FOREIGN RELATIONS.

Mr. CANNON. I ask unanimous consent to call up for present consideration House bill 4073.

Mr. CHANDLER. Is the morning business completed?

The VICE-PRESIDENT. The morning business is not completed.

Mr. CHANDLER. I have a resolution which is a part of the morning business that I should prefer to have disposed of before the bill is called up.

Mr. CANNON. I will yield to morning business. I supposed it had been concluded.

The VICE-PRESIDENT. There are two resolutions coming over as part of the morning business, one offered by the Senator from New Hampshire [Mr. CHANDLER] and the other offered by the Senator from Massachusetts [Mr. LODGE].

Mr. CHANDLER. I ask that the resolution offered by me be read.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 880, offered by the Senator from New Hampshire.

Mr. CHANDLER. I merely ask that it be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. Is there any objection?

Mr. COCKRELL. Let the resolution be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 8th instant, as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, directed to conduct such inquiries as may be deemed advisable concerning all the questions arising out of the present war in relation to foreign governments and the rights and obligations of this Government connected therewith, and also concerning such facts as the committee may deem it expedient to investigate; said committee to have power to meet during the sessions of the Senate and during the coming recess of Congress, to act as a full committee or through subcommittees, and to summon and examine witnesses.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Foreign Relations, unless there is objection. The Chair hears none, and it is so referred.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the following acts:

An act (S. 158) granting an increase of pension to Peter Daly;

An act (S. 368) granting a pension to Jennie E. Burch;

An act (S. 436) granting a pension to Mary M. Macauley;

An act (S. 489) granting an increase of pension to William A. Beckford;

An act (S. 506) granting an increase of pension to Daniel G. George;

An act (S. 507) granting a pension to Lucia A. Hynes;

An act (S. 853) granting an increase of pension to George L. Durbin;

An act (S. 1075) granting an increase of pension to Edward Stanley;

An act (S. 1155) granting a pension to Philip F. Castleman, of Oregon;

An act (S. 1424) granting a pension to Richard T. Seltzer;

An act (S. 1473) granting a pension to Oscar A. Palmer;

An act (S. 1477) granting an increase of pension to Joseph Porter;

An act (S. 1480) granting an increase of pension to Lewis D. Baker.

An act (S. 1702) granting an increase of pension to Nancy G. Allabach;

An act (S. 2378) granting a pension to Maria Somerlat;

An act (S. 2751) granting an increase of pension to Charles H. Johnson;

An act (S. 2807) granting a pension to Benjamin L. Nolan;

An act (S. 3442) granting an increase of pension to Andrew C. Mensch;

An act (S. 4169) for revising and perfecting the classification of letters patent and printed publications in the Patent Office;

An act (S. 4169) granting an increase of pension to Simeon Stevens; and

An act (S. 4491) granting an increase of pension to Susan D. Yates.

CLAIM OF METHODIST BOOK CONCERN SOUTH.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 382, offered by the Senator from Massachusetts [Mr. LODGE]. The resolution will be read.

The Secretary read the resolution submitted by Mr. LODGE on the 9th instant, as follows:

Resolved, That the Committee on Claims be directed to inquire and report to whom the money was paid under the claim of the Methodist Book Concern South; and also as to all circumstances connected with the passage of the bill providing for the payment of said claim, and with the subsequent payment of the money under said act of Congress.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PASCO. The Senator from Georgia [Mr. BACON] has on one or two occasions indicated his desire to be heard upon this resolution, and I notice that he is not now in the Chamber. Unless some other Senator desires to speak upon it at present, I suggest to the Senator from Massachusetts that it be temporarily laid aside. Perhaps the Senator from Georgia will be in before the morning hour is closed.

Mr. LODGE. I suggest that the resolution go over without losing its place as a part of the morning business.

Mr. BATE. No, let us have it disposed of this morning. The Senator from Georgia [Mr. BACON] was in the Chamber a few moments ago, and he will be back soon.

Mr. LODGE. I should like to dispose of it at any time. Of course I do not wish to interfere with the Senator from Georgia in his desire to be heard.

Mr. CHANDLER. I suggest that the Senator from Massachusetts allow it to be postponed temporarily.

Mr. PASCO. Let it be laid aside temporarily.

Mr. LODGE. Very well; I shall be happy to agree to that course.

The VICE-PRESIDENT. If there be no objection, that will be the order.

DISTRICT STREET RAILWAY COMPANIES.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 914) to compel street railway

companies in the District of Columbia to remove abandoned tracks, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first and second and third amendments of the House, and agree to the same.

That the Senate recede from its disagreement to the fourth amendment of the House, and agree to the same amended as follows: In line 3 of the matter proposed to be inserted, after the word "over," insert the words "any portion of the underground electric;" and in line 11 of said matter, after the words "fine of \$10," insert the words "for every car operated in violation of the provisions of this act, said fine;" and that the House agree to the same.

JAMES M. McMILLAN,
REDFIELD PROCTOR,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

COMMISSION ON LABOR, AGRICULTURE, AND CAPITAL.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (H. R. 4073) authorizing the appointment of a nonpartisan commission to collate information to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. BURROWS. The bill had better be read subject to objection.

The VICE-PRESIDENT. The bill will be read subject to objection.

The Secretary read the bill; and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SISETON AND WAHPETON BANDS OF SIOUX.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

The VICE-PRESIDENT. Is there objection?

Mr. ALLISON. I hope the Senator from South Dakota will not call that bill up this morning. It is a very important bill. I do not think it ought to be considered under the five-minute rule. It is impossible to do it.

Mr. PETTIGREW. Can it be taken up, then, by unanimous consent and be open to debate not under the five-minute rule?

Mr. GALLINGER. No, I think not, Mr. President. I think the rest of us should have a chance.

Mr. PETTIGREW. Would it be in order for me to move to take it up?

Mr. ALLISON. Of course; but I hope the Senator will not seek to have the bill taken up this morning. I want to look into it a little more than I have yet had an opportunity to do.

Mr. PETTIGREW. Can we agree, then, when we shall take it up?

Mr. ALLISON. I shall not object, perhaps, in a day or two from this time. I shall endeavor to say what I wish to say upon the bill in a very few minutes. However, I do not think it can be considered under the five-minute rule. It is a very important bill, as the Senator understands.

Mr. PETTIGREW. Then I should like to get it up if possible to-morrow, if satisfactory to the Senator, at 1 o'clock, not under the five-minute rule.

Mr. ALLISON. If the Senator will say Wednesday, I shall not interpose.

Mr. PETTIGREW. Then I will move that at 1 o'clock to-morrow it be taken up regularly.

Mr. HOAR. On Wednesday.

Mr. PETTIGREW. Very well, Wednesday at 1 o'clock. Can I have unanimous consent? I ask unanimous consent that on Wednesday at 1 o'clock the Senate shall proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the bill now before the Senate shall be considered on Wednesday at 1 o'clock. Is there objection? Unanimous consent is given.

Mr. GALLINGER. I ask unanimous consent for the consideration of Senate bill 2916.

Mr. FRYE. One moment as to the former bill. The unanimous request was that it be taken up at 1 o'clock Wednesday. Does the Senator from South Dakota mean that it shall interfere with the unfinished business?

Mr. PETTIGREW. Not at all.

Mr. FRYE. That is all right, then.

WASHINGTON, WOODSIDE AND FOREST GLEN RAILWAY.

Mr. GALLINGER. I ask the Senate to proceed to the consideration of the bill (S. 2916) relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 2, line 11, section 1, after the word "companies," to insert the following proviso:

Provided, That nothing contained herein shall operate to relieve the Brightwood Railway Company of any of its charter obligations, limitations, requirements, and restrictions, all of which shall remain in full force and effect, and shall be binding in all respects upon any company operating cars upon the route of said Brightwood Railway Company.

So as to make the section read:

That the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md., a corporation created, organized, and existing under and by virtue of the laws of the State of Maryland, shall have the right to run its vehicles over the tracks of the Brightwood Railway Company, and to use the power of that company for propelling its cars, or to furnish power to that company for that purpose, upon such terms and conditions as may be mutually agreed upon; and in case said companies are unable to agree in regard thereto, either company may apply by petition to the supreme court of the District of Columbia, and after reasonable notice thereof to the other party said court shall, upon hearing and investigation being had, have full power to adjudicate and finally determine the terms and conditions upon which the joint use of said power and tracks shall be enjoyed; and the said companies are each hereby severally authorized to enter into any agreement with each other as may be necessary to insure a continuity of traffic over the tracks of said companies and under the management of either of said companies: *Provided, That nothing contained herein shall operate to relieve the Brightwood Railway Company of any of its charter obligations, limitations, requirements, and restrictions, all of which shall remain in full force and effect, and shall be binding in all respects upon any company operating cars upon the route of said Brightwood Railway Company.*

The amendment was agreed to.

The next amendment was to add at the end of the bill a new section, as follows:

SEC. 2. That Congress reserves the right to amend or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF METHODIST BOOK CONCERN SOUTH.

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 382, offered by the Senator from Massachusetts [Mr. LODGE], upon which the Senator from Georgia [Mr. BACON] is recognized.

Mr. COCKRELL. Let the resolution be read for information.

The Secretary read the resolution submitted by Mr. LODGE on the 9th instant, as follows:

Resolved, That the Committee on Claims be directed to inquire and report to whom the money was paid under the claim of the Methodist Book Concern South; and also as to all circumstances connected with the passage of the bill providing for the payment of said claim, and with the subsequent payment of the money under said act of Congress.

Mr. BACON. Mr. President, it so happens that I was active in the effort to procure the passage of the bill referred to in the resolution. I was a member of the Committee on Claims in the Fifty-fourth Congress, before which the bill was at one time, and although it did not pass both Houses in the Fifty-fourth Congress, it was acted upon by that committee of that Congress. I was a very active supporter of the bill, as it will be remembered by the members who then belonged to the Committee on Claims. I supported it because I thought it was an eminently just measure. I thought that not only had there been great injury and damage done to the claimants, but that in addition the Government had really received a benefit equal to the amount asked for in compensation to the Methodist Book Concern. The bill passed the Senate in the Fifty-fourth Congress, but failed to pass the House.

In the Fifty-fifth Congress it was again introduced, and although I am not, in the present Congress, a member of the Committee on Claims, I was still an active friend of the measure. I not only advocated it in the usual way, but I also did so in making representations to my colleagues of the Senate in the effort to get them to support it. Having done so, and being in a measure responsible for the passage of the bill, but, of course, not to the same extent as some others who had devolved upon them the leadership in the matter, I feel under the charges which have been made in the public press that it is due to myself to state what I know about the matter.

I had not the remotest suspicion that there was anyone representing that bill before the Senate who had any pecuniary interest in its passage. I thought that those who were working for it were doing so because of their interest in the great and influential religious denomination which was specially interested in the passage of the bill. If there was anyone known around Washington City as a professional attorney connected with the matter, I was not informed of the fact. As is known by all, the principal advocate outside of the Senate was a Mr. Stahlman. I knew him to be a man of large wealth. I knew him to be the husband of a very ardent and zealous member of the Methodist Church; and my impression and belief was that his interest in the matter was due to that relationship. Whether he himself was or was not a member of the church, I did not know, but my information was that his

wife is an exceedingly zealous member of the church and was very much interested in the question of the passage of the bill.

In the Fifty-fourth and in the Fifty-fifth Congresses I had never heard a suggestion that anyone was interested as a lobbyist or as an attorney in the passage of that bill and would get a large fee if the bill was passed, until a very short time before its passage—I have forgotten how long—when the suggestion was made to me by the junior Senator from Indiana [Mr. FAIRBANKS] right in that part of the Chamber back of the Republican side. He stated to me that he desired to vote for the bill, that he was friendly to its passage, but that he had been informed that there was a very large fee to be paid out of it to those who were pressing the matter before the Senate and before the House of Representatives, and that he would not support the bill if that were true. I replied to him that I did not think that could possibly be true, but that I would ascertain what were the facts and report to him.

I immediately sought Mr. Stahlman, who was the only man I knew connected with the matter. I stated to him the report which was being circulated, and asked him whether or not it was true. He stated to me personally and emphatically that there was no contract of any kind for the payment of a fee to anybody—to himself or to anyone else—out of the money which was sought to be recovered on account of this claim, adding that of course there were some necessary expenses which would have to be paid; and while the amount of those expenses was not indicated by him in any way, the impression left upon my mind was that they were comparatively insignificant, such expenses as would naturally be incurred by persons for hotel bills, traveling expenses, and things of that kind—absolutely necessary expenses. I state that as the simple impression left on my mind, but the statement was distinctly made that there was no contract of any kind by which a fee would be paid out of the amount recovered.

I immediately thereafter saw the Senator from Indiana [Mr. FAIRBANKS] and repeated substantially to him at the time—which he doubtless will remember—the statement which was made to me. I made the same statement to the Senator from Tennessee [Mr. BATE], I think also to the Senator from Florida [Mr. PASCO] and others who were prominent in the advocacy of this claim, that such representations had been made to me by Mr. Stahlman.

Mr. FAIRBANKS. Will the Senator allow me?

Mr. BACON. If the Senator will pardon me for a moment, the Senator from Tennessee recalls to my mind what I had forgotten, and that is that when the Senator from Indiana called my attention to the matter, before going to see Mr. Stahlman I saw the Senator from Tennessee and others, and told them of the report, and, at their instance, I went and saw Mr. Stahlman. After having had an interview with him, I came back and reported to the Senator from Indiana and to these several gentlemen, whose attention, with my own, had been called to the matter by the Senator from Indiana. I now yield to the Senator from Indiana, if he desires to say anything, and shall be glad to hear him.

Mr. FAIRBANKS. I was merely going to suggest to the Senator from Georgia that when his attention was called to the rumor that a fee was to be paid and that those Senators on this side who were favorably disposed toward the claim would oppose it if the rumor were true, the Senator from Georgia said, if I remember correctly, that he would himself oppose it if there was any truth in the report, but he was positive that there was no truth whatever in it.

Mr. BACON. I do not remember having said to the Senator that I would have so voted, but such undoubtedly would have been my action, and I have no doubt that I did so state, because that was my feeling.

Mr. President, I do not think there has ever been any action by Congress in the allowance of a claim where there was a more generous and beneficent desire on the part of Congress to do a good action; and that it was in the feeling that this was due to this great religious denomination, if not as a matter of strict law, as a matter which could properly be treated in this generous and liberal manner in dealing with a great religious denomination; and that the idea that it was a business transaction, to be lobbied through Congress, would have been abhorrent to the mind and thought of almost every Senator and Representative who supported it.

For myself, Mr. President, regardless of any personal relations or feelings, I should certainly have refused to have supported the passage of the bill if I had known that a third of the amount appropriated was to be paid to the promoters of the bill, and that it would be diverted from the beneficent purpose and end which we had in view.

Mr. President, when one comes to relate the substance or the words of a conversation ordinarily, there is frequently hesitation in one's mind as to the exact words spoken or even the substance of them, but that is not true where there are attendant circumstances which fix the matter very strongly in the mind. If this conversation with Mr. Stahlman had been had with me in the ordinary course, I might be in a position to doubt whether my recol-

lection was entirely accurate; but it having been brought about in the way that it was by the suggestion first to me of the Senator from Indiana, and by the request of the Senator from Tennessee and others that I would go to see Mr. Stahlman and ask of him whether or not the rumor was true, and my immediate return and reporting to those several Senators of what he said, leaves no possible doubt about the entire accuracy of my recollection, and there is no possible doubt about it.

As to the question of percentage, that did not enter into the conversation with Mr. Stahlman at all, because I had at that time never heard any specific percentage mentioned. The Senator from Indiana in reporting to me what he had heard, simply stated that he had understood it to be a very large fee, without stating any percentage. In my conversation with the Senator from Tennessee and others before going to see Mr. Stahlman, no mention was made of any percentage; and in my conversation with him [Mr. Stahlman] there was no mention of any percentage. It was simply a question whether or not there was a large fee to be paid to him or others out of the recovery on account of this claim of the Methodist Book Concern, and his assurance to me was that there was no such contract, but that there would necessarily be some expense to be paid.

Mr. President, I do not desire to go further into this subject, as other Senators have expressed very fully their own individual views and the views of others. I can only state that I deplore and regret it extremely. I regret it because of the fact that a very large portion of this money has been diverted from the object we had in view when we passed the bill, and I regret it extremely on account of the mortification which must come to this very large class, this religious society, who are among the most respectable people in our section of the country, and who would be among the last to be parties to any imposition by which money was to be gotten from Congress under anything like false pretenses.

Mr. LINDSAY. Mr. President, as I was mentioned by the Senator from Tennessee [Mr. BATE] as one of the Senators to whom representations had been made, I deem it proper to make a short statement of facts, so far as I know anything about them.

I expected to vote for this claim. I took it for granted, it having passed the other House and having repeatedly been reported as a just claim, that it was a proper claim to be allowed. My friends around me here were greatly interested in it, and I relied upon their judgment and statements, and had myself taken no special interest in the matter.

Some week or ten days before the claim came up, Mr. Stahlman furnished me some printed material and asked me to examine it as to the effect of some proceedings relating to the confiscation of the property and rights acquired. I read those papers and thought nothing more of the matter until a night or two before the bill came up, when Stahlman came to me and spoke of these reports—which was the first time I had ever heard of them—and expressed some fears that they would have a bad effect on the vote in the Senate. He said the reports were untrue. While I would not undertake to detail the conversation, he left the clear impression upon my mind that he had no pecuniary interest whatever in this claim—that he was representing the Methodist Church South on account of his association with that church. He stated that the expenses of the preparation of the claim would have to be paid, but that it was a small amount, to a gentleman here who had looked after it and kept those in interest apprised of its condition. When he got through, I remarked that I supposed for these expenses about \$2,000 or \$2,500 would have to be paid to claim agents. He acquiesced in that statement by me and the matter dropped.

When Senators read the telegrams here, they were consistent with the impression which Stahlman had left on my mind; and I concluded that he had made an absolutely true statement of facts. I was a little surprised when he told me that no fees were to be paid, for I supposed the attorneys or agents who prepared and who prosecuted the claim would be paid a reasonable fee, a reasonable compensation. Of course I did not suppose anything like the amount that is reported to have been paid would be paid; but I would not have been surprised if 10 or 12 or 15 per cent had been paid to claim agents.

I can not say that Mr. Stahlman's statement to me affected my vote. I would have been willing for the claim agents to be paid a reasonable compensation for their services; but I do say that I was encouraged to vote for the bill when those telegrams were read, which seemed to verify the statement Stahlman had made to me.

Mr. HOAR. Mr. President, I do not remember that anybody has spoken to me about this claim for a great many years—I was interested in it when I first came to the Senate—except the Representative from the Nashville district of Tennessee, who sat in my colleague's seat for a few minutes when the claim was on its passage here. He made a statement which I repeated to the Senate.

Having had, of course, a very large experience now in such matters, having been, I think, for twelve years—I am not sure about the length of time, but for a great many years—a member of the

Committee on Claims of this body, I wish it to be understood, and it can not be repeated too often, that there is no reason whatever for any person who has a claim against the United States Government to employ a claim agent, lobbyist, or attorney.

With the exception which I will state in a moment, they never are of any use. When it is known that they are employed, the claim is made odious by their employment. They sometimes pretend to have rendered services, but their services are without value. The Senator or the Representative is always glad, as it is his duty, to see that the just claim of his constituent against this Government which requires legislation for its payment is properly presented to and properly taken up by the appropriate committee. I always do it; my colleague here, I am sure, always does it; and my colleagues in the other House always do it there; and what is true of my own State is true of every other State in the Union.

There are some few cases where the putting together of facts, advising the claimants what kind of evidence is required for the support of the claim, where that evidence is likely to be found, and in some cases the collecting of precedents are services which ought not to be put either upon the committee or the Representative or the Senator, and the employment of a competent lawyer for those purposes may be necessary. I never have known a case, I believe, in my whole experience—possibly some peculiar exception might be suggested—where a fee of one hundred or two hundred dollars, and in very few cases, perhaps, three hundred, four hundred, or five hundred dollars, but hardly ever is there a case where a fee of one hundred or two hundred dollars would not be abundant compensation for all the legal service which is needed. It does not require the highest order or the most costly legal service, as a rule; and, with that exception, the claim will receive the glad and sufficient attention of the Representative or Senator, or both, of the party interested.

In a claim which depends so wholly upon matters of public policy and principle in relation to the liability of the Government in times of war to the citizen in the theater of war, and the policy which should be pursued in dealing with institutions of religion, education, or charity, there is absolutely no need of such employment.

As to this man whose name has been used, and who got \$100,000 out of that church—I will not say it is a pure swindle, because I should not be justified in using so harsh a term without knowing what he or they may have to say, but it is an utter plunder, a folly, and a delusion. I wish it could be impressed upon everybody who has a claim against the Government that there is no necessity for employing lobbyists or legislative agents; and, in the next place, that the employment of such people usually, in point of fact, gives a black eye to a claim.

What ought to be done in this matter is this: The representatives of the Methodist Church ought to pay back that money into the Treasury forthwith, and I believe they are advised to do so; and the man who has received that \$100,000, after this misrepresentation, if he expects to have a shred of character left to his back, ought to pay in the \$100,000 also. Then Congress will promptly consider what justice requires to be done, as if nothing had been done.

Mr. CHANDLER. Mr. President, two propositions, I think, are equally clear in connection with this claim. First, that the appropriation would not have been made if it had been known that this fee was to be paid. The appropriation would not have been made if it had not been for the denial made upon this floor that any agreement to pay the fee had been made.

Mr. President, the Senator from Florida [Mr. PASCO] not now in his seat seemed to think it was an end of the case when he and other Senators had repudiated all knowledge of the agreement with Mr. Stahlman and had condemned the agreement; that the case was at an end; that nothing more was to be done about it; that they and the Senators who gave the assurances that there was no truth in what was charged in reference to Mr. Stahlman's contract had nothing more to do.

Mr. President, I do not so understand the situation. I think the Senators upon this floor who carried through that large claim—not a legal debt, but a donation—who carried it through this body, representing that there was no truth in the stories that were afloat as to this fee, who put the Senators who tried to limit a possible fee in the attitude of being ungenerous—I think they ought to do something about it or induce the Methodist Book Concern to do something about it. Now, Mr. President, what shall they do?

The other proposition is a clear one, that this money can be recovered from Mr. Stahlman. It was not a legal payment. An agreement under the circumstances, no matter who made it, was not binding upon the Methodist Book Concern. It was void in law, and the Methodist Book Concern can recover it back. It is not estopped from making that claim. If it was the case of an individual who had made this contract and paid the money, probably the law would not give him a remedy against the lobbyist

who had extorted such a vast sum from him. But that is not the case. This is a corporation or an organization or an association which could only make a lawful contract by agents legally entitled to make a contract for them; and the men who made this contract were not so authorized and did not have the legal authority to bind the Methodist Book Concern to pay \$100,000 out of \$288,000 for lobbying this donation through the Senate of the United States or through the Congress of the United States.

So, Mr. President, it is perfectly clear that the Senators who procured the passage of this appropriation by their assertions ought to do something about it, and it is perfectly clear what they ought to do about it. They ought to make the Methodist Book Concern recover this money from Mr. Stahlman and either bring it here to the Congress of the United States and lay before Congress the money from Mr. Stahlman, or else they ought to show a judgment for \$100,000 against him, and come here and say: "We can not get the money, but here is a judgment, though we can not collect it." I say that nothing less than this ought to satisfy the Senate, ought to satisfy the House of Representatives, ought to satisfy the public conscience and the public indignation in connection with this transaction.

The Senator from Massachusetts [Mr. HOAR] thinks that the Methodist Book Concern ought immediately to bring this money back into the Treasury. I suppose the Senator does not mean they ought to bring back the \$288,000, because Stahlman has gotten \$100,000 of that. The Senator means that they ought to bring \$188,000 back and give it to Congress. That would be worthy of this religious publishing house, which has appealed to the nation to give them this money, and now find that through this enormous scandal \$100,000 of the money has been taken by Mr. Stahlman. That would be worthy, Mr. President, of the organization at all events.

Mr. FAIRBANKS. If the Senator from New Hampshire will allow me to interrupt him, I think he misunderstands the senior Senator from Massachusetts [Mr. HOAR]. As I understand the Senator, he thinks the church is morally bound to return not the \$188,000, but the \$288,000.

Mr. HOAR. Of course.

Mr. CHANDLER. Morally I think they are bound to do so; but I should be willing to take it in installments—no pun intended upon the name of the lobbyist [laughter]—but I should be willing to take \$188,000 of it to begin with, and give them a little time to pay back the other \$100,000.

But, Mr. President, my only point is that the subject is not to be dismissed either in this body or in the public forum of conscience by the Senator from Florida, who admits that he helped to deceive the Senate, and now says because the Methodist Book Concern had a much larger claim than \$288,000 and the Government has not lost anything, it is wholly a question of whether the Methodist Book Concern—

Mr. PASCO. Mr. President—

Mr. CHANDLER. One moment—

Mr. PASCO. Right there I wish to say—

Mr. CHANDLER. Whether the Methodist Book Concern shall do—

Mr. PASCO. I want the Senator's attention right now. He said that I—

Mr. CHANDLER. The Senator can not get it in that way, I will have him to understand. I ask to be protected in the right to the floor, Mr. President.

Mr. PASCO. Mr. President, the Senator—

Mr. CHANDLER. Mr. President, I object. If the Senator asks me to yield the floor, I will yield it to him.

Mr. PASCO. I am sure if the Senator will listen to me a moment, he will retract the very offensive words he made use of in connection with me.

Mr. CHANDLER. I will listen to the Senator with pleasure.

Mr. PASCO. I thought the Senator would after he got over his—

Mr. CHANDLER. Not because the Senator is threatening me—

Mr. PASCO. I did not threaten the Senator.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield?

Mr. CHANDLER. I do.

Mr. PASCO. I want an opportunity to call the Senator's attention to the unjust language which he was using, when he said that I admitted that I had deceived the Senate in this matter. He knows that I have admitted no such thing, and he knows very well that I am incapable of deceiving the Senate.

Mr. CHANDLER. Suppose the Senator permits me to proceed. I will say that I do not think he intended to deceive the Senate. I think he acted in the most perfect good faith. I think he sent his telegram to Messrs. Barbee & Smith and reported the denial by them in the most absolute and perfect good faith. If the Senator would rather I should say that he led the Senate into an error or caused the Senate to vote under a mistake, or anything else that

is more euphonious, I will use that language; but all the same, Mr. President, the Senate was deceived, grossly and wickedly deceived—no, I will withdraw the word "wickedly"—grossly and outrageously deceived when it voted on this proposition.

Mr. PASCO. If the Senator will allow me—

Mr. CHANDLER. Does the Senator wish to interrupt me?

Mr. PASCO. I do, for a moment.

Mr. CHANDLER. I yield to the Senator.

Mr. PASCO. The Senator's language seems to intimate that I was the deceiver. He knows very well that I was not and that there was no wrongful conduct on my part. I gave the Senate, as I stated in the remarks I made on Thursday last, all the information that was in my possession. I used due diligence to obtain that information. As he states, I wrote to the Book Agents setting forth the rumors that were circulating here at the Capitol, and asked for a full explanation. I made no statement that was based upon my own information. I stated it upon what I regarded as as high authority as could possibly be found in this country, and that was the statement of these two gentlemen, who are above all reproach, the very heads of the Methodist Church South, who stood as high in the country as any man in it; and it was their information which I communicated to the Senate, not my own.

Mr. CHANDLER. May I ask the Senator a question? Was the Senate deceived before it voted and when it voted?

Mr. PASCO. I already stated in my remarks on Thursday last, Mr. President, that if these facts were true, and I feared they were, these Book Agents had deceived the Senate; but when the Senator—

Mr. CHANDLER. Then I will ask the Senator—

Mr. PASCO. Let me get through before you ask another question.

Mr. CHANDLER. Certainly.

Mr. PASCO. But when the Senator, unintentionally, of course, brings up my name as connected with the deception, of course he is doing me an injustice, and he is manly enough, when he recalls his language, to put it in proper shape and entirely acquit me of all share in any deception that was practiced at that time.

Mr. CHANDLER. No intentional deception, not the slightest probability of it. The Senate was deceived, and the Senator from Florida was unwittingly, if you please, the agent in producing that deception.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. CHANDLER. I would rather go on with what I have to say, unless the Senator wants to ask me a question.

Mr. BACON. I do not interrupt very often; but I dislike to hear the Senator put himself in a wrong position.

Mr. CHANDLER. I dislike to see Senators upon the other side in a wrong position.

Mr. BACON. That is what I wish to explain. There is no doubt about the fact that the Senate was deceived. It is equally true that the Senator from Florida, so far from being the agent by which the deception was practiced, was himself deceived in common with other Senators; and that is the position in which the Senator from New Hampshire ought to put him.

Mr. CHANDLER. Being himself first deceived, he was an agent in deceiving others. Now, how does that suit the Senator?

Mr. BACON. The Senator from New Hampshire is wrong. The Senator from Florida simply presented to the Senate the exact telegram by which he himself was deceived. If he had acted upon that telegram and accepted it as true and gone on and stated, without giving his authority, "I am satisfied this is not so; there is nothing of the kind," then there might be some propriety in the position taken by the Senator from New Hampshire. But when the Senator from Florida receives a dispatch which he himself reads to the Senate, he simply gives to the Senate the same information which had been given to him, and does not in any manner make any representation.

Mr. CHANDLER. How would the words "innocent deceiver" satisfy the Senator from Georgia?

Mr. BACON. No, sir; by no means. I think it is unworthy of the Senator from New Hampshire that he should seek to put the Senator from Florida in any such position.

Mr. CHANDLER. I am always pleased to be instructed by my friends the Senator from Florida and the Senator from Georgia.

Mr. BACON. I do not undertake to instruct the Senator from New Hampshire, but I do protest that it is unworthy of the Senator from New Hampshire or any other Senator to seek even by indirection to put such an accusation upon the Senator from Florida.

Mr. CHANDLER. The Senator stated that once, and then, when I was proceeding to reply, he interrupted me, and, without permission, stated it again.

Mr. BACON. I am not interrupting the Senator now.

Mr. CHANDLER. I have disclaimed all intention to make any unkind or unjust imputation on the Senator from Florida. My

feelings of friendship for him are equal to those I entertain for the Senator from Georgia. They were all deceived; there is no doubt about that; and the Senate was deceived; and nobody did it except Barbee & Smith. Is that satisfactory?

Mr. BACON. That is all right.

Mr. BATE. I suppose the remarks of the Senator from New Hampshire apply to all who participated in the matter.

Mr. CHANDLER. Unquestionably. I should be very unwilling to put myself in the attitude of believing, and I do not believe, that one single Senator on this floor knew that these fees had been agreed to be paid and did not state it to the Senate or stated to the contrary. But there are certain important facts which still remain to be dealt with.

Mr. PASCO. If the Senator from New Hampshire will allow me, I wish to have him retract absolutely and entirely the word he made use of in saying I was an agent. He knows that he is doing me an injustice when he says that. I was not agent at all. I presented information which I as a Senator had acquired. I got it after due diligence. I gave it to the Senate for what it was worth, and I believed, as he believed, that it came from the very highest possible source from which it could come. Now, when he says I was an agent in deceiving the Senate, if he will carefully weigh his words, he will see that they imply a reflection upon me. I think the Senator is too just to imply any such censure, and I can not remain patiently under such an insinuation as that. I hope he will entirely withdraw it and see that I am put right upon the record.

Mr. CHANDLER. I do not know what the Senator will do when he says he will not rest patiently under what I have said. If the Senator will do and say whatever he sees fit to do and say about this matter—

Mr. PASCO. I appeal to the sense of justice of the Senator from New Hampshire.

Mr. CHANDLER. I will gladly go on with my remarks.

Mr. PASCO. I appeal to the good judgment and fairness of the Senator from New Hampshire, and ask him now to put me right.

Mr. CHANDLER. I understand that all I said was—

Mr. PASCO. The Senator said I was an agent.

Mr. CHANDLER. I understand that all I said was this: First I said—

Mr. PASCO. He knows what an agent is.

Mr. CHANDLER. First I said the Senator from Florida had deceived the Senate or aided in deceiving the Senate. The Senate was deceived. Afterwards I said that the Senator and other Senators who had made these representations had been the agents of deception. Now, Mr. President, I do not think that is very offensive language. I have stated distinctly that they did it unwittingly; that they were not aware that the facts were not as they stated them to be upon their own responsibility as well as upon the responsibility of this telegram to the Senate; and it seems to me I have gone about far enough.

Mr. PASCO. An agent is a participant in the wrongdoing of his principal, and when the Senator says that I was an agent in deceiving the Senate he knows that he is incorrect, and I wish him to be manly enough now to make a proper correction of that.

Mr. CHANDLER. I said the Senator was not an intentional deceiver. This is not a matter of words; it is a matter of intent.

Mr. PASCO. I want the words to set forth the actual facts in the case; and I ask the Senator as a manly and fair man to put me right upon the record.

Mr. CHANDLER. I will not allow the Senator to put words into my mouth. I think I have made all the amendes I ought to make for any language I have used. It will stand in the RECORD as I have uttered it, and I should like to go on with my remarks, with the permission of the Senator from Florida.

Mr. PASCO. Mr. President, then I wish to state, and I desire to put it upon the RECORD, that any statement or insinuation that I had any agency, direct or indirect, in deceiving the Senate is utterly without foundation, and the Senator from New Hampshire knows it.

Mr. CHANDLER. Mr. President, I repeat my statement that the truth is the exact opposite of what the Senator from Florida has just said.

When I was interrupted I was saying that the Senator from Florida had not sufficiently satisfied the requirements of the occasion by saying that the Government of the United States had nothing to do with this business, because it concerned only the Methodist Book Concern. That was the Senator's argument, that although the Senate had been deceived, although representations had been made to the Senate that no fee would be paid, and although acting under that deception this appropriation had been made, yet all that was necessary was that there should be a repudiation on this floor by Senators of any knowledge that the facts were contrary to what they said they were, and that ended it; that it was wholly a subject for the Methodist Book Concern to settle and decide. I had merely taken the floor in order to say I

thought it was incumbent upon those Senators to do something; that I thought it was incumbent upon the Senators who, acting honestly and being themselves deceived, had led the Senate into making this appropriation, under the circumstances, to induce the Methodist Book Concern to at least recover this money from Mr. Stahlman. Other Senators think that the Methodist Book Concern should not only pursue Mr. Stahlman and get the money back, but refund the \$188,000 plus the \$100,000 to the Government of the United States, because this money has been taken out of the Treasury under a misapprehension and through the deception, by whomsoever practiced, of Senators upon this floor.

Mr. TILLMAN. Mr. President, I should like to call the attention of the Senator from New Hampshire to one point or phase of the subject he has been discussing. The bill to pay the Methodist Book Concern for the damage and use of its property had passed the House and was on its passage here. The question of attorneys' fees was sprung by me. I had heard in the corridors and from Senators that a large proportion of this claim was to go to attorneys, and I asked the question of the Senator from Tennessee as to how much of the money was to go in that way. He replied and read the telegram from Barbee & Smith, and the Senator from Florida followed with corroborative testimony to the fact that there were no such contracts out and no money was to be paid.

The amendment offered by the Senator from Massachusetts [Mr. LODGE] would have passed, limiting the attorney's fee to \$5,000, but for these assurances. The Senate did not intend to vote down the bill. It intended to pay the money, because the report accompanying the bill had shown it was a just claim. What we were after was to prevent the sharks and shylocks who are prowling around the corridors here, agents for this concern and that and this corporation and that, and influencing legislation, from getting any of it.

These gentlemen, Senators BATE and PASCO, have not deceived anybody, so far as I can see, but they have been made the medium of deceiving the Senate as to the fee to be paid the attorneys. The contention of the Senator from New Hampshire that the Methodist Church should be made to refund the entire amount I do not think has any business here. We were deceived as to the disposition of this money, and we would have passed the amendment limiting the amount of attorneys' fees but for the high sense of propriety of the senior Senator from Massachusetts [Mr. HOAR], who declared that if he had assurances from President Eliot, of Harvard, that a donation for that college was to come to them with clean hands, he would consider it an insult to offer an amendment which seemed to reflect upon the honesty of those who made the assurance. He also went further and stated that the reason why he did not want the amendment to go on was because if it went back to the House, the House or its Speaker wanted to kill the bill, and he did not want to give him a chance.

Now, why does the Senator from New Hampshire demand that the Southern Methodist Church shall refund the entire amount of this money? If they have been deceived by their agents, they will dismiss their agents in disgrace, and I hope will make this thief and liar, Stahlman, disgorge. I do not see why a man should get up here and hound Senators and undertake to reflect upon the entire Methodist Church, as has been done. The Senate was not deceived by anyone as to the claim itself or its justice. It was grossly deceived as to the payment of attorneys' fees, and those who perpetrated the outrage should be made to suffer, if there is any way to do that.

Mr. TELLER. Mr. President, there is no occasion for any heat about this matter, nor is there any occasion to reflect upon any member of the Senate. The Senate acted in absolute good faith. I do not know what the facts are, I do not think anybody here knows what the facts are, and I understand the purpose of this resolution is to determine what they are. If the resolution goes to the Committee on Claims, the committee will investigate the matter, and I suppose it will pass without any question, as everybody is for it. The Senate will then know what the facts are and then it will be time enough to determine what is to be the advice of Senators to the Methodist Church.

It is unfortunate that this condition of things occurred. The Methodist churches, South and North, constitute one of the greatest religious bodies in this or any other country. They represent a membership of considerably over 4,000,000 people, and if you include the Canadian Methodists, there are more than four million and a quarter of Methodists. The Methodist Church is one of the great Christian organizations of the world. We had a right to suppose that any man connected with the Book Concern told the exact truth, and would tell nothing else. There are a great number of men in public life who do not consider it to their discredit that they are connected with the Methodist Church, North or South. It is a church which contains within its membership the very best people in this country.

There may be, and there was for a long time, a controversy whether this was an obligation which the Government should pay, and it was finally settled that the Government would pay it,

not as a legal obligation, but just exactly as you voted here last Friday to pay \$2,000,000 for supplies taken during the late war from citizens of the Southern States, which under the law of nations we were not required to pay. But we said early, "We will not enforce the rigid law that enemy's country makes the property in it enemy's goods." We said every man who was loyal to the Government of the United States shall be paid for the property we have taken. We changed the international law on that subject, and we have been paying them rightfully and properly ever since. Later, as I said when this question was before us, under the leadership of the senior Senator from Massachusetts [Mr. HOAR], we changed the rule as to charitable organizations, as to church organizations, as to school organizations, and rightfully, too. There is no question about that.

I made a report in this case twenty years ago or more. The senior Senator from Alabama [Mr. MORGAN] made a report in favor of allowing this claim. I reported against it purely upon the law in the case and nothing else. There never was any question but that this church had suffered to the extent of more than \$288,000. There never was any question but that the Government had derived great benefit from the seizure; and when we paid \$288,000 we paid practically what the Government had received, not what the Government had destroyed, not in settlement of what the church suffered.

The church presented a claim for nearly \$500,000, and more than \$288,000 could have been proved to have been due them if the law was that they would be compensated, not alone for the use and occupation of the buildings, but for the use of a large amount of supplies that were claimed by some to be worth nearly \$200,000, admitted by everybody, I think, to be worth at least \$125,000. When we changed the method, when we said we will not make war upon churches, hospitals, schools, and colleges, as I think we ought to have said, then it was a question simply as to how much the church had suffered, what ought we to pay.

The Committee on Claims in the other Congress reported the bill favorably, as I recollect. The last bill was reported favorably, but not for an amount. Congress had proposed to pay the church \$150,000, which they declined to receive, and the committee reported that the claim should go to the Court of Claims. When it went to the House, they said, "We will not send it to the Court of Claims; we will pay \$288,000." When it came back, it was a question whether we would adhere to our own bill or accept the amendment of the House. I am satisfied that if it had ever gone to the Court of Claims on the theory that we were to pay anything, we would have paid more than \$288,000.

Mr. President, the Government of the United States has not been robbed of anything, and there is no use of vituperation and complaint by a few prejudiced people in this country about this claim. The Senate was not deceived in the claim as to the amount. The Senate would have passed this claim if it had known that the contract existed, but it undoubtedly would have limited the amount that should be paid to attorneys.

Mr. CAFFERY. How old is the claim?

Mr. TELLER. Since the peace. It has been presented ever since the close of the war. I reported on it twenty years ago, not disputing the facts of the majority of the committee, but upon a pure question of law, which I think at the time was right; but we subsequently changed that, as I have stated.

I did not believe when the bill was before the Senate, and I should not have believed if there had not been a word said here, that there was any contract for payment. I should have acted upon the theory that this church organization never made a contract with any lawyer. Why? Because I have been familiar with this claim for twenty years, and during that time no lobbyist has ever addressed himself to me on the subject. I have had innumerable letters from the most distinguished Methodist divines and Methodist editors in the whole United States on this subject. I have never seen a claim agent, unless Mr. Stahlman was a claim agent, and at the instance of the two Senators from Tennessee the committee departed from its custom and allowed him to come before the committee, upon the theory, as we supposed, that he was the church agent and not a lobbyist or attorney; that while he was an attorney at law, he was a church agent, not simply looking after this case, but very many other matters belonging to the church, and we supposed, at least I did, that he was on salary.

Mr. BATE. That was the understanding of Senator HARRIS and myself.

Mr. TELLER. I have no doubt, and I think it was stated by one or the other Senator who came before the committee.

Mr. BATE. He stated it himself.

Mr. TELLER. I do not know but that he did state it. I do not remember about that. I do not know now that he has any interest in it. I do not know who the beneficiaries of the contract are. Whether it is Barbee & Smith or whether it is somebody else is not material now.

All I want to say is that in the first place the great Methodist Church has not been guilty of any corrupt conduct in this affair.

Somebody connected with it may have been guilty of misconduct, and I suppose it is the purpose of the resolution to determine who it is. I will venture to say that the great mass of that church will repudiate anything like distortion, as by saying "no fee of 40 per cent is to be allowed; it is all false," when they knew that 35 per cent was to be allowed. The bishops of that church and the preachers of that church and the membership of that church will repudiate anything of that kind even though it may have been done by some of their members high in authority. I do not know what the facts are.

I am not going to insist that the church shall pay back the money until I know what use is to be made of the money that is to go out, whether the \$100,000 is to go into the pockets of somebody or whether, as has been suggested to me, whether correctly or not I do not know, that it is to be used for a special purpose in line with the real purpose of the organization, but not technically.

I have here a telegram, and this is the only communication I have ever had with any of these people concerning this matter, except when Mr. Stahlman was before the committee. It is dated Nashville, Tenn., June 10, 1898, and is addressed to me.

We hope the Lodge resolution will pass and that a thorough investigation may follow. We do not care to discuss the matter now. All we ask, on our own behalf as well as the church, is that you and other Senators who supported the claim shall suspend judgment and refrain from comment or criticism until after the committee shall have completed its work. We are persuaded that we shall be able to show to the satisfaction of the committee and the Senate that all statements made by us designed to promote the passage of the bill were justified by the facts and circumstances of the case.

BARBEE & SMITH.
E. B. STAELMAN.

Mr. President, I regret that there should be anything said that looks like a reflection upon Senators who voted for the bill. I am not a bit sensitive myself about it. I am not at all disturbed by what may be said about deceiving the Senate. I should have voted for the amendment if I had deemed it proper, if I had supposed there was a contract of any kind in existence, and I should have made the limit less, probably. I was under the impression, as I said before, and should have been without a word from anybody here, that there was no contract whatever. I also entertained the opinion that after many years, when the era of good feeling was supposed to be approaching—when it ought to be approaching—the Government of the United States could afford to pay back to the church that which it had taken from it; and if it paid more than the actual value of the goods it took, it would not pay more than the damage to that great church because of the use of the building and the destruction of the property.

I will guarantee that if the resolution comes before the committee we will endeavor to get at the truth of it without prejudice. We will endeavor to do it in such a way that the credit of the church will not be injured unless there is some real reason why it should be. I confess myself that I am sensitive about any attacks upon this great church, whether it is North or whether it is South. It is a church for which I have the greatest possible respect. It numbers among its membership my best friends and those whom I hold dearest. When there came here, as there did, the united voice of the bishops of this great Northern Church saying that the time had come when the Government of the United States could afford to pay this debt, which was absolutely a charitable thing and to be devoted to charity, I voted for it gladly, and I am glad now that I voted for it. I only regret that we did not put on the limitation suggested by the Senator from Massachusetts [Mr. LODGE], or something of that character.

Mr. MORGAN. Mr. President, the proceeding which resulted in the judgment of the Senate the other day and in a vote of \$288,000 was begun on the 21st of January, 1873, by Judge Wright, of Iowa, a very eminent and a very honorable Senator. He introduced the claim in the Senate of the United States and a bill to support it to refer it to the Court of Claims for adjudication. In the same year a like bill was introduced into the House; I do not remember by whom. A majority report was made upon it adverse to the claim. When I came into the Senate in 1877, I was assigned to the Committee on Claims. That was four years after the subject had been started in the Senate of the United States on the motion of the Senator from the Northwest.

Judge Wright evidently understood, from his examination of the facts and the law of the case, for he was a very eminent jurist, that the Methodist Book Concern had some substantial rights which ought to be enforced in the Senate of the United States, and that it would bear the test of an examination in the Court of Claims. When I came here and was placed on the Committee on Claims, in company with the Senator from Colorado [Mr. TELLER] and other Senators of this body, the subject was referred to me by the committee. I do not know who introduced the bill. I am sure I did not. But the subject which had been then four years pending in the Senate of the United States was referred to me as a subcommittee of the Committee on Claims.

There was then here in Washington a very venerable ex-Senator, a man of great distinction, great ability, and great honor, Ex-Governor and Ex-Senator Foote, of Mississippi. He was inter-

ested, as the agent of the Book Concern, in examining into and promoting this claim. When it was referred to me, Ex-Governor Foote came to me and we labored over it very assiduously for quite a long time. The subject required a close and elaborate examination. I made a report to the committee and from the committee; the majority sustaining my report, we reported it to the Senate, the Senator from Colorado being then on the committee and dissenting upon the ground that the claim in his opinion was not based upon firm legal grounds, but was in the nature of a donation. I took the ground then, in that report, that the United States Government was bound for these damages not only under the laws of nations, but under the laws of the United States; that it was a debt the amount of which was able to be ascertained by positive evidence, and that there was no difficulty in the legal situation at all. That is the ground we took.

It is not necessary for me now to go through all the grounds upon which that claim rested, but I will name two of them. The first one was that the Book Concern was seized by the military authorities at Nashville, Tenn., after the place had not only been captured, but while the circuit court of the United States, Judge Catron presiding, and all the other powers of the United States Government were in full force and effect; while Andrew Johnson was governor of the State, who had succeeded Isham G. Harris, and while the Government of the United States had its laws in full execution in the city of Nashville. After the seizure of the property by the military authorities a suit was instituted in the Federal court in Nashville for confiscation, and that suit was dismissed upon the ground that the seizure took place after the Government of the United States had reestablished its authority there.

It was not a seizure under confiscation laws for rebellion or insurrection or participation in anything of that kind; and Judge Catron, presiding, dismissed the cause upon that ground, thereby affirming the dominion and authority of all the United States powers and tribunals in the city of Nashville at the time. If that seizure had been made in Pittsburg, Pa., it could not have been any more in violation of law than it was when made in Nashville.

From these two facts, along with other facts which were established by the proclamation and the military orders of the different commandants at Nashville, the committee deduced the conclusion that the right of the Book Concern, of Nashville, was a legal right in the strictest possible sense.

Then the question came up as to the amount. The proof of the military officers connected with the army operations at Nashville raised the amount of money that was due to the Book Concern very far above \$288,000. The sum of \$288,000 was suggested by the examination of a commissioner or a commission that went through the whole subject and came to the conclusion that that was the proper compensation for the use of this property. He was a Federal officer. He ascertained the amount and stood by it, and gave his testimony to prove that that was correct.

Here, then, that claim was presented, reported by the Committee on Claims as a legal obligation resting upon the United States, quite as much so, Mr. President, as the French spoliation claims, certainly quite as much so as the claims the Senator from Colorado [Mr. TELLER] brought in the other day, that we reported and voted to pay to the amount of \$2,000,000.

That report has stood here and borne the brunt of argument in this House and in the other, and no person has ever been able to upset it. I had the advantage of the great abilities of Governor Foote in preparing that report. I am satisfied that if you will now pass a resolution through this body and refer the matter to the Committee on the Judiciary, that committee will report that the claim was honestly due from the Government of the United States under the law, not as a donation or benevolence or anything of the kind. It was a corporation chartered by the laws of Tennessee, and no plea of benevolence was put up in the report or anywhere else in justification of the allowance to be made. Nothing of that kind was contended for. It was put on the ground of solid, strict legal right.

If the Senate of the United States in its vote has affirmed that legal right, then what becomes of the proposition that the Senate will have the money paid back out of the pockets of Senators who advocated it, for that is the intimation, or out of the Book Concern, for it is intimated again that it was a pure benevolence to them, and that inasmuch as they have been disappointed or have been scandalized by their agents, therefore it becomes the duty of this great church to renounce the whole affair and turn the money back into the Treasury of the United States?

Well, Mr. President, if the doctrine of renunciation for conscience sake is established in this country, we will have to go very far back, and very deep, too, to get justice done. What will we do with the Credit Mobilier? What will we do with the De Golyer contracts? What will we do with the sugar-trust lobby that has been paid for here, and that we have sustained by our votes from time to time? What will these conscientious Senators say about the refunding of claims and moneys that they voted for from time to time in the face of public scandal and denunciation?

No, sir; an opportunity is presented to wound the hearts of a noble, generous, proud, magnanimous people in their church relations, and there are Senators here who are only too anxious to visit their sting upon those people. Now, sir, I demand that those Senators who say that this is not a legal claim shall introduce a resolution here and refer it to the Judiciary Committee to ascertain and report whether or not it is a strict legal claim and has been so all the time.

So far as the present resolution is concerned, there is not a Senator in this body who will vote against it or has ever had an idea of voting against it. We hear from the Senator from Colorado that Barbee & Smith and Stahlman have telegraphed to him inviting the creation of this committee and asking for an examination, and asking for a suspension of judgment until that examination shall take place. Well, that would be wise; it would be prudent; it would be manly; it would comport exactly with the supposed dignity of the Senatorial attitude in this country to do a thing of that kind, instead of getting up here in advance of an examination that we are about to institute and pronounce final judgment against Barbee & Smith and Stahlman and everyone else concerned in it, directly or indirectly, or who has the least responsibility for it, denouncing them all as robbers, and including Senators like the Senator from Florida in the denunciation.

Now, Mr. President, that is a cruelty which a man ought not to be provoked in by the expectation of encouraging some sentiment of bitterness that may reside among his constituents against the people of other sections of the United States of America. That ought not to be done. That is not the way to treat a great subject here. We are ready for the exposé that you can make upon the Southern people, whether in the church or out of it, and when we come to compare notes with you gentlemen of the North about what has been leached out of this Government by men who have received your countenance and support even in the office of President of the United States, I think we will come out scot-free, or perhaps a little more than the scale's balance in our favor. I defy you to make your examinations. Here you want to put it upon that ground. Go back and look into history and let it be done. We are ready.

Why, sir, the women of the South, if the United States wants this money put back into the Treasury, will subscribe it out of their purses and put it back. What will you do when you get it here? Will you give it to some of the concerns you have already stall-fed until you can not manage them? Will you turn to the sugar trust that you are always assisting? Will you turn it back into the *Crédit Mobilier*? Will you go out and correct the frauds that have been practiced, and are now being conducted, upon the Union and Central Pacific railroads? What will you do with the money when you get it back? Have you got some pet fraud or thief you want to give it to? If you have, we will vote it back to you, if you make the motion.

No, sir; this money would burn the pockets of the people of the United States when it got back there upon these grounds. These people in the South have been dealt with by their book agent in a way that mortifies them to death. These agents ought to be dealt with, and doubtless will be dealt with, not merely in their church relations, but in their social relations. They will be excommunicated from decent society in the South, professional and nonprofessional. There is but one judgment that the South ever pronounces upon men who engage in falsehoods, prevarications, and lies like these men are accused of telling and seem to be only too guilty of. There is no forbearance in the South toward such people; there is no toleration of such conduct; and this Senate will see that that is so.

If Barbee & Smith deserve condemnation after the Senate of the United States has examined into this subject, you will find that that condemnation has been anticipated by the judgment of the Southern people. If this man Stahlman, who seems to be a German and who was floated into the case somewhere or other and somehow or other, has violated, as he seems to have violated, his duty and the obligations of a man to tell the truth, under the circumstances—if he has done so, that man will be tabooed. He is worse ruined now than if he had succeeded in getting a hundred million dollars out of this thing. There is no chance to put him in any worse attitude than he is in to-day.

At the same time we demand this investigation for ourselves and our own protection as well as for yours. There can come no stain upon Southern character, in church or state, or in any other respect, that the South is not always ready and willing to respond to it and to demand an investigation. So let us go on and pass this resolution, raise the committee, let the testimony be taken, and then we will consider what is best to be done in order to reach the ends of justice.

I reaffirm, Mr. President, upon my judgment at least, and that has been the judgment of other men besides myself, that this is a strict legal demand and a perfectly just one. There is a man who has passed from this theater to his grave, whose eulogies we have

lately pronounced here. He was par excellence the honest man of the Senate. That man was Isham G. Harris. This claim never had a firmer friend than Isham G. Harris, and he is the man who proposed the settlement of the claim on \$288,000.

As a member of the committee who made the report, when I brought it to his seat here and showed it to him he advised me that it was better to put it at \$288,000, because the officers of the United States Government had affirmed that that amount was due and there could not be any controversy about it. There was never a claim before the Senate that that honest and good man espoused with more fidelity and firmness than he did this claim, not as a beggar, not with importunity that the Senate would be generous and liberal to the South, but he did it upon the cold lines of justice.

Sir, I never felt firmer in my life than I did when I was associated with a man like that in the advocacy of a claim like this. I assert to-day in the face of the world and all the lawyers in it and this whole Senate that there is not a man in the world who can take testimony in this cause and impeach the validity of that claim upon grounds of fact and law as it exists in the United States.

Now let the claim go to the committee, and we will see in the outcome who is right about it. If nobody else here does it, I shall offer a resolution in the Senate directing the Judiciary Committee to inquire and report whether the claim be a valid, legal claim against the United States.

Mr. BERRY. Mr. President, it had not been my purpose to say anything upon the passage of this resolution. I think that the Senator from Massachusetts [Mr. LODGE] did the right thing when he introduced the resolution. I think it ought to be passed, and that the committee ought to make the investigation. I should not have said anything now, except it seemed to me that the Senator from New Hampshire [Mr. CHANDLER] had sought, if possible, to throw some kind of a stain upon a great church of the South, even extending the insinuation to some of the Senators who represent Southern States on this floor. I do not think anything more unjust and unfair than that could be presented to anybody. We who come from the South have all felt a regret and a sorrow which he can not understand that this matter should come in the way it has, and should show that the agents of this great church, Barbee & Smith, had sent false telegrams to Senators here.

Now, Mr. President, I want to say in regard to the Methodist Church in the Southern States that it is amongst the most powerful and influential religious bodies in that entire section. It is represented in every State in the South. Its ministers have been for years amongst the most God-fearing, self-sacrificing, and reputable men of all the people throughout the South. They have for years and years sought to spread the truth as they understood it, to redress wrong, to bring relief to the suffering and consolation to the dying.

And the members of the Southern Methodist Episcopal Church are honest people and would scorn to take a dollar from any source whatever that was obtained under false pretenses or by a false statement, and when the facts of this matter are fully shown—when they come to light—I pledge my word in advance that whatever is honest and whatever is honorable in the minds of honest and honorable men, that I believe the ministers and the members of that church throughout the entire Southern land with one voice will say shall be done. That, I think, is the universal feeling. Therefore the attempt to make political capital or to put a stain upon the great body of people who belong to the Southern Methodist Church or the Southern people, I repeat, was unworthy of the occasion, and there was no excuse for it, as no word had been uttered here by any man on this side of the Chamber except in condemnation of what seemed to be the acts of these agents of the Book Concern and the agent that they had here.

Now, Mr. President, I do not know Barbee & Smith, I do not know Stahlman. I never, to my knowledge, saw him in my life or either of the other gentlemen. If at the time the telegrams came to the Senator from Florida [Mr. PASCO] and the Senator from Tennessee [Mr. BATE] Barbee & Smith knew that a contract existed to pay this man \$100,000 of the money, no language that can be used upon this floor can be too severe to denounce the infamy of their action.

I care not whether they made the contract or somebody else made it; I care not whether it was for 40 per cent or 85 per cent, if they knew the contract existed when they sent these telegrams then they intended to deceive the Senate into appropriating money which they could not otherwise obtain. It is simply obtaining money under false pretenses, and if it was a private transaction between individuals and they knowingly by such false statements obtained money it would send them, and ought to send them, to the penitentiary of the State in which they live.

Now, I do not know whether they knew it or not. As the Senator from Alabama [Mr. MORGAN] said, let us bring them before this committee and see if they did know it. If they did know it, let them be denounced and condemned, as they will be by the members of the Methodist Church from one end of the land to the

other. If they knew that this contract existed for 95 per cent and seek to excuse themselves on the miserable pretext that the Senator from Florida had named 40 per cent as the rumored amount, then, Mr. President, the excuse, if possible, is more infamous than the original offense. No words or no language they can use, if they knew such a contract existed, can excuse them. But let us bring them before the committee. Let us give them a chance to say and let them say what knowledge they had in regard to this transaction. If they had the knowledge, then nothing can excuse them for the telegrams, because they intended to deceive and did deceive.

Mr. President, I have no doubt but that it is just as the Senator from Alabama says, that the claim is a just one and the Government owed the money. Yet had it been known in the Senate that \$100,000 was to go to any agent the bill could not have passed this body, and every Senator here knows that it could not have been passed.

The VICE-PRESIDENT. The hour of 2 o'clock has arrived. It becomes the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 3414.

Mr. TELLER. I hope that the unfinished business will be laid aside.

Mr. LODGE. I hope we can lay aside temporarily the unfinished business and dispose of the resolution now.

Mr. FORAKER. The resolution, I think, is likely to take a good deal of time, and I am very anxious to have the unfinished business taken up and considered. I hope Senators will let the resolution go over until to-morrow and let the unfinished business be proceeded with.

Mr. BATE. I will state to the Senator from Ohio that there is no one else on this side who wants to be heard. The debate is ended so far as this side of the Chamber is concerned.

Mr. WILSON. I desire to speak only about three minutes, as a matter of record.

Mr. FORAKER. In view of what Senators say as to the likelihood of our getting to a vote soon, I will not insist on the unfinished business being taken up now, and will consent that it may be temporarily laid aside.

The VICE-PRESIDENT. The Chair will then recognize the Senator from Washington.

Mr. WILSON. Mr. President, on Thursday last when the resolution was being discussed—

Mr. FORAKER. I dislike to yield indefinitely. I suggest that there should be some fixed time agreed upon when the resolution may be concluded and the unfinished business may be taken up. I have been giving way so often that I feel like insisting upon that. In view of what Senators have said I do not think more than thirty minutes additional time will be required to dispose of the resolution. I should like to have it the understanding that I yield only for thirty minutes.

Mr. LODGE. At the end of thirty minutes—

Mr. BATE. Mr. President, I wish to correct my statement. I understand that there are two or three Senators over here who desire to be heard.

The VICE-PRESIDENT. Thirty minutes is suggested.

Mr. LODGE. In that case, I ask that the resolution may go over until to-morrow without prejudice.

The VICE-PRESIDENT. It will require unanimous consent to have it taken up to-morrow.

Mr. LODGE. It will require unanimous consent.

The VICE-PRESIDENT. Is unanimous consent given that the resolution may lie over until to-morrow?

Mr. LODGE. And that it may come up after the morning business and be disposed of.

Mr. FORAKER. I do not like to interfere with the Senator from Washington, who has only a few remarks to make.

The VICE-PRESIDENT. The Senator from Washington has the right to proceed, as the Chair understood, with his remarks to-day, if he desires to do so. By unanimous consent the resolution is laid over until to-morrow morning.

Mr. WILSON. I prefer, if there be no other business interposed, to occupy only about two minutes in the statement I am about to make. As I may not be here to-morrow, I will take this opportunity, if no Senator objects.

The VICE-PRESIDENT. The unfinished business is laid aside, then, until the Senator from Washington concludes.

Mr. WILSON. Mr. President, I desire to correct a mere matter of record, which occurred on Thursday last, when the honorable Senator from Florida [Mr. PISCO] was making his explanations. And I desire to say that the matter is sufficiently unpleasant to him, in my judgment, as far as action is concerned, without having it called up here in the method and manner that it has been. I think, from what I have read of his statement, that his action has been entirely honorable, as well as the Senator from Tennessee [Mr. BATE]. I am very glad as a Senator upon this side to make this public statement of that fact. We have all been more or less de-

ceived in this matter, and I do not feel that it is incumbent upon this side or upon the other side to find fault entirely with what has transpired.

When the honorable Senator from Florida was speaking I interrupted him with a question. I must say I feel as one Senator that somebody, some one in authority, must have known that the contract for 95 per cent of this claim was in existence, and there seems to be the entire blame in my mind. They certainly could not have made the contract after the claim was passed. Certainly they must have made a contract prior to its passage, and if they made that contract it must have been known to the agents of the Methodist Book Concern South.

Mr. LODGE. They admit it.

Mr. WILSON. They admit it now, but they did not admit it in the telegram and letter to the honorable Senator from Florida. They said in that statement that there was no such contract as one for 40 per cent. It is a mere quibble upon the amount in existence.

Mr. JONES of Arkansas. Does the Senator from Washington by saying "some one in authority" mean some one in authority in connection with this Book Concern?

Mr. WILSON. With the Book Concern. That is what I mean.

Mr. JONES of Arkansas. His remark has, of course, no relation whatever to the committee of the Senate?

Mr. WILSON. Oh, none; absolutely none. I am willing to take my full part in whatever occurred here. Absolutely none.

Mr. BATE. I beg to call the attention of the Senator from Washington to one point in regard to the communication made to the Senator from Florida and to myself. The communication from Barbee & Smith to me was not 40 per cent, but any other per cent. They denied it.

Mr. WILSON. Oh, I think the Senator from Tennessee has acted, as far as we are concerned, in entire good faith in this matter.

I had occasion in my interruption to ask the Senator from Florida the question if \$100,000 had been paid. The fact is that on this side of the Chamber they voted the claim through in a large measure because the amount was to go to the superannuated and worn-out preachers, which is the fact, because I understand that all the profits of the Methodist Book Concern South is for that purpose. Whatever fund would go into the concern would naturally be for the benefit of that class of people and their widows and orphans. It was with that idea that we passed the claim through here, and it has been well said it could not have been passed if it had been for a single moment understood that 30 per cent, or \$100,000, would be paid for the passage of the claim through Congress.

Now, I made that statement, and inadvertently, for I am not very well versed in the Methodist Church affairs. I supposed that those who operated for them, like the Book Agents, Barbee & Smith, were men largely in authority, and inadvertently I somewhat criticised the Methodist Church South. On Friday, when the honorable Senator from Georgia [Mr. CLAY] made his speech, he took occasion to say:

The Senator from Washington does this noble institution a great injustice when he attempts to make its ministry and membership responsible for the conduct of these agents.

Now, Mr. President, nothing was further from my intention than that. I have a very profound respect for that church. I think they are composed of a vast number of good people, who are very much humiliated and very much chagrined at what has transpired in regard to this claim. Nothing was further from my intention than to do them any injustice. Therefore I hope, for the cause of religion, for the cause of the church, that the mere interjection into the remarks of the Senator from Florida was untrue and false and I have been guilty of doing the Methodist Church South a very grave injustice. I hope that will transpire, Mr. President, when all the facts are known in regard to this very deplorable transaction.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, being Senate bill 3414.

Mr. LODGE. I desire to renew my request for unanimous consent that the pending resolution of investigation may go over without prejudice and retain its place, so that it may come up at the conclusion of the morning business to-morrow.

The VICE-PRESIDENT. It has been so ordered by unanimous consent.

Mr. LODGE. Very well; it has been so ordered. I did not want the resolution to go to the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills:

A bill (S. 4740) to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tucoma*; and A bill (S. 4749) to provide an American register for the steamer *Arkadia*.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 8141) increasing the pension of Price W. Hawley;
A bill (H. R. 4239) to complete the military record of James Hicks, formerly captain of Company M, Twelfth Regiment Ohio Cavalry Volunteers;

A bill (H. R. 5040) for the relief of Isaac N. Babb;

A bill (H. R. 5149) to amend the charter of the Capital Railway Company;

A bill (H. R. 5522) to authorize the establishment of a life-saving station at or near Charlevoix, Mich.;

A bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal.;

A bill (H. R. 10087) to authorize the construction of a bridge across St. Francis Lake at or near Lake City, State of Arkansas;

A bill (H. R. 10100) to provide ways and means to meet war expenditures, and for other purposes; and

A joint resolution (H. Res. 7) directing the Secretary of War to submit estimates for work upon the Wallabout Channel, New York.

FINETTA NALLE.

Mr. GEAR. The Senator from Ohio [Mr. FORAKER] kindly yields to me. I ask unanimous consent for the consideration of Senate bill 3144. It will take but a moment.

The VICE-PRESIDENT. Unanimous consent is asked by the Senator from Iowa for the present consideration of the bill (S. 3144) for the relief of Finetta Nalle. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, in line 8, after the word "hereby," to strike out "granted, conveyed, and released" and insert "quitclaimed;" and in line 9, after the word "forever," to strike out "in fee simple" and insert "Provided, That all taxes and assessments due the District of Columbia levied against such lots shall first have been paid;" so as to make the bill read:

Be it enacted, etc., That all the right, title, interest, and estate of the United States of America in and to all of original lots numbered from 2 to 4, both inclusive, and from 15 to 24, both inclusive, in square numbered 1107, in the city of Washington, in the District of Columbia, be, and the same are hereby, quitclaimed unto Finetta Nalle, her heirs and assigns, forever: *Provided*, That all the taxes and assessments due the District of Columbia levied against such lots shall first have been paid.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL AMERICAN BANK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

The reading of the bill was resumed, beginning on page 20, line 15, and continued to the end of section 22.

Mr. TELLER. I move that section 23 be stricken out, leaving the question contained therein to be regulated by the laws of the country as they now exist.

The VICE-PRESIDENT. The question is on the motion of the Senator from Colorado to strike out section 23, which will be read.

The Secretary read as follows:

SEC. 23. That no tax shall be imposed upon the property of said corporation, except upon real estate held by it, by any State, municipal, or other authority within the United States; but the several stockholders shall be liable to assessment and taxation upon the shares held by them at their respective places of residence according to its true value, and to the same extent and in the same manner as other personal property is there assessed and taxed.

Mr. FORAKER. I will say as to that section that, so far as I can recall, it received no special consideration in the committee. No one raised any question about it. As my attention is now called to it, I am not sure but that the bill will be improved by having that section stricken out. So far as I am personally concerned, I do not care to oppose the amendment.

Mr. TELLER. I think it had better go out.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Colorado to strike out section 23.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

The first amendment of the Committee on Foreign Relations was, in section 7, page 9, line 9, before the word "years," to strike out "twenty" and insert "fifty;" so as to read:

That as soon as 50,000 shares of the capital stock shall have been subscribed for in the manner hereinbefore provided, and the certificate of the Comptroller of the Currency referred to in section 8 of this act has been executed, the persons so subscribing, and all persons who shall or may be associated with them or their successors, shall forthwith become a body corporate by

and under the name of the International American Bank, and by that name shall have corporate existence for the term of fifty years, and shall have power, etc.

The amendment was agreed to.

The next amendment was, in section 7, page 11, line 37, after the word "credit," to insert "to the order of the person therein named;" so as to read:

Eighth. To carry on the business of banking by discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; to receive deposits; to buy and sell exchange, coin, and bullion; to issue letters of credit to the order of the person therein named, and to loan money on personal security, subject to the limits hereinafter imposed; and to borrow money for use in its business in an amount not exceeding 50 per cent of its paid-up capital stock.

The amendment was agreed to.

The next amendment was, in section 7, on page 12, line 83, after the word "money," to strike out "within the United States of America;" so as to read:

Eleventh. The corporation hereby created shall not have the power and shall not issue notes or obligations in any form to be used and circulated as money, nor shall it make any loan or discount to any person upon the security of shares of its own capital stock, etc.

The amendment was agreed to.

The next amendment was, in section 11, on page 15, line 5, after the word "power," to strike out "with the approval of the Comptroller of the Currency;" and in line 7, after the word "time," to insert "at points to be approved by the Comptroller of the Currency;" so as to read:

That the principal office and place of business of said corporation shall be in the city of Washington, D. C., or in the city of New York, in the State of New York, as the board of directors shall determine; and the directors shall have power to open such additional branch offices in the United States, not exceeding eight at any one time, at points to be approved by the Comptroller of the Currency, as may be necessary to carry on its business; and to discontinue any of such branch offices when the same, in the opinion of the directors, shall no longer be necessary for the business of the corporation.

The amendment was agreed to.

Mr. FORAKER. I move to strike out section 18, on page 22.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 22, after line 14, it is proposed to strike out section 18, as follows:

SEC. 18. That persons holding stock in such corporation as executors, administrators, guardians, or trustees shall not be personally subject to any liabilities as stockholders, but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such funds would be if living or competent to act and hold the stock in his, her, or their own name.

The amendment was agreed to.

Mr. MORGAN. Mr. President, this is a very important measure, entirely new in our legislation. It is an effort to make a step outward beyond our own boundaries for the purpose of creating facilities for commerce with other countries. In my judgment, it is a perfectly safe measure, and obviously necessary in order to increase the facilities of commerce with foreign countries. The Senator from Ohio [Mr. FORAKER] has studied this question carefully, prepared this bill, and submitted it to the Committee on Foreign Relations. It was very carefully discussed, and it was approved by that committee with the amendments which have been suggested. I desire to have that honorable Senator explain this bill to the Senate. I find, however, on looking around that there is scarcely a baker's dozen in the Chamber. I therefore suggest the absence of a quorum before that explanation is made.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Alabama, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Allison,	Foraker,	McLaurin,	Pritchard,
Bacon,	Frye,	Mallory,	Quay,
Bate,	Gallinger,	Mantle,	Roach,
Burrows,	Gear,	Money,	Shoup,
Caffery,	Gorman,	Morgan,	Stewart,
Carter,	Hanna,	Morrill,	Sullivan,
Chilton,	Hansbrough,	Nelson,	Teller,
Cullom,	Harris,	Penrose,	Thurston,
Deboe,	Hawley,	Perkins,	Tillman,
Elkins,	Hoar,	Pettus,	Turner,
Fairbanks,	McBride,	Platt, Conn.	Wilson.
Faulkner,	McEnery,	Platt, N. Y.	

The PRESIDING OFFICER (Mr. CHILTON in the chair). Forty-seven Senators have answered to their names. A quorum is present. The Senator from Ohio is recognized.

Mr. FORAKER. Mr. President, although the Senator from Alabama [Mr. MORGAN] has honored me with a request that I explain this bill, I can not think it necessary for me to detain the Senate at any very great length in doing so.

This is a measure which has been a long time pending in Congress. It relates to a subject which has received much and careful consideration for quite a number of years. In 1888 there was called what was known as the Pan-American Congress, which assembled here in the city of Washington, composed of delegates and representatives from all the Central and South American

States and Republics, for the purpose of considering this and kindred questions.

One of the recommendations of that Congress was that there should be established, for the purpose of facilitating trade between the United States and the Central and South American Republics and Mexico, an international bank. By common consent it was agreed that that bank should be incorporated by the United States, and that it should be called the International American Bank. Pursuant to that recommendation, the then Secretary of State, through the President, submitted to Congress a report of the proceedings of that convention in this behalf and requested appropriate legislation to carry out that recommendation.

Bills were introduced in both branches of Congress, all of the same general nature, and from time to time reports have been made, and I believe in every instance those bills have been favorably reported upon and recommendations have been made that the legislation be enacted. I have before me quite a number of those reports. I do not think it is necessary that I should go over them in detail, but I can state for the benefit of those who may desire to have that knowledge that in those reports all questions which have been raised with respect to this proposition have received careful consideration and have been argued at great length.

One of the important questions considered was a legal question as to whether or not such legislation was constitutional. In a report which was made to the House of Representatives by Mr. BROSIUS, from the Committee on Banking and Currency, that question is argued at length, and the authorities in support of the proposition that it is constitutional are submitted. It was contended and so agreed by the House committee that the Congress has power to enact such legislation as is now proposed under that clause of the Constitution which invests the Congress with power to regulate commerce with foreign nations.

The only other question which has been considered is the general one as to whether or not it is good policy, the constitutional question being decided in favor of the legislation, to enact such legislation as this and undertake to have an international bank. A great deal might be said in behalf of the proposition that our best interests require the enactment of legislation under which we can establish such an institution; but it is enough, perhaps, to say (because all else will be apparent to all who stop to consider and think of it for a moment) that the purpose of it is to afford better facilities for exchange between these Republics and the United States of America, to afford banking facilities by reason of which we can transact our business with those countries directly instead of by way of Liverpool and London, by which we may save to the people who do business in this country with the people of those countries the payment of the rates of exchange, which are so considerable as to amount in the aggregate to a very great sum annually.

I have before me the report to which I have referred, made by Mr. BROSIUS, in which both of these propositions are discussed, and I have before me also the report which was made by Mr. BACON, in which he also favorably discusses the proposition; and I ask unanimous consent that these reports may be printed in the RECORD in connection with the remarks I am now making, as embodying the reasons why I favor the bill.

The reports referred to are as follows:

[House Report No. 985, Fifty-second Congress, first session.]

INTERNATIONAL AMERICAN BANK.

April 5, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BACON, from the Committee on Banking and Currency, submitted the following report, to accompany H. R. 7885:

The Committee on Banking and Currency, having had under consideration House bill 7823, do respectfully report the same back to the House with the recommendation that the said bill do lie upon the table, and that the accompanying bill be substituted therefor, and that the substitute do pass.

The bill offered as a substitute differs from the original measure only in certain formal matters, but as the formal changes are quite numerous your committee report the accompanying bill as a substitute in lieu of the original measure.

The Fiftyth Congress enacted a law by virtue of which the President of the United States in the year 1888 invited the Governments of Mexico, Central and South America, Haiti, and San Domingo to send representatives to meet in the city of Washington and attend an international American conference. One of the purposes for which this conference was authorized by Congress and called, as expressed in the act and invitation, was as follows:

"For considering questions relating to the improvement of business intercourse and means of direct communication between said countries."

In accordance with that invitation representatives of the several South American Republics met in the city of Washington in October, 1889. There was appointed by that conference a committee on banking. That committee reported to the conference on the 8th of April, 1890, and a discussion followed, in which the representatives of the various Governments took part, and it resulted in the adoption of the following resolution:

"Resolved, That the conference recommends to the Governments here represented the granting of liberal concessions to facilitate inter-American banking, and especially such as may be necessary for the establishment of an international American bank, with branches or agencies in the several countries represented in this conference."

It seemed to be the unanimous opinion of the representatives of all the Governments represented at that conference that the locus of the principal office of the international American bank must be in the United States of America, because that country had the largest commerce of all those represented in that conference.

In the course of discussion relating to this resolution above quoted it was said by the representative from Costa Rica:

"I believe that undoubtedly if the United States desired to encourage commercial relations with our countries it would be necessary for it to offer us its capital, as has been done by the other nations—Germany, England, and France. Capital affords facility, and facility, as a natural consequence, encourages the commercial relations between countries."

In the course of the discussion of the same resolution the representative from Brazil remarked:

"We need to have such institutions because there is no connection to-day between the consumer and producer. We need just such institutions, so that we can take a bill to the bank and open the necessary credit. The necessary machinery in the way of these proposed institutions is lacking, and therefore I give my vote to a report which fills the necessary element in our relations."

The representative of Mexico in that conference said upon this subject: "That bank, of course, needs the sanction of the Government of the United States for its establishment, for, needing branches in the other nations, these could not be established without this sanction."

"This may not be the most efficacious means to develop commerce, but as an institution of credit is always an advantage to the country having it, and as an international bank is proposed, I see no objection in carrying this idea out, which may give practical results to the countries interested."

As the result of this discussion in the International Conference the report of the committee on banking was adopted, and was subsequently transmitted to the President and by him transmitted to Congress, and the letters of transmittal, with the report, are hereto attached and made part of this report.

It is apparent from the discussions which took place at the American International Conference, from the report of its committee on banking, which is submitted herewith, and from the resolution adopted unanimously by the conference, that the representatives of the Governments other than that of the United States united in advising the incorporation of the American International Bank by the Government of the United States, and intended to express the willingness of their Government to cooperate in making the institution thus chartered successful in its operations in other countries. It was not within the expectation of the representatives of the Governments other than that of the United States that the institution, branches of which were to be established in their countries, should receive its charter from any other authority than that of the Government of the United States.

It is also to be observed from those discussions that the members of that conference were all of opinion that while such an institution was mainly an adjunct to, rather than a cause of, commerce, it could by the facilities which it would afford increase the profit of the commerce already existing and render profitable transactions which without it would be unprofitable. It was one of the instruments which, in the opinion of the delegates to that conference, would greatly improve the business intercourse and means of direct communications between the countries therein represented.

A bill to carry out this recommendation of the international American conference was introduced in the Fifty-first Congress and reported favorably by the Committee on Banking and Currency, but failed to be acted upon by the House. In the opinion of your committee the time has arrived when some active steps should be taken to secure to this country control of at least such part of the exchanges connected with the commerce of the South American Republics as is occasioned by transactions between their citizens and those of this country. The business of dealing in such exchanges is a profitable one. The profit now goes to the English banker, and is practically a tax or added charge upon us. We believe also that the commerce is certain in the near future to greatly increase, and with its increase will come either added profit to us if we shall conduct the business of making these exchanges ourselves, or added loss for the benefit of the English banker if we shall permit the business to continue in its present channel.

The time is opportune for setting up the machinery necessary to do this business, both because the representatives of the South American Republics have united in recommending such a project and because our merchants are prepared to act upon the recommendation and to furnish the capital necessary to start the bank. No objection, based upon any constitutional limitation of the power of Congress, occurs to your committee against granting the charter provided for, because, first, it is intended strictly as an instrument to regulate and advance the foreign commerce of the United States, and because, secondly, it is intended to furnish a means by which the exchanges, not of one city or one community in the United States, but of all parts of the United States, with the South American Republics, may be readily and safely done. No state charter would be accepted as adequate, because the foreigner looks to the Government of the United States, and under our system should look to that Government, and to no other, as the source of authority for acts done by its citizens outside of its territory. Nor would a State charter be adequate within the limits of the United States, because the powers of a State bank are limited to the State which charters it, and we have never seen the time when States were willing to allow the banking institutions of one State to invade the territory of the other.

Your committee, taking the bill as prepared in the Fifty-first Congress as a text, and the bill as introduced at this session as a further guide, have added to the bill such provisions restricting the powers of the corporation as the national bank act and our experience thereunder seemed to require, and the bill as reported subjects the bank to the severest scrutiny and examination by the Comptroller of the Currency. The bill expressly prohibits the issuing by the bank of any currency or of anything to be used as a circulating medium by the bank, and it also expressly provides that the Government of the United States shall not at any time assume or be held to be liable for any acts of the bank or any of its officers. Stringent provisions have also been introduced into the bill providing for the forfeiture of the charter in the event that the capital is not subscribed and paid in within a limited time, or in case after the bank shall have been organized it shall in any way exercise forbidden powers or exceed the limits placed by the bill upon the powers granted.

As thus guarded your committee believe that the institution will answer the purposes for which it is intended and for the accomplishment of which its creation was recommended by the International American Conference. And it is the opinion of your committee that without the granting of a charter it would be impossible to obtain subscriptions of the necessary capital for the transaction of this business or to interest as large a number of communities and citizens of this country as is desirable for the success of the enterprise.

Your committee do therefore report the substitute bill with the recommendation that it do pass.

Message from the President of the United States transmitting a letter of the Secretary of State relative to the report of the International American Conference in favor of an international American bank.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a report adopted by the International American Conference recently in session at this capital, recommending the establishment of an international American

bank, with its principal offices in the city of New York and branches in the commercial centers of the several other American Republics.

The advantages of such an institution to the merchants of the United States engaged in trade with Central and South America and the purposes intended to be accomplished are fully set forth in the letter of the Secretary of State and the accompanying report. It is not proposed to involve the United States in any financial responsibility, but only to give the proposed bank a corporate franchise and to promote public confidence by requiring that its condition and transactions shall be submitted to a scrutiny similar to that which is now exercised over our domestic banking system.

The subject is submitted for the consideration of Congress in the belief that it will be found possible to promote the end desired by legislation so guarded as to avoid all just criticism.

BENJ. HARRISON.

EXECUTIVE MANSION, May 27, 1890.

DEPARTMENT OF STATE, Washington, May 27, 1890.

THE PRESIDENT:

I have the honor to submit herewith the report of the Committee on Banking as unanimously adopted by the International American Conference recently in session in this city. It was the wish of the conference that this proposition, of such great interest to every American Republic, should, as promptly as possible, secure the earnest attention of the Congress of the United States.

The foreign commerce of the nations south of the Gulf of Mexico and the Rio Grande amounts annually to more than \$1,100,000,000. At present the people of the United States enjoy only a meager share of this market, but the action of the recent conference will result, I believe, in the removal of certain obstacles which now tend to obstruct the expansion of our trade.

One of the most serious of these obstacles is the absence of a system of direct exchanges and credits, by reason of which the exporting and importing merchants of the United States, engaged in commerce with Central and South America, have been compelled to pay the bankers of London a tax upon every transaction. Last year our commerce with the countries south of us amounted to \$282,005,057, of which the imports of merchandise were valued at \$181,058,906 and the imports of specie and bullion were \$21,236,791, while our exports consisted of merchandise valued at \$71,938,181 and \$8,668,470 in specie and bullion. Of the merchandise imported into the United States, the greater part was paid for by remittances to London and the cities of the continent to cover drafts against European letters of credit. For use of these credits a commission of three-quarters of 1 per cent is customarily paid, so that the European banks enjoyed a large profit upon our business with a minimum of risk. This system steadily results in losses to our merchants in interest and differences in exchange as well as in commissions. These losses would be largely reduced by the establishment of an international system of banking between the American republics.

The merchants of this country are as dependent upon the bankers of Europe in their financial transactions with their American neighbors as they are upon the shipowners of Great Britain for transportation facilities, and will continue to labor under these embarrassments until direct banking systems are established.

The report of the committee, hereto attached, presents a simple and easy method of relief, and the enactment of the measure recommended will, in the judgment of the conference, result in the establishment of proper facilities for inter-American banking.

Respectfully submitted.

JAMES G. BLAINE.

REPORT OF THE COMMITTEE ON BANKING.

[As adopted by the conference, April 14, 1890.]

Pursuant to resolutions passed at the meeting of the conference on December 7, 1889, your committee was appointed to consider and report upon the methods of improving and extending the banking and credit systems between the several countries represented in this conference, and now has the honor to submit, as the result of its deliberations, the following report:

Your committee believes that there is no field of inquiry falling within the province of this conference for the extension of the inter-American commerce more fundamentally important than that of international American banking, and that, in fact, the future of the commercial relations between North, South, and Central America will depend as largely upon the complete and prompt development of international banking facilities as upon any other single condition whatever.

In the opinion of your committee the question of the mechanism of exchange is secondary, if at all, only to the question of the mechanism of transportation. Even after better means of transportation than those which exist shall have been established, it will be impossible for the commerce between American nations to be greatly enlarged unless there be supplied to their merchants means for conducting the banking business which shall in some measure liberate them from the practical monopoly of credit which is now held by the bankers of London and the European continent.

If there be an enlargement of the means of transportation, unaccompanied with an equal extension of financial facilities, only partial benefits will be derived from the former as compared with the benefits which might be derived were the two improvements to progress together.

Your committee is of the opinion that the commerce between the American countries might be greatly extended if proper means could be found for facilitating direct exchanges between the money markets of the several countries represented in this conference, even if there were no improvements in transportation.

The first effect would be to afford a more direct "clearance-in account" of goods exported against goods imported.

The large amount of commissions now paid to the European bankers could not only be decreased, but such commissions would be paid to American bankers or merchants themselves, and in this way a share of the profits which now go almost solidly to the European money markets could be kept in the financial centers of this continent.

There does not exist to-day among the countries represented in this conference any organized system of bankers' exchanges or credits; for instance, drafts upon the United States are not attainable at all in many of the markets of South America, and in most of them are only salable at a discount below the sterling equivalent. In like manner drafts upon South and Central America are practically unknown in the money markets of New York, Philadelphia, Baltimore, New Orleans, Chicago, and Boston.

The point has been made that to extend business between our States long credits must be given. How is it possible for manufacturers and merchants at distant points to form relations of such a character as to justify the granting of long credits? At present such relations are chiefly formed through the intervention of European banks and bankers, which are not interested in the extension of trade between the different countries represented in this conference except in a secondary and subordinate sense.

The extension of trade between Europe and the Americas, not between the Americas themselves, is their first care. By the establishment of a well-organized system of international American banking our merchants and

manufacturers would be able to establish improved credit relations, and those administering the system in the several money markets of the Americas would immediately become interested in fostering such relations and facilitating such business to the utmost extent.

The merchants of the United States now importing goods from the countries of South and Central America make such importations, as the investigations of your committee show, almost without exception, through the use of English bankers' credits.

The total foreign commerce of the West Indies, Mexico, and South and Central America amounted last year to about \$1,200,000,000 United States gold. The committee have not been able to ascertain the amount of the commerce among the Latin American States. The total exchange of commodities between the United States and countries to the south during the year ending June 30, 1888, aggregated \$282,002,408, of which the imports into the United States amounted to \$181,058,906 of merchandise and \$21,236,791 of specie and bullion, and exports from the United States to \$71,938,181 of merchandise and \$8,668,470 of specie and bullion. Of the \$181,000,000 of merchandise brought into the markets of the United States the greater part was paid for by remittance to London or the Continent to cover drafts drawn in the exporting markets against European letters of credit.

For the use of these credits on Europe a commission of three-quarters of 1 per cent is customarily paid, and the foreign banks reap this great profit at a minimum of risk, inasmuch as the drafts drawn against these credits are secured not only by the goods represented by the shipping documents against which the bills of exchange are drawn, but also by the responsibility of the party (generally the consignee) for whose account the letters of credit are issued, and without any outlay of cash, as the American merchant places the cash with the European bankers to meet such drafts at or before maturity.

This system results in the loss to America of interest and differences in exchange as well as of commissions, all of which could be saved to our country if international American banking were so developed and systematized as to afford a market for drafts drawn against letters of credit issued in America, such as now exists for drafts drawn against European letters of credit.

At present, therefore, the situation is such that the merchants of this continent are virtually dependent upon European bankers so far as financial exchanges are concerned, notwithstanding the fact that there are ample capital and responsibility in the countries here represented, and it is the opinion of competent persons that such capital would be ready to avail itself of the opportunity of transacting this business directly between the financial centers of our respective countries without the intervention of London if the laws were such as to permit the conduct of the business of international banking under as favorable provisions as are now enjoyed by the European bankers. The prime difference would be that these transactions would be carried on by American instead of European capital, and that the profit would remain here instead of going abroad. This, however, is impossible of realization at present, in view of the fact that the banking houses of the United States doing foreign business are usually controlled by London principals, and that it is impossible, without some change in the legislation of the United States, to secure a sufficient aggregation of capital in corporate form, and so free from the burdensome restraints and taxes now imposed upon moneyed corporations, as to permit competition on equal terms with the European bankers.

Many different plans have been discussed concerning the best means of facilitating direct banking business between our countries. Your committee has considered and dismissed a number of propositions relative to the establishment of banks by means of which the national governments themselves should afford financial facilities for inter-American banking. Such action, in your committee's judgment, does not fall within the proper sphere of government. There is no reason, however, why the governments represented in this conference should not severally charter banking corporations to carry on business of the class which is now generally done by the great banking corporations of London, that is, not in the issuing of circulating bank notes, but for the purchase and sale of bills of exchange, coin, bullion, advancing on commodities generally, and for the issuing of bankers' letters of credit to aid merchants in the transaction of their business.

In the United States, where capital exists in particularly large volume and would lend itself most readily to business of this class, and consequently to the facilitating of international commerce, the laws are not such as to encourage the aggregation of capital for such purposes. So far as your committee has been able to discover after careful investigation, there is no general statute of the United States nor of any of the States of the United States under which a banking company can be organized with ample capital, which would have the power of issuing such letters of credit and transacting such business as is done by the leading banking companies of London, which virtually occupy the field. In the United States it will be necessary, in order to secure the proper facilities and the proper corporate existence, that there should be legislation granting a charter, and in most of the States such legislation is expressly prohibited by the terms of their constitution. Furthermore, the laws of the several States are such as to impose the severest restrictions upon moneyed corporations and to subject them to taxation so heavy that it would render it impossible to carry on the business of international banking in successful competition with the English, French, and German bankers.

Your committee believes that the best means of facilitating the development of banking business, and generally of financial relations between the markets of North, South, and Central America, as well as for improving the mechanism of exchange without calling on any government whatever to exceed its proper functions, would be the passage of a law by the United States incorporating an international American bank with ample capital, with the privilege on the part of the citizens of the several countries in the conference to take shares in such bank pro rata to their foreign commerce, which bank should have no power to emit circulating bank notes, but which should have all other powers now enjoyed by the national banks of the United States as to deposit and discount, as well as all such powers as are now possessed by firms of private bankers in the matter of issuing letters of credit and making loans upon all classes of commodity, buying and selling bills of exchange, coin, bullion, and with power to indorse or guarantee against proper security, and generally to do whatever can already be done by the great banking firms who are carrying on their business without the aid of corporate charters under the laws of a general partnership. Your committee believes, upon well-founded information, that the capital to such a bank would be promptly subscribed.

The United States Government might and should reserve the largest vital powers. The business of such bank should be conducted with perfect safety and with profit to its shareholders, and the greatest benefit to our international commerce. Branches or agencies of such a bank could be established in all of the principal financial centers of America, with the formal recognition of the governments of the several States in which such agencies are established, or arrangements might be entered into with existing banking institutions of the other countries for transacting the business, thus at once affording markets throughout the two continents for the purchase and sale of bills of exchange, facilitating and improving credit conditions generally, and at once effecting a complete mechanism of exchange, such as already

exists between our respective countries and the European money markets, but which has as yet no existence between the money markets of North, South, and Central America for the reason already stated.

One of the direct benefits to be derived by all of the Governments represented in the international conference from the establishment of such a bank would be that the investors in the several countries in different classes of American securities would have better means than any which now exist for making such investments. For example, a South or Central American State about to float a foreign loan would feel itself less dependent upon a single combination or syndicate of European bankers than at present. There would be open to such borrowing State two markets to which to apply for national loans as against a single market, to the mercy of which said borrowing government is now virtually exposed. The same holds good as to all classes of State and municipal securities whatever. Latin-American investors would find means more readily at command for the investment in and investigation of all classes of North American securities, and the investors of the United States would also find means for the investigation of and investment in all classes of securities issued by the States, municipalities, or corporations of Latin-America.

Your committee recognize the fact that London has for many years derived the largest possible benefits through its banking facilities with our several States in taking all classes of American loans, which have generally proved themselves to be of most stable and desirable character, but, nevertheless, upon terms which have yielded the London bankers abnormally large profits simply because the element of competition does not exist by reason of the absence of proper banking relations between the several American countries. The institution of such a bank as proposed would at once afford relief against this state of affairs, and would be of benefit not only to the merchants in the manner described, but to all classes of investors generally and without distinction.

In recommending the organization of an international American bank, the recommendation is based upon the present condition of trade. The establishment of better means of transportation and the promotion of trade in other ways will enlarge the demand for the class of facilities of a banking character which have already been referred to. The rapidly increasing wealth of North and South America also enhances the need for a complete system of inter-American exchange, and insures the subscriptions for an adequate capitalization to an international American bank to meet such needs. As an evidence of this increase the valuation of the property of the United States in 1870 was estimated at \$30,000,000,000; in 1880, for \$43,000,000,000, being somewhat larger than the estimated value of the property of Great Britain at that time. The capital and the business of the Americas are now much larger than when European facilities for banking between Europe and the Americas were established.

Banks of the character described, having agencies in the financial centers of the countries here represented, would materially promote the establishment and immediate use of a common standard for calculating values whenever such a standard shall be determined upon by the countries in interest.

While the sentiments of the independent nations of this continent are favorable to the settlement of all disputes by arbitration, as expressed by resolutions introduced in this conference, thus rendering war highly improbable if not impossible among them, there exists no such guaranty that war may not take place in Europe. In such event, as long as we remain solely dependent for our financial facilities upon European money centers, a complete demoralization of our credit facilities and our money markets would necessarily follow and cause financial disaster and distress, which would be considerably lessened, if not altogether avoided, were there a well-organized system of inter-American exchange.

It may be asked, why can not the object sought for in this memorial be attained through the agency of a private bank? The answer is, that in the extension of inter-American trade it would be difficult, we might well say impossible, to impart either prestige or credit to a private bank. The establishment of an international bank by authority of Congress would promptly command from the other American governments concurrent legislation which could provide the amplest and most trustworthy form of international cooperation. As neither the bank in the United States nor the branches that may be established elsewhere can have the power to issue circulating notes, the most complete evidence is afforded in that fact that the bank is to be devoted solely to the commercial interests of the two continents, and must rely for its profits upon the increase of the volume of business from which alone it can secure its profits.

After careful consideration your committee advises the adoption of the following resolution:

"Resolved, That the conference recommends to the Governments here represented the granting of liberal concessions to facilitate inter-American banking, and especially such as may be necessary for the establishment of an international American bank, with branches or agencies in the several countries represented in this conference."

J. M. HURTADO.
E. C. VARAS.
CHAS. R. FLINT.
SALVADOR DE MENDONÇA.
MANUEL ARAGON.

WASHINGTON, April 14, 1890.

[House Report No. 3084, Fifty-fourth Congress, second session.]

INTERNATIONAL AMERICAN BANK.

February 27, 1897.—Referred to the House Calendar and ordered to be printed.

Mr. BROSIUS, from the Committee on Banking and Currency, submitted the following report, to accompany H. R. 875:

The Committee on Banking and Currency, to whom was referred the bill (H. R. 875) to provide for the incorporation of an international American bank, respectfully report the same with the recommendation that it do pass with certain amendments indicated in the bill hereto attached.

The purpose of this bill is to carry into effect the recommendations of the International American Conference of 1889 by the incorporation of an international American bank. That body of eminent statesmen from all the American republics, after an exhaustive discussion, embodied their recommendations in the following resolution:

"Resolved, That the conference recommends to the Governments here represented the granting of liberal concessions to facilitate inter-American banking, and especially such as may be necessary for the establishment of an international American bank, with branches or agencies in the several countries represented in this conference."

The bill has been drawn with great care, and it vests no powers in the proposed bank not necessary to enable it to execute its purpose effectively. The exercise of its powers is amply safeguarded, with a view to the protection of its shareholders, depositors, and those doing business with it. Complete visitatorial power and control are vested in the Comptroller of the Currency. The Government is in no sense a party to the corporation, assumes no liability on its account, and is in no event responsible for its engagements. The

only purpose in chartering the bank by act of Congress is to have an institution with a corporate franchise conferred by the Federal Government to inspire public confidence and secure safety through Government supervision and control. Foreign countries, taking note that the bank was projected by act of the Federal Government, a source of authority they are accustomed to recognize, would at once see the propriety of granting such concessions to their own people as would be necessary for the establishment of the branches contemplated by the bill.

The most effective provisions of the national banking act relating to periodical reports to the Treasury Department of the state of the bank's business and general publicity of its affairs, through newspaper publication, with full power vested in the Comptroller at all times to examine into its management and compel any impairment of its capital stock to be made good, have been incorporated. The bill, in short, is thoroughly guarded and wisely adapted to the purpose intended.

The people of the United States, in common with those of the Central and South American republics, feel the importance of increasing commercial intercourse between the different portions of the American continent, and they believe that the development of such intercourse has been retarded by the lack of adequate facilities for exchange between the several countries, and their hope for a revival in trade is based upon the establishment of improved banking facilities which will emancipate these growing countries from their age-long servitude to the bankers of London and the continent of Europe.

No one has expressed the situation more tersely or more forcibly than Mr. Theodore C. Search, president of the National Association of Manufacturers, after a tour of observation through South America. He says:

"As in our ocean commerce, so also in our financial relations with other countries, we are dependent largely upon the services rendered by foreign interests. Particularly in our dealings with the nations to the south of us we are in urgent need of direct international banking facilities. We do \$150,000,000 worth of business with South America in a year, and yet all our balances have to be settled through English or European banking houses. In the great trade centers of South America the English, the German, the French, and the Italian have their banks, but I think that I am right in saying that there is not an American bank in all South America. Manifestly this is a serious hindrance to our trade."

The conditions of international trade which have given European countries, notably Great Britain, the lion's share of commercial intercourse with South America are brought into distinct view by the report of Gen. J. W. Avery, the commissioner to South America from the Cotton States and International Exposition, who visited that continent in the interest of the Exposition. He informs us that of the \$911,000,000 foreign trade that South America does each year, only \$120,000,000, or one-seventh, is done with the United States. Of the latter sum, our country sells South America but \$33,000,000, or one-fourth, and buys \$91,000,000, leaving a balance of \$58,000,000 against us.

Embracing in our view all the republics south of us, the figures are still more significant. The total foreign commerce of Mexico and Central and South America is about as follows:

Imports	\$557,594,423
Exports	722,364,251
Total	1,279,958,673

Of the total imports the United States supplies \$99,814,538, or a little over one-fifth, while of the total exports they receive \$307,384,623, or nearly one-third, leaving a balance against them of \$107,570,085.

The financial part of all this business, he informs us, is carried on through Europe. European vessels carry the goods, Europe receives the commissions and freights, and sells most of the goods consumed in South America, while the United States is the largest purchaser. This condition of the trade, he says, is due to five facts, namely:

First. We have no banks in South America; Europe has them everywhere. Second. We run few steamships to South America; Europe runs them to all her ports.

Third. We have no United States stores in South America; Europe has her stores in all parts of that continent.

Fourth. We sell for cash; Europe gives credit.

Fifth. Europe makes goods and packs them to suit the South American trade; we do not.

Without underestimating the importance of the other facts named, it is quite obvious that the first one is at this time pressing with great urgency upon the attention of the American people in connection with the universal desire to increase our commerce with our southern neighbors.

A comparison of our lack with the great abundance of facilities enjoyed by European countries for the South American trade brings into view as a conspicuous agency in European commerce suitable and convenient means of exchange. Every leading European nation has established banks in the South American countries to facilitate exchanges. It was stated recently that France is about establishing a bank in Brazil with a capital of \$2,000,000 for the purpose of opening more direct financial relations with that country. French traders are not satisfied with existing facilities, which compel them to operate through English banks.

United States Consul Johnstone, at Pernambuco, Brazil, said recently that English and German banking houses were scattered throughout the entire eastern and western coasts of South America. These banks, while doing a general exchange business, are established especially for the benefit of the trade of their own countries. It is said that there are sixty incorporated banks in London with a capital of \$294,000,000 exclusively devoted to international banking.

In the report of the commission referred to, it is said, speaking of Argentina:

"Four-fifths of the present banks of Argentina are branches of foreign banking houses, all of which are European. The United States is the only country attempting to do business without a banking representative, and it is the opinion of those well informed on the subject that any large increase in our business with Argentina will necessitate the establishment of direct banking connections. Minister Buchanan, after a careful investigation of the conditions, says: 'This city (Buenos Ayres) offers a splendid field for American banking capital, and I am satisfied that an American bank, conducted as our banks are, would command great favor here and find many advantages and facilities extended to it. I am equally certain that it would be the means of extending and enlarging our commerce with this country.'"

It can not be doubted that trade might be increased between our own and the countries south of us by improved facilities for transportation and by catering to the tastes of the people and adapting our goods to their markets, but over and above all possible gain from these sources there is a large benefit to be derived from a coincident extension of the means of exchange. The mechanism of exchange is only second in importance to that of transportation. Improvements on both lines might well progress concurrently.

It is not easy to see how the currents of trade that have been flowing so long across the Atlantic from Central and South America can be changed and made to flow north and south without the aid of an international mechanism

of exchange which will afford facilities at least equal to those existing between this continent and Europe.

The indirect exchange, which has been our chief recourse in the past, entails great loss upon the United States and affords ample gains to European bankers, which American bankers ought to enjoy. This is obvious enough to all who understand the course of our foreign trade. Our imports from the south of us greatly exceed our exports, creating a balance against us on our trade ledger, while Great Britain exports to those countries largely in excess of her imports from them, leaving a balance against the latter countries. We pay our balance to South America indirectly with the British goods shipped to her in excess of what Great Britain imports from her. In other words, there is a triangular trade between the United States, Great Britain, and South America. British ships sail with goods from British ports to South America, thence to the United States with sugar, coffee, tea, and spices, and finally return to Great Britain with American cotton and food products. Not only do British interests enjoy the benefits of this trade, but British ships pocket the freights and British banks the commissions on the exchange required in the financial settlements.

To see how British banks secure these advantages we have only to look into the mode of conducting our commercial intercourse with our Southern neighbors.

Take, for instance, a purchase of wool, which we will say costs in Argentina £1,000, or about \$5,000. An importer here, when he orders the wool from a merchant there (Argentina), furnishes a letter of credit of a London banker, which is taken out for his account in favor of the shipper. The shipper draws under this letter of credit at whatever usance is named, usually in South America at ninety days' sight, accompanying his draft with shipping documents, which are to be given up to the drawee in London on his acceptance. Duplicate documents are forwarded to the correspondent of the London banker in New York, so that the goods may be taken charge of on arrival of the ship here. The drafts on London are accepted at say ninety days' sight and charged to the American importer in that way. Upon arrival of the goods here the importer applies to the banker's agent or representative; and if the importer is of good standing, he usually receives the documents in exchange for an engagement to hold the goods (with liberty to sell) or the proceeds in trust for the bankers until the acceptance in London is covered.

In this way an importer from South America would receive his goods about the time the shipper's drafts would reach London, and he would thus have about ninety days' credit, say sufficient time to sell the goods, and out of the proceeds to protect the drafts drawn. To cover the London banker he would, of course, buy a draft on London at whatever the rate on London would happen to be.

A settlement in a case like the foregoing could not be effected advantageously by direct exchange with Argentina under existing conditions, and such exchange with any South American country is scarcely known. A New York house, which has been doing business with South America for twenty-seven years, states that nearly all their transactions were carried on through credits on London. The reason is obvious. No matter how good the customer is in South America, it is not possible to negotiate a draft on him at any reasonable rate of exchange, as there is no means of ascertaining his standing and credit, and hence a draft on him must go a begging in the United States.

It is easily seen that American bankers, excepting the few houses doing an exchange business, have no agency to speak of in these transactions and enjoy none of the benefits of them, excepting so far as they may be the agents of British bankers and operating in their interests.

Can we conceive of a situation more humiliating than this to a patriotic American? Seventy millions of the most enterprising people on earth, the greatest republic on which the sun shines, the richest nation in material resources and productive capacity, obliged to obtain a letter of credit from a European bank before it can buy a bill of goods from a neighboring country on our own continent; compelled to conduct a rivalry in international commerce with European nations for South American trade with the fiscal agencies employed in effecting exchange practically in the hands of our most formidable competitor.

Not only that, but for the carriage of our goods, our mails, and ourselves to South America we are dependent upon steamers built and owned in England and operated under British management. Every American cheek should tingle with shame at the thought of the recourse to which a commission of manufacturers from the United States was subjected this year. C. D. Mitchell, of Chattanooga, Tenn., one of the vice-presidents at large of the National Association of Manufacturers, expressed the situation in this indignant phrase. He said:

"It was a national disgrace, when sending a business commission to Argentina and Brazil this year to acquaint us with trade prospects, that they were compelled to cross the Atlantic twice each way in foreign-owned and foreign-made steamers. In a three-months absence they had only twenty-five days to 'spy out the land,' whereas could they have gone direct they would have had sixty days in which to do their allotted work. Thus the disgrace is overshadowed by the injury and loss."

Direct exchange between the countries concerned was the consummation which the delegates from all the countries represented in the International American Conference hoped to achieve. A discussion of which precedes the other in the order of development, commerce or banking, is of too academic a character to be useful. It is entirely obvious that where commerce between two or more countries has arrived at a given state of development under inferior facilities for exchange an additional impetus to trade will come from an extension of the means of settling accounts. This is attested by all observation and experience. The greater the facilities for direct clearance on account of goods exported against goods imported, the greater will be the volume of commodities exchanged.

When we consider that the countries south of us are not manufacturing countries, but produce largely raw material which it would be materially advantageous to exchange for our manufactured goods, the desirability of the object had in view is distinctly emphasized. The delegates from the South American republics pointed out this consideration in their arguments in support of the resolution quoted. They looked north and saw a great manufacturing nation in need of raw material, and they fully realized that their people needed the manufactured goods we produce, and which are now supplied by England and other nations.

This condition of commerce is injurious both to the United States and the southern Republics. Over and above the loss of the reciprocal advantages which trade affords, we are paying a large bounty to European bankers for effecting our exchanges for us, because we have not the means of making them ourselves. With suitable machinery for exchange established between the countries of the American continent we would save a large amount of commissions paid to English and continental bankers and direct large streams of profit to American financial centers which now flow to European markets. Under existing conditions we are compelled to suffer this loss in addition to the indirect injury we sustain, for the president of the National Association of Manufacturers in his recent report well says:

"There are abundant reasons for the belief that the commercial interests of the United States in South America would be greatly benefited if they were independent of England in their financial transactions."

In the report of the committee appointed by the International American Conference to consider and report upon this question, it was declared that there was not in the countries represented in the conference any organized system of bankers' exchanges or credits; for instance, they said drafts upon the United States were not obtainable at all in many of the markets of South America, and in most of them are only salable at a discount below the sterling equivalent. In like manner, drafts upon South and Central America are practically unknown in the money markets of New York, Philadelphia, Baltimore, New Orleans, Chicago, and Boston. Necessarily, therefore, the merchants who import goods from these southern countries make their exchanges through English bankers' credits. We pay for the goods we buy by remittances to London or the Continent to cover drafts drawn in the exporting markets against European letters of credit, and we pay 1 per cent for the privilege of doing so, which might be saved, as well as interest and commissions, if we had an international banking system so developed as to afford a market for drafts drawn against letters of credit issued in America such as now exists for drafts drawn against European letters of credit.

One of the delegates from South America said if a merchant from Argentina wished to send goods to the United States he must ask the one to whom he sends the goods (consignee) to authorize him to draw upon some bank. The consignee has to send him a letter of credit on London, because there is no bank there that can issue a draft, nor would the merchant know what to do with a draft if he received it, as there are no banking institutions to which he could sell such a bill of exchange. The consequence is that the banker in London must be paid a commission of 1 per cent upon the amount simply for placing his name upon the paper.

Another delegate, observing the necessity for branches in the South American countries, argued very cogently that the banks in those countries have no relations with each other, nor have they any knowledge of the operations of each other. There is, for instance, no way of knowing in Argentina whether a draft drawn by the Bank of Costa Rica is valid or not. Likewise a draft on the Bank of Mexico might have some difficulty in being accepted in any of the South American republics, because its solvency would not be known in those countries. But with branches established in every section the International American Bank could draw on its branches anywhere with perfect knowledge and implicit confidence. The obvious result would be the dissemination of knowledge of the standing of merchants and business men in the commercial centers of the several countries and the promotion of that confidence indispensable to that commercial association and intercourse which carries on its wings blessings to all concerned.

As money is the great instrument of association among men, States, and nations, so any extension of the facilities for making money available and supplying media of exchange, such as banking operations afford, always quickens the currents of trade and stimulates intercourse among merchants in the same and likewise in different States and nations. Putting capital into banks, at least to the extent of meeting all reasonable demands, has ever been and always will be a distinct benefit to business.

The committee of the International Conference referred to say in their report:

"Your committee believes that the best means for facilitating the development of banking business, and generally of financial relations between the markets of North, South, and Central America, as well as for improving the mechanism of exchange without calling on any Government whatever to exceed its functions, would be the passage of a law by the United States incorporating an international American bank, with ample capital, with the privilege on the part of the citizens of the several countries in the conference to take shares in such bank pro rata to their foreign commerce; which bank should have no power to emit circulating notes, but which should have all other powers now enjoyed by the national banks of the United States as to deposits and discount, as well as all such powers as are now possessed by firms or private bankers in the matter of issuing letters of credit and making loans upon all classes of commodity, buying and selling bills of exchange, coin, bullion, and with power to indorse or guarantee against proper security, and generally to do whatever can be done by the great banking firms who are carrying on their business without the aid of corporate charters under the laws of a general partnership."

With such an international bank established, with branches in all the Republics on the continent, there would be a stimulation of intercourse, commercial and financial, such as would surprise those who are content to transact American business through European bankers and are satisfied that Europe should buy from us and reship the same goods to South America at a profit which we are too slow or stupid to secure for ourselves.

THE CONSTITUTIONAL OBJECTION.

The objection made by some to this measure based upon a supposed constitutional limitation of the power of Congress in the premises is not, in our opinion, at all tenable. It is provided *inter alia* in Article I, section 8, paragraph 3, of the Constitution, as follows:

"The Congress shall have power * * * to regulate commerce with foreign nations."

The constitutional meaning of the words "to regulate commerce" has been so frequently and so fully considered by the courts with such force of reason and amplitude of learning that it is unnecessary to enlarge upon the subject in this connection. Remembering that the Constitution is an instrument of enumeration rather than of definition, it is obvious enough that the extent of the power is limited by the meaning of the words in which it is granted. Story, in his Commentaries, says:

"The subject to be regulated is commerce. Commerce is something more than traffic; it is intercourse. It describes commercial intercourse between nations in all its branches and is regulated by prescribing rules for carrying on that intercourse. To construe the power so as to impair its efficacy would defeat the very object for which it was introduced into the Constitution."

The late Justice Miller, in his work on the Constitution, says: "Traffic and trade are comprised of a great many elements, so far as the means are concerned by which and the persons by and between whom they are carried on."

Still more explicit is the language of the Supreme Court in *McCall vs. California* (136 U. S., 104):

"Commerce includes the fact of intercourse and of traffic and the subject-matter of intercourse and traffic. The fact of intercourse and traffic again embraces all the means, instruments, and places by and in which intercourse and traffic are carried on at those places and by and with these means."

To exclude from the power the regulation of the means of exchange and the use of credit in carrying on foreign commerce would imply that foreign commerce in the constitutional sense is limited to barter or exchange without the use of the great modern agency of credit. The admission that a suitable mechanism of exchange between countries facilitates foreign commerce, and no one denies that, is a concession of the entire ground of contention, for the purpose of the power to regulate is to facilitate, and any means that facilitates must therefore be included in the power to regulate.

Whether an international bank is a suitable means of facilitating foreign commerce is not a judicial but a legislative question. The decision of Congress on that question can not be reviewed by the courts. Congress may choose any means suitable to carry out a granted power. All means appropriate and not prohibited, if the end be within the constitutional mandate,

are constitutional. This principle is nowhere more elaborately considered than in *McCulloch vs. Maryland*. From that magazine of judicial learning we deduce some observations which carry the substance if not the words of that justly celebrated decision, and which apply as well to an international as to a national bank.

If any one proposition could command the universal assent of mankind, we might expect it would be this, that the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature. It is the Government of all; its powers are delegated by all; it represents all, and acts for all.

The nature of the Constitution requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves.

Is it denied that Government has its choice of means or that it may employ the most convenient means, if to employ them it be necessary to erect a corporation? The power to create a corporation appertains to sovereignty, and is not expressly conferred on Congress. The Government can not be restrained from creating a corporation as a means for performing its functions, for the reason that such an act is an exercise of sovereignty.

The power of creating a corporation is not an end for which other powers are exercised, but a means by which other objects are accomplished. In *California vs. Pacific Railroad Company* (127 U. S. 1) it was declared that Congress has the power to construct, or to authorize individuals or corporations to construct, railroads or national highways from State to State and that that authority is essential to the complete control and regulation of interstate commerce.

Congress is empowered to make such laws as may be necessary and proper for carrying into effect the powers conferred on the Government. The word "necessary" does not exclude the choice of means which are appropriate. Necessary means are any means reasonably calculated to produce the end.

The Constitution does not prescribe the means by which Government shall execute its powers. Future exigencies could not have been foreseen, and must be provided for as they occur. The Constitution does not restrain Congress or impair its right to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the Government.

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional. (*McCulloch vs. Maryland*, 4 Wheaton.)

Keeping these principles in mind and remembering that the international bank authorized by this bill has no other purpose than to facilitate our foreign commerce by affording improved means of exchange between our own and other countries, one can hardly fail to see that the measure is entirely within the warrant of the Constitution. If, however, there still lingers in any mind a doubt of the soundness of the views suggested, it will certainly be removed by an examination of a few of the leading cases in which the question has received judicial consideration, notably the cases of *Gibbons vs. Ogden* (9 Wheaton, 196), *United States vs. Holliday* (3 Wallace, 417), *People vs. Brooks* (4 Denio, 469), *Brown vs. Maryland* (12 Wheaton, 445), *McCulloch vs. Maryland* (4 Wheaton, 316), *Legal Tender Cases* (12 Wall., 457), *Juilliard vs. Greenman* (110 U. S., 421), *Veazie Bank vs. Fenno* (8 Wall., 580), *National Bank vs. United States* (101 U. S., 1).

Appended for information are the communications of President Harrison and Secretary Blaine, the report of the committee on banking of the International American Conference, and a copy of the bill:

Message from the President of the United States transmitting a letter of the Secretary of State relative to the report of the International American Conference in favor of an international American bank.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a report adopted by the International American Conference recently in session at this capital, recommending the establishment of an international American bank, with its principal offices in the city of New York and branches in the commercial centers of the several other American Republics.

The advantages of such an institution to the merchants of the United States engaged in trade with Central and South America and the purposes intended to be accomplished are fully set forth in the letter of the Secretary of State and the accompanying report. It is not proposed to involve the United States in any financial responsibility, but only to give to the proposed bank a corporate franchise and to promote public confidence by requiring that its condition and transactions shall be submitted to a scrutiny similar to that which is now exercised over our domestic banking system.

The subject is submitted for the consideration of Congress in the belief that it will be found possible to promote the end desired by legislation so guarded as to avoid all just criticism.

BENJ. HARRISON.

EXECUTIVE MANSION, May 27, 1890.

DEPARTMENT OF STATE, Washington, May 27, 1890.

THE PRESIDENT:

I have the honor to submit herewith the report of the committee on banking as unanimously adopted by the International American Conference recently in session in this city. It was the wish of the conference that this proposition, of such great interest to every American Republic, should, as promptly as possible, secure the earnest attention of the Congress of the United States.

The foreign commerce of the nations south of the Gulf of Mexico and the Rio Grande amounts annually to more than \$1,100,000,000. At present the people of the United States enjoy only a meager share of this market, but the action of the recent conference will result, I believe, in the removal of certain obstacles which now tend to obstruct the expansion of our trade.

One of the most serious of these obstacles is the absence of a system of direct exchanges and credits, by reason of which the exporting and importing merchants of the United States engaged in commerce with Central and South America have been compelled to pay the bankers of London a tax upon every transaction. Last year our commerce with the countries south of us amounted to \$282,005,067, of which the imports of merchandise were valued at \$181,058,906 and the imports of specie and bullion were \$21,230,791, while our exports consisted of merchandise valued at \$71,938,181 and \$3,688,470 in specie and bullion. Of the merchandise imported into the United States, the greater part was paid for by remittances to London and the cities of the Continent to cover drafts against European letters of credit. For use of these credits a commission of three-quarters of 1 per cent is customarily paid, so that the European banks enjoyed a large profit upon our business with a minimum of risk. This system steadily results in losses to our merchants in interest and differences in exchange as well as in commissions. These losses would be largely reduced by the establishment of an international system of banking between the American Republics.

The merchants of this country are as dependent upon the bankers of Europe in their financial transactions with their American neighbors as they

are upon the shipowners of Great Britain for transportation facilities, and will continue to labor under these embarrassments until direct banking systems are established.

The report of the committee, hereto attached, presents a simple and easy method of relief, and the enactment of the measure recommended will, in the judgment of the conference, result in the establishment of proper facilities for inter-American banking.

Respectfully submitted.

JAMES G. BLAINE.

REPORT OF THE COMMITTEE ON BANKING.

[As adopted by the International American Conference April 14, 1890.]

Pursuant to resolutions passed at the meeting of the conference on December 7, 1889, your committee was appointed to consider and report upon the methods of improving and extending the banking and credit systems between the several countries represented in this conference, and now has the honor to submit, as the result of its deliberations, the following report:

Your committee believes that there is no field of inquiry falling within the province of this conference for the extension of the inter-American commerce more fundamentally important than that of international American banking, and that, in fact, the future of the commercial relations between North, South, and Central America will depend as largely upon the complete and prompt development of international banking facilities as upon any other single condition whatever.

In the opinion of your committee the question of the mechanism of exchange is secondary, if at all, only to the question of the mechanism of transportation. Even after better means of transportation than those which exist shall have been established, it will be impossible for the commerce between American nations to be greatly enlarged unless there be supplied to their merchants means for conducting the banking business which shall in some measure liberate them from the practical monopoly of credit which is now held by the bankers of London and the European Continent.

If there be an enlargement of the means of transportation, unaccompanied with an equal extension of financial facilities, only partial benefits will be derived from the former as compared with the benefits which might be derived were the two improvements to progress together.

Your committee is of the opinion that the commerce between the American countries might be greatly extended if proper means could be found for facilitating direct exchanges between the money markets of the several countries represented in this conference, even if there were no improvements in transportation.

The first effect would be to afford a more direct "clearance in account" of goods exported against goods imported.

The large amount of commissions now paid to the European bankers could not only be decreased, but such commissions would be paid to American bankers or merchants themselves, and in this way a share of the profits which now go almost solidly to the European money markets could be kept in the financial centers of this continent.

There does not exist to-day among the countries represented in this conference any organized system of bankers' exchanges or credits. For instance, drafts upon the United States are not attainable at all in many of the markets of South America, and in most of them are only salable at a discount below the sterling equivalent. In like manner drafts upon South and Central America are practically unknown in the money markets of New York, Philadelphia, Baltimore, New Orleans, Chicago, and Boston.

The point has been made that to extend business between our States long credits must be given. How is it possible for manufacturers and merchants at distant points to form relations of such a character as to justify the granting of long credits? At present such relations are chiefly formed through the intervention of European banks and bankers, which are not interested in the extension of trade between the different countries represented in this conference except in a secondary and subordinate sense. The extension of trade between Europe and the Americas, not between the Americas themselves, is their first care. By the establishment of a well-organized system of international American banking our merchants and manufacturers would be able to establish improved credit relations, and those administering the system in the several money markets of the Americas would immediately become interested in fostering such relations and facilitating such business to the utmost extent.

The merchants of the United States now importing goods from the countries of South and Central America make such importations, as the investigations of your committee show, almost without exception, through the use of English bankers' credits.

The total foreign commerce of the West Indies, Mexico, and South and Central America amounted last year to about \$1,300,000,000 United States gold. The committee have not been able to ascertain the amount of the commerce among the Latin-American States. The total exchange of commodities between the United States and countries to the south during the year ending June 30, 1888, aggregated \$282,005,067, of which the imports into the United States amounted to \$181,058,906 of merchandise and \$21,230,791 of specie and bullion, and exports from the United States to \$71,938,181 of merchandise and \$3,688,470 of specie and bullion. Of the \$181,000,000 of merchandise brought into the markets of the United States the greater part was paid for by remittance to London or the Continent, to cover drafts drawn in the exporting markets against European letters of credit.

For the use of these credits on Europe a commission of three-quarters of 1 per cent is customarily paid, and the foreign banks reap this great profit at a minimum risk, inasmuch as the drafts drawn against these credits are secured not only by the goods represented by the shipping documents against which the bills of exchange are drawn, but also by the responsibility of the party (generally the consignee) for whose account the letters of credit are issued, and without any outlay of cash, as the American merchant places the cash with the European bankers to meet such drafts at or before maturity.

This system results in the loss to America of interest and differences in exchange as well as of commissions, all of which could be saved to our countries if international American banking were so developed and systematized as to afford a market for drafts drawn against letters of credit issued in America, such as now exists for drafts drawn against European letters of credit.

At present, therefore, the situation is such that the merchants of this continent are virtually dependent upon European bankers so far as financial exchanges are concerned, notwithstanding the fact that there are ample capital and responsibility in the countries here represented, and it is the opinion of competent persons that such capital would be ready to avail itself of the opportunity of transacting this business directly between the financial centers of our respective countries without the intervention of London if the laws were such as to permit the conduct of the business of international banking under as favorable provisions as are now enjoyed by the European bankers. The prime difference would be that these transactions would be carried on by American instead of European capital, and that the profit would remain here instead of going abroad. This, however, is impossible of realization at present, in view of the fact that the banking houses of the United States doing foreign business are usually controlled by London principals, and that it is impossible, without some change in the legislation of

the United States, to secure a sufficient aggregation of capital in corporate form and so free from the burdensome restraints and taxes now imposed upon moneyed corporations as to permit competition on equal terms with the European bankers.

Many different plans have been discussed concerning the best means of facilitating direct banking business between our countries. Your committee has considered and dismissed a number of propositions relative to the establishment of banks by means of which the national governments themselves should afford financial facilities for inter-American banking. Such action, in your committee's judgment, does not fall within the proper sphere of government. There is no reason, however, why the governments represented in this conference should not severally charter banking corporations to carry on business of the class which is now generally done by the great banking corporations of London; that is, not in the issuing of circulating bank notes, but for the purchase and sale of bills of exchange, coin, bullion, advancing on commodities generally, and for the issuing of bankers' letters of credit to aid merchants in the transaction of their business.

In the United States, where capital exists in particularly large volume and would lend itself most readily to business of this class, and consequently to the facilitating of international commerce, the laws are not such as to encourage the aggregation of capital for such purposes. So far as your committee has been able to discover after careful investigation, there is no general statute of the United States nor of any of the States of the United States under which a banking company can be organized with ample capital which would have the power of issuing such letters of credit and transacting such business as is done by the leading banking companies of London, which virtually occupy the field. In the United States it will be necessary, in order to secure the proper facilities and the proper corporate existence, that there should be legislation granting a charter, and in most of the States such legislation is expressly prohibited by the terms of their constitution. Furthermore, the laws of the several States are such as to impose the severest restrictions upon moneyed corporations and to subject them to taxation so heavy that it would render it impossible to carry on the business of international banking in successful competition with the English, French, and German bankers.

Your committee believes that the best means of facilitating the development of banking business, and generally of financial relations between the markets of North, South, and Central America, as well as for improving the mechanism of exchange without calling on any government whatever to exceed its proper functions, would be the passage of a law by the United States incorporating an international American bank with ample capital, with the privilege on the part of the citizens of the several countries in the conference to take shares in such bank pro rata to their foreign commerce, which bank should have no power to emit circulating bank notes, but which should have all other powers now enjoyed by the national banks of the United States as to deposit and discount, as well as all such powers as are now possessed by firms of private bankers in the matter of issuing letters of credit and making loans upon all classes of commodity, buying and selling bills of exchange, coin, bullion, and with power to indorse or guarantee against proper security, and generally to do whatever can be done by the great banking firms who are carrying on their business without the aid of corporate charters under the laws of a general partnership. Your committee believes, upon well founded information, that the capital to such a bank would be promptly subscribed.

The United States Government might and should reserve the largest vital powers. The business of such bank should be conducted with perfect safety and with profit to its shareholders, and the greatest benefit to our international commerce. Branches or agencies of such a bank could be established in all of the principal financial centers of America, with the formal recognition of the governments of the several States in which such agencies are established, or arrangements might be entered into with existing banking institutions of the other countries for transacting the business, thus at once affording markets throughout the two continents for the purchase and sale of bills of exchange, facilitating and improving credit conditions generally, and at once affecting a complete mechanism of exchange such as already exists between our respective countries and the European money markets, but which has as yet no existence between the money markets of North, South, and Central America for the reason already stated.

One of the direct benefits to be derived by all of the governments represented in the International Conference from the establishment of such a bank would be that the investors in the several countries in different classes of American securities would have better means than any which now exist for making such investments. For example, a South or Central American State about to float a foreign loan would feel itself less dependent upon a single combination or syndicate of European bankers than at present. There would be open to such borrowing State two markets to which to apply for national loans as against a single market, to the mercy of which said borrowing government is now virtually exposed. The same holds good as to all classes of State and municipal securities whatever. Latin-American investors would find means more readily at command for the investment in and investigation of all classes of North American securities, and the investors of the United States would also find means for the investigation of and in all classes of securities issued by the States, municipalities, or corporations of Latin America.

Your committee recognizes the fact that London has for many years derived the largest possible benefits through its banking facilities with our several States in taking all classes of American loans, which have generally proved themselves to be of most stable and desirable character, but, nevertheless, upon terms which have yielded the London bankers abnormally large profits simply because the element of competition does not exist by reason of the absence of proper banking relations between the several American countries. The institution of such a bank as proposed would at once afford relief against this state of affairs, and would be of benefit not only to the merchants in the manner described, but to all classes of investors generally and without distinction.

In recommending the organization of an international American bank the recommendation is based upon the present condition of trade. The establishment of better means of transportation and the promotion of trade in other ways will enlarge the demand for the class of facilities of a banking character which has already been referred to. The rapidly increasing wealth of North and South America also enhances the need for a complete system of inter-American exchange, and insures the subscriptions for an adequate capitalization to an international American bank to meet such needs. As an evidence of this increase the valuation of the property of the United States in 1870 was estimated at \$30,000,000,000; in 1890, at \$43,600,000,000, being somewhat larger than the estimated value of the property of Great Britain at that time. The capital and the business of the Americas is now much larger than when European facilities for banking between Europe and the Americas were established.

Banks of the character described, having agencies in the financial centers of the countries here represented, would materially promote the establishment and immediate use of a common standard for calculating values whenever such a standard shall be determined upon by the countries in interest.

While the sentiments of the independent nations of this continent are

favorable to the settlement of all disputes by arbitration as expressed by resolutions introduced in this conference, thus rendering war highly improbable, if not impossible, among them, there exists no such guaranty that war may not take place in Europe. In such event, as long as we remain solely dependent for our financial facilities upon European money centers, a complete demoralization of our credit facilities and our money markets would necessarily follow and cause financial disaster and distress, which would be considerably lessened, if not altogether avoided, were there a well-organized system of inter-American exchange.

It may be asked, Why can not the object sought for in this memorial be attained through the agency of a private bank? The answer is that in the extension of inter-American trade it would be difficult, we might well say impossible, to impart either prestige or credit to a private bank. The establishment of an international bank by authority of Congress would promptly command from the other American Governments concurrent legislation which could provide the amplest and most trustworthy form of international cooperation. As neither the bank in the United States nor the branches that may be established elsewhere can have the power to issue circulating notes, the most complete evidence is afforded in that fact that the bank is to be devoted solely to the commercial interests of the two continents, and must rely for its profits upon the increase of the volume of business from which alone it can secure its profits.

After careful consideration your committee advises the adoption of the following resolution:

"Resolved, That the conference recommends to the governments here represented the granting of liberal concessions to facilitate inter-American banking, and especially such as may be necessary for the establishment of an international American bank, with branches or agencies in the several countries represented in this conference.

J. M. HURTADO, Colombia.

E. C. VARAS, Chile.

CHAS. R. FLINT, United States.

SALVADOR DE MENDONÇA, Brazil.

MANUEL ARAGON, Costa Rica.

WASHINGTON, April 14, 1890.

[H. R. 875. Fifty-fourth Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES.

December 3, 1895.

Mr. HITT introduced the following bill; which was read twice, referred to the Committee on Banking and Currency, and ordered to be printed.

[Referred to a subcommittee, Mr. BROUSSE, chairman, and reported back with the recommendation that the bill as amended be reported to the House.]

[Omit the part in brackets and insert the part printed in italics.]

A BILL to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Cornelius N. Bliss, of New York; T. Jefferson Coolidge, of Massachusetts; Andrew Carnegie, of Pennsylvania; John F. Hanson, of Georgia; Charles R. Flint, of New York; Enoch Pratt, of Maryland; H. G. Davis, of West Virginia; P. D. Armour, of Illinois; Morris M. Estee, of California; James S. Clarkson, of Iowa, and Charles H. Turner, of Missouri, be, and they are hereby [are], designated commissioners to receive subscriptions to the capital stock of a corporation to be known as the International American Bank, and to exercise such other powers and perform such other duties as are by the terms of this act imposed upon them.

SEC. 2. That the persons hereinbefore named as commissioners, a majority of whom shall constitute a quorum for the transaction of business, shall meet at the city of Washington, in the District of Columbia, within sixty days after the passage of this act, and shall then organize as a board by the election of a chairman, secretary, and treasurer, and shall require the treasurer to give bond for the faithful performance of his duties and for the accounting of all moneys received by him, and shall establish such rules prescribing the duties of such officers and other agents as may be required. The said commissioners shall thereafter open or cause to be opened books of subscription to the capital stock of said corporation in accordance with the terms of this act, and shall place such books, for the purpose of receiving such subscriptions, in the city of Washington, in the city of New York, and in any other cities within the United States which they may designate; and for the purpose of opening such books and receiving subscriptions for such stock, in accordance with the terms [thereof] hereof, the said commissioners are authorized to appoint any such subordinate agents in such cities as may be required; such subscription books shall be so arranged that each subscriber shall write thereon his name, place of residence, the number of shares of the par value of one hundred dollars each for which he subscribes, and the total par value of such shares, [and the persons receiving such subscriptions shall, in a separate column, write the amount of cash received from each] and he shall deposit in lawful money ten per centum of the par value of the shares so subscribed for with the persons receiving such subscriptions, who shall, in a separate column, write the amount of cash so received from each subscriber by reason of such subscription, at the time of the making thereof, in accordance with the terms and provisions of this act. As soon as fifty thousand shares of the capital stock of the said company shall have been subscribed for, the said commissioners shall notify the subscribers thereof to pay in, within thirty days after the giving of such notice, fifteen per centum of the amount of their subscriptions, respectively, in addition to the ten per centum paid when such subscriptions were made. Such notices shall be given by mailing to each subscriber, at the place of residence designated by him at the time of making such subscription, a notice specifying the amount of such fifteen per centum and the number of shares subscribed for by each [of them] subscriber, respectively, and requiring the payment to be made to the treasurer of the said commissioners at a place to be designated in said notice. When and as soon as fifty thousand shares of the capital stock of said company shall have been actually subscribed for and twenty-five per centum thereof paid in by such subscribers ratably, as required by the terms of this act, the chairman and secretary of the board of commissioners hereby created shall appoint a time and place for the first meeting of the subscribers to the capital stock of said corporation, and shall give notice thereof by publication in at least two daily newspapers in [the city of Washington] each of the cities of Washington and New York for at least sixty days, and at least forty days previous to the day of such meeting shall also send notices by mail to each of the subscribers to said stock at the place of residence designated by him upon the subscription book signed by him. The president of the said board of commissioners shall attend at such meeting, call the same to order, and produce to said meeting the original subscription books for said stock; and if it shall appear from the said subscription books that the subscriptions to the capital stock of said company exceed fifty thousand shares, it shall be the duty of said board of commissioners to distribute the full number of shares authorized, to and among the subscribers thereof in proportion to their respective subscriptions, and thereupon the persons appearing under such distribution to be

subscribers for said stock shall participate in and be entitled to vote at said meeting, each one of such subscribers being entitled to cast one vote on each share of stock allotted to him. The said meeting shall select its own chairman, secretary, and tellers. Subscribers for a majority of the whole number of shares subscribed shall be present in order to constitute a quorum for the transaction of the business of the said meeting. If less than a quorum appear at the time and place specified in said notice, such meeting may adjourn from day to day until a quorum attends. After the organization of such meeting, which may be continued by adjournments, those present shall proceed to the election of directors of said bank to serve for the first year, and to the passage of by-laws for the government thereof, and shall transact no further business.

SEC. 3. That it shall be the duty of the officers elected at such meeting to deliver to the president and secretary of the commissioners hereby appointed duplicate copies of the proceedings of such meeting; said president and secretary shall retain one of such copies and shall transmit the other of such copies to the Comptroller of the Currency of the United States, whose duty it shall be to forthwith examine the same and, in the event that the same shall be found to be correct in form and to contain no provisions in conflict with the provisions of this act or [the] other laws of the United States, to so certify to the said board of commissioners [that fact]; and upon the receiving of such certificate from the Comptroller of the Currency it shall be the duty of the said commissioners to deliver over to the board of directors elected at such meeting the books containing the subscriptions for said stock, all cash which may have been received by said commissioners upon the subscriptions for said stock, together with a detailed statement of their expenses in the performance of the duties hereby imposed, and a complete transcript of all records of all their proceedings under this act, and of all other records and papers pertaining thereto; and upon the surrender of such books and papers and payment of such money the said directors shall pay to the treasurer of said commissioners the amount of such expenses as shown by such statement directed to be furnished to them by the said commissioners. In the event of any dispute as to any or all the items of such expenditures the same shall be submitted to the Comptroller of the Currency, and the amount certified by him to the said directors shall forthwith be paid out of the funds collected and paid over by the said commissioners, or out of any other funds which may come to the hands of the said directors as the property of said corporation. Upon delivery of said papers, books, and records, and payment of said money, the duties of said commissioners and their powers under this act shall cease and determine. They shall receive for the performance thereof no compensation.

SEC. 4. That the capital stock of the corporation hereby authorized shall be fixed at five million dollars, divided into shares of the par value of one hundred dollars each. Such shares shall be deemed personal property, and shall be transferred upon the books of the corporation in such manner as may be prescribed by the by-laws. The capital of said bank may, at any time after the completion of its organization as above provided, be increased, with the approval of the Comptroller of the Currency, to any sum not exceeding the sum of twenty-five million dollars [to be divided into shares of the par value above provided for the original capital]. Such increase shall be authorized by a resolution passed at any regular meeting of the board of directors by the votes of two-thirds of the members of that body, and thereafter submitted to the next regular meeting of the stockholders, or to a special meeting called for that purpose, and by such [meetings] meeting adopted and approved by a vote of [two-thirds of the stockholders present at such meetings constituting a quorum and] stockholders representing two-thirds of the capital stock.

But no such increase of capital stock shall be valid until the whole amount of such increase is paid in and the Comptroller of the Currency duly notified thereof and his certificate obtained, specifying the amount of the increase of capital stock, with his approval thereof, and that it has been duly paid in as a part of the capital stock of this bank. The capital stock of said bank may at any time after the completion of its organization be reduced, with the approval of the Comptroller of the Currency, to any sum not below five million dollars. Such reduction shall be authorized by a resolution passed at any regular meeting of the board of directors by the votes of two-thirds of the members of that body, and thereafter submitted to the next regular meeting of the stockholders, or to a special meeting called for that purpose, and by such meeting adopted and approved by a vote of stockholders representing two-thirds of the capital stock; but no such reduction of capital stock shall be valid until the Comptroller of the Currency has been duly notified thereof and his certificate obtained specifying the amount of the reduction and his approval thereof, with the amount of capital stock after said reduction. But no change shall be made in the capital stock of this bank by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

SEC. 5. That subscriptions to the capital stock of said company, as above provided, or to any additional stock that may be [hereafter] hereafter authorized, shall not be received by the said commissioners or accepted by the officers of said corporation after the same shall be organized, unless accompanied at the time of each subscription with a payment in cash of ten per centum of the amount thereof; and the said commissioners in determining whether fifty thousand shares of the said stock have been actually subscribed for the purpose of calling the subscribers' meeting, as above provided, shall not consider or count as part of said fifty thousand shares required to be subscribed any subscription which was not accompanied by the payment in cash of ten per centum of its face value at the time it was made.

SEC. 6. That in case the subscriptions to any additional stock [may be] authorized after the organization of said corporation shall at any time exceed the amount of additional stock at that time authorized to be issued, the board of directors of the said corporation shall distribute the full number of shares authorized at the time of such distribution, and not issued, to and among the subscribers therefor, in proportion to their respective subscriptions.

SEC. 7. That as soon as fifty thousand shares of the capital stock shall have been subscribed for in the manner hereinbefore provided and the certificate of the Comptroller of the Currency referred to in section three of this act has been executed the persons so subscribing, and all persons who shall or may be associated with them or their successors, shall forthwith become a body corporate by and under the name of "The International American Bank," and by that name shall have corporate existence for the term of twenty years, and shall have power—

First. To adopt and use a corporate seal and to issue certificates of stock as herein provided.

Second. To have succession for twenty years from the period of its organization, unless it is sooner dissolved by the act of its [shareholders] stockholders or by operation of law, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity as fully as natural persons.

Fifth. To elect or appoint directors; by its board of directors to appoint a president, a vice-president, a cashier, assistant cashier, and other officers; to dismiss such officers or any of them at pleasure, and appoint others to fill their places, and to employ all necessary assistants and employees, either in the United States of America or elsewhere, for the purpose of carrying out

the powers hereby granted and transacting the business of said corporation; to fix the compensation of all such assistants and employees and change the same from time to time as may be deemed necessary, and to dismiss them or any of them at pleasure, and to appoint others to fill their places.

Sixth. To adopt by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed, fixing the salaries, duties, and powers of its said officers, and prescribing the penalty of bonds to be given by them, which by-laws, except so far as they fix the salaries or bonds of such officers, may be amended by the board of directors, such amendment, however, to cease to be valid and effectual for any purpose after any meeting of the stockholders next succeeding the adoption of such amendment unless the same shall be ratified by such meeting by the vote of stockholders representing a majority of the stock of the bank.

Seventh. To act as the financial agent of any nation, Government, State, municipality, corporation, or person, and to perform any and all acts and duties not inconsistent with law that it may undertake and assume as such financial agent, including the sale, exchange, or other disposition of any bonds or other evidences of indebtedness issued by any such Government, State, municipality, corporation, or person, and to act as trustee in any mortgage given to secure such bonds, and to countersign the same as trustee.

Eighth. To carry on the business of banking by discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; to receive deposits; to buy and sell exchange, coin, and bullion; to issue letters of credit, and to [lend] loan money on personal security, subject to the limits hereinafter imposed; and to borrow money for use in its business in an amount not exceeding fifty per centum of its paid-up capital stock [paid up].

Ninth. To acquire, purchase, hold, and convey real estate for the following purposes, and for no other: (a) Such as shall be necessary for its immediate accommodation in the transaction of its business. (b) Such as shall be mortgaged to it in good faith as security for debts previously contracted. (c) Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings. (d) Such as it shall purchase at sales under judgments, decrees, or mortgages held by it or shall purchase to secure debts due to it. But it shall not hold or be entitled to retain possession of any real estate purchased by it under either of the last three preceding clauses of this section for a longer period than five years.

Tenth. All such incidental powers as shall be necessary to carry on the business of banking under the provisions and terms and for the purposes of this act.

Eleventh. The corporation hereby created shall not have the power and shall not issue notes or obligations in any form to be used and circulated as money within the United States of America, nor shall it make any loan or discount to any person upon the security of shares of its own capital stock, nor shall it purchase or hold any such shares unless it shall purchase the same to prevent loss upon a debt previously contracted with it in good faith, and it shall not hold any stock so purchased or acquired for a longer period than six months from the time of acquiring the same; but it shall be the duty of the board of directors to sell and dispose of all such stock at public or private sale within the period of six months from the time of acquiring the same.

SEC. 8. That the said corporation shall not exercise any of the above powers and shall not transact any business, except such as is preliminary to its organization, until authorized by the Comptroller of the Currency [with the approval of the Secretary of the Treasury] to commence the business of banking, as hereinafter provided.

SEC. 9. That within ten days after the commissioners to receive subscriptions to its stock shall have transferred to the directors of said corporation the subscription books, records, and money received by said commissioners, the president, cashier, and five directors of the corporation hereby created shall make a statement, under oath, and file the same with the Comptroller of the Currency, showing the number of shares of the capital stock subscribed, the amount of cash paid in on such subscriptions, and the amount in the hands of the board of directors at the time of the making of such [statements], statement, and the names and residences of all subscribers to said capital stock, and the number of shares subscribed for by each of them; whereupon, if it shall appear from such statement that the amount of fifty thousand shares of the capital stock of said company has been subscribed, and that twenty-five per centum of the amount of such subscriptions has in each case been paid in and received by said board of directors, the Comptroller of the Currency [with the approval of the Secretary of the Treasury] shall issue to said corporation a final certificate, setting forth that the said capital of fifty thousand shares having been subscribed for, and the amount prescribed herein having been paid thereon, the said corporation is authorized and empowered to commence business, and to exercise all powers and authority herein and hereby granted; and the said corporation shall cause such final certificate issued as is provided in this section to be published in some newspaper of general circulation published in the city of Washington for at least sixty days next after the issuing thereof; and the date of said final certificate shall be held to be the date or period of the organization of said corporation.

SEC. 10. That the entire subscription for the capital stock of said company, to the amount of fifty thousand shares, shall be called and fully paid in within two years from the date of the granting of the certificate by the said Comptroller as above provided, and at the times and in installments as follows: Twenty-five per centum as hereinbefore provided in section two; twenty-five per centum within twelve months; twenty-five per centum within eighteen months, and twenty-five per centum within twenty-four months after the date of organization. The president and cashier shall report, under oath, to the Comptroller of the Currency the passage of every [such] resolution of the directors calling for the payment of any installment within five days after it shall be passed, and shall also report to him, within five days after the date fixed by each resolution for the payment of any installment, what amounts have been received upon each of such calls.

SEC. 11. That the principal office and place of business of said corporation shall be in the city of Washington, District of Columbia, or in the city of New York, in the State of New York, as the board of directors shall determine; and the directors shall have power to open such additional branch offices as may be necessary to carry on its business at such points within the United States as the Comptroller of the Currency may approve, and in Mexico, South and Central America, and the West Indies as the said directors shall determine: *Provided*, That no more than eight such branch offices shall exist at any one time in the United States.

SEC. 12. That the affairs of the corporation shall be managed by a board of twenty-five directors, who shall hold office until their successors are duly elected and qualified. Each director must, so long as he shall hold or be entitled to hold office, be the owner in his own right of not less than one hundred shares of the capital stock of said corporation, the same not being hypothecated or in any way pledged as security for the payment of any loan or debt; and any director who shall cease to be the owner as aforesaid of one hundred shares of the capital stock, or who becomes in any other manner disqualified, shall thereby vacate his office. Not less than fifteen of the directors shall be citizens of the United States. Any vacancy in the board of

directors caused by death, resignation, or otherwise shall be filled until the next ensuing election by an appointment by the remaining directors. Each director when elected or appointed shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this act, and that he is the owner in good faith and in his own right of the number of shares required by this act, and that the same is not hypothecated or in any way pledged as security for any loan or debt. Such oath, and any other oath required by this act, may be taken before any officer who is authorized to administer oaths by the laws of the United States or by the laws of the State, Territory, or District where the oath may be administered; and when taken in any foreign country any such oath may be administered by a diplomatic or consular representative of the United States, and shall be forthwith filed with the Comptroller of the Currency.

SEC. 13. That there shall be called and held annually, on such day and in such manner as the by-laws may provide, a meeting of the stockholders of the corporation for the election of directors and the ordering of the business and affairs of the corporation generally. If from any cause an election is not made at the time appointed, an election may be held on any subsequent day; but thirty days' notice thereof shall be given in a newspaper published in the city of Washington and in a newspaper published in the city of New York, and also in a newspaper published in any other city where any branch of said bank may be located. At any such meeting, and in all meetings of [shareholders] stockholders, each [shareholder] stockholder shall be entitled to one vote on each share of stock held by him and standing in his name on the books of the company at least thirty days before the day of such meeting. In all elections of directors and in deciding all questions under consideration [shareholders] stockholders may vote by proxies, duly authorized in writing; but no vote shall be allowed on any share on which there is any installment or assessment due and unpaid, in whole or in part.

SEC. 14. That the president and cashier of said corporation shall cause to be kept at all times, in a book to be provided for that purpose, a full and correct list of the names and residences of the [shareholders] stockholders of the corporation and the number of shares held by each, which said list shall be filed at the principal place of business of said corporation and at each of its branch offices. Such lists shall be subject to the inspection of the [shareholders] stockholders of the corporation and the officers authorized to assess taxes under State authority during the business hours of each day in which business may be legally transacted, and a copy of such list, on July first of each year, verified by the oath of the president or cashier, shall be transmitted to the Comptroller of the Currency. No entry of the transfer of any share of stock shall be made upon the books of said company within thirty days before any annual meeting of the stockholders.

SEC. 15. That the [shareholders] stockholders of the corporation shall be held individually responsible, equally and ratably and not one for another, for the contracts, debts, and engagements of said corporation to the extent of their stock therein, at the par value thereof, in addition to the amount invested in such shares. Whenever any [shareholder] stockholder or his assignee fails to pay any installment on the stock when the same is required under the provisions of this act to be paid, the directors of the corporation may sell the stock of such delinquent [shareholder] stockholder at public auction to any person who will pay the highest price therefor, to be not less than the amount then due thereon, with the expenses of advertisement and sale, and the excess, if any, shall be paid to the delinquent [shareholder] stockholder. [Three weeks'] Thirty days' previous notice of such sale shall be given in a daily newspaper published and of general circulation in the city of New York, and by mailing to such delinquent [shareholder] stockholder at his place of residence a written or printed notice stating names of such delinquent [shareholders] stockholders, number of shares in name of [such] each to be offered for sale, the amount due and unpaid on such shares, and the time and place of sale. If no bidder can be found who will pay for such stock the amount due thereon to the corporation and the cost of advertisement and sale, the amount previously paid shall be forfeited to the corporation, and such stock shall be sold as the directors may order within six months from the time of such forfeiture, and if not sold it shall be canceled and deducted from said capital stock of the corporation. If any such cancellation and reduction shall reduce the capital of the corporation below the minimum of capital required by this act, the capital stock shall, within thirty days from the date of such cancellation, be increased to the required amount, in default of which a receiver may be appointed to close up the business of the corporation.

SEC. 16. That if at any time it shall appear to the Comptroller of the Currency [to his satisfaction] that the capital stock of the corporation is impaired, [the Comptroller] he may [with the approval of the Secretary of the Treasury] notify the directors of the said corporation to cause such impairment to be made good, by assessment upon the stockholders, as hereinafter provided; and if, within ninety days from the date of said notice, the capital shall be still impaired, the said Comptroller [of the Currency] may, in his discretion, notify the directors that no further business can be done by said corporation until said capital is made good; and if said requirement to make good such impairment be not complied with within ninety days from the date of the second notice, [any circuit court of the United States may, upon the application of the Secretary of the Treasury,] he may appoint a receiver for the said corporation, who shall, under [the] his direction [of the court], proceed to wind up its affairs; and a receiver may be appointed in like manner in case the corporation shall at any time become insolvent. Such receiver shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and upon the order of a United States court of competent jurisdiction may sell or compound all bad or doubtful debts, and, on a like order, may sell all the assets of the corporation on such terms as the court shall direct, and may, if necessary, to pay the debts of the association, enforce the individual liability of the stockholders. Such receiver shall pay over all moneys so made to the Treasurer of the United States, subject to the order of the Comptroller of the Currency, and shall also make a report to the Comptroller of all his acts and proceedings. From time to time the said Comptroller shall make a ratable dividend of the moneys so paid over to him by such receiver on all such claims as may have been proven to his satisfaction or adjudicated in a court of competent jurisdiction, and as the proceeds of the assets of such association are paid over to him shall make further dividends on all claims previously proven or adjudicated, and the remainder of the assets, if any, shall be paid over to the stockholders of such association, or their legal representatives, in proportion to the stock by them, respectively, held.

SEC. 17. That if any [shareholder] stockholder or [shareholders] stockholders of the corporation shall neglect or refuse, after [three months'] ninety days' notice, to pay the assessment as provided for in the foregoing section, it shall be the duty of the board of directors to cause [an] a sufficient amount of his or their stock to be sold at public auction [sufficient] to pay the same. Thirty days' notice of such sale shall be given by publication in a newspaper published in the city in which the principal place of business of the corporation is located, and in a newspaper published in [the] every city or town in which any branch office of the corporation is located [nearest to the residence of said delinquent shareholders], and by mailing notice as provided in section fifteen, and the balance of the proceeds of such sale, after paying the

amount of such assessment and expenses of sale, shall revert to the owners of the stock so sold.

SEC. 18. That persons holding stock in such corporation as executors, administrators, guardians, or trustees shall not be personally subject to any liabilities as stockholders, but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such funds would be if living or competent to act and hold the stock in his, her, or their own name.

SEC. 19. That the corporation shall make to the Comptroller of the Currency not less than five reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier thereof, and attested by the signature of at least five of the directors. Each such report shall exhibit in detail, and under appropriate heads, the resources and liabilities of the corporation at the close of business on any past day specified by the Comptroller, [and shall be transmitted to the Comptroller within five days after the receipt of a request or requisition thereof from him] and each branch shall transmit its report to the principal office within five days after the receipt of the request or requisition from the Comptroller, and the principal office shall transmit the consolidated report of the bank to the Comptroller within five days after the receipt of the reports from the various branches, and in the same form in which it is made to the Comptroller it shall be published in one newspaper in the city of Washington, in one newspaper in the city of New York, and in at least one newspaper in each city in which the said corporation shall have a branch office, and such proof of publication shall be furnished as may be required by the Comptroller. The Comptroller shall also have power to call for special reports whenever the same, in his judgment, are necessary to a full and complete knowledge of the condition of the corporation. The corporation shall also report to the Comptroller of the Currency, within ten days after declaring any dividend, the amount of such dividend and the amount of net earnings in excess of such dividend. Such reports shall be attested by the oath of the president or cashier of the corporation.

SEC. 20. That the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall, as often as shall be deemed necessary and proper, appoint a suitable person or persons to make an examination of the affairs of the corporation, who shall have power to make a thorough examination thereof, and in doing so to examine any of the officers or agents thereof on oath, and shall make to the Comptroller a full and detailed report of the condition of the corporation and the results of such examination. Any person or persons so appointed to make such examination shall receive such compensation as may be fixed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury, which compensation shall be collected from the said corporation by the Comptroller and by him paid to such person or persons.

SEC. 21. That no dividends shall at any time be declared or paid upon the stock of the said corporation unless at the time of the declaration of the same there shall be undivided profits made in the business of said corporation actually in cash in the hands of its treasurer to an amount at least equal to the amount of such dividend. All such dividends shall be declared upon the outstanding shares of stock of said corporation equally in favor of such persons as appear at the date of the declaration of such dividend upon the books of said company to be stockholders therein, and shall be payable at a time to be fixed in such resolution, and in a manner and at a place provided by the by-laws of said corporation. But said corporation shall, before the declaration of a dividend, carry one-tenth part of its net profits of the preceding half year to its surplus fund until the same shall amount to fifty per centum of its capital stock.

SEC. 22. That said corporation and each and every branch thereof shall at all times have and keep on hand in lawful money of the United States an amount equal to at least twenty-five per centum of the aggregate amount of its deposits, which must be shown in the reports to the Comptroller hereinbefore provided for in section nineteen.

SEC. 23. That no tax shall be imposed upon the property of said corporation, except upon real estate held by it, by any State, municipal, or other authority within the United States; but the several stockholders shall be liable to assessment and taxation upon the shares held by them at their respective places of residence according to its true value, and to the same extent and in the same manner as other personal property is there assessed and taxed.

SEC. 24. That the Government of the United States shall not be, and shall not be assumed to be, responsible for the debts, obligations, contracts, or liabilities of said corporation, or for any claims that may in any manner arise or be asserted against it.

SEC. 25. That if the corporation hereby created or its officers shall fail to make and transmit any report required to be made by this act, it shall be subject to the penalty of one hundred dollars for each day after the periods respectively herein mentioned for the making and transmission of such report shall have expired, and all such penalties shall, if not promptly paid, be sued for and recovered in the name of the United States of America in any circuit court of the United States; and it is hereby made the duty of the Attorney-General of the United States, upon the request of the Comptroller of the Currency, to commence and prosecute any and all such actions for the purpose of recovering any and all such penalties. All moneys recovered in any such suit or suits shall be covered into the Treasury of the United States.

SEC. 26. That in case said corporation or its officers shall assume to exercise any power hereby prohibited or denied to said corporation, or shall borrow money in excess of the limit herein established, all right, privileges, and franchises of the said corporation shall be thereby forfeited. Such violation, however, shall be determined and adjudged by the circuit court of the United States, in a suit brought in the name of the people of the United States, before the association shall be declared dissolved, and the Attorney-General of the United States, upon the request of the Comptroller of the Currency, shall commence and prosecute such suit or suits, whenever so requested, in any circuit court of the United States to be selected by him; and when in such suit judgment of the dissolution of the said corporation may be entered, a receiver [or receivers] may be appointed for it, and all other proceedings taken necessary to wind up its affairs and distribute the proceeds of its property as provided in section sixteen of this act; and in cases of such violation every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the corporation, its stockholders, or any other person shall have sustained in consequence of such violation.

SEC. 27. That if the said corporation or its officers at any time shall assume to exercise any powers not herein granted, the Comptroller of the Currency is hereby authorized and required to notify said corporation and its officers to desist from such use and to furnish him, within thirty days of the giving of such notice, proof that the said corporation and its officers have ceased to assume the exercise of such powers. Such notice shall be given by the delivery thereof to such officers of said corporation at its principal place of business. If the said corporation shall not furnish, before the expiration of said period of thirty days, satisfactory proof to the said Comptroller that the said corporation and its officers have desisted from the use of any power or powers not granted to it, the rights, privileges, and franchises of the corporation hereby formed shall be thereby forfeited, and such proceedings

shall thereafter be taken as are provided in the case of the forfeiture of such rights, privileges, and franchises in the preceding section hereof.

SEC. 28. That any officer of the corporation, or any branch thereof, who shall violate any of the provisions of this act, or neglect to perform any duty herein required of him, and any director who shall knowingly acquiesce in or permit any such violation of this act or neglect of duty, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding five thousand dollars, and imprisonment not less than one year nor more than five years, or both. Every president, director, cashier, teller, clerk, or other officer or agent of this corporation who embezzles, abstracts, or willfully misapplies any of the moneys, funds or credits of the corporation; or who, without authority from the directors, issues or puts in circulation any note of the corporation; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report or statement of the corporation, with intent, in either case, to injure or defraud the corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of the corporation or any agent appointed to examine the affairs of the corporation; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

SEC. 29. That the corporation hereby formed may go into liquidation and be closed by and with the written consent of its shareholders owning two-thirds of its stock.

SEC. 30. That whenever [shareholders] stockholders owning two-thirds of the stock of said corporation shall notify the officers thereof in writing of their desire that said corporation shall go into liquidation and be closed, it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the corporation, by its president or cashier, to the Comptroller of the Currency, and to publish notice thereof for a period of two months immediately after the filing of such consent, in a newspaper published in the city of New York, which notice shall state that the said corporation is closed by its officers, and notify its creditors to present their claims against the said corporation for payment. At any time after the expiration of six months from the giving of such notice the board of directors or any stockholder of said corporation may commence suit in any circuit court of the United States for the judicial settlement of the business of said corporation, for the appointment of a receiver of its assets and property, and for a decree dissolving the same; and in any such suit the circuit court of the United States shall have, possess, and use all the powers and authority of courts of equity in such cases; and the existence of the corporation shall continue only for the purpose of closing its affairs. The Comptroller of the Currency, at any time after the corporation has been placed in liquidation by its stockholders, may, upon becoming satisfied of its insolvency, appoint a receiver, who shall wind up its affairs in accordance with the provisions of section sixteen of this act. At any time after the expiration of six months from the date of the notice to the creditors of the bank to present their claims for payment, the board of directors or any stockholder of said bank may commence suit in any circuit court of the United States for the judicial settlement of the business of the corporation and for the appointment of a receiver of its assets and property; and in any such suit the circuit court of the United States shall have, possess, and use all the powers and authority of courts of equity in such cases.

SEC. 31. That the corporation herein provided for shall be organized and obtain the certificate of organization as hereinbefore provided within two years from and after the passage of this act and not thereafter; and the power to repeal, amend, or alter this act in any and all respects is hereby reserved.

SEC. 32. That this act shall take effect immediately.

Mr. FORAKER. Mr. President, perhaps it is enough to say as to the character of the bank for which we have provided that it involves no assumption of responsibility whatever by the United States Government. We become responsible for nothing that the bank may do, and yet while the Government is not at all responsible for the conduct of the bank or the liabilities of the bank, it does assume a supervision of the bank, and the bill empowers the Comptroller from time to time to make visitations and to examine the condition of the bank, and it makes it his duty at all times to see that the bank is honestly and properly conducted.

That provision is put there in order that the bank may accomplish the purpose designed to be accomplished by it and in order that everybody may be made to know that it is being conducted under the supervision of an official who has authority to visit it and to suspend its operations and put it into the hands of a receiver if there be any violation whatever of any of the statutory provisions covering the conduct of the bank.

I do not know that it is necessary for me to go into details further than I have. If there be any Senator here who desires to have any information on any point upon which I have not touched, I will be very glad to give it to him, if I can, if he will only signify what it is.

Mr. MALLORY. Allow me to ask why it is that this bank can not be organized without the intervention of an act of Congress?

Mr. FORAKER. It is possible that a bank could be organized without the intervention of Congress, but it is very doubtful, as the committee thought, whether or not a bank could be authorized and empowered by any one of our States—I suppose the Senator from Florida has in his mind the power of a State to authorize a bank—to do what this bank is empowered to do, namely, to conduct business throughout the country at various points where it is authorized to have branch offices and also in foreign countries in the manner in which the bill provides that this bank shall conduct its business.

But, however that may be, it was thought, aside from the question of power in a State so to authorize a bank to conduct that kind of business, that it was better policy, inasmuch as we were looking to the interests of the whole country and inasmuch as the bank was to do an international business, to incorporate the bank by the National Government and give to it that credit and prestige and power and influence which could be given only by the United States Government, and could not be given by any State

government. I think those are the reasons which moved the committee to recommend that Congress enact this legislation instead of committing it to the States.

Mr. FRYE. The idea was practically to put it on a parallel with the Bank of Germany and the English bank already established in Brazil, at Rio Janeiro.

Mr. MALLORY. Our banks can negotiate exchange without any special authorization.

Mr. FORAKER. They do, but at a very great disadvantage, as the committee understands from the statements made before it.

Mr. STEWART. I should like to call the attention of the Senator to section 23.

Mr. FORAKER. If the Senator will allow me, that has been stricken out on motion of the Senator from Colorado. I stated that the Senator from Nevada had objection to it, and he moved to strike it out.

Mr. STEWART. The corporations existing under the laws of any sovereign State can do business in other sovereign States by comity of nations, and we do it here by comity of States. I suppose that a corporation organized under the laws of the United States can do business in a State and in foreign countries upon the same principle.

There is one other matter to which I should like to call the attention of the Senator. That is the amount of the reserve. All panics pretty nearly are created or are aggravated very much by the drawing in of the reserve, and if you have out a great deal of money and do a very large business, there is a great tumble when the smash comes. It seems to me that this is too small a reserve with the experience we have had with other banks. I do not like to interfere with the bill. I think, however, that if you had a larger reserve it would be safer. If the bank had a reserve of 35 or 40 per cent, I certainly think it would be a more stable institution and less liable to breed panics.

When a panic comes, it sweeps down everybody, and the bank is compelled to draw in its reserve; and when it does, the whole community is mowed down and destroyed. The bank would not be under the same stress in tight times if it had a larger reserve. It is true it would not make quite as much money by loaning it out. I think when you require a reserve of only 25 per cent, you come very near the danger limit. I think you ought to have a larger reserve. I am not going to oppose the bill on that account, however, but I simply call attention to this point.

Mr. FORAKER. I am glad to have the Senator from Nevada say he will not oppose the bill on that account. I have talked with him repeatedly in regard to the objection which he urges against the bill, and I am glad that when we come to consider the bill he feels as he does, namely, that he ought to express his opinion, but ought not to oppose the bill if other Senators do not agree with him. The provision of the bill is that the bank shall have a reserve of 25 per cent. That is as large a reserve, I undertake to say, without having accurate knowledge on the subject, as is ever by law required to be kept.

Mr. STEWART. I do not think there is any instance where the reserve by law has been large enough in any State or under any banking system, because sooner or later they all come to grief, and the want of a sufficient reserve makes the slaughter of honest men terrific.

Mr. FORAKER. Since the Senator from Nevada suggested this to me in his seat some weeks ago I have talked with quite a number of bankers and others who I thought would have better knowledge and better judgment in regard to the matter than I, and all are of one mind about it, that 25 per cent is a large enough reserve for us to require the bank to keep. If a reserve of 35 or 40 per cent should be required to be kept, as the Senator from Nevada suggests, it would very seriously interfere with the making of any money by the bank. I suppose what the Senator meant to say a moment ago was that when a bank draws in not its reserve but its outstanding loans it precipitates a crash.

Mr. STEWART. That is what I meant to say.

Mr. FORAKER. I do not know how that would be.

Mr. STEWART. It always has been that way.

Mr. FORAKER. I know that this percentage seems to be regarded by bankers generally as large enough. In committee it was unanimously thought to be large enough. That provision was satisfactory, and I hope the bill will be allowed to stand in that particular as the committee has reported it.

Mr. STEWART. I should like to see it larger. I do not want to obstruct the passage of the bill, but I should like to offer an amendment to make the reserve a little larger. I predict that if the Senator lives twenty-five years he will see them calling in their loans and a general smash.

Mr. PETTUS. I should like to know what peculiar benefit there is from such a bank as this which would authorize the United States to exempt it from taxation.

Mr. FORAKER. If the Senator from Alabama will allow me, I suppose he was not in the Senate when that section was stricken out of the bill.

Mr. PETTUS. Yes; I was in the Senate when that was done. The Senator from Colorado moved to strike out the twenty-third section.

Mr. FORAKER. Yes.

Mr. PETTUS. But the Senator knows that no State can tax the shares of this institution unless it is by authority. I do not see any authority given in any part of the bill now for any tax to be put upon it by anybody.

Mr. FORAKER. I do not agree with the Senator from Alabama as to the legal proposition. I understand that the shares of a bank, as for instance the shares of a national bank, are personal property in the hands of the holder, and in his hands taxable like any other property.

Mr. PETTUS. If the Senator will allow me, that as a general proposition is true in reference to State banks, but it has been decided, and decided over and over again, that no State can tax any such bank as this unless it have authority from Congress. No State can tax the shares of this bank, and there is no provision in the bill authorizing the State to tax them in any way, shape, form, or fashion. We tax the shares of national banks, to be sure, but we tax them because the Congress of the United States has given authority to the States to levy such a tax, and without that authority no such tax could be levied. It seems to me, sir, that we have monopolies enough that are entirely beyond the taxing power, without creating a monster like this and giving it that privilege to start with.

Mr. FORAKER. As I said a moment ago, I do not agree with the Senator from Alabama as to the legal proposition which is at the bottom of his remarks, but to remove all question on that point I am willing, so far as I am concerned, to have the latter clause of section 23, which was stricken out in whole, reinserted in the bill. That would meet the suggestion of the Senator from Alabama and remove all doubt, if there be any without it, as to the shares of the bank being taxable in the hands of the owners of those shares wherever they may be held in the States.

Mr. PETTUS. The first part is an exemption purely. The latter part gives authority, but that has been stricken out.

Mr. FORAKER. I am willing to have it reinserted.

Mr. PETTUS. The Senator surely has not looked at the cases in the Supreme Court. That court has decided over and over again, way back yonder when the United States first created a national bank, that no State could tax it or any member of it for its shares, and it has been decided recently and several times in reference to the present banks that the States can tax them only by authority of Congress and in the particular mode which Congress has pointed out.

Mr. STEWART. Is there not a distinction between national banks and this bank? This is purely a private corporation. It is not an instrumentality of the Government in any way, and I do not think it would stand any different in the States from any other private corporation unless you make it an instrumentality of the Government. The States have the same power to tax it as they have any other corporation formed in a State. Therefore I do not see any difference, but I think it would be very well to leave the last part of the clause in.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from Ohio move to reconsider the vote by which the section was stricken out?

Mr. FORAKER. To meet the objection of the Senator from Alabama, I move to reconsider the vote by which section 23 was stricken out.

The motion was agreed to.

Mr. FORAKER. I move that so much of section 23 be stricken out as is embraced in the first three lines and down to and including the word "but" in the fourth line, so that the section as amended will read as follows:

The several stockholders shall be liable to assessment and taxation upon the shares held by them at their respective places of residence according to the true value thereof, and to the same extent and in the same manner as other personal property is assessed and taxed.

Mr. BACON. I should like to ask the Senator if he intends that the property held by this bank in any State shall be subject to taxation the same as any other property? Is that the intention?

Mr. FORAKER. That is the intention.

Mr. BACON. The Senator, then, would have no objection to expressing that?

Mr. FORAKER. I would not have any objection at all, but the bill as reported by the committee, if the Senator from Georgia will look at the section, provided that the property of the bank should not be taxed.

Mr. BACON. I understand that has been stricken out.

Mr. FORAKER. We struck it out because we were willing to have the property of the bank taxed, and I am perfectly willing now to have the property of the bank taxed and the shares of the bank in the hands of the owners taxed; and I am willing, if it

meets with the approval of other Senators, to have the first clause of that section remain in, but so changed as to indicate authority to tax the property as well as the shares themselves.

Mr. BACON. I only make the suggestion for this reason: I have no doubt as to the intention of the Senator, but then we have courts to deal with which might put a different construction upon it. I think it ought to be expressed.

Mr. TELLER. I moved to strike out section 23 because I was under the impression that if there was no provision about taxation it would be taxed under State laws. It is not an instrument of government like a national bank. I think it would be safe to put it in, however, saying it shall be taxed under the laws of the State wherein they do business.

Mr. BACON. The Senator will remark that there is a provision in the charter for the performance of some public functions.

Mr. TELLER. They are not national functions in the sense that a national bank performs such functions; at least I do not think so.

Mr. BACON. I quite agree that the Senator's construction is correct, and if the Senator was going to be the judge on the bench to construe it, I should be perfectly willing to leave it as it is.

Mr. TELLER. I am not.

Mr. BACON. But he is not going to be; and the rule which has been repeatedly stated here during our recent debate on the subject of taxing corporations is quite an elastic one, and we do not know how far courts might stretch it to cover the case of a bank which is authorized in its enumeration of powers to negotiate loans of government.

Mr. TELLER. I think it would be very well to provide that it should be subject to State taxation according to State laws.

Mr. BACON. I think the Senator is correct about that.

Mr. CAFFERY. I ask the Senator from Colorado whether that would not follow as a matter of course.

Mr. TELLER. I said I thought it would, but to save any question as to it, I should think it would be better to put it in.

Mr. CAFFERY. I should like to ask the Senator from Ohio whether this bank is charged with any function that could not as well be exercised by a bank chartered by a State; whether it performs any governmental function whatever; whether the dealing in exchange with foreign countries, receiving deposits from foreign powers, being the agent of foreign powers, constitutes it in any respect a bank of the United States?

Mr. FORAKER. Not a bank of the United States in any sense whatever; but I think it differs from any bank chartered by a State as to its power in this respect: I do not think it would be competent for any State to charter a bank with power to establish branches in other States throughout the Union and in Mexico and other foreign countries, as it is necessary for this international bank to do to accomplish the purpose it is to subserve, namely, facilitating international exchange.

Mr. CAFFERY. Then, I ask the Senator whether, if this bank performs no governmental function, has no attribute of the United States in banking, any charter of a branch bank in a State might not be liable to objection by State authorities, and whether it could obtain authority, by an incorporation under a law of Congress, to do business in another State when that business was of a purely private character and the bank performed no governmental agency?

Mr. FORAKER. I think it does in a certain sense perform a governmental function, and that is an appropriate institution for the Government to establish. The constitutional question was solved in favor of this legislation by the committee which considered it, upon the theory that it is the exercise of the power by the Government authorized by that clause of the Constitution which authorizes the Congress to regulate commerce among the States and with foreign countries. It is the direct purpose of it, and in a general sense the sole purpose of it, to facilitate our building up trade and commerce with other countries where now our trade and commerce are very unsatisfactory.

Mr. CAFFERY. I will say to the Senator that that is the only trouble in my mind about this bank. This bank does not appear to have any other function than a private bank chartered by a State would have. If this bank is made the agency of a foreign power, it is purely by convention between the bank and the foreign power, and any convention of that sort can be as well had between a private bank incorporated by a State and a foreign power.

Mr. FORAKER. But a private bank incorporated by a State surely would not have power to go into a foreign country and there establish a branch and there conduct a general banking business as this bank is authorized to do. The Congress can give authority to do that under this general constitutional provision, but no State has such authority, so far as I am aware.

Mr. CAFFERY. I suggest to the Senator whether or not the consent of the foreign power would not have to be obtained even in the case of the United States.

Mr. FORAKER. Oh, undoubtedly.

Mr. CAFFERY. Could not that authority be obtained as well for a State bank as for a bank of the United States?

Mr. FORAKER. It might be procured for a State bank so far as the foreign power is concerned, but the home government might deny a State bank the right to go and exercise such a power as that, even if the foreign government should be willing.

Mr. TELLER. Mr. President, I do not care to go into any debate over this question, because I have concluded that I shall not raise any question about it. I simply can not agree to the statement that the Government of the United States has any more power to establish a bank in England than the State of New York has. The whole thing depends upon the consent of Great Britain. The State of New York might say to a bank, "If you see fit to establish a bank in Great Britain, it shall not in any wise be considered a violation of your charter." We can say the same thing, but neither the National Government nor the State government could give it any earthly power in Great Britain.

Mr. FORAKER. Of course I did not mean to be understood, and I hope the Senator did not so understand me, as saying that this Government could give to this bank to which we are now proceeding to grant a charter authority to go into a foreign country and there, without regard to the wishes and desires of the foreign government, establish a banking business and conduct it. What I meant was we could give it authority and power to go there, provided, of course, that government would permit it to do so. That is a matter for the other government.

Mr. TELLER. I mean the State of New York can do precisely what the National Government can do in that particular. Neither one can do more than the other.

Mr. FORAKER. I do not know how it is as to the State of New York, but my idea is that the State of Ohio could not, in view of what I know of the constitution of the State of Ohio. The constitution of the State of Ohio has no provision in it, and there is no statute in the State of Ohio, and it would not be constitutional if there were, which authorizes the incorporation of a bank to do business anywhere except within the territorial limits of the State of Ohio; but when it comes to a question of the constitutional power of Congress, we have an express constitutional provision which governs and fits this case, under the clause which says that Congress shall have power to regulate commerce, not only among the States, which gives it authority to go into all of them, but with foreign countries as well, which gives authority to act in a matter of this kind, which is a mere facility for increasing our trade by making more simple and easy and direct our exchanges.

Mr. MALLORY. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. MALLORY. As I understand the Senator's remarks, the prestige of an incorporation by the United States Government is sought because it is advantageous to the bank.

Mr. FORAKER. Yes; it is thought to be.

Mr. MALLORY. Now, will not this bank, by reason of the influence received from its incorporation, have a practical monopoly of this business which is now being conducted by other banks, by the national banks and other banks in the several States along our seaboard? That is an objection which presents itself to my mind, and I should like to know about it.

Mr. FORAKER. I think it would have advantages over banks incorporated simply by the States, but I think it is one of those things which it is our duty to provide for without regard to what effect it may have upon those who necessarily enter into competition with it.

Mr. MALLORY. It occurs to me that possibly there may be difficulty hereafter, when this bank is chartered with \$25,000,000 capital, as we authorize—

Mr. FORAKER. Five million dollars.

Mr. MALLORY. Originally, with an increase to \$25,000,000. The question is whether it would be possible to get through Congress a charter for another bank.

Mr. FORAKER. The committee were divided in their opinion as to whether or not this should be made to apply to other countries as well as the South American Republics, but the Senator will observe that there is nothing exclusive about it. There may be just as many more international American banks established by Congress as Congress may hereafter see fit to establish. It is simply and necessarily experimental to some extent. We have been experimenting without one, and the result has been unsatisfactory, and now we want to experiment with one, and if this works well the committee said in effect then it would be time enough to take up the question whether we will extend the powers of this bank or authorize other similar banks.

Mr. CAFFERY. Will the Senator permit me to ask him one more question?

Mr. FORAKER. Certainly; but I wish to offer an amendment.

Mr. CAFFERY. I simply desire to be informed on this question. I confess it is the first time I have looked over the provisions of the bill, and that very hastily. The Senator has admitted

that this bank could not do any business in a foreign country purely without the consent of that foreign country.

Mr. FORAKER. That is, the foreign country could exclude it, of course.

Mr. CAFFERY. Exactly.

Mr. FORAKER. It is a foreign corporation.

Mr. CAFFERY. Now, as the States, in all matters where the Federal Government has authority, are just as much foreign States, what good reason is there why this bank could not be prohibited from doing business in a State, as it does only that sort of business which ordinary private banking institutions do?

Mr. FORAKER. I do not understand that any State would have a right to prohibit this bank, authorized as it is proposed to authorize it, from doing business within their territorial limits. I think it is competent for Congress to authorize banks of this character to have a place of business with branch offices in the various States.

Mr. CAFFERY. If this bank were a bank of issue, I concede to the Senator that it could be authorized to establish branch banks, but the business of the bank is confined, in my opinion, to business of purely an individual character. It has not any governmental functions to perform. It does not perform any of the attributes that the United States can perform in the matter of regulating currency or regulating commerce. The power to establish banks under the commerce clause of the Constitution was derived from the power of the banks to issue currency, and in that respect to regulate commerce, but as to discounting paper, receiving discounts, negotiating bills of exchange, whether with foreign powers or not, it occurs to me that no bank chartered by the United States to perform these functions could establish its branches in the States and do this sort of business of a purely private bank character against the will and consent of the States.

Mr. TELLER. This bank will have an unquestioned right to do business in the District of Columbia. There is no question about that. It can do business, then, in the State of New York, provided the State of New York does not object. I am speaking of it as an institution not performing any governmental function. The State of New York will consent, very likely, that it shall do business in New York. They have a method in New York and in all the other States by which they allow foreign corporations—and they are all foreign in the other States as well as abroad—to do business. Unless this bank performs some governmental function it will have no power in the States except what the States give it. That is my judgment.

Mr. BACON. I should like to ask the Senator from Ohio if he thinks the General Government has any power to charter a bank except it be for the performance of some governmental function?

Mr. FORAKER. No; I do not think it has. Therefore I answered as I did a moment ago. If the Senator from Georgia was listening, he would have remembered that I said—

Mr. BACON. I was called momentarily from the Chamber and possibly did not hear the Senator.

Mr. FORAKER. I said there was no specific function designated by the terms of the bill, yet it was, after all, an incorporation for the purpose of discharging this particular governmental function, namely, assisting to regulate commerce between the States and with foreign countries. I said it was authorized by that provision of the Constitution, and it was an agency of the Government in that respect.

Mr. BACON. I beg pardon; I was absent from the Chamber momentarily when the Senator made that explanation. The Senator, then, understands this charter to be designed for the purpose of aiding the Government in the regulation of interstate commerce. Am I correct in that? I should be glad if the Senator would call attention to the particular section which is intended to carry out that purpose. Will the Senator kindly refer to the section of the charter?

Mr. FORAKER. I will read from the report made by Mr. BROSIUS, which I referred to a while ago, and which will be printed as a part of my remarks.

Mr. BACON. As the Senator is speaking of the powers of the company, I should like to have him refer to the particular charter power by and through which the Government will perform the function of regulating interstate commerce.

Mr. CAFFERY. Through the banks?

Mr. BACON. Yes; through the banks. Then I should like very much—

Mr. FORAKER. I do not say to regulate it. The provision of the Constitution is that Congress may be empowered. I will read the exact clause:

The Congress shall have power . . . to regulate commerce with foreign nations.

Now, that does not mean simply that the Congress shall say upon what terms the products of other countries shall be brought into this country or the products of this country shall be exported; but it may mean a great many things. It means, among others,

that Congress shall have the power to create governmental agencies to facilitate the conduct of our commerce and trade with other countries. That has been held repeatedly by the Supreme Court, and in the report made by Mr. BROSIUS to the House of Representatives, and to which I referred a moment ago, some of the authorities are cited.

I will not take the time now to read them, but, considering them now in that light, as an agency established by the Government for the purpose of facilitating our trade with other countries, you will find, in the enumeration of the powers this bank shall be invested with, that it has the power to handle exchange and to do a great many other things having relation to trade, whereby our trade will be facilitated and whereby it will be unnecessary hereafter, as has been the case heretofore, that we shall trade with those countries through the banks of London and elsewhere in Europe. It is in that general sense, and it is no other specific sense that I know of.

Mr. BACON. If the Senator will pardon me, of course no one disputes the fact that there is a constitutional power of Congress to regulate commerce between this country and foreign countries and also between the States, but the point I desire to ask the Senator to give me definite information upon is whether this bank is intended to exercise those governmental functions; whether it is intended that the Government of the United States shall delegate to these private parties the official functions of regulating commerce between this country and foreign countries and of regulating commerce between the States?

Mr. FORAKER. Oh, no.

Mr. BACON. The Senator will pardon me a moment. He says "no," I understand.

Mr. FORAKER. Certainly; I have said "no" all the time, as repeatedly as I have been asked. I say no in that specific sense, and I say it is an agency simply in the sense that it facilitates these transactions; that is all.

Mr. BACON. If it is intended that this shall be a governmental agency, it is a very serious question. If it is intended that this shall be a governmental agency in the performance of these very great functions, I say this measure ought to have very careful consideration. If it is merely the charter of a private institution for the purpose of carrying on commerce, it is one thing.

Mr. FORAKER. That is what it is. If the Senator from Georgia will allow me to say again, it is a private corporation intended to carry on the business which it is expressly authorized to carry on, and the constitutional warrant for it is found in the provision to which I have referred that ex necessitate it facilitates general commerce. It is not an agency of the Government in any such sense as the Senator speaks of, as I understand him.

Mr. BACON. Very well; we now come back to that point. I originally asked the Senator whether it was competent for Congress to charter a bank which was not intended to perform some governmental function. The Senator said it was not. The Senator said he did not think it was competent for Congress to charter a bank unless it was clothed with the power to perform governmental functions; in other words, that the general business of incorporating companies for private purposes is not a part of the business of Congress. When I ask as to what those particular governmental functions are, the learned Senator, as I understand, says that they are not governmental functions, but that they are the private business of a private corporation, in the performance of which the general business of the country will be advanced.

Mr. President, if the Senator will pardon me a moment. Of course I dislike to make any suggestions which may be unfriendly to the bill which has the support of the Senators who are evidently interested in its passage, but at the same time I think it is an extremely grave and important matter. I have been unable to appreciate any suggestion which has been made of the advantages which are to flow from this bank. I am unable to recognize the correctness of the suggestion made by the Senator in his opening remarks that this bank will have any power in foreign countries that a bank would not have if it were chartered by a State. I do not think it will have one.

Mr. FORAKER. If the Senator will allow me to correct him, I did not say this bank would have any more power in another State. Well, possibly I did say what amounted to that, too. What I meant to say was that no State, according to the provisions of its constitution, where I happen to know anything about the State constitutions of the Union, has power to authorize a bank to go into the various States and transact banking business, much less to go into foreign countries and transact international banking business, as this bank is authorized to do.

I did not contend in that connection that this bank, because chartered by the National Government, would have by reason of that fact power, regardless of the wishes of foreign governments, to go into foreign countries and there transact business; but I say it is competent for the Congress of the United States, in the exercise of the constitutional power to which we have referred, to invest a bank with the power that this is to be invested with or to establish any other agency or facility for the transaction of this busi-

ness with other countries which may, in a general way, have the effect of regulating, if you want to use that word, the commerce of this country with the other countries. It remains a private corporation engaged in private business, not a governmental agency in the particular sense in which you speak of it; and yet it is an agency established by the Government for the facilitating of that business and in that sense warranted by the Constitution, as I understand.

Mr. BACON. If it were necessary that the General Government should charter a bank in order that that bank might have power to exercise corporate functions in a foreign country, there would be a sound basis for the application for this charter. But such, Mr. President, is not the fact. Any independent sovereignty even within such limitations, as our States exercise such sovereignty, has the power to make a corporation. It has the power to give that corporation all powers not prohibited within its own borders, and it has the power also to authorize that corporation to go into a foreign jurisdiction. Of course, the exercise of those powers in the foreign jurisdiction must necessarily depend upon the consent of the foreign jurisdiction; but the State has the same power to clothe a corporation with corporate power that the General Government would have if it had no limitation upon the incorporating of companies.

The Senator says that no State, so far as he knows, has the power to clothe corporations with powers which could be exercised in a foreign State. It is done every day, Mr. President. I do not know how it is in the State of Ohio, because I have never had occasion to look into it, but the State of New Jersey (and I mention that simply because it is one of the most prominent States in the granting of charters) has flooded this country with corporations which have their home in New Jersey and which never intended to exercise any corporate functions in New Jersey, but which were designed to be exercised in other States. A very large proportion of the corporations which do business in New York are chartered in New Jersey, because New Jersey has peculiar facilities for the incorporation of such bodies corporate.

The general proposition is that a corporation chartered in one State is limited to the confines of that State, except so far as it has the power committed to it by another State. That was settled in the great case of *Earle* against the Bank of Augusta, in 13 Peters, where the whole question is discussed at length and very learnedly. I was about to say that that decision was by Chief Justice Marshall, and I believe it was, but I am not sure. However, it is the leading case on that question, and under it there can be no doubt about the proposition that a bank chartered in one State can exercise in another State by consent of that State, every power enumerated in its charter, except so far as it relates to anything which is connected with the Government of the United States.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment to section 23 which has not been stated by the Secretary. The Secretary will state the amendment.

The SECRETARY. In section 23, page 25, line 1, after the word "That," it is proposed to strike out all of the bill down to and including the word "but," in line 4.

Mr. FORAKER. I withdraw that amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FORAKER. Section 23 being reinstated, I now offer to amend it as follows: Strike out, in line 1 of section 23, the following words: "no tax shall be imposed upon;" strike out of line 2 the words "except upon real estate held by it;" and strike out in line 4 the word "but;" and then insert so as to make it read as follows:

SEC. 23. That the property of said corporation shall be subject to taxation by any State, municipal, or other authority having jurisdiction thereof within the United States the same as other like property, and the several stockholders shall be liable to assessment and taxation upon the shares held by them at their respective places of residence according to the true value thereof, and to the same extent and in the same manner as other personal property is there assessed and taxed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. PETTUS. Mr. President, I desire to suggest to the Senator from Ohio in charge of the bill that in all corporations of this sort chartered by the States or by the United States there has always been a limitation as to the amount of interest that might be charged by such corporation on their loans. I do not find anything of that kind in this charter.

Mr. FORAKER. There is nothing of that kind in this charter. No question of that kind was raised in the committee or considered by the committee, so far as I have knowledge. I do not know why it was not considered, but I assume that the reason for not undertaking to fix a rate of interest is that this bank is to do business in foreign countries where the conditions may be very different from those existing here and that a rate of interest which we might fix might not be satisfactory there.

Mr. PETTUS. I am sure we should not grant the charter without putting some limitation on the amount.

The PRESIDING OFFICER. If there be no further amendment in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MORGAN. Mr. President, I wish to make a suggestion to the Senator in charge of the bill, which arises out of a new state of facts which has existed since the bill was reported. When the bill first came to the Committee on Foreign Relations, I felt stubbornly opposed to it. It seemed to violate those traditions under which I have lived and which I have cherished, not without benefit, as I think, in my own opinion, to my course as a legislator in this body against the organization of corporations by the United States Government, in the first place, and, secondly, the organization of banks of issue by the United States Government. I have always been opposed to the national-bank system because it permitted institutions chartered by the United States Government to issue bills to circulate as money.

I did not suppose that my assent to this bill could be obtained when we first entered upon its consideration. But the bill is predicated upon a resolution that was adopted by the Pan-American Congress here, which I consider was the most important international assemblage that ever existed on this hemisphere. It was far more important than the Panama Congress or any other congress that we have ever had to regulate relations between the American States. That pan-American assemblage was composed of the ablest men who could be selected from all the different American States. They were not politicians. They were statesmen, jurists of the very highest character, and their proceedings have been and deserve to be very influential upon opinion in the United States and will continue to be so for years and years to come.

In that Pan-American Congress was laid down the basis of commercial and international cooperation between the States of the Western Hemisphere, commencing with the United States and going south, which will ripen in its fruits into the greatest possible results to this country. But the process is necessarily to be a very slow one. When commercial lines of intercourse are established, when grooves are made in which commerce flows backward and forward chiefly under the control of finance, with the facilities for financing the operations of commerce, it is very hard to break them up.

There is no task which confronts the United States now that is more difficult than that of initiating into the South American States, fertile and rich as they are, the traffic that justly belongs between the people of the United States and those Republics in the South. We have had no trouble in, I might say, propagating, or at least spreading, or permitting to spread, the influences of our political system, and we have seen results from that which are greater than any person had a right to expect at the beginning of this century, and results which go on increasing in magnitude and in importance and in the excellence of their fruits day by day and year by year with astonishing rapidity.

But our commercial intercourse with those South American States and Central American States and Mexico have not kept pace at all with the spread of our influence as a political power, a power having correct principles of government to rest upon, and having had the opportunity greatly improved, by our example, of convincing those States of the beneficence of our institutions.

Now, the task lies before us of opening up commercial facilities, commercial intercourse, between these Spanish-American States, for that is what they are, and the United States. The great convention, the Pan-American Congress, that met here, after very considerable, long, and careful debate and examination, adopted a resolution, and that resolution is embraced in the bill. I will read it:

Resolved, That the conference recommends to the Governments here represented the granting of liberal concessions to facilitate inter-American banking, and especially such as may be necessary for the establishment of an international American bank, with branches or agencies in the several countries represented in this conference.

Mr. President, there never was an invitation extended to the United States that had greater, broader, more important, or deeper significance than this very one. The question is, Shall we suffer it to die from neglect? Shall we abandon it on our part when the United States was selected as the Government which should create this agency of banking, or shall we improve the opportunity and commence to carry out the wise suggestions of this great congress?

Sir, unless I can find in my way some constitutional objection or some grave objection of policy which stands against this bill, I am bound to support it. The necessity is obvious; the advantage of it is very great. The demand is made upon the assurance of all these different States, without a single dissent, that they want this thing done.

In some of the comments which were delivered in that body we have the opinion of the minister from Costa Rica. That is a small

State, but it is a State which has always been represented here by a very able minister. Mr. Calvo, who has been the minister here for a number of years, is a man of great wisdom and great ability. The delegate from Costa Rica said:

I believe that undoubtedly if the United States desired to encourage commercial relations with our countries, it would be necessary for it to offer us its capital, as has been done by the other nations—Germany, England, and France. Capital affords facility, and facility, as a natural consequence, encourages the commercial relations between countries.

That was his argument. In the course of the discussion of the same resolution the representative from Brazil remarked:

We need to have such institutions because there is no connection to-day between the consumer and producer.

That is a very important matter, Mr. President, particularly as we get probably two-thirds of our coffee from Brazil.

We need just such institutions, so that we can take a bill to the bank and open the necessary credit. The necessary machinery in the way of these proposed institutions is lacking, and therefore I give my vote to a report which fills the necessary element in our relations.

The representative of Mexico in that conference said upon this subject:

That bank, of course, needs the sanction of the Government of the United States for its establishment, for, needing branches in the other nations, these could not be established without this sanction.

This may not be the most efficacious means to develop commerce, but as an institution of credit is always an advantage to the country having it, and as an international bank is proposed, I see no objection in carrying this idea out, which may give practical results to the countries interested.

I will not quote further opinions. These are important opinions delivered by men of eminent ability.

Now, let us see the situation as it is. A large part of the goods which are sent to South America, particularly all the goods that require rapid transit, are sent now, and have been sent for years, first to England and thence to South America. The passengers who go from this country to South America, almost without exception, pass first to England and thence to South America. When we send a minister to South America or a chargé d'affaires or any person to represent our Government, he first makes the journey across the Atlantic Ocean to Southampton, or some place in that vicinity, and there takes shipping for South America.

All cargoes that are not paid for in barter by the exchange of commodities are paid for by exchange upon the Bank of England or the Bank of France or the Bank of Germany; but when you go to get exchange upon a bank in the United States, you have no national institution, you have none that by its charter or its organization recommends itself to any of these South American States. They know that the affairs of the Bank of France, of the Bank of Germany, and of the Bank of England are under governmental control, and that those Governments are going to see that the officers of those banks perform their duties under the sanction of severe criminal laws.

Now, we will take the national banks of the United States. Those in New York doubtless furnish a good deal of exchange, perhaps a large amount of exchange, to South American and Central American countries, but that is exceptional; that is not the rule. The rule is that the exchanges between the United States and even Mexico and all of South America, in the main, are conducted through the Bank of England, some of them through the Bank of France, and some of them through the Bank of Germany; but the Bank of England is the great monopolist, as has been said here, of the traffic and exchange between the United States and all of the Spanish-American States.

That, Mr. President, is to be altered in some way or other. It can not be altered by compulsion; it must be done by an inductive process; it must be done by starting in the United States established institutions under governmental control, in which those foreign countries can trust their deposits, upon which they are willing to draw their bills of exchange, and bills of exchange drawn upon which they are willing to receive in payment for their commodities.

In what respect is it national? In no respect at all, except that it is under national control, under national espionage and examination from day to day and always. That creates in favor of this institution amongst foreign countries a reputation and confidence in its integrity and the integrity of its management which is of vital importance to the whole subject.

The question may be asked, Can not a national bank furnish that same guaranty? Yes, that is very true; but a national bank is an institution which is intended for carrying on commerce and trade almost exclusively in the United States, and is so regarded by outside nations. It does not answer the purpose which is required by the resolution of these wise men; that is to say, it is not a great American national institution, which, like the Bank of England or the Bank of France, stands up to represent the country and the Government—not actually, but through its influence, through its power, through its reputation in the conduct of the facilities of exchange between our country and other countries.

Why should these men have resolved that it was necessary to have an institution of this kind if the national-bank system, which

is in full force and was then in full force in the United States, could supply all of these demands, or if this aggregation of power and influence could be found within the purview of the charter of a bank created by a State?

In doing this, Mr. President, we have got to meet the views, and I might say even the prejudices, of our foreign customers. We can not control them in their opinions and their views; and if they say that such facilities are necessary for commerce, then we ought to make them. Why ought we to grant them? Because there is no harm in it; there is no danger in it; there is no monopoly in it.

But this is the first occasion when I have heard it suggested at all by anybody that perhaps it would be a dangerous thing to create a monopoly which might interfere with the national banks of the United States. They have got all the powers they need and all that they want, in the name of conscience, and if this institution can be organized by the commercial men of the United States, who have great credit and great reputation for ability in financial matters, I do not see that there can be any rational objection to its adoption. I did not see it in the committee, and my objections, which have hitherto been, as I supposed, chronic—I knew they were chronic, but I supposed they were really based upon sound principles—melted away, and I do not find that they exist.

Now, turning for a moment to the constitutional question, first of all, the real operations of this bank—called a bank, but it is a board of exchange really—while they are not confined to our intercourse with foreign countries and foreign patronage, are largely predicated upon that, and that will be the basis of the business of this bank—exchanges in America with foreign countries. Is there any constitutional objection to that? On what foundation was the constitutionality of the Bank of the United States rested? We do not find in the Constitution any express warrant at all for the institution of a bank or establishing a bank.

There is not a man in the world who ever undertook to track it up as a specific grant of power to organize or charter a bank; and yet the charter of the Bank of the United States, assailed, perhaps, as vigorously as any institution has ever been by the ablest lawyers that this country afforded, time after time has been supported by the Supreme Court of the United States as being a constitutional enactment. That was an enactment which combined the private ownership of stock with governmental ownership of stock, an enactment which extended its authority by creating branches out amongst the different States of the American Union, and it so offended Maryland as that Maryland put upon the bank institution that was located there enormous burdens, with a view of breaking it down. These were all cleared off by the decision of the Supreme Court of the United States, and the foundations of that national bank were found to be resting upon that broad principle of the Constitution of the United States which gives to Congress the power to regulate commerce between the States and with foreign nations.

While that perhaps is not the only foundation, that is the main foundation of the constitutionality of the United States Bank. That foundation is here. We extend it now to foreign countries, not that we have got the power to establish national banks or branches of national banks in foreign countries without their consent, but we make the overture, we extend it, and if, according to this resolution and this invitation, they accept that extension of authority from us, of course that closes the arrangement between our country and their countries, and after that there is no difficulty between them at all.

Has not the Congress of the United States more power to legislate in the control of commerce and the regulation of commerce with foreign countries than it has got within the United States? I hold that it has. I hold that there are many powers of the United States Government which belong to it as an aggregation of supreme sovereigns which it may exercise in defining and establishing and promoting and protecting arrangements with foreign countries, particularly of a commercial and of a postal character, which do not obtain within the States, for the reason that within the States and for the benefit and the protection of the States themselves and the people of the States these limitations upon the powers of Congress were made in the Constitution.

The limitations upon the powers of the States, and the limitations to protect the rights of individuals which are found in the Constitution of the United States were not intended for the protection of foreigners residing out of this country and beyond our limits. When they make an appeal to us upon a question of that kind, "Are you not exercising more power than your Constitution authorizes you to do?" it is the same appeal which is being made now every day to us in respect to our occupation of the Philippines, the annexation of Hawaii, and the occupation of Cuba and Puerto Rico. Magazine articles, emanations from men of distinction, statesmen, and the like, are coming to our attention continually that we are violating the principles of our own Constitution when we do not apply to our external relations those limitations and restrictions which were intended to apply only within the

limits of the United States for the protection of the States and for the protection of the individual American citizens.

Sir, when we get beyond our borders, while I do not contend that our authority is swelled into comparison, perhaps, with that of the imperial countries of the world, like Russia, Great Britain, etc., yet outside of our borders there is not a country in this world which has more power inherent than the United States. I do not say that of any officer of the United States or of the President of the United States; but I am speaking about the United States as a political entity, as a political power, which has the right to regulate its affairs and its destiny in connection with the affairs and destinies of foreign countries. That is what I am talking about.

So that when we get beyond our borders, and I consider the effect of an international bank beyond our borders in the regulation of commerce, in the facilitation of the necessary arrangements of a financial sort or the commerce we have with other countries, I do not find that these restrictions and limitations, for which I have a perfect reverence within our own borders, apply to the case; and they do not check me in my desire, my zeal, and my determination to do what I can to facilitate commercial intercourse between this country and foreign countries. I think we make a misapplication of our doctrine to questions of this kind.

In the regulation of commerce with foreign countries, in the regulation of postal affairs with foreign countries, we take the largest liberty by our legislation, and no person has yet found a restriction which the Supreme Court was ever willing to sustain to limit our authority in dealing with foreign countries; but you can find plenty of things which the Supreme Court does sustain when you come to apply similar enactments to the relations of the people of the different States with and toward the Federal Government. So I find no difficulty in the Constitution, nor do I hear any suggested here to-day.

This bill may be called a monstrous bill, if you please to call it such, but let us see in what respect it violates the Constitution of our country; in what respect it is a usurpation of the powers of Congress. I maintain, Mr. President, that we have a right to do everything that any other government can do to facilitate commerce with foreign countries. When we come to interstate commerce, that is a matter of quite a different complexion, dependent upon different ideas and principles. So I find no constitutional difficulty in my way about this bill.

As to the matter of policy, I have already alluded to that briefly, and do not expect to enlarge upon it. But, Mr. President, there is not a merchant in the United States who has any intercourse with one of these Latin-American States who does not feel the embarrassment that he is laboring under that we have no great institution here in which these men are willing to make their deposits, upon which they are willing to draw drafts, and upon which they are willing to receive drafts in payment of dues that occur from day to day and hour to hour in our commercial exchanges. And if Great Britain, France, and Germany find it expedient to establish branches and agencies of trade or great national banks in the Spanish-speaking countries of America, why do we not find the same necessity, and why do we not make alike provision? The necessity for it, Mr. President, is so obvious that it has attracted the attention of all commercial men of any note in the United States, I think, and certainly in that great congress I have spoken of it attracted the attention of all the delegates there, and they unanimously resolved that this thing ought to be done.

Since that occurred a new vista has been opened before us unexpectedly, unsought, and uncompelled on our part. If, Mr. President, there ever was a dividing of the waters so that the dry land appeared and the army was invited to march across to enter upon a new life or a new expedition to a new country, that thing has opened before us within the last two or three months. No man can impute to the United States Government that it has brought on this war with Spain, or that it has in any way aggravated it, or promoted it by any desire to have a war, by any spirit of conquest, or any other matter connected with the aggrandizement of our Government in any respect.

The war has been forced upon us because the conditions which existed violated all of the principles of our Government and violated all of the laws of humanity, and the future was a dark and a desperate one to us unless we removed the cause of this trouble. We saw that we could never live in peace with the people of the Island of Cuba under the dominion of the Spanish Crown. We saw that plainly, and when the working of that institution as a government in Cuba became such as we could no longer tolerate it, war ensued.

When the war ensued, and when we declared war in this Chamber after much debate and without any heat or asperity of feeling, quietly, absolute necessity forced us to vote that a state of war existed between Spain and the United States—when that occurred almost any of us would have considered it perhaps a wise movement, and a fortunate one, if Admiral Dewey had been compelled to return from Hongkong, from which he was expelled by the

British authorities, to the United States and hug the coast of California, Oregon, and Washington, and stand for the defense of our country against Spanish invasion; but God would have it otherwise, and when Admiral Dewey was expelled from Hong-kong he was compelled from the necessity of the occasion to seek a coaling point, a point of refuge somewhere else nearer even than Hawaii, and he made his attack under the authority of the Government of the United States—not under a plan of campaign, but an authority which he might resort to in case of necessity—he made his attack upon Manila and won for us practically then—it will result that way—the control of eight or ten million people, with enormous trade, a country of vast importance in its productions and in its commerce, and here we are with that on our hands. Is it a white elephant, or is it an acquisition which has got some value? That depends, Mr. President, upon how we act about it.

Then, coming along up, there lie the Caroline Islands, and there is Hawaii, which is about to be annexed to the United States, and here is Cuba, and here is Puerto Rico, that will have to be provided for. Let me ask the Senate, and let me ask the Senator who has this bill in charge, can there be a more opportune occasion for conferring upon the United States and the people concerned in these proposed conquests of the United States—I will call them conquests for the present—can there be a more opportune occasion for establishing just such a fiscal agency as we have got here, and will it not, if we establish it, draw to the United States more of trade and more of commercial influence and power than anything we could do? Once we get the groove cut, the forces of the earth never can change it; and there is not a bill which is before the Senate, in my judgment, which in its prospective effects will have a finer effect than this, provided we put in the proposition that branches of this bank may be established, not only in the States of the American Union, but that they may be established also in countries which fall within the jurisdiction of the United States by military occupation or control.

Mr. BACON. Will the Senator from Alabama permit me a moment?

Mr. MORGAN. Certainly I will.

Mr. BACON. The Senator from Alabama speaks of this bank as a fiscal agent. Now, if it is true that this bill is proposing to take a new departure of incorporating a great bank, which shall be the fiscal agent of this Government in dealing with the other governments of the world, certainly nothing more important can come before this Senate for its careful consideration than this bill, and it is not a matter to be considered with empty chairs in the Senate Chamber. The Senator from Ohio [Mr. FORAKER] denies that it is intended as a fiscal agent for this Government.

Mr. MORGAN. I do not want debate, if you please. If you will ask me a question, I will answer it. I have the floor.

Mr. BACON. Very well; I beg the Senator's pardon. His criticism is correct.

The question I wished to ask the Senator was if the Senator in the use of the words "fiscal agent" intended to take issue with the Senator from Ohio, who denies that this bill is intended as a fiscal agent of this Government?

Mr. MORGAN. If I used the words "fiscal agent," I certainly did not use them with the idea that the bank was to be a fiscal agent of the Government.

Mr. BACON. I certainly so understood the Senator.

Mr. MORGAN. I disclaim it; and you understand it the other way now.

Mr. BACON. If the Senator disclaims it now, then what he has said about the Government using this bank in its intercourse with all the proposed possessions upon which we are about to enter certainly does not apply.

Mr. MORGAN. I did not speak of this Government using this bank in any of its affairs. I spoke about the merchants of the country using the bank.

Mr. FORAKER. The Senator from Georgia is mistaken. What the Senator from Alabama said was that the people of this country—

Mr. MORGAN. Of course.

Mr. FORAKER. That it would be a fiscal agent for the use of the people, thereby facilitating commerce.

Mr. MORGAN. Yes. I want this bank, or this fiscal agent, if you please—I will call it a bank, so as not to make any mistake about the definition of it—I want this bank to have branches in those countries which we are to occupy and have already occupied to a large extent, and I want that done by act of Congress.

Mr. PETTUS. Will my colleague allow me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Alabama yield to his colleague?

Mr. MORGAN. Yes.

Mr. PETTUS. I desire to address the Senate against the passage of the bill, if nobody else does. I had not intended to do so, but I want an opportunity to do so. I have just been sent for to make a quorum in the Committee on Military Affairs, and I ask unanimous consent that there shall not be a final vote on the bill to-day.

Mr. FORAKER. Of course if the Senator can not be here, I will not ask that the bill be put upon its passage to-day. If he wishes to be heard upon it, the bill can go over.

The PRESIDING OFFICER. Upon that assurance, the Chair feels justified in assuring the Senator from Alabama that the vote will not be taken to-day.

Mr. MORGAN. The state of the law in this country on the subject of the powers of the President of the United States when he, as Commander in Chief of the Army and Navy, occupies a foreign country under a declaration of war, is ascertained and settled by the Supreme Court of the United States in such a way that, in my opinion, it is necessary for us to prescribe to the President certain regulations and to give to him certain powers which he may exercise in those Spanish countries which he is now occupying as Commander in Chief of the Army and Navy, so that the relations between the Government of the United States and the military governments, or whatever they are, which he may establish in those places shall be somewhat defined.

I do not feel disposed this afternoon to go into the cases or into the different phases of the question which arose in the course of the war with Mexico. That is the war which brought these questions to the front. There are several decisions and very carefully considered opinions of the Supreme Court, and they, at some time or other, ought to be brought to the attention of the Senate, because we have got to act upon this situation with some kind of legislation.

But I confine myself on this occasion to that portion of the legislation which I think would be appropriate upon this bill, and I suggest an amendment to the bill that branches of this bank may be established under its provisions in any country that may be occupied by the President of the United States as Commander in Chief of the Army and Navy, whatever the language ought to be, so that when we go and occupy these countries we will have the legislative authority in this country to establish these banks there.

Mr. FORAKER. I will remind the Senator from Alabama that in committee we considered it, but I agree with him that the situation has changed since that time.

Mr. MORGAN. Yes.

Mr. FORAKER. We then thought we would confine the bank to the Western Hemisphere. We did not expect at that time to have any special need for a bank elsewhere. I thought at the time that there could not be any valid objection to inserting after the countries named "and other countries." Banks are not going where there is no business for them and where they are not really needed, and wherever they are needed we want them. I as one member of the committee and having the bill in charge should be glad to have the amendment suggested by the Senator from Alabama made.

Mr. MORGAN. There is no possible phase of the questions that relate to the United States in its further action as to these foreign countries which to my mind is more important than that of regulating the finances of the countries; and in an amendment which I intended to offer here to the tax bill, and which I declined to offer because some gentlemen thought it might be considered in the nature of an obstruction, I proposed that the President of the United States, while in the occupancy of these countries with arms, might institute there the currency of the United States as legal tender; that whatever currency was legal tender here should be made legal tender there for the different purposes of legal tender prescribed in our statute, my object being to enable the Army and those connected with it and our people at large, in making contracts for property or in the payment of debts which necessarily occur in the presence of our armies in these places, to have a standard for the measurement of debts the same as that in the United States; that there should be perfect harmony in the circulation of our money; that instead of having the Spanish peseta, which is the unit of value in all these Spanish countries, the legal standard of that country, we should take the money of the United States as the legal standard, and let it be received in the payment of debts and in the purchase of property and in the payment of taxes or dues or customs of the United States just as it would be in the United States.

We can establish that there by authority of law, but the President of the United States can not establish it so that it will last a moment longer than the war, for the moment the war ceases then the civil authority comes forward in all its power, and our statute laws spring up to prohibit anything of that kind; and there must be a time, a hiatus in the government itself, during which there will be great financial disturbance unless we provide for it in advance. I can see that if this bill becomes a law and these branches are established in Cuba, Puerto Rico, in the Philippines, and in Hawaii—perhaps Hawaii stands on a different footing—there will be a facility for intercourse of a commercial sort that will be of enormous benefit to the Army.

Suppose such an institution were established here now, with an agency in Cuba. Our soldiers employed there, when they draw their money, instead of having to transmit it in silver, or in whatever else they are paid, across by ships back home, would have

nothing to do but ask the Government of the United States to make a deposit of their pay in this bank and they could draw against it; they could have a certificate of deposit. Nothing could more greatly facilitate our intercourse during this time of war; and so with our foreign ministers in any part of the Western Hemisphere. I wish it was so all over the world, that instead of having to ship money to them or buy exchange upon London for the purpose of paying our foreign ministers and the different attachés, we could send them drafts upon this great national institution of the United States in which we would have confidence because we have the supervision.

I do not pretend that there may not be objections to the bill. I can only say that I have not got the foresight and experience, perhaps, to point them out if they exist, and I am obliged to take part of the bill upon the trust which I think I can repose in my own judgment simply rather than in my own experience, for I have no experience in financial affairs worth speaking of. But in the thirty-first section there is the power reserved to the United States to repeal, alter, or amend the act in any or all respects. If we find that the system is working awry in any particular, we have the reserve power to correct it, and the question is whether because of difficulties that may spring up or have sprung up in the way of this institution, we shall abandon it. If any Senator here, Democrat or Republican, can state to me any great, solid, constitutional objection against the enactment of the proposed law, I will vote against the bill. I am bound to do it. But I do not see it.

I trust that those Senators who may be opposed to the bill will point out what the constitutional objections are, and not merely appeal to some ancient prejudice or some ancient idea or creed, if there is any, that exists against the United States bank, for this is not the United States bank. It is not a bank of issue. It does not create any inflow of money into any country in the world, and can not do it. It is merely a bank of exchange and discount, and as such it occurs to me it is not only innocent, but it is one of the most valuable contributions that the United States has ever made toward facilitating commerce between this country and the Spanish-American States. It is a subject I like to dwell upon, and I should like to speak on it longer, but I do not think I ought to tire the Senate in order to gratify myself.

Mr. CAFFERY. Mr. President, with the general scope and purpose of this bill I am in thorough accord. I believe that the United States should undertake to establish as many instrumentalities of exchange to facilitate trade between our country and foreign countries as the necessities of the case require. There is a very strong argument, in my opinion, for the authority to incorporate this bank under an act of Congress.

The purpose of the bank is set out and declared to be "to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank." This instrumentality, reported by the committee to carry into effect the recommendations of that conference, may effect the desired result. I think it will largely tend to facilitate trade and intercourse between the South and Central American countries and the United States, which was the purpose of the International Conference. The facilities of exchange between Europe and the United States are amply provided for by our national banks.

The Senator from Ohio [Mr. FORAKER] stated an economic truth in answer to a suggestion of the Senator from Alabama, which is very pertinent to this discussion, when he said that banks would be established in Manila or in any other country if they were needed. If there were that course of trade between the United States and the South American countries to justify a deflection of the course of exchange from London to America, I think that result would come about of itself. If our trade relations with the South American people were as extensive and as important as they are with Europe or with England, we would have Buenos Ayres and New York or Rio and New York in as close contact by bills of exchange and other methods of remitting money and paying for commodities as we have London and New York.

But the argument seems to be advanced that this bill is a departure from old methods or an inauguration of a new method. It is termed a monstrosity. No bank, in my opinion, is a monstrosity. A bank, especially a bank of this character, a bank of deposits and discounts, can under no circumstances be a monstrosity. There is nothing novel in a bank of deposits and discounts. The States are full of them. The largest part of the business of the national banks consists in receiving deposits and with those deposits discounting commercial paper. So I find nothing objectionable on that score. The more of these banks we have the greater the prosperity is indicated to be by their presence. Without the necessity for them, they would not spring into existence.

Mr. President, as we all contemplate the increasing of the trade between the United States and the countries to the south of us, I do not think it is at all unwise to provide the machinery of ex-

change whereby the trade relations between the United States and those countries can be facilitated, even if we have to anticipate the future to some extent.

Now, it has been held by all statesmen and jurists that the power to regulate commerce includes the power to regulate all the instrumentalities of commerce either of a material kind, as steamboats, railroad companies, or transportation vehicles, or of a credit character, as bills of exchange or currency designed to circulate among the people. I can not see in my own mind any distinction between a currency which is only issued to serve as the medium of exchange and a foreign bill of exchange which answers the same purpose. It is the power to regulate commerce among the States and with foreign countries that is invoked, and that, I believe, applies. Mr. Webster very strenuously argued in the great debate upon the United States Bank that the United States derived their power to establish the bank under the power to regulate commerce and to facilitate the fiscal operations of the Government.

It is true that in the United States Bank the United States was a stockholder and the banks were made the depositories of the public collections, customs, and so on. But he based the power to establish a bank upon the power to regulate commerce; and a very powerful argument is made in the report of the House committee that as the power to establish a bank is derived from the power to regulate commerce, and the bank is to issue and negotiate and deal in these instrumentalities of commerce among the States, therefore the power of the United States to incorporate the bank is amply granted by the Constitution.

But, Mr. President, while the power to incorporate this bank as a private institution is one thing and the power to establish a bank by the United States is another, it does not follow that the Congress can not incorporate a private bank whose purposes are to afford instrumentalities to carry on foreign or interstate commerce. The United States has ample power to establish banks to carry on its own business, to aid in carrying on the business of the community, and in regulating commerce among the States and with foreign nations.

Why has not the United States the authority to incorporate a private bank that performs the same function as a public bank owned by the United States or in which the United States holds stock? It is the functions of a bank that govern its character. If, therefore, a bank carries on exchange with foreign countries, and the main purpose of its incorporation is to carry on that exchange, what good argument can be adduced against its constitutionality? Why is not the incorporation of a bank by Congress, for the purpose of facilitating, carrying on, augmenting, you may say creating, foreign or interstate commerce just as legitimate as to incorporate a bank with the power to issue currency?

All political economists, and everybody who is at all familiar with business transactions, agree that the vast volume of the exchanges effected in the United States as to the commerce among the States and with foreign nations is made by substitutes for money, bank checks, bills of exchange, and other credit instruments used by these corporations. If that be true, and these bank credits, this bank paper, are used just as much to effect exchanges, and thereby regulating commerce, where is the strength of the argument that a bank of this character can not be established under an act of Congress?

Mr. President, the argument goes further. I believe that Congress has authority to incorporate any bank the main purpose of which is to deal in foreign exchanges, either among the States or with foreign nations, and unless it can be shown that the same argument which will authorize the creation upon the part of the United States of a bank to issue currency differs in any material respect from the argument that a bank may be incorporated under the United States to deal in that which is as good as currency, which performs the same function as currency, then I say there is no good argument against the incorporation of this bank.

I do not believe that the incorporation of this bank for this laudable purpose, this constitutional purpose, will create trade between the United States and the South American Republics. The vast volume of our trade is carried on with England and the continent of Europe. There is less than 30 per cent of the volume of our foreign trade with South American countries. The European nations have much the larger portion of that trade. Banks follow trade. They do not precede trade. Whenever there are those trade relations which I hope will take place and which I think will take place between the United States and South and Central America, then I believe banks will follow.

I believe that a bank incorporated by Congress is superior to any State bank, for the reason that it inspires confidence in foreign nations. When you have a bank under the control and supervision of the Comptroller of the Currency, a bank designed for the express purpose of negotiating exchange with foreign countries, then you give confidence to the people who deal with that bank as to their exchanges. That is the great advantage that a bank incorporated by the United States will have over a private or a

State bank and over a bank incorporated to operate in a State under the United States laws.

I think the general purpose will be effected better by incorporating a bank under the United States law to deal in these exchanges with foreign nations as its prime purpose and object than by other banks not so incorporated, not having such a public purpose in view. The ordinary business of this bank is laid out in the eighth section, which is simply the ordinary business of every bank. It is to carry on the business of banking by discounting and negotiating promissory notes, etc. In that respect the bank does not differ from any other bank. Every bank has that power. That is the purpose of a bank. That is the main purpose. I should like the honorable Senator from Ohio who is in charge of the bill to emphasize this purpose of dealing in foreign and interstate exchange.

Mr. LINDSAY. Where is this bank to do business? Where is to be its principal place of business?

Mr. CAFFERY. Wherever it can negotiate exchange.

Mr. LINDSAY. It is to have a headquarters, a banking house. Where is its principal place of business to be located?

Mr. CAFFERY. I do not know.

Mr. BACON. It is to be in Washington or in the city of New York.

Mr. FORAKER. In the eleventh section the Senator will find that provided for.

Mr. LINDSAY. Thank you.

Mr. FORAKER. It says:

That the principal office and place of business of said corporation shall be in the city of Washington, D. C., or in the city of New York, in the State of New York, as the board of directors shall determine; and the directors shall have power to open such additional branch offices in the United States, etc.

Mr. CAFFERY. In line 55, page 11, after "bills of exchange," I would suggest to the Senator from Ohio that if he would amend by inserting "especially all foreign bills of exchange" it would emphasize the business of the bank and set it out better than its title does.

Mr. MILLS. Would the Senator from Louisiana prefer to proceed with his remarks in the morning, and let us have an executive session this afternoon?

Mr. CAFFERY. My remarks are pretty nearly finished. I will conclude in a few minutes.

Mr. FORAKER. The term as employed in the bill was thought to be broad enough to cover foreign as well as domestic bills of exchange.

Mr. CAFFERY. I think so, but as the matter appears to be—

Mr. LINDSAY. Before the Senator takes his seat, I wish to ask him whether he holds that the Government of the United States can establish a bank to do business in a State, which exercises no Federal power whatever, merely because it incidentally may advance the interests of foreign commerce, without even asking the consent of the State?

Mr. CAFFERY. The Senator from Kentucky by his question assumes that dealing in foreign exchanges is not a matter within the purview of the Federal power. I differ with him in that regard. I think that a bank can be incorporated by Congress to deal especially in foreign exchange as an instrumentality of commerce among the States and with foreign nations, and that the same power to regulate commerce by issuing currency is possessed by Congress to regulate commerce by authorizing the issue of bills of exchange. As they are both instrumentalities of foreign commerce, I do not see how you can make a distinction between them.

I asked of the Senator from Ohio the same question that the Senator from Kentucky propounds to me. I must admit that there is some doubt about it. It is not so very clear that by incorporating a bank which is to perform the ordinary functions of a bank, which is to deal in foreign as well as in inland exchange, you thereby regulate an instrumentality of commerce in the purview of the Constitution. That is a proposition of a character involving some doubt.

Mr. LINDSAY. I am glad to hear the Senator say so.

Mr. CAFFERY. But the more I think of it (and I never did think of it until the bill was brought before the Senate this afternoon; I never saw it before) the less can I see any material distinction between regulating one admitted instrumentality of foreign commerce and another. A bill of exchange is just as much an instrumentality of foreign or interstate commerce as a bank note.

It effects the same purpose. It transfers commodities. It transfers credit. It answers in place of money; and the power to create banks, to regulate commerce by issuing notes, is a conceded power. Whether it is a private bank or a public bank makes no difference, because whenever power to do a certain thing exists it can be exercised by any appropriate means or instrumentality.

Mr. ELKINS. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. Can we not pass the bill to-night?

Mr. ELKINS. Not to-night.

Mr. FORAKER. I will say to the Senator from Maine that the Senator from Alabama [Mr. PETTUS] wishes to speak on the bill, and he can not speak until to-morrow.

Mr. FRYE. Will the Senator from West Virginia withdraw the motion for a moment?

Mr. ELKINS. Certainly.

STEAMERS SPECIALIST AND UNIONIST.

Mr. FRYE. I have a telegram from the Assistant Secretary of War which requires me to ask the Senate to consent to the present consideration of the bill which I report from the Committee on Commerce.

The bill (S. 4763) to provide American registers for the steamers *Specialist* and *Unionist* was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamers Specialist and Unionist to be registered as vessels of the United States, provided that they shall not engage in the coastwise trade of this Republic.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I desire to have printed in the RECORD a telegram from Mr. Meiklejohn. There is no need of reading it.

The VICE-PRESIDENT. The telegram will be printed in the RECORD.

The telegram is as follows:

[Telegram.]

WAR DEPARTMENT, June 13, 1898.

To Hon. W. P. FRYE:

The two British steamships *Specialist* and *Unionist* mentioned in H. R. 10338 are fitted up and ready for our use, and are needed, and we are ready to charter them; but owners say that, by chartering ships under our charter they will be violating the English enlistment act, with penalty of confiscation of ship and imprisonment, unless they had American register. Can the act be passed soon?

G. D. MEIKLEJOHN.
Assistant Secretary of War

EXECUTIVE SESSION.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 14, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 13, 1898.

UNITED STATES ATTORNEY.

William H. Atwell, of Texas, to be attorney of the United States for the northern district of Texas, vice W. Oscar Hamilton, whose term will expire June 18, 1898.

UNITED STATES MARSHAL.

Thomas B. Reid, of Wisconsin, to be marshal of the United States for the eastern district of Wisconsin, vice George W. Pratt, whose term expired February 19, 1898.

COLLECTOR OF CUSTOMS.

Claremont C. Drake, of Texas, to be collector of customs for the district of Saluria, in the State of Texas, to succeed W. A. Fitch, whose term of office has expired by limitation. This nomination is made in lieu of that sent to the Senate on May 17, 1898, nominating Risdon M. Moore, which is hereby withdrawn.

CONSUL.

Hans J. Smith, of South Dakota, to be consul of the United States at Bombay, India, vice Richard T. Greener, transferred to Vladivostok. The nomination of Hans J. Smith to be consul at Port Louis, Mauritius, is hereby withdrawn.

POSTMASTERS.

Mary M. Force, to be postmaster at Selma, in the county of Dallas and State of Alabama, in the place of Mary M. Force, whose commission expired February 6, 1898. (Reappointment.)

Louis C. Hyde, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts, in the place of J. H. Clune, whose commission expired May 16, 1898.

William Budge, to be postmaster at Grand Forks, in the county of Grand Forks and State of North Dakota, in the place of W. A. Joy, whose commission expired May 15, 1898.

Edward Hirsch, to be postmaster at Salem, in the county of Marion and State of Oregon, in the place of B. F. Bonham, whose commission expires July 9, 1898.

George C. Wagenseller, to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania, in the place of L. R. Hummel, deceased.

Mary H. S. Long, to be postmaster at Charlottesville, in the county of Albemarle and State of Virginia, in the place of Mary H. S. Long, whose commission expired May 3, 1898. (Reappointment.)

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be brigadier-general.

James H. Barkley, of Illinois.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captain.

Azel Ames, jr., of Massachusetts.

Mr. Ames was nominated to the Senate on the 8th instant under the name of Azel Ames. This message is to correct error in name of nominee.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenants.

John Williams Black, of Illinois.

Walter Kirk Brice, of Ohio.

To be assistant quartermaster with the rank of captain.

Edward Willis, of South Carolina.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be surgeon with the rank of major.

Louis Livingston Seaman, of New York.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

William Morton Fuqua, of Kentucky.

FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be chaplain.

The Rev. Samuel F. Chapman, of Virginia.

To be majors.

Henry H. Landon, of New York.

Theophilus Parker, of Virginia.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be second lieutenant.

Charles Kern, of Colorado.

SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

Charles D. Comfort, of Missouri.

To be surgeon with the rank of major.

John G. Davis, of Illinois.

To be assistant surgeons with the rank of first lieutenant.

Maxine Landry, of Louisiana.

Rollin T. Burr, of California.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be additional paymasters.

Clifford Arrick, of Indiana.

Thaddeus P. Varney, of New Jersey.

William J. Black, of Delaware.

Henry Byron May, of Massachusetts.

Webster C. Wise, of Pennsylvania.

To be engineer officer with the rank of major.

Josiah Pierce, jr., of the District of Columbia.

To be chief commissaries of subsistence with the rank of major.

Herbert Katz, of New Jersey.

Joseph H. Heatwole, of Indiana.

To be assistant quartermaster with the rank of captain.

William M. Ekin, of Kentucky.

To be engineer officers with the rank of major.

Capt. James A. Irons, Twentieth United States Infantry.

First Lieut. Spencer Cosby, Corps of Engineers, United States Army.

To be assistant quartermaster with the rank of captain.

Homer F. Aspinwall, of Illinois.

To be commissaries of subsistence with the rank of captain.

Second Lieut. Albert S. Brookes, Eighteenth United States Infantry.

William W. Statham, of Virginia.

William B. Dwight, of Connecticut.

FOR APPOINTMENT IN THE VOLUNTEER SIGNAL CORPS.

To be captains.

Samuel S. Sample, of Missouri.

Robert S. Thompson, of South Carolina.

Charles T. McIntire, of Indiana.

Ambrose Higgins, of Pennsylvania.

Henry H. Canfield, of Iowa.

To be first lieutenants.

Charles de Forest Chandler, of Ohio.

Samuel M. Butler, of New York.

Rollo B. Oglesbee, of Indiana.

To be second lieutenants.

Meldrum Gray, of Ohio.

Henry C. Baldwin, of New York.

William T. Davenport, of New Jersey.

WITHDRAWAL.

Executive nomination withdrawn June 13, 1898.

Hilary A. Herbert, jr., of the District of Columbia, for the appointment of second lieutenant in the First Regiment United States Volunteer Engineers, which was delivered to the Senate June 10, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13, 1898.

CONSUL.

Henry H. Ellis, of California, to be consul of the United States at Turks Island, West Indies.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be first lieutenants.

Arthur Joseph Coste, of Texas.

Lewis Porter Featherstone, of Texas.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Seaton Norman, of the Marine-Hospital Service.

To be captain.

Edward Wilson, of Georgia.

To be first lieutenants.

Daniel L. M. Peixotto, of New York.

John A. Condon, of Tennessee.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be first lieutenant.

Elisha Eldridge Wright, of Tennessee.

To be second lieutenant.

Robert McFarland Barton, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be majors.

Felix Rosenberg, of Ohio.

Charles M. Travis, of Indiana.

To be surgeon with the rank of major.

James Huston Hepburn, of the District of Columbia.

To be captain.

Richard T. Jacob, of Kentucky.

To be first lieutenants.

Ambrose C. G. Williams-Foote, of New York.

Philip F. Hoffman, of Kansas.

NINTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Aurelis Pallones, of New Jersey.

To be captain.

Winslow S. Lincoln, of Massachusetts.

To be first lieutenant.

Charles W. Fillmore, of Ohio.

TENTH REGIMENT UNITED STATES VOLUNTEERS.

To be first lieutenant.

Arthur Royal Joyce, of Connecticut.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

William Frye Tebbetts, of New York.

RECEIVER OF PUBLIC MONEYS.

Lucien E. Kellogg, of Chelan Falls, Wash., to be receiver of public moneys at Waterville, Wash.

POSTMASTERS.

R. A. Edmonds, to be postmaster at Bakersfield, in the county of Kern and State of California.

Seymour W. Hancock, to be postmaster at Newbern, in the county of Craven and State of North Carolina.

Henry J. Ritchie, to be postmaster at St. Augustine, in the county of St. John and State of Florida.

Richard O. Misener, to be postmaster at Hamilton, in the county of Hamilton and State of Texas.

Elijah S. Adkins, to be postmaster at Salisbury, in the county of Wicomico and State of Maryland.

Allen I. Harless, to be postmaster at Christiansburg, in the county of Montgomery and State of Virginia.

Milan J. Brown, to be postmaster at Little Valley, in the county of Cattaraugus and State of New York.

Mark L. Doughty, to be postmaster at Farmington, in the county of St. Francois and State of Missouri.

George W. Cheyney, to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

John Beaty, to be postmaster at Waxahachie, in the county of Ellis and State of Texas.

Henry H. Aplin, to be postmaster at West Bay City, in the county of Bay and State of Michigan.

Maurice Mann, to be postmaster at Slater, in the county of Saline and State of Missouri.

Isaac R. Huggins, to be postmaster at Palmyra, in the county of Marion and State of Missouri.

James A. Simpson, to be postmaster at Kissimmee, in the county of Osceola and State of Florida.

William L. Bixler, to be postmaster at Ephrata, in the county of Lancaster and State of Pennsylvania.

George L. Davis, to be postmaster at Fonda, in the county of Montgomery and State of New York.

Josiah V. Martin, to be postmaster at Brookfield, in the county of Linn and State of Missouri.

J. W. Matlick, to be postmaster at Keyser, in the county of Mineral and State of West Virginia.

Gomer S. Williams, to be postmaster at Cisco, in the county of Eastland and State of Texas.

George F. Stackpole, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania.

REJECTION.

Executive nomination rejected by the Senate June 13, 1898.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be additional paymaster.

O'Brien Moore, of Texas.

HOUSE OF REPRESENTATIVES.

MONDAY, June 13, 1898.

The House met at 12 o'clock noon and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

CLAIMS UNDER THE BOWMAN ACT.

Mr. RICHARDSON. Mr. Speaker, the bill (H. R. 4936) for the payment of war claims which have been favorably determined under the Bowman Act was amended by the Senate and passed as amended. At the request of the gentleman from Pennsylvania [Mr. MAHON] I ask to nonconcur in the Senate amendments.

Mr. PAYNE. Mr. Speaker, is this that \$10,000,000 bill?

Mr. RICHARDSON. Yes; but they want to get rid of all those additional claims.

Mr. HITT. Will there be any debate upon this?

Mr. RICHARDSON. Oh, no; I think not.

The SPEAKER. The gentleman asks to take up the bill (H. R. 4936).

Mr. RICHARDSON. And to nonconcur in the Senate amendments and agree to a conference.

Mr. DALZELL. Mr. Speaker, I ask the gentleman from Tennessee if this is the bill about which there is an understanding as to what shall be done in conference?

Mr. RICHARDSON. Yes.

Mr. LOUD. I should like to know what the understanding is.

Mr. DALZELL. The understanding is that nothing shall be agreed to upon the part of the House conferees except the Bowman claims as they went from the House.

Mr. LOUD. Is that understanding such that it can be depended upon?

Mr. DALZELL. I presume that depends upon the character of the conferees.

Mr. LOUD. Why does not this bill take the regular course?

Mr. RICHARDSON. This is the regular course, to nonconcur and agree to the conference asked for by the Senate.

Mr. LOUD. I do not think so.

The SPEAKER. Under the present order it would have to be by unanimous consent.

Mr. LOUD. Would it not have to be so under any order? Would it not first have to go to the committee?

The SPEAKER. That is the usual course.

Mr. STEELE. I object.

The SPEAKER. Objection is made to the request.

AMERICAN REGISTER FOR STEAMER ARKADIA.

Mr. PAYNE. Mr. Speaker, I again ask unanimous consent this morning for the present consideration of a couple of bills granting American registry to vessels that have been chartered conditionally by the Government for the transportation of troops, one to Cuba and the other to Manila. The bills are Senate bills. I think it will only take a moment to pass them. I have received a telegram this morning from the War Department urging haste, and I ask unanimous consent for the present consideration of the bill (S. 4749) to provide an American register for the steamer *Arkadia*.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer *Arkadia*, owned by the New York and Porto Rico Steamship Company, incorporated under the laws of the State of New York, to be registered as a vessel of the United States: *Provided*, That the said steamship shall not engage in the coastwise trade of the United States, but shall not be excluded from that between this country and Porto Rico.

Mr. HITT. Will this lead to any discussion?

Mr. PAYNE. I think not. If it does, I will withdraw the bill.

Mr. BARTLETT. Is this one of the vessels which the Government wants to charter for the transportation of troops?

Mr. PAYNE. Yes; and the Secretary of War requests that the bill be passed, in order that the vessel may be chartered.

Mr. BARTLETT. As there are several of these vessels similarly situated, why are they not all put into one bill?

Mr. PAYNE. The next bill contains four or five of them, and the gentleman will have an opportunity to refer to that question when it comes up. I do not think there will be any objection to this, Mr. Speaker.

Mr. BARTLETT. Not on my part.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6209) to pension William Stephenson Smith.

The message also announced that the Senate had agreed to the concurrent resolution of the House of Representatives in regard to enrolling the bill (H. R. 10100) to provide ways and means to meet war expenditures, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

H. R. 4936. An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes—to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3141. An act increasing the pension of Price W. Hawley;

H. R. 4239. An act to complete the military record of James Hicks, formerly captain of Company M, Twelfth Regiment Ohio Cavalry Volunteers;

H. R. 10087. An act to authorize the construction of a bridge across St. Francis Lake at or near Lake City, State of Arkansas;

H. R. 9554. An act granting certain lands to the city of Santa Barbara, Cal;

H. R. 5040. An act for the relief of Isaac N. Babb;

H. R. 5522. An act to authorize the establishment of a life-saving station at or near Charlevoix, Mich;

H. R. 5149. An act to amend the charter of the Capital Railway Company;

H. Res. 7. Joint resolution directing the Secretary of War to submit estimates for work upon the Wallabout Channel, New York;

H. R. 10100. An act to provide ways and means to meet war expenses, and for other purposes;

H. R. 378. An act granting an increase of pension to Lowell H. Hopkinson;

H. R. 4488. An act granting an increase of pension to Peter Castle; and

H. R. 10920. An act to organize a hospital corps of the Navy of the United States; to define its duties and regulate its pay.

AMERICAN REGISTERS FOR STEAMERS ON PACIFIC COAST.

Mr. PAYNE. Mr. Speaker, there is one other bill under the same circumstances—a bill for vessels on the Pacific coast. The Clerk read as follows:

A bill (S. 4740) to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*, owned by the Northern Pacific Steamship Company, to be registered as vessels of the United States.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the votes by which the several bills were passed was laid on the table.

Mr. DINSMORE. I demand the regular order.

The SPEAKER. The gentleman from Arkansas demands the regular order.

Mr. ALEXANDER. Will the gentleman withdraw it for a moment? I have the consent of the gentleman from Illinois to present a matter.

Mr. BLAND. Unless it is a war measure, of great necessity, I shall have to object. Time has been set apart for debate.

The SPEAKER. The gentleman from Missouri objects.

BERING SEA AWARD.

Mr. CANNON. Mr. Speaker, I do not want to interrupt the gentleman from Nevada, but I ask his consent to give me a couple of minutes to ask consent for the purpose of passing a joint resolution to pay the seal-fisheries award. The time expires on the 17th of this month. This matter is in the sundry civil bill.

Mr. NEWLANDS. Will it not suit the convenience of the gentleman to dispose of that matter after my remarks?

Mr. CANNON. How much time has the gentleman?

Mr. SAYERS. The House has already agreed to this appropriation. It is in the sundry civil bill, and we can not possibly pass the measure through the House before that time.

Mr. CANNON. I regret to interrupt the gentleman with this matter, but it is one that he is more familiar with than I.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman asks unanimous consent for present consideration of the bill which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10982) making an appropriation to pay the Bering Sea awards.

Be it enacted, etc., That to enable the President to pay to the Government of Her Britannic Majesty the amount awarded by the commissioners appointed pursuant to the stipulations of the convention of February 8, 1866, between the United States and Great Britain, providing for the settlement of the claims presented by the latter against the former in virtue of the convention of February 29, 1892, the sum of \$473,151.26 is hereby appropriated out of any money in the Treasury not otherwise appropriated. This appropriation is made without the admission that any liability exists for any loss of prospective profits to British vessels engaged in pelagic fur sealing; or for interest on the sums awarded to Great Britain, and without admitting the authority of the arbitrators to make any award on the basis of damages for the arrest or detention of vessels not included in the submission contained in the treaty.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BALL. I object.

Mr. CANNON. I hope the gentleman will not object, because the 17th is the last day, and the gentleman's colleague, the gentleman from Texas [Mr. SAYERS], can inform him that this is a very important matter.

Mr. BLAND. This will lead to debate, and I shall have to object.

Mr. BALL. I object.

The SPEAKER pro tempore. Objection is made.

HAWAII.

Mr. HITT. I yield one hour to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Speaker, I shall not enter into the question of the constitutional power invoked by the opponents of Hawaiian annexation. I shall assume that the United States has all the powers of sovereignty. That it is not to-day prepared to deny the legality or the constitutionality of the processes by which its territory has grown from 800,000 square miles to 3,600,000 square miles; that it is not prepared to-day to contest the validity of the acquisition of Florida, the acquisition of Louisiana, involving the control of the Mississippi and the Missouri valleys, the acquisition of Texas, the acquisition of New Mexico and Upper California, the acquisition of the great intermountain region between the Rockies and the Sierra Nevadas, or the acquisition of Alaska.

I shall assume that if it can acquire continental territory it can acquire insular territory. I shall assume that if it can acquire the island of Key West, off the coast of Florida, it can acquire Hawaii, off the coast of California. I shall assume that if it can acquire Alaska, 1,500 miles away by land, it can acquire Hawaii, 2,200 miles away by sea; that if it can acquire the Aleutian Islands,

stretching 500 miles west of the Hawaiian, it can acquire the Hawaiian Islands, 500 miles east of the Aleutian Islands; that if it can acquire territory by the accident of war, it can acquire it by the deliberation of peace; that if it can acquire territory by discovery, by violence, by conquest, and by treaty, it can acquire territory by gift, accepted by solemn enactment of law in which both branches of Congress and the President concur.

I take it that the question of constitutional power is foreclosed by the action of one hundred years, and that the only question to be determined is the one of policy, expediency, and good judgment.

DANGERS OF TERRITORIAL EXPANSION.

We are told that avarice is the besetting sin of nations as well as of individuals; that the pathway of history is strewn with the graves of nations driven by lust of power and avarice of territory into a ruinous expansion, destructive of liberty, destructive of simplicity, destructive of morals, and destructive of virility.

We are told that to grow means danger, and that to dwarf one's growth means safety. We are told that the Hawaiian Islands mean empire, colonial expansion, centralization of power, to be followed by decentralization and destruction; that their acquisition means the beginning of the end. The accidental acquisition of Manila, involving possibly the acquisition of the Philippine Islands, accentuates alarm and creates the fear that a proposition intended only to secure territorial defense and commercial security is the stepping-stone to a policy of imperial aggrandizement.

HOW OUR COUNTRY HAS GROWN.

I shall not attempt to follow the historic parallels which the gentleman from Missouri [Mr. CLARK] has so eloquently drawn. I know nothing more deceptive than historic parallels. It is true, Mr. Speaker, that nations, like individuals, have their infancy, their manhood, their old age, and death. It is true that nations must grow and must decline. It is true that governments that have grown into empires have become extinct. It is also true that governments that have not grown into empires have become extinct.

Was expansion the cause of the death of the one and non-expansion the cause of the death of the other? If phenomenal growth is a sure sign of early decay, then the seeds of dissolution are already planted in this Government, for we have grown in one century from 800,000 to 3,600,000 square miles. Our present area is nearly five times as great as that occupied by the Republic in its infancy.

Was it desire for empire and lust of territory, or was it accident, or was it a high and beneficent purpose that led to this enlargement of our territory? There was no need of additional territory to meet the requirements of our population. The entire population of to-day could be put into the thirteen original States without overcrowding them. Part of this territory was acquired by war, part by negotiation and purchase, but it must be conceded that the central idea was to rectify our boundaries, to extend our western frontier and remove European powers from possession of contiguous territory, and to separate us by vast oceans, lakes, gulfs, and rivers from possible enemies whose proximity would occasion the maintenance of large military establishments as a means of defense.

And so we expanded under the conviction that our boundary on the south should be the Gulf of Mexico and the Rio Grande, on the east the Atlantic, on the west the Pacific, and on the north the St. Lawrence and the Great Lakes; and later on, foreseeing that, by the process of peaceful evolution, Canada might become a part of our Union, Alaska was acquired as the only other foreign possession between our territory and the Polar Sea.

Our country was to be a great commercial union of States, bound together in such a way as to secure them from external foes and from external conditions of adversity. There were to be no custom-houses at boundary lines to restrain interstate trade; no standing armies for offense or defense against neighboring States. Relief was to be given from militarism, and the productive power of the Union was to be increased by pursuing the arts of peace.

But whilst the States were thus to be free from military contention as amongst themselves, the nation was to be made strong for defense. This involved the creation of a scientific boundary and a growth founded deep in the desire for the prosperity and happiness, the peace, safety, and welfare of a great people.

INSULAR EXPANSION.

Whilst these acquisitions were mainly continental and, with the exception of Alaska, contiguous, the very purpose of the territorial defense necessarily involved the peaceful acquisition of islands adjacent to our coast which could be made the basis of naval or military attack, and which, in the possession of strong European powers, would constitute a constant menace to our coast.

Had our forefathers contemplated the vast territorial expansion since achieved they would doubtless have regarded the acquisition of the Bahamas and the West Indies as important.

They would have realized that those islands would control access to the Gulf of Mexico and would bar the way to the Isthmian Canal sometime to be built and owned by this country, and they would have felt that the possession of those islands by the great powers of England, Spain, and France might be as hazardous to our peaceful isolation and our commercial supremacy as the occupation of contiguous continental territory.

Could they have foreseen the growth of naval power they would have realized that foreign aggression would take the form, not so much of invasion by military force, but of naval attack on our merchant-marine engaged in the coast trade and upon our coast cities, and that such an attack could not be successfully made without convenient coaling stations such as these islands afforded. The very policy which embraced the acquisition of contiguous continental territory ought also to have embraced the acquisition of the adjacent islands, whose annexation would increase the distances between us and possible foes.

In enlarging our boundaries, one of the legitimate objects to be obtained was to secure the outposts beyond our defensive line, the possession of which by a hostile power would make its attack more effective.

The recent operations of the Spanish fleet from the Cape Verde and Canary Islands as bases, a movement which created alarm and apprehension along our entire coast, demonstrated the value in war of a naval station even so distant. It demonstrated that an attacking fleet can be more effective than a defensive fleet with a long coast line to protect, for the attacking fleet knows the point it intends to attack whilst the defensive fleet must scatter its energies along an entire coast.

It has been fortunate that our first modern experience of warfare with European powers has been with the weakest of the second-class powers—a country bankrupt in resources, corrupt in government, and inefficient in action. No pen could picture the result had Spain been a first-class naval power, with the Canary Islands, Puerto Rico, and Cuba as bases of supplies and attack.

Geographically the Bahamas and the West Indies belong to this country as a part of its defensive line, but owned, as they are, by great powers, the task of acquisition will be difficult and, with their large population of half-breed and inferior races, may be undesirable. But if these islands had only the limited population of Hawaii to-day and should be freely offered to this country as a gift, the statesman who would successfully oppose their acquisition would be execrated by posterity.

I contend, then, that the vast acquisitions made by this country have strengthened rather than weakened it; have diminished the chances and opportunities for militarism, have minimized the chances of continental wars, have increased our capacity for defense, and have secured the development of an empire dedicated to civilization, good order, good government, and peace. I contend that the reasoning which led to these acquisitions applies to the islands near our Atlantic coast, though I admit that present conditions render their acquisition impossible and, perhaps, undesirable, and that their number makes the task of complete defensive isolation difficult.

PACIFIC COAST.

But how is it with our Pacific coast? Can we secure there advantages regarding the possession of adjacent islands which we have failed to secure on the Atlantic coast? We have there a coast line, including Alaska, twice as great as that of our Atlantic coast. Between Alaska and our States lie the British possessions. That ocean is nearly three times as wide as the Atlantic Ocean. We already bound it on the west and north. What confronts us on the Asiatic coast? Japan, a rising military and naval power, possessing to-day a navy superior to our own, spirited, self-assertive, and aggressive.

What other powers? Russia, reaching out for the ocean, determined to obtain an outlet to increase its maritime power, England, France, and Germany all contending over the division of the Chinese Empire. On the Asiatic coast the great navies of the world will be concentrated. The contest of the future will be over the commerce of the Pacific Ocean. Are there any islands off our Pacific coast like the West Indies or the Bahamas in the possession of foreign naval powers? No; the islands of the Northern Pacific are few, not many.

From San Francisco to Hongkong, a distance of 7,000 miles; from the Aleutian Islands to the Tropics, a distance of about 5,000 miles, lie the scarcely populated Hawaiian Islands—2,500 miles from San Francisco and 4,900 miles from Hongkong—possessing a limited soil of great fertility, unsurpassed climate, and an incomparable harbor.

These are the only islands that it would be necessary for us to acquire, for whilst they are not so near to our Pacific coast as the Bahamas and West Indies to our Atlantic coast, they are near enough to form the base of attack by a hostile power, and they are the only islands adjacent to California from which such an attack could be made. Distance is relative. Recollect that the Atlantic is much narrower than the Pacific. We might well hesitate to

attempt to secure all the islands in the Atlantic Ocean near our coast because of the hopelessness of the task. We might be deterred from it by reason of the fact that the European coast itself is not so far distant as to make a successful naval attack by a European power impossible.

But recollect that the Pacific Ocean is so wide as to make a naval attack from the Asiatic coast impossible without recoaling, and the Hawaiian Islands offer the only facilities for that purpose. The Hawaiian Islands are eight in number, with a population of 100,000 people. The two existing harbors of Honolulu and Oahu are incapable of economical defense, but Pearl Harbor, 9 miles from Honolulu, is capable of being so fortified at small expense as to defy the navies of the world without the aid of a supporting navy. It is a large lagoon, landlocked, except on the ocean side, to which access is barred by a coral reef through which a drift can be easily made.

When made, the harbor could float the navies of the world, and yet the narrow approach to it could be so protected by mines and fortifications as to enable it to defy the navies of the world. In its defensive capacity it resembles the harbor of Santiago de Cuba, which to-day, though protected by inferior fortifications, holds at bay our entire Navy. It could only be taken by a land attack, and the troops necessary to attack it would have to be brought nearly 5,000 miles from the Asiatic coast.

It is estimated that the expenditure of half a million dollars would adequately fortify and protect this harbor, and that a regiment of men would be a sufficient defensive force, except, perhaps, in times of war. It would be invulnerable from the sea. A land attack would be almost impossible because of the long distance by ocean to be traversed by an attacking army.

One regiment of the Regular Army, aided by a militia composed of the resident population of whites and Kanakas, could successfully resist any attacking force without other aid. General Schofield states that during our late war many Kanakas served in the Union Army and that they made excellent soldiers.

What elements of weakness, then, attach to these islands as a defensive outpost of our coast? Will Pearl Harbor require a large defensive navy? No; it can protect itself. Will a large occupying army be required? No; the resident militia, aided by a regiment of regulars will meet every requirement.

In case of attack aimed by some great power from the Asiatic coast we would send the soldiers and ships to Hawaii for additional defense, but how much better to concentrate a small force there than to scatter a large force along our entire Pacific coast, to increase fortifications, to increase warships, and to prepare for the general defense of a long line of many thousand miles, leaving defenseless Hawaii to be captured by the attacking power, and used as an effective means of raiding our entire coast from the Aleutian Islands to San Diego. Admiral Walker says that we could fortify the Hawaiian Islands for less money than it would take to build one battle ship.

With Hawaii as a base, Spain, if in possession of a sufficient naval power, could destroy our merchant marine on the Pacific coast, capture our ships returning from Alaska with gold, and keep the entire coast in an agony of apprehension. Without Hawaii no naval power could aim an attack on us from the Asiatic coast, as recoaling would be difficult, if not impracticable. What navy would be guilty of the folly of starting from Hongkong for an attack upon our Pacific coast, 7,000 miles away, relying only upon colliers for additional supply? A storm might scatter them; an attacking force might sink them.

Numerous contingencies might occur creating disadvantage for the attacking navy and advantage for the defensive navy. With these islands in our possession no hostile attacking force could reach our Pacific coast from the Asiatic coast, and costly military and naval protection would be unnecessary. Without these islands costly coast fortifications and a large navy would be required for coast defense.

DANGER OF OCCUPATION.

We are told that there is no danger of the occupancy of these islands by any strong power. Our answer is that they have been occupied three times in the last century by stronger powers. The Hawaiian Republic is incapable of resisting aggression. It lacks the population and the wealth necessary to defend itself against a strong naval or military power. These islands must fall into the hands of some strong power, or else, with an increasing Japanese population, internal revolution and Japanese control are imminent.

The process of assimilation caused by an influx of Japanese might result in peaceful Japanese control. Can we afford to let these islands drift into the possession of any strong European power? Can we permit them, through the action of existing internal forces, to drift under the control of Japan, that rising power of the Orient, possessing to-day a navy superior to our own—a nation strong, self-assertive, aggressive, reaching out for power? In case Hawaii, discarded by us, is willing to seek the support of some stronger power, could we object? Such

objection would be insufferable arrogance on our part after having refused their annexation.

PROTECTORATE.

We are told that a protectorate is the thing. Will any reasonable man contend that we can protect unless the people of Hawaii ask for protection? And suppose they signify their desire to be incorporated into the system of some stronger power, what becomes of our protectorate? How can we guarantee their independence if they do not wish to be independent? How can we protect them if they do not wish to be protected?

Assuming, however, that they desire to be protected, how can we incur the obligation of protecting them without the right to control their action? If we control their action, that means government—equivalent to annexation. If we do not control their action, can anyone conjecture what international complications may result from their arrogance, their indiscretion, or their aggressiveness produced by a sense of security?

SIMPLY A TERMINABLE RIGHT TO PEARL HARBOR.

But we are told that we already own Pearl Harbor and it would be better for us to fortify it and improve it as a coaling station without incurring the obligation of governing the Hawaiian Islands. Would it be wise to run the risk of having a hostile population immediately surrounding the harbor with its fortifications? The island would without doubt drift under Mongolian control.

Could we rely upon their friendliness in case of war? For purely strategic purposes it would doubtless be better if Pearl Harbor were bounded by rocks without population. But are the disadvantages of acquiring the existing population of Hawaii sufficient to counterbalance the advantages gained from having a patriotic and friendly population surrounding the key to the Pacific? The disadvantages are much exaggerated. The population consists of about 20,000 whites, 30,000 Kanakas, 20,000 Chinese, 40,000 Japanese. The whites consist of Americans, English, and Portuguese, all of whom can be easily assimilated.

The Kanakas are a very kindly, intelligent race, gradually becoming extinct. The Chinese and Japanese are there, as a rule, without families, under contract. They are devoted to their own country, and intend some time returning there. The existing Mongolian population, therefore, will necessarily be withdrawn, and under wise exclusion laws there will be none to take its place. The population of Hawaii will necessarily, therefore, be increased by emigration from our own country to islands possessing a limited but fertile soil and an incomparable climate, and thus by the peaceful processes of emigration from our own country the entire character of the population will be changed. The present population is friendly to America.

This movement had its source in the establishment of American missions in the early part of the century. It involves no wrench, no violence. As the President states it, it is a consummation, not a change. The Government is to-day practically American; the people will easily glide into our governmental system. They are now practically a part of our industrial system.

But is it true that we have any perpetual rights in Pearl Harbor? Our rights there are secured by a reciprocity treaty terminable at the will of either party. There is nothing in the language to indicate that a perpetual right is granted, and the history of the transaction shows that there was no such intention.

When the reciprocity treaty was renewed, the Senate of the United States inserted, in addition to the existing provisions for the admission of certain American products free of duty into Hawaii and the admission of certain Hawaiian products free of duty into America, a clause giving to American vessels the exclusive right to enter Pearl Harbor, and giving the United States the right to improve the harbor for such purposes.

Nothing was said as to the time or duration of the privilege, and inferentially the term of the privilege was coincident with the term of the other reciprocal privileges in the treaty, and when the Hawaiian minister, before signing it as amended wrote a letter to Secretary Bayard stating that such was his construction of the clause that the privilege as to Pearl Harbor was terminable at the will of either party, Mr. Bayard, our Secretary of State, acquiesced in his construction.

With this history would it not be brutal in us to terminate the treaty, as is insisted by the opponents of annexation (for their real purpose is to exclude Hawaiian sugar from our country), and at the same time to claim the permanent right to the harbor? How could we justify such an act of aggression? Is any power given to us to fortify this harbor? No. Do we own a foot of territory there? No. Have we any jurisdiction over the harbor itself? No. To fortify this harbor and to land our forces there would be an invasion of Hawaiian soil. To attempt to administer our laws within the boundaries of Pearl Harbor would be practically governing a part of the islands instead of governing the whole.

It can not be taken for granted that Hawaii will give to this country her most valuable possession when we discard all the rest.

The purpose of Hawaii is to obtain security, protection, peace, and good government. Can we deny all this and at the same time seize her only effective harbor of defense and hold it as our own?

ALEUTIAN ISLANDS.

Now we are met by the statement that it is unnecessary to acquire Hawaii because we have already acquired the Aleutian Islands farther to the west, as there is in these islands an admirable harbor, the name of which, I believe, is Syska. I am not informed as to the character, importance, or value of that harbor, nor am I informed as to the feasibility of the tortuous route which he suggests, nor as to the condition of the currents and other matters that oftentimes make the shortest route in distance the longest in time; but admitting all the gentleman from Arkansas [Mr. DINSMORE] claims regarding it, admitting that it is nearer to go from San Francisco to the north and then to the south in order to reach Hongkong and the Philippine Islands, admitting that Syska is an admirable harbor, I ask, Does that fact minimize the importance of securing the only other harbor in that vast expanse of ocean which can be utilized either for the purposes of war or of commerce?

And while we attach so much importance to the defensive aspect of this station, are we lightly to consider the commercial advantages involved in having the halfway station from our Pacific coast to the Orient, the halfway station from China to the future Nicaragua Canal? So I contend that as a matter of defense to our coast, as a matter of pursuing legitimately the lines which the country has so steadily pursued, of rectifying its boundaries, of securing scientific boundaries that will protect from foreign aggression and minimize the necessity of militarism, we should acquire these islands which lie adjacent to California, and that the distance makes no difference.

The question is whether they are at such a distance as effectively to be used by a hostile power; and it makes no difference whether they are 100 miles from San Francisco or 2,200 miles, provided they can be so used. As I have already said, we have seen the effectiveness of a movement inaugurated by a hostile and bankrupt country, from a base of operations 2,500 miles from our coast.

How effective would Hawaii be as the base of operations of the great power of Germany or Russia in dominating our entire coast, raiding it from the Aleutian Islands to San Diego, intercepting our ships as they come down with the gold from Alaska, destroying our entire merchant marine, darting in here and there with an effectiveness that would necessitate ample military and naval defense all along the line. And here we have a long coast on the Pacific, twice as long as that on the Atlantic, and we hesitate to avail ourselves of the only harbor which, in hostile hands, would constitute a menace to our safety.

COLONIAL EXPANSION.

But we are confronted by the statement that the acquisition of the Hawaiian Islands means colonial expansion, territorial expansion, empire. I regard it as an unfortunate thing that this question is to be considered in the public mind in connection with the Philippine question. None of us know how that question is to be determined. For one I trust that it will not be so determined as to involve colonial expansion.

I do not believe in owning islands all over the globe; I do not believe in a system of colonial extension like that of England. Different nations must pursue different lines of expansion and growth. A country that is built up and overpopulated as England is must, in order to maintain its prosperity, its growth and its strength, acquire additional territory. The policy of an island limited in area like that of England, and having a population of vigorous and aggressive people should be entirely different from the policy of a country that has more territory than population, and which should be absorbed in internal problems, not external problems.

The relation which such a population as the Philippines will have to our own, both as to individual liberty, individual representation, and industrial and commercial laws will be so perplexing as to distract us from the consideration of the grave internal problems that confront us. The acquisition of such a population may entirely break down and destroy our industrial system, based upon protection and intended to protect the American laborer from the disastrous competition of the cheap labor of other countries. Whether this is desirable or not may be a matter of contention, but that the immediate effects of it might be a most serious readjustment of industrial and economic conditions, involving distress and suffering to our existing population, must be considered.

I am therefore against colonial expansion for this country. I am for territorial defense. I should have regarded our position as stronger to-day had Dewey met the Spanish fleet in the open sea and destroyed it and then sailed to Cuba, there to unite his forces with Sampson's and Schley's. I believe in concentration of action, not diffusion of action. I believe in steadily keeping in mind the purpose for which we started, which was to drive the

Spaniards from Cuba. Involved in that was the destruction of the Spanish navy wherever found, for through the Spanish navy alone could an effective defense of Cuba be made.

Dewey's brilliant victory placed Manila at his feet. He was true to the military instinct in holding his ground and taking possession of the islands as a pledge of security and peace. But the problems with reference to those islands are to be settled hereafter by wise statesmanship. It may be that we have so complicated ourselves with the insurgent chief there, with the insurgent forces that are now arrayed against Spain and are wresting from her by land the possession of her fortifications, that honor and a proper regard for the respect of mankind will demand from us the task of pacifying the islands and organizing a stable and civilized government there.

I would not have the United States unresponsive to any honorable obligation. I would even run the risk of mistakes in our foreign policy rather than do that. But these are questions for the future, serious questions, involving possible acquisition of 9,000,000 people of inferior races, not suited for our civilization, not suited for assimilation with us. Their acquisition involves not territorial defense, not peace, but aggression, conquest, war, international complications. They put us in the theater of action of the great nations of the world and may force us to participate with them in all the diplomatic controversies that may arise.

But no such disadvantages attach to the Hawaiian Islands. The population which we add is inconsiderable. The country has already, by the peaceful process of evolution, assimilated itself with us. For years it has been practically American. American ideas, American liberty, American civilization, prevail there. No violent wrench is involved in their acquisition. No difficult problem of colonial expansion is involved in adding a population of 109,000 people, 56,000 of whom will retire to their old homes within the next five or ten years, leaving the island for the possession of the Caucasian race. No difficult problems of agricultural competition present themselves, for the soil, though rich, is limited and has probably reached its largest development.

I admit that the Philippine question is one of great difficulty. It may involve a readjustment of our entire industrial system. We have thus far promoted commercial union between the States, done away with custom-houses between them, done away with all restraints upon friendship and commerce. We have built up around our country, by the action of both parties, the defensive wall of the tariff to protect our industries and the wage earners employed in them against the cheap labor of other countries and adverse conditions elsewhere.

If it were proposed to-day to add Japan and the Chinese Empire to the United States and to place our protective wall around them all, would New England assent? It would mean the destruction of every manufacturing enterprise in the country, for the tendency, of course, is for every such enterprise to drift to the point of cheapest production.

We, in a measure, protect our laboring people against the cheap labor of Europe and also against the cheaper labor of the Mongolian races by our tariff laws; but there is not an intelligent man who does not realize to-day that the great industrial nations of the future are likely to be Japan and China, and if they were incorporated within our domain and surrounded by this tariff wall we would find our industries transplanted from our own soil to theirs.

As it is, the energies of hundreds of millions of people in China of great industrial aptness are to be loosened, and those energies are to be directed by the great powers of Europe—England, France, Germany, and Russia. We shall feel the force of their competition.

Bear in mind the change that is now going on in the cotton industry. That industry is being gradually transferred from New England to the South. Why? Because labor is cheaper in the South, because the hours of labor are longer, because there are not the same restrictions as to child labor.

We have numerous problems to meet within this tariff wall of ours, problems that involve social questions, the consolidation of capital, the consolidation of labor, the condition of the laboring classes. The time will probably come when, by a constitutional amendment, the hours of labor will be regulated in all the States by the Congress of the United States, when the question of child labor will be regulated by the laws of the United States, for the contention will be made by the laboring classes in those States subject to wise, just, and reasonable restraint as to the hours of labor that other States not subject to such restraint are absorbing their industries.

How would it be with reference to Japan and China, if those Empires were attached to us? How will it be with the Philippine Islands if they are attached to us and our industrial system is applied to them? It will be hard for us to apply the rule of justice and equality to those possessions without inflicting a serious injury on our own people.

But recollect that Hawaii has already come within the scope of our industrial system by the reciprocity treaty. Already she is a part of our industrial system. There is no wrench, no violence. This process of acquiring Hawaii is simply the peaceful process of evolution.

I think, then, with all due deference to the opinions of my friends on this side, that they should draw the distinction between an imperial policy and this question, between colonial extension and territorial defense. It will not do to oppose a just measure on the score that it may hereafter lead to an indefensible measure. Yoke a just measure with an indefensible measure, and they may both go through. Settle the just measure now and leave the indefensible measure to be settled by time, and then you can meet it with argument alone, without its receiving the support of a just and proper measure.

I will not take up time further with reference to the importance of Hawaii as a matter of defense of our coast, nor shall I enter at any length upon the commercial advantages of the Hawaiian Islands. All that has been ably covered by the chairman of the committee and by other speakers. I simply wish to urge that the question of Hawaiian annexation and Philippine annexation should not be yoked together. I wish to urge the view that growth does not necessarily lead to decline. We are told that the insular possessions of England are to-day her greatest weakness; that her colonies are sources of weakness rather than of strength.

Imagine the history of that country had it remained content within its narrow insular boundaries. The only career that such a nation can follow is one of colonial expansion. You may say to her, "Cut off the Indies; cut off Canada; cut off your African possessions." Imagine how quickly she would die. Historians hereafter may declare that England died as a result of undue growth, of phenomenal growth, of territorial expansion; but history will also record that she lived nobly.

We wish that this country should live nobly, that it should pursue the high purposes with which it started out, the purpose of establishing within our domain as far as possible a homogeneous, independent, self-respecting people, capable of war, but inclined to peace; pursuing all the methods that will secure peace; removing from our continent by peaceful negotiations European nations whose proximity threatened continued complications; removing all restraints upon trade between these great States, and securing also such insular territory as is necessary to protect its defensive line, securing the outposts against foreign occupation, placing between this country and other countries vast expanses of ocean, of lakes, and of rivers, and thus securing scientific boundaries, which in themselves will secure lasting peace. [Loud applause.]

Mr. POWERS. Before the gentleman takes his seat, I would like to ask him this question: After the acquisition of Hawaii, what is the gentleman's idea about the mode of government that should be applied to it?

Mr. NEWLANDS. I am not prepared to answer that question. The resolution which I have introduced provides for the appointment of five commissioners, two of whom shall be residents of Hawaii, to recommend to Congress a plan of government.

It is a matter to which I have not given reflection. I am not prepared to answer, though I apprehend there will be no more difficulty than there has been in the government of any territory which has been attached to this country. There is no difficulty in Alaska. It is true it is not a very complete system of government. It is simple, and satisfies the needs and requirements of that people, and will doubtless grow as the population and wants of the country grow.

Mr. PERKINS. Will the gentleman give me attention for a moment? Mr. Speaker, many of the opponents of annexation—and I am not one—allege that the climatic conditions of Hawaii are such that European labor can not endure the climate; that the labor would necessarily have to be carried on by the Asiatic or a similar race. I would like to have the gentleman make some statement covering that point.

Mr. NEWLANDS. I have no personal knowledge regarding the climate. I understand it is a temperate climate, and not tropical in character, as many suppose. I know it is regarded on the Pacific coast as a great sanitarium, particularly for nervous diseases. A friend of mine who visited the islands last year, who had been a nerve sufferer all his life, told me that was the only place he could secure relief. I do not understand that it is an enervating or relaxing climate.

Mr. POWERS. If the gentleman will give some assurance that the annexation of Hawaii will cure jingoism, I will vote for his resolution. [Laughter.]

Mr. BERRY. I can state, in reply to the gentleman's question, that the temperature never gets as high in Honolulu as it does in Washington, and that it is never below 63° or 64°.

Mr. TAWNEY. I will answer the gentleman's question. I will say that the temperature as taken by the officials at Honolulu in

1895 shows that there was only one day in the year when the temperature reached 90°, and that it falls as low as 64°. Seventy-two is the average temperature.

Mr. HITT. I do not see the gentleman from Arkansas [Mr. DINSMORE].

Mr. CLARK of Missouri. The gentleman from Colorado is to be recognized next.

Mr. BELL. Mr. Speaker, it may be that the whirligig of time has brought us around to the point where the very nature of things demands that the American civilization shall leave the less advanced civilization of its neighboring islands and those of the distant Orient. It may be that the time has come when manifest destiny shall automatically decree that this exemplary Government shall shed its gabardine of justice, impartiality, and equality, and shall join the Old World in gormandizing its national greed by absorbing all of the smaller governments that come within its reach.

If that time is here, it photographs a dismal future for the weak republics of the Western Hemisphere and for the individual poor of our own country.

The new policy would necessarily break down the cardinal landmarks in the Declaration of Independence and make us but a part and parcel of the caste-ridden governments of Europe from which our forefathers fled.

If we join in this crusade and invade the Hawaiian Islands we must break down the most cherished principle of the Declaration of Independence, i. e., "that all governments derive their just powers from the consent of the governed."

It is idle to prattle about the present Government being a republic or desiring to be annexed to the United States. It is well known by all who have kept pace with the misfortunes overtaking these islands that the present Government is a pure oligarchy not representing 10 per cent of the people of the island, and representing practically none of the natives. A republic is a government for and by the people. The first law of a republic is to rest the power in the people. The Dole Government has taken all power from the people, and it is in no sense a government for the people. Suffrage or the elective franchise is only given to the wealthy, which includes but very few, if any, natives. An elector for a senator must have \$3,000 in property above his incumbencies, or must have received a money income of at least \$900 the year preceding the election. The natives have lost practically all of the property of the island.

Mr. LANHAM. What proportion of the real estate of the island is owned by the supposed 3,000 Americans?

Mr. BELL. I have the exact figures right here. The Americans and European whites own 1,052,192 acres; the natives own 237,457 acres.

Mr. MEEKISON. You do not claim that the Americans who went there degenerated as land grabbers?

Mr. BELL. Yes; they succeeded in getting the most of the islands.

The Europeans and Americans pay \$274,516.74 in taxes annually, the natives pay but \$71,386.82, while the Chinese pay \$87,206.10, over fifteen thousand more than the natives.

Mr. LANHAM. Then the Chinese and Japanese and other foreigners already own a great deal of real estate in the islands.

Mr. BELL. Oh, yes. The Japanese and Chinese own a great deal of land and pay a large amount of taxes.

Mr. LANHAM. The gentleman from Nevada [Mr. NEWLANDS] suggested that ultimately those people would withdraw from the islands.

Mr. BELL. The reports show that they do not withdraw at all.

Mr. LANHAM. If they own real estate there, what right would we have to force them to withdraw?

Mr. BELL. None. Bear in mind that three-fourths of the merchants are Chinamen, not contract laborers, and a great many of them are gardeners and farmers and genuine settlers.

Mr. LANHAM. If we should annex Hawaii, we would have to take those Chinese and Japanese with all the rights to real estate that they have. Will the gentleman allow me another question?

Mr. BELL. Yes; certainly.

Mr. LANHAM. Have you any information as to how titles to real estate are derived in Hawaii?

Mr. BELL. I suppose from the Government. They have Government lands there now.

The Senate of the island is given practically a controlling power in the affairs of the island. There are 31,000 natives, 8,000 half-breeds, 24,000 Japanese, 15,000 Chinese, 8,000 Portuguese, 1,000 South Sea Islanders, 3,000 Americans, and 4,000 European whites upon the island, the most of the whites being citizens of other countries. Under the property qualification of voters, out of the 109,000 inhabitants there are only a few legal voters.

The best of evidence has been secured by a personal canvass of the natives and of the non-American population, and it has been found that at least 90 per cent of the population are praying for an independent government. Everyone who has investigated im-

partially must conclude that the present Government is a usurping oligarchy installed under the overawing influence of the marines of the American war ships, and that it has no power whatever by the consent of the governed. The governors of the Hawaiian Islands are simply old missionaries and their sons and their grandsons and their great-grandsons. And what do they do? Why, sir, my friend from Illinois, the chairman of this committee, talks about "the bold assertion of American manhood there." I am proud of American manhood. We are the greatest people on the face of the earth. But there is nothing about American manhood in Hawaii or English manhood in Hawaii commendable in their dealings with the natives.

Mr. TAWNEY rose.

Mr. BELL. The gentleman must excuse me. I can not yield now; I have not the time.

Mr. TAWNEY. I simply wanted to correct a misstatement of facts.

THE MONROE DOCTRINE.

Mr. BELL. We should not be swept off our feet by the great victory recently won at Manila or succeeding victories that may crown the efforts of our ships and soldiers in the war with Spain. We should not for a moment lose sight of the fundamental principles underlying our form of government and the beneficent results that they have produced during the last century.

Recently, when England threatened to encroach on the territorial limitations of Venezuela, we arose in our indignation and declared that "America is for Americans." This carries with it the inevitable corollary that Europe is for Europeans and the Orient for Orientals. We promptly made a large appropriation, and proclaimed to the world that we were ready to pledge our blood and our treasure to the maintenance of the Monroe doctrine; that is, that no foreign government should oppress any of the weak powers on this continent or in the adjacent islands. England admitted the validity of our claim and our right to pursue this protecting policy. Should we attempt to hold these islands or the Philippine archipelago or any other foreign islands, except as a security for a war indemnity, such an act would operate ipso facto as a renunciation of our further intention to maintain the Monroe doctrine, and the act would proclaim to the world that we had joined the horde of European greed in attempting to absorb as many of the weaker powers of earth as possible.

It may be said that the Hawaiian Islands more nearly reach our shores than they do those of any other continent, and that such annexation would not militate against the Monroe doctrine. This may be true, strictly speaking, but it does directly conflict with the great principles underlying our former governmental policy. We have advertised to the world, by act and by deed, as well as by proclamation, that we stand as the friend and protector of all weak powers on this continent, including its neighboring islands. We have boasted of the grand example we have set to the world, permitting all other countries to be governed as the people should desire. If we take these islands, we must do so in spite of the protest of 90 per cent of the people, and in a spirit which evinces a change of our colonial policy, and it will be a beacon light to lead us on to other acquisitions, until we become a part of the great governing powers of the world in aggression for territory and spoils. When that day comes we will represent no distinct type of civilization, but will be a part of the mass of the European powers, losing all that we have gained for good government and a higher civilization through a century of matchless progress.

THE POLITICAL FATALITIES OF ANNEXATION.

The cardinal doctrine of this Government is that every adult male citizen above the age of 21 years shall have an equal right at the ballot box in choosing officers and in shaping the policy of the Government. If we annex Hawaii, we must treat all of the citizens thereof as political equals and give them the privilege of the ballot, or must make another radical change in the policy of our Government.

There are on the islands, according to the last census, 3,086 Americans, of which 1,975 are males; probably 1,000 of these are above the age of 21 years, and therefore legal voters. There are 40,000 Hawaiians and mixed bloods, and probably 8,000 of these are over the age of 21 years; 24,000 Japanese, mostly all males, and probably 16,000 of them above the age of 21 years; 15,000 Chinese; 8,000 Portuguese, and probably 4,000 males above the age of 21 years; 1,000 South Sea Islanders, and probably 300 males above the age of 21 years; 4,161 white people other than Americans, and probably 1,500 males above the age of 21 years.

If we pursue our policy, we must allow the male population of the islands above that age the privilege of voting. If left to a vote of the people of Hawaii, after annexation, the Americans will have no voice whatever in the government of the island, except that of an infinitesimal minority.

While the people of Hawaii have maintained the most intimate trade relations with us and a most trusted friendship, because they regarded this Government as the friend and protectorate of

all the weak governments of the continent and adjacent islands, when it comes to taking the independent Government from the island and merging it into our Government every thought and sympathy of the great majority of the legal voters will be entirely anti-American in governmental policy. It will require a government by the bayonet rather than the ballot to make this heterogeneous people harmonize with our institutions.

OUR IMPREGNABLE POSITION.

The great statesmen of the world have conceded our impregnable position by reason of the solidarity of our territory. We are regarded as the greatest land power ever known to the world. The very fact that we are unassailable at home and have no outside points requiring a great navy has been the envy of all great nations. England has long been mistress of the sea. Her possessions dot every country in the world and are largely composed of small islands. These require her to keep up the greatest navy of the world. While she kept the greatest navy she could control her possessions, but recently she has been weary between two of the greatest powers of earth, Russia and the United States. She has been secure as long as these powers did not aspire to the equipment of a great navy. She saw clearly that the moment a reasonably large navy was added to one of these great land forces, without colonies, her prestige on the seas would fade away.

A few years ago Russia began filling her war chests with gold and building a powerful navy. This at once menaced the supremacy of the English sea power. The recent occupation of the neighboring harbor of Port Arthur, in China, in defiance of the protests of England, demonstrated that the zenith of her supremacy had passed. The combination in Europe seems against her, and now an exposition of the innate weakness of these possessions distributed among all lands and climes is made manifest.

The foreign possessions of Germany have been a curse to the Empire. The foreign possessions of France have been a source of annoyance. The foreign possessions of Great Britain have only been valuable because of her great sea power and facilities for carrying on the commerce between her possessions and the mother country. The colonial possessions of Spain are now destroying the mother country itself. It is openly admitted by Sagasta and others that the colonial possessions have been a curse to the Government, the only benefit being that they have furnished a select few an opportunity to plunder these colonies, as colonial officers. The same thing will occur with us should we adopt a colonial policy. It will be a curse to the great mass of the people, but it will be a blessing to those Americans holding large possessions in the islands and to a certain favorite line of politicians who will become rulers over the unfortunate natives whose possessions we covet.

There is eternal wisdom in the advice of Washington—i. e., "The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, and that we have as little political connection as possible." And Jefferson added to it the maxim, "Peace, commerce, and honest friendship with all nations, entangling alliances with none."

We are now reaching the very zenith of commercial glory. This year our exports will exceed our imports by something like \$500,000,000 and we will handle a product aggregating from eight to ten billions of dollars. We are daily going to the front in iron, steel, machinery, breadstuffs, the precious metals, and everything that tends to make a country truly great. We are now passing all nations in all great staples. We have everything under the sun to enable a great people to remain great. We have everything in the way of climate outside of the Tropics, and this we do not need or want. Our people are a product of a temperate climate, and we can not move them beyond the latitude of 53° or within 30° of the equator and maintain the high caste that pervades our homogeneous population.

Now, a minute ago, my friend, Mr. PERKINS of Iowa, asked a very pertinent question of the gentleman from Nevada [Mr. NEWLANDS], "Will the American people thrive and will our form of government thrive on that island?" My usually positive friend vacillated a little about it. But I say there is not a case in history where this civilization has thrived under a tropical sun. The American civilization, the European civilization, is an incarnation of the temperate climate. It can not exist anywhere else. The African in Africa has lived through the centuries, but that torrid sun has never allowed the front brain to develop. He might live there until doomsday and he never could invent an alphabet, he never could invent a multiplication table, he never could invent an arithmetic, and he never could adopt a republican form of government. The scientists have told us that from the dawn of civilization there has been a government suitable for every clime. Take the extreme north; the government that has always controlled best is force. Take the temperate climate, where the front brain develops, and they tell us that reason is the controlling force there; but take the case of those within 30 degrees of the equator, and nothing else has ever governed them so well as superstition.

I admit that in Hawaii, on account of topographical reasons, you can get every climate that is known to mankind. You can ascend the mountains there until you reach a point where it frosts in July. But when you come down to tilling the soil, when you come down to where the banana grows, when you come down to the sugar-cane fields, if you put the white man there it will take two or three generations before you get one that will stand the climate. And when you get that type you will get a type but little better than the native himself.

Furthermore, I want to say that the entire cultivation of Hawaii to-day is by Asiatic labor. You may speculate about the American people Americanizing Cuba, Americanizing Puerto Rico, Americanizing the Philippine Islands, but it is a mere dream. It never can be. And I hope to God the day will never come when we shall have a single foot of tropical climate within the bounds of this exemplary Government.

Starting from the seacoast, you may go to an elevation of 500 feet or 1,000 feet or 1,500 feet; and in this way the topography of the country may overcome the geography of the country. When you do that, you can have any climate you want. But in going to these elevated spots you go away from the cane fields, away from the coffee fields, away from the banana fields; you go away from the place where the work is done.

If you annex Hawaii, I expect to see you hold the Philippines. I expect to see you hold Puerto Rico, and you will find that they will never be Americanized. You know the torrid sun of Australia has made the Australian a savage.

Mr. SULZER. Oh, no.

Mr. BELL. History shows it. The equatorial Australian is today a savage. The world knows it.

Mr. SLAYDEN. Semibarbaric.

Mr. SULZER. They would not admit that down there.

Mr. BELL. No, they might not, because they do not know it. My friend from Illinois the other day made light of the fact that leprosy prevails in those islands. He said it was a very common sort of leprosy that did not amount to anything. But in a report of the Congregational Church, which has 18,000 members in Hawaii, it is shown that leprosy is so bad that the afflicted ones are isolated on an island and the Congregational missionaries were afraid to visit them.

Mr. BERRY. On a promontory which was devoted to them.

Mr. BELL. I say that when you take the islands of Hawaii, you take from the people their government without the consent of the governed. This is a parallel to the Fiji Islanders that our friend the gentleman from Missouri [Mr. CLARK] feared to annex the other day. I beg to say to him that the Speaker of this House will never have to fear being swallowed by a Fiji Island representative. The Fiji Islanders have been made slaves to the English Crown. The Fiji islander, when he was invaded by the whites, had a king who never knew of such a thing as a salary. He did not know of such a thing as public corruption. He did not know of such a thing as a combination of property. The inhabitants had enough to eat and enough to wear in their crude way. But by and by when the white man got there, he got this same infernal scheme of getting all their best land. Then he got a bank established and a contract that he was to let the government have so much money. He then got the idea into the king that he ought to have a princely salary. By and by they could not pay their bills and were incarcerated in jail; and by and by they fell at the feet of the Queen of England and said, "For heaven's sake, take the Government, if you will take us out of jail and keep us out of jail." The Queen did it, and said, "Hereafter you may pay your debts in the products of the soil and not in money," and the Fiji Islanders are existing in that condition to-day.

Now, my friends, I want to say to you that the first point I attempt to make is this, that we are taking the country of these natives not because of a necessity, not because of the fact that they have begged us to take them and protect them. These protectors are a few rich men of our blood, of English and German blood. Our friend, Mr. HERR, of Illinois, I think made a great mistake Saturday when he gloated over the fact that in the constitution of 1887 the manhood of America was shown by the way they took hold of the throats of the natives and made them recognize Americans.

I think that was one of the most disgraceful things that an American was ever accused of doing. Let us see what they did. There was a conspiracy of twenty, who took an oath that any five of them at any time who might be chosen would assassinate the King of Hawaii. That is not in keeping with the American spirit. That is not in keeping with the American doctrine. Then they submitted a constitution to the King of Hawaii and forced it upon him, saying that every man on this island shall be permitted to vote, even the foreigners, without interfering with his citizenship in his home government. Is that much like the American spirit? Who ever heard of such a citizenship being put on a people before? American citizens voting in Hawaii and coming home and voting in the United States! Germans voting in Hawaii and going to

Germany and voting again! And that is the constitution that was forced upon that Government. I say that that is in conflict with every principle of the Declaration of Independence.

ANNEXATION MAKES AN INVULNERABLE COUNTRY MOST VULNERABLE.

One of my chief objections to annexation is that it will weaken this Government and make an invulnerable country to any European or Asiatic foe a most vulnerable one. I am aware that some men high in Army and Navy ranks contend that the possession of these islands would add strength rather than weakness to our nation. However, such an argument is so inherently weak and illogical that it carries within itself the elements of its own refutation. The islands are 2,083 miles from our shores—almost midway between our western border line and the Orient—isolated and exposed to attack at all times, with no opportunity of receiving aid until a sea voyage of 2,083 miles is made.

It is contended with some plausibility that this is necessary as a coaling station and with it the North Pacific can be completely controlled. It is argued that since the great steam war ship has displaced the sailing vessel success in war now depends principally upon access to coal, and yet these islands have no coal. There is no United States coal probably nearer than 3,000 miles. If you pile up mountains of coal during times of peace from the territory of some of the friendly powers, that will simply make the island a more inviting object of attack should we become involved in a foreign war. In my opinion, before we finish the present Spanish conflict, we will learn that the coal collier floating about upon the sea will be the supply point for all the vessels in mid ocean. We shall find that friendly nations of one power or another will have their great coal ships floating ostensibly to neutral ports, but they will be picked up by the enemy, and her vessels supplied, and the significance of your island harbors as coaling stations will largely fade away.

Should we own Hawaii it would be a constant menace to our great continental tranquillity. The moment a misunderstanding should arise between us and a foreign power a menace would be made not on the Pacific or Atlantic coasts, where the body of our people and our great powers of defense could be reached in a few hours, but it would be made at this vulnerable point, in mid ocean, some six or seven days' sail from our nearest home port. Not only this, but it takes seven or eight weeks to move our ships from the eastern part of the United States to our western coast. We could not depend upon the support of our naval vessels on the Atlantic, and we would be reduced to the dire necessity of not only fortifying the island against attack, but we would have to have a great Pacific navy kept up at all times. We would be compelled to keep, as it were, a great navy for the western coast of the United States. As the present ships are constructed, there is no material danger from an enemy in possession of these islands. By the time they passed from the islands to our Pacific shores the coal of war ships would be practically exhausted and they would have to rely upon the floating coal colliers.

THE LABOR PROBLEM.

A most unfortunate concomitant of such annexation will be the labor problem involved. A few wealthy Americans and European whites will own all of the valuable possessions of these islands. They will inevitably employ the natives or the poorly paid labor of like climates, and will produce untold quantities of the necessities of life, and will pour them into our channels of trade in competition with our laboring classes without the payment of tariff, to the dire ruin of competing enterprises in this country. Our transportation has now reached an efficiency whereby carrying rates are insignificant, or would be, from these islands to our shores, and would be much less than from the interior of our own country to the market places by railroad.

Again, we have for a century been an example to the world, and are entitled to the credit of the great strides made toward a higher civilization during the hundred years. We are really a composite nation, inviting the citizens of every country, with the exception of China, to join with us in developing this higher civilization. We have, through the influence of our surroundings, and of an unexampled temperate climate, progressed as no other country in history has progressed.

Education has become universal within our limits, pervading every class of society. We have untold areas undeveloped and awaiting an energetic and thrifty population and the necessary means for the development. In our partially developed state we produce one-third of the wealth of the world. In the great staples we are now becoming the greatest export nation in the world. Could we confine ourselves to our own territory during the twentieth century as we have during the nineteenth century we would have a population of probably 200,000,000 of the most intelligent and happy people on the face of the globe.

When we change our policy to the acquisition of foreign territory vulnerable to attack at all times, necessarily inhabited by an inferior and unambitious race of people, we take upon ourselves not only the responsibility of protecting them from foreign foes,

but from domestic insurrection. We take upon ourselves the obligation of ruling and controlling a population environed with climatic conditions that will never permit them to approach an equality or a fitness to assimilate with our race. We invite a constant irritant into the heretofore pacific and harmonious condition of our national life. We will unconsciously and certainly pass from our present commendable dominating spirit of civic life to the dominating spirit of militarism that must of necessity dominate every country that is upheld by a great army and navy.

MILITARISM.

The founders of our Government feared the aggressions of the military power against the civil more than any other supposed enemy of our institutions.

A martial spirit is innate in man, and in a country like ours, where our soldiers and sailors are matchless and the people are very proud of their skill and courage, this danger becomes inordinate.

The soldier is proverbially reckless and unreliable in business affairs, has no appreciation of the value of money nor any dread of extravagant debt or taxation.

The soldier is ever endeavoring to build up and enlarge the Army and Navy, and to obtain opportunities to display his skill in warfare; therefore it is to be expected that every sailor and every soldier will bend every energy for the annexation of Hawaii or other points which may furnish him opportunity for employment or distinction.

Every owner of a shipyard, coal company, supply company handling war munitions will favor annexation.

Every politician who has an ambition to occupy official position in the islands will be for annexation.

THE GREATNESS OF THE COUNTRY.

I shall not for one moment contend that if we annex these islands, the Philippines, or all the West Indies, this country will not thrive. The country and its institutions would continue to be augmented, but the individual citizen and his opportunities would decay.

Every year we draw nearer and nearer to the caste system of the Old World. No man can look over the military appointments recently made because of the social, political, or financial standing of young men, many of whom were wholly without qualification or experience, without being convinced that an invidious distinction has been made against the efficient trained soldier from the ordinary ranks of society. In fact, it is common talk even among the lads and lasses of the country that applicants for office in the Army or Navy must now present their pedigrees, strains of blood, or social standing rather than their qualifications for the duties of the office. Astonishment is expressed by all classes of society at the boldness with which the President tramples upon the sacred teachings of the equality of our citizens.

Ex-Senator Ingalls, a famous Republican, in a recent letter to the Globe, says:

Our boast has been that we have abolished the artificial distinction of birth and rank and made merit rather than pedigree the criterion of preferment. We must have been wrong, for in the last month we have seen the health, well being, comfort, and fighting capacity of 100,000 men; their food, clothing, shoes, tents, medicine, arms, ammunition, equipment, and pay, involving the expenditure of hundreds of millions of dollars and the protection of the Government against corrupt and incompetent contractors entrusted to youthful and inexperienced civilians for no apparent reason except the shameless impertinence of influential kindred and greedy politicians with a pull.

Grant's son and his grandson, Logan's son, Blaine's son, Harrison's son, Alger's son, GRAY's son, McMILLAN's son, MURPHY's son, MITCHELL's son, Brice's two sons, HULL's son, Lee's son, Strong's son, SEWELL's son, Astor's son, ALLISON's nephew, and scores of less conspicuous heroes, illustrate the development of political atavism or intermittent heredity, which is one of the most extraordinary features of the past thirty years.

This and the last Administration have evinced clearly the approaching season of caste. Democracy and great wealth have never thrived in the same field. In proportion as an individual grows wealthy his democracy decays. The individual represents the Government in miniature.

It is my judgment that this war is the blighting season of democracy in the United States. Every indication is that the United States will unfold itself in the early morning of the twentieth century into the greatest military and naval power and into the most regal and resplendent aristocracy that the world ever beheld. The mentally dwarfed inhabitants of the Tropics will be the servants again of those in the temperate climates. The ownership will not be so complete nor the responsibility so great as formerly, but the servitude will be more profitable. The people are to blame. They have persistently kept men in power who trampled on every principle underlying a republican form of government.

I shall deprecate the fulfillment of this unwelcome prophecy. I shall deprecate the return of slavery in this country, but with the annexation of the tropical islands this menial labor will certainly be completely controlled and used by their more fortunate brethren there and here. [Applause.]

Mr. PEARSON. Mr. Speaker, I do not know that it would be fair to compare the gentleman from Colorado [Mr. BELL] with

the sirocco, the hot wind of the desert, but it would not be inappropriate to compare this Chamber at present to the desert of Sahara, not only in the matter of temperature, but in the barren waste of seats about me.

I desire to say, Mr. Speaker, that I shall not go as far toward the North Pole as did the gentleman from Arkansas [Mr. DINSMORE] in attempting to cross the Pacific from San Francisco to Hongkong; but I do believe that a certain latitude and longitude should be allowed to those of us who address ourselves to this subject, not only on account of the importance of the question involved, but on account of its bearings upon other questions, such as the origin of this war and the conduct of the war and the necessary result and the probable indirect results of the war, and because no convenient opportunity has been thus far presented for such discussion.

Mr. Speaker, I shall give my vote for this resolution for the same reason that I supported the war-revenue bill. I believe that this is a necessary step in the successful prosecution of the war with Spain. I am frank to admit that when the gentleman from Indiana [Mr. JOHNSON] addressed this House some weeks ago I felt as he did on this subject, that it was an unnecessary and radical departure from the historic policy of this Government; but right here comes the question, if we are going to hold the Philippine Islands, then the annexation of the Hawaiian Islands is not only important, but essential.

If we are going to get our share, or any proportionate share, of the great commercial development of the future, of which the seat is certain to be in the Pacific and in eastern Asia, then the possession of the Hawaiian Islands is not only important, but essential. If we are going to build the Nicaragua Canal, then, Mr. Speaker, it seems to me that the annexation of Hawaii is important and essential, and I venture the opinion just here that even the petrified conservatives on the other side who oppose the annexation of Hawaii are in favor of building the Nicaragua Canal, and are in favor of the proposition that it shall be built by the muscles, the brains, and the money of the United States, and that it shall be controlled by the Government or by the people of the United States.

I have been impressed by the fact that distinguished civilians such as my colleagues on the committee who presented the minority report have undertaken to put their constitutional opinions in the scale against those of chief justices of the Supreme Court, and that those same civilians, whose duties as members of this body are necessarily exacting and onerous and necessarily prevent them from a study of military tactics and of naval warfare, that these same gentlemen, the gentleman from Arkansas [Mr. DINSMORE], the gentleman from Missouri [Mr. CLARK], the gentleman from Georgia [Mr. HOWARD], and the gentleman from Mississippi [Mr. WILLIAMS], place their opinions upon a question of military strategy in opposition to the opinions of the highest naval and military authorities, against the opinions of Mahan, and of Schofield, and of Walker.

Mr. TAWNEY. And Melville.

Mr. PEARSON. And the whole line of them. The gentleman from Colorado [Mr. BELL] who has just taken his seat concedes that all of the Army and Navy are in favor of the annexation of these islands. But he suggests that it is owing to the fact that they are men of war and aggressive in their disposition, and that it has been their policy in the past to take everything in sight and hold everything they get.

In a matter of this sort, without undertaking to disparage the ability and learning of my colleagues upon the question of constitutionality, I shall venture to take my position with Chief Justice Marshall and with Chief Justice Taney rather than with the gentleman from Missouri [Mr. CLARK] and with the gentleman from Arkansas [Mr. DINSMORE]. And upon the question of military strategy I shall accept the opinions of military and naval experts rather than the opinions of the gentlemen who have signed the minority report, following the maxim, *Cuique in sua arte credendum*.

The minority have given seven alleged reasons for opposition, but those can be reduced without injustice to two, and they are the two which have already been mentioned. As the gentleman from Nevada [Mr. NEWLANDS] has said, I do not believe that the possession of these islands necessarily inaugurates a policy of colonial aggrandizement, or imperial acquisition, or whatever the favorite expression may be. I believe that the annexation of those islands is a present necessity for the successful prosecution of this war—a necessity in order that we may hold up the hands of the gallant Dewey. For that reason I stand here to-day and give the measure my support.

I am not sure what is to be the disposition of the Philippine Islands. That necessarily brings up the consideration of other matters. But I want to ask, is there a man in this body who will go back to his people and advocate the doctrine which was advanced the other day by a distinguished publicist from New York, Mr. Coudert, who regrets that Dewey's exploit had forced a change

of policy, and who suggests that Dewey should bombard and break down those forts, spike their guns, pull up his anchors, and come home? If there is a man here who is willing to join in that ignoble sentiment, in that pusillanimous recognition of Dewey's magnificent deed, I should like to see him. [Applause.]

If there is a man here who would dare go back to a patriotic and bold constituency and advocate such a policy as that, I should like to see him rise in his place. I do not hesitate to say, and I am glad to say, that in the country from which I come every man—Republican, Democrat, and Populist—not only applauds that act, but is unanimous in the belief and determination that we should hold those islands; that we should capture and hold Puerto Rico; that we should capture and hold the Canaries; that we should demand ample indemnity from Spain for the frightful cost of this war.

Mr. BALL. Will the gentleman yield?

Mr. PEARSON. The gentleman can reserve his question until later. I shall answer it gladly then.

Mr. BALL. It is right on that point.

Mr. PEARSON. I am but following the example set by all the gentlemen who have preceded me in asking that interrogatories be deferred to the end.

Mr. Speaker, not only the future of the Philippines but a number of other questions are involved in the consideration of this matter. I shall take the liberty, at the risk of being a little tedious, of referring to some of the results of the Chinese-Japanese war, not only as an indication of the present conditions in the far East but as foreshadowing probable future conditions.

It is well known to this body and to the world that Russia is now engaged in a tremendous work of internal improvement; that she is building what is known as the trans-Siberian railway, a work of enormous importance, to cost four times as much as it would cost to build the Nicaragua Canal. The contracts call for the completion of this great railway in 1905.

Strange to say, the eastern terminus of this great railway is not upon Russian soil, but, as the result of what a Russian diplomatist called "persuasion," it is at Port Arthur, which was ceded to Russia by China for the purpose at the end of the hostilities between Japan and China.

Thus Russia acquires on the eastern terminus of that road a harbor free from ice the year round, which must necessarily be a great center of trade and a great emporium in the future. Recognizing that Russia had taken from China a very important port, which Japan had coveted for herself and had looked upon as her legitimate prize, Great Britain, with her traditional desire for territory, then concludes that she will take a piece for herself, and she bases her claim upon the following statement of fact, which I take from Whitaker:

China having surrendered to France by a treaty concluded in 1895 certain territories which she had promised not to cede without having previously obtained the consent of Great Britain, Lord Salisbury insisted upon reparation being made for this breach of the convention of 1894. This was done by agreement signed June 5, 1897. China now cedes the Shan state of Kokang and grants free intercourse between Burmah and Yunnan, the opening of the Sikiang or West River as far as Wuchau, 160 miles above Canton, and the appointment of consular agents in other towns, etc.

And we find, Mr. Speaker, that Germany, looking upon the complaisant disposition of the ancient Chinese Government, has the good fortune to have two German missionaries massacred at Yen Chofu; and Germany, in consideration of the death of these religious enthusiasts, finds it is impossible for her national pride to be satisfied without taking this harbor for herself at the entrance of the Gulf of Pi-chi-li and three important forts, along with divers and sundry rights, privileges, and easements; and it would be fair to assume, if China is willing thus to give away her territory, that she is on the verge of dismemberment; and if she allows Russia not only to take Port Arthur, but allows her to build the Siberian Railroad 900 miles through ancient Manchuria, and not only that, but gives Russia the right to "exploit" (this is the word used) all the mineral wealth of that vast region; if she allows the steady advance of Russia like that of a glacier, which moves constantly but imperceptibly at first, and then faster and faster with the energy of liberated force, that descent of the Russians upon the Chinese Empire, after passing the Great Wall, will still be like the glacier after it has broken the barriers and obstacles that fettered and impeded its movement—the descent, at first imperceptible, in the end becomes irresistible and furious, and this means the disintegration of that Empire.

Mr. Speaker, I am sure I shall not be criticised for departing too far from the line of this discussion if I undertake to give my interpretation of the fourth resolution, which was adopted by Congress on the 19th of April. Opportunity was not allowed then for discussion in this House, and there was no desire, because expedition was what we wanted. I voted for this most cheerfully. It is possible that the world may misunderstand our motives and purposes. One of the best results of the present debate will be the expression of the opinions of members on the motives that have inspired their course on these war measures. We

need not dwell on the arguments in favor of Hawaiian annexation, because these arguments are so strong that a majority of 40 to 60 is already assured. I shall take the liberty to address myself for a moment to the fourth resolution, which is in these words:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

I indorse that, and yet without following the gentleman from Missouri in his discussion of what is understood by "manifest destiny." I see nothing in that which permits or precludes or estops the Government of the United States, say ten years from now or twenty years from now, from considering the question of annexation if proposed by the Republic of Cuba as an equal dealing with an equal. I would oppose and give my vote against any such annexation, at this time or at any time, until the people of that island have formed a stable government of their own and shall have shown that they are fitted to exercise the duties of citizenship, and they have taken their rank amongst the states of the world.

The question will be presented here in the future, and I venture to believe that it will be considered as an independent and open question, and not forestalled by anything that has been said and nothing that can be legitimately inferred from the terms and meaning of this resolution. No nobler sentiment has so far been uttered or written in this war than that expressed by the crew of the *Merrimac* when they refused to sail into Santiago Harbor under the Spanish flag and to let the American ships pursue them and discharge blank cartridges. These brave men said, "No; we would rather die under the Stars and Stripes than fight under false colors." [Applause.]

That is my sentiment here. And I think that in all these matters it is better, it is fairer, to be candid and to be bold, rather than to have any misconstruction as to the motives which have impelled us to take this action in the past. I do not hesitate to say, speaking for myself, and I feel quite sure I can speak for my colleague, the gentleman from Michigan [Mr. WM. ALDEN SMITH] who is not just now in his seat, that in all that exciting agitation which finally terminated in the passage of this resolution by an almost unanimous vote of this body, we stood side by side and we fought morning, noon, and night, for ten days and nights, in order that that word "independent" might be incorporated in the resolution.

The motive, of course, which first prompted our action was sympathy for these reconcentrados, and yet that feeling of pity or of sympathy was not the great driving, the great propelling force; the real and irresistible force was a feeling of vengeance. I do not hesitate to avow it.

When our ship was sunk in the foul harbor of Havana, and when we waited patiently for investigation by a court of our own, and when the judgment of that court was confirmed by our physical success, and when it was shown to us that the Spaniards had not only slaughtered our men but had slandered the living as well as the dead, and that there was a witness, dumb it is true, but unanswerable, the keel from the bottom of the *Maine* thrown up through the upper timbers of the ship, standing 4 feet above the water and 34 feet from where it belonged, standing there as a witness before the world and before God in heaven that the Spaniards had added to the crime of murder the insolence of lying, then I wanted to fight. I do not hesitate to proclaim it here. Then every man in the Navy wanted to fight, and every man in the Army wanted to fight.

I felt, along with others, that in the contemplation of that awful crime words could not tell our grief, money could not measure our loss, gold could not pay for our dead. The only punishment for such a crime, a crime without a name and without a parallel, the only retribution, the only expiation, the only compensation, it seemed to me, should be to declare that the loss of our ship shall mean the loss of Spanish sovereignty; the death of our men shall mean the birth of a new republic; that Spain shall be banished from the hemisphere which she has discovered and disgraced; that her army shall be driven from that fair island which it has plundered and laid waste; that her flag of gold and blood shall be torn down from the blue sky which it has polluted and in its place shall set the bright single star that glitters in the flag of free Cuba [applause], and that the morning star that heralds the dawn of the twentieth century announces the advent of the twentieth American Republic. Only such a penalty could fit such a crime. [Applause.]

Now, Mr. Speaker, those of us who have had scruples in regard to a foreign policy, or fear a departure from our ancient policy, I am sure will recognize the fact that here, at the end of the nineteenth century, we have reached a new stage of national growth. I trust the House will bear with me if I refer briefly to the three periods which preceded.

Every argument made here against the annexation of Hawaii

was made against Jefferson's purchase of Louisiana Territory in 1803, and every argument which has been made here in this debate was made against the annexation of Texas in 1845; and yet, gentlemen of the opposition, you will admit that after the acquisition of Louisiana by the wise act of Jefferson began a growth, a distinct growth, an increase in population and in wealth, and our people, who had conquered their independence of Great Britain when they were simply scattered settlements along the Atlantic seaboard, began after that purchase to climb over the Alleghenies and the Blue Ridge and settle in the rich valleys of the Mississippi.

That period of progress extended to the acquisition of Texas, against which the same argument was then made which we heard Saturday and to-day. Then came the Mexican war, and with it the acquisition of California. Then our people began to climb over the Rockies and the Sierra Nevadas. Everything was stopped and paralyzed by the civil war, but, fortunately for this country, while that war for a time arrested our progress, it settled two great questions which had perplexed our forefathers and disturbed their children and the country continually up to 1860.

Let me say to these gentlemen who are now making their opposition to this measure that a great many men from our section honestly opposed the abolition of slavery, honestly opposed such a change of policy, honestly believed in the right of secession. Yet what do we see to-day? There is not a man in this House, not an intelligent man in the country, certainly not an intelligent man in the Southern States, who does not accept the results of that civil war, who does not rejoice that the question of secession was forever settled and settled as it was, and that slavery was abolished; that instead of having two governments and two flags—two governments lying side by side with hostile laws and conflicting interests—we have one Government, one flag, one universal freedom, one united brotherhood, one common and splendid destiny. [Applause.]

We rejoice in this; and not only that, we rejoice in the opportunity which has been given us to prove that we are willing to risk our lives in attestation of our loyalty to the flag. No more inspiring spectacle has been seen by the American people than we witness to-day. "Fighting Joe" WHEELER has donned the blue uniform of a major-general of the United States, and he says very pleasantly that he feels as if he had simply been on a long furlough.

Fitzhugh Lee has called to his side the grandson of Ulysses S. Grant to fight side by side with him for the same cause and under the same flag. What shall we say of the temerity of a nation that will dare to confront both a Grant and a Lee fighting for the same noble cause? The *Kearsarge* and the *Alabama*, that fought each other in 1864, are afloat again in 1898 as vessels of a united Government. Each ship has been made anew from turret to keel; but under the same old names and under the same old flag, instead of fighting each other they are now prepared to hurl their red shot and shell into the haughty and treacherous Spaniard. And what shall we say of a nation that fails to recognize the inevitable result of an opposition such as this Congress and this people have determined upon in the prosecution of this war?

If Spain were wise, she would comply with the demands which we made upon her in the resolutions referred to; and perhaps she might save something out of the wreck. If she declines, nothing but inevitable ruin stares her in the face. Every day of delay adds millions of war expenditures. Every day of delay adds to the certain humiliation which is to come to her. Every day of delay adds to the completeness of the ruin which awaits her.

I venture the prediction that after we have driven these Spaniards from Cuba and from Puerto Rico, if Spain refuses to pay indemnity for the frightful cost entailed upon us, our Navy will go straight to Cadiz, will take every seaport on the Bay of Biscay and on the Atlantic and on the Mediterranean. With Barcelona, Valencia, Malaga, and Cadiz in our possession, what a spectacle will Spain present before the civilized world! There can be no question, Mr. Speaker, as to the ultimate result. We have more men and better men; we have more ships and better ships; we have more guns and better guns; and I trust I shall not be considered as making any political reference when I say we have more money and better money.

Mr. SIMPSON. We have more bonds and better bonds!

Mr. PEARSON. We have not so many bonds, but they are better bonds. The bonds we are about to issue will go at par and will be bought up eagerly by a patriotic American people. Let me say to the Populist gentleman who interrupted me, it is a god-send for us that we have men who are willing to recognize an emergency such as war and who, though they may be opposed to the issue of bonds in time of peace, have at least the patriotism to come up in time of war and say, "We will make every provision necessary for the comfort and maintenance and success of our Army." [Applause.]

The bonds which we may issue for the carrying on of this war have no terror for me. I am here to vote for bonds to any extent

that may be necessary. If \$400,000,000 are not enough, I would vote for \$1,000,000,000 in order to insure the successful prosecution of this war. [Applause.] Spain is trying to sell her bonds in vain at 33 cents on the dollar. The United States has no difficulty in selling hers at \$1.20 and \$1.22, and I trust gentlemen will not understand that there is any politics in my remark when I say that that is 18 per cent more than they were worth four years ago. And that gold reserve which was flowing out of our Treasury, causing us so much uneasiness four years ago, now amounts to \$120,000,000 more than we had at that time.

Mr. Speaker, I believe I voice the sentiment of the average American when I say we are in favor of making ample provision for our soldiers and our sailors, that they may have good clothes, that they may have good food, that they may have all necessary weapons and the best weapons, that they may have their pay regularly on the first day of every month, and that every dollar of their pay may be in the best money of the world—that every dollar shall contain 100 cents. [Loud applause.] Spain has followed the example of some bad advisers. Spain has dared to issue fiat money. Spain has no credit. Thank God, the credit of the United States is made good and will be kept good so long as the people sustain the Administration. [Applause on the Republican side.]

A MEMBER. So long as the Republican party are in power.

Mr. PEARSON. I was about to say that, but thought I would not.

Mr. Speaker, the interruption across the aisle prevented me from reaching the last stage of development. I had recounted only two, and I had promised three. After the war was settled as it was, and we were no longer disturbed by those old questions, then came a period of growth and development in this country, the greatest that has ever been known in the history of the world from the time of the first organized government among men.

Our people had reached the Pacific shores. They had then begun to build the connecting lines of railway, first the Union and Central Pacific, then the Northern Pacific, then the Southern Pacific, combining the sections together; and we have felt that not only in the sense of homogeneity here, but in the tremendous internal development. In the building of railroads this country advanced in the period between 1865 to 1898, building more than all the rest of the world put together; and in the application of the forces of steam and electricity to human uses and human comforts there never has been such a period as that from 1865 to 1898 in the United States of America.

I do not undertake to say, Mr. Speaker, that all of our waste places have been filled, that all our frontier has been occupied, because there may be good lands yet to be occupied and to be cultivated. But I need not enumerate the number of particulars in which this phenomenal increase and development was made, in everything excepting one, and I think that the result of this war will have a tendency to draw our attention to that. I mean the loss in the merchant marine. It is a fact that our merchant marine was not only relatively but absolutely greater forty years ago than it is to-day. Still we rank second to Great Britain. With the development which is sure to follow the building of the Nicaragua Canal and the activity in the Pacific and in eastern Asia, I feel satisfied, Mr. Speaker, that there will come a tremendous growth in our commercial marine and in those profits of legitimate commerce which have made Great Britain what she is.

I shall be pardoned if I undertake to contrast for a moment the policy which has made Great Britain what she is and the policy which has reduced Spain to what she is. Macaulay says whoever wishes to study the morbid anatomy of nations, whoever wishes to understand how a great state can be made feeble and wretched, should study the history of Spain. "The causes of Spain's decay may all be summed up in one cause, and that is bad government."

If we will contrast the magnificent empire which Charles V left to Philip II with the poor, pitiful, wasted condition of Spain to-day, and, on the other hand, consider what was the empire of Great Britain in the time of Elizabeth and what it is to-day, in the time of Victoria; if we will contrast the growth of Prussia, starting with the little Marquisate of Brandenburg and growing into the Kingdom of Prussia, expanding into the Empire of Germany, until the old Kaiser Wilhelm was crowned in the palace of Versailles; if we will come down further and contrast the government of the Island of Cuba during one hundred years of oppression, cruelty, bloodshed, and revolution, while side by side under an English and Anglo-Saxon and honest form of administration we find in Jamaica a hundred years of law and order and of peace and of progress, we are obliged to conclude, Mr. Speaker, that the fault is not in the climate, the fault is not in the soil; it is the difference in the genius of the governing races, a difference as marked, as distinct, as that which characterizes the tough old Irish oak in Westminster Hall as compared with the brittle and brilliant arabesques in the Cathedral of Seville. [Applause.]

I am glad that I belong to that Anglo-Saxon race. I am glad that I am one of the descendants of those savages that swept from the north and overran the Roman Empire, and I make bold to

declare that the nations that rule the world to-day and will rule it in the future are the descendants of those same savages that wandered in the unbroken forests of Britain, of Gaul, and of Germany.

I have nothing to say in disparagement of the Latin races, but the results of history show that that race can not keep pace with the Anglo-Saxon in the march of progress and that the four Governments that are ruling now and will rule this world are Russia, Germany, Great Britain, and the United States of America. And with the rule must come to the earth a higher standard of civilization and higher respect for honest and clean administration and a greater reverence for true religion.

And, Mr. Speaker, I close with the thought that the flag which is the emblem of our Government, and which floats now from one end of this country to the other, in every breeze, thick as the blossoms of May, will never again wave its folds over scenes of sectional hate or fratricidal strife, but everywhere, over the land and over the sea, it will stand as the emblem of perfect and indestructible unity at home and of defiant and invincible strength abroad. [Loud applause.]

Mr. HITT. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HENRY].

Mr. HENRY of Indiana. Mr. Speaker, we are gravely told that the proposition presented by the resolution for the annexation of Hawaii is the commencement of a new policy of the United States for the acquisition of colonial territory. It is said that following this will come the annexation of the Philippine Islands, Cuba, and Puerto Rico, and that finally the nation will so extend her boundaries that it will fall by reason of the fact that so many diverse nationalities are brought under the flag that our republican form of government can not possibly be maintained. All this sounds like an echo from the past.

The prophets of evil who so loudly declaim upon the disasters and woes which are to come if we pass these resolutions are but the lineal successors of those who told the people of this country in former years, when annexations of territory were being discussed, that evil and destruction must surely follow. Men even stood up and solemnly declared that any such annexation as that of Florida or Louisiana would be sufficient cause for severance of the bonds of union between the States.

It would be profitable, if time would permit, to call to mind in detail the various objections that have been urged in the years past to each and every proposition of annexation which has been before the American people. Not one argument has been advanced in the course of this debate against the annexation of Hawaii that was not made when former annexations of territory were under consideration. Grave statesmen then, as now, insisted that the boundaries of the United States should not be extended, that compactness of territory was necessary, that it would not do to annex any territory where the inhabitants were not homogeneous and suited to American citizenship, that to commence the extension of our boundaries meant aggrandizement and would surely weaken the bonds of our Union.

A careful perusal of the history of the past will soon satisfy anyone that in the opposition to this resolution nothing new has been developed. To assert and reassert that the action proposed is a departure from the traditions of the fathers is no argument. Look, if you please, at the small territory covered originally by the thirteen colonies and compare it with the vast extent of territory now embraced within the boundaries of the United States. Remember that the original small territory has grown to the present vast expanse by no other means whatever than annexation.

Remember that Florida was annexed by purchase from Spain; that Louisiana, with the great Northwest, was secured in like manner from France; that a vast expanse of territory came to us by conquest from Mexico; that Texas was admitted into the sisterhood of States after she had secured her independence from Mexico; that icebound Alaska was ceded to us by Russia, and that in each and every case the people of the United States were told that it was unconstitutional and would prove ruinous to the country.

It has been well said that our territory to-day is smaller in comparison with the population than it was a half century ago. The territory now proposed to be annexed by these resolutions is indeed very small in extent, but its position makes it very important to the United States. So important has it always been considered, from the time it was first brought to the attention of the American people, more than half a century ago, that at no time since then has it been thought possible that this nation would allow these islands to drift into the hands of any foreign nation.

It is remarkable as well as interesting that a close study of the history of the last fifty years will not disclose a single line or a single word from any of the Presidents of the United States or the Secretaries of State upon this subject, that looks for one moment with favor upon the idea that any foreign nation should be allowed to control these islands in the Pacific Ocean, which we now propose to annex, and yet, Mr. Speaker, during the course of this debate it has been asserted over and over again that this policy is a new one, and that it is but the commencement of a

proposed colonial policy. Gentlemen who make these statements have closed their eyes to the history of their country.

Allow me to call your attention to some of the expressions of Presidents and their Secretaries of State. In 1842 Daniel Webster, as Secretary of State under President Tyler, said:

The United States * * * are more interested in the fate of the islands and of their Government than any other nation can be, and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matters of commerce.

In 1843 Secretary of State Legaré, in a dispatch to Edward Everett, minister at London, said:

It is well known that * * * we have no wish to plant or to acquire colonies abroad. Yet there is something so entirely peculiar in the relations between this little commonwealth, Hawaii, and ourselves that we might even feel justified, consistently with our own principles, in interfering by force to prevent its falling into the hands of one of the great powers of Europe.

In 1843 James Buchanan, in a dispatch to our minister at Honolulu, said:

We ardently desire that the Hawaiian Islands may maintain their independence. It would be highly injurious to our interests if, tempted by their weakness, they should be seized by Great Britain or France; more especially so since our recent acquisitions from Mexico on the Pacific Ocean.

In 1850 Secretary of State Clayton, in a dispatch to our minister at Paris, said:

If, however, in your judgment it should be warranted by circumstances, you may take a proper opportunity to intimate to the minister for foreign affairs of France that the situation of the Sandwich Islands, in respect to our possessions on the Pacific, and the bonds commercial and of other descriptions between them and the United States are such that we could never, with indifference, allow them to pass under the dominion or exclusive control of any other power.

In 1854 Secretary of State Marcy, in his special instructions to our minister at Honolulu, said:

In your general instructions you were furnished with the views of this Government in regard to any change in the political affairs of the Sandwich Islands. The President was aware, when those instructions were prepared, that the question of transferring the sovereignty of those islands to the United States had been raised and favorably received by many influential individuals residing therein. It was foreseen that at some period, not far distant, such a change would take place, and that the Hawaiian Islands would come under the protectorate of or be transferred to some foreign power.

You were informed that it was not the policy of the United States to accelerate such a change; but if, in the course of events, it became unavoidable, this Government would much prefer to acquire the sovereignty of these islands for the United States rather than to see it transferred to any other power. If any foreign connection is to be formed, the geographical position of these islands indicates that it should be with us. Our commerce with them far exceeds that of all other countries; our citizens are embarked in the most important business concerns of that country, and some of them hold important public positions. In view of the large American interests there established and the intimate commercial relations existing at this time, it might be well regarded as the duty of this Government to prevent these islands from becoming the appendage of any other foreign power.

Allow me to call the attention of gentlemen who claim that the annexation of Hawaii is a new proposition to the words of Secretary Marcy in these instructions: He clearly sets out that the Hawaiian Islands can not long remain a separate power and that the United States would much prefer to annex them, rather than to see them transferred to any other power. This statement was gravely made in an official communication forty-four years ago.

Mr. CLARK of Missouri. Will it disturb my friend to ask him one question?

Mr. HENRY of Indiana. I think not.

Mr. CLARK of Missouri. Do you know the purpose William L. Marcy had in the annexation of the Sandwich Islands was to increase the slave territory of the United States? Was not that the whole thing they were after?

Mr. HENRY of Indiana. I think that was not the whole thing they wanted, but that he contemplated if they were annexed they would become slave territory.

But, Mr. Speaker, the annexation of slave territory to the United States is no longer a bugaboo to the people of this country. That question is settled, settled by the war, now more than a quarter of a century past. Moreover, if Mr. Marcy's opinion was the only one favoring annexation there would be some force in the suggestion of the gentleman from Missouri; but let us look further and see what others have said on the subject. After the close of the civil war, and slavery had been abolished, that great Secretary of State, William H. Seward, in a communication to our minister at Honolulu, said:

Second. You will be governed in all your proceedings by a proper respect and courtesy to the Government and people of the Sandwich Islands; but it is proper that you should know, for your own information, that a lawful and peaceful annexation of the islands to the United States, with the consent of the people of the Sandwich Islands, is deemed desirable by this Government; and that if the policy of annexation should really conflict with the policy of reciprocity, annexation is in every case to be preferred.

In 1888, during the first Democratic Administration after the close of the war, Thomas F. Bayard, then Secretary of State, said in referring to the reciprocity treaty negotiated in 1875:

It was my idea that the policy originating in the Fish treaty of the Grant Administration in 1875 should be permitted to work out its proper results.

The obvious course was to wait quietly and patiently and let the islands all up with American planters and American industries until they should be wholly identified in business interests and political sympathies with the United States. It was simply a matter of waiting until the apple should ripen and fall.

Mr. Speaker, I might give many more quotations of the same character, but I will content myself with these, which cover more than half a century, and show that the Secretaries of State during all that time have advocated and looked forward to the annexation of these islands. And now, Mr. Speaker, in the language of Mr. Bayard, "the apple has ripened and has fallen," and the American people propose to take it up and put it in the basket.

Mr. GAINES. We do not want sour apples.

Mr. HENRY of Indiana. No; we do not want sour apples, nor do the American people want that disposition that will make those apples sour whether sweet or not.

What are the conditions to-day? Has the apple ripened, has it fallen, and is it ready to be taken up and put into the American basket? The American policy regarding Hawaii has always been that it should not be allowed to pass under the control of a foreign power, and that in good time it should become a part of American territory.

The total population of the islands, according to the census of 1896, is 109,020, distributed as follows:

Native Hawaiians.....	31,000
Japanese.....	24,400
Portuguese.....	15,100
Chinese.....	21,600
Part Hawaiian and part foreign blood.....	8,400
Americans.....	3,000
British.....	2,200
German.....	1,400
Norwegian and French.....	479
All other nationalities.....	1,055

The proportion of the various kinds of population is as follows:

	Per cent.
Native Hawaiian.....	29
Japanese.....	23
Chinese.....	20
Americans, and Europeans by birth or descent.....	22
Mixed blood.....	8

Much has been said about the Chinese and Japanese portion of the population, but it seems to me that what has been stated on that subject as an argument against the annexation of Hawaii is strong argument in favor of this annexation. It does not follow because there is a large amount of cheap labor in Hawaii, represented by the Japanese and Chinese, that its annexation to the United States will increase or continue this kind of labor upon the islands, or that any of this cheap labor will be transferred to any other United States territory. Upon the contrary, the policy of the United States is firmly fixed upon the question of cheap Mongolian labor.

Under the new treaty with Japan, commencing with the year 1899, the United States will have the right to control importation of cheap Japanese labor, and we have already solved the question, so far as the Chinese are concerned. It is evident, therefore, that by a strict enforcement of United States laws against Chinese and Japanese immigration into the Sandwich Islands it will be but a few years until the Japanese and Chinese population now in the islands will be decreased, and they will no longer be an important factor upon the islands.

Of the Portuguese population, about one-half have been born on the islands and have been educated in the English language under American influences, and by those who have visited the islands we are told that these people are very industrious and do not form an undesirable portion of the population. They readily acquire American habits, understand American institutions, and have availed themselves of the opportunities to educate their children in American schools. So strong has been the American influence in the islands that their schools have been patterned after the systems of the States, in which the English language is taught and learned by all.

Americans in the islands own nearly all the property and have practically made them an American community. The population is much more favorable to American institutions than was the population of Florida when it became a part of the United States territory, and when Louisiana was annexed to the United States her population was not nearly so suited for American citizenship as to-day are the people of the Islands of Hawaii. But we are told that these islands are so far from our shores that they can not be made a part of the country without requiring us to go to great expense in protecting them.

Mr. Speaker, distance is no longer measured by miles, but by the time required to travel it. Measured in this way, Hawaii to-day is nearer to us than was California when we acquired that territory, and much nearer than Alaska when Russia ceded it to us. It is only about six days' travel by ordinary steamer from our western coast, and nearly twice as far to the shores of any other nation. Hawaii is indeed geographically a part of the United States. Her position only about one-third of the way across the great Pacific makes her a natural outpost for our western coast. This was the

controlling reason that has led all of our statesmen in recent years past to the one conclusion that no foreign nation should ever be allowed to occupy the Hawaiian Islands.

From a military and naval point of view these islands are necessary to the protection of our western coast. All of our military and naval authorities have uniformly advocated the acquisition of these islands. A careful examination of their utterances from time to time will disclose that not a single one of them has ever held the view that the islands ought not to become a part of the United States. I shall not take up the time of the House in quoting from the various opinions of our naval and military men, but will content myself with calling attention to the opinions of General Schofield, as expressed in a letter written last January to Senator MORGAN, upon this subject. It so clearly states the situation that I beg to read it all as a part of my remarks:

ST. AUGUSTINE, FLA., January 15, 1898.

MY DEAR SENATOR: In compliance with the request contained in your letter of January 9, I do not hesitate to write you without reserve in respect to my views upon the pending question of annexation of the Hawaiian Islands.

From the time, twenty-five years ago, when I made a personal examination for the purpose of ascertaining the value of those islands to this country for military and naval purposes, I have always regarded ultimate annexation of the islands to this country as a public necessity. But the time when this should be accomplished had to depend on natural political development. In the meantime our national interests should be secured by the exclusive right to occupy, improve, and fortify Pearl River Harbor so as to insure our possession of that harbor in time of war.

To illustrate my views on this subject, I have likened that harbor to a commanding position in front of a defensive line which an army in the field is compelled to occupy. The army must occupy that advanced position and hold it at whatever cost, or else the enemy will occupy it with his artillery and thus dominate the main line. If we do not occupy and fortify Pearl River Harbor, our enemy will occupy it as a base from which to conduct operations against our Pacific coast and the isthmian canal, which must of course in due time be constructed and controlled by this country. The possession of such a base at a convenient distance from our Pacific coast would be a great temptation to an unfriendly nation to undertake hostile operations against us.

One of the greatest advantages of Pearl River Harbor to us consists in the fact that no navy would be required to defend it. It is a deep, land-locked arm of the sea, easily defended by fortifications placed near its mouth, with its anchorage beyond the reach of guns from the ocean. Cruisers or other war ships which might be overpowered at sea, as well as merchant vessels, would find there behind the land defenses absolute security against a naval attack. A moderate garrison of regular troops, with the militia on the island, would give sufficient protection against any landing parties from a hostile fleet. Of course an army on transports, supported by a powerful fleet, could land and capture the place, but that would be an expensive operation, one much less likely to be undertaken than the occupation of an undefended harbor, as a necessary preliminary to an attack on our coast or upon our commerce.

The value of such a place of refuge and of supplies for our merchant marine and our cruisers in time of war can hardly be overestimated, yet the greatest value to us of that wonderful harbor consists in the fact that its possession and adequate defense by us prevents the possibility of an enemy using it against us.

So far as I know, the leading statesmen, no less than the military and naval authorities of this country, have always been in accord on this subject. While it has not been proposed to interfere with the continued occupation by foreign nations of their military strongholds in this hemisphere, it has been publicly and emphatically declared that none of those strongholds shall ever be allowed to pass into the possession of any other nation whose interests might be antagonistic to ours. Now for the first time the occasion has arisen to carry into effect our long-declared national policy. A little State like Hawaii can not stand alone among the great nations, all of whom covet her incomparable harbor. She must have the protection of this country or some other great nation. But a protectorate without sovereignty is the last thing this country could afford to assume. In the absence of authority to regulate and control the intercourse between the islands and other countries controversies must arise which would lead to war or to the loss of our invaluable military possession in the islands. No halfway measures will suffice. We must accept the islands and hold and govern them or else let some other great nation do it. To fail now to carry into effect our own great national policy upon the first occasion offered to us would, in my judgment, be one of those blunders which are worse than crimes.

To my mind what may be regarded perhaps as the sentimental aspect of the question is entitled to consideration. A colony of intelligent, virtuous, and patriotic Americans have rescued a country from barbarism and raised it to a high state of civilization and prosperity, until in the natural course of events the government of that country has fallen entirely into their hands. They now ask the privilege of adding that country to their own native land, of returning with their new possessions to the parental fold. Can they be turned away to seek a home among strangers? Not without violating one of the most sacred laws of nature and incurring the penalty which must, sooner or later, necessarily follow.

I am, dear Senator, with great respect, sincerely yours,

J. M. SCHOFIELD.

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

I can add nothing to the convincing argument presented in this letter.

Criticism has been offered from time to time in this debate to the effect that this is an attempt to annex the Hawaiian Islands under the pretense of a war measure. Mr. Speaker, the passage of these resolutions is not a war measure. As I have already shown, for more than half a century this nation has held that we are more interested in the Hawaiian Islands than any other nation, that they must ultimately become a part of the United States.

Twenty-five years ago General Schofield examined the islands with a view to determine their usefulness from a naval and military point of view. Three times treaties have been negotiated for the annexation of the islands, first in 1854, next in 1893, and last in 1897. At the time each of these three treaties was negotiated no idea of the war with Spain entered into the minds of the con-

tracting parties. Mr. Speaker, the only bearing which the present war has upon the question is that it is like a great searchlight which has been turned upon the question and brought it more clearly to the attention of the American people.

As soon as it was understood that Admiral Dewey was to attack the Spanish fleet at Manila every American could but ask the question: "How can we succor him in case of defeat, or how can we reinforce him in the event of victory?" Anticipating the needs of the hour, the Government of the United States piled up coal at Honolulu for the use of our vessels, and to-day, when we are sending reinforcements to Dewey, not one of our vessels could sail from San Francisco to Manila without stopping at Honolulu to take on additional coal. Suppose, Mr. Speaker, that to-day Hawaii were hostile to us, or even neutral, with no right within her harbors, how could we succor our brave seamen in Manila Bay?

But we are told that Pearl Harbor now belongs to this nation and that there is nothing else on the island that we need for naval purposes. Without stopping to discuss this question, I beg to call attention to one controlling fact so clearly set forth in the testimony of General Schofield when he appeared before our Committee on Foreign Affairs, and that is that even if we had Pearl Harbor, in case of hostilities, with the Government of the islands unfriendly, it would be easy to land a military force and capture the harbor from within; but if the islands are in our possession, a small force of soldiers in addition to the fortifications at the mouth of the harbor would enable us to hold it against all comers.

Pearl Harbor, landlocked as it is, fortified at its entrance and protected by our possession of the islands themselves, would give to our Navy, in time of war, absolute security from a navy even of superior strength. Looking at it from the enemy's point of view, the islands are of much greater importance to us. As ships are now constructed, no nation from the East can send its ships across the Pacific and attack our western coast without having a base of supplies and a place from which to operate nearer to our shores. With Hawaii in our possession and well fortified, the navy of a possible Eastern foe would be practically powerless to make a successful attack upon our western coast.

The minority of the committee in the resolutions which they present practically concede that it is necessary that no foreign power should gain control of the Islands of Hawaii, but in the place of annexation they recommend a resolution declaring that the islands shall remain a separate power. Mr. Speaker, the time for such declarations as this is past. The question that confronts the American people to-day is a plain, simple one. If Hawaii is ever to be annexed to the United States, it must be done now; otherwise it is sure to pass under the control of the Japanese. To-day nothing prevents this but the fact that the Government of Hawaii has announced its desire and intention to have the islands annexed to the United States.

If annexed, the United States will settle all questions raised by them, and there need be no fear of the result. Refuse to annex them, and the weak little Republic of Hawaii can not hope to stand out against the demands of Japan that her people shall become citizens and have a right to vote. Once given the right to vote, it does not take a prophet to tell what will be the result. Already there are nearly 25,000 Japanese in the islands. Nearly all of these are men, strong, courageous, as loyal to their nationality as Americans are to theirs. What good, Mr. Speaker, would come of a resolution passed by Congress to the effect that the Hawaiian Government should remain a separate power, if that Government passed entirely under the control of Japanese citizens? It might remain an independent Government, and yet, being controlled by the Japanese, would, for all purposes, be a part of the Japanese Empire.

Suppose that to-day, instead of being controlled by Americans, with American institutions and American inclinations, the islands were in the hands of the Japanese, and the Japanese were unfriendly to us in the war with Spain, how, under such circumstances—tell me, if you can—would we send ships with troops and supplies to aid Dewey in the far-off waters of Manila Bay? Nor is it an improbability, much less an impossibility, that the future may bring about such complications as will cause a war between this country and Japan herself. In case of such a war, will any one for a moment contend that it would be better for the Japanese to have control of the islands than for them to be a part of American territory? From such a base of operations, Japan would be so strong in naval warfare against us that our western coast would be at her mercy.

Mr. Speaker, I have not taken occasion to discuss the question raised that we have no constitutional right to annex these islands, nor will I take up the time of the House in discussing it. It must be perfectly evident to anyone that the right to extend its territory is inherent in any nation, and that it requires no special provision of the Constitution to enable us to annex additional territory. It is true this constitutional question has been raised over and over again in years past, and it is now gravely asserted in

this debate that the annexation would be unconstitutional, but it is nevertheless no longer an open question.

Five times before this the question has been before the American people for decision; five times they have decided in favor of the right to annex territory, and five times have they extended the boundaries of the United States. It is too late for anyone to take an appeal from these decisions; they are settled law, and the question can no longer be raised. A discussion of the question at this time and hereafter may be interesting from a historical point of view, but it can not now be made nor will it ever again become a practical, living question before the American people.

Mr. Speaker, 2,100 miles out in the Pacific Ocean, to the west of San Francisco, lies this group of islands, so beautiful and so attractive that they have been properly designated the "pearls of the Pacific." Lying beneath the tropical sun, yet surrounded by ocean currents which bring the cool waters of the Northwest about them, rendering the climate so pleasant that it is not injurious to anyone and is admired by all; with soil productive far beyond the conception of our own people; with beautiful lakes and sparkling rivers, and with everything that goes to make them an earthly paradise, is it any wonder that these islands proved so attractive to Americans that they made them their home, and that they are now anxious that they should become a part of their native land?

Small though the American population is, yet strong and dominant, the islands are now practically within their control. With Americans owning a large portion of the property and leading in all matters of business and enterprise, it was but natural that the profligate monarchy should be followed by a republican government in the hands of the Americans upon the islands. Long years ago their influences were asserted under the old monarchies, and for decades of the past their power has been felt in everything that has been done upon the islands. American schools were established and have flourished, until to-day the schools of the island are as well managed and as prosperous as in any American community, and compare favorably with those of the grand old State of Pennsylvania, represented by my venerable friend [Mr. GROW].

Mr. Speaker, this gallant band of Americans who have thus gained control of these islands come to us now and make us a free offering of them as a part of our national domain. True Americans at heart, they have declined to declare the neutrality of the islands during our war with Spain, and to-day our American ships enter the harbor of Honolulu with the same freedom and with the same feeling of security as they could any harbor under the domination of our own Government. The request of these brave men must not be turned aside.

We want these islands because of their value from a naval and military point of view; we want them on account of the rich productiveness of the soil; we want them on account of the commercial advantages which they will bring to our country; we want them in order that no foreign power may use them as a base of operations against us in time of war; we want them because they are more contiguous to our territory than to that of any other nation; we want them because they are geographically a part of the United States; but, Mr. Speaker, we want them more than all on account of the true Americans who have made their homes upon the islands and now seek to present these islands as a free offering to their mother country. Let us pass these resolutions, secure Hawaii, add to our naval and military strength, extend our commerce, and bring back again into the family fold the people who have been away from us establishing a home in these delightful islands.

Mr. DINSMORE. I yield thirty minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, in entering upon a discussion of this important question at the present time, we should not forget the situation that confronts us. Whatever may be said with regard to the ultimate policy of this Government toward the Hawaiian Islands or as to the importance of that people and that country in relation to our own, this is not the time to enter upon any final disposition of that question. We are now in the midst of a war the prosecution of which was entered upon for a certain purpose.

The resolutions that passed this House and the other branch of Congress declaring war against Spain committed this Government expressly to the sole policy of freedom, disclaiming any intention of an aggressive warfare. Cuba, almost a part of our own territory, the most important island south of us, would be, as a part of our own territory, a means of defense in time of war far more important than the Hawaiian Islands. Yet in order that the civilized world might know, as well as our own people, that we had entered upon this contest in the interest of humanity, in the interest of freedom, and not in a spirit of aggression, we declared that the sole purpose of this war was to relieve the starving and distressed people of Cuba and to extinguish the barbarity of Spanish rule in that island.

Our war resolutions explicitly stated that we entered on no war

for conquest, and that we would not annex the Island of Cuba, but would give free government to her people. That was the declared purpose, and that only. For that purpose, and that purpose only, have we voted to supply the Army and the Navy of the United States. For that purpose, and that purpose only, have the American people sanctioned unanimously this war as being a holy war.

Why, sir, if it had been contended here when we were entering upon this contest that it was intended for aggression for the seizure of the Hawaiian Islands, the maintenance of our sovereignty in the China Sea, that it was intended to make alliances with other great governments in order to participate in the partition of China and to make aggressions in the Asiatic waters—meaning thereby not only \$500,000,000 of interest-bearing debt, but probably four times that amount, meaning thereby not only increased taxation upon the people of this country to the extent of \$150,000,000 annually for a temporary purpose, but a debt of at least \$2,000,000,000 increased taxation for a purpose without limit and without termination—I doubt if this House or the Senate would ever have made a declaration of war under such conditions. And, sir, to bring forward this policy now and to urge this measure as a war measure is simply to write on the statute books of this country a falsification of the very declarations that we made in going to war.

A war measure! There is no Spanish fleet threatening the Hawaiian Islands. No one pretends that the possession of those islands is necessary now as a defense of our coasts. But, on the contrary, Mr. Speaker, we have assembled to-day at San Francisco a fleet ready to transport troops and supplies to the Philippine Islands; all of our war ships are practically leaving that coast and going to the defense of Dewey in the Philippine Islands because we need no defense on that coast.

If we had any use or shall have any need of a base for coal supplies and a harbor of refuge at Hawaii, we have all that now in the Sandwich Islands. By treaty we are in possession of Pearl Harbor, the only harbor on the Sandwich Islands that is suitable for this purpose. We have the sole sovereign control of this harbor, even to the exclusion of the Government of Hawaii. We now own and control a naval station on these islands. We need nothing more. Even admitting that there is or should be a necessity for a coaling station there, we have that as completely and as effectually as we could have it by owning the islands.

Coal has never been found on the Hawaiian Islands, and a coaling station there must be supplied by transporting coal to the islands and storing it in our station there—a station that by treaty we have the exclusive right to fortify and hold against the world, and Pearl Harbor is the only place on the whole coast of Hawaii where such a station is at all feasible. No other nation can get such a station on these islands, for there is no other practicable harbor there to possess.

Why undertake to deceive ourselves or deceive the world by the hypocritical cry that Hawaii is necessary now as a war measure? No intelligent man believes such a statement.

No, sir, we started out protesting against the system of colonization. We have from the beginning denounced the idea of colonization. We started out for the purpose of wresting one of Spain's colonies from her rule, because our Government is hostile to the idea of people being dominated as a colony. In vindication of our antagonism to colonization and our position in favor of freedom our flag was to be planted by our Army and Navy upon the soil of Cuba. Now, on the contrary, that same flag—as a "war measure," it is said—is to be taken and planted upon the Island of Hawaii without the consent of the people of that island. Such a policy is indefensible; and the plea which is put forward in excuse for it has no foundation in fact at the present time.

The gentleman from Nevada [Mr. NEWLANDS], who addressed this House a short time ago, undertook to put himself right on this question by disclaiming any idea of pressing this policy of colonization into the China seas or interfering with European complications. But he ought to know that this movement for the annexation of Hawaii is simply an entering wedge for such a policy. If not, Mr. Speaker, why can we not wait until this war is over and the people can take this question into consideration without reference to any of the complications existing at the present time?

The fact is, the Government of Hawaii as now constituted—not the people of Hawaii—has been knocking for some years at our doors. During two Administrations, or during a period beginning at the close of one Administration and extending through the whole of another, that Government has been presenting itself here. But up to this hour, Mr. Speaker, there has been a steady refusal on the part of the Government of the United States to accept their treaty or their entreaties. In time of peace, when this question could be considered calmly and dispassionately, when no complications were involved, when no pressure could be made under militarism and military aggression, we have refused this offer.

But now, sir, taking advantage of a declaration of war and of a

condition of hostilities with the bankrupt Government of Spain, under that pressure and in violation of the spirit in which the war was entered upon, a policy of aggression and a policy of territorial acquisition is urged. It will not do, Mr. Speaker. This Government, after having made its solemn declaration that this war was a war for humanity and for freedom, can not afford now to pervert it into a selfish policy of greed and oppression. It is dishonorable. It does not become a great nation like ours to perpetrate a deception upon its own people and upon others.

Now, Mr. Speaker, so far as the Philippine Islands are concerned, I do not believe there is a gentleman on either side of this House who is not more than willing and anxious to make complete and perfect the victory so gallantly won by Dewey, the most notable, probably, in the annals of naval warfare. We will not abandon the Philippine Islands until we get ready and in our own good time. But, sir, we do not need the Hawaiian Islands to hold the Philippines.

The Philippine Islands were a part of the territory of Spain. Dewey and his fleet being in Chinese waters, and having no other place where they could go, for the purpose of inflicting a crushing defeat upon the enemy and securing a base of operations, went into the harbor and fought that battle and won that glorious victory. That was legitimate war upon the enemy against whom we had declared war, war in the interest of freedom, war in the very spirit of our resolutions. Being Spanish territory, legitimately acquired, we will hold those islands until this war is over, and that problem can be then solved.

Solved how? I may not stop here to argue that question, but there is only one true way to solve it. We can not sell the islands, because we have no right as a free people to undertake to sell a people or a part of a people we have conquered. They deserve the boon of liberty as much as do the people of Cuba; and if, in the providence of God, those islands are also freed and turned over to their own people for self-government as Cuba must be freed, it simply adds to our luster and does not detract from it.

But we can not honorably do anything else with those islands. We can not profitably hold them permanently, because the holding of them would involve us in all the diplomatic relations with European and Asiatic politics, against which entanglements we have from the beginning protested.

So far as Puerto Rico is concerned, I believe that it is the duty of this Government to drive Spain from that island and forever quit her dominion over it. Because we have begun a war against Spain, that is the Government which is proper to vanquish as far as possible in accomplishing our great purposes of liberty, and I say that the driving of the Spanish from the island of Puerto Rico is not only legitimate, but I believe it to be necessary for the peace and security of our country in the future.

Spain is a bad neighbor, but after we have extinguished the last authority of Spain in this hemisphere and practically established the Monroe doctrine, shall we abandon that policy and start upon the Asiatic seas, among Asiatic populations, in countries devoted to Asiatic civilization, unnecessary in peace, wholly unnecessary in war, and perpetrate the wrongs that will be perpetrated by the passing of these resolutions?

Why, gentlemen tell us that the Government of Hawaii favors this proposition. I use that word only as recognizing those having authority there—the representatives of a few thousand, probably three or four thousand among a hundred thousand—the white intelligent race ruling the Chinese, Japanese, and Portuguese, as the intelligent white Caucasian race will rule the inferior race wherever they are brought together. You gentlemen on that side who have undertaken to make issues here against some of the Southern States upon this proposition show where you stand to-day when you are willing to countenance the government of an island by a few white people at the expense of extreme domination over an inferior race. [Applause on the Democratic side.]

Hawaii is 2,500 miles from San Francisco, the nearest important port on our seacoast. Hawaii has a population of pure and mixed natives, 89,504; Japanese, 25,407; Chinese, 21,616; Portuguese, 15,291, or a total population of 151,818 that may be denominated as an inferior race. A large portion of this population we have by treaty and statute undertaken to exclude from our shores because they are undesirable.

There are British residents on the island, 2,250; Germans, 1,432; Americans, 3,080. Of the Caucasian race, which dominates and controls, there are only 6,702.

Under the constitution of Hawaii no one can vote without swearing to support that constitution, and it so happens that this constitution provides for annexing the island to the United States. This constitution was forced upon the people of the island by a handful of Americans, and has disfranchised all the inhabitants of the island who will not swear that they will vote to surrender their native land to another government before they are permitted to vote. This may be called a free ballot, but it has the appearance of a ballot offered to the voter in one hand with the condi-

tion of his voting that he surrender his birthright, and if he refuses this condition a sword is held in the other hand to strike down the ballot and to disfranchise the voter. It is a Government thus organized that presents the treaty that we propose to accept by the resolutions pending before this House. I deny that the people of the island have been fairly consulted in this transaction. It is a scheme to force a robbery, pure and simple, that we are called upon to sanction and enforce.

Mr. TAWNEY. Will the gentleman allow an interruption?

Mr. BLAND. I have but thirty minutes.

Mr. TAWNEY. I simply desire to ask whether you know that the Senate of Hawaii which ratified the treaty is composed largely of native Hawaiians?

Mr. BLAND. Oh, Mr. Speaker, I am not speaking of natives or foreigners. There are a few white natives. I am speaking of the population of that island, and especially the population to whom that island by nativity belongs. When the gentleman presses that question, it is an admission that he has disfranchised them by the wholesale, and the pretense that they are presenting this treaty here voluntarily is a fraud and a lie upon its face.

Mr. TAWNEY. Do you not also know—

The SPEAKER pro tempore. Does the gentleman from Missouri yield to the gentleman from Minnesota?

Mr. BLAND. I can not yield any further. I have not the time. The gentleman can speak in his own time.

Mr. TAWNEY. I simply wanted to call attention to the fact—

Mr. BLAND. I do not want to be discourteous to the gentleman, but I have only thirty minutes.

Now, Mr. Speaker, I am not here to denounce the American people upon that island for their Americanism. I am here, so far as justice and right will permit it, to uphold them and to turn to them our support for whatever sympathy they have given us in this struggle. If they have violated any of the principles of neutrality, if they have subjected themselves to any claim of damages from Spain, this great Government of ours stands ready to foot the bill four times over, if necessary.

When we come to treat with Spain we may have a much larger bill of damages than Spain can possibly present to Hawaii. Gentlemen know, and the ruling powers in Hawaii know, that they are perfectly safe in any favors they give to this great Government. Not only that, but they know that in the future, as well as in the past, this Government intends that no hostile power shall ever dominate over those islands.

That has been our pledge and our policy from the beginning. The resolutions to be offered by us as a substitute for annexation provides that we shall forever guarantee independence to the Sandwich Islands. This is a mere pretext thrown in here under the war spirit to perpetrate upon the people of this country what I conceive to be a wrong; not so much now in the acquisition of Hawaii as in what it looks to in the future for the acquisition of territory beyond.

Why, they tell us that the acquisition of territory is nothing new. That is very true. The policy of our Government heretofore, and its practice, has been to admit territory that was contiguous, until we have become a homogeneous people. All of our territory, except that which we acquired from Russia, is connected by land and subject to defense. The great land power of the world to-day is this country. The next great land power is Russia. No Government since 1812 has ever attempted to invade the United States of America.

No one has ever attempted to invade Russia since the disaster that overtook Napoleon in his retreat from Moscow. Here we are pursuing a policy of our own under the teachings of our fathers to abstain from all trans-Atlantic aggressions, complications, or alliances, building up for ourselves a compact territory, as far as honor will permit remaining at peace with all the world, and we have grown up to be the most powerful nation in the world by pursuing this policy.

To-day we are at war with Spain. And what has been the policy of Spain? Precisely the policy that we, by these resolutions, are invited to enter upon. But a short time ago in modern history Spain was the most powerful nation, probably, on earth. She had her colonies in every land and fronting on every sea. In Europe was her great Kingdom and its dependencies. The whole of South America practically was hers, and part of our own North America was under her flag.

These colonies and the support of them have brought Spain to ruin and bankruptcy. She is unable longer to continue that policy. The last of her colonies upon this continent are about to be taken from her, and nearly all upon the other. This is the policy which has brought ruin and disaster to her, so that she is hardly a respectable enemy in a conflict with a nation that has pursued the opposite policy, that has eschewed colonization and eschewed the idea that we must go over the world in order to map out colonies here and there as a place for American settlement and on which

to plant the American flag, and by which we will be involved in large expense in order to maintain and defend them.

Here is the contrast of the two nations to-day. Let us not depart from our policy. This is a departure, and a dangerous departure.

Some one asked the question a while ago how these islands would be governed if we acquired them. It could not be answered. No gentleman has undertaken to answer that question. It is left, I suppose, for the future consideration of Congress.

Suppose you had that question here now, as you will have it if you annex them. How are you going to govern them? Is it to free a people? No. You know you do not intend to do it. Do you intend to give the ballot to the people of Hawaii? You know you do not, although the Constitution declares that everyone born in the United States shall have the right to vote, that he is a citizen, at least, and shall not be disfranchised on account of race or previous condition.

Now, the question arises, When it becomes a part of the territory of the United States, and there are those born on that territory, what are you going to do with them? Are they citizens or not?

Mr. LANHAM. If the gentleman will permit me to interrupt him, would they not be subject to taxation if annexed to the United States? And if so, would they not logically be entitled to representation?

Mr. BLAND. Well, I think, as a matter of course, if we are to annex the Hawaiian Islands, and they are to be governed as citizens of the United States, we are bound to permit them to exercise all the rights of citizenship and the right of the ballot; because we have no right to tax them without representation.

The Constitution of the United States provides that every person born in the United States is a citizen thereof. It also provides that no citizen of the United States shall be disfranchised on account of race, color, or previous condition of servitude. An important question in this connection arises here. There are 39,504 natives on the island, nearly all of whom are of the inferior race. There are only 8,000 Americans. When Hawaii becomes a part of the territory of the United States what shall be said as to the legal status of these 39,000 natives? May they not claim the right of native citizenship, because the territory would then be a part of the United States? They would also be natives of that part of the United States.

It is true that at the date of their birth they were not natives of the United States, but so soon as the territory becomes a part of the United States they would claim and reasonably insist that they are natives of this country. They would insist that the Constitution did not intend to confine nativity to the territory belonging to the United States at the time of the adoption of this amendment to the Constitution of the United States, but that it necessarily includes whatever territory might at any time come within the jurisdiction of the Constitution.

Also, what will be the status of the children born of Chinese, Japanese, and Portuguese parentage? In other words, will not the native inferior race under the Constitution become voters so soon as the territory is admitted, and will not this fact place the whole Government in the hands of the inferior race beyond hope of redemption? Will such a population add to the glory and security of our institutions, or will not the superior race find some pretext to disfranchise the inferiors after they have been admitted, since we know they did that in order to form a treaty of admission?

Mr. SMITH of Arizona. Do not we do it in the Territories of the United States?

Mr. BLAND. But my friend must remember that in all the admissions of territory and annexation of territories, most of which was done by the policy of Jefferson and his Democratic confreres, it had been territory the climatic conditions of which was admissible for the Caucasian race, admitted for the very purpose of settlement by our own people and our own race, and all these admissions of territory of suitable climate and soil, and being contiguous, it was a fit home for the American citizen; and so it is with your Territory, and if you are not admitted as a State it is not because you are Chinese or Japanese, but because you produce silver. That is your crime.

But I say the same government would practically be introduced in Hawaii as there is now—a government that you on the other side of this House have denounced upon this floor. That is one where the intelligence and the property-holding element control. And they will find a way to control in that island as they have everywhere. But do you want any more such territories? Have we not enough now of race prejudice and race conflict in this country? This race question is not settled here, Mr. Speaker. It is one of the most perplexing problems in the future of this Government to settle, and the more perplexities you add to it the more difficult and the more dangerous it becomes.

But, Mr. Speaker, it is a pleasing thing to jingoism, the idea of

planting upon the seas war stations for the American flag! They believe that it is great and glorious; but it may end in a denial of suffrage to the people you acquire, to place them under the control of military governors and improvised Congressional legislation.

Now, Mr. Speaker, I have said that the future of Hawaii is somewhat perplexing. Of course we all understand that. We do not propose that they shall fall into the hands of another government hostile to ours. It is not necessary to annex them in order to carry out that policy. It is understood now. There is no danger of it.

The prime movers for the annexation of Hawaii boldly assert on this floor, and we find it everywhere in the plutocratic press of the country, that Hawaii is necessary to us in our new policy. This new policy is defined as being the permanent occupation of the Philippine Islands, Cuba, Puerto Rico, and whatever other territory we may conquer during this war, and more still, they tell us that we must make alliances with England and Japan, if not openly, then secretly, to the end that we may participate in carving up and parceling out the Chinese Empire.

They tell us that this must be done in order to push our trade in the Orient. We are to be brought immediately into conflict with France, Germany, Russia, Italy, and Austria in these enterprises. We are solaced with the assurances that there are no dangers of war. We are told that even if war should come, that the United States, England, and Japan could hold their own against the world. This is called our new destiny. Every intelligent man knows that all the nations that I have named are armed to the teeth. They present a military camp and they have immense navies. The laboring and producing people of these countries have been taxed in order to keep up these military establishments until they are mere slaves to plutocratic power as represented in militarism. Millions of them have come to our shores because we were exempt from the necessities of military rule.

They love our country because they find freedom here from the enormous burdens and the degrading tyranny of the governments of the Old World. Shall we enter upon a policy that requires immense navies and standing armies and that involves the enormous taxation necessary to maintain them? If we are to prosecute this war for such purposes it will be a source of disappointment to the people who entered upon it in the interest of freedom and not of slavery. Such a policy as this is intended and is urged by its promoters for the purpose of building up in this country a centralized power of wealth with big standing armies and navies to protect this plutocratic control. When our people complain, as the taxpayer will complain, of the burdens thus imposed upon them, plutocracy expects to be able with military power to answer their petition, if necessary, with an array of bayonets.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLAND. I would like about five minutes more.

Mr. DINSMORE. I yield five minutes to the gentleman.

Mr. BLAND. And that is where this will lead to. That is why I object to it at this time. It is because the promoters of the annexation of Hawaii foreshadow a policy such as I have alluded to that I most strenuously object to the admission at this time.

I would oppose the annexation of Hawaii under any circumstances, but to annex Hawaii with the avowed purpose of using Hawaii as a precedent, and also as an aid to the acquisition and permanent occupation of colonies everywhere and for the purpose of entering upon schemes of imperialism, meets my earnest and emphatic protest.

You are simply on the road to despotism in this country in trying to free the little island of Cuba. You are on the road to imperialism, with a large Navy and standing armies and oppressive taxation, oppressing labor by putting it down by the military, and adopting a military government instead of republican institutions and constitutional liberty. That is involved in this very discussion.

You may go on for a while under the military spirit and excitement of war, but the day will come for reckoning when your bills are to be footed, when your taxes are to be paid, when bond after bond is to be issued, and when the starving labor begins to "cry 'Peace,' when there is no peace." Your day of reckoning will come, and I call a halt now, for now is the time.

Some gentlemen have spoken to me about leprosy and lepers. Why, Mr. Speaker, I have not time to go into all these questions. No intelligent man here can be deceived as to the population of the Hawaiian Islands. Any intelligent man here knows that they are not our equals in any sense of the word. They do not comprehend our system of government. They are wholly incapable of understanding it. Yet they are entitled to freedom.

It does not matter whether they can govern themselves as well as we can or not. They are entitled to try the experiment of self-government. It belongs to them, or else the Declaration of Independence is a lie in itself. And so it is with Cuba, so it is with

Puerto Rico, so it is with the Philippine Islands. We can do no more than to turn over whatever territory comes under our jurisdiction to their people, free to do with it as they please. And if in the providence of God they are capable of self-government, they will succeed. Above all, our consciences will be free and our liberties not endangered. [Applause.]

Mr. HITT. Mr. Speaker, I now yield fifteen minutes to the gentleman from Massachusetts [Mr. BARROWS].

Mr. BARROWS. Mr. Speaker, no Congress of the United States since the great civil war has been charged with such momentous responsibilities or has had to face such opportunities as this Congress of which we are members. Some of these responsibilities have come to us unsought. We have met them reluctantly, and yet courageously and with a wonderful unanimity. Now we are face to face with another responsibility and with a great opportunity. I wish to say, Mr. Speaker, for myself, that this responsibility is clouded with no apprehensions, it is dimmed with no uncertainty. And this opportunity seems to me so timely, so fair, so honorable, such a natural consummation of history, that I think there is no vote I shall cast in this House, no vote that many of you will cast, upon which I shall look back with more satisfaction than I shall upon the vote for the annexation of Hawaii.

If it is the duty of a patriot to expose the dangers that may confront his country, it is equally his duty to point out the opportunities that lie before it. I sympathize a good deal with those people who say in regard to annexation, "You must go slowly and you must go rightly." In this matter of political and national wedlock, as in the matter of domestic wedlock, we should not marry in haste to repent at leisure. We may well take heed of the counsel in the prayer book that marriage is not to be entered into lightly and unadvisedly, but reverently, discreetly, and with godly fear.

I received thirty years ago some lessons in regard to the annexation of territory when I first came into the service of the United States as secretary to William H. Seward. In 1868 the question came up whether the United States should take possession of a little island south of Santo Domingo which was claimed by our citizens as their own, and they had put up there the American flag. A resolution was offered in the House calling on the President of the United States to take possession of the island.

Mr. Seward said, "We will see to whom it belongs." And it was a part of my humble privilege to assist in that investigation and trace the history of that island back, map by map, until we found that Christopher Columbus himself had discovered it on his second voyage. The evidence placed before the House convinced that body that it would have been an unwarrantable aggression to wrest this island of Alta Vela from Santo Domingo and take possession of it; that the Congress of the United States should not take any land from any nation, however weak, unless right and justice were on its side.

Another question arose just before that, and I came to Washington at the time it was concluded. That was the annexation of Alaska. This was not in the nature of aggression; it was in the nature of a great opportunity. It is interesting to look back now and see what was said at that time. Why, they said the United States was annexing a great iceberg—a grateful suggestion to-day—but it seemed to send the cold chills down the back of the country, and all sorts of predictions were made in regard to it. They said it would take six men-of-war to protect the coast, at a cost of six or eight million dollars a year.

They said the natives there were the most hostile tribes you could find on the continent, and it would cost "\$800,000 a head to kill Seward's Indians." A New York paper called it "the Russian humbug," and said, "There is not in the history of diplomacy such insensate folly as this treaty."

But what man is there in Senate or House to-day who would be willing to sell Alaska for \$7,000,000? Time has justified the remarkable foresight of William H. Seward.

That treaty was concluded by the Senate after two days' discussion. One of the memorable speeches made on that occasion was by the senior Senator from Massachusetts, Charles Sumner, whose speech is still to-day the highest authority in regard to Alaska. He quoted the words of Goethe, "Ohne hast, ohne rast" (without haste and without rest). An opportunity for annexation had come, and it was accomplished without haste and without delay. So it is here, Mr. Speaker. There is a time in the history of nations when events ripen, and we must take them as they ripen. As the gentleman from Indiana [Mr. HENRY] has said, "The apple must be ripe"—and it is a sweet apple, too—"to fall into our basket."

There are times when the event is crude and we must not pluck it. On the other hand, we must not wait until the ripening time has gone by and the fruit falls into decay. We must act at the propitious moment. As the preacher has said, "There is a time for everything under the sun." Right things must be done

in the right time, and also in the right way. Now, in this conjuncture of history the right thing to do is to annex Hawaii; the right time to do it is now, and the right way to do it is in this peaceful, honorable way which we are adopting through a resolution of this Congress, ratifying the action of its own Government, and embodying the features of the treaty.

Look at the history of this affair. Look at the ripening process which has been going on. It has been referred to again and again here; but it is necessary to revert to it again. The words of Daniel Webster in 1842 have been quoted, that "the United States are more interested in the fate of these islands and their government than any other nation can be." But had the time come then for annexation, when we had not annexed Texas, when we had not annexed New Mexico, when we had not annexed Colorado or Utah or Nevada or California?

In 1845 we annexed Texas; and that gave to us the privilege of having here the company of some gentlemen whom I see on the other side of this Chamber and who would have been left out if the opposition to the annexation of Texas had prevailed. We went on, and in 1848 we annexed those other States clear to the Pacific. Then, on the 20th of June, 1867, the proclamation with reference to Alaska was issued to the world. What did it mean? It meant that the American eagle, which had been perched away up on the Sierra Nevadas, was about to dive into the Pacific, and when it came up again it was 1,500 miles west of Hawaii. It meant that the geographical center of the United States, which before was about St. Louis, was removed to a point west of San Francisco.

Secretary Fish, in speaking on this question in 1873, said:

The acquisition of territory beyond the sea, outside the present confines of the United States, meets the opposition of many discreet men who are more or less influential in our councils.

Perhaps we may repeat that remark to-day and say that the present movement "meets the opposition of many discreet men who are more or less influential in our councils." But Mr. Fish overlooked the fact that the territory in question was not beyond the confines of the United States. We had insular possessions extending away beyond Hawaii.

I noticed that the gentleman from Nevada [Mr. NEWLANDS] spoke of the islands of the United States being 500 miles west. Well, sir, not depending upon the extempore tape measurements accompanying this globe before the reporters' table [illustrating]—I said to myself we have had too much "red tape" about this matter—I took the pains to go over to the Geodetic Survey and ask how far west the United States possessions extended; and I was told, "If the meridian passing through the westernmost point of Attu Island, of the Aleutian Isles, is continued to the latitude of Honolulu, that meridian would be 1,525 nautical miles, or 1,755 statute miles, west of Honolulu." So that Hawaii comes largely within the boundaries of the United States.

It is said we are going beyond our precedents, going outside of our history, to annex islands that are removed from us by such a space. But the map will show what we did when we annexed Alaska. We had to step over 590 miles of British territory to get to the very fringe of Alaska along the coast; and when we took that step, it was equal to stepping over the distance from Maryland to Florida. It is as if we said, "We will annex Florida, and to do so we will step over Virginia, North Carolina, South Carolina, and Georgia." That is what we did then. But we all know that the accessibility of Hawaii in point of time is at least twice that of Alaska by land. It is far easier to travel by water the 2,000 miles separating us from Hawaii than the 590 miles overland to Alaska.

Mr. Speaker, there are conjunctures in history, and this is one of them. I am not going to lay great stress upon the war side of this opportunity. That has been fully amplified already. I want to say rather that to me this seems a great peace opportunity. The supreme satisfaction is that this union does not come through the great tragedy of war, but through the blessed reciprocity of peace. Dewey will not need to thunder at the gates of Honolulu as he thundered at Manila. Willing hands are waiting there to welcome him. In no place on the globe will his returning fleet be more welcome than it will be in Hawaii, and I hope when he gets there he will find the American flag floating over it.

I do not underrate the importance of Hawaii as a naval station. That is a matter which hardly needs to be discussed. We need only look at the map and see the position of Hawaii, and we need only appeal to the testimony of eminent naval authorities, to settle that question. If we were dealing merely with a group of barren islands, their only value would be as a naval station; but fortunately these islands are so rich and fertile that they are worth far more to us as instrumentalities of peace than as instrumentalities of war.

I insist, too, Mr. Speaker, that in this matter of annexation we shall take up questions as they come to us and deal with them on their own merits. The annexation of Hawaii does not depend on what we are going to do with the Philippines. That question we

can decide when the time comes. Three treaties of annexation have been negotiated with Hawaii under three different Governments, and they have all been negotiated with reference to the immediate relations of Hawaii with the United States.

When the last treaty was negotiated, which is practically embodied in this resolution, war with Spain was not thought of and the question of the Philippines was beyond our remotest dream. Admiral Dewey has taught us some lessons in geography and as to the necessities of modern naval warfare. They clinch the argument for the annexation of Hawaii; but if the brave admiral had never fired a gun at Manila, the argument for annexing the islands, founded on considerations of peace, amity, reciprocity, would have remained unanswerable.

The history of these islands is unique. Through the devoted labors of American missionaries they were redeemed from barbarism. They gradually emerged into the light of civilization. They grew up a feeble but independent Government. For a long time they were under the rule of a corrupt and half-barbarous monarchy. They broke away finally from this effete barbarism and established a republican Government. It is the steady influence of American life, principles, and institutions exerted under the protection of our Republic which has made the Sandwich Islands grow and expand in education, intelligence, political freedom, and the arts of peace. Hawaii has reversed the history of our colonial times in one respect. Instead of asking to be severed from the mother country to whom she really owes her political life, she asks to be joined to it; and the mother is willing to own her child.

It is said that we are annexing Hawaii against the will of her people, but there is no more ground for saying this than that we are annexing them against the will of the people of the United States. The fact is that each nation acts through its representative Government. If the referendum does not exist in Hawaii, it does not exist here. Treaties in the United States are not submitted to the people. They are negotiated by the executive department and confirmed by the Senate.

In the Alaska purchase the question did not even come into the House of Representatives until after the treaty was concluded. It was ratified in the Senate after only two days of discussion, and only two Senators voting against it. Whether it is best to introduce the referendum in this vast country of ours on national questions is a different matter. Even in little Switzerland there are many objections to it. I do not think that international relations can be better effected or adjusted than through the combined action of the executive and legislative branches of the Government.

In our frequent political campaigns there is abundant opportunity to discuss national questions and elect men who represent them. The petition presented against annexation from the Hawaiian Islands was largely signed by minors and was evidently prepared by followers of the deposed and dissolute monarchy. That relic of barbarism has had its day in Hawaii, and the natives are under a better government, whether they know it or not. When I am told that these people may suffer by coming under the American flag, I reply that neither these nor any other people that I know of have anything to lose by coming under the protection of the American flag. The people of Hawaii have everything to gain, nothing to lose.

In this union the advantages on both sides are evident. What shall we get by annexation? We shall get a group of fertile islands, valuable for commerce, valuable also as a naval station, and we shall remove these islands from the arena of international dispute, which might easily endanger peace.

But, Mr. Speaker, one of the satisfactory things to me is that by this step we shall not only get a good deal, but shall give even more than we get. What will Hawaii get? She will get the privilege of hoisting the American flag—the most beautiful flag in the world. And what will that mean? It will mean that she shall enter into and share our liberties, that she shall share our history, and that she shall also share our future.

To me it seems a beautiful consummation of that early heroic effort of our New England missionaries, who went there and planted the seeds of civilization; a natural consummation that, after these long years, we can say, "You have carried the American flag so many years in your hearts, and now we can hoist it over your land." Then it will be but a little time when we shall extend the cable to Hawaii, and it will feel the great pulses of life, intelligence, civilization, power, and vitality which radiate everywhere from this Government. Then the time factor will be obliterated. You know when we had that interesting chess match with London a message was sent over of a move, and in thirty-seven seconds thereafter the answer came back. When we get the cable to Hawaii, Hawaii will be nearer to us than Baltimore was to Washington in 1842.

I look forward, Mr. Speaker, with satisfaction to the consummation of this history, and I count myself fortunate to be here and

take part in it by casting my vote in its favor. Charles Sumner, in his great speech on Alaska, said:

More happy than Austria, who acquired possessions by marriage, we shall acquire them by the attraction of republican institutions. Bestow such a government, and you will give what is better than all you receive.

We may well repeat, too, the words of Sumner, quoting those of Goethe, "Without haste and without rest." We have not hastened, and do not let us delay. We have waited these sixty years, and now, I say, do not let us rest until we have done our duty. Do not let this Congress adjourn until it has annexed Hawaii to the United States.

Mr. HITT. I yield five minutes to the gentleman from New Jersey [Mr. STEWART].

Mr. STEWART of New Jersey. Mr. Speaker, our nation, now the envy and admiration of the world, has grown from a feeble confederacy of thirteen struggling States to its present posture of grandeur and importance not alone by its superiority of race, but by means of expansion of territory and by a very wonderful expansion of the means and methods of civilized life. Nations, like individuals, are a development, a growth, an expansion, an extension, an aggregation of means and methods.

The silly argument of national isolation, the outgrowth of fear and timidity, is lame and impotent. No colonial nation has been involved in war by reason of her colonial possessions until she became degenerate and lost the regard and allegiance of her colonies. Every nation must at all times be prepared to protect its citizens and interests abroad, and in order to do this we must have mid-stations as bases of supply and resort, in order that our just resentment against foreign nations may be sure and certain of management and control.

The argument that gentlemen make with reference to these islands not being contiguous is unworthy of support. They face and confront the whole Pacific coast, either frowning at us as a menace or smiling as a blessing. These islands are necessary if the Nicaragua Canal is to be built, a project soon to be consummated, and to be one of the greatest and most beneficent public works of modern times, and to be to us a glorious blessing or an egregious curse. Gentlemen on the other side, with tearful solicitude for our Constitution, and knowing our tender regard for that majestic instrument, interpose it as a bar, forgetful that such distinguished jurists as Marshall and Taney have justified the acquisition of foreign territory, indisputably, under the constitutional provisions of the treaty-making power and the right to declare and carry on war.

Now, Mr. Speaker, it was reserved to the scriptural gentleman from Missouri [Mr. CLARK] to fear the result of our contact with the degenerate inhabitants of Hawaii. If history is read aright the solemn lesson is taught that when the superior race comes in contact with the inferior the inferior must go to the wall or else be capable of development and advancement. The Indian is fast disappearing, like his favorite buffalo that he delighted to hunt and regretted to kill, while the negro race is advancing and growing in numbers, power, and importance. The doctrine of the survival of the fittest is as enduring as time itself and as certain.

Our country has arisen from lusty youth to vigorous manhood. We must share the responsibilities as well as the blessings of modern civilization. We must participate in the world's destiny. The stars of both hemispheres will light us on, and the clouds of both perchance at times will darken our path. The bitter and the sweet must both be partaken of. Sturdy manhood is used to both, and together are the reward and fruition of all ripe experience. The blessings of our free republican Government should not be selfishly isolated or hugged to our own bosoms alone, but the Stars and Stripes, amid the Pacific and Atlantic, should salute the dying dynasties of the Eastern World and bid them a cordial welcome and renewed life and a vigorous existence under its starry folds. [Applause.]

Mr. DINSMORE. I yield to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, as a citizen of one of our Western Territories I protest against this unnecessary haste in annexing the Islands of Hawaii to our possessions, and especially do I protest when I believe the real owners of those islands are opposed to annexation. Amid war's excitements and alarm we are apt to be swept from our feet and thrown into paths and policies dangerous to the future government of our country. When the war shall have ended and the smoke of battle cleared from our vision, when we shall have regained the thoughtful and reflective nature of peace, we shall have time enough to pass on these questions thoughtfully, philosophically, and, I trust, wisely.

We had better admit to the Union our Territories before we begin this doubtful deal in islandic real estate.

Arizona, New Mexico, and Oklahoma are in every particular fully qualified for the duties and responsibilities of Statehood. I have so often described the resources of Arizona in committee and

on this floor that I will not now detain the House with its repetition. If you willfully refuse to justly or properly govern your present territory, what can we expect for Hawaii and what can she hope for herself when the hand of your avarice and greed is at her throat?

Arizona, the fairest subdivision of North America, with boundless resources, with a population second in energy, enterprise, and education to no Congressional district represented on this floor, has been forced for thirty-five years to pay tribute to the States, and in all that weary time has received not one cent from the Federal Treasury that was not due as a moral and legal obligation; and while the hand of taxation has been busy with her property, the hand of despotism has kept silent her voice.

I recall an incident in Boston Harbor that made history, yet taxation without representation is as wrong now as it was then, and those of you who impose this on us are degenerate sons of sires who, rather than submit to such exaction, freely pledged their lives, their fortunes, and their sacred honor. I could stand your treatment of us with more equanimity if we were more deserving of it. But we do not deserve it at all.

Mr. Speaker, it has been said that Arizona is indeed a land of sunshine and silver; a land where every farmer makes his own rain, where the rewards of industry are as unerring as the decrees of God; a land where wonder treads on beauty's heels and riches rush to meet the earnest seeker; a land whose resources are as varied as the prismatic lights and splendors which bathe her sunsets in resplendent glory. And we cast all these away from our consideration and with avaricious eyes gaze across 2,100 miles of ocean's dreary waste and covet an island filled with a sugar trust, Chinese, Japanese, lepers, hula-hula dancers, and other volcaneos. [Laughter.]

If you prefer this company to our society as a State, we can stand it; but we would like your society better if you were more select, sirs. The greed of empire has led, and will lead, to the destruction of every nation that the world has marshaled on the fields of time.

We are doing pretty well as compared with the nations of the earth. Whatever the proper position is to take with regard to Hawaii hereafter, there is danger in action now. We should not be misled to hasty action by those visiting statesmen who spent nearly eight days in Hawaii and return to us as the representatives of the Hawaiian Republic in urging its admission to the Union. [Laughter.]

I do not like the looks of these Trojan horses—*Timeo Danaos et dona ferentes*. No, sirs; I prefer, in the progress of a nation's prosperity, one wheat field in a former desert waving in full fruitage at the touch of gentle breezes far above the elegance and grace of any hula-hula dance in the most refined society of any island in all the seas.

In a new nation—and we are yet new and young—it is far better to see one happy home reared by honest Anglo-Saxon hands on the plains of the West than to have added to our body politic any number of Chinese or other alien cheap labor, dominated as they will always be by some enormous combine or trust.

One-tenth of the money you will spend in fortifying Pearl Harbor and providing otherwise for its defense would easily reclaim 5,000,000 acres of desert land in the West, which would easily support a population of English-speaking people of at least 5,000,000 souls. Compare this with what you get in Hawaii and think before you leap. Let not the siren song of some of our singers across the aisle lull our patriotic vigilance into fateful sleep. We have plenty to do at home. We have more land and more resources in Arizona alone, which Congress can easily encourage and perfect, than the whole Hawaiian Islands contain.

Let justice, as well as charity, begin at home. Develop your own Territories before you attempt to acquire other lands. You will divert by this resolution the attention of States away from our western domain and fasten it on undesirable possessions in the seas. A desire to steal from the ignorant inhabitants of the islands will lessen the purpose of working to build homes on the plains or dig treasure from our mountains.

The farther you remove our possessions the more credulous we become in hearing stories of the wealth which remote countries are handing out to all applicants, and swarms of people rush heedlessly over the boundless treasures of the Western plains and mountains to follow this elusive will-o'-the-wisp across the seas. There are many objections to the annexation of these islands other than I have already stated.

The population is objectionable. The last census shows the following:

Natives.....	39,504
Chinese.....	25,407
Japanese.....	21,616
Portuguese.....	15,291
American.....	3,080
German.....	1,432
English.....	2,250

How is our action in taking into our body politic the virus here

shown to help us or anybody else except the sugar kings of the islands? We have passed laws against Chinese immigration to this country and have spent vast sums in keeping them out, and yet in this one act you make American citizens, or at least American residents, of 25,000 Chinese, free to leave the cheap wages of Hawaii and come freely into our Western States and directly compete with our educated labor and break down still further the present small compensation given for a day of toil.

Not only this, but the very floodgates of China would be opened upon us through Hawaii. Every applicant for admission would prove by 100 witnesses that he was a resident of Hawaii at the time of its annexation, and the bars would be let down. There is not an intelligent body of organized labor in this country that does not oppose at this time the resolution now before us. Whatever may be the proper course to pursue with these islands hereafter, and I am not now indicating what that course should be, this is of all times the worst to act.

The war which was thrust on us by the brutality of Spain is now in full progress. We are virtually in possession of the Philippine Islands by the unparalleled skill and courage of Dewey and his men. We are preparing to invade Cuba and Puerto Rico. Peace will come some day, and in the settlement of its terms the future policy of this Government toward these islands can be settled all at once, without this Hawaiian precedent as a landmark for our guidance.

Rather than commit my country now to the imperial policy of colonial accretion and colonial government, I would turn the money necessary to such a course to the development of our internal resources, and reap thereby a richer harvest than the wildest dream will ever see growing on these coveted islands.

I live in the West, and I love it and its people. Their hope and mine is to see it grow and flourish, as it will with half the help your course now offers to the foreign hordes I have just mentioned. I am driven by these reflections to an advocacy of further internal improvements instead of preparing by your present policy to increase the Army in time of peace, and thus place labor under a tax to drones and nonproducers. I would put an equal army at work to make glad the waste places, an army of industrious workmen employed at fair wages, and bringing into fruitage lands now barren and worthless.

I notice with concern and recognize with disgust the fact that those gentlemen on this floor whose zeal is the most ardent to spend money, incur debts, take risks of foreign complications and domestic discord in aid of a worthless island 2,000 miles and more from any present American harbor, are the very identical gentlemen who refuse to let one dollar go to the necessary development of our Territories and even refuse to give us the right to elect our own officers.

Whatever through your wisdom or folly you may do with these Hawaiian Islands, I pray God you will protect them from the benign rule of present Territorial government. Arizona is more entitled to home rule than these Japs and Chinese are to annexation. I protest against your preference.

Mr. Speaker, I will detain the House no longer, except to give notice, if the opportunity will be permitted me, to move an amendment, by way of a substitute, which will leave Hawaii in statu quo and give statehood to Arizona. If this be ruled out of order, I shall move to amend by adding at the end of the resolution the bill I introduced, the purpose of which was to permit Arizona to elect her own officers. Against that bill no reasonable objection has been urged or can be urged. To refuse this is a political crime. [Applause.]

Mr. HITT. I yield thirty minutes to the gentleman from Pennsylvania [Mr. KIRKPATRICK].

[Mr. KIRKPATRICK addressed the House. See Appendix.]

Mr. HITT. I yield to the gentleman from Illinois [Mr. MANN]. Mr. MANN. Mr. Speaker, this is a history-making Congress. The Republican party, which has proven equal to every emergency ever confronting it, has now, in less than half the term of one Administration, not only been able to restore prosperity to our country, has not only decreed that Cuba shall be free and that no European nation will be allowed to carry on barbarous warfare on this continent, has not only established more firmly than ever the absolute supremacy and leadership of the United States upon the American Continent, but the Republican party now proposes to establish the supremacy of the United States upon the Pacific Ocean.

The leaders on the other side of this House tell us that this is a new departure, which threatens the unity of our Government and the perpetuation of our principles. It is not necessary to deny that the proposed annexation of the Hawaiian Islands constitutes a new departure in the policy of our Government, for whether it does or not makes no difference. While other parties may discuss and quarrel whether a proposed plan is a new departure or not, the Republican party has ever been willing to decide the case upon its own merits and has never shrunk from doing that

which is right and advantageous because it might be called a new departure.

But what a strange criticism to fall from the lips of the gentleman from Arkansas [Mr. DINSMORE], of the gentlemen from Missouri [Mr. CLARK and Mr. BLAND], of the gentleman from Texas [Mr. BAILEY], and other gentlemen representing States and Territories west of the Mississippi. The annexation of the Hawaiian Islands is not so great a departure from the policy of our Government as was the annexation of New Orleans and Louisiana. When President Jefferson, with constitutional doubts in his mind, decided upon the purchase of New Orleans for the purpose of protecting the commerce of the country then constituting our western limit along the Mississippi River, he made a new departure. He said:

Previous, however, to this period we had not been unaware of the danger to which our peace would be perpetually exposed while so important a key to the commerce of the Western country remained under foreign power.

It was Thomas Jefferson who inaugurated the policy of adding to our Western country for the express purpose of guarding the commerce on our western shore. It was Jefferson who decided, with or without express constitutional authority, that it was necessary for this country to own the outlet and both banks of the Mississippi River. That step taken by Jefferson was a far greater "departure" from the policy of our Government than is now the annexation of Hawaii.

And yet the gentleman from Arkansas [Mr. DINSMORE], who lives in and represents a part of the Louisiana purchase, and the gentleman from Missouri [Mr. CLARK], who lives in and represents a part of the Louisiana purchase, cry with holy horror against the idea of protecting now our western coast by the annexation of new territory.

If their ideas had prevailed in 1803, the country west of the Mississippi River would have been lost to the United States. Another great and powerful nation would have grown up on the west of that river. The story of history would have been changed.

Fortunately for our country, a greater man then stood as the leader of the Democratic party than has recently appeared. You on the other side of this House revere the name of Thomas Jefferson, but you do not respect his principles or his example.

Our country has had but one war relating to the extension of territory. The war with Mexico was because of the annexation of Texas. Out of that war grew the extension of our territory along the Pacific coast; from that war came into the Union California and much other territory, and yet the gentleman from Texas [Mr. BAILEY], who has the opportunity of being the leader of his party on the floor of this House simply and solely because of the extension of our territory, is now worried and fearful because we propose to annex additional territory in order that we may protect the commerce and the cities of California which comes to us because we engaged in a war over the annexation of his own home.

If the gentleman from Arkansas [Mr. DINSMORE], who has now discovered the port or island of Unalaska, up near the North Pole, as the most available coal and supply harbor between San Francisco and Yokohama, had lived in the days of Jefferson, he would undoubtedly have made a discovery of equal value, that the best and shortest route from the Upper Mississippi River was by way of Hudson Bay to England, and that Thomas Jefferson was ignorant of geography in presuming that New Orleans was necessary to the maintenance of our commerce on the Mississippi River.

Mr. Speaker, there never was a plainer proposition than the one for the annexation of the Hawaiian Islands. Politicians seeking for political advantage may endeavor to obscure it by sophistry and by special pleading. But the American people understand the situation. They know full well that it is an absolute necessity for the protection of our interests upon the great Pacific Ocean and for the protection of our own great Pacific shore line that the Hawaiian Islands should become part and parcel of the United States.

The distance from the Asiatic coast to the Isthmus of Panama is 9,500 miles—as far as from San Francisco to the boundary of Persia. The distance between Unalaska and Tahiti, the nearest ports north and south of Hawaii, is 4,400 miles—farther than from Greenland to the mouth of the Amazon River. In all this wide expanse of water on the Pacific Ocean there is but one ample base of supplies where food, water, coal, or repairs can be promptly and properly obtained. For us to refuse to annex the Hawaiian Islands would be like ceding the mouth of the Potomac River, which protects Washington, or like placing in the enemy's hands the forts which protect any of our seaport cities.

Hawaii is the fort which protects the Pacific coast; it is the base of supplies of the Pacific Ocean; it is the defense guard of the American continent; it is the sentinel which watches closely for the enemy from the far East.

The Hawaiian Islands are of more importance in the control of the Pacific Ocean than Gibraltar is of the Mediterranean Sea.

Mr. Speaker, I do not wish to discuss in detail the figures relating to the Hawaiian Islands or the opinion in regard to their annexation which has been entertained by the eminent statesmen of America, but I wish to attach as part of my remarks the wonderful address delivered by the Hon. Lorrin A. Thurston, of Honolulu, before the Hamilton Club, of Chicago, on January 11 last.

Mr. Speaker, wars are now fought by strategy. The combats which this country will engage in in the future will be mostly upon the seas. The greatest one strategical point in the world is the Hawaiian Islands. No other single spot is of such commanding influence. No other point on the surface of the globe can be of so great advantage in determining the future control of the Pacific Ocean as these islands.

In the history of humanity, in the world of nations, a hundred years is but a short while. It is true that we have made such wonderful progress in our own country within the last one hundred years that it is hard for us to appreciate this fact. But that statesman who, in considering the effect of increase of territory upon his country, does not endeavor in his mind's eye to glance over the possibilities of the intervening future space between now and hundreds of years from now takes but a shortsighted view of human affairs. We live and work and strive and study that our posterity may be more secure, more enlightened, more at liberty, and more progressive.

Mr. Speaker, ever since the story of history has been recorded, either as fact or fancy, it has related to the growth and push of humanity moving from the east to the west. The glories of Assyria, and Babylon, and Persia, and Greece have long since departed, and their mantle has fallen upon countries farther west. But during all this history the west was overrun first by the east. Rome fell before the Goths and the Vandals and the Huns. Attila and Mohammed should each teach us the dangers that may come from foreign invasion caused either by an outpouring of barbarous hordes or religious enthusiasm.

To-day we stand at the morning of a new day for a country far across the sea. The tide of the movement of humanity from the East to the West has now circumnavigated the globe. It has rolled from the eastern shore of the Pacific across Asia and Europe, across the Atlantic Ocean, across America to the western shore of our continent. Every sign of the times points to the rejuvenation of China. Within the life of a generation, little Japan, which had lain dormant for so long, received into its body the new breath of life, and it has sprung forward in civilization as quickly as though the gods had breathed the breath of life into its nostrils. Who knows how soon new life will be breathed into the petrified civilization of China? The immobility of despotic sway has already given way in Japan. The yoke of tradition may soon be broken in the great Empire of China.

From Yau to McKinley is from the beginning to the present of human history. Where will it end? I believe, Mr. Speaker, that the real awakening of China has commenced; that within a few years or a few hundred years—and in either case our policy should be the same as to this annexation—we will be in active commercial competition with the Chinese. The man who belittles the intellectual capacity or the mechanical skill and adaptability of the Chinese belittles his own intelligence and knowledge. Across the Pacific will be fought out the greater problems of the future; across the Pacific will be fought the question of racial supremacy between the Mongolian and Caucasian races. We have driven the red race out of the race of life. A white civilization has taken possession of the territory of the blacks in Africa. Everywhere there is going on a struggle for supremacy.

When China is reawakened, when she is open to the world, when her people come in commercial and intellectual competition with the white race of the world, she and her people, whether dominated by themselves or by the Europeans, will enter upon a race of commercial success which may imperil our own.

We are prone to deal with questions like this upon our possession of present knowledge and present facts. Who knows how quickly the trip across the Pacific Ocean may be made a hundred years from now? Who knows what progress may be made in the improvement of ocean navigation? Who knows what developments may be made on our western shore and upon the eastern shore of Asia? Who knows what conflicts may come and how much may be at stake? Who knows but that in the future an Asiatic race, which is now shut out from our nation by severe laws, may surround us on the north and the south, and may some day, with their superior numbers, endeavor to obtain by war the right of entry to our land?

If I have read and studied aright the lessons of history, the battles for supremacy which in the past were fought out on the Ganges, on the Nile, in the Mediterranean, across the English Channel, on the Atlantic, will at some time in the future be fought across the Pacific Ocean. When that time comes, as come it will, the American flag will be protecting the Caucasian race, will be upholding the honor and dignity of the American people, will be furnishing security to our Pacific coast, will be providing support

to our Pacific commerce, will be insuring the tranquillity, the supremacy, and liberty of our people as it floats in grandeur over land and sea at the Hawaiian Islands.

ADDRESS OF HON. LORRIN A. THURSTON, OF HONOLULU, DELIVERED BEFORE THE HAMILTON CLUB, OF CHICAGO, ON JANUARY 11, 1898.

Subject: The annexation of Hawaii—will it be advantageous to the United States?

Mr. President, I am not an American citizen and never expect to live within the jurisdiction of the United States, unless perchance the Stars and Stripes shall some day float to the breeze as the emblem of authority over the palm groves of Honolulu; but there are stronger ties than acts of Congress, and reasons more potent than present commercial values or technical jurisdiction, why we of Hawaii and you of America should counsel together for the common good; and there is no more appropriate occasion for so doing than at a meeting commemorative of the name of Hamilton, one of the most practical of the great constructive statesmen of America; nor could there be a more appropriate place for such consideration than this imperial city, the halfway house of the continent, this living monument to the practical energies of the American people.

In considering the present and future relations of Hawaii and the United States we can not lose sight of the fact that Hawaiian Christianization, civilization, commerce, education, and development are the direct product of American effort; that Hawaii is, in every element and quality which enters into the composition of a modern civilized community, a child of America; that Hawaii is the one American colony beyond the borders of the Union; that Honolulu is the one port of the world where the Stars and Stripes float over more ships than all other flags combined; that out of all this has grown a sentimental feeling toward Hawaii which does not measure its regard in dollars or material advantage.

All of this I recognize and appreciate, and on behalf of those beyond the water who are bearing the brunt of the fight and who anxiously wait from week to week to know whether they are to be welcomed into the mystic circle which surrounds this "land of the free and home of the brave" or whether they are to be left alone to solve the doubts and uncertainties of the future—on behalf of these I thank you, and through you the American people, for the warm sympathy and earnest support which we have received from thousands of Americans.

Sympathy counts for much, and sentiment is still an international factor; but this is not the age of the crusader. It is the age of the practical statesman who wants to know the ending of a policy before he makes a beginning, of the practical business man who calculates the profit before he invests a dollar, and it is on the practical issue that we rest our case.

Appreciating your sympathy, thanking you for your kindly sentiment, we of Hawaii who believe in the policy of annexation for the benefit of Hawaii urge it upon you of America upon the ground that from a purely practical and business standpoint America needs Hawaii more than Hawaii needs America; and we ask your support of the measure as one preeminently of national economy and protection, present and future, to the political and commercial welfare of this country as well as of Hawaii.

From the day of its creation this has been a growing, developing country. Washington, once a loyal British subject, by the evolution of circumstances became a rebel against his king and fought against the flag under which he was born.

Jefferson, the emblem of conservatism, the foremost leader of the theory of strict construction of the Constitution, who held that annexation of territory would be a violation of the Constitution, became himself the father of annexation and demonstrated his claim to statesmanship by reversing his policy, annexing Louisiana, and by a stroke of the pen changing the United States from a strip on the Atlantic to a continental country reaching from ocean to ocean.

Lincoln avowed himself against the abolition of slavery, and within five years had freed the last slave and wiped slavery off the American continent forever.

With such a series of precedents demonstrating the fallibility of human precedents, and the certainty that as conditions change policies must change with them, no nation should allow the opinions of a past generation to dominate its judgment concerning its present interests. Wisdom did not die with the makers of the Constitution or the succeeding statesmen, and the present generation knows better what its present necessities are than did those of a generation ago; but it is a sound proverb that "Fools learn by their own experience; wise men by the experience of others," and while basing your action upon the conditions and necessities of the present and the probabilities of the future, it is well to take counsel of the past and study the views of the great American statesmen who have considered and dealt with this identical question for the past sixty years.

It has been said that the United States has no continuous foreign policy. The interest in affairs beyond the borders of the Union has alternately waxed and waned; but for sixty years one consistent and persistent policy has been maintained by the American Government and every department and party thereof concerning Hawaii. Whigs, Democrats, Republicans, and Populists; supporters of the single gold standard and advocates of free silver; nine Presidents, eleven Secretaries of State, the highest authorities in the Army and Navy, the Senate and the House of Representatives, all have united in the declaration that under no circumstances or conditions would the United States allow any foreign power to annex, control, or colonize Hawaii.

One of the phrases in President McKinley's message to the Senate reads: "Annexation is not a change, it is a consummation." This is not rhetoric. It is a statement of a fact.

President Tyler first enunciated the policy of exclusion of other powers from Hawaii in 1842. Within the next ten years, by reason of French and English aggressions in Hawaii, Secretaries of State Legaré, Clayton, and Webster successively announced officially that the American Government would, if necessary, execute its exclusion policy by force.

In 1851, upon receiving notice from the American consul in Honolulu of French depredations, Secretary Webster replied:

"I hope the French will not take possession; but if they do they will be dislodged, if my advice is taken, if the whole power of the Government is required to do it."

Up to 1854 the exclusion policy did not contemplate possession by the United States; but there then took place an evolution in the method of making that policy effective, and we find President Pierce and Secretary of State Marcy negotiating a treaty of annexation with the King of Hawaii, which failed of execution only by the premature death of the King after the treaty had been agreed upon and engrossed for signature. From that time to the present almost every President and Secretary of State has advocated the annexation of Hawaii. Johnson and Grant advocated it in messages to Congress; Cleveland approved of it during his first Administration; Harrison and McKinley negotiated annexation treaties; Seward and Fish successively instructed the American minister at Honolulu to attempt to bring it about; Blaine, Bayard, Foster, and Sherman have strenuously advocated it.

In 1851 Admiral Dupont, in a formal report on the coast defenses of the United States, said:

"The position of Halifax, Bermuda, and the West Indies must ever be

borne in mind where fleets may wait for a fitting opportunity for incursions. To suppose that there is to be no such thing as a surprise, because railroads have been invented and hollow shot cast, seems to be taking for granted that human life has changed. Those who indulge in such theoretical securities are preparing themselves for surprises; perilous ones, too."

"In the Pacific we already have outposts on our flanks in the hands of first-class powers."

"It is impossible to estimate too highly the value and importance of the Sandwich Islands, whether in a commercial or military point of view. Should circumstances ever place them in our hands, they would prove the most important acquisition we could make in the whole Pacific Ocean—an acquisition intimately connected with our commercial and naval supremacy in those seas. Be this as it may, these islands should never be permitted to pass into the possession of any European power."

In the wake of Dupont have followed the great military and naval authorities of the country. To-day we have General Schofield, Admiral Walker, Admiral Belknap, Captain Mahan, and, so far as I know, every prominent official in both the Army and the Navy strenuously, ardently advocating annexation.

I would call to your attention the fact that, although nearly every President and Secretary of State from 1842 to 1897 has placed himself officially on record concerning Hawaii, there is not a line or word from one of them in opposition to the principle of annexation.

Now that in the natural course of events, to use the words of Secretary Bayard, "the apple is ripe and ready to fall," now that the people of the United States have within their grasp the results of sixty years of statesmanship, we are met by a new school of statesmen who proclaim that the past policy of the United States is all a blunder and a mistake; that you do not want Hawaii at any price; that it will be a source of weakness in time of war and an expense in time of peace; that the coast line is the proper line of defense; that if annexation takes place the first proper step in case of war would be to withdraw from Hawaii and make a stand at San Francisco.

On the other hand, the exact contrary is claimed. The issue is clear cut. Which is right?

If it is true that the possession of Hawaii will weaken, why should this country object to other countries acquiring possession and thereby weakening themselves?

Did Legaré in 1843, and Clayton in 1850, and Webster in 1851, advocate war, if war was necessary, to keep England and France out of Hawaii by reason of an altruistic friendship so keen that they were willing to shed American blood to prevent those nations from taking action which would weaken them?

When Marcy and Pierce in 1854, in pursuance of the traditional Democratic doctrine of annexation, attempted to annex Hawaii, were they treacherously trying to weaken this Government, or did they have softening of the brain?

When President Grant in 1871, in a confidential message, urged the Senate to consider the annexation of Hawaii, was he playing into the hands of the enemy, or were his brilliant military instincts smitten with temporary paralysis?

The opposition flippantly reply to opinions presented by military and naval authorities: "Oh, they are in favor of getting up a fight so as to magnify their own importance and secure promotion." Do you believe it?

When, in 1851, Admiral Dupont embodied in his formal and official report on the coast defenses of the United States that "it is impossible to estimate too highly the value and importance of the Sandwich Islands, whether in a commercial or military point of view," and that "they would prove the most important acquisition we could make in the whole Pacific Ocean," was he scheming for promotion, or was he demonstrating his ignorance?

When Captain Mahan states that Hawaii is one of the most remarkable strategical points in the world; that it possesses importance as a factor in the attack or defense of your coast line "rarely concentrated in a single position, and the circumstance renders it doubly imperative upon us to secure it, if we righteously can," is he sordidly seeking his own selfish aggrandizement or is he assmitten with the microbe of incompetence?

When both Houses of Congress in 1894 passed unanimous resolutions to the effect that "any intervention in the political affairs of Hawaii by any other government will be regarded as an act unfriendly to the United States," votes participated in by some of the very men who now condemn proposed American control in Hawaii, what did they mean?

If intervention and control in Hawaii weakens, why should Congress declare such process of weakening itself by another government to be an act "unfriendly to the United States?"

Were these resolutions simply an exhibition of ultra-native American "cussedness," the final quintessence of the dog-in-the-manger policy, or were they simply the final chapter in a volume of national stupidity?

If the possession of Hawaii will weaken this Government, then its statesmen and its military and naval experts for two generations have either been supremely ignorant or supremely wicked. Either they were lacking in knowledge of the first principles of statesmanship and defensive warfare, or they have been parties to sixty years of conspiracy to deliver their country into the hands of its enemies.

That is the indictment, and the verdict must be guilty, unless it can be shown that Hawaii is a strategical point of value and that the possession of Hawaii will be a source of strength to the United States in time of war.

The question at issue is: "Is Hawaii a strategical point the possession and control of which will strengthen the United States in time of war?"

I take it that a strategical point may be defined as one which, by reason of its position, its strength, or its resources will give an advantage to its possessor over its rivals.

It is said by the new-school statesmen that the first act of a hostile country after war broke out would be to seize Hawaii and take it away from the United States. Is not this assertion a recognition of the strategical value of Hawaii?

Any country at war with the United States will have no time for simply annoying tactics. It will be obliged to strain every nerve and resource to strengthen its strictly military position. If the enemy take Hawaii, it will be for the purpose of strengthening themselves, and to enable them the better to attack you.

If the possession of Hawaii will help them to more effectively attack you—will give them an advantage which they would not otherwise possess—then it is a strategical point which it will be to your advantage to keep out of their possession.

If possession would give the enemy a small advantage only, a correspondingly slight defensive effort might be offered. If, on the other hand, possession would give them a commanding advantage, then they should be excluded from such possession by the United States at all hazards.

Whether Hawaii is or is not an important or commanding strategical point does not depend upon the opinion of statesmen or military experts, but upon the facts.

What are the facts?

(1) The distance from the Asiatic coast to the Isthmus of Panama is 9,500 miles, as far as from San Francisco eastward across the continent, the Atlantic, the Mediterranean and Turkey to the boundary of Persia.

The distance between Unalaska and Tahiti, the nearest ports north and south of Hawaii, is 4,400 miles, as far as from Greenland to 500 miles south of the mouth of the Amazon River.

In all this vast area there is but one spot where food, water, coal, or repairs can be obtained by a passing vessel.

From the equator to the Arctic, from Asia to the American Continent, Hawaii is the only supply station.

(2) Cruisers and gunboats have their uses, but the effective weapon of naval warfare is the battle ship. By reason of their heavy armor and guns their coal capacity is but limited. England has a few ships which, by reducing their speed to 10 knots an hour, could, provided contrary storms were not encountered, cross, with a few hundred tons of coal to spare; but with this exception there is not now built or building in the American or any other navy a battle ship capable of steaming, even at the most economical speed, from the coast of Asia to the Pacific coast of the United States without recaling, for the simple reason that they can not carry enough coal, even by piling their decks full.

The coal radius of the average battle ship steaming at full speed is 2,000 miles, and steaming at 10 knots an hour it is from 3,200 to 3,500 miles.

The distance from Hongkong to San Francisco is 5,500 miles, and from Yokohama is 4,500 miles.

As there is no spot above water in the North Pacific where coal can be obtained, except Hawaii, it follows that if coal can not be obtained there battle ships can not cross the Pacific at all.

How, then, does this effect the strategic value of Hawaii?

It means that by simply keeping other nations out of Hawaii the United States will thereby secure immunity from serious trans-Pacific attack, because other bases of supply are too far away to be available.

It means that any nation in control of Hawaii would possess a base of supply and repair within five days' steaming distance of any part of the Pacific coast, and be a standing menace not only to the cities of the coast, but to all American commerce on the North Pacific.

On the other hand, if other nations are kept out of Hawaii, the available bases of supply are pushed back the entire width of the Pacific, a distance which Captain Mahan pronounces too great for sustained maritime operations.

(3) The importance of Hawaii does not rest alone upon its value as a strictly military base. That gives it the name of the "Key of the Pacific."

It is also known as the "Crossroads of the Pacific" by reason of the fact that it lies on the line of almost every trade route between the Asiatic, American, and Australian continents.

Of the seven steamship lines between Vancouver, Tacoma, Portland, and San Francisco, running to Japan, China, Australia, and the South Pacific islands, six make Honolulu a way station, and when the Isthmian Canal is opened the vast tide of commerce which will pour through it and across the Pacific to the coast of Asia will all pass the doors of Hawaii.

The power that holds Hawaii is in a position to absolutely control trans-Pacific commerce.

I submit the case to you. Is Hawaii a strategical point, or is it not?

Is it the part of good military tactics and statesmanship to keep other nations out of Hawaii, or would the United States and its commerce be as safe or safer with Hawaii in the possession of a foreign and possibly hostile power?

Is it wise to now definitely and finally secure to the American nation for all time the commanding control of the Pacific, which Clayton and Webster and Marcy strove for, and to which Grant and Seward and Blaine looked forward; or is it the course of wisdom to abandon the policy of sixty years and withdraw your claim to any special rights or interests in Hawaii?

It is a question for the American people to decide.

But, it is objected, a navy will be required to protect Hawaii if it is annexed.

If the United States can maintain peace without the possession of Hawaii, it can do so equally well if Hawaii is American territory. The fact that Hawaii is American territory will not create international friction any more than does the fact that California and Florida have become American territory.

It is as necessary to maintain a navy for the protection of the Pacific coast as it is for the protection of Hawaii; and if a navy is not necessary for the one purpose, neither is it for the other.

Again, this country has already committed itself to the policy of exclusion of other powers from Hawaii. This policy has been in the past and still is advocated by all American statesmen, both those who favor and those who oppose annexation. It will take as large a navy to keep other countries out of Hawaii independent as it will if Hawaii is American territory; no more and no less.

Having already adopted the policy of exclusion, which must be supported by force in case of war, annexation is only incidental to such policy—a method of making it more effective.

Whether annexation takes place or not the policy of exclusion exists, and this policy the United States must be prepared to defend or abandon. No one proposes to abandon it; if it is to be defended, a navy will be required to do it in case of war.

If other countries can be kept out of Hawaii by fear of the might of the United States now, such means will be equally effective after Hawaii becomes American territory.

If force becomes necessary to effectuate the exclusion policy, such force can be more effectively and economically applied if the legal title to Hawaii is vested in the American Government than if it belongs to an alien and possible hostile jurisdiction.

The continued independence of Hawaii is no guaranty that it will not, by process of natural evolution at some time, pass into the control of those who are hostile to the United States and American interests.

Again, in case of war, you will require a navy to protect your interests in the Pacific if you hold Hawaii; but it will require an infinitely greater one if you do not hold it.

Suppose, for example, that war has broken out; that Hawaii has been abandoned and taken possession of by the enemy with a fleet containing ten battle ships.

There are four principal points on the Pacific coast exposed to naval attack, to wit:

Puget Sound ports, Portland, San Francisco, and San Diego, besides many smaller ones.

The enemy's fleet at Honolulu would be within easy steaming distance of any one of these points.

The Napoleonic recipe for victory was to have more men than the enemy at a given point at a given time.

If a defensive campaign is to be fought with the coast as the line of battle, then in order to meet the enemy on equal terms even, it would be necessary to maintain a fleet of at least ten battle ships at each of the four points indicated, for there would be no way of ascertaining beforehand which would be the point of attack.

If, on the contrary, the United States holds Hawaii, a fleet of twenty ships can be stationed there and overmatch the enemy two to one.

The enemy must come to Hawaii to coal, and upon arrival there will meet an overwhelming force.

By abandoning Hawaii and making the coast the exclusive line of defense, forty ships are necessary to meet the enemy on even terms.

By holding Hawaii as an outpost, twenty ships provide an overwhelmingly superior force of two to one.

Which is the most economical?

Which policy demonstrates foresight and statesmanship?

It has been suggested that coal can be transported in colliers and trans-

ferred at sea. There are many reasons why this would be impracticable on a large scale. Imagine transshipping a whole cargo in the restless swell of midocean, to say nothing of a storm which might occur at the very time when a ship's coal had become exhausted, leaving it a helpless hulk.

Again, the speed of the fleet would be reduced to that of the slowest collier, while speed is of the utmost value to a modern navy.

Again, instead of attacking vigorously, the first duty of the fleet would be to stand by and protect the colliers, for their destruction, or even their dispersion by storm, would render the fleet helpless and end in its surrender or destruction.

Again, the effect of modern guns is so terrific that after any serious engagement it is necessary to dry dock every ship engaged therein for repairs. What opportunity would there be for this with the nearest dock on the opposite side of the Pacific?

Naval experts declare this proposition wholly impracticable under the conditions presented.

But there are those who believe that the days of war are past. They remember Washington's warning against entangling alliances, but forget that he also said that "to be prepared for war is one of the most effectual means of preserving peace."

It is gravely argued that the best naval policy of the United States is "to sell its Navy and go out of the navy business." It was Washington again who said:

"To secure respect to a neutral flag requires a naval force organized and ready to vindicate it from insult or aggression; that may even prevent the necessity of going to war."

It was President John Adams who said:

"Naval power is the natural defense of the United States."

And President John Quincy Adams said:

"A military marine is the only arm by which our power can be estimated or felt by foreign nations. . . . The gradual increase of the Navy is the introduction of a system to act upon the character and history of our country for an indefinite series of ages."

It was President Andrew Jackson who said:

"No nation, however desirous of peace, can hope to escape collisions with other powers. . . . Our local situation . . . points to the Navy as our natural means of defense. . . . It is your true policy, for . . . it will give to defense its greatest efficiency by meeting danger at a distance from home. . . . We shall more certainly preserve peace when it is well understood that we are prepared for war."

President Grant said:

"With an energetic, progressive, business people like ours, penetrating and forming business relations with every part of the known world, a Navy strong enough to command the respect of our flag abroad is necessary for the full protection of all their rights."

Such quotations might be multiplied indefinitely. Were these men also blind leaders of the blind?

Were they seeking promotion, or were they victims of ignorance?

Abolish the Navy!

Not Alexander, Caesar, nor Napoleon ever commanded such armies in time of war as are now maintained in time of peace, and the nations are increasing their armament at a rate never before known since the world began.

Does any American citizen outside of the insane asylum and the doctrinaires camp believe that the day has arrived when either "international law or the justice of a cause can be depended upon for a fair settlement of international differences, with a strong political necessity or desire on the one side opposed to comparative weakness on the other?"

England in the Transvaal and northern India, in Venezuela and Nicaragua; France in Madagascar and Siam; Germany in Haiti, and all Europe in China, are answers enough to the question.

Does anyone hear of arbitration treaties between strong and weak powers, except when, as in the case of Venezuela, the weak party is supported by a greater one?

In the recent controversy between Hawaii and Japan, when the former proposed arbitration, the reply was:

"Arbitration can not be invoked where a nation's honor is involved. This is a question which can only be settled by the strongest arm and the strongest ship;" and it was not until American guns in the harbor of Honolulu outnumbered those of Japan by 3 to 1, and a warning tone was heard from Washington, that the beauties of arbitration were fully appreciated in Yokohama.

Abolish the Navy!

Have Americans forgotten the time when, with a merchant marine rivaling that of England, it abolished the Navy and paid little Portugal an annual subsidy to protect American ships in the Mediterranean, and continued to do so until England prohibited Portugal from doing it any longer?

Have they forgotten that this great and free country paid annual tribute to an African potentate, to hire him not to pillage and burn American ships and murder and enslave American citizens, and actually presented him at public cost with a full-rigged ship, which he proceeded to man with slaves captured from American vessels?

Is there any American patriot who does not thrill with a sense of shame at the recollection, and burn with resentment at the proposition to revert to the status which made it possible?

President Cleveland and President McKinley have both stated that the time might arrive when the conditions would require American intervention in Cuba; and the Spanish authorities have passionately declared that they would not submit to it.

Suppose that the United States does intervene and a Spanish fleet appears off New York Harbor, and suppose that you have no navy. What would you do?

Send them an essay on arbitration by Carl Schurz?

I do not know what else you would do, unless you sent them a copy of the New York Evening Post demonstrating the iniquity and uselessness of a navy.

I do not predict war, but I call your attention to the fact that, in the words of Mahan, "It is not necessary to acquire territory beyond the sea in order to become involved in international complications."

"Without political ambitions outside the continent, the commercial enterprises of the American people are being brought into violent antagonism with vital interests of foreign belligerent states."

Look at the developments of the day. It is common knowledge that production has so exceeded the domestic power of consumption that foreign markets must be had or stagnation and distress will follow.

It is common knowledge that the same conditions exist in Europe to a still greater degree.

It is common knowledge that this country is now competing destructively with the producers of the world; so destructively that within the last few weeks we have heard Goluchowski, the Austrian minister of foreign affairs, calling upon Europe to combine in a "politic-commercial war" against the common foe, America, prophesying that if such action were not taken at once, another and bloodier war would be necessary to preserve the political and commercial institutions of Europe.

Where are your foreign markets to be found? In Europe? To a limited extent; but Europe is not your natural market for manufactured products.

It manufactures the same things that you do. Europe is your natural rival, not your natural customer.

In 1882 William H. Seward, on the floor of the United States Senate, said: "Henceforth European commerce, politics, thought, and activity, although actually gaining force, and European connections, although actually becoming more intimate, will, nevertheless, relatively sink in importance; while the Pacific Ocean, its shores, its islands, and the vast region beyond will become the chief theater of events in the world's great hereafter."

That prophecy is rapidly being fulfilled.

But ten years ago the Pacific coast of Siberia was an icebound wilderness and Vladivostok an unknown village. To-day Vladivostok is a city of 40,000 people, with wharves, dry docks, warehouses, and fortifications equal to those of any port in the world. The Pacific terminus of the trans-Siberian railroad to St. Petersburg, it is the growing center of a commerce the variety and volume of which can not be foretold. This railroad is being pushed by all the mighty power of the Russian Government. For a hundred years Russia has vainly sought an open road to the sea by way of the Dardanelles. She is now achieving that object by way of the Pacific. Within the past year she has obtained a right of way from China for a second terminus to her railroad at Port Arthur, a port that is never frozen up. Therein is foreshadowed the Russian absorption of northern China, for the Russian Bear never lets go of its grip.

Within three years Japan has evolved from a comparatively unimportant to a world nation. With her upward of 50,000,000 people, and a navy growing faster than any other except that of Great Britain, she will hereafter be a prime factor in the problems and commerce of the Pacific.

With the shaking up which Japan gave China, and the disintegrating influences from within and without now apparent, the three hundred millions of China will soon be open wide to the commerce of the world.

The Asiatic countries facing upon the Pacific Ocean are inhabited by one-fourth of the consuming population of the world, while Hongkong is already the second shipping port of the world.

Australia, New Zealand, and the thousands of South Sea Islands, now under European control, are all developing with marvelous rapidity and are at the threshold of an era of greatness undreamt of by the northern world.

At present the commerce of the United States with the nations of the Pacific is hampered by the great cost of railroad transportation across the continent and the distance around Cape Horn; but with the opening of the isthmian canal the supplies of food and cotton produced by the Gulf States and the great Mississippi Valley and the manufactures of the central and eastern portions of the country will, for all practical purposes, be as near to the Pacific markets as is now the coast of California.

No man can form any reliable estimate of the immensity of the commerce that will pour across the Pacific within the next twenty-five years. Every pound and every yard of these exports must pass by the door of Hawaii. Hawaii will become the great central entrepôt of western commerce, from which will radiate north, south, east, and west an innumerable fleet of merchant ships and steamers, almost every one of which will necessarily stop there for coal and supplies.

The control of Hawaii by the United States will guarantee for all time that this great commerce shall be free and unhampered by foreign surveillance or interference.

Any foreign nation in control of Hawaii, even though at peace with the United States, would be in a position to hamper American commerce to the point of extinction by port and customs regulations.

It may be that the arguments of those who oppose annexation are correct. It may be that the United States will never again go to war or need a navy. It may be that no foreign country will ever interfere with its commerce or the rights of citizens in the Pacific. It may be that human nature has mellowed and changed and that precedents do not apply; but in view of the disastrous consequences to American interests, in case these suggestions are not correct, is it not well to be reasonably prepared for whatever emergencies may present themselves?

You do not expect to die to-morrow or that your house will burn next week, and yet you insure both. If this is wise policy for the individual, why is it not for a collection of individuals? If for the citizen, why not for the nation? I submit to you in all earnestness that, whether you will or no, the American nation is being forced by the evolution of the age into relations with foreign countries and peoples which must make it an international and not an insular nation, compelling it to accept or provide for the responsibilities and obligations as well as the advantages of that status. In no portion of the world is this international character of its relations and interests being so rapidly or so largely developed as in or about the Pacific.

Whether the arguments of those who favor annexation are right or whether they are wrong, I submit that there is enough demonstrated in favor of their arguments to make the annexation policy a sound and statesmanlike one as a measure of national insurance.

Mr. HITT. Mr. Speaker, I move that the House do now adjourn.

Mr. CANNON. I ask the gentleman to withhold that motion for a moment.

EVENING SESSION TUESDAY.

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that to-morrow, when the hour of 5 o'clock shall arrive, the House take a recess until 8 o'clock, and remain in session from 8 o'clock until half past 10 for the purpose of debate only upon this measure.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that at 5 o'clock to-morrow a recess be taken until 8 o'clock, and that the session continue from 8 o'clock until 10.30 for the purpose of debate only on this bill. Is there objection?

There was no objection.

BERING SEA AWARD.

Mr. CANNON. Mr. Speaker, I again ask unanimous consent to consider the following bill.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Illinois asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10682) making appropriations to pay the Bering Sea awards.

The bill was read, as follows:

A bill (H. R. 10682) making an appropriation to pay the Bering Sea awards. Be it enacted, etc., That to enable the President to pay to the Government of Her Britannic Majesty the amount awarded by the commissioners ap-

pointed pursuant to the stipulations of the convention of February 8, 1896, between the United States and Great Britain, providing for the settlement of the claims presented by the latter against the former in virtue of the convention of February 29, 1892, the sum of \$473,151.35 is hereby appropriated out of any money in the Treasury not otherwise appropriated. This appropriation is made without the admission that any liability exists for any loss of prospective profits to British vessels engaged in pelagic fur-sealing, or for interest on the sums awarded to Great Britain, and without admitting the authority of the arbitrators to make any award on the basis of damages for the arrest or detention of vessels not included in the submission contained in the treaty.

Mr. CANNON. Now, Mr. Speaker, I ask unanimous consent to make a statement, and if there is to be any objection—

Mr. SULZER. Reserving the right to object, I would like to hear a statement from the gentleman from Illinois regarding this bill.

Mr. CANNON. This is an award made in pursuance of a commission created by act of Congress, and the amount has been found due. I do not care to discuss the justice or injustice or the propriety or impropriety of the award.

Mr. TERRY. I would like to ask the gentleman from Illinois a question—

Mr. CANNON. In a minute. A joint commission was made by arrangement between Great Britain and the United States, and this is the award in pursuance of the submission to the commission. Now, then, already the sundry civil bill carries this item. It was passed by the House and has been agreed to by the House; but the sundry civil bill, having other items upon it, can not practically be enacted between this and the 17th of this month. By the terms of the award made in pursuance of the submission, this money is found due on the 17th of this month; and this joint resolution is proposed in pursuance of the urgent request of the State Department, that that may be properly met, as it should be met, under the award made as I have indicated.

Mr. TERRY. I will ask the gentleman if this is not the same claim that he fought so vigorously in the last Congress?

Mr. CANNON. No, sir; it is not the same claim. During the last Congress a proposition was made to settle this claim for four hundred and odd thousand dollars. I was opposed to that settlement. I did not believe then that it ought to be paid, and it was rejected by Congress.

Mr. TERRY. Has there not been—

Mr. CANNON. But as it has been submitted, being a matter of debt, when the treaty had referred it to a commission and the commission have made the award, I am estopped from combating its justice; and it only remains for us to pay the award of the commission that was created by law.

Mr. PEARSON. Is it not a matter of national honor?

Mr. CANNON. Whether I fought it or not makes no difference so far as the merit is concerned.

Mr. TERRY. Was it at that time recommended by the President?

Mr. CANNON (continuing). That is not to be determined by my wisdom or unwisdom.

Mr. TERRY. I am not making any point that it is to be determined by your wisdom or unwisdom, but I want to get at the facts. At the time it passed here before the President and the British Government had agreed on the matter, had they not?

Mr. CANNON. There was an agreement made, or suggestion made, that the amount could be settled for about the amount of this award.

Mr. TERRY. Was not that about as binding upon us as this?

Mr. CANNON. No, sir; not at all.

Mr. TERRY. There is no way to get out of this at all, as I understand.

Mr. CANNON. This is an award made by a commission created by act of Congress upon the part of our Government, a joint commission, and the award has been made.

Mr. GROW. Will the gentleman allow me for one moment? As I understand the question, the commission that met at Paris with reference to the disagreement had with Great Britain about the seals, etc., provided that a commission should be appointed to ascertain these damages, so that it becomes a part of the original transaction creating the commission between England and this country, and the honor of the country is pledged to pay the award of the commission instituted by that first commission that was organized.

Mr. SULZER. I would like to ask the gentleman from Illinois if, in his judgment, he does not think we got the worst of this arbitration?

Mr. CANNON. Oh, that is purely a matter of judgment. I will say to my friend that it is not necessary to discuss that question. I will say to him further that judgments and decrees are constantly rendered by courts that are not according to my sense of propriety; and I have resorted on such occasions to "cussing the court" [laughter]; but, after all, the judgments have to be paid.

Mr. SULZER. That is this case exactly. I think we should have an opportunity to "cuss the court" in regard to this award.

For one, I believe that it is an unfair and an unjust award to the people of this country. We generally get the worst of an arbitration with Great Britain. But this award is one of the worst in the history of the country.

Mr. CANNON. And still the award is made. I yield to the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, the history of the matter is briefly this: Under the arbitration between the United States and the British Government during the Administration of General Harrison, our Government became bound to pay such damages as might be awarded for damages to Canadian fishermen in Bering Sea.

When Mr. Cleveland was elected President the second time, with the award of the commission resting upon his Administration, his Secretary of State, Mr. Olney, and the British minister reached an agreement by which a certain amount of money should be paid to those who were so damaged. The amount was presented to Congress and was placed on the general deficiency bill. It was less than this appropriation.

The opposition, however, was so great that the House refused to recognize the agreement. I thought then that the House was acting unwisely, and the result shows that it did act unwisely. Therefore it became necessary to appoint commissioners between the two Governments. Those commissioners met and rendered the present award. This House had already voted to pay the award. The appropriation for the purpose passed the House some days since, but inasmuch as the agreement required that it should be paid on the 17th of this month, and it will be impossible for the sundry civil bill to become a law by the time designated, the resolution presented by the gentleman from Illinois [Mr. CANNON] becomes necessary.

Mr. BRUCKER. This item is already in the sundry civil bill, is it?

Mr. SAYERS. It is; and if the House should refuse to pass the resolution, the award will nevertheless be paid through the sundry civil appropriation bill.

Mr. UNDERWOOD. Has the item in the sundry civil bill been agreed to by the Senate?

Mr. SAYERS. Yes; by both the Senate and the House.

Mr. UNDERWOOD. And the item is not in conference?

Mr. SAYERS. It is not in conference.

The SPEAKER pro tempore (Mr. DALZELL). Is there objection to the request of the gentleman from Illinois that the bill be considered at the present time? [After a pause.] The Chair hears no objection.

Mr. CANNON. Now, Mr. Speaker, I want to make one remark. The proposed settlement between the Secretary of State and the British minister was rejected by Congress. Under the treaty a joint commission was had, and this is the award, and whether it was proper or improper, whether we were overreached or not, we have had our day in court, so to express it, and this amount has been fixed, and should be paid. Now I ask that the bill be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed joint resolutions and bills of the following titles:

On June 6, 1898:

H. Res. 271. Joint resolution donating a condemned cannon to the Thirty-second National Encampment of the Grand Army of the Republic.

On June 7, 1898:

H. R. 10121. An act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes;

H. R. 9477. An act to amend section 8 of the act of Congress approved March 2, 1896, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes;

H. R. 10525. An act authorizing certain life-saving stations to be opened and manned during June and July, 1898; and

H. Res. 189. Joint resolution authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes.

On June 8, 1898:

H. R. 10565. An act making appropriations to supply urgent deficiencies in the appropriations for the support of the military and naval establishments for the fiscal year 1898, and for other purposes;

H. Res. 175. Joint resolution for a survey of the harbor at Sheboygan, Wis.;

H. R. 908. An act granting a pension to Zolman Tyrrell;

H. R. 2815. An act granting an increase of pension to Eliza Miller;

H. R. 2150. An act granting an increase of pension to Benjamin Beach;

H. R. 2318. An act granting an increase of pension to John T. Brewster;

H. R. 6242. An act granting a pension to James C. Kinkle;

H. R. 4691. An act to increase the pension of Charles Hoffman;

H. R. 4962. An act granting an increase of pension to William D. Foote;

H. R. 1825. An act to increase the pension of David Parker;

H. R. 4675. An act granting an increase of pension to George Van Vliet;

H. R. 7672. An act to increase the pension of George W. D. Wade;

H. R. 2905. An act granting an increase of pension to Olivia Betton;

H. R. 587. An act granting a pension to Henry H. K. Elliott;

H. R. 3534. An act increasing the pension of Gustavus A. Kindblade;

H. R. 7802. An act granting a pension to Emily A. Hausner;

H. R. 2291. An act granting a pension to C. S. Alvord;

H. R. 2123. An act increasing the pension of William P. Haskell;

H. R. 1440. An act granting an increase of pension to Charles Beckwith;

H. R. 5776. An act granting an increase of pension to Sidney J. Hare; and

H. R. 3596. An act granting a pension to Bettie Gresham.

On June 10, 1898:

H. R. 1540. An act granting an increase of pension to William H. Oliver.

On June 13, 1898:

H. R. 9008. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899; and

H. R. 9205. An act to authorize the extension eastwardly of the Columbia Railway.

Mr. HITT. Now, Mr. Speaker, I renew my motion to adjourn. The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General concerning the payment of certain deputy marshals—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting estimates for salaries of additional employees in the Patent Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting additional deficiency estimates for the Ordnance Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James M. Beckett against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Poston against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel W. Hough, administrator of William N. Hough, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DE VRIES, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5859) to provide for the preservation of the timber in the Yosemite National Park, in the State of California, and for the restoration to the public domain of all timber land within said park, reported the same with amendment, accompanied by a report (No. 1547); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which

was referred the bill of the Senate (S. 4317) to provide for the opening of lands containing asphaltum, gilsonite, elaterite, and kindred substances in the State of Utah, reported the same with amendment, accompanied by a report (No. 1548); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10624) to provide for the better organization of the Quartermaster's Department, with a view to the proper transaction of the large volume of additional work placed upon such department by the sudden increase of the regular and volunteer forces of the Army, reported the same with amendment, accompanied by a report (No. 1549); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 10672) to amend section 6 of the act of Congress entitled "An act authorizing the establishing of a public park in the District of Columbia," approved September 27, 1890—to the Committee on the District of Columbia.

By Mr. SPALDING: A bill (H. R. 10673) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases—to the Committee on the Judiciary.

By Mr. HINRICHSSEN: A bill (H. R. 10674) to amend the pension laws by increasing the pensions of soldiers and sailors whose disability is equal to that caused by the loss of a hand or a foot—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 10675) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad—to the Committee on Indian Affairs.

By Mr. CANNON: A bill (H. R. 10682) making an appropriation to pay the Bering Sea awards—to the Committee on Appropriations.

By Mr. HAY: A resolution (House Res. No. 321) of inquiry as to the condition of the United States volunteer troops assembled at Camp Alger, in the State of Virginia—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 10676) granting a pension to Silas Graham—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 10677) for the relief of R. L. Pritchard & Co., of Page County, Va.—to the Committee on Claims.

By Mr. MOODY: A bill (H. R. 10678) to increase the pension of Clara E. Daniels—to the Committee on Pensions.

By Mr. SPALDING: A bill (H. R. 10679) to remove the charge of desertion from the record of Martin Barley and to place said name upon the pension roll—to the Committee on Military Affairs.

By Mr. ZENOR: A bill (H. R. 10680) granting a pension to David B. Salts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10681) granting an increase of pension to David Briggs—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Papers to accompany House bill No. 6163, for the removal of the charge of desertion against W. T. Hyde—to the Committee on Military Affairs.

By Mr. CARMACK: Petitions of H. L. Bedford and 19 other citizens of Bailey, Tenn., favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND (by request): Memorial of W. P. Gilbert, in relation to pension legislation—to the Committee on Invalid Pensions.

By Mr. GRIGGS: Resolution of Camp A. H. Colquitt, United Confederate Volunteers, No. 1115, of Baker County, Ga., urging the appointment of Southern officers over Southern troops in the war with Spain—to the Committee on Military Affairs.

Also, petition of Camp A. H. Colquitt, No. 1115, of Baker County, Ga., in favor of the establishment of a national park at Stone River, Tennessee—to the Committee on Military Affairs.

By Mr. GROSVENOR: Resolution passed by the Board of Trade of Oakland, Cal., urging the speedy annexation of the Hawaiian Islands—to the Committee on Foreign Affairs.

Also, petition of the Epworth League of Stella, Ohio, asking for the passage of a bill to forbid the sale of intoxicating beverages in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HINRICHSSEN: Petition of soldiers and citizens of Morgan County, Ill., regarding the pension laws—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition of Connecticut members of the National Society of the American Revolution, in favor of the passage of a bill to prevent the desecration of the American flag—to the Committee on the Judiciary.

Also, petition of James C. Hallock, to accompany House bill No. 5567, for his relief—to the Committee on Claims.

By Mr. SPALDING: Paper in support of House bill for the relief of Martin Barley—to the Committee on Military Affairs.

By Mr. SULZER: Protest of Irish-American citizens of Philadelphia, Pa., against any entangling alliance with England—to the Committee on Foreign Affairs.

By Mr. TODD: Protest of Daniel L. Pratt, of Hillsdale, Mich., against certain provisions in the war-revenue bill—to the Committee on Ways and Means.

SENATE.

TUESDAY, June 14, 1898.

Prayer by Rev. FRANK M. BRISTOL, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed a bill (H. R. 10682) making an appropriation to pay the Bering Sea awards; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 4740) to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*;

A bill (S. 4749) to provide an American register for the steamer *Arkadia*;

A bill (H. R. 378) granting an increase of pension to Lowell H. Hopkinson;

A bill (H. R. 4488) granting an increase of pension to Peter Castle; and

A bill (H. R. 10220) to organize a hospital corps of the Navy of the United States, to define its duties and regulate its pay.

PETITIONS.

Mr. CHANDLER. I present the petition of O. A. Fleming and 65 other citizens of Exeter, N. H., urging the need of sufficient and permanent harbor fortifications for the defense of the waters of Piscataqua, and requesting that an appropriation of \$100,000 be made at once available for that purpose. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. COCKRELL presented a petition of sundry citizens of Missouri, praying Congress that instead of issuing bonds and increasing taxes it exercise its constitutional power and issue noninterest-bearing, full legal-tender Treasury notes with which to pay the expenses of the war with Spain; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 4561) granting a pension to Fidelia B. Hamilton, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4560) granting a pension to John W. Halley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4725) granting a pension to Philander C. Burch, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 2345) granting an increase of pension to Simon Price, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 370) granting a pension to Peter Lynch, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom

were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1991) granting a pension to David W. C. McCloskey;
A bill (S. 2376) granting a pension to Mary McConn;
A bill (S. 3117) to increase the pension of Robert Wilkinson;
A bill (S. 2533) granting a pension to Mrs. Emeline M. Stoddard; and

A bill (S. 3554) to increase the pension of Wilbur F. Hendrick.
Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1625) granting a pension to Augusta Turner, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 4756) for the relief of Michael McNulty, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 4191) to readjust the boundary of the National Zoological Park and preserve its seclusion between Park road on the east and Cincinnati street and Connecticut avenue on the west; and

A bill (S. 4457) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 9729) to increase the pension of William L. Smithson, late Company D, Fifth Tennessee Volunteers, Mexican war, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Claims, to whom was referred the bill (H. R. 7314) for the relief of John B. Tyre, reported it without amendment, and submitted a report thereon.

PRINTING OF WAR REVENUE ACT.

Mr. LODGE. I am directed by the Committee on Printing, to whom was referred the concurrent resolution of the House of Representatives proposing to print 48,000 copies of the act to provide ways and means to meet war expenditures, to report it with amendments, and I ask immediate action.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments of the Committee on Printing were, in line 2, before the word "thousand," to strike out "forty-eight" and insert "sixty-eight;" after the word "printed," in line 6, to insert "with paper covers and index;" and after the word "Senate," in line 8, to insert "and 20,000 copies for the use of the Commissioner of Internal Revenue," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring). That 68,000 copies of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," be printed with paper covers and index, 32,000 copies for the use of the House and 16,000 copies for the use of the Senate and 20,000 copies for the use of the Commissioner of Internal Revenue.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

Mr. LODGE, from the Committee on Printing, to whom was referred the resolution submitted yesterday by Mr. ALLISON, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That there be printed for the immediate use of the Senate 2,000 copies of the "Act to provide ways and means to meet war expenditures, and for other purposes," with paper covers and index, said copies to be delivered to the Senate document room.

QUARTERMASTER'S SUPPLIES.

Mr. HAWLEY. From the Committee on Military Affairs I report a brief bill, for which I ask immediate consideration.

The bill (S. 4764) to repeal so much of the act approved July 31, 1876, as forbids publishing in the District of Columbia certain advertisements for contracts was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That so much of the act of July 31, 1876, as provides that "in no case of advertisement for contracts for the public service shall the same be published in any newspaper printed and published in the District of Columbia, unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia," be, and the same is hereby, repealed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. HAWLEY. The supplies for the large body of troops in the vicinity of the District are purchased in the markets around here, and the officers are forbidden by this ancient law, for some reason I do not understand, to advertise in the newspapers of the District; so they advertise in Alexandria and Baltimore, while the

supplies are almost wholly obtained in Washington. They wish simply the privilege of advertising here.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CANNON introduced a bill (S. 4765) granting a pension to Sarah A. Erb; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 4766) granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEAR introduced a bill (S. 4767) granting a pension to Sarah E. Stubbs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4768) granting a pension to Joseph Winchester; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a joint resolution (S. R. 174) for the relief of Ex-Naval Cadet S. A. W. Patterson; which was read twice by its title, and referred to the Committee on Naval Affairs.

NATIONAL ASSOCIATION OF MANUFACTURERS.

Mr. QUAY. While I have the floor, the Senate would exceedingly oblige me if they would permit me to call up, by unanimous consent, the bill (S. 1516) to incorporate the National Association of Manufacturers. It is a corporation in which there is no capital and no special powers, and the bill will be entirely unobjectionable. I have been waiting for some weeks for an opportunity to have it passed. I ask that the bill be read for the information of the Senate.

The Secretary read the bill.

Mr. BERRY. I should like to ask what committee reported the bill?

Mr. QUAY. It is reported from the Committee on Manufactures.

Mr. BERRY. Is it a unanimous report?

Mr. QUAY. I send the report to the desk to be read. I do not know whether it is a unanimous report or not.

The VICE-PRESIDENT. Does the Senator from Arkansas desire to have the report read?

Mr. BERRY. I think the bill had better go over until to-morrow morning. I do not understand it and a number of others here do not, and I should like to know what it is.

Mr. QUAY. I have no objection at all to the bill going over. If the Secretary will read the report it will give the Senator information in regard to the bill.

Mr. BERRY. Very well.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. MASON May 6, 1898, as follows:

The Committee on Manufactures, to whom was referred the bill (S. 1516) to incorporate the National Association of Manufacturers, submit the following report:

The object of this bill is to form a corporation, not for profit, but simply to promote the manufacturing industries of the United States and to give proper direction to the efforts looking to that end, and also to extend the facilities of transportation both at home and abroad, and generally to take all proper methods for advancing the manufacturing interests and promoting the commerce of the whole country. The officers selected and provided for in the bill are the present officers of the National Association of Manufacturers, and consist of well-known citizens interested in manufacturing in more than half the States of the Union; and it is believed the adoption of this bill will give a national character to the association that will aid it in its laudable and proper undertakings, and for that reason your committee recommend that the bill do pass.

Mr. QUAY. I will say to the Senator from Arkansas that this association is already in existence and that the object of this legislation is merely to give it a corporate character. It has no capital and will have no profits and dividends. However, if the Senator wishes to examine the bill I have no objection at all to its going over.

Mr. BERRY. I should like to have it go over. I have never been inclined to vote for charters of any character by the National Government. I should like to look into the bill. Of course, the Senator from Pennsylvania understands it is simply because I desire to see what is in the bill.

Mr. QUAY. Let the bill go over in order that Senators who desire to examine the proposition may have time to do so and to vote intelligently upon it, but I have been waiting for some time endeavoring to bring the bill to the attention of the Senate, and I should be very glad if, by unanimous consent, Senators would permit me to call it up to hear their determination upon it after the conclusion of the morning business to-morrow.

Mr. BERRY. I do not ask to have it go over longer than to-morrow morning.

Mr. QUAY. Let that be the understanding.

Mr. TELLER. I do not wish to be committed to to-morrow morning as far as I am concerned. Let the bill go over without any particular time being specified.

Mr. QUAY. I wish to have an opportunity to call it up soon.
Mr. TELLER. The Senator can call the bill up at any time, I suppose. I do not wish to give it any particular status, that is all. I do not object to the Senator calling up the bill when he gets ready, but I do not want it to be made an order for tomorrow morning, or anything of that kind.

Mr. QUAY. I would be exceedingly glad to have an opportunity to call it up to-morrow. I have been waiting to call it up for some time.

Mr. HOAR. I suggest to the Senator from Pennsylvania to withhold the report now and make the report again to-morrow morning as he makes it now. Then he will have an opportunity to make the request for immediate consideration just as he has done at this time.

Mr. QUAY. The Senator from Massachusetts will understand that I am not reporting the bill. It was favorably reported some time ago by the Committee on Manufactures.

Mr. JONES of Arkansas. We can not hear on this side what is going on upon the other.

Mr. QUAY. I merely asked the unanimous consent of the Senate to proceed now to its consideration, to which the Senator from Arkansas [Mr. BERRY] objected. I hope the Senator will allow me to have the bill taken up and considered to-morrow.

REPORT ON TRUSTS AND COMBINATIONS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That House report 4165, second session Fiftieth Congress, be reprinted for the use of the Senate.

NAVAL RETIRED LIST.

Mr. HARRIS. I ask consent to call up the bill (S. 2059) to authorize a retired list for enlisted men and appointed petty officers of the United States Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, to add the following additional proviso:

And provided further, That applicants for retirement under this act, as far as the Navy is concerned, shall, unless physically disqualified for service, be at least 50 years of age.

So as to make the bill read:

Be it enacted, etc., That when an enlisted man or appointed petty officer has served as such thirty years in the United States Navy, either as an enlisted man or petty officer, or both, he shall, by making application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement; and he shall thereafter receive 75 per cent of the pay and allowances of the rank or rating upon which he was retired: *Provided*, That if said enlisted man or appointed petty officer had active war service in the Navy or in the Army or Marine Corps, either as volunteer or regular, during the war of the rebellion, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired: *And provided further*, That applicants for retirement under this act, as far as the Navy is concerned, shall, unless physically disqualified for service, be at least 50 years of age.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PLUMBING AND GAS-FITTING REGULATIONS.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (H. R. 6954) to regulate plumbing and gas fitting in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUBERT NYSEN.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (S. 3795) for the relief of Hubert Nysen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 6, after the word "dollars," to insert "less any discount that may have been allowed," and at the end of the bill to insert:

Provided, however, That no payment shall be made hereunder until the said stamps are delivered to the Secretary uncancelled, with satisfactory proof that they have never been used in settlement of any tax or demand of the Government.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, Hubert Nysen, of Shakopee, Minn., the sum of \$125, less any discount that may have been allowed, to reimburse him for stamps inadvertently purchased by him from the United States as a wholesale dealer in malt liquors, which stamps have not been used by him, but still remain wholly unused and uncancelled. That the sum of \$125 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of making the payment aforesaid: *Provided, however*, That no payment shall be made hereunder until the said stamps are delivered to the Secretary uncancelled, with satisfactory proof that they have never been used in settlement of any tax or demand of the Government.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES T. RADER.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 4340) for the relief of Charles T. Rader.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, in line 7, after the word "unappropriated," to insert the word "nonmineral;" so as to make the bill read:

Be it enacted, etc., That Charles T. Rader, of Fort Logan, Mont., be, and is hereby, authorized and empowered to select by legal subdivisions, at such place or places as he may desire in the State of Montana, 480 acres of unoccupied and unappropriated nonmineral public lands, and when such selection shall be by him certified to the Secretary of the Interior patent shall be issued to said Rader for the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERING SEA AWARDS.

Mr. ALLISON. I ask the Chair to lay before the Senate the bill which came over this morning from the House of Representatives.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 10682) making an appropriation to pay the Bering Sea awards; which was read the first time by its title.

Mr. ALLISON. I ask unanimous consent that the bill may be placed upon its passage. I will state, if necessary, the reasons for it, though I think they are well known.

The VICE-PRESIDENT. The bill will be read the second time at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That to enable the President to pay to the Government of Her Britannic Majesty the amount awarded by the commissioners appointed pursuant to the stipulations of the convention of February 8, 1856, between the United States and Great Britain, providing for the settlement of the claims presented by the latter against the former in virtue of the convention of February 29, 1892, the sum of \$473,151.26 is hereby appropriated out of any money in the Treasury not otherwise appropriated. This appropriation is made without the admission that any liability exists for any loss of prospective profits to British vessels engaged in pelagic fur sealing, or for interest on the sums awarded to Great Britain, and without admitting the authority of the arbitrators to make any award on the basis of damages for the arrest or detention of vessels not included in the submission contained in the treaty.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. PETTUS. I inquire if that bill has been reported by a committee of the Senate since it came from the House of Representatives?

The VICE-PRESIDENT. It has been taken up by unanimous consent, and has not been reported by a committee.

Mr. ALLISON. If the Senator from Alabama will listen to me a moment, I think I can explain the situation regarding the bill in a way satisfactory to him. This is for the payment of the Bering Sea awards.

Mr. PETTUS. I heard the bill read.

Mr. ALLISON. The provision of this bill is contained in the sundry civil appropriation bill which passed the Senate some time ago and which was unanimously agreed to. Those awards must be paid on the 16th of this month, which is now very near at hand, and it is impossible for the sundry civil bill to be completed by that time, owing to other differences, not to differences respecting this particular item. The House of Representatives last evening passed this bill covering an appropriation for this sum, in order that we may meet our obligations at the time provided for in the treaty. The Senator's colleague [Mr. MORGAN] is very familiar with this whole subject, and it is very important that the bill should pass to-day.

Mr. MORGAN. There is no doubt of that. I would ask the Senator from Iowa if the same language is retained in this bill as in the amendment which was adopted to the sundry civil appropriation bill?

Mr. ALLISON. Precisely the same language.

Mr. MORGAN. It is proper, then, and the bill ought to pass. The bill was ordered to a third reading, read the third time, and passed.

GALEN E. GREEN.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (H. R. 6460) for the relief of Galen E. Green.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize Galen E. Green to close Cuvier street, and directs that all the right, title, and interest of the United States in and to the street by virtue of any act done or record made by or on behalf of said Green shall be released, granted, and conveyed to Green, his heirs and assigns in fee simple.

Mr. QUAY. That seems to be a peculiar bill, and I should be glad to have an explanation of it from some member of the Committee on the District of Columbia.

Mr. STEWART. There was a narrow street opened in a subdivision which this man made, which should never have been opened, but it was in the plat he filed and has been approved. There are buildings on it now, and it does not conform to the plan of the city. There should not be a street there under the plan. The bill passed the House of Representatives, and the District Commissioners recommend that the street be closed up and abandoned.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. COMMANDER R. M. G. BROWN.

Mr. PERKINS. I ask unanimous consent for the consideration at this time of the bill (S. 8701) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. Does that bill come from the Committee on Naval Affairs?

Mr. PERKINS. I will state to the Senator from Massachusetts that the bill was reported from the Committee on Naval Affairs and that there is an amendment striking out the preamble.

Mr. HOAR. That is what I wished to inquire about. I think it very unwise to make such recitals in the preambles of bills unless in very peculiar cases.

Mr. PERKINS. That was the opinion of the committee, and the committee therefore recommended that the preamble be stricken out.

The bill was reported to the Senate without amendment.

Mr. PERKINS. There is an amendment reported by the committee. The closing clause of the report of the committee is as follows:

The facts show that this case is, indeed, one of peculiar merit; and your committee recommend that the bill be amended by striking out the preamble, and that, as thus amended, it be passed.

I therefore now offer that amendment.

The VICE-PRESIDENT. That being an amendment to the preamble, it will not be in order until after the passage of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. I now move to amend by striking out the preamble.

The amendment was agreed to.

CLAIM OF THE METHODIST BOOK CONCERN SOUTH.

Mr. LODGE. I ask for the regular order.

The VICE-PRESIDENT. The regular order is called for; and the Chair lays before the Senate resolution No. 382, offered by the Senator from Massachusetts [Mr. LODGE].

Mr. COCKRELL. Has the resolution been read?

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. LODGE on the 9th instant, as follows:

Resolved, That the Committee on Claims be directed to inquire and report to whom the money was paid under the claim of the Methodist Book Concern South; and also as to all circumstances connected with the passage of the bill providing for the payment of said claim, and with the subsequent payment of the money under said act of Congress.

Mr. PASCO. Mr. President, I have a few words further to say in reference to this matter before it comes to a vote. There seemed to be such a persistent effort made yesterday to put me in a wrong position on this subject, that I desire to add to what I have said heretofore, although I think I have very clearly made known my position and think that the Senate fully understands it; but there seemed to have been a malicious effort made yesterday to show that I had endeavored to deceive the Senate; that I was derelict in some way or committed some improper act in connection with this matter, and so I wish to put upon the record a few further statements of facts in this connection.

I used all possible diligence at the time the bill was under discussion and put the Senate in possession of the exact situation with reference to the rumors which were floating about the Senate Chamber and about the Capitol. I gave the Senate all the facts that I had been able to obtain. I wrote to the Book Agents

and asked them to make a full statement in connection with the matter. My letter is in the RECORD. I got two telegrams from them, both of which are also in the RECORD. There are other statements of a similar character made by other Senators, and the Senate in its action was influenced not alone by an opinion of mine, not alone by any statement of mine, but also by the statements which were made through me and other Senators in connection with the matter.

I call attention to the remarks of the senior Senator from Massachusetts [Mr. HOAR] made at the time, and I think they embody the opinions of Senators generally upon the subject when the bill was passed and show the influences under which the Senate acted. The Senator from Massachusetts said:

Mr. HOAR. The member of the House of Representatives from that district informs me and authorizes me to say that the gentlemen who have charge of this claim are the Rev. Dr. Barbee, a clergyman of eminent and high and pure character, and Mr. Smith, a layman, but a man also devoted to religious work, being superintendent of a Sunday school and active in its management. They are the Book Agents, so called, and they have both personally informed him that no money has been expended and there is no outstanding debt or obligation for any such service.

Then I stated that the telegram which I had just read was from those gentlemen, the Book Agents. The Senator from Massachusetts then said:

Mr. HOAR. Very well; my addition to it is the simple statement of the member who is their neighbor and friend.

I ought not to have interrupted the Senator from Maine for this purpose, but I wish to suggest that it seems to me it is a pretty serious affront to men of high character and standing, representing a concern of high standing, to put into a bill a proviso that they have not traded with claim agents and lobbyists, after that assertion on their part.

Mr. President, with those facts before us, other Senators were influenced as was the Senator from Massachusetts, and the Senate decided to pay this claim, and decided that no amendment like that suggested by the junior Senator from Massachusetts [Mr. LODGE] was necessary or proper; and the bill passed under those circumstances.

There was no agency on my part, direct or indirect, to deceive the Senate. There can be no agency in wrongdoing. All are principals in wrongdoing; there is no such thing as an agency in such a connection; and when it was stated yesterday by the Senator from New Hampshire [Mr. CHANDLER] that I was an agent deceiving the Senate he did himself great injustice in making a statement that had so little foundation in it, a statement that was actually free from the principle of truth. I put in the RECORD yesterday my views and statement in connection with that, and I renew and repeat them here now, so that there may be no mistake as to what his remarks implied or to the way in which I met them.

It was stated also by the Senator from New Hampshire that I proposed in the remarks which I made to the Senate a few days ago that nothing should be done. I thought if he had listened to the remarks which I made at the time he would have known that I very clearly indicated my views that an investigation could properly be made. But, Mr. President, the charges are not yet proven. They are at present only charges. I said the other day that I feared they were true; and the telegram which was read yesterday, addressed to the Senator from Colorado [Mr. TELLER], strengthens me in the belief or fear that these charges are true. Their telegram seems like a plea of confession and avoidance. As they have noticed the action which is going on here, my sincere regret is that they were not able to telegraph back promptly that the statements which had been here presented, which were damaging to their good name and their reputation as truthful men, were false; that the telegrams which they sent to me contained the truth; and that no such sum of money was paid as alleged to this claim agent. There is, however, no such denial. They only ask us to suspend judgment and to refrain from comment. But we have not arrived at a time when judgment is to be pronounced upon this matter. We have only entered upon the preliminary stages. We propose to authorize a committee to determine the facts, and then, when those facts are determined and presented to the Senate, it will be time for us to pronounce our judgment.

I still shall be very much gratified, Mr. President, to find that the facts are not as stated; but if they are true, then will come the time for us to determine what course the Senate is to take. I stated in my remarks that the United States Government and the people of the United States had not been wronged in this matter, and I still adhere to that view.

The report that was made upon the bill to the Senate based the claim upon the idea that the sum mentioned in the bill was actually due to this fund. I read from the closing words of that report:

But this case appeals not only to the generosity of the Government, but to a sentiment of justice. The publishing house was the largest printing establishment south of New York at the beginning of the late war, excepting only the Government Printing Office at Washington; its use was of great importance to the Government; a vast amount of printing was done there at a large saving to the Treasury, and the payment of the sum proposed in the bill will be a fair reimbursement to the claimants for the use and consumption of their property.

Under all the circumstances of the case, the committee recommend the payment of the claim and recommend that the bill do pass.

That was the report of the committee, and the recommendation was indorsed when the Senate passed the bill. But, Mr. President, I am well aware that some Senators did not accept that view, and that they were acting in a generous manner toward the publishing house in paying this claim, not as a strictly legal one, but in a liberal spirit they thought, in view of all the circumstances, that the amount should be paid; and they were influenced by such a spirit, but the claim no doubt would have been paid and the bill would have been passed whether it was understood that any large amount was to go to a claim agent or not. As I said in my remarks a few days ago, the only difference would have been that we should have tried, by a suitable amendment to protect the beneficiaries of this trust in whose interest we passed the bill from the action of their trustees in paying out an unreasonable amount to this claim agent.

It does not follow, as a matter of course, that there would be any obligation on the part of the officials of the church to order that this money should be paid back, but all those questions are in the future, and they will be determined when we come to pass our judgment upon the facts of the case.

So far as I am concerned, Mr. President, I am not concerned so much about what is to be done with reference to the money; I am one of those who regret very much the growing power of money in this country. If its power is so great in the section in which I live as to induce these trustees to make representations to the Senate which are misleading or false in order to recover a large amount of money, or to influence this wealthy man who acted as their agent to take from this fund an unreasonable amount for his own private purposes, when the body of the fund belongs to the church and its earnings to the widows and children and the old preachers who have served the church in the days of their usefulness, it has made greater advances than I had supposed, and its influence is to be deplored. It is a matter of very great and sincere regret and mortification if any body of men in the section of country in which I live have allowed themselves to be placed in a position where such charges can be established against them.

I think, then, Mr. President, that it will be sufficient for us to pass the resolution at present, and to ascertain the facts. If they are true, the report will be presented to the Senate, and it will be for the Senate then to determine what action shall be taken; but I think there is a still greater obligation upon the church officials, the college of bishops, or whoever else direct the general affairs of the church—I think there is a greater call upon them than upon the Senate to have an investigation of the conduct of their book agents made either during our investigation or prior or subsequent to it, so that they may ascertain whether there has been any wrongdoing in their church that requires correction or discipline.

The Southern Methodist Church is not the subject of these accusations. If high officials in that church have gone wrong, there is a power there to investigate their conduct, and the church will know what judgment to pass upon them if they have been guilty of deceit or misrepresentation. I have full faith in the integrity of its leading officials to direct and manage its affairs, and believe they will deal with any guilty officials who have departed from their line of duty and who have wasted a fund which it was their solemn duty to protect.

Now, Mr. President, let this investigation be made. I wish to see all the facts brought out. As I said before when I addressed the Senate, so far as I am concerned I will do all in my power to aid the Senate in getting possession of everything that is properly connected with the case.

Mr. CHANDLER. Mr. President, I should not have felt called upon to again address the Senate upon this resolution had it not been for what I understood to be an expression of the Senator from Florida [Mr. PASCO] to the effect that I had yesterday maliciously misrepresented the action of Senators.

Mr. President, I did not intend yesterday to deal in an unkind spirit with any Senator who voted for or advocated the original appropriation. I am sure nothing could have been further from my thought than to say anything unkind or displeasing to the senior Senator from Tennessee [Mr. BATE]. I did think that, considering the assurances, if I may use that word without offense—the assurances that had been given to the Senators that there was no fee to be paid in this case, there ought now to be something more than discussion of the subject. I did think, to be precise, that the Senators, possibly the Senate by direct action, ought to induce the Methodist Book Company to sue for and endeavor to recover back this money from Mr. Stahlman. My thoughts did not go so far as those of the Senator from Massachusetts [Mr. HOAR] or the Senator from Michigan [Mr. BURROWS]. I did not go so far as to say that I thought either \$188,000 or the \$288,000 ought to be returned to the Treasury of the United States. I only thought that the Methodist Book Company, whose agents could

not legally have made any such contract as was put in force, ought to pursue the money and recover it back into their own treasury for such action thereafter as they might deem it expedient to take.

Now, that was all I intended to say. I was not aware that the Senator from Florida was so sensitive as he appeared to be, and I was not aware that any Senators were sensitive on this subject or thought that any person would venture to attribute to any one of them any blame or fault in the matter. Having said so much, however, I will venture further to say that the assurances which were given to the Senate on the inquiry made by the Senator from South Carolina [Mr. TILLMAN], and which resulted in the motion of the Senator from Indiana to table the amendment of the Senator from Massachusetts, were very broad. The Senator from Florida [Mr. PASCO], on page 2600 of the RECORD of March 8, 1898, said of the charge that a fee was to be paid:

I was thoroughly satisfied that the report had no foundation whatever in fact.

Later he said:

I made the statement fully in the letter, which set forth that some agents here would get a very large percentage of the amount. I knew that was not possible, because they had no authority to make such a bargain.

The Senator also said:

I am satisfied that there is no foundation whatever for the report.

Again he said that he hoped the amendment of the Senator from Massachusetts would not be offered, and added:

And I can assure the Senate that there is no necessity whatever for the amendment.

The Senator from Alabama [Mr. MORGAN] said he did not think it was a fair occasion for anyone to "rake up technical points" for the purpose of defeating a bill of this character. A little later, when the Senator from Maine [Mr. HALE] asked, "How does an attorney come into the case at all?" the RECORD shows this:

Mr. MORGAN and others. There is no attorney.

The junior Senator from Georgia [Mr. CLAY] gave similar assurances, and the junior Senator from Alabama [Mr. PETTUS] said:

Where I live and in that whole section of the country there is not a respectable lawyer who would dare to charge anything for any service rendered to a church.

The Senator from Arkansas [Mr. BERRY] said:

We have every assurance that no fees are to be paid.

Mr. President, there is the record, and there would not have been any criticism at all of me if I had only used the right word in speaking of what had happened. I am sorry that I did not use the right word, so that the Senator from Florida would not have found it necessary to tell me that my statement was false, which was, of course, a very brave thing to say, but after all not polite, in this body. The amenities of life should not be disregarded in the Senate of the United States, and gentlemen in this body should not use language here which they would not use anywhere else.

Fortunately, I have found the word I ought to have used. I said the Senator from Florida was an agent. He denied that he had had any agency, either direct or indirect, in deceiving the Senate. This is the record: He said on the 9th of June that the assurance was made that there was no contract existing to pay a fee, and that the statement that was made was made by him:

That statement was made through me. It came from the Book Agents themselves, and as I was the medium of this communication, it is proper that I should say something in reference to the matter now that it has been brought up by the Senator from Massachusetts.

There is the proper word. Singularly enough, the Senator from South Carolina [Mr. TILLMAN], who ought to have been a little more indignant than he has been about this fee, as he was the Senator who first called it to the attention of Senators, seemed to think that I was "hounding" Senators. He used that not very polite word yesterday. I do not think anybody but the Senator from South Carolina would think that was a fair description of my speech. The Senator from South Carolina, when he spoke of the transaction, was obliged to use another word because the word I had used was objectionable. I said "agent." The Senator from South Carolina said:

These gentlemen, Senators BATE and PASCO, have not deceived anybody, so far as I can see, but they have been made the medium of deceiving the Senate as to the fee to be paid the attorneys.

There, again, is the word I ought to have used. I have looked it up in the dictionary to see what it means. This is from the Century Dictionary:

Medium.

2. Anything which serves or acts intermediately; something by means of which an action is performed or an effect produced; an intervening agency or instrumentality.

3. A person through whom, or through whose agency, another acts; specifically, one who is supposed to be controlled in speech and action by the will of another person or a disembodied being, as an animal magnetism and spiritualism; an instrument for the manifestation of another personality.

That is the Century Dictionary. The Imperial Dictionary says:

Medium.

2. Something intervening and also serving as a means of transmission or communication; necessary means of motion or action; instrumentality of

communication; agency of transmission that by or through which anything is accomplished, conveyed, or carried on; agency; instrumentality.

Specifically (a) a person through whom the action of another being is said to be manifested and transmitted by animal magnetism, or a person through whom spiritual manifestations are claimed to be made, especially one who is said to be capable of holding intercourse with the spirits of the deceased. Some mediums claim to have the power of floating in and moving through the air, of raising tables from the ground and keeping them suspended, and of performing many other supernatural feats.

Mr. President, I wish to substitute for the word "agent" and the word "agency" simply the statement that the Senator from Florida was the medium—being all that this word implies—of communicating the wicked contrivances of Messrs. Stahlman and Barbee & Smith to the Senate. If they claim that they were in a trance when they did it, that they were as innocent of any wrongdoing or intentional wrongdoing or even of any consciousness of what they were doing as any spiritual medium whatever, I will admit that is true; and I really wish, in the interest of peace and harmony and so that the Senator from Florida might have omitted to be so very unkind and uncivil to me yesterday, that I had used the words "medium of communication." Then all would have been peace and happiness, and the Methodist Book Concern and Mr. Stahlman would have kept the money just the same.

Mr. PASCO. Mr. President, the Senator from New Hampshire seems to have laughed himself out of the false charge he made, and I am glad that he has withdrawn it. I wish to read again the sentence containing the remark which he made to which I objected; and I am satisfied that every honorable gentleman will agree that I had good cause to complain when he used such remarks in connection with my name. On page 5803 of the RECORD he said:

But, Mr. President, my only point is that the subject is not to be dismissed either in this body or in the public forum of conscience by the Senator from Florida, who admits that he helped to deceive the Senate.

When that charge was made against me, I felt aggrieved, and if I expressed more warmth than the Senator from New Hampshire thinks proper, it was because such charges are offensive to me. I can not sit quietly under an imputation of this kind and I never will do so here or elsewhere. I am glad the Senator has explained his meaning more fully, and I am content that he has entertained the Senate in the amusing manner he has in withdrawing himself from the unfortunate position in which he was placed.

Mr. CHANDLER. Only one word more. All I did say was that the Senator admitted that he helped to deceive the Senate. Of course the Senator meant that he had been the medium of a communication which deceived the Senate. That I have already said. But the Senator from Florida, very peremptorily saying, "I want the Senator's attention right now," demanded that I should retract the very offensive words he said I had used. "Retract" is a threatening word, although the Senator said he did not intend to threaten. Yet, notwithstanding the manner of approach of the Senator, this is what I said, and I submit to the Senate that it was ample and complete:

I will say that I do not think he intended to deceive the Senate. I think he acted in the most perfect good faith. I think he sent his telegram to Messrs. Barbee & Smith and reported the denial by them in the most absolute and perfect good faith. If the Senator would rather I should say that he led the Senate into an error or caused the Senate to vote under a mistake, or anything else that is more euphonious, I will use that language; but all the same, Mr. President, the Senate was deceived.

Afterwards, being still further called to account by my friend the Senator from Georgia [Mr. BACON], I said:

I have disclaimed all intention to make any unkind or unjust imputation on the Senator from Florida. My feelings of friendship for him are equal to those I entertain for the Senator from Georgia. They were all deceived; there is no doubt about that; and the Senate was deceived; and nobody did it except Barbee & Smith. Is that satisfactory?

Mr. BACON. That is all right.

Mr. BATE. I suppose the remarks of the Senator from New Hampshire apply to all who participated in the matter.

Mr. CHANDLER. Unquestionably. I should be very unwilling to put myself in the attitude of believing, and I do not believe, that one single Senator on this floor knew that these fees had been agreed to be paid and did not state it to the Senate or stated to the contrary.

I think all this ought to have satisfied the Senator from Florida. I think it would have satisfied any native Southerner on the other side of the House when I had made my withdrawal as explicit as I did. The Senator persisted, and demanded that I should retract the very words he named for me to retract. Human nature is very much the same North and South, and I did not make any further retraction. But I have no desire to prolong the controversy with the Senator from Florida. I realize now, on looking the matter over, that the Senators were more sensitive than I thought they ought to be, and I have made my statement of my belief in their perfect sincerity and integrity and good faith as broad as I can, and I will repeat it again if the Senator from Alabama wants me to do so.

Mr. MORGAN. Mr. President, I did not know that I had anything to do with the quarrel between the Senator from Florida and the Senator from New Hampshire, nor do I understand why the Senator from New Hampshire should attempt to lug me into it. The only word that he has quoted upon me is that I said the

church had no attorney. My reason for saying that was that I made a report twenty years ago, about, and I have never heard of the case from that time to this through any agent or attorney. No person has approached me about it in any way at all, and when it was stated on the floor of the Senate that Barbee & Smith had informed the Senate that there was no contract for the payment of fees, I felt assured that that must be true, knowing the character of these men simply. I did not know them intimately at all, but I understood that they were men of some considerable importance and great respectability.

Mr. President, I desire to have the resolution read. I want to hear what is in it.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolved, That the Committee on Claims be directed to inquire and report to whom the money was paid under the claim of the Methodist Book Concern South, and also as to all circumstances connected with the passage of the bill providing for the payment of said claim and with the subsequent payment of the money under said act of Congress.

Mr. MORGAN. Mr. President, I do not know what the purpose of the resolution is except to bring up all of the elements of scandal that may exist in respect to this case. That probably is a congenial and pleasant movement on the part of some Senators, but I think when we undertake to pass resolutions they ought to have some definite and specific purpose, and I should like to know whether it is the expectation of anybody in connection with the passage of this resolution that any steps are to be taken by the Senate or by the Congress for the purpose of revoking the proceedings heretofore had on this claim, such, for instance, as requiring the Attorney-General of the United States to sue for and recover the amount of this vote or bill upon the ground that the Congress of the United States were deceived in rendering that judgment or in passing that vote, and their being deceived we have the right to treat the act as being null and recover the money. I do not know whether the Senate is invited to go to that extent or not. There is no definite purpose in the resolution except merely to open up an inquiry that will lead to exposure of some fraud or improprieties that are alleged to have been perpetrated in connection with this claim.

This is rather an important step to be taken by the Senate, and it ought to have some end in view, some purpose in view. There are a number of claims which have been passed through the Senate of the United States and the other House which have been assisted through these bodies by what we call lobbyists; that is, attorneys and agents who have swarmed the corridors of this Capitol from year to year for twenty years and who have been promoting the passage of bills. It is a discreditable kind of proceeding, because oftentimes such events as these occur. Sometimes they are concealed, sometimes they come to the front and are exposed.

Is a precedent to be established here now by this case that would lead to this result, that the Senate would proceed, after it had ascertained the facts, as everybody here has conceded they exist, to direct that the money should be recovered; proceed to repeal the act, if you please, or declare it null on the ground that it was obtained by fraud and undue influence? I do not know that undue influence is alleged to have been exercised by Barbee & Smith or by Stahlman upon any Senator or any member of the House of Representatives or that his vote has been corrupted in any way. I do not understand that that proposition is involved here, and I can not understand, if that is not the fact, how one of these claim agents or one of these promoters of a claim can have very much evil influence in presenting the case, one side of it or the other side of it, to the minds of men who are intelligent enough to sit in the House of Representatives and in the Senate. You might as well say that a judge on the bench is corrupted if a corrupt man appears before him to argue a case which has not the foundation of truth and honesty.

The Senate in passing upon these claims acts, of course, in the double capacity of judging of their validity and then appropriating money to pay them. If we are going to the extent of saying that any claim which has been lobbied, as the word goes, through the House of Representatives and the Senate must be reinvestigated and a reconsideration of it must be had; that the parties involved in it must refund the money and must be punished for contempt of the Houses of Congress, we have a pretty large contract ahead of us. No later than this morning, as I came to the Capitol, a man I have known here for twenty years, not intimately, but he appears to be a respectable man—he has been so presented to me—took it upon himself to inform me that a claim for \$388,000 in favor of John Roach, for which I voted along with the balance of the members of the Senate (I think a majority, if not all of us), had been lobbied through the Congress of the United States by one Nat McKay, a lobby lawyer of Washington, as he told me (I do not know Mr. McKay), and that Mr. McKay got 50 per cent of it. That is a recent transaction, and that came through the Committee on Naval Affairs. That was a contested claim. That was

a claim which was pretty fiercely fought here, in the committee, and elsewhere, I think. That may be all fustian; there may be no truth in it. I do not assert that there is a symptom of truth in it, except merely the respectability of the man who told me it was so.

I bring that to the attention of the Senate of the United States. I become a volunteer medium to inform the Senate of the United States that there are a number of cases, perhaps this one particularly, lying around us here that demand investigation. Let us strike to the line. Let us understand what we are doing, whether we are merely amusing ourselves here by bringing up accusations against communities and churches and people whose hearts are tender upon questions of this sort, or whether we have an honest purpose in our hearts of trying to recover back for the United States money that has been improperly appropriated through the fraudulent pretenses and representations of other men; and if we commence it, let us go to the bottom of it. Let us investigate this question which I put before the Senate in regard to the action upon the John Roach case, and see whether or not there was actually paid to this lobbyist 50 per cent on a claim of \$388,000 on account of a demand that I always considered to be entirely just in favor of Mr. Roach and his heirs for some wrong treatment that he had received in the statement of his account for the building of ships for the United States which are now floating upon the waters and are now engaged in fighting for the United States—good vessels.

I do not think that this is a legitimate resolution. Yet I am going to vote for it. I am compelled to vote for it for the reason that it strikes at a great denomination in my own country of which my father and my mother were members and all my sisters were members, and I shall not stand on the floor of the Senate and hear those people impeached in any respect or have it said that they are delinquent in their moral duty because the Senator from New Hampshire thinks that they ought to proceed or somebody ought to proceed to recover this money from Barbee & Smith or Stahlman. They have been worse treated by far than the Senate of the United States or the Congress of the United States by this transaction. Senators may amuse themselves here and triplightly upon their tongues accusations against great bodies of people in other sections of the country without feeling that there is the slightest responsibility about it, but the responsibility will come home to them. Whenever I am on this floor and they bring up accusations of that kind, they must back them up and carry them to results.

I am not going to offer any amendment to the resolution; I am not in an attitude to do it; but I now pronounce the resolution not a sincere effort to get at justice and to have the money repaid to the United States out of which this Government has been defrauded, for it has not been defrauded out of a cent, but it is an effort merely to scandalize a great religious denomination in another section of the country, and I think, sir, for mere political purposes.

Mr. LODGE. Mr. President, I did not intend to say another word in this debate, but what the Senator from Alabama has just said in regard to the resolution obliges me to say something. I am perfectly willing to put the resolution in any form, and I can say to the Senator from Alabama that the resolution, so far as I am concerned, is entirely sincere. I have cast no reflections on any section, on any church, on any body of people. My sole object was, on the information which had come to me, to expose what I considered scandalous methods employed by a lobbyist and by two representatives of the Methodist Book Concern in getting a great claim through the Senate. That, I thought, ought to be exposed. I never supposed the Government could recover the money. I have no doubt that the statement of the Senator from Alabama that the money was legally due is correct, but I thought that this exposure would help to correct a great abuse.

I offered the amendment cutting off these attorneys and agents at the time the bill was here, and Senators got up and told me that it was an affront to honorable men even to offer such an amendment. It now proves that I was correct and that it ought to have been put on the bill, and that if it had been the money would have gone to the great charity to which it was intended by the Senate that it should go, and not into the pocket of a professional lobbyist or agent. I never thought we could recover the money for the Government. No such idea ever crossed my mind, and I want to say that in my judgment members of that great sect, that great denomination of Christians feel to-day the misfortune of this matter and the scandal involved in it infinitely more keenly than does the Senate of the United States or the House of Representatives.

I certainly have no desire to cast the slightest reflection on a sect or on a section of the country. They have suffered more by this than anyone else, and I think we may leave it to them to rectify the wrong which has been done. After the Committee on Claims have reported as to the facts of the case, I should like to see them bring in a bill for a general law about the fees that these

agents are to have, and make it impossible for agents for claims to get beyond a certain very small percentage of the claims. In that case we should not have a repetition of such a scandal as this, and we would reduce very perceptibly the number of claims which are knocking at the doors of the Treasury.

Mr. BATE. Mr. President, I wish to say that I approve of the last suggestion of the Senator from Massachusetts as to lobbyists.

Mr. MORGAN. So do I.

Mr. BATE. I wish to see such action condemned, and I want to see them forbidden to come around the Senate.

Mr. MORGAN. So do I.

Mr. BATE. I think that is the sentiment of the Senate and that the splendid representative spirits who compose this body feel that way; but still, situated as we are, we are liable to be imposed upon in many cases. Away with all such men who lobby around these corridors! And I believe such is the sentiment not only of the country, but of this Senate as a body. I approve and indorse the language in this regard of the Senator from Massachusetts, "Away with lobbyists!"

The VICE-PRESIDENT. The question is on agreeing to the resolution offered by the Senator from Massachusetts [Mr. LODGE].

The resolution was agreed to.

Mr. TELLER. I think the resolution ought to be amended so as to authorize the committee to send for persons and papers. I omitted to move that amendment. It may be done by general consent, I suppose.

Mr. HOAR. I think it can not be done by general consent. My recollection is that the statute prohibits the payment of money from the contingent fund, and an account is not allowed at the Treasury unless it has first gone to the Committee on Contingent Expenses of this body. So it is not a rule that unanimous consent can waive; it is the law. I suggest to the Senator to let the resolution stand, as the Senate has adopted it unanimously, and then to bring in a supplementary resolution and have it sent to the Committee on Contingent Expenses.

Mr. TELLER. That course is entirely satisfactory, Mr. President.

EDWARD P. JENNINGS.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (H. R. 2080) to correct the military record of Edward P. Jennings.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DES MOINES RAPIDS POWER COMPANY.

Mr. GEAR. I ask unanimous consent to call up the bill (S. 4036) to amend an act entitled "An act granting to the Des Moines Rapids Power Company the right to erect, construct, operate, and maintain a wing dam, canal, and power station in the Mississippi River, in Hancock County, Ill."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That section 2 of the act entitled "An act granting to the Des Moines Rapids Power Company the right to erect, construct, operate, and maintain a wing dam, canal, and power station in the Mississippi River, in Hancock County, Ill., approved February 24, 1894," be, and is hereby, amended to read as follows:

"SEC. 2. That this act shall be null and void if actual construction of the works herein authorized be not commenced within two years and completed within four years from February 24, 1894."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

N. WARD CADY.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (H. R. 6098) to correct the military record of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, after the word "directed," in line 4, to strike out down to and including the word "regiment," in line 7, in the following words:

Set aside the findings of the court-martial in the case of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant to said N. Ward Cady an honorable discharge from said company and regiment.

And in lieu thereof to insert:

Revoke, annul, and set aside the General Orders, No. 42, dated Headquarters Army of the Potomac, October 26, 1864, approving the findings and sentence of the general court-martial before which N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, was tried, found guilty, and sentenced "to be dismissed the service with loss of all pay due or to become due," and to issue to said Cady an honorable discharge as of date October 26, 1864.

So as to read:

That the Secretary of War be, and he is hereby, authorized and directed to revoke, annul, and set aside the General Orders, No. 43, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. R. 172) authorizing the President in his discretion to waive the one-year suspension from promotion and to order reexamination of officers of the Army in certain cases.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 2821) to provide a home for aged and infirm colored people.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Education and Labor with an amendment, in section 3, line 11, after the word "claims," to insert "which shall be presented before January 1, 1899, all claims which shall be presented after that date being hereby barred;" so as to make the section read:

SEC. 3. That all other moneys, arrears of pay and bounty, and prize money and other allowances that are due the estates of deceased colored soldiers who served in the late war be, and are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be invested as an endowment fund for the national memorial home for aged and infirm colored persons of the United States, with the exception of so much as may be held to pay off all or any claims that may be proven against the fund, which shall be determined by the law governing the settlement of those claims which shall be presented before January 1, 1899, all claims which shall be presented after that date being hereby barred: *Provided*, That all the States in these United States shall have the right to organize one or more similar associations, and that one or all of their members can be members of the association known as the Home for Aged and Infirm Colored Persons of the United States by complying with the requirements of the association; and that any such association now existing, or that may be formed hereafter, shall have the right to place in the institution or on the grounds of the institution any memorial of deceased colored soldiers or representative colored men, providing that all such memorials are in harmony with such institutions, by and with the consent of the trustees of the national memorial home for aged and infirm colored persons of the United States.

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment. I move to add the following proviso:

And provided, That the Secretary of War, the Secretary of the Treasury and the Attorney-General of the United States shall constitute a board which shall have and exercise supervision over the expending and investment of the said fund, and that all vouchers must be certified by the Attorney-General before any money is drawn from the Treasury, and the money only taken from the Treasury by such vouchers as the work progresses; that the said endowment fund be invested in safe security in land or the first mortgage on land or in lands, by the trustees of the National Memorial Home with the approval of the Attorney-General of the United States, and that the disbursing officers of the Treasury are authorized and directed to pay the money upon the presentation of such vouchers as drawn by the association known as the Home for the Aged and Infirm Colored People of the United States.

Mr. PETTIGREW. I accept the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENLISTMENT OF COOKS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence, inclosing a draft of a bill directing the enlistment of cooks in the Regular and Volunteer armies of the United States; which, with the accompanying paper, was referred to the Committee on Military Affairs; and ordered to be printed.

PARIS INTERNATIONAL EXPOSITION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on International Expositions, and ordered to be printed:

To the Congress of the United States:

I transmit herewith (having reference to Senate Document No. 4, Fifty-fifth Congress, second session) a report made by Thomas W. Cridler, Third Assistant Secretary of State, who, upon the death of Maj. Moses P. Handy, I designated to continue the work as special commissioner, under the act of Congress approved July 19, 1897, in relation to the acceptance by the Government of the United States of the invitation of France to participate in the international exposition to be held at Paris from April 15 to November 5, 1900.

I cordially renew my recommendation that a liberal appropriation be immediately granted.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, June 14, 1898.

INTERNATIONAL AMERICAN BANK.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 3414.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3414) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank.

Mr. PETTUS. Mr. President—

Mr. BACON. If the Senator from Alabama will pardon me, I regard this as one of the most important bills before the Senate. There is evidently not a quorum present. I make that suggestion.

Mr. PETTUS. I am sorry the Senator makes the suggestion.

Mr. BACON. I desire that the Senate shall be present to hear the argument.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Fairbanks,	McEnery,	Proctor,
Bate,	Foraker,	Mallory,	Roach,
Berry,	Gallinger,	Mantle,	Shoup,
Burrows,	Gear,	Mills,	Stewart,
Caffery,	Hanna,	Morgan,	Teller,
Cannon,	Hansbrough,	Morrill,	Thurston,
Carter,	Harris,	Perkins,	Tillman,
Chandler,	Hawley,	Pettigrew,	Turner,
Clark,	Heitfeld,	Pettus,	Turpie,
Davis,	Jones, Ark.	Platt, Conn.	Warren,
Deboe,	Kyle,	Platt, N. Y.	Wilson,
Elkins,	Lindsay,	Pritchard,	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present. The Senator from Alabama will proceed.

Mr. PETTUS. Mr. President, it seems to me that we are drifting a long way from our ancient moorings. Senators who favor the pending bill can not tell us whether it is to organize a governmental agency or not. If it is not to organize a governmental agency, Senators who are lawyers would be slow to say that they had any authority to enact it.

Mr. President, I do not intend to discuss to-day the legal question as to the authority of the United States to organize such an institution. The greatest danger, as it is believed by most thinking men in the United States, unbiased by party, is the concentration of power into the hands of a few men to the destruction of the will of the masses of the people. We have heard in the Senate almost daily complaints of the wonderful power and influence of concentrated incorporated money, and that danger is threatening us more and more every day. Senators, we ought not to destroy this Government by hastening on its destruction, and that is exactly what bills of this sort will do. Surely we who believe in a strict construction of the Constitution of the United States can never consent to an amount of power such as is conferred by this bill on any corporation on earth.

It was a doctrine that was mighty well fought for years and years that Congress had no power to charter a bank at all, and that if it had the power it ought never to do it. To be sure, that question was settled in an adverse way years ago by the Supreme Court of the United States, and the lawyers had to submit to it; but we have never submitted, and so far as I am concerned I never will submit to the policy of concentrating all the wealth of the country into a few hands, whereby we shall cease to be a republic and be as Rome was, and all those ancient governments, whether republican or otherwise, and go the road they went. Men have read history to no purpose if they believe that a free government can exist with all the money in the country in the hands of a few individuals.

Mr. President, we read in the Book that the love of money is the root of all evil; and it is the root of those wonderful machines that are now in operation and operating rapidly to the destruction of all republican forms of government.

What gentleman on this floor would like to be associated with what they call the sugar trust unless it was for the money that was in it? It has been denounced over and over again by almost all Senators here. It is an institution that has gathered into its power all that concerns its business, and makes the laws conform to its will. We talk about the oil trust as a great evil in the land, and no doubt it is a wonderful evil.

Mr. President, we made a grand mistake a long time ago. It never was dreamed of then that a private corporation could be incorporated by the United States. It never was thought of. We made a great mistake years and years ago, and will never recover from it, in allowing one of these corporations to cross State lines at all. It is not a citizen. In no sense is it a citizen. It may have its property rights, but by extending to it the privilege of crossing the State line and crossing the continent we have built up among us institutions too powerful to be controlled by the law of the land or the people of the land.

It is a great misfortune wherever wealth is concentrated in this

form in the hands of a few men. The Good Book that I spoke of a while ago tells us, and tells us in the plainest possible language, the rich ruleth the poor and the borrower is servant to the lender. We all know that is so. Have we not seen thousands of instances where men, otherwise upright and honest, have had their will bent and bowed to the will of the lender?

As I said at the outset, I am not going to discuss the legal questions involved in this bill. I am only going to assert the proposition, and debate it, that this Congress, even if it has the power to do so, ought never to pass such a bill as this. It reminds me of the character given by one of our wise men.

The Senator from Alabama [Mr. MORGAN] and I had an old neighbor, a wise man, a man to whom nature had given a large amount of brain, and he had cultivated his brain from his infancy and had made it useful to himself and mankind. I speak of our friend Mr. Joel Mathews, a man of high reputation at home. He had an acquaintance there who before and during the war bought large plantations and all the inhabitants thereon and gave his notes for them. Those notes went abroad and fell into the hands of capitalists in New York, and they came to this wise old man to ask him about the financial standing of the maker of those notes. "Oh, yes," he said, "he is a man of wonderful financial ability—wonderful. Why, sir, he would buy Paris for a private residence and rent New York and London as places of business—on credit." [Laughter.]

Mr. President, that is only a feeble illustration of the bill that you have before you. There never was a corporation on earth that had the power that is conferred in this bill on this International American Bank. There never was such power on earth in all its phases. We fought the old Bank of the United States; and, Mr. President, though a very young man, I am old enough to remember that fight when it was going on. It was a fight between the people for political liberty on the one side and a corporation on the other side for domination over the people of the United States; and the people in that contest prevailed.

This corporation is not given the power to issue notes to circulate as money, but outside of that power it has more power than the Bank of the United States was ever charged with having. If you go on creating corporations of this sort, the Senate of the United States had as well abdicate its power and surrender it to an agent, or make a commission to run the Government of the United States. They are making commissions for many such purposes, and they had just as well have one commission to organize and control the Government of the United States in all its parts, without reference to any prejudices in regard to our constitutional rights.

The man has got a hard face now who claims a constitutional right at all, especially if he claims it for a State. They have been trampled on so long that we have all become accustomed to it; and it is considered as rather derogatory to a man, at all events he is not considered up to date, if he invokes any of those old foggy notions about the Constitution of the United States reserving any rights to the States.

But let us look into the heart of this bill. What is it? It is a bill to incorporate a bank with a capital stock on a sliding scale of from \$5,000,000 to \$25,000,000. The capital is to be \$5,000,000 at the start, and it may be \$25,000,000.

What has this bank authority to do? In the first place, the committee, when they originally drafted this bill, made the existence of this corporation to be twenty years; but they very easily put on an amendment making it fifty years. When they started out to enumerate their powers, about the first thing they said was that they should have power "to make contracts." That is not a power conferred in connection with any other thing at all. It is an independent, substantive power, conferred in a separate paragraph; and that is the whole of the paragraph.

It shall have power to make contracts.

You will find as you go on that they meant what they said, that they have power to make contracts of almost every description.

The next thing noticeable in this bill is that the bank may employ agents and transact their business in the United States—a pretty broad surface—employ agents and transact their business in the United States "or elsewhere." There is not a spot on the globe where this bank can not establish their agent and carry on their business outside of the United States—not one. They can carry on business in every piece of territory on earth if they can get permission from some one else. "In the United States or elsewhere." The words are unlimited, for the man who wrote this bill wrote it with the idea that he would make one thing that would override all these little things called the sugar trust and the like, and overshadow all the business of the world.

This bank is specially given authority "to act as the financial agent of any nation, state, government, municipality, corporation, or person." It can act as the agent of any governmental or natural person. I have never seen such an authority as that given

in any bank charter on earth before. It may be that some of them have it.

Here is another wonderful power:

And to perform any and all acts and duties not inconsistent with law that it may undertake to assume as such financial agent.

They can transact any business on the face of the earth that is not prohibited by law, if they will only assume and undertake to do it. There is no business of any kind or description that they can not do for another as agent in any part of the world, provided they will undertake to contract to do it.

Not content with doing a banking business, they have another and a very broad and large field of operation given them specifically outside of the banking business entirely. This monster corporation is not only empowered to do all the banking business in the world, but it may go into another branch of business "and act as trustee in any mortgage given to secure such bonds" as they may undertake to negotiate for other people; to act as trustee and certify to the bonds. They have authority to monopolize that branch of business as well as the banking business itself. That is no part of a banker's business, but this corporation is going to combine in itself all banking, and then branch out into collateral matters of business—none of your picayune affairs, either; they are going to be trustees for the transcontinental railroads; they are going to certify bonds for them "or like corporations or individuals or States." I do not see if you want to make a bank why you should make this universal trustee.

When they come down to the banking powers they enumerate them all "to do all kinds of banking business except issuing notes to circulate as money"—all kinds and of every sort and description. Just look at the specific powers given to them. They are authorized to receive deposits, and that power is without any limit whatever. They are authorized to issue letters of credit payable to the order of the persons named therein. That is without any limit whatsoever, for it is understood, you know, that this bank, which is to be chartered in the District of Columbia for some purpose or other, I do not know what, unless they thought they could incorporate in the District of Columbia and that they could not incorporate elsewhere; but, at any rate, they are to be located here or in New York—they are to issue letters of credit.

The idea is—for these gentlemen have magnificent notions about this banking business—that they are going to give you a letter of credit, you can put it in your pocket, you can go all over the world, and when you get down to the Cape of Good Hope, you just step into a bank there and say, "Here, I have a letter of credit on you from this bank that owns all the money of the United States," and they will hand the money out; or you go into the interior of Africa and pull out your letter of credit, and you have your money right at your hand.

Mr. President, the man would be a fool who did not know that substantially that very thing in reference to the cities of the world could be done to-day almost in every national emporium on earth. It is not to be supposed that a magnificent institution like this is going into the country. It will go to the cities; no doubt, to many of the cities, and it will go to New York; and right in New York you can get a letter of credit or a bill of exchange on any one of the important places of the earth. They will never go to any small place; they will never draw letters of credit on Santiago. Oh, no; they will draw them on Panama; they might draw them on Havana; but they are not going to enter any of the small towns.

The bank will be absolutely useless in that respect, and Senators know it. So far as the ability of the traveling world to get accommodations of this sort is concerned, almost every man knows that it can be done, and without any serious trouble, now in any civilized nation on earth. It is a mere bald pretense; that is all there is of it. It is an excuse to accumulate this monstrous, this vicious, power in the hands of one corporation.

Mr. President, they can issue as many letters of credit as they see proper; they can loan money on personal security, and that has a limit; but the limit which is put on this power, when it is construed in connection with all the powers in this bill, is farcical. "To loan money on personal security." But they must keep on hand one-fourth of the capital stock. One-fourth of the capital stock would be a mere drop in the bucket to the money that this corporation would handle. If the capital of the corporation be \$5,000,000, there would be a million and a quarter of the capital to be kept on hand. If they keep a million and a quarter of the \$5,000,000 on hand, they can borrow one-half as much as the capital stock; they can borrow two and one-half millions if their capital is only five millions, and they can borrow twelve millions and a half if they stock this corporation up to its limit. The only restraint on their borrowing is the amount of their capital stock. They must not borrow beyond one-half of that.

What does "borrow" mean? These words are merely words of deception in connection with this bill. Do you not all know that the capital stock of banks is not a drop in the bucket compared with the money that they handle? A bank with a capital of

\$5,000,000 frequently has largely more than the capital stock on deposit. There is no hindrance to loaning out all of the depositors' money. They can loan it all out just as much as they please.

Then, Mr. President, after giving all these powers—and they are very extravagant—there is not one single word in this bill to limit this corporation as to the amount they shall charge for interest. They may charge usurious rates. I say "usury;" yes, it will be usury whenever they begin to loan money. They will have men in their power, and they will require them to pay just such amount of interest as they see fit. There is no limit; there is no rate of interest, none whatever, in this bill.

Mr. President, we all know that when the Government of the United States establishes a bank, the laws of the United States must govern its transactions; and although the Senator in charge of this bill has had his attention directly called to it, he said that interest might vary at different places; that he did not know what rate of interest to fix; and the distinguished committee and the Senators who advocated the bill seemed to be entirely satisfied.

I may be mistaken, of course, but I do not know of a bank that was ever chartered by the United States Government which was not limited—certainly the national banks are limited. They can not charge more than 6 per cent interest. Why should that be so? It looks curious. The interest varies in different places. The national banks are limited to 6 per cent by their charters made by this Congress. Why should this bank have that sort of an exemption over all other banks that have been chartered by the United States? The old Bank of the United States had a limit on its power of charging interest, a fixed amount beyond which it should not go. But they went beyond it. I do not mean to say that any law of Congress could ever confine that bank in any way whatever, for it could not do it, nor can it confine this bank inside of any law, constitutional or otherwise, if it is ever organized.

Surely Senators, after considering the subject, would not dare to charter a bank and not limit its power to charge interest. No State government, so far as I know, has ever done it; and I hope that it never will be done by any government, unless it shall be a government formed to rule among the Napoleons of the exchange, those men who think that it is right and proper to gamble on the welfare of the whole people, and to make bread almost impossible of attainment by poor men, although the country is overflowing with the fullness of the crops. We have had a late instance—thank God in His mercy the man has gone where he ought to go, so we are told—we have had an instance lately where bread was doubled in price in a very short time just by the manipulations of one man.

It is the most fearful power on earth. There is no despot on earth that is half as cruel as the despot of money. Gambling! Oh, I reckon they were not gambling, although they carried on this business principally in Chicago. There is an opinion stated by one of the old Romans, and it does a man's heart good to read some common sense once in a while in a law book. They sold for actual delivery in Chicago in a short time more wheat than was produced in the United States in some three or four years. It was more wheat than the United States could produce in three or four years, and it was to be delivered in a few months. One of the judges said: "We are told that all this is for actual delivery, and every man, woman, and child in Chicago knows that it is gambling; and this court is unwilling to confess itself more ignorant than all the people."

These gambling transactions are mainly fostered by just such things as you are trying to create here to-day. They are speculations beyond the conception of mortal man. They are gambling transactions such as were never heard of before on earth.

Mr. President, I have told you something about these powers; but I have not got down to the main part of these powers yet. They are not trifling.

I ought to have said before I got to the main question that they have a right to establish branch banks all over the United States, and they thought they would be very moderate about it, extremely moderate. They are absolutely prohibited from establishing more than eight branch banks at a time, but they can establish as many eights in a year as they choose, provided they do not establish more than eight at a time. Then they are compelled to establish four to the South of us—one in Mexico, one in the West India Islands, and two in South America—and they can establish as many more there as they choose; and they may have them whenever they choose in the United States or elsewhere, provided they do not reduce these four to a less number.

After doing all that, after making such a monster as never was seen before or dreamt of in the legislative history of this country, they come down to another sort of an incidental power given in a kind of a backhand way. The introduction of it is a very peculiar thing. I want to read the language. It was a master hand that put this in as a kind of parenthesis, telling of the powers they have:

All such incidental powers as shall be necessary to carry on the business of banking under the provisions and terms and for the purposes of this act—

That is a very innocent sort of a provision—

including the power to purchase and hold shares of the capital stock of any foreign corporation authorized to transact banking business in foreign countries.

There is absolutely the power to own all the capital stock of every bank on earth that is not in the United States, to buy it all and own it all and carry on that business all over the world.

Mr. JONES of Arkansas. Can the Senator from Alabama give any reason why "domestic" was not put in as well as foreign, so that they could absorb all the banks?

Mr. PETTUS. I reckon they thought that somebody would kick. I know I am kicking against the pricks now myself. I understand that perfectly well, and I almost shed tears over the fact that I will not have the support even of my own party in what I am saying. Here men who were afraid of one national bank in the United States, confined to the United States, create a bank and put in a kind of parenthesis at the bottom of the sentence the power to own all the banks on earth outside of the United States. I can not conceive any fit answer to the Senator from Arkansas. Why they left out the domestic banks I do not know. It ought to have it, because if this is going to be the bank of the earth, it ought to have the power to own all the stock and all the banks in the United States, State as well as national. That is where we are coming to anyhow, and I am sorry to see Democrats willing to hasten us on to that point.

Mr. President, do not Senators stop to think when they conceive of giving an institution like this such power as that? You talk about objecting to different corporations combining and influencing the markets of the country, controlling the business of the country; and whenever eight or ten of them get together, you call them trusts and you condemn them by the law, and I am proud to say the Senator from Alabama framed a law on this subject that would do honor to any statesman on earth, and it is the law now against these trusts, and here is the most damnable trust that God ever allowed to live on earth. It is a power beyond human conception. Mr. President, we can go along and vote such things; we can vote the damnation of the people, and that is what we are doing whenever we create such corporations as this. For God's sake let us halt before we take such a plunge as this.

Mr. FORAKER. Mr. President, before answering directly what the Senator from Alabama has just said, I wish briefly to make answer to a proposition advanced by him when the bill was under consideration yesterday.

He complained at that time of the provisions of this bill because the bill in its state at the time when he made the objection did not provide for the taxation of the shares to be issued by this bank; and in that connection he contended that without special authority being given in the act, the shares of this bank in the hands of the owners and holders of them could not be taxed by the local authorities. I stated at the time that I did not agree with him as to that proposition. I did not, however, have the authorities before me; but in the absence of all authority, with an assurance equal to that which he has just now manifested and with a confidence in his knowledge and ability which lacked nothing whatever, he told us that it had been decided over and over again that the shares of stock in a bank of this character could not be taxed by State authorities unless there was in the act creating the bank a provision granting permission to the State so to tax the shares.

Mr. PETTUS. Not in the act creating it.

Mr. FORAKER. Or otherwise; by some kind of Congressional enactment.

Mr. PETTUS. That is it.

Mr. FORAKER. Mr. President, instead of the law having been settled as claimed by the Senator from Alabama, it has always, from the beginning of our Government, been held by our Supreme Court, in every instance in which it has rendered judgment upon such a question, that the property of a governmental agency, when the agency is ceded or established, is taxable by the States as other property and that only the franchise to exist or the operation itself of the governmental agency could not be taxed by the State.

It was not necessary, in my judgment, that the Congress should have expressly provided that the shares of national banks in the hands of holders might be taxable in the States. I think they were taxable without that, and that the provision was put into that statute only in order that there might be no room for doubt or question about their being taxable. In the case of *McCulloch vs. The State of Maryland*, reported in 4 Wheaton, page 316, the Supreme Court say:

The States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into effect the powers vested in the National Government.

This principle does not extend to a tax paid by the real property of the Bank of the United States, in common with the other real property in a particular State, nor to a tax imposed on the proprietary interest which the citizens of that State may hold in this institution, in common with other property of the same description throughout the State.

In the opinion of the court the proposition stated in the syllabus

as I have just read it is elaborated. The Supreme Court there say it is not prohibited to the States to tax the property of such agencies or corporations in the States, and that there is no limitation upon the power of the State in that regard except only when the State undertakes to interfere with the operation of the agency and render a nullity that which the National Government has established for the purpose of accomplishing some particular object.

In Mr. Cooley's work on Taxation, page 85, occurs the following, in discussing this question:

And a State may tax the property of Federal agencies with other property in the State, and as other property is taxed, when no law of Congress forbids, and when the effect of the taxation will not be to defeat or hinder the operations of the National Government.

In 18 Wallace, page 5, is reported the case of the Railroad Company vs. Peniston. I read briefly from this case. It is a recent decision of our Supreme Court, or comparatively so, rendered in 1873, and never questioned by that or any other court either before its rendition or since. The first paragraph of the syllabus reads as follows:

The exemption of agencies of the Federal Government from taxation by the States is dependent, not upon the nature of the agents, nor upon the mode of their constitution, nor upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it, or hinder the efficient exercise of their power. A tax upon their property merely, having no such necessary effect, and leaving them free to discharge the duties they have undertaken to perform, may be rightfully laid by the States. A tax upon their operations, being a direct obstruction to the exercise of Federal powers, may not be.

I wish now briefly to read from the decision itself, which was rendered by Mr. Justice Strong. I read first from page 90:

There are, we admit, certain subjects of taxation which are withdrawn from the power of the States, not by any direct or express provision of the Federal Constitution, but by what may be regarded as its necessary implications. They grow out of our complex system of government, and out of the fact that the authority of the National Government is legitimately exercised within the States. While it is true that Government can not exercise its power of taxation so as to destroy the State governments, or embarrass their lawful action, it is equally true that the States may not levy taxes the direct effect of which shall be to hinder the exercise of any powers which belong to the National Government. The Constitution contemplates that none of those powers may be restrained by State legislation. But it is often a difficult question whether a tax imposed by a State does in fact invade the domain of the General Government, or interfere with its operations to such an extent, or in such a manner, as to render it unwarranted. It can not be that a State tax which remotely affects the efficient exercise of a Federal power is for that reason alone inhibited by the Constitution.

There is a great deal more in this opinion to the same effect. I commend it to the consideration of the Senator from Alabama. After referring to the case of *McCulloch vs. The State of Maryland*, the opinion proceeds:

But when the question is, as in the present case—

The case then before the court—

whether the taxation of property is taxation of means, instruments, or agencies by which the United States carries out its powers, it is impossible to see how it can be pertinent to inquire whence the property originated or from whom its present owners obtained it.

But an examination of what was decided in those cases will reveal that they are in full harmony with the doctrine that the property of an agent of the General Government may be subjected to State taxation.

That is as far as I care to read.

Mr. PETTUS. I will ask the Senator if he did not break the paragraph in two?

Mr. FORAKER. No, sir; I did not break any paragraph in two. I was about to read another paragraph, but seeing that I could not read it and make it intelligible without reading another preceding it, which had reference to another case, I concluded that I would not take the time to go back and read both of them.

But I wish to state that according to the authorities which I have read, and according to all authorities, for there is not a decision that the Senator from Alabama can cite to the contrary, it is competent for the States to tax the property of an agency of the General Government when they tax it only as other property is taxed, and the only thing that the States are prohibited from taxing when they come to taxing governmental agencies is the franchise, the existence, or the operation of the agency. The National Government will not allow a State to interfere with or impede or retard or pursue or hinder or bring to naught the operations of an agency which it has set up for the purpose of consummating some particular object. But there is nowhere any decision that holds that because a corporation created by the National Government may have some kind of function or agency with respect to the Government, its property shall be exempt, or the stock that may be issued by the corporation shall be exempt, from taxation in the hands of the citizens who are the owners and holders of the same in the several States.

Therefore the committee were not in error when they took the view of that matter which they did take, and their purpose in setting forth that the stock should be taxed in the hands of the owners and holders was simply, as was the case with respect to the national banks, to remove beyond all question the proposition that

such stock was taxable in the hands of the owners and holders. And hence when the whole section went out upon motion of the Senator from Colorado, no right of taxation was taken away from the States, and especially there is not any "brigand behind the bush," as the Senator from Alabama seems to think there is with respect to everything here to which he takes exception.

The Senator from Georgia [Mr. BACON] asked some questions yesterday which I was not prepared upon authority to answer at the time, although I answered him upon reason and principle as well as I could, and I find upon consulting the authorities that he was at the time answered correctly. The Senator asked, in the course of the colloquy which was proceeding here in the Chamber, whether or not this incorporated company which we are proposing to create was to be an agency of the Government. When he was answered in the way in which he was answered, namely, that while it was not created to carry out any specific purpose that was expressed in the act, yet it was an agency of the Government in the sense that it was intended to promote the commerce of this country with other countries and was therefore warranted by the constitutional provision which gives to Congress the right to regulate commerce with foreign nations, he asked us to lay our hands on, or point our finger to, the provisions in the statute that expressed any such agency or any such national purpose, intimating that the general provision to which I called his attention, or the general purpose which I had pointed out, was not sufficient to meet the requirement, but that it would be necessary, in order that this should be brought within the purview of the constitutional provision, to put into the bill a designation or a definite express description of what we were to do in that behalf.

I have before me the 135 United States, and I read from page 657 the case of the *Cherokee Nation vs. Kansas Railway Company*. The court says:

Congress has power to regulate commerce, not only with foreign nations and among the several States, but with the Indian tribes. It is not necessary that an act of Congress should express, in words, the purpose for which it was passed. The court will determine for itself whether the means employed by Congress have any relation to the powers granted by the Constitution.

They go on to say that the railroad which was there empowered by Congress to do certain things, although incorporated by a State, and not incorporated by the National Government, was yet an agency which might be employed as such by the National Government in connection with the regulation of commerce, and that it was a sufficient regulation of commerce to promote commerce between that Territory and the States adjoining it through which the railroad passed. Just so it is here, saying to-day upon express authority, as we said yesterday upon general principle, that it is insufficient to bring the proposed international bank within the purview of this constitutional provision, for us to point out that in the general way in which we have claimed for it it is an agency of the Government, employed by it in the regulation of commerce with foreign nations and among the States, for it is to do business among the States and with foreign nations, and it is sufficient to demonstrate that it is employed in the regulation of commerce to show that it deals with instruments of commerce, bills of exchange, etc., in a way that is calculated to promote commerce and to extend our trade relations, and in that way to benefit the people of the United States.

I might cite a great many other authorities to the same effect, but I will not take the time to do it. However, there is one other to which I wish to call attention, and that is a decision in 91 United States, page 280, where the court defines what commerce is. It is the case of *Welton vs. The State of Missouri*. The court says:

Commerce is a term of the largest import. It comprehends intercourse for the purposes of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens or subjects of other countries, and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted.

So they go on to the same effect. I have read enough for the purpose I have in view. I want to show that the term "commerce" as employed in the Constitution is not confined, when properly interpreted, to mere bargaining, to mere buying and selling, to exporting and importing, but that it relates to all the business transactions which the people of this country may have with another country. It is a broad term, practically without any limitation at all, except only as there is, in the nature of things, a limitation upon the general powers of man to have transactions.

Not only is the term "commerce" broad enough to cover all transactions, but it has been time and again expressly held, as held there, that it covers not only the general transactions, but each and every instrumentality that may be employed in the consummation of transactions, and therefore it is competent for us in legislating with respect to the regulation of commerce to legislate in such a way as to affect the giving of promissory notes and bills of exchange and drafts and all the other kinds of paper instruments that are employed by mankind in the transaction of their business one with another.

This bank is designed to do that very thing. The bank is therefore a corporation created by the National Government, created

by the Congress of the United States in the exercise of its power to regulate commerce among the States and with foreign nations, and it is regulating commerce when it provides a means for the giving of exchange and all the other commercial and negotiable instruments that are mentioned and described in these sections which have been so fully commented upon by the Senator from Alabama.

I need not pursue that further, and I am loath to feel that there is any necessity for me to say anything more than I have already said. But the remarks of the Senator from Alabama [Mr. PETTUS] would seem to call for some kind of an answer as to the merits of the measure, conceding that, in a general way, it is appropriate legislation.

This bill has been very severely arraigned by the Senator from Alabama. Let me say that I do not share at all with the Senator from Alabama in the apprehension he has because of aggregations of capital such as are provided for by this measure. Aggregations of capital are sometimes abused. They are often made the agencies and instrumentalities of wrong, and there are noted instances of that kind, some of which the Senator from Alabama has referred to. But, Mr. President, on the other hand, aggregations of capital are essential in the transaction of the world's business, and surely essential in the transaction of a financial business of the character necessary to be transacted in our international affairs and concerns.

Why is it that the United States is at such a great disadvantage in our international commerce with the South American States and Republics? It is chiefly, or at least largely, due to the fact that in England and in other countries they have larger aggregations of capital by far employed in the business of international banking than the aggregation of capital here suggested. I believe in England alone the capital embarked in international banking enterprises amounts to \$200,000,000. We have no capital at all so employed, and because we have no capital so employed when our merchants in the United States want to transact business with the other countries they must transact it, so far as the financial features of the transaction are concerned, through great business houses abroad. One of the purposes of this measure is to relieve us from that disadvantage.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. BACON. With the permission of the Senator, I rose to ask him, as he regards these aggregations of capital as advantageous, if he does not think, should there be an incorporation of this kind, that opportunity ought to be given for any other parties who desire to associate themselves together in a similar way to avail themselves of the provisions of the bill?

Mr. FORAKER. Yes, I do; and in committee I advocated the idea of making this a general law, under which all could become incorporated and engage in this business who might so desire. I have no objection to that. I would be glad to see the bill so amended, but it was the opinion of the committee, and I say it for the benefit of the Senator from Georgia, as the bill was necessarily somewhat experimental, that it was sufficient for the present to grant this particular charter, the only one that has been asked for. They did not know of anybody else who wanted to embark in this business. If it proved a successful venture, others could apply, and no doubt would apply, and if Congress found it to promote the best interests of the country to grant further charters, Congress will have the power to do so. There is nothing exclusive here; there is no monopoly here. Why do Senators talk about a monopoly? Why do Senators talk about a trust? Is not the opportunity free to all the people of the United States to come to Congress and get the same franchise these people are applying for?

Mr. BACON. Does not the Senator suppose, however, that if these great powers are given to this corporation, hereafter not the Senator, but this corporation, would be inimical to the granting of a similar charter to others?

Mr. FORAKER. I do not know whether it would be or not. I do not know why it should be. But whether it would be or not, Congress stands here the arbiter between all who might be interested.

Mr. BACON. I will state the object I had in view in asking the question. I do not think it good policy to grant these powers, but if they are to be granted at all, I think they ought to be free to all parties who desire to avail themselves of them, and I simply desired to know whether the Senator would be willing to accept an amendment of that kind to the bill.

Mr. FORAKER. If the Senator from Georgia had been upon the Committee on Foreign Relations there would have been one more vote in favor of that proposition. The proposition, although I favored it, was not adopted there. Whenever others come forward who are worthy of such recognition, who can show that they have the necessary responsibility, character, and ability, I am willing to say that there should be a charter granted to them.

Mr. HAWLEY. I favor this bill, I am aiming to favor it, but I wish to ask the Senator from Ohio a question.

Mr. FORAKER. Certainly.

Mr. HAWLEY. Is there any real difference in principle between this international bank and the International Navigation Company, which deals in steamboats and passengers and all that sort of thing? Why should there not be an international bank to take care of the financial relations of this great people?

Mr. FORAKER. I have never examined the charter of the International Navigation Company, and can not for that reason answer the Senator from Connecticut as he should be answered, but I take it, from all I know about it in a general way, that if it be proper and if it be good policy to grant such a charter as the International Navigation Company has received, upon the same general principles and for the same general reasons there ought to be a grant of this charter to this bank, in order that the financial transactions between this country and other countries that it is proposed to deal with and in may be taken care of and properly attended to.

I was saying when interrupted by the Senator from Georgia that I do not share the apprehension which has been expressed by the Senator from Alabama as to what will result if we grant a charter authorizing a bank with \$5,000,000 capital. I had just pointed out that the international banks of London have a capital, as I have been informed, of \$200,000,000, and no disadvantage has resulted in that country to the people of that country on that account, but a great deal of disadvantage has resulted to the people of this country.

You can not enter into competition successfully with a competitor of the character we have to meet in England, armed with such facilities as they have armed their banks with, unless you give a franchise such as is asked for here. A corporation created for this purpose can not subserve its purpose unless it can be sufficiently strong financially to go into the markets of those countries and there compete with the rivals they have in this business. And it is simply a question whether the United States, with respect to this matter and other matters, proposes now to move forward and keep abreast with the march of events or stand still and mark time, and thus stay in the rear and abide by the notions that prevailed in the years that have gone by.

We have come to a time, Mr. President, when there is ahead of the people of the United States great opportunities. We are, by the force of events that we can not control or prevent if we would, driven to consider our relations to the rest of the world. One of the great necessities of the present time is for the United States to extend our trade relations with the rest of the world and find markets for our surplus products in other countries, and coincident with this necessity is the situation that the war in which we are engaged has precipitated. Of necessity we are driven to think of our relations in other countries and of trades with other countries, and when we stop to consider what are the necessities of successful commercial enterprise there, we find, among other necessities, that for proper banking facilities. We do not have them, and thus are at a disadvantage.

This bill is intended to promote in part our interests in that respect. But you can not promote our interests and fully meet the requirements of the case unless the United States Government (at least that is the opinion of the committee) shall create a corporation of this character and shall invest it with all the powers necessary to a successful business, and authorize it, among other things, to have a capital sufficiently large to engage in the business that it is designed to engage in.

Now, the Senator from Alabama has talked about this as a monster. I do not wish to employ language of the character he has seen fit to employ; I do not wish to be personal; but I want to say to the Senator from Alabama that epithets and adjectives do not constitute merit in argument. If the bill be a monster, an examination of its provisions will show that it is such; and if it be not a monster, an examination of the provisions of the bill will show that the Senator has spoken either thoughtlessly or unjustly. In any event, he has spoken without any authority whatsoever. He has passed in review the powers that are conferred upon this corporation and has spoken of them as being so far in excess of the powers conferred upon national banks that it is enough to create astonishment simply to compare the one institution with the other. I have here the national banking law, and I want to read, in order that it may go into the RECORD along with the remarks of the Senator from Alabama in that particular, the powers that are conferred by Congress by that statute upon national banks.

First, the Senator comments most severely upon the fact that the bill does not contain any provisions prescribing the maximum rate of interest that may be charged, and he called me to account in terms that I thought were hardly justified for having answered his interrogatory in regard to that yesterday with a statement that I was not acquainted with the reason why the committee had not seen fit to put such a provision in the bill, except only as it

occurred to me upon reason that they did not deem it necessary to undertake to prescribe a rate of interest for transactions that were to be carried on in all the various countries here enumerated, conditions varying as they do.

The Senator from Alabama says that this is the first law creating a bank which has not prescribed a rate of interest and fixed what the rate of interest shall be. Mr. President, the bill provides that the principal office of this bank shall be either in the city of Washington or in the city of New York, and that it shall have eight branch offices scattered throughout this country at points to be determined upon by the board of directors and approved by the Comptroller of the Currency. And it is to have eight branch offices in other countries—one in the West Indies, one in Mexico, and the others in Central and South American States at such points as may be determined upon by the board of directors and be approved by the Comptroller of the Currency.

Nobody yet knows exactly where those branch offices will be located, but we all do know that they will be located in some one of the States or Territories referred to, and we all do know that wherever located they will be subject to the laws there in force. A bank doing business in the District of Columbia will be governed by the laws of the District of Columbia with respect to all matters concerning which the charter does not make mention. I think that is a proposition nobody will take issue with. If the statute be silent on the subject of interest and the principal office be established here or in the city of New York, the laws governing and fixing the rate of interest here or in New York, according as the principal office may be located at one place or the other, will fix the rate of interest which may be there charged. So, too, if you locate one in the State of the Senator from Georgia, will not the law of the State of Georgia—this law being silent on the subject—regulate the rate of interest there charged? I suppose that it will. If this bank shall go into the Republic of Mexico and seek to secure by convention a right to do business there, as is contemplated, it will be required, no doubt, to conform to the laws of the Republic of Mexico with respect to the interest that it may charge upon its loans.

But, Mr. President, if there be any doubt about that in the minds of lawyers—I have not any doubt myself—

Mr. BACON. I am very frank to say to the Senator that I think that proposition is correct.

Mr. FORAKER. If it be correct, then the Senator from Georgia will agree with me that a rate of interest will be found to have been fixed if there be nothing said about it. But what I was going to say is, if there be any doubt about it, I have no objection to a provision similar to that found in the national banking act being incorporated here. I turn to the national banking law, which evidently the Senator from Alabama had not read when he made that statement. I find it there provided, as it occurred to me it was when he referred to it, that the rate of interest to be charged by a national bank shall not be a rate named by the statute creating and authorizing the bank, but the rate authorized by the laws of the State or Territory in which the particular bank is located and doing business.

In the State of Ohio they may charge not higher than 8 per cent, because that is all that may be charged by banks authorized by the State of Ohio, and in the absence of any express contract they will be allowed 6 per cent. So the rate will vary according to the localities in which the business may be carried on. Therefore, Mr. President, this bill is not open to valid objection, especially when the national banking act is taken as a criterion, on the ground that there is no fixed rate of interest provided for in it.

Now, let us look at some of the other objections made. But first let me read the enumeration of the powers of national banks as found in the national banking act. It will be found, as I read them, that the powers conferred upon national banks by the act are, with a single exception, that banks are not by the act made trustees or authorized to become such, quite as extensive as those that are conferred upon the international bank. In the first place, they have power to use a seal and a corporate name, etc., and by such name they may make contracts. We heard quite an outburst of indignation from the Senator from Alabama as he read that this international bank should have power to contract. Did any sovereignty ever create a corporation without conferring that power? Certainly not. That is the first power conferred by Congress upon national banks, the power to contract, and it is a power conferred without any limitation whatsoever, a simple, naked power to make contracts quite as strong, quite as unqualified, as the power that is conferred by this proposed legislation.

It may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, and appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits—

But before I read further let me answer, The Senator arraigns

this bill very severely because it confers upon this proposed bank all the incidental powers necessary to enable it to carry out the business which it was authorized to do.

Mr. PETTUS. I made no comment on it. I said it gave that power.

Mr. FORAKER. The RECORD will show that to which I refer. I sat near the Senator and I distinctly heard him say that the main objection, the greatest power, was one that had been conferred in a back-handed way.

Mr. PETTUS. That was the power to buy up all other banks.

Mr. FORAKER. Then I misunderstood the Senator. It is all in the same section, and in that same connection he spoke of the incidental powers. Then I am to understand the Senator from Alabama as not objecting, I suppose, to the conference of incidental powers, if the bank is to be created at all, such as are necessary to carry out its purposes?

Mr. PETTUS. Of course I have no objection to that.

Mr. FORAKER. We understood you—I did, and I think other Senators did—to object to the conferring of incidental powers. I will come to the other point presently.

The incidental powers were conferred upon the national banks, and they enjoy them "and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt."

Now, "by receiving deposits, by buying and selling exchange, coin, and bullion," and so on.

One of the objections urged against this bank was that it was allowed to receive deposits without any limitation. I do not suppose any bank was ever limited as to the amount of deposits it should receive. But if so, that is an objection which might be made to the charter of the national banks, for that power is conferred upon the national banks without any limitation, and properly so. Why should not a bank be allowed to receive all the money that the patrons of the bank may see fit to confide to it for safe-keeping? It seems to me that one could not speak as the Senator from Alabama has spoken with respect to this matter unless he was without an adequate and appropriate appreciation of the place among the business institutions of this country that the banks necessarily fill. I want to read all the rest of the provision:

By loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate, by by-laws, not inconsistent with the provisions of this act, the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and all the privileges granted by this act to associations organized under it shall be exercised and enjoyed; and its usual business shall be transacted at an office or banking house located in the place specified in its organization certificate.

In other words, we find in reading the enumerated powers of the national banks that, with the single exception I have indicated, they are practically the same as are the powers conferred by this bill upon this proposed international bank, and the fact is that the powers conferred upon the international bank were put into this bill with a copy of the powers conferred upon the national banks before the man who drafted it.

This provision was taken from that. There were some changes in phraseology, but no change in spirit, and there was no extension of the power to the corporation except only that upon which I have commented, and this other power that I now come to speak of, the great power which was put in in a left-handed or back-handed way, as the Senator told us, the power to purchase and hold shares of the capital stock of any foreign corporation authorized to transact banking business in foreign countries. That, we are told, means that this international bank, with a \$5,000,000 capital, or with its \$25,000,000, if in the course of time it should come to be increased to that amount, is to buy up all the banks in the whole world. Mr. President, such a statement as that or such a suggestion as that it seems to me does injustice to the Senator from Alabama. He certainly could not have thought—

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Certainly.

Mr. PETTUS. Does not the bill give the bank that power?

Mr. FORAKER. The bill gives to the bank the power to own shares in foreign banks.

Mr. PETTUS. In all of the banks?

Mr. FORAKER. In foreign countries. It can not buy any shares in any bank in this country. The purpose of that must be manifest to every man who ever did transact any business, to every man who ever lived in the commercial world and had any relation to it. When this bank goes with its branch agency down into Mexico or into Venezuela or Argentina or to Chile it must at once, or it will so desire at least, engage in business. It may become essential to its success there that it shall buy some of the shares of some bank or all the shares of some bank that is already there. We want this bank not only to be, to exist, but we want it

to be successful. We want it to have all the authority necessary to make its business successful when they may carry it on in foreign countries. They will have enough disadvantages to contend with. It seems to me that that is not an unreasonable provision, and that it is a ridiculous and absurd suggestion that because it has that power, manifestly an appropriate one for it to have under the circumstances, it will go up and down throughout the world outside the United States and outside of Alabama buying the stock in all the banks that can be found, right and left, here and there, and everywhere.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Yes, sir.

Mr. PETTUS. The Senator from Ohio has the right to criticize, but he ought not to misrepresent me.

Mr. FORAKER. I do not want to misrepresent the Senator from Alabama; and if he will state wherein I have misrepresented him, I will gladly make the correction.

Mr. PETTUS. I will. The Senator represented me as saying that the bank would do that. I made no such representation. I represented that you gave them the power to do it. That is all I represented.

Mr. FORAKER. Yes, and you have the power yourself to do it, so far as free agency is concerned; but I do not believe that it would be possible for you to do it, or desirable for you to do it, or that you would undertake to do it. In regard to this, as to all other things, we must not lose our reason. We must look at the situation as it practically exists. The Senator is not going to buy up all the stock of all the banks of the world. He would not, because he does not want that stock. He has such a horror of aggregated capital that he would not have that stock if they would give it to him, and I suppose he could not buy it if he wanted to for the lack of funds; and for the same reason that he would not buy it neither would the international American bank to be incorporated under this statute which we are about to enact, as I hope we will enact it, go and buy up all the stock of all the other banks in all the other countries of the world. It would engage in the business it is authorized to do; and what would it want with stock in a bank in Germany, or stock in a bank in Austria, or stock in a bank in Spain, or stock in a bank in France, or in any other country in the world, except where it was engaged in the business we authorize? It is likely to want—and it is because it is likely to want it that we have so provided here—stock in the banks of countries where it may locate its agencies to transact its business, and because it is likely to want that stock it ought to have the power. It is not going to acquire stock unless it will be to its advantage to acquire it.

Mr. President, there will not be any increase of the capital stock of this bank, unless there is a need for extended banking facilities—unless the business demands it. The men who engage in the banking business do not needlessly, nor for the sake of tyrannizing over somebody, put their money into an enterprise like this. The names of the men who are recited as incorporators in this bill ought to be a guaranty not only that they are in serious earnest, but that they are men of uprightness of character; men who want to do a legitimate business; men who will try to make their enterprise a business success, of course, but men who will not undertake to deprive anybody of any of his rights under the law, or aid in the supposed endeavors that were referred to by the Senator from Alabama, to send this country on the road that Rome went, to the overthrow and destruction of the Republic. Such talk as that, Mr. President, seems to me to be without any warrant whatever or without any excuse whatever.

Another complaint was—and I speak of these matters simply because they were relied upon by the Senator from Alabama—that the term for which this franchise is granted was changed, as shown by the committee's amendment, from twenty to fifty years. That was due simply to the fact, which I think every business man can appreciate, that twenty years, although a long time in some respects, is not a long time in the life of a corporation, not a long time when it comes to an investment of money, not a long time when it comes to the building up of an enterprise that is to be scattered over this country by these branches as here proposed and scattered over other countries as here proposed. This enterprise could hardly be successfully launched until half the period of the franchise, if it were only twenty years, would have expired. No business man who has money to invest would care to invest his money in the risk and hazards of such an enterprise if almost as soon as they got over the difficulties of starting they would be obliged to apply for another franchise, when possibly they would find a majority of the Senate in accord with the views of the Senator from Alabama, and thus be denied all recognition and reasonable consideration, even to the right to longer live.

Another objection was that this bill provides for an unlimited number of branch agencies in this country, to be created eight at a time. I am not going to stop to comment upon that. I simply

ask Senators to read the bill, and they will see the language in the bill is that the bank may establish agencies, but it never shall have more than eight in existence at any one time, not that they shall establish eight to-day and eight to-morrow and eight next year and eight some other time.

Another objection was that we were required to keep, as I understood the Senator—I hope I may have his attention here, because, as I said a while ago, I do not want to misrepresent him—I understood him to say that the reserve was limited to 25 per cent of the capital stock. If I am in error about that, I hope he will correct me. The Senator made that statement while commenting upon the eighth clause of section 7, which contains a provision "to loan money on personal security, subject to the limits hereinafter imposed, and to borrow money," and so forth, and so on.

The reserve, Mr. President, is not 25 per cent of its capital stock, but 25 per cent of its deposits, whatever they may be, and that, as I stated yesterday in the colloquy that here ensued, has been held by those engaged in the banking business, who have no interest whatever in this proposed bank, to have been proven by experience to be a sufficient reserve.

I do not wish to detain the Senate longer. I only want to say, in conclusion, that the Committee on Foreign Relations have given to this bill their most careful consideration. They examined all the questions that were brought to their attention in regard to it—the legal questions, the question of policy, the question of trade, the question of the results likely to flow from it. They took everything into the most careful consideration, and then, by a unanimous vote, reported the bill with the amendments as shown when the bill was brought under consideration yesterday.

We believed it to be a good measure; we believed that this country ought to establish an international American bank. There was a difference of opinion in the committee as to whether this bank should be authorized to do business alone in the Western Hemisphere, or whether it should be authorized to do business also in the Orient, in China, in Japan, and in other countries. I was of the opinion that it ought to be without limitation in that respect, for I do not know any reason why, if we are to have an international bank for the purpose of facilitating exchanges and promoting our international commercial relations, it should be limited in any respect whatever as to the field of its operations. It will not go where there is not a necessity for it, and wherever there is a necessity for it, there it ought to go.

I hope, Mr. President, I have not passed over any of the objections of the Senator from Alabama which give any concern to anyone. I have tried to answer all of them as well as I might be able to, and I believe I have answered all of them; at least a reference to my notes does not suggest any other points than those I have already commented upon.

Mr. PETTUS. Mr. President, I do not desire to reply to the sneers of the Senator from Ohio as to my ignorance. I do not profess to be a banker. I have no doubt that he has a thousand times more knowledge on that subject than I have, and I have no doubt that the Senator from Alabama [Mr. MORGAN] has a thousand times more than he has. [Laughter.] But it is that very wisdom that I have been complaining about. I do not intend to reply, however, or make any objection further. I rose simply for the purpose of moving an amendment to the bill. I move to amend paragraph No. 8, on page 11, by adding at the end of that paragraph:

Provided, It shall be unlawful for said bank to contract for or receive interest on any loan or forbearance at a greater rate than 6 per cent per annum.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Alabama, which will be stated.

The SECRETARY. At the end of line 61, paragraph 8, section 7, page 11, it is proposed to insert:

Provided, It shall be unlawful for said bank to contract for or receive interest on any loan or forbearance at a greater rate than 6 per cent per annum.

Mr. PETTUS. I ask for the yeas and nays on the adoption of the amendment.

The PRESIDING OFFICER. Is there a second to the demand? [A pause.] In the opinion of the Chair, the demand is not seconded, but five Senators rising.

Mr. JONES of Arkansas. I suggest that there should be a quorum present, and then perhaps more Senators will vote on the question.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Cullom,	Gear,	McEnery,
Baker,	Davis,	Gray,	McLaurin,
Bate,	Deboe,	Hanna,	Mallory,
Berry,	Elkins,	Harris,	Money,
Caffery,	Fairbanks,	Hawley,	Morgan,
Carter,	Foraker,	Heitfeld,	Morrill,
Chandler,	Frye,	Jones, Ark.	Pasco,
Chilton,	Gallinger,	Lodge,	Penrose,

Perkins,
Pettus,
Platt, Conn.
Pritchard,

Proctor,
Quay,
Rawlins,
Shoup,

Stewart,
Sullivan,
Teller,
Tillman,

Turpie,
Warren.

Mr. FORAKER. I wish to announce that the Senator from Wisconsin [Mr. SPOONER] is unavoidably out of the city, and for that reason is absent from the Senate.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. PETTUS. I ask for a vote on my amendment by yeas and nays.

The yeas and nays were ordered.

Mr. PERKINS. Mr. President, I desire to say only a word in relation to this bill. I have listened with much interest, as I always do, to the Senator from Alabama [Mr. PETTUS] in his diagnosis, if I may use that term, or his criticisms of this bill. If it had in it provisions such as he has stated, I do not see how any of us could consistently vote for the measure.

It is true I have only given the bill a cursory reading this afternoon, because I was prepared to accept the report of the committee who have had it under consideration for some time, and who have examined it in its legal aspects and also from a commercial standpoint with that care which that committee gives to every measure emanating from it.

The statement of the Senator from Alabama which first attracted my attention was that the proposed bank was only required to keep on hand 25 per cent of its capital stock. A bank might organize and have a very small capital stock, and, like the Chemical Bank of New York, and banks in some other cities, quadruple the capital, aye, increase it a hundredfold; but I think my friend from Alabama is mistaken, for I can find no such provision. On page 24, section 22, there is the same provision which is found in the national-bank law, and a similar custom prevails in all commercial banks, that they shall keep on hand at least 25 per cent in coin or cash of the amount of their liabilities to their depositors. Many conservative banks keep on hand 10 or 15 per cent above the 25 per cent required, but no prudent manager will permit his deposits or the money on hand to run below 25 per cent of the deposits, and that is the case whether it be a private bank, a State bank, or any other commercial organization which receives deposits.

In giving this bill a hasty and cursory reading it seems to me it does not delegate to the people therein named any special privileges, any rights or any powers that they could not obtain from a charter from any State in this Union, or which they could not obtain under our national-bank laws; but its object, if I read the language correctly, is to establish commercial agencies in other nations, where they are not familiar with our mode and manner of transacting business. So these people come here and say, "We want this bank given a national prestige," not by asking the indorsement of the Government, not asking our Government to guarantee anything, not asking our Government to become responsible for one dollar of any liabilities this bank may incur, for that is expressly provided for; but it says in its charter here, "We are not permitted to organize when we subscribe for our stock without paying 10 per cent down," and there can not be a meeting of the stockholders for the purpose of organizing until 25 per cent has been paid on the 50,000 shares subscribed for. In other words, there must be \$1,250,000 in the treasury of private funds subscribed by those who organize this bank before it can open its doors to commence business.

Then what does the bill say? If the Senator from Ohio [Mr. FORAKER] will pardon me for one moment, because he did not refer to it, it is simply said in this bill, "We want to do our business here upon commercial principles; we want to conduct our business here; we know it has the confidence of our own neighbors and of the people who know us; our standing in the commercial world is well known and understood, but we want to stand that way in other countries." If a merchant in New York wishes to go to Japan with a letter of credit to buy tea, we want that letter of credit as good as though it were issued by Drexel, Morgan & Co., or some well-known London firm, the Bank of England, or the Bank of France. If they go to Chile or Peru to buy the products of either of those countries, if they go to Brazil to buy coffee, or if they go to any other country of the world, they want their letters of credit to stand as high as those of any other commercial bank in the world, and in order to give confidence to them the bill says the Comptroller of the Treasury shall revise and review and examine their books and accounts. It is made obligatory upon them to make five reports annually, and for every day they fail to do it over the time prescribed they will have to pay \$100 penalty.

But, more than that, the Comptroller of the Currency can at any time go into their banking house, examine their accounts, and ascertain whether their statements are correct or not. That is a notice to the commercial world that it is a business organization which is conducted upon business principles; that it is carried on in accordance with the laws of this country, and that an officer of

the United States Government has at least five times in the year reviewed their accounts, examined their books, and verified their statements.

That seems to me the only advantage that the incorporators of this bank can have under this bill. I do not see where it creates a monopoly, where it creates such a great trust as that to which my friend from Alabama has referred. If it did, I would join hands with him in voting against the bill; but the Pan-American Congress assembled in this city, composed of representative men from different countries, especially from Mexico, South America, and commercial men from the Pacific coast, and other commercial men of this country, met together, and said, "We ought to reach out and have this discount business in our own country, in our own bank; and in order to do so there should be some organization as to which the Government of the United States can say, 'We have examined its affairs and we know its statements to be correct.'"

I know it is popular to cry out against trusts and monopolies, and I believe it is our duty to prevent such organizations from taking advantage of the public. I believe it is our duty to vote against any measure which is calculated to give any special powers, or any special privileges, or any special rights whereby the people can be imposed upon, as my friend from Alabama has so vividly portrayed to us; but I do think, from the cursory examination I have given this bill, that the Senator is mistaken.

So far as his amendment is concerned, I am perfectly willing to vote for it. No possible harm can come from it. He is an eminent lawyer, and he knows very well that in many of the States they have usury laws, and that one can not make a bill or a note which will pay above the maximum rate of interest fixed by the law of the particular State. But the Senator also knows that the laws of discount do not reverence the statutory law, and that if my note is given for \$100 and the bank says, "I have no money to loan you at the legal rate of 4 or 5 or 6 per cent, but I will discount it for you for so much money," the usury law fails to meet it. It is the law of supply and demand. It is the man or the combination of men which have the money which will demand the rate of interest. It is as wheat is to-day. If it can be cornered and controlled, or if cotton can be controlled, those who control it will either make the money or lose it, dependent upon the supply and demand in the market.

Therefore I believe that the only advantage this bill will give to these incorporators over a State bank or a national bank is that it is notice to the commercial world of other nations that the business affairs of this bank are reviewed, scrutinized, and certified as being in accordance with the statements made by the bank. They must put up their money in the bank before they can loan one dollar or receive one dollar of deposits. I would have made it 50 per cent, if I had been in the committee, instead of 25 per cent; but, nevertheless, they are responsible, as the courts have held time and time again, for whatever amount they may have subscribed for.

The people who are going into this banking organization are going into it for legitimate business, I assume, for there is nothing to be gained except by a fair, legitimate business, and there is nothing in the bill that I can see that gives any special privileges or will permit any monopoly or combination or trust.

Mr. FRYE. Mr. President, I desire to say just a word about this bank. I am very much surprised at the objections made to it. It is nothing more or less than a mere instrumentality for the promotion of our export trade. That is all it is. The senior Senator from Alabama [Mr. MORGAN] yesterday alluded to the fact that the Congress of American Republics, after careful consideration, recommended as essential to the commercial interests between this Republic and those Republics to the south of us an international bank just like this.

Now, within the last five years we have found out conclusively that we must have a foreign market for our manufactured goods or we must cut down wages and stop production, for to-day we can in nine months manufacture every dollar's worth of goods that our people can possibly consume in a year, even though the times are good and wages fair. The balance of the goods must certainly be exported. If not the markets are broken, our mills cut down wages, and we find ourselves in a very serious condition from a business point of view.

About five years ago, when this was learned—and it was then learned first—the manufacturers of the United States formed an association. The association took in every State in the United States; it took in all the manufacturers from Georgia and from Alabama, and it has been engaged industriously from the formation of the league up to now not in creating trusts, not in creating monopolies, but in opening up avenues of trade through which we might send our surplus products and thus relieve the Republic. Two years ago it sent a commission of twenty-five of the leading manufacturers of this country to explore all the South American Republics. I regret to say that the commission were obliged to take two months of time to go there, by crossing the ocean twice,

and they were obliged to take two months of their time to get home, by again crossing the ocean twice. I regret that. I am in hopes that will be remedied in the future. This war is going to teach us many things, I think.

Those twenty-five men went down there and investigated this matter with great care. They returned, and they unanimously recommended as one of the absolutely necessary instruments for commerce with the South American Republics this international bank.

Mr. BACON. Will the Senator from Maine permit me to ask him a question?

Mr. FRYE. Certainly.

Mr. BACON. Conceding what the Senator has stated to be true, in what respect would a bank chartered by the State of New York for this purpose lack all the power to accomplish what is desired?

Mr. FRYE. Every Senator knows that a bank clothed with power and authority by the United States of America carries with it ten times the influence, the respect, the confidence possessed by a bank authorized by any State of the United States.

Mr. BACON. And that is the purpose?

Mr. FRYE. That is the purpose, so far as I am concerned.

Mr. BACON. That is the point.

Mr. FRYE. It gives it respect and confidence, and the very provisions of the bill entitle this bank to respect and confidence.

Mr. President, I say it is an instrumentality for commerce and nothing else; and what is the objection to the United States giving it that character which shall command the respect of the nations and authorize the bank to loan its funds and do business as does the Bank of Great Britain in Argentina and Rio Janeiro? Great Britain has banks in those two countries and so has Germany. We paid Great Britain last year for exchange alone on what little miserable business we do with South America over \$2,000,000. Why should this great nation do that? Why not have our own bank? I am sorry to see that there are objections to the bill.

Mr. TELLER. Mr. President, I do not believe our commerce or our exports are suffering for want of banking facilities. There is not a bank in any great city in the United States that can not, if there is a demand for exchange on any foreign city, provide for it. It is not necessary that it should have authority from the United States to do it. It is one of the incidents of banking. Private bankers can do it as well as public bankers, and I do not believe we have failed to sell goods to South America because there was any difficulty in transmitting the money that we would get for the goods from South America to the United States. What has been our trouble is that we have not had any direct communication from the United States to South America. We have been compelled to go to Great Britain. If a South American wants to send an order, he sends it to London and then to New York.

This is not going to relieve the difficulty, in my opinion, at all. I admit that there is the difficulty the Senator talks about; that we have not such relations as to induce them to buy of us, but we will never have that until we have ships running directly from our great cities to the South American ports.

I can not myself see in this bill the slightest thing that any great bank of New York may not do just as well. I do not believe myself this bank will have any higher credit than some of the great banks of New York City have—not a bit. I think myself it is somewhat doubtful whether we have authority to pass an act of this kind and make it effective except as a District of Columbia organization. Then if it wants to do business in New York, it can do it with the consent of the State of New York and not without it. If it wants to do business in the South American countries, it can do it there with the consent of the South American countries just the same as a New York bank would have to get the consent and on the same terms precisely.

Mr. GRAY. Or a Colorado bank.

Mr. TELLER. Or a Colorado bank.

Mr. GRAY. Or a Delaware bank.

Mr. TELLER. Or a Delaware bank, or any other bank—a private bank. That does not make any difference. Many private banks now do business all over the world; in London, at least. They make their arrangements with some bank in Calcutta or Bombay or Hongkong or Shanghai or any other place by which they draw on them, and those people, on the other hand, draw upon them. That can be just as well done under our present system of banking as under this bank; and if the Senator from Maine wants to encourage exports, he will have to devise some other scheme, in my judgment, than this. I do not believe it will ever send an extra pound of cotton out of this country or a bushel of wheat. I do not believe anybody in South America fails to buy our products because there is a difficulty in transmitting the money here to pay for them, but because there is difficulty in getting our goods there. That is what is the trouble.

Mr. BACON. Mr. President, it may seem to be a very simple

thing to incorporate a bank, but it is a very serious thing if we are going to reverse the policy of the last sixty years and if we are going to do that which will be in fact an evasion of the spirit if not the letter of the Constitution. Nobody will dispute the fact, as suggested by the Senator from Colorado [Mr. TELLER], that Congress has the right to charter a bank to do business in the District of Columbia, but if there is anything which has been settled by the adjudications of the Supreme Court, as we learned in the debate which occurred here upon the war revenue bill, it is that the Congress of the United States is not clothed by the Constitution with the power to incorporate a company outside of the District of Columbia and the Territories of the United States, unless such corporation is to be clothed with a governmental function.

I will not stop now to read the authorities. They were read here in abundance recently in the hearing of the Senate. Senators who favor this bill have recognized those adjudications, and consequently they have tried to point out in a vague and indefinite way the fact that this corporation is designed to perform some governmental function. It is so expressed by them; and yet when the question is asked, "Put your finger upon the particular provision in the charter which clothes this corporation with the function to be performed at the instance and for the benefit of the Government," it is not pointed out.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. Certainly.

Mr. FORAKER. I do not think the Senator from Georgia could have been in the Chamber when in the course of my remarks a few minutes ago I dwelt upon the point made by him yesterday when I was asked to designate the express provision in the proposed statute that clothes this bank with a governmental function. I read an authority, a decision of our Supreme Court, to the effect that it is not necessary to express in a statute the governmental function which the statute is designed to authorize the agency created by the Government to perform; that it is for the court to determine whether or not the corporation, by the power conferred upon, does in fact do anything that can be construed or justly held by the court to be in the nature of a regulation of commerce. I do not think the Senator could have heard the decision.

In that connection I pointed out that the proposed statute does, as decided in other cases to which I called attention, regulate and deal with commerce in the sense that negotiable instruments, drafts, and bills of exchange are instrumentalities, to use the language of the Supreme Court of the United States, necessary in the consummation of these transactions which our people are having with the people of other countries, and anything that relates to these instrumentalities is in the nature of a regulation of commerce. Of course it is only in that sense—it has never been claimed in any other—that this is an agency created by the Government to aid in the regulation of commerce among the States and with foreign countries.

Mr. BACON. I understand. I did hear the Senator from Ohio state that proposition, and I heard him read an authority upon it. I understand the proposition of the Senator to be this, then, that the fact that a bank is clothed with the power to issue bills of exchange and other instrumentalities by which commerce is carried on between different countries clothes it with such a governmental function in the regulation of commerce as puts it within the jurisdiction of Congress to charter such an institution. If that proposition is correct—

Mr. FORAKER. The bank is required to make provision for the issuing of bills of exchange and for all these branches that are to be established in other countries. The bank is required to do those things which are essential to the facilitating of our business.

Mr. BACON. If that proposition is true, then it is true that in all cases Congress has the constitutional power to charter banks, because all banks deal in those things which create these agencies by which interstate and foreign commerce is carried on.

Mr. FORAKER. If the Senator will pardon me, all banks do not have the authority, as I undertook to say yesterday, to establish, by reason of the powers conferred upon them in their charter, branches in other States than those States in which they are chartered, and especially are they without power to establish branches and conduct business in other countries; and the Congress is the only body in all this country—I mean there is no State legislature with such authority—which has authority to confer any such power upon any incorporated company.

Mr. BACON. I utterly deny the proposition that this Government can confer upon a corporation any greater powers to be exercised beyond the borders of this jurisdiction than the State can confer upon a corporation, and I read from a decision which I cited yesterday from memory. I now have it before me.

Mr. FORAKER. I did not mean to state the proposition exactly as the Senator from Georgia has stated it. If he will allow me to interrupt him, I did not mean to say that a corporation created by a State, for instance, could not, by the comity of another State,

go into that State and there transact the same kind of business that it was authorized to transact at home. But I do not believe, for instance, that a bank chartered by the State of Georgia could, within the contemplation of that charter, legitimately go into the State of Kentucky and there establish and carry on a banking business, unless the Senator has something in his constitution and laws governing the granting of general charters very different from what we have in our State.

Mr. BACON. I understand the Senator, then, to state as a general proposition that a bank chartered in one State can not do business in another State, unless that bank is specifically authorized in its charter so to do, and that when so authorized it can do it.

Mr. FORAKER. I do not say at all that they can not transact any business. Of course, if they loaned money to a man who would go off into another State and refuse to pay it, they could follow him there and sue him. They could transact such business as might be necessary to carry on their business in that respect; but I mean to say that it is not within the contemplation of the charter, at least ordinarily, that they should establish a bank in the State where they are chartered and another bank in each of the other forty-four States.

Mr. BACON. Agencies in the other States?

Mr. FORAKER. I mean banks. They may have an agent possibly in some particular case for some particular business, but what I say is this: Take my own State, for illustration, for I know what the constitution and laws are in that particular and generally. I do not believe that a State bank chartered to do business in the State of Ohio could, in addition to establishing its banking house and conducting its business within that State, go also into each and every other State in the Union by virtue of the power conferred upon it by its charter from Ohio, and in each and every other State establish a bank and conduct business as though there incorporated. Of course they would have to do it by comity if at all. But even in that way I think it would be ultra vires to go and do business in that manner.

Mr. BACON. When the Senator speaks about going into another State and establishing a bank, I do not suppose he means what he says. If when he says "establish a bank" he means establish an independent bank, a bank complete of itself, that can only be done by the authority of the jurisdiction in which it is proposed to set it up.

Mr. FORAKER. Ah, but—

Mr. BACON. If the Senator will pardon me a moment, does the Senator understand that this bill authorizes not only the establishment of a bank in the District of Columbia, but that under this charter an independent bank can be established in every other State?

Mr. FORAKER. Not at all. I am talking about the supposititious case which the Senator put a while ago of a bank undertaking to do business in other States than the State in which it was chartered, and I am not talking about the actual case before us, which provides for one principal office and such number of branch banks as may be established, all belonging to the same corporation.

Mr. BACON. Nobody that I know of ever suggested any other expansion of a parent bank except in the way last indicated by the Senator.

Mr. FORAKER. I can put it plain enough so that there certainly can not be any difference as to the facts we are talking about. I do not believe, for instance, that a bank chartered under the law of Minnesota, authorized by the charter of that State to carry on the banking business in that State, could also, in addition to having its bank there, go to the city of New York and there engage in the banking business, keeping a banking house there and conducting a banking business. I may be in error about it, but I do not believe that any corporate authority to do that would be conferred by the charter granted by the State, at least not under our constitution.

Mr. BACON. I have great respect for the Senator from Ohio, but he is certainly mistaken in that proposition. That question was settled in the case which I cited from memory yesterday and which I now hold in my hand, that of the Bank of Augusta against Earle, in 13 Peters, in which there is a very learned and elaborate discussion of the question of extraterritorial powers upon the part of a bank, in an opinion delivered in behalf of the court by Chief Justice Marshall, and in which the doctrine is clearly laid down that while it is true that a corporation is limited in its powers to the jurisdiction of the authority by which it is created, it nevertheless can, with the consent, express or implied, of other jurisdictions, exercise in those jurisdictions all the corporate powers which are granted to it by the parent from which it derives its being, of course subject to the limitation that there must be no power exercised in that foreign jurisdiction conflicting with the law in that jurisdiction.

Mr. FORAKER. In other words, if the Senator will allow me, as I understand that decision (it is one with which every lawyer

is familiar), the consent granted to the bank to do business in a foreign jurisdiction was held to be the equivalent of a charter from that jurisdiction upon those terms.

Mr. BACON. Of course.

Mr. FORAKER. That makes a wholly different case from that which we have been talking about.

Mr. BACON. No, it is exactly what I have been saying all the time; but the Senator has been putting a case which did not exist. When he spoke about there being an independent bank as a branch of the original bank, of course it must be a branch and nothing else.

Mr. FORAKER. But, if the Senator will allow me, the point I make is that it does not get the power to go into the other State by the charter from the State in which it is incorporated, but by comity, which, when consent is granted, is the equivalent of a new charter granted by the State without regard to the other.

Mr. BACON. It is not the equivalent of a new charter. It is true it gets the right to exercise those powers by the consent of the State in which it exercises them, but the fact that it has the power is due to the charter granted to it by the parent from which it derived its being. There can be no possible doubt about that question.

The point I am coming to is this: If there is to be the grant of this charter, there ought to be a good reason for it. If it be true that it was not within the original design that the Federal Government should engage in the granting of corporate powers to companies, to be exercised outside of its immediate jurisdiction—outside of the District of Columbia and the Territories, I mean—then there ought to be apparent some reason for the exercise of such a power at this time as will show that it is necessary that it should be done, even if there is a doubt about the power, conceding for the purpose of argument that it is proper that it should be done. I want to analyze and see what is the necessity.

In the first place, I go back to the proposition which I was endeavoring to state when I got into the colloquy with the Senator from Ohio, that there is no possible power which the United States Government can confer upon this company to be exercised outside of the District of Columbia and the Territories of the United States that could not be conferred upon it by the State of New York, and I stand upon that as a legal proposition. I say it can not possibly be controverted that the State of New York has the power to confer upon a company chartered by it every power to be exercised either within the State of New York or outside of the State of New York, that the United States Government could confer upon a company chartered for that purpose.

Mr. FORAKER. I take issue with the Senator upon that proposition in this way: I say that the State of New York may charter a bank. I see there is some difference of opinion among the lawyers here who have expressed themselves in regard to this matter. My idea is that the State of New York has no power to authorize a bank to do a banking business outside of its territorial jurisdiction. It may go beyond the State and so engage by comity, if allowed to do so by the other States; but the National Government does have authority to incorporate a bank that can do business in the District of Columbia or in the State of New York or any other State, if it sees fit to do so.

Mr. BACON. Or in any foreign country?

Mr. FORAKER. No, sir; except by comity. Of course that is a matter of convention. But the Senator will remember that from the beginning my contention has been that there were two reasons why this bank should be incorporated by the National Government instead of by some State, one being that no State can give to a bank incorporated by it authority to go, without regarding the wishes of that other State, into another State in this country to do business. I claim that the National Government can give this bank that power, because in the way I have pointed out it is discharging a Government purpose in the promotion of our trade with other countries, thereby assisting in the regulation of commerce.

Mr. BACON. If the Senator will permit me, I suggest that while of course I am very glad to be interrupted and delighted to answer any question to the extent of my ability, I can not possibly present an argument if the Senator interjects between each proposition an argument upon his side. I say it with the utmost kindness.

Mr. FORAKER. I beg pardon. The Senator ought not to look at me so appealingly and invitingly. He has such a gracious and inviting way that it is impossible to resist the temptation to answer him.

Mr. BACON. The Senator answers in such an exceedingly pleasant way that it is with very great reluctance that I ask him to let me proceed with some degree of continuity. I understand the proposition of the Senator to be this, and I hope I may have his attention even if I do run the risk of interruption.

Mr. FORAKER. I am always delighted to give the Senator my attention.

Mr. BACON. I understand the proposition of the Senator to be

this, and I am glad he has made it clear, that one purpose of this charter is to incorporate a banking company which, according to his contention, will have the right to do business in each and every State of this Union, not by the consent of that State, but without the consent of that State and in spite of the denial of that State.

Mr. FORAKER. In each State, so far as authorized by the charter. It allows only eight different locations from branches.

Mr. BACON. The Senator picks out the particular States. Is that it?

Mr. FORAKER. I dislike to interrupt the Senator.

Mr. BACON. It is all right. I asked the question.

Mr. FORAKER. The charter provides that this bank shall have its principal office in the city of Washington or in New York and eight branch offices located at such points as its directors may select, to be approved, etc.

Mr. BACON. The proposition is that so far as these eight States in which the branches are to be located are concerned, the corporation is to have the right to do business not by virtue of the comity of the States or by their consent, but by virtue of the command of the Federal Government that it shall have it.

Mr. FORAKER. That is my view of it.

Mr. BACON. I say that proposition is utterly without authority in any provision of the Constitution. We are not to deal in refinements. If the argument of the learned Senator is correct, then the general proposition is practically established that it is within the power of the Federal Government, by any peculiar provisions which it may see proper to insert in a charter, to impose upon States, regardless of the wishes and consent of those States, corporations to do a banking business within the confines of those States.

Mr. FORAKER. I dislike to do so, but will the Senator allow me to interrupt him again?

Mr. BACON. Certainly.

Mr. FORAKER. My contention is what I have stated it to be, because, in my opinion, this bank is to discharge governmental functions in the sense in which I have explained. It is an agency established by the Government to be used in the regulation of commerce among the States and with foreign countries, and therefore something that is within the purview of the powers conferred by the Constitution upon the Congress, and whenever it comes to the establishment of that kind of an agency, that being admitted, I think the Senator from Georgia will agree with me that that kind of an agency may go into any State.

Mr. BACON. With all due respect to the Senator from Ohio, I desire to say that I regard the proposition that this is for the purpose of performing a governmental function as a mere device to get a charter from the Government of the United States for an altogether different purpose.

Mr. FORAKER rose.

Mr. BACON. Now, if the Senator will pardon me a moment—

Mr. FORAKER. No; what I want to say was that that, of course, is a matter of opinion.

Mr. BACON. I was going to give my reason for it.

Mr. FORAKER. As a matter of opinion your argument is legitimate. My proposition was, conceding the character of the organization to be what I have claimed for it, you would certainly agree that it could go into any State without regard to the wish of the State.

Mr. BACON. Yes; if it was in good faith chartered for a distinctly governmental purpose to carry on a governmental function, like the carrying of the mails, for instance, or the transportation of troops, if you please, or for any other thing of that kind, which would be a different matter.

Mr. HARRIS. Which the State could not do.

Mr. BACON. Which the State could not do, as suggested by the Senator from Kansas most pertinently. But where it is in no essential particular different from any other bank, and where it is proposed to clothe it nominally with other functions simply for the purpose of endeavoring to take it out of a general rule, then it is a very different matter.

Mr. President, I was proceeding to say when the Senator interrupted me that in my opinion these particular features which were ingrafted upon this bill, by which it was sought to establish the fact that it was framed for a governmental purpose, constitute simply a device for the purpose of getting a charter from the Government, not that these governmental functions might be performed, but for a very different purpose, and that purpose is the one stated by the Senator from Maine [Mr. FRYE].

There is but one point in which this bank will differ from a bank chartered by a State. There is no power which it can perform but what can be performed by a bank chartered by a State. As stated by the Senator from Colorado [Mr. TELLER], there is now no trouble about exchange between this country and foreign countries through the instrumentalities of existing banks in the States and the national banks. There is no trouble about getting exchange on South America. Every man who has ever traveled to Europe and has taken a letter of credit knows it well—that it is

good for a thousand pounds, for instance, and upon the back of it is printed the name of every important town in the whole world. There is not a city of importance in Europe, Asia, Africa, or South America the name of which is not upon the back of that letter of credit. There is not a single one of those cities in the four continents (and if you want to do so you can embrace America) in which the holder of that bill of exchange can not go and get his money by simply writing his name upon it and giving a receipt for it. I say the contention that there is a necessity for this bank in order that exchange may be facilitated can not be supported by any fact. It is not true in point of fact.

So, Mr. President, I say there is another reason. What is the reason? It can not be that originally suggested by the Senator from Maine, that it is for the purpose of enlarging our markets. The Senator from Colorado has answered that suggestion. There is but one purpose, and I say that is a purpose not justified by any legitimate use of the powers we hold under the Constitution of the United States. That purpose is to incorporate a bank which shall have in its name and in its powers the prestige and authority of the Government of the United States. There is nothing else in it, Mr. President. If you should take that out of it I would not give a bawbee for the bill. There is nothing else in it. There is no power which this bank can exercise, I repeat, that it could not exercise if it held the charter from the State of New York. The sole purpose, the controlling purpose, the purpose without which the charter would not be worth the paper it was written on, so far as any commercial value is concerned, is that the name and authority and prestige of this great Government may be given to a private corporation.

Mr. President, if it had been designed originally that the Government should go into that business, there would have been no doubt about it; it would have been given that power or it would have been found in some of the implied powers. But the Supreme Court of the United States says that in conferring power upon Congress it was not designed that it should have the power to grant corporate life, and that it could only be justified where some great governmental function was to be performed which could not be performed by a State or by the agency of a State. If that is true, ought we to pass this charter?

Senators say they are surprised that we should stand here to defend the rights of other national banks. Well, Mr. President, so long as they are legal, so long as they are authorized and sustained by the law of the land, they are entitled to be protected. And they are not the only banks. Some of the greatest banks in this country are not national banks. Is it proper that we should here set up a great, gigantic bank which is to enter into competition with every other bank in the United States? When all other banks hold their corporate powers from the State except the present national banks, which are of a very different character from that of the bank now proposed to be chartered, is it proper that they should all be brought into competition with this gigantic bank, backed up with the name and authority and the prestige of the great Government of the United States? I asked the Senator, if that is so desirable, whether it ought not to be made a general law, so that other parties, if they see proper to create banks of this kind, might have the opportunity so to do. The Senator said that in the committee he favored a provision of that kind, but the Senator did not say he would be willing to ingraft upon this bill a provision by which other parties might associate themselves together and come in competition with this bank. The Senator said that other parties might come to Congress and by showing that they had the ability and the character, financially and otherwise, to carry on such a gigantic business, they could get charters. Mr. President, if you ever clothe with life this corporation, it will see to it that Congress shall not grant to any other corporation similar powers.

I repeat, as I have had occasion to say once or twice rather in a disconnected way during this discussion, this is one of the gravest questions that have ever come before Congress since I have had the honor to be connected with it. I asked the Senator from Ohio, it is true not in debate, but in private conversation, in what particular does this proposed bank, except in the fact that it can not issue bank bills, differ from the old national bank with which Jackson grappled and which at one time threatened the domination of this whole country, and the Senator was unable to point out any distinctive difference. In view of the history of this country, in view of the great events and the great contentions which grew out of the existence of a national bank in former days, is it so light a matter that we should charter the twin of it upon such light considerations as are suggested here?

Mr. President, I did not expect when I rose to do more than point out the fact that there was no power which could be conferred upon this bank which could not be given it by a State; but I have been by my earnestness in the matter drawn into a much more extended presentation of it than I expected. I regret exceedingly that upon a matter so grave, so wide reaching, so exceedingly serious in the consequences which may follow it, we have

had in this discussion a comparatively empty Senate, and that we are to have it voted upon without proper consideration by all the members who have failed to hear the discussion as it has progressed.

Mr. CARTER. I desire to inquire if it would be agreeable to the Senator from Ohio in charge of the pending bill to yield at this time for a motion to go into executive session?

Mr. FORAKER. If the Senator from Montana will allow me, I was about to suggest that I do not wish to detain the Senate more than a few moments. I do not wish to make any remarks. I wish to call attention to some authorities, and I would be pleased to have them go into the RECORD immediately following the argument that has just been made by the distinguished Senator from Georgia. They are in support of the proposition I was trying to contend for in the very unequal colloquy I had with him.

Mr. CARTER. I understand, then, that it will be agreeable to the Senator immediately after concluding his remarks?

Mr. FORAKER. Immediately after I read these authorities. There are only three of them. In the case of Gloucester Ferry Company vs. Pennsylvania (114 U. S., 203), discussing the question of commerce as used in the Constitution in that clause which authorizes Congress to regulate it, the Supreme Court say:

The power to regulate that commerce—

Among the States—

as well as commerce with foreign nations, vested in Congress, is the power to prescribe the rules by which it shall be governed—that is, the conditions upon which it shall be conducted; to determine when it shall be free and when subject to duties or other exactions. The power also embraces within its control all the instrumentalities by which that commerce may be carried on and the means by which it may be aided and encouraged. The subjects, therefore, upon which the power may be exerted are of infinite variety.

It embraces all the instrumentalities that may be employed.

In the case of *McCall vs. California* (136 U. S., 104), Mr. Justice Lamar quotes with approval from Pomeroy's Constitutional Law as follows, speaking of this power:

It includes the fact of intercourse and of traffic and the subject-matter of intercourse and traffic. The fact of intercourse and traffic, again, embraces all the means, instruments, and places by and in which intercourse and traffic are carried on, and further still, comprehends the act of carrying them on at these places and by and with these means. The subject-matter of intercourse or traffic may be either things, goods, chattels, merchandise, or persons. All these may therefore be regulated.

Then, in the case of *Railroad Company vs. National Bank* (102 U. S., 14), Mr. Justice Clifford said:

Bills of exchange and promissory notes are commercial paper in the strictest sense, and as such must ever be regarded as favored instruments, as well on account of their negotiable quality as their universal convenience in mercantile affairs. Everywhere the rule is that they may be transferred by indorsement, or when indorsed in blank or made payable to bearer they are transferable by mere delivery. International regulations encourage their use as a safe and convenient medium for the settlement of balances among mercantile men of different nations, and any course of judicial decision calculated to restrain or impede their full and unembarrassed circulation for the purposes of foreign or domestic trade would be contrary to the soundest principles of public policy.

There is only one more that I wish to detain the Senate with and call attention to. In the case of *Nathan vs. Louisiana* (8 Howard, page 73), Mr. Justice McLean said:

Money is admitted to be an instrument of commerce, and so is a bill of exchange; and upon this ground it is insisted that a tax upon an exchange broker is a tax upon the instruments of commerce. * * * No one can claim an exemption from a general tax on his business within the State on the ground that the products sold may be used in commerce.

Those authorities, taken in connection with those I cited in my argument this afternoon, show conclusively, as it seems to me, that bills of exchange and notes and drafts and other commercial paper of the character specified, which this bank is authorized to deal in for the benefit of this trade, are instrumentalities of commerce.

The other authorities which I cited were to the effect that anything affecting and providing for the use of these instrumentalities of commerce was an appropriate regulation of commerce within the meaning of the constitutional provision authorizing Congress to exercise that power. So it is that I say to the Senator from Georgia that we resort to a legitimate device, if he wants to use that term at all. I mean it is not a device in any reprehensible sense, if the word "device" is to be used, but it is perfectly legitimate, if you want to have the benefits of an international bank, chartered by the National Government, to invest it with a power that will bring it within the purview of the Constitution, and it is not a matter to be complained of that it is made constitutional by that kind of a provision.

Mr. BACON. Will the Senator permit me to ask him a question before he takes his seat?

Mr. FORAKER. Certainly.

Mr. BACON. Of course the Senator will recognize the fact that transportation of goods from one State to another is in the strictest sense interstate commerce.

Mr. FORAKER. Certainly.

Mr. BACON. Then the proposition contended for by the Senator would put it in the power of Congress, as the exercise of one of its legitimate functions, to charter a railroad not for the purpose of carrying the mails, not for the purpose of transporting

troops, but because, forsooth, it would be engaged in the transportation of freight from one State to another. That being the case, then, from the beginning of a session through to its conclusion, we should be granting railroad charters from one end of this country to the other.

Mr. FORAKER. One of the opinions of the Supreme Court I read from this afternoon was exactly that; the case of the Cherokee Nation against the Kansas Railway.

Mr. BACON. Is it not there the governmental function of carrying the mails and transporting troops?

Mr. FORAKER. No, sir; not at all. In the language of the court, the Supreme Court found that the railroad there in question, although chartered by a State, was an agency employed by the National Government in the regulation of commerce between the States because it passed through the Territory and into the adjoining State.

Mr. BACON. I was speaking of the chartering of the company, not of the use.

Mr. FORAKER. Surely if it be competent for the National Government to select a railroad that has already been chartered by a State and make it an agency in the regulation of commerce, it would be competent for the National Government to directly charter that railroad company for that purpose. Let me read again.

Mr. GRAY. I ask the Senator to read it.

Mr. FORAKER. Yes, I will. This is the case of the Cherokee Nation vs. The Kansas Railway, 135 United States, 641.

Mr. BACON. That is through a Territory of the United States, not through a State.

Mr. FORAKER. Now, we will see:

Congress has power to regulate commerce not only with foreign nations and among the several States, but with the Indian tribes. It is not necessary that an act of Congress should express in words the purpose for which it was passed.

I read this authority this afternoon in answer to the Senator's question of yesterday, or rather his requirement of yesterday, that I should put my finger upon the express declaration in this bill that it was intended to subserve some specified governmental purpose. It is not necessary, say the Supreme Court, that there should be any such expression. They further say:

The court will determine for itself whether the means employed by Congress have any relation to the powers granted by the Constitution. The railroad which the defendant was authorized to construct and maintain will have, if constructed and put into operation, direct relation to commerce with the Indian tribes, as well as with commerce among the States, especially with the States immediately north and south of the Indian Territory. It is true that the company authorized to construct and maintain it is a corporation created by the laws of a State, but it is none the less a fit instrumentality to accomplish the public objects contemplated by the act of 1884.

That act was an act authorizing it to exercise the power of eminent domain in procuring a right of way through the Indian Territory, and this litigation arose in connection with the effort to convey property for that purpose.

Other means might have been employed, but those designated in that act, although not indispensably necessary to accomplish the end in view, are appropriate and conducive to that end, and therefore within the power of Congress to adopt.

It seems to me that this is a case which absolutely and conclusively disposes of the entire contention of the Senator. It was not expressed in the act that there was any governmental function to be performed, any particular purpose to be subserved, but Congress simply empowered that railroad to exercise the right of eminent domain, and in the exercise of that right this litigation arose and the Supreme Court said the company had a right to go there and do what it was doing, and that Congress had a right to authorize it to go there, because it was an instrumentality employed in connection with interstate commerce.

Mr. BACON. The exercise of the right of eminent domain in a Territory of the United States was the particular point in issue, was it not?

Mr. FORAKER. No, not so.

Mr. BACON. It was litigation over lands in the Indian Territory.

Mr. FORAKER. The litigation, I believe, arose in that way. From what I have read here (there is not enough quoted here, but I had the case here this afternoon), the decision, I imagine, did not rest upon that point at all. The question was whether or not the United States Government could select a corporation chartered by a State and make it an instrumentality in the regulation of commerce and whether or not there was in fact any regulation of commerce, and the Supreme Court of the United States said it did not make any difference that it was chartered by a State instead of by the United States, and that although nothing was said in the act of 1884 about regulating commerce, yet the court could see that it was such regulation, because the road was interstate, and was engaged in facilitating commerce.

Mr. GRAY. If the Senator will allow me, he contends, then, that the principle in that decision would go so far as to have authorized Congress to have conferred the power of eminent domain

upon that corporation, to be exercised within the State of Kansas, if it had not that power from the State otherwise? Is that the view the Senator takes of the principle involved in that decision?

Mr. FORAKER. The Senator will excuse me; I was trying to find the case, and did not hear his question.

Mr. GRAY. I ask the Senator if the view he takes of the principle in that decision is that the Congress of the United States would have been authorized to have empowered the railroad company to have exercised the right of eminent domain within the State of Kansas if it had been necessary to do so, or if the State of Kansas had not imbued the company with that power?

Mr. FORAKER. Before I answer the Senator I want to get the authority, for fear I have confused the case as to how this litigation arose. I have it here, and by reading from the syllabus you will see in a moment. I find I was right about it. Preceding the quotation that is made, and which I read, occurs the following statement in regard to the case:

In *Cherokee Nation vs. Kansas Railway*, 135 United States, 641, the Supreme Court sustained a grant of the power of eminent domain to a Kansas corporation, made by act of Congress, in relation to lands in the Indian Territory owned and occupied by an Indian tribe.

I do not see anything that, in my opinion, would warrant the inference that the decision went so far as to authorize Congress to confer the power of eminent domain upon the Kansas corporation, to be exercised within the State of Kansas. I do not suppose it would, unless it was for some governmental agency, like carrying the mails, or something for which it became absolutely necessary. There might be an exception to that rule; I did not attach any importance to how the litigation arose. The important feature of the case is that there was an agency which the National Government did not create, but simply clothed with certain powers, in the exercise of which the controversy occurred which gave rise to litigation, in which the Supreme Court held that because the railroad did go through the Territory and the States to the south and north of it it was an instrument that could be employed in the regulation of commerce; and that idea was not negated by the fact that Congress had not said anything on that point in the statute, in which there was no allusion to the regulation of commerce; no allusion to any agency of Government on the part of this instrumentality.

I regret that I have occupied the time of the Senate so long.

CONSIDERATION OF PENSION CALENDAR.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. I ask the Senator to withdraw the motion for a moment until I can make a request.

Mr. CARTER. Very well; I will do so.

Mr. GALLINGER. I desire to ask unanimous consent that immediately after the routine morning business to-morrow fifteen minutes be devoted to the consideration of private pension bills on the Calendar.

Mr. PETTIGREW. Mr. President—

The VICE-PRESIDENT. The Chair calls attention to the notice given by the Senator from South Dakota [Mr. PETTIGREW] for to-morrow.

Mr. PETTIGREW. Unanimous consent has already been given for the consideration of another matter. I have no objection to the arrangement suggested by the Senator from New Hampshire, if it does not conflict with the present unanimous consent.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire [Mr. GALLINGER]?

Mr. PETTUS. What is the request?

The VICE-PRESIDENT. That fifteen minutes may be given to-morrow after the routine morning business for the consideration of the Private Pension Calendar, not to interfere, however, with the notice heretofore given by the Senator from South Dakota for 1 o'clock. Is there objection? The Chair hears none, and the order is made.

CLAIM OF METHODIST BOOK CONCERN SOUTH.

Mr. TELLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Claims, or any subcommittee thereof, be, and it hereby is, authorized to send for persons and papers, to administer oaths, and to employ a stenographer to investigate the claim of the Methodist Book Concern South, as authorized by Senate resolution No. 882; and that the necessary expenses incurred therein be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee.

EXECUTIVE SESSION.

Mr. CARTER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 15, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 14, 1898.

POSTMASTERS.

George I. Allen, to be postmaster at Middletown, in the county of Middlesex and State of Connecticut, in the place of C. G. Bacon, whose commission expires July 9, 1898.

William H. Arthur, to be postmaster at Marshall, in the county of Calhoun and State of Michigan, in the place of C. T. Fletcher, whose commission expired May 22, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 14, 1898.

APPOINTMENT IN THE NAVY.

James Raynor Whiting, a citizen of New York, to be an assistant surgeon.

DISTRICT JUDGE.

Charles S. Johnson, of Alaska, to be United States district judge for the District of Alaska.

MARSHALS.

Fred A. Field, of Vermont, to be marshal of the United States for the district of Vermont.

William R. Compton, of New York, to be marshal of the United States for the northern district of New York.

ASSAYER.

Frederick A. Wing, of Washington, to be assayer in charge at the assay office of the United States at Seattle, in the State of Washington.

COINER.

Daniel T. Cole, of California, to be coiner of the mint of the United States at San Francisco, Cal.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Fourth Regiment United States Volunteer Infantry.

TO BE CAPTAINS.

Charles P. Newberry, of Maryland.

John D. Treadwell, of Virginia.

George C. Broome, of the District of Columbia.

TO BE FIRST LIEUTENANT.

George D. Barbour, of the District of Columbia.

Sixth Regiment United States Volunteer Infantry.

TO BE ASSISTANT SURGEONS WITH THE RANK OF FIRST LIEUTENANT.

John W. Cox, of Tennessee.

Zachary D. Massey, of Tennessee.

Eighth Regiment United States Volunteer Infantry.

TO BE LIEUTENANT-COLONEL.

Archelaus M. Hughes, of Tennessee.

TO BE CAPTAIN.

Henry L. Jenkinson, of New Jersey.

TO BE FIRST LIEUTENANT.

James R. Gillespie, post quartermaster-sergeant, United States Army.

Seventh Regiment United States Volunteer Infantry.

TO BE MAJOR.

David Frank Powell, of Wisconsin.

TO BE SECOND LIEUTENANT.

Reon Barnes, jr., of New York.

To be chief quartermaster with the rank of major.

David Hemphill, of South Carolina.

To be assistant quartermaster with the rank of captain.

Jonathan N. Patten, of Iowa.

To be brigadier-generals.

Charles F. Roe, of New York.

Thomas L. Rosser, of Virginia.

John P. S. Gobin, of Pennsylvania.

Fifth Regiment United States Volunteer Infantry.

TO BE LIEUTENANT-COLONEL.

Ariosto A. Wiley, of Alabama.

To be commissaries of subsistence with the rank of captain.

Thomas H. Simms, of Arkansas.

James E. B. Stuart, of Virginia.

Carroll Mercer, of Maryland.

To be chief commissary of subsistence with the rank of major.

Capt. George W. H. Stouch, Third United States Infantry.

To be assistant quartermasters with the rank of captain.

Albert Gilbert, of New York.

Laurance C. Baker, of New York.

Second Regiment United States Volunteer Engineers.
TO BE CAPTAIN.

Fred J. H. Rickon, of California.

Third Regiment United States Volunteer Engineers.

TO BE SECOND LIEUTENANT.

William S. Whitehead, jr., of New Jersey.

First Regiment United States Volunteer Engineers.

TO BE LIEUTENANT-COLONEL.

Capt. Harry F. Hodges, Corps of Engineers, United States Army.

TO BE MAJOR-GENERAL.

J. Warren Keifer, of Ohio.

Fifth Regiment United States Volunteer Infantry.

TO BE FIRST LIEUTENANT.

James C. Hixson, of Alabama.

Second Regiment United States Volunteer Infantry.

TO BE ASSISTANT QUARTERMASTER WITH THE RANK OF CAPTAIN.

Second Lieut. Jacques De L. Lafitte, First United States Infantry.

Third Regiment of Volunteer Engineers.

TO BE SECOND LIEUTENANT.

Alfred Hampton, of Texas.

Fourth Regiment of Volunteer Infantry.

TO BE SECOND LIEUTENANTS.

Richard T. Ellis, of Ohio.

Kent Browning, of Ohio.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Lieut. Col. Henry Erastus Noyes, Second Cavalry, to be colonel.
Maj. William Augustus Rafferty, Second Cavalry, to be lieutenant-colonel.

Capt. Argalus Garey Hennisee, Eighth Cavalry, to be major.

First Lieut. Joseph Theodore Dickman, Third Cavalry, to be captain.

First Lieut. John Fulton Reynolds Landis, First Cavalry, to be captain.

Second Lieut. William Thomas Johnston, Tenth Cavalry, to be first lieutenant.

Second Lieut. William Headley Osborne, First Cavalry, to be first lieutenant.

Artillery arm.

First Lieut. John R. Williams, Third Artillery, to be captain.
First Lieut. George Lucius Anderson, Fourth Artillery, to be captain.

TRANSFERS IN THE ARMY.

Second Lieut. Robert McCleave, from the artillery arm to the infantry arm.

Second Lieut. Conrad Stanton Babcock, from the infantry arm to the artillery arm.

POSTMASTERS.

William B. Brush, to be postmaster at Austin, in the county of Travis and State of Texas.

James A. Tomlinson, to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky.

John M. Frazier, to be postmaster at Oxford, in the county of Lafayette and State of Mississippi.

George I. Cunningham, to be postmaster at Charleston, in the county of Charleston and State of South Carolina.

George N. Julian, to be postmaster at Exeter, in the county of Rockingham and State of New Hampshire.

S. H. Flanagan, to be postmaster at Longview, in the county of Gregg and State of Texas.

Gus Michaelis, to be postmaster at Mound City, in the county of Pulaski and State of Illinois.

Robert C. Boehm, to be postmaster at White Hall, in the county of Greene and State of Illinois.

John W. Jolls, to be postmaster at Middletown, in the county of Newcastile and State of Delaware.

Cassius M. C. Weedman, to be postmaster at Farmer City, in the county of Dewitt and State of Illinois.

William Stickler, to be postmaster at Lexington, in the county of McLean and State of Illinois.

Charles S. Neeld, to be postmaster at Normal, in the county of McLean and State of Illinois.

Warren F. Clock, to be postmaster at Islip, in the county of Suffolk and State of New York.

Charles F. Maxwell, to be postmaster at North Brookfield, in the county of Worcester and State of Massachusetts.

Richard Waring, to be postmaster at Abilene, in the county of Dickinson and State of Kansas.

Arthur W. Stedman, to be postmaster at Wakefield, in the county of Washington and State of Rhode Island.

Charles T. Raymer, to be postmaster at Collinwood, in the county of Cuyahoga and State of Ohio.

Robert Murray, to be postmaster at Warrensburg, in the county of Warren and State of New York.

Mary M. Force, to be postmaster at Selma, in the county of Dallas and State of Alabama.

Bernard Roddy, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey.

Alexander McCormick, to be postmaster at Berryville, in the county of Clarke and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 14, 1898.

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. DINGLEY. Mr. Speaker, I desire to make a correction. On Saturday, in presenting the concurrent resolution giving directions for the enrolling clerk, I remarked, in reply to a question, that certain omissions had probably taken place in enrolling the war revenue bill at the Government Printing Office, as I was then informed was the case. I find, however, that this is by no means certain, and that the omission might have taken place under various circumstances. I desire to add that I have always found the Government Printing Office accurate in its work and excellent in its typography in every direction. I make this remark in justice to the Government Printing Office.

CLAIMS UNDER THE BOWMAN ACT.

Mr. MAHON. Mr. Speaker, the Committee on War Claims, to which was referred the bill H. R. 4936, an act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, with Senate amendments, have directed me to report back unanimously that the House nonconcur in all the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take up the bill the title of which the Clerk will read.

The Clerk read as follows:

H. R. 4936. An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

The SPEAKER. There are amendments made by the Senate, and the gentleman asks that the House nonconcur in all the amendments and ask for a conference.

Mr. LOUD. I prefer, Mr. Speaker, that the matter should lay over for a day or two.

Mr. MAHON. I think I can explain to the gentleman from California.

Mr. LOUD. I understand it now, Mr. Speaker. The gentleman can not explain anything. I prefer that the matter should lay over for a day or two. I know that in my State there are three or four million dollars claimed in there, and there is an agreement to put them out, and there is nothing more that the gentleman can explain.

Mr. RICHARDSON. The House is not to blame for that.

Mr. LOUD. Let the House take care of it.

The SPEAKER. Objection is made.

WILLIAM STEPHENSON SMITH.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent to take up the conference report on the bill (H. R. 6209) to pension William Stephenson Smith.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6209) to pension William Stephenson Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its disagreement to the amendment of the Senate, and agree to the same.

H. R. GIBSON,

V. WARNER,

E. W. MIERS,

Managers on the part of the House.

J. H. GALLINGER,

J. O. PRITCHARD,

JOHN L. MITCHELL,

Managers on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The committee of conference of the two Houses, after full and free conference, have agreed that the House recede from its disagreement to the Senate amendments, and agree to the same.

The House bill placed the name of William Stephenson Smith on the pension roll, leaving the rate to be determined by the Bureau itself according to the disabilities of the soldier shown to be of service origin.

The Senate amendments limit the pension to \$12 per month, and such is the effect of the conference report. The other amendment is merely formal.

Dated June 13, 1898.

HENRY R. GIBSON,
V. WARNER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MOSES PENDERGRASS.

Mr. ROBB. I ask unanimous consent that the bill (S. 242) for the relief of Moses Pendergrass, of Missouri, be referred to the Committee on the Post-Office and Post-Roads. I will state that I introduced a bill similar to this, which was referred to the committee I have just named. This Senate bill, which was referred to the Committee on Claims, was reported back to the House on May 11 with the recommendation that it be referred to the Committee on the Post-Office and Post-Roads.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the reference of Senate bill No. 242, for the relief of Moses Pendergrass, of Missouri, be changed from the Committee on Claims to the Committee on the Post-Office and Post-Roads.

The bill was read.

The SPEAKER. The third clause of Rule XXI provides that—No bill for the payment or adjudication of any private claim against the Government shall be referred except by unanimous consent to any other than the following-named committees.

And the Committee on the Post-Office and Post-Roads is not one of the committees named; so that to refer the bill in the manner indicated by the gentleman from Missouri requires unanimous consent. Is there objection?

Mr. DINGLEY. I think that private claims ought to be referred to no other committee than the Committee on Claims or the Committee on War Claims.

The SPEAKER. Objection is made.

IMPROVING DEEP CREEK, VIRGINIA.

Mr. WISE. I ask unanimous consent to call up for present consideration House concurrent resolution No. 18, directing the Secretary of War to prepare and submit an estimate of the cost of widening and deepening Deep Creek, Virginia, from the south branch of the Elizabeth River to the new lock at the Dismal Swamp Canal. A resolution of this kind has already been adopted by the Senate, and this proposition has received the favorable recommendation of the Committee on Rivers and Harbors.

Mr. DINSMORE. I must ask for the regular order.

HAWAII.

The House, according to order, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. HITT. I yield to the gentleman from Ohio [Mr. GROSVENOR] such time as he may require, not exceeding one hour.

Mr. GROSVENOR. Mr. Speaker, I propose to address myself for a few moments to the consideration of the question involved in the pending resolution. I do not believe that this question can, with propriety or with patriotic devotion to duty, be made a party question, and therefore I shall make no appeal to any member on this side of the House to waive his personal judgment because this is or has been or may be a measure indorsed by a party platform.

From the beginning of the Government down to the present time we have had stormy controversies over the question of acquisition of territory. Starting out with the proposition that there could be no acquirement of territory except by treaty, Mr. Jefferson, with a bold admission that he had no constitutional right to do what he did, made the splendid acquisition that more than any other act of his Administration made his Administration great.

It ought to be said, however, that the first President of the United States was assailed by the same theory of politics that we have had recently proclaimed on this floor. And when the title was settled to the great Northwestern Territory, where freedom was first established by law, and out of which five magnificent States of the Union have been carved, the same question that has been made so eloquently and forcibly on this floor was made in opposition to the acquisition of that splendid territory.

Take the map of the country and imagine, if you can, the opponents of this system of expansion having carried their views into the executive action of the country, and you will discover a United States limited by the Ohio River on the west and by the line of Kentucky down to the point where we strike the Louisiana purchase. And every foot of this mighty domain that has been added to the map of my country by the successive acts of Washington and Jefferson and their great successors has been acquired over the protest and the learned disquisitions upon constitutional law of a great body of men holding the same sentiments that we have heard here during this debate on this floor.

There is no power expressly given to the United States in the Constitution to acquire territory by conquest. It is not stipulated in the Constitution of the United States that we can acquire territory. And yet gentlemen come here and say that they will select out acquisition by treaty, acquisition by conquest, and stop there, and deny to the General Government the power to acquire territory by any way not specifically named in the Constitution. That is the old contest between a strict construction of the Constitution and a liberal construction of the "general-welfare" clause of the Constitution.

It is the same thing that at one time arrayed a mighty party in this country against the constitutionality of the appropriation of money by Congress for the improvement of rivers and harbors. Just as wise arguments, just as potential in the matter of learning and eloquence, were made for a quarter of a century upon the floor of these bodies to show that, because it was not written in the Constitution that it was legal and legitimate to appropriate money for the improvement of rivers and harbors, therefore, under a strict construction of the Constitution, we could not appropriate a dollar of money for that purpose. And that was over and over and over again reiterated in the political platform of those days.

So all along the line there has been a growth of constitutional construction which resulted, so far as territorial acquisition is concerned, in this: That the power of Congress being sovereign over the territory of the United States, and this being a sovereign nation, it has inherently self-sustaining power—the right to do any act not prohibited by the Constitution which, in the judgment of Congress, is beneficial and necessary for the preservation, the growth, the development, and the prosperity of the country. There is a platform that sufficiently covers the ground of this argument for my purpose. It not being forbidden that this joint resolution shall be effective and operative, I assign it to the powers in Congress covered by the general declaration of the Constitution that gives to the General Government the power which I have already described.

I regret, therefore, that there should be any attempt made here to make this a political question. It does not affect the passage of this joint resolution. It can not turn back the clock of the age that is striking. America is entering upon the dawn of a new epoch in its history. No party organization can turn back the hands upon that mighty dial. No puny declaration of a party platform can turn aside or silence the voice of the American people upon this mighty question.

Therefore I shall address myself, in the few moments that I shall occupy, not to an appeal to Republicans and not to an appeal to Democrats. If I wished to pave the way for the utter annihilation of the Democratic party as a political organization; if I had the power to make and select issues on which and under which and through which that party should go to an oblivion that the ages would never break the silence of, I would ask them in this heroic hour to plant themselves as a party organization against the pathway that the people of the United States have ordained to travel and which, with the mighty tread of an irresistible host, they are traveling.

Mr. Speaker, I listened with great interest to the very able speech of the gentleman from Arkansas [Mr. DINSMORE] on Saturday; and while he made but one new proposition, but one point that has not, as I have already shown, been repeated year after year as these instances have arisen, he spoke so earnestly and so ably that I was attracted to his argument and followed it carefully from the beginning to the end. I shall not attempt to reply to the detail of his argument; but I was struck very forcibly by his proposition, which he made with so much emphasis in answer to the general argument upon this side, which he anticipated, that there was at this particular time a military necessity for the acquisition of the Sandwich Islands for the military and naval purposes of the United States.

I had never heard the suggestion made before, and as I listened to him, going forward step by step to demonstrate that there were two harbors away up at the extreme northwest that were situated upon a shorter route of travel from the United States to Hongkong, I was greatly interested; and finally, when he demonstrated the fact to exist that it was something like 860 miles shorter from San Francisco by way of Unalaska to Hongkong and hence to Manila, and then came back to speak of the character of those harbors, I was greatly surprised and greatly interested.

And as he proceeded to demonstrate the result which he had worked out, I began to wonder if there was not some answer to that. I could not deny his statement as to distance. I could not deny his statement as to location. I could not deny any statement that he had made, and it was the deduction that he had drawn from the demonstrated fact that I felt must be answered by the discovery of some new fact, or my side of the case would be found in a difficult position.

I applied to the Navy Department, and, through the Secretary of the Navy, to the Hydrographic Office, and finally to one of the highest authorities in the United States upon this subject, a man well known to all of us, a famous man in this country, famous in

this particular section of the globe. I refer to Commodore Melville. Those gentlemen have written out for me some comments upon the proposition made by the gentleman from Arkansas, and I think they will be quite as interesting to the House and to the people of the country as was the very interesting demonstration made by the distinguished gentleman from Arkansas.

In order that these documents may more fully meet the question, I will say that I propose to show by them that, while the distance is correctly stated by the gentleman from Arkansas, while all the material facts are exactly as he gave them, the deduction that he drew from the facts that he stated is wholly wrong, because of additional facts that he did not state and which, of course, I will assume that he was not fully advised of. The proposition struck me as very wonderful in this, that I knew that no merchant ship, as a rule and all the year round, traveled that route, and I knew the general proposition that the commercial marine of the world seeks the best lines of travel.

Nothing is left that is not discovered by them. The steamship lines that depart from New York to all parts of the world, changing their courses under conditions of the different seasons and the storms and the winds, nevertheless always find the best lines and go where the shortest routes are, in connection always, however, with safety and comfort. And knowing, as I thought I knew, as I readily ascertained, at all events, that no commercial traffic was carried by way of these northern harbors, I thought there must be a good reason for it.

I had some knowledge of the course of the vessels sailing in connection with the Canadian Pacific Railroad from Vancouver, and I knew that they even traveled farther south than Honolulu, and I discovered further, without much trouble, that until the great development of the commerce of the Sandwich Islands the rapid lines of transportation from our Pacific coast to Asiatic ports never touched at the Sandwich Islands, but that they kept over some three or four hundred miles south of Honolulu.

Later on, when the traffic of those islands began to develop, they made a deflection to the north, costing them some more miles of travel, but never did they go by way of the northern line which is described in the papers I have here. The reason of it turns out to be that that line of travel furnished no inducement to the mariner excepting the shortness of the distance. But there are existing upon that line of travel absolute obstacles that can not be overcome. Without expending any more time upon the mere question of introduction, I will read the statement prepared by Commodore Melville.

Mr. LOVE. We do not hear the gentleman very well.

Mr. GROSVENOR. With the consent of the House, I will ask the Clerk to read this document, and I want to say that wherever strong language is used it is not my language, and I want to in-dorse the general result of this language and not the language itself.

The Clerk read as follows:

Memorandum for Hon. C. H. Grosvenor, M. C., with respect to the question of the route from San Francisco to Yokohama.

The point has been made in this debate that there is no advantage in having Honolulu as a port of call on the way to Yokohama and Hongkong, inasmuch as Unalaska, which is already in our own Territory, is on the shortest route to the Orient, and therefore we now have a port without annexing any other territory.

This statement is one of those specious half truths which are often worse than absolute errors in deceiving persons who have not possession of all the facts, but I shall now proceed to show that for purposes of commerce this raising the question of Unalaska is a mere farce.

I shall discuss in a few moments the question of the difference in the distance from San Francisco to Yokohama via Honolulu and via Unalaska, but I shall first call attention to the fact that a less desirable port of call than Unalaska would be hard to find. It is situated above the fiftieth parallel of north latitude, and has practically nothing but a harbor to recommend it. There is no trade or commerce, no repair shops; in fact, nothing whatever to attract a great mail steamer proceeding from the metropolis of our Pacific coast to the gateway of the Orient at Yokohama.

Any one at all familiar with the sea is aware that one of the greatest dangers to navigation is fog, and the sea about Unalaska is one of the foggiest regions in the whole world. Probably nearly everybody present has enjoyed reading the poems of Rudyard Kipling known as "The Seven Seas," which include a short one called "The Rhyme of the Three Sealers," and he there depicts in most graphic style the density of the fog which is found in the neighborhood of this port which my friends have advertised as so desirable as a port of call. Of course I have not rested content with Mr. Kipling's poem alone, but have taken pains to verify the statements there made by inquiring of naval officers and others who have spent considerable time near the Aleutian group, and they have told me that Mr. Kipling's picture is not overdrawn at all.

There are times, however, in the winter when there is clear weather, but then this most attractive port is closed by the ice, for, in spite of the Japan current, which corresponds to the Gulf stream in the Atlantic, the region around Unalaska is blocked with ice. There are, of course, openings in this ice, and vessels that make a business of arctic cruising might utilize them, but it can be readily appreciated that the fine passenger and freight steamers sailing from San Francisco are not going to run this risk.

Now let us compare with this region of ice and fog the earthly paradise which Hawaii will furnish us. Here there is never a fog, and perpetual summer makes ice a luxury of manufacture. Situated in the belt of the northeast trades, the climate is almost perfect, and navigation is rarely troubled with a storm. Honolulu itself is practically an American city planted in these isles of the Pacific, with all the modern features of civilized life, and already a port of call for several steamship lines. The industries of the island group have built up machine shops which are capable of making almost any of the repairs needed on steam vessels short of complete break-

down of the largest shafts. In other words, we have at Honolulu not only a splendid harbor, but all the other features which go to make up a desirable port of call, almost midway in the great ocean which separates our western shores from the Orient.

While a recollection of the geometry we studied in our school days teaches us that a great circle on a sphere is the shortest distance between any two points on its surface, experience in the Atlantic should teach us that this alone would not throw the steamer routes in a given direction, and it is a well-known fact to all who have crossed the Pacific that the course now followed by steamers, even when they do not touch at Honolulu, is by no means on the great circle course which goes near Unalaska. The people who run the merchant-steamers are very practical, and when they take a given course it is because it means a saving in money to the owners and in length of voyage to the passengers.

On the more southerly route the weather is uniformly fine, and the Pacific deserves its name; but on the route which would be taken if ships went by way of Unalaska there is not only the difficulty of fog and ice, but terrific storms and dangerous rocks and shoals, which are entirely absent from the more southerly route. It is very safe to say that the line of steamers which would undertake to make the voyage from San Francisco to Yokohama by way of Unalaska would very shortly surrender all its business to those who follow the more southerly route.

It thus seems to me very clear that the argument against the annexation of Hawaii on the ground that Unalaska would answer as an intermediate point of call instead of Honolulu is not only utterly untenable, but, in the light of all the facts of the case, simply ridiculous.

As a matter of fact, the great-circle track from San Francisco to Yokohama does not pass through Unalaska, but is 370 miles south of it. The distance between San Francisco and Yokohama on the great-circle route is something over 4,500 miles, but the majority of the tonnage engaged in trans-Pacific navigation passes back and forth along tracks varying in length from about 4,800 to 5,500 miles.

Hitherto, in considering the steamship routes between San Francisco and the Orient, Yokohama has always been the first port of call; but if we consider the possibility that the Philippines may become a part of our possessions, the route via Honolulu would be no farther from the great circle track than that via Unalaska, while, as has already been shown, the conditions are such as to make the northerly route not a matter for serious consideration.

Mr. DINSMORE. Mr. Speaker, if the gentleman will allow me, inasmuch as I do not expect to speak again, I should like to call the attention of the gentleman from Ohio to the fact, which I assert to be a fact, notwithstanding this statement of Commodore Melville, for whom I have great respect on account of his high character and ability—I want to state, and it can be demonstrated here, that there is a line of British steamers running on that route regularly and that they do run within sight of those islands.

Mr. GROSVENOR. What is the name of the line?

Mr. DINSMORE. It is a line of the Canadian Pacific.

Mr. JONES of Washington. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. No; I can not yield any more time.

Mr. JONES of Washington. Just one moment.

Mr. GROSVENOR. I can not answer questions. My time is limited and I must go on.

Mr. JONES of Washington. I simply desire to call the gentleman's attention to a question of fact in connection with this matter.

Mr. GROSVENOR. I am dealing entirely with facts myself, and have a large stock of them on hand. Mr. Speaker, I have here a paper prepared by the Chief Intelligence Officer of the Navy Department, also a former member of the Hydrographic Office, which is along the same line, except very much stronger and more in detail, which statement I will put into my speech under the rule already laid down by the House.

NAVY DEPARTMENT, OFFICE OF NAVAL INTELLIGENCE.

Washington, June 13, 1898.

SIR: Your letter of June 11, 1898, addressed to the honorable Secretary of the Navy, requesting data in regard to routes from San Francisco to Manila, has been referred to me.

I take pleasure in sending herewith the data requested. It is brief, but I think covers all the points which you wish. The only way for a steamer to go to Manila from San Francisco is by a hump or straight line, during ten months in the year, which would take them quite near to the Sandwich Islands. But the most important point is the statement of the Bureau of Steam Engineering that we have not a ship in the service, except the *Minneapolis* and *Columbia*, which could make the voyage from San Francisco to Manila without recaling on the way.

I have the honor to be, respectfully,

JOHN R. BARTLETT,

Captain, U. S. N., Chief Intelligence Officer, and former Hydrographer.

Hon. C. H. GROSVENOR,
House of Representatives.

Routes from San Francisco to Manila, prepared in Office of Naval Intelligence, by John R. Bartlett, Chief Intelligence Officer, Captain, United States Navy.

On the accompanying chart, which is a copy of the pilot chart of the North Pacific Ocean, published by the Hydrographic Office, No. 1401, are shown the various routes between San Francisco and Manila which may be discussed.

The route "B" is the great circle route, and is the shortest. Its length is 6,254 miles. This route is best adapted for the eastward voyage at nearly all times of the year, and possibly the westward voyage in the summer months.

The disadvantages of this route from San Francisco to Manila are, first, the adverse current, which, approximating 1 mile an hour, would add to the apparent length of this great-circle route for a vessel going at a speed of 10 knots, which is the economical speed for our men-of-war, an additional run of 500 miles. It must be remembered, too, that fogs prevail at all times of the year in the northern part of the Pacific Ocean, and this in itself is additional objection to the northern route. In fact, considering the adverse currents, bad weather, the wear and tear on the ships, steamers would generally take the hump-line course, which measures from San Francisco to Manila 6,500 miles.

The hump-line course (marked "C") from San Francisco to Yokohama, 4,791 miles, or the course marked "E," 6,500 miles from Manila, would, under

the average probabilities of weather and the seasons, be the line pursued in preference to the great-circle route.

A further advantage of this route is that the location of the Hawaiian Islands would enable the vessels to divert the course so as to call in at Honolulu either for repairs, coal, or other stores as would be necessary. In fact, with the exception of the *Columbia* and *Minneapolis*, there are no data in steam engineering to show that any of our vessels can cross from San Francisco to Manila without recalling.

It is therefore good seamanship, in the proper prosecution and successful termination of a voyage, to stop at Honolulu for the necessary coal. The distance from San Francisco to Honolulu is 2,100 miles. The distance from Honolulu to Manila is 4,800 miles, shown on the chart as D D'.

A glance at the chart, too, will show that from San Francisco, either using the rhumb line or the great-circle route via Honolulu, a vessel bound to the Asiatic station will have favorable winds, favorable currents, and good weather.

To revert to the northern routes, the route shown on the Chart A is the shortest route from Puget Sound, and yet is only used by the northern companies for one or two months of the year, the danger of fog and bad weather having shown that a more southerly course is advisable for the ports of San Francisco, San Diego, and the prospective route via the Nicaragua Canal. It is unquestionable that a route to the Asiatic station via the Hawaiian Islands is indispensable.

Kiaki Island, one of the western islands of the Aleutian group, is a good anchorage in all weathers. It is, however, almost always surrounded by fog and is in the region of high winds and much bad weather. It is fully 300 miles north of the great-circle route between San Francisco and Manila or Hongkong.

DIFFERENT ROUTES FROM SAN FRANCISCO TO MANILA.

Great circle route B, 6,254 miles. Advantage, shortest distance. Disadvantage, rough weather; variable winds; adverse currents of about 1 mile an hour; fogs.

Rhumb line E, usual route, 6,500 miles. Advantages, generally favorable weather; favorable winds; little current.

Southern route via Honolulu, DD, distance, 6,900 miles. Disadvantage, longest route. Advantages, good weather; fair winds; favorable current of nearly 1 mile an hour, with good harbor for recalling and refitting at about one-third the distance across. Furthermore, the numerous islands along this course, which are not inhabited, would give additional anchorages for coaling, if necessary.

It will be seen by an examination of the two arguments which I have produced that there is nothing available in the emergency of this hour growing out of the suggestion of the gentleman from Arkansas [Mr. DINSMORE]. Now, I am not going to cover the whole ground of this case, and I am coming to another question, in connection with which I will also offer a few facts in reply to what the gentleman from Missouri [Mr. CLARK] stated, that organized labor in this country had become frightened at the probable overthrow of the free institutions of our Government by the Mongolian inhabitants of the Sandwich Islands.

I felt sorry for my friend from Missouri, as I believed then and I believe now that he sincerely feared that the institutions of our country are seriously threatened by the extending of the flag of the American Constitution and the American flag over 25,000 almond-eyed sons of the East. I for one do not believe that there is any danger. I have a higher opinion of the Christian civilization of my country, and I do not believe that the 75,000,000 people of the United States, with their intelligence, their education, their wonderful power of self-protection, are in any danger or that their liberties are in any danger by reason of the Portuguese, the Japanese, or the Chinese, and if my friend will devote himself to always securing the market of the United States, and indirectly the market of the world, against the incursions of the cheaper labor of Japan, by processes which his intelligence will at once commend to him, I will undertake to stand bail for him that during his lifetime this fabric of government will not be subverted by the Chinese from the Sandwich Islands.

Mr. CLARK of Missouri. I do not have any idea that it will have any effect in my time or your time; but your children and my children have got to live here forever.

Mr. GROSVENOR. I will tell my children to take care of themselves, as their forefathers did.

Mr. CLARK of Missouri. Give them a chance and they will.

Mr. GROSVENOR. I will say to them, they need shed no tears over the prospects of their future. I will suggest that they are subject to the consolation of the old hymn, which I commend to my friend:

Ye fearful saints, fresh courage take;
Those clouds ye so much dread
Are big with mercy, and will break
With blessings on your head—

in the extension of the territory and grandeur of your country, if it does not get around in due time for you. [Laughter.]

Now, the gentleman spoke of the opposition of organized labor to the passage of the bill. There has been published in a morning paper a declaration of a certain gentleman who says that he is opposed to the admission or the acquisition of these islands because he has some fears—born, in my judgment, of a lack of intelligence and of a lack of experience in the United States, and a lack of knowledge of its institutions; born of the fact that he was not born under them. I hold in my hand and will publish a letter from representatives of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railway Trainmen, the Order of Railway Telegraphers, and a telegram just received from Montreal from Mr. Sargent, the head of the Brotherhood of Locomotive Firemen and Locomotive Engineers, and also a letter from a

distinguished gentleman representing the Order of Knights of Labor, and I will summarize what they state.

They state, first, that there never was any action by the organized labor of this country against the acquisition of these islands, and they state, in the next place, that so far as their knowledge goes they are all of them in favor of this acquisition. I can not conceive how it is possible that the workingmen, the laboring men of America, can be opposed to the opening up of the magnificent opportunities that seem to me to be presented by the acquisition of these islands.

WASHINGTON, D. C., June 13, 1898.

DEAR SIR: In reply to your inquiry of even date as to the feeling of "organized labor" on the question of the annexation of Hawaii, I beg leave to state that my individual opinion, based on thirty-three years' experience as a wage-earner and twenty years among organized men, constrains me to take issue with Mr. Gompers, who was quoted as opposed to annexation by Hon. CHAMP CLARK of Missouri, in his speech in the House of Representatives on Saturday last.

In this opinion Mr. Gompers should have been quoted as an individual and not as a representative of organized labor, and no man has authority to say that organized labor is for or against annexation, for the question has never been placed before organized labor.

Mr. Gompers himself, I am reliably informed, is a man of limited experience as a wage-earner, and does not correctly gauge the patriotic feeling among American workingmen, who desire to uphold in time of war the Administration, regardless of their own political opinions, and he seems to ignore their oft-expressed desire to "extend commerce and multiply the opportunities to labor." My belief is that Mr. Gompers, on this question, stands almost alone, as I am informed he did at the last convention of his own organization on the anti-Cuban war resolution.

I have the honor to be, very respectfully,

A. M. LAWSON,

Master Workman District Assembly 66, Washington, D. C.

Hon. CHARLES H. GROSVENOR,
House of Representatives.

THE HOTEL RALEIGH, Washington, D. C., June 13, 1898.

DEAR SIR: In reply to your communication of the 11th instant concerning the position of organized labor on the annexation of Hawaii, permit me to state that I know of no labor organization, or any branch of it, which has taken any action on the matter. No doubt some members prominently identified with labor have expressed themselves on the subject one way or another as their individual opinions had led them, but the question has not received that consideration, to my knowledge, which the American workman does and should give to matters bearing on his interests.

Organized labor, in my opinion, should never be identified with partisan politics. We should at all times be free to strike an enemy or to assist a friend. In either case our memory should be good, irrespective of whatever his political party affiliations may be, for I hold that to advance the interests of organized labor is to advance the best interests of the state, and that is the first duty of every citizen worthy of the name. This is the school and the teaching which dominate the organizations which I have the honor to represent.

As to the annexation of Hawaii, which in no sense is a party issue, while it is true that we have not in any council or convention taken any position on the matter, it is also true that the sentiment of the great mass of the membership favor the proposition, as do many of their chief executive officers, as shown by the inclosed telegrams. This expression has become more pronounced as the apparent necessity grows since the brilliant victory of Manila. Such feelings are inspired by the same motives which prompted so many of our members to enter the volunteer service.

It is not at all probable that in the event of annexation the condition of labor in Hawaii would or could be transplanted to this country, no more than the quasi serfdom of Mexico would find lodgment under our Constitution, but, on the contrary, I submit there is every reason to believe that the advanced intelligence, conservatism, and patriotism of the organized American workman would meet such conditions and vastly improve them. There are so many illustrations that it would be idle to enumerate them.

Yours, truly,

W. F. HYNES,

Representing Brotherhood Locomotive Engineers, Brotherhood Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railway Trainmen, Order of Railway Telegraphers.

Hon. C. H. GROSVENOR,
House of Representatives, Washington, D. C.

MONTREAL, QUEBEC, June 11, 1898.

W. F. HYNES, Raleigh Hotel, Washington, D. C.:

As an American citizen, I am heartily in favor of the annexation of Hawaii.
F. P. SARGENT,
Chief of Brotherhood of Locomotive Firemen.

PEORIA, ILL., June 11, 1898.

W. F. HYNES (care of C. Grosvenor):

Answering your telegram, in my opinion the United States should annex the Hawaiian Islands. The necessity of our control over the islands in time of war is now apparent to everyone. Commercially, too, they are of great importance to us.

P. H. MORRISSEY,
Grand Master Brotherhood Railroad Trainmen.

CEDAR RAPIDS, IOWA, June 11, 1898.

W. F. HYNES, The Raleigh, Washington, D. C.:

In the position which it seems the United States must hereafter occupy, I deem Hawaii a very valuable, if not indispensable, acquisition.

E. E. CLARK,
Chief Order of Railway Conductors.

Mr. Speaker, I am going to save time, reserve time for the benefit of other gentlemen who desire to speak, and I propose to adopt as part of my own report made to the Republican Club of the city of New York upon the very interesting question of territorial evolution, made on the 16th day of May, less than a month ago. It points out the advantages and consoles my friends on

this floor who are anxious about the subject of the subjugation of our laborers by the acquisition of territory.

"Territorial Evolution"—A report presented to the Republican Club of the City of New York, by C. H. Denison, chairman of committee on national affairs, May 16, 1898.

The events through which this nation has been passing during the last three years, and their climax in the crisis now upon us, serve to throw into clearer light and impress more deeply on public attention the theme of this paper.

The universal interest in the subject, its great importance and the attitude of the Government, standing in such violent contrast to that which has been steadily maintained for a hundred years are considerations which demand careful study and a decision in accordance with the changed condition of the world.

Hitherto the discussions of the subject have been restricted to specific instances of acquisition, never broadening into a consideration of the subject as a general proposition, nor attempting to lay out a definite programme showing the extent and limitations within which the boundaries of the Republic may legitimately aspire.

A careful review of the arguments that have been put forth relative to acquisitions past and pending suggests that their general substance and tenor logically point to such a plan as is expressed in the following propositions:

First. The pacific character of the Government must ever be maintained, and therefore there shall be no acquisitions by aggressive war for the purpose of conquest.

Second. No continental territory shall be acquired beyond the boundaries of North America.

Third. No considerable population shall be brought into the Republic till they have proved their capacity for self-government.

Fourth. Subject to the above rules, it should be the settled policy and constant aim of American statesmanship to extend the boundaries of the Republic to include the whole of the continent of North America, the Hawaiian Islands on the west, and on the east of us all the islands located in such proximity to our coast as to be conveniently used against us as bases of hostile operations by any nation with which we may be at war; and beyond these limits, such stations for coaling and repair as may prove necessary for the maintenance and protection of a world-wide commerce. In presenting the arguments in support of these propositions the question as to the constitutionality of territorial acquisition is, in the matter of its importance, the first point to claim consideration.

The familiar clause of the Constitution which prohibits to the General Government all powers not expressly delegated to it by that instrument and the silence of the Constitution on the subject of territorial expansion became a serious stumbling block to President Jefferson on the first scheme of national aggrandizement in the acquisition of the territory of Louisiana.

Belonging to the school of strict constructionists, he believed that any acquisition of territory would be a violation of the fundamental law, and he would gladly have cleared the way for that purchase by a further amendment of the Constitution. But the opportunity was in hand and could not wait on the slow process of amendment. The purchase must be made at once or the great opportunity would be lost, and in all probability forever.

So high an estimate did he place on the importance to the Republic of securing the possession of this territory and thereby the control of that great highway of internal commerce, the Mississippi River, that he did not hesitate to violate the Constitution as he understood it, purposing to procure a subsequent ratification of the act in a constitutional amendment that should make specific provisions for future acquisitions. But the strict constructionists were fortunately in the minority. The wise opinion prevailed that the power to acquire territory was inherent in the very nature of government. The project of amending the Constitution was abandoned, and the troublesome question was deemed to be settled in favor of the constitutionality of territorial acquisition for all time.

The precedent set in that case has been followed by all departments of the Government till the present time. "The instances in which the Executive has interpreted the Constitution in favor of annexation," says Mr. Loren B. Thurston, "are eleven in number: By the negotiation of treaties for the annexation of Louisiana in 1803; Florida in 1819; California, New Mexico, and Arizona, in 1848; the so-called Gadsden purchase of the southern portion of New Mexico and Arizona in 1853; and Alaska in 1867, all of which were ratified by the Senate. Treaties were also negotiated by the Executive for the annexation of Texas in 1837 and 1843; Hawaii in 1854; Santo Domingo in 1870; Hawaii in 1893 and again in 1897, which last treaty is now pending before the Senate."

Three times, in different ways, has Congress recognized the doctrine, and four times has it been favorably adjudicated by the Supreme Court of the United States. In the first of these cases, *The American Insurance Company vs. Canter*, Chief Justice Marshall, in rendering the opinion of the court, said: "The Constitution confers absolutely on the Government of the Union the power of making wars and making treaties; consequently the Government possesses the power of acquiring territory either by conquest or treaty."

In the case of *The Mormon Church vs. The United States* (130 U. S. R.) the court says: "The power to acquire territory is derived from the treaty-making power and the power to declare and carry on war. * * * The incidents of these powers are those of national sovereignty and belong to all independent governments."

Beyond these recorded authorities we venture the assertion that the acquisition of territory is clearly covered by the clause of the Constitution which enjoins on Congress the duty of providing for the national defense. To acquire territory that is necessary for defensive purposes is as clearly within this provision as the purchase of ships and other war material of foreign construction.

The limitation of Federal powers to those expressly conferred by the Constitution may properly be considered as referring only to matters of controversy arising between the General Government and any of the States, involving questions in which the interests of the two are at variance.

This provision was the outgrowth of that jealousy of vested local rights and dread of their surrender that pervaded all the debates on the Constitution and which long survived its adoption in the arrogant assumptions and obnoxious displays of the doctrine of State sovereignty. Under this view the restrictive clause of the Constitution must be interpreted as not being in any wise inimical to the extension of the national domain for purposes of defense, since in such cases the interests of the States and the General Government are identical.

In the absence, then, of any specific provisions in the Constitution relating to the question of territorial expansion, the practice of the Government becomes supplementary to the Constitution, as inviolable as the Constitution itself; and since this power has been exercised repeatedly from the purchase of Louisiana in 1803 to the Hawaiian treaty in 1897, it should be agreed that the constitutionality of acquisitions is fully established and closed, and that any further revival of it is as impertinent and unpatriotic as the attempt to reopen the issues that were forever settled at Yorktown in 1781 and at Appomattox in 1865.

The only question, then, for consideration in relation to any project of territorial acquisition is the question of expediency.

Regarding future acquisitions of continental domain it may be confidently asserted that whenever our neighbor of British America, either with, or possibly without, the assent of the mother country, shall make voluntary application to unite her destinies with the Republic, her admission to the Union would be hailed with enthusiasm by the American people. The objections that have been raised against every other extension of territory would be futile against a population in all respects so homogeneous and congenial as the people of Canada.

What may not inappropriately be called the case of operations in the field of polemics on this subject, the vital point around which the arguments pertinent and impertinent during three-quarters of a century, and especially for the last five years, have been centering, is the case of Hawaii. No other point within the boundaries above suggested as the proper and final limits of territorial growth can furnish in such ample measure all the elements for testing the arguments for and against annexation as Hawaii. It is not only not contiguous, it is insular and separated from our western boundary by 2,000 miles of sea.

It is objected that its productions compete injuriously with some local interests of our citizens; that its population is alien, heterogeneous, and not in a condition to sympathize with our manners and customs and yield a cheerful support to our laws and institutions; that it would excite the jealousy and provoke the hostility of other nations; that it would add a new expense to the burden of government in the armaments required to defend it. In short, it contains all the grounds possible in any supposable case of acquisition to excite the fears and rouse the opposition of the enemies of further acquisition, and therefore if, after all has been said that can be said against this particular acquisition, the verdict is still clearly in its favor, then the question of expediency must be considered as effectually settled as the question of constitutionality, and every other territory within the ultimate limits suggested must drift to us as the legitimate and undisputed dower of the peaceful processes of evolution.

A glance at the literature contributed to the subject since the launching of the Republic of Hawaii on January 10, 1893, shows that the enemies of all further expansion have not only been aroused, but have been diligent, and reveal the weakness of their cause in the absurdities marshaled to maintain it.

The late George Ticknor Curtis opens an argument in the *North American Review* for March, 1893, with the following carefully stated proposition:

"In answering the question, 'Can Hawaii be constitutionally annexed to the United States?' I shall maintain the following proposition: That a foreign country can not be incorporated into the American Union unless two things concur—first, that the foreign country is contiguous to territory of the United States; second, that in the judgment of the people of the United States, as represented by their Government, there is a controlling public necessity for the acquisition."

Then he cites the three acquisitions of Louisiana, Texas, and Alaska, and proceeds:

"These three precedents establish the proposition which I laid down at the beginning of this article. They put a construction on the Constitution which can not be lightly set aside. If I am asked why there should not be a new precedent made which will extend the scope of acquiring foreign territory by treaty so as to make it include the acquisition of a foreign country not contiguous to the United States, my answer would be twofold: First, that the Constitution has received such an interpretation for a long period of time as would be entirely inconsistent with the making of any new precedent; secondly, that if we acquire Hawaii by a construction of the Constitution which is contrary to the long-settled one, there will be no limit to future acquisitions of the same kind."

Without further comment on his views of the "controlling necessity" for the acquisitions in each case than to characterize them as being far from convincing, it is sufficient to notice his justification of the acquisition of Alaska on the ground of contiguity, when if he had taken the pains to glance at the map he would have learned that the southernmost extremity of the dipper handle of that Territory is more than 500 miles from our border, and that a thousand miles is not adequate to measure the distance from our line to the nearest corner of the main body of the Alaskan Territory, and also that this acquisition brought to us the Aleutian Islands, stretching nearly to the western shore of Bering Sea.

So here we have the strange spectacle of a distinguished opponent of territorial growth protesting against establishing a new precedent for the acquisition of noncontiguous domain, and in the same breath approving an acquisition already accomplished which established a precedent for acquisitions both noncontiguous and insular.

At about the same date of the above article there appeared in a conspicuous periodical the amazing declaration that if any other nation should seize Hawaii and fortify it, we could take it from her in the event of our ever wanting it as easily as we could defend it against assault.

The claim that the pen is mightier than the sword reaches the climax of assumption when with a single sentence it annihilates the entire science of strategy and fortification with its Maltes and Gibralters.

And then, Professor Sumner, of the chair of social and political science in Yale University, in an article on the "Fallacy of territorial extension," in the *Forum* for June, 1896, ventures to say concerning the disputed Alaskan boundary: "If an American can go over to the English side and mine gold there for his profit, under English laws and jurisdiction, and an Englishman can come over to the American side and mine gold there for his profit under American laws and jurisdiction, what difference does it make where the line falls? The only case in which it would make any difference is where the laws and institutions of the two States were not on equal stages of enlightenment." If this be true, then boundary lines between all contiguous states existing on equal planes of enlightenment are matters of no consequence.

He says again, "If we had never taken Texas and northern Mexico, we should never have had secession," a statement absolutely incapable of proof and which could be true only on the condition of the continuation of the institution of slavery. But that slavery was doomed has been already proved in fulfillment of the famous prophecy that this nation could not endure half slave and half free.

Again, he says: "The sum of the matter is that colonization and territorial extension are burdens, not gains. Great civilized states can not avoid these burdens. They are the penalties of greatness because they are the duties of it." Then, indeed, according to Professor Sumner, the United States is not a great civilized state, and the only escape from such burdens is to take refuge in national insignificance.

Once more he says, "And extension will not make us more secure where we are, but will force us to take new measures to secure our new acquisitions," in which view he will have the cordial sympathy of the gentleman who recently declared from his seat in the United States Senate, that it is impolitic for a nation to have any possessions which it may ever be called on to defend.

In gratifying contrast against these ill-reasoned and inconclusive essays stands a long array of opinions from men whose learning, experience, and public service are a guaranty of sincerity of sentiment and soundness of reasoning.

As early as 1826 President John Quincy Adams said "that the preservation of the Hawaiian Islands from the domination or control of any other great nation is essential to the welfare of the United States." From that day to the present the doctrine thus boldly proclaimed has been the settled policy

of this Government, without break or interruption, save only by the Administration of Grover Cleveland.

With this single exception, every President, from Adams to McKinley, by tacit assent or positive declaration has been an advocate of this policy.

In 1842 President Tyler said that "any attempt by another power to take possession of the islands, colonize them, and subvert the native Government could not but create dissatisfaction on the part of the United States." Positive action to the same effect was taken by Presidents Fillmore, Pierce, Buchanan, Johnson, Grant, Arthur, Harrison, and McKinley.

The annual message of Andrew Johnson to the Fortieth Congress, December, 1868, contains the following significant sentence relative to Hawaii: "A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves at no distant day voluntarily apply for admission into the Union."

President Harrison said: "It is essential that none of the great powers shall secure these islands. Such a possession would not consist with our safety and with the peace of the world."

President McKinley, after a careful review of the successive changes in the condition of the islands that have led up to the present relations they bear to the Union, says: "Under such circumstances, annexation is not a change; it is a consummation."

Within the past eighty-five years Hawaii has been taken possession of once by England, once by Russia, and twice by France. In 1851 the American consul, E. H. Allen, went to Washington at the request of the Hawaiian Government to appeal for the interposition of this Government against the threatening attitude of France. Secretary of State Daniel Webster said to him: "I trust the French will not take possession; but if they do, they will be dislodged if my advice is taken, if the whole power of the Government is required to do it." This bold attitude was maintained by the most positive and threatening admonitions communicated directly to the French Government by Mr. Webster, and it was alone by reason of these warnings that France relinquished her designs.

In 1854 Secretary of State Marcy, in a communication to David S. Gregg, minister to Honolulu, said: "With this dispatch you will be furnished with full power to treat with the present authorities of the Hawaiian Government for the transfer of the Sandwich Islands to the United States." With equal force and directness has this policy been supported by Secretaries Seward in 1867, Fish in 1873, Blaine in 1881, Bayard in 1886, Foster in 1893, and Sherman in 1897. Mr. Blaine insisted that whenever the maintenance of a benevolent neutrality for Hawaii should prove impracticable, "this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented."

Mr. Bayard, in commenting on the Fish treaty of the Grant Administration, said: "It was simply a matter of waiting until the apple should ripen and fall. Unfortunately, nothing was done by Congress in pursuance of this easy, legitimate, and perfectly feasible process of acquisition."

United States ministers and agents to Hawaii have been unanimous in supporting this policy with the single exception of the paramount commissioner of the Cleveland Administration.

The criticism that these opinions are discredited by the fact that they are the opinions of civilians, yet based on considerations of strategy, can not avail, since they are vehemently sustained by the most distinguished living experts in naval and military science, among whom are General Schofield, General Alexander, Captain Wiltse, Captain Mahan, Admiral Belknap, and Admiral Brown. Captain Mahan, who is acknowledged in all countries as the highest authority on such matters, says:

"Too much stress can not be laid upon the immense disadvantage to us of any maritime enemy having a coaling station within 2,500 miles, as this is, of every point of our coast from Puget Sound to Mexico. Were there many others available, we might find it difficult to exclude from all. There is, however, but one. Shut out from the Sandwich Islands as a coal base, an enemy is thrown back for supplies of fuel to a distance of 3,500 to 4,000 miles, or between 7,000 and 8,000 going and coming, an impediment to sustained maritime operations well-nigh prohibitive. It is rarely that so important a factor in the attack or defense of a coast line, of a sea frontier, is concentrated in a single position, and the circumstance renders doubly imperative upon us to secure it if we rightfully can."

And finally, General Schofield says: "The Hawaiian people must have protection from some quarter. If they can not get it from the United States they will have to reach out for it in some other direction. To fail those people now would be a crime."

It should seem that this array of opinions from statesmen and strategists would be sufficient to silence the objections of those who have given no time to the study of the subject, yet we desire to submit a few plain facts that must be readily understood by all.

The conclusion is as evident as anything that can be deduced from human experience that hostilities are far more likely to arise between contiguous nations than between nations widely separated from each other. The ancient quiet of eastern Asia has been broken by the introduction of European rivalries and jealousies, and aggravated by the marvelous development and growing ambition of Japan. Students of the future have already predicted that the close of the twentieth century will witness on the Pacific Ocean the greatest commerce the world has ever known. Present conditions indicate that at its eastern terminus the bulk of this commerce will belong to the United States, while at its western terminus it will meet the eager competition of England, France, Germany, Russia, China, and Japan. This commerce would be at the mercy of a war fleet operating from Pearl Harbor.

Hawaii in the possession of either of the oriental nations, by reason of the great military advantage it would give to it over its neighbors, would be a constant source of irritation, a provocative of strife. In the possession of the United States its mission would be pacific, except in the event of war between the Republic and any of those nations. But, as has already been shown, the probability of war between those nations is so much greater than of war between any of their number and the United States that the conclusion must follow that it would be much more to their interest, and no doubt to their desire also, that the islands should be held by the Republic rather than by any of their number. This arrangement would be the surest means of preserving the balance of power and would give the United States a controlling influence as an arbiter for peace and that through an agency of incalculable value for the protection of its own interests.

The fear that Hawaiian sugar would compete ruinously with the beet-sugar industry has been dissipated by simply referring to the distance from markets of Hawaiian sugar and the greater time required to mature a crop of Hawaiian than of beet sugar.

Nor is the case of Hawaii obnoxious to the third rule above laid down. Even if the native population were in all respects as undesirable as it has been represented, its numbers are too inconceivable to justify the rejection of so important an adjunct to the national defenses as Hawaii has been shown to be.

The decline of the native population from half a million to 30,000 in the last century indicates its early extinction, and as its present number would be but one-tenth of 1 per cent, or one in each thousand of the population of the Republic, all apprehensions on this account are evidently groundless. But the objection is still further discredited by the fact that the native Hawaiians are peaceably disposed and easily governed, that they are favor-

able to annexation, and that a successful experiment of five years has proved the capacity of the inhabitants to govern themselves if unmolested by foreign influence, a danger that would be effectually prevented by incorporation into the Union, either under a State or Territorial government.

Hawaii is called "the cross roads of the Pacific," "the key of the Pacific," "the Gibraltar of the Pacific." Hawaii is Americanized already. It is the only place on the globe where the Stars and Stripes float over more ships than all other flags combined. Hawaii was rescued from barbarism by American energy, American piety, and American capital. Ninety per cent of Hawaiian wealth belongs to Americans. The Hawaiian Government is built on the American model. And now the Hawaiian Government offers us its assistance in our conflict with Spain, and even if the material advantages of annexation were not so completely in our favor as they clearly are, the nation whose sword banished slavery from this continent and now draws it to expel the lingering remnant of medieval barbarism in a crusade for humanity would be untrue to both its record and its mission should it refuse to take Hawaii under its protecting care.

The question "Am I my brother's keeper?" is a murderer's question, whether it is asked by a Cain or a nation; and the American people will not cheerfully submit to a policy whose chief distinction is miserly greed or cowardly shrinking from responsibility.

Every consideration of sound policy, wise statesmanship, and that enlightened philanthropy which rejoices in extending the blessings of free government call for a prompt ratification of the long-pending treaty of annexation.

Since a full statement of the case in its application to the Atlantic islands would be largely a repetition of the foregoing, a few suggestions on this point will be sufficient. It requires no argument to prove that the defensive condition of the United States would be greatly improved by the transfer of the whole of these islands to our possession. Such a change would remove to the other side of the Atlantic the strong military bases of several European nations and cancel the great advantage these holdings give to them in the event of a war with this country.

This point is powerfully illustrated by the difficulties under which we labor in supporting Commodore Dewey at Manila, and emphasizes the importance to us of the possession of Hawaii, which would reduce by 2,000 miles the distance from his base. The transfer to this Government of the Spanish West Indies would diminish to other trans-Atlantic nations the value of their holdings in those waters in the same ratio that it would enhance to us the strategic value of the new acquisitions.

The remark frequently heard, "We don't want Cuba," is not an evidence of careful reflection on this subject; rather the contrary.

When Cuba shall have proved her capacity for self-government, as Hawaii has done, and like Hawaii shall offer to come into the Union, it would be the extreme of un wisdom to refuse her admission, and circumstances might arise which would render her admission advisable even before she had reached the highest degree of self-governing intelligence, as, for example, if the alternative lay between accepting her or going to war to prevent her uniting with some Old-World power. The present war shows how great was the blunder our statesmen made twenty years ago in refusing to accept the Danish West Indies on the terms offered, and it has demonstrated the great importance of the trans-Isthmian canal.

Our experience with the Oregon enables us to calculate to a nicety the enormous expense and extreme risk of transferring a fleet or a squadron from one coast of the Republic to the other. It is by no means irrational to speculate on the great good fortune this war may be to our country. It has compelled our laissez faire statesmanship, in a controversy with a moribund power, to put the nation in a condition of defense. No one can tell how soon we may be forced into war with a nation of real power. In that event we should need the most rapid transit possible, over the shortest possible routes.

So commanding is the position of Cuba with relation to the Nicaragua Canal that it would be far better for us in the event of such a war that Cuba should be ours than alien, better certainly than hostile; and it will be indeed fortunate for us if in such event Cuba shall bear the same relation to us that Hawaii does now. The first breach made in the foreign ties that have held these islands from us will stimulate the tendency toward other changes in the same direction till the wish of President Grant shall be realized in the withdrawal of all European nations from the Western Continent.

The length of time it would require to realize this hope and for the slow processes of assimilation to bring to a proper condition for annexation the population of some portions of these anticipated possessions is not sufficient ground for despairing of their ultimate accomplishment. We have but to wait on time, and time is never weary. It took Rome six hundred years to die, and as it has been fondly believed that the American Republic was building for eternity, and as no enterprise known to man can be so gratifying and ennobling as the work of building states, a thousand years could be cheerfully spent in settling the boundaries and perfecting the organization of a Republic that shall stand invincible against any foe, the leader and bulwark of the civilization of the globe.

C. H. DENISON, Chairman.
WILLIAM GREENWOOD, Secretary.

And further, Mr. Speaker, I had been at great pains, with a great deal of very valuable help, to try to answer, in a modest way, the very able argument made against this proposition by the distinguished and eloquent gentleman from Indiana [Mr. JOHNSON] on the 29th day of February. I had prepared this speech as rapidly as I could, and, with more help from others than I devoted to it myself, I have taken up the able suggestions of that gentleman to the number of about sixty-five paragraphs, and have tried in a very concise sort of primer-like way to answer each one of his suggestions. I can not go into it now; but for the purpose of fairness in the argument I promise the gentleman, and I promise the House, that it shall appear in the RECORD tomorrow morning. That is the best I can do without consuming more time than I am willing to be charged with at this time. And in that connection—

Mr. JOHNSON of Indiana. I should like to say to the gentleman that it is barely possible that I may desire to respond, but I do not know whether it is intended to give me time or not. I do not know whether I can get time to-day or to-morrow.

Mr. GROSVENOR. I will say to the gentleman from Indiana that the best I can do is to put it in the RECORD, which I will do.

Brief of points made by Hon. H. U. Johnson against annexation of Hawaii, February 23, 1898 (volume 51, No. 63, page 2315, Congressional Record), and of reply thereto.

Johnson's point 1.—(The substance and not the exact language is given.) The Hawaiian nation has everything to gain and nothing to lose by annexation. Annexation "should be discussed, considered, and decided solely from

the standpoint of American interest, and with the single purpose of promoting the happiness and welfare of those who dwell under the shadow of the American flag." (Paragraph 5 of Johnson's speech.)

Reply.—This is inconsistent with paragraphs 10, 11, and 12. He first admits that annexation will be beneficial to Hawaii. He then says it should be considered solely from the American standpoint, and then purposes to go behind the record and oppose annexation on the grounds:

- (1, Par. 9.) That the Hawaiian people are opposed to it.
- (2, Par. 11.) That the Hawaiian Government is misrepresenting the Hawaiian people.
- (3, Par. 12.) That a petition from Hawaiians has been filed against it.
- (4, Par. 12.) That supporters of annexation do not submit the proposition to popular vote.

This country and the world has recognized the Republic of Hawaii as a de facto and de jure government.

It has maintained itself for five years, since January 17, 1893.

It has lawfully and peaceably adopted a constitution directing its executive to negotiate a treaty of annexation with the United States. (Art. 22, constitution Republic of Hawaii.)

It has not withheld the franchise from any citizen, native or foreign born, the sole change made by the Republic in the qualification of voters being that the oath of allegiance shall be to the Republic instead of the monarchy.

Under this constitution a Senate and House of Representatives was elected in 1894, both of which, at both the special session of 1894 and the regular session of 1896, passed unanimous resolutions in favor of annexation.

All elections in Hawaii are under the Australian ballot system and are absolutely secret.

No charge has been made by even the Royalists that the elections are not fairly conducted and a free expression of the wishes of voters. A majority of those who have taken the oath of allegiance to the Republic of Hawaii, and who are now voters, are native Hawaiians. A majority of the members of the first House of Representatives, including the speaker, were full-blooded native Hawaiians.

The second general election under the Republic in September, 1897, resulted in the return of a Legislature again unanimously pledged to annexation.

The Hawaiian Government has negotiated a treaty of annexation in accordance with the terms of the constitution, in accordance with the verdict of two general elections, in accordance with the unanimous vote of both houses of the Legislature at two sessions of the same, and the treaty has been ratified by the Hawaiian Senate.

Johnson's point 2.—The masses of Americans are indifferent. "The very few of our countrymen who have given any attention to the subject are inclined to favor annexation." "The superficial and unreflecting" are appealed to by national vanity and find the project hard to resist. (Paragraph 6.)

The proper method of disabusing the public is to break down the doors of the Senate and let the people see "the danger that lurks in the proposition." (Paragraph 7.)

Reply.—He admits that those who have studied the subject favor annexation.

The following is a list of a few of the "superficial and unreflecting" who have favored annexation, in addition to a majority of the present Senate, who are admitted by JOHNSON to support it:

President Franklin Pierce (Annexation Handbook, page 42), President Andrew Johnson (Annexation Handbook, page 43), President U. S. Grant (Annexation Handbook, page 43), President Benjamin Harrison (Annexation Handbook, page 44), President William McKinley (Annexation Handbook, page 45).

Secretary of State William L. Marcy (Annexation Handbook, page 51), Secretary of State William H. Seward (Annexation Handbook, page 51), Secretary of State Hamilton Fish (Annexation Handbook, page 51), Secretary of State James G. Blaine (Annexation Handbook, page 52), Secretary of State Thomas F. Bayard (Annexation Handbook, page 53), Secretary of State John W. Foster (Annexation Handbook, page 54), Secretary of State John Sherman (Annexation Handbook, page 54).

Ministers to Hawaii Luther Severance (Annexation Handbook, page 56), David L. Gregg (Annexation Handbook, page 59), Edward McCook (Annexation Handbook, page 60), Henry A. Pierce (Annexation Handbook, page 61), John L. Stevens (Annexation Handbook, page 62), Harold M. Sewall.

Gen. J. M. Schofield, Gen. B. S. Alexander, Admiral Dupont, Admiral George Brown, Admiral Belknap, Captain Mahan, Admiral Porter, ex-Senator Dolph, of Oregon; ex-Senator Ingalls, of Kansas; ex-Senator Butler, of South Carolina; Dean Wayland, of Yale Law School; ex-Secretary of the Navy Benjamin F. Tracy, Civil Service Commissioner Procter, ex-Governor Stone, of Missouri; ex-Governor Johnson, of Missouri; ex-Secretary of the Interior Noble.

Johnson's point 3.—Two-thirds of the native Hawaiians have signed a petition protesting against annexation. (Par. 12.)

Reply.—Four thousand nine hundred and thirty-eight, or 23 per cent, of the signers of the petition are minors.

The petition states that the minors are between the ages of 14 and 20. It shows upon its face that there are 677 of the petitioners under 14 years of age, of whom no less than 13 are only 2 years of age.

The ages of 278 of the minors under 14 years of age have been fraudulently raised to over 14 years of age in order to try and make it appear that they are of more responsible age, and to conform to the certificate in the petition that they are over 14 years of age.

The petition shows on its face that the signatures of over 1,400 of the adult signers are not original, but are forgeries.

In one case a whole page of the male signatures and one page of the female signatures are all in one handwriting.

In one case 126 signatures and in another 178 are all in the same handwriting.

The ages of the petitioners are unreliable, many of them being filled in at a different time from the signatures and giving round numbers instead of exact figures.

Each and every page containing the fraudulent insertions, as above stated, is certified to as being genuine by the officers getting the petition up, showing entire lack of good faith on their part.

(See the report of L. A. Thurston on the Hawaiian anti-annexation petition herewith.)

Johnson's point 4.—The supporters of annexation are unwilling to submit the question of annexation to the ballot of the people of Hawaii. (Par. 12.)

Reply.—In the first place, why should the question of annexation be submitted to popular vote in Hawaii any more than in the United States? The people of the United States assume obligations and responsibilities by virtue of annexation as well as do the people of Hawaii. Why should not the question, therefore, be submitted to a popular vote in the United States?

The reply to this is that the Constitution of the United States does not provide that annexations of territory shall be submitted to popular vote. Neither does the constitution of Hawaii.

The Constitution and precedents have established the proposition that the legal method of acquiring territory is by treaty, which shall be ratified by the Senate; or by joint resolution or bill, approved by a majority of both Houses.

For United States Supreme Court decisions affirming the constitutional power of annexation, see Thurston's Handbook on Annexation, page 24.

UNITED STATES PRECEDENTS.

In none of the annexations which have been made by the United States, with the exception of Texas, has either a direct or indirect popular vote been taken in the United States or in the country annexed. In the case of Texas, an indirect vote was taken by the adoption of a State constitution by the people of Texas after the Texas Legislature had ratified the joint resolution passed by the Congress of the United States.

HAWAIIAN AUTHORITY FOR ANNEXATION.

The constitution of the Republic of Hawaii, under which two Legislatures have been elected, contains a specific clause authorizing and directing the president to negotiate a treaty of annexation with the United States, subject to the ratification of the Hawaiian Senate. (Art. 22, Constn. Rep. Hawaii.)

It is claimed that this is a new authority which has been usurped by a revolutionary government, and that the Government has not the power to negotiate such a treaty except upon popular vote.

The reply to this is that from ancient times the power to negotiate all treaties, annexation or otherwise, has been exclusively in the executive of Hawaii, as is evidenced by precedents in the past.

In 1851, in view of aggressions then being committed by the French, Kamehameha III, without even consulting the Legislature, executed a provisional cession of Hawaii to the United States.

In 1852 the Hawaiian Legislature passed a specific act authorizing the King to negotiate at any time a treaty of annexation.

This act has never been repealed and still remains a part of the law of Hawaii.

In 1854 King Kamehameha III negotiated a formal treaty of annexation with the United States, with provision for popular vote.

Not only has the present treaty been negotiated in accordance with the general powers of the Executive of Hawaii, the statute of 1852 above referred to, and the specific authority of the constitution of the Republic, but the Legislature of Hawaii in both Houses has voluntarily at two successive sessions unanimously passed resolutions ratifying and approving of the annexation proposition, and a new Legislature has just been elected which is committed to annexation.

For the United States to now refuse to annex Hawaii unless a popular vote were first taken, would be to take, not only an entirely new position for which there is no precedent, but to go behind the Hawaiian records and require something to be done which neither the laws of the United States nor Hawaii have ever required to be done in the past and do not require to be done now.

Again, the proposition is not that the vote should be submitted to the lawful voters of Hawaii, but to "all the people of Hawaii."

In the first place, nearly one-half of the people of Hawaii are Chinese and Japanese, who have no right to vote now, and never had the right to vote there, and who by the constitution of Hawaii are not eligible to exercise the franchise.

If it is claimed that what is meant by the "people of Hawaii" are those who could vote under the Monarchy, the reply is that, under the constitution of the Republic of Hawaii, all who were voters under the Monarchy can become voters under the Republic by simply taking the oath of allegiance to the Republic, and no one is eligible to become a voter under the Republic unless he takes such an oath.

All those who are not now voters are therefore nonvoters, simply by reason of their unwillingness to accept the Republic and their adherence to the cause of monarchy.

To submit the question of what the future of the Republic shall be to those whose main object in life is to overthrow the Republic and restore the monarchy would not only be stultification of the Republic, but in violation of the constitution of Hawaii, and a placing of the power in the hands of the monarchists to exercise control over the future of the Republic to whose existence they are inimical.

There is no law of reason or ethics which requires, or should require, that a government should submit its destinies to the votes of those who seek its destruction. There is no more reason why Hawaii should be compelled to submit its future and its existence to the vote of the anti-republican monarchists than there would have been to the proposition, after Yorktown, to allow the Tories to take part in the vote as to whether or not the country should be resubmitted to the jurisdiction of King George.

A parallel proposition would have been, after Appomattox, to submit to popular vote the question of whether or not the Union should be restored.

Johnson's point 5.—The monarchy was overthrown by American citizens. Although he argued the other way before, "color is given to the accusation by the pertinacity and determination with which this treaty is now being pressed." (Paragraph 13.)

Reply.—For reply to the charge that the monarchy was overthrown by United States officials, see Thurston's Handbook, page 38, reply to eighteenth objection.

Mr. JOHNSON says that the "pertinacity and determination with which the annexation treaty is now being pressed gives color to the charge that Americans overthrew the monarchy."

There is no more pertinacity and determination being displayed now than there was in 1893 and 1894, when Mr. JOHNSON very ably refuted this charge. (See Morgan Report, volume 1, page 7; Senate Report No. 227, Fifty-third Congress, second session.)

Johnson's point 6.—The people of Hawaii are not sufficiently intelligent to be incorporated into our domain.

Intelligence is the exception there; ignorance is the general rule. (Par. 18.)

Even if Americans "pour into and take possession of the islands, the ignorance will remain."

Reply.—The last Hawaiian census, taken in September, 1896, gives the percentage of those able to read and write, as follows:

(The age from which illiteracy is reckoned in Hawaii is 6 years instead of 10 years, as it is in this country. If 10 years were made the basis, as in this country, the percentage of those able to read and write would be much higher.)

Hawaiians, pure blooded, per cent able to read and write, 83.97; part Hawaiians, mixed blood, per cent able to read and write, 91.21; the two making an average of 85.28 per cent.

The statistics show that 28 per cent of the pure-blooded and 69 per cent of the part Hawaiians are able to read and write in English.

The statistics also show that of the 14,000 children between 6 and 15 years of age, 81 per cent are attending school, in addition to which there are several thousand under 6 years of age attending kindergarten schools, and over 2,000 who are over 15 years of age attending school.

Free public schools, all taught in English, are maintained throughout the country at Government expense, while there is a compulsory education law under which all children are obliged to attend school between the years of 6 and 15.

The Census, page 100, says:

"The system of enforcing the law for bringing children into school is peculiarly efficient in these islands. Very few children escape being obliged to attend school. . . . There are very few countries, however, where education is so universal. . . . Those who are illiterate come to us from abroad."

With regard to the Portuguese and their alleged undesirability, the charge is without foundation. Like the poor peasant population of other countries which comes to the United States, the majority of them are unable to read or write, the percentage in Hawaii who are able to read and write being 28. But they are industrious, economical, and moral, constituting to-day the best laboring population of Hawaii.

The criminal statistics show that the percentage of offenses committed by Portuguese is less than that of any other nationality in Hawaii.

As is the case in this country, the second generation, the children of the original immigrants, having all received public-school education, all speak, read, and write in English, are a progressive, valuable element, making good citizens, mixing with and becoming part of the general community.

As to the Chinese, there is no fear from those now there in case annexation takes place.

Neither the Chinese nor Japanese are eligible to citizenship in Hawaii. They are aliens there as in the United States, and annexation will not change that status.

They have no control in the Government now and they will not after annexation. As to their numbers, if the source of supply is shut off by prohibiting immigration, the number in Hawaii will diminish. For example, a laxly enforced Chinese exclusion act was enacted in Hawaii in 1888, at which time there were approximately 21,000 in the country. In 1891, only five years after the enactment, the number of Chinese in the country had become reduced to less than 15,000.

The Japanese also, to a somewhat less degree than the Chinese, will return to their own country.

Examples of the return of Japanese to Japan after arrival in Hawaii are shown by the immigration statistics of Hawaii.

For instance, 676 men arrived from Japan February 8, 1895.

On March 31, 1890, practically five years thereafter, 425 of them had returned to Japan.

This was the first lot of immigrants; since then the percentage of returns has not been so great.

A fair general estimate may be made that within five years after any given lot of Japanese arrive in Hawaii, one-third of them will have returned to Japan, and thereafter not less than 10 to 15 per cent will return each year.

Johnson's point 7.—The supporters of annexation say that annexation does not necessarily imply that it is to become a State.

"For this very reason I antagonize it with all the more resolution." No territory should be annexed unless "in due course of events it will become entitled to membership in the Federal Union." (Paragraph 21.)

Reply.—There is no reason, precedent, common sense, or law requiring the admission of any given territory to statehood until it and its inhabitants are fitted therefor.

Louisiana was annexed in 1803, and the northwest portion thereof was only admitted to statehood in 1890.

New Mexico and Arizona were annexed in 1849. They have not yet been admitted to statehood.

Alaska was annexed in 1867, and has not yet even been provided with a Territorial government.

If it is not inconsistent with law and American institutions to acquire territory and withhold statehood for thirty, fifty, and ninety years, why can not the same or any other territory be held for a hundred or any other period of years, until it is fitted for statehood?

If that time never comes, well and good. When it does come, if ever it does, is time to change its status, and neither in the making or changing of that status is there any violation of the principles of American institutions.

The treaty leaves the form of the government of Hawaii absolutely in the hands of Congress, providing that until changed by Congress the local laws not inconsistent with the United States Constitution shall continue in force.

Hawaii already possesses so fully organized a government that only a few general adaptive statutes will have to be enacted by Congress in order to create a fully equipped American Territorial government.

Johnson's point 8.—In paragraphs 22 and 23 he dwells on the "sordid policy," "unbefitting the genius of a great and free people," "to have territory under a government other than statehood, and enters a 'solemn protest against the consummation of this colossal blunder.'" (Paragraphs 22 and 23.)

Reply.—There is no connection between territory being held as a Territory and a "sordid policy."

The Territories of the United States have practically self-government in all local affairs. Their sole limitation is in participation in the Federal Government.

The limitations connected therewith are precisely the same as in the great self-governing colonial governments of Canada and Australia. In both cases local affairs are controlled by the local people, and in each case there is no participation in the Federal Government.

No one certainly will claim that the Canadian and Australian governments are the victims of a "sordid policy."

This talk is buncombe.

Johnson's point 9.—We do not need this territory in which to expand our population.

We shall not require an overflow for a century.

We have a vast empire sparsely settled.

Our 70,000,000 of people can be put into Texas alone without interfering with their freedom of action. (Paragraph 24.)

There is nothing in the national growth, either present or prospective, which requires annexation. (Paragraph 25.)

Reply.—The same argument would have excluded Louisiana, Florida,

Texas, and California.

All the population of the United States could to-day be accommodated east of the Mississippi, but it does not rationally follow that if the United States had remained east of the Mississippi only it would not have been beneficial to them to secure territory west of the Mississippi.

The physical possibility of squeezing a given population into a given territory is not the criterion by which the benefit of acquiring additional territory should be judged.

It may be physically possible for all the people now in the United States, or who may live there for a hundred years to come, to exist within the present limits of the country; but conditions have demonstrated that already the need of foreign markets for United States products is pressing.

The prime value of Hawaii to the United States is not by reason of the trade or area of Hawaii alone, but the vastly greater trade of the Pacific with which it is so intimately connected and which it so greatly controls.

Johnson's point 10.—"The acquisition of Hawaii means the strengthening, not of the centrifugal, but of the centrifugal force in this nation" (paragraph 26).

He favors "centralized and unified power" (paragraph 27), and opposes "the acquisition of insular territorial possessions, pursued in flagrant violation either of lines of latitude or longitude" (paragraph 28).

"Every island and every ignorant alien taken into the Union makes for dismemberment and disintegration" (paragraph 29).

Reply.—The objection that the acquiring of colonies and outlying territory tends to weaken the central government is directly contrary to the argument usually made in this connection, which is that the control by the central government of provinces which are not fully self-governing produces an undue centralization of power in the "central government."

So far from the acquisition of Hawaii being "pursued in flagrant violation either of lines of latitude or longitude," Hawaii is well within them.

Hawaii lies on almost the same line of latitude that Key West does, and lies 500 miles within the line of longitude bounding the western limit of the mainland of Alaska and more than a thousand miles within the line of longitude bounding the Aleutian and Midway islands, both of which belong to the United States.

So far as the inclusion of Hawaii within the boundaries of the Union tending to "disintegrate and dismember," the main object of acquiring Hawaii is to defend that which the United States already owns on the Pacific coast, and to protect its commerce upon the Pacific, which is rapidly growing to be the greatest in the world.

The local government of Hawaii will settle all local problems, of which there will be many, without involving the National Government or the people of other localities in the United States, any more than does the settlement of a county-seat fight or a local-option election in Arizona.

The people of Hawaii will not come to the United States. They can come here now if they choose to, but do not, because they are more prosperous at home than the people of the United States. Already the tide of immigration is toward and not from Hawaii.

Johnson's point 11.—It is a departure from the traditions of the country, a foolish experiment, to annex territory not contiguous. The one experiment, Alaska, is still an experiment. (Paragraphs 30-32.)

Reply.—There is no departure from the traditions of the country. The country has already made numerous annexations of insular territory.

MIDWAY ISLAND.

This island was annexed in 1868 by order of the executive department of the United States. The action taken thereunder is fully described in Senate Executive Document No. 70, Fortieth Congress, second session. An appropriation of \$50,000 was made by the third session of the Fortieth Congress by act approved March 1, 1869.

This is contained in United States Statutes at Large, volume 15, chapter 48, page 279. It is also referred to in the Report of the Secretary of the Navy for 1870, on page 8, and Report of the Secretary of the Navy for 1871, pages 6, 7, and 8.

The object of the annexation was to create a naval station there. Midway Island is the westernmost of the Hawaiian group.

The appropriation was all spent, and an estimate made showing that it would cost some \$400,000 more to open the harbor, which is a lagoon harbor with a bar of coral across at the entrance on which there is only 15 feet of water. The heavy expense and the loss of a war ship engaged in bringing away the laborers when the \$50,000 was expended interfered with the continuance of the plan to make a naval station, but the island still belongs to the United States.

OTHER ISLAND ANNEXATIONS.

The United States owns the Aleutian Islands, extending a thousand miles west of Hawaii, which it acquired in conjunction with Alaska. It also owns fifty-seven other islands and groups of islands in the Pacific and thirteen in the Caribbean Sea, which have been taken possession of by American citizens under act of Congress dated August 18, 1856, which provides for the registration and protection of islands so annexed. The principal object of such annexations was to secure the guano located on such islands, but it only makes the precedent so much the stronger in that it indicates that so small a matter as the securing of a limited amount of fertilizer is sufficient reason for insular annexation.

The traditions of the country are to annex whatever territory or country is needed.

The fact that the greater portion of the territory annexed was not insular is no precedent or tradition against insular annexations when such annexations would be valuable to the country.

In other words, the question of whether the territory proposed to be annexed is insular or continental is not and should not be the criterion, but the deciding line is whether or not its annexation would be valuable to the United States.

The names, location, and date of acquisition of the islands which have become United States territory under the above-mentioned act of 1856 are as follows:

Date of acquisition.	Name.	Date of acquisition.	Name.
Oct. 23, 1856....	Bakera.	Feb. 8, 1860....	Mackin.
	Jarvis.		Mary Letitia.
Aug. 31, 1856....	Navassa.		Marys.
Dec. 3, 1858....	Howlands.		Mathews.
Sept. 6, 1859....	Johnsons.		Nassan.
Dec. 27, 1859....	Barren or Starve.		Palmyra.
	Enderbury.		Pescado.
	McKean.		Phoenix.
	Phoenix.		Prospect.
Dec. 29, 1859....	Christmas.		Oniros.
	Haldens.		Riersons.
Feb. 8, 1860....	America.		Rogewins.
	Ames.		Samarang.
	Barbers.		Sarah Anne.
	Baumans.		Sidneys.
	Birnies.		Starbuck of Hero.
	Caroline.		Stearers.
	Clarence.		Walkers.
	Dangerous.		Washington of Ua-
	Dangers Rock.		haga.
	David.	Dec. 30, 1862..	Great and Little Swan
	Duke of York.		in the Caribbean
	Enderbury.		Sea.
	Farmers.	Aug. 12, 1869..	Islands in the Carib-
	Favorite.		bean Sea not named
	Flint.		in latitude 4° 40',
	Flints.		longitude 160° 07'.
	Frances.	Nov. 22, 1869..	Pedro Keys.
	Friehaven.		Quito Sereno.
	Gardner.		Petrol Roncador.
	Gallego.	Sept. 8, 1879..	Serranilla Keys.
	Ganges.		Morant Keys.
	Gronique.	Sept. 13, 1880..	De Aves.
	Humphreys.		Serranilla Keys.
	Kenna.		Western Triangles.
	Liderous.	Oct. 18, 1880..	Islands of Arenas.
	Low Islands.	June 21, 1894..	Alacrans Islands.

See records of the State and Treasury Departments.

In the Pacific.....	57
In the Caribbean Sea.....	13
Total.....	70

Johnson's point 12.—Hawaii was offered to the United States in 1853 and declined by President Pierce and Secretary of State Webster. (Par. 31.)

Reply.—Mr. Johnson is incorrect in saying that Hawaii was offered to the United States and declined.

The transaction which he refers to was the document which was dated March 10, 1851, to be found in volume 2, page 896, of the Morgan report to the Senate of 1894, being Senate Executive Document No. 45, Fifty-second Congress, second session.

The document mentioned simply states that by reason of the aggressions of the French, the King of Hawaii placed the country under the protection and safeguard of the United States of America, until some arrangements could be made to "place our said relations with France upon a footing compatible with my rights as an independent sovereign under the laws of nations, and compatible with my treaty engagements with other foreign nations," with the proviso that if such arrangements be impracticable the protection of the United States should be perpetual.

This document was delivered to the American minister in Hawaii, but the French learning thereof and ceasing their aggressions, no action was taken thereon by the United States.

Johnson's point 13.—The "possession of Hawaii means that they will be come a source of irritation for all time to come between ourselves and for other nations."

"Insular territorial possessions are a prolific source of contention." (Par. 34.)

Annexation will devolve upon the United States "the responsibility for their management and control."

"Vexed and annoying questions" will "arise with powerful maritime nations" concerning the "occupation by them of Hawaiian waters and harbors, the use of the islands for coaling stations, and the hundreds of controversies which are liable to arise with respect to this territory." (Par. 35.)

Reply.—The possession of Hawaii is far less liable to prove a source of "irritation with foreign nations" than is Hawaii's continued independence and the declaration of the United States which has been constantly reiterated that the United States will not allow any other country to control Hawaii.

So far as interference in Hawaii by other countries is concerned, this country is already committed to the full responsibility which ownership would devolve upon it, without any of the control of ownership.

Annexation will give the United States the control as well as the responsibility, while under the present status it has all the responsibility with no control to keep the islands from getting into difficulties with foreign governments.

Mr. JOHNSON states that "vexed and annoying questions will arise with foreign governments concerning the occupation of Hawaiian waters and harbors."

These are the very questions which will arise in case annexation does not take place, but which can not arise in case of annexation any more than they arise concerning the waters of California and Florida.

Mr. JOHNSON speaks of the "hundreds of controversies" which are liable to arise with respect to Hawaii.

What controversies will arise concerning Hawaii that do not arise in any other territory which the United States has annexed?

Johnson's point 14.—"This nation is practically invulnerable to successful attack from a foreign foe. The ocean forms an impassable barrier to dangerous aggression." (Par. 36.)

"We have a splendid navy and excellent coast defenses." (Par. 37.)

"Annexation will destroy our contiguity, take away our base of supplies, surrender the natural advantages of defense, and furnish a base of contention to fight over and defend in time of peace." (Par. 38.)

Reply.—The statement that the nation is now practically invulnerable, and that "the ocean forms an impassable barrier" to dangerous aggression, is considered by the military and naval authorities, and replied to in their statements contained in the pamphlet herewith.

They unite in the opinion that with the control of Hawaii the Pacific coast will be impregnable, but without its control it will be liable to attack.

Moreover, the proposition that the United States is safe by remaining on the continent does not cover the safety of its foreign commerce, which is now so large and rapidly growing.

So far from the acquisition of Hawaii "taking away the bases of supplies," it secures to the United States the base of supplies which controls a larger area of the earth's surface than any other one spot and prevents any foreign nation from securing a base of supplies from which the commerce and the coast of the United States on the Pacific can be interfered with.

Johnson's point 15.—In case of annexation we must fortify Hawaii. We must increase our Navy to defend and communicate with them. This will enormously increase appropriations. (Paragraph 48.)

Reply.—This also is replied to by the naval authorities cited above.

It will be necessary to maintain a navy in connection with American interests in the Pacific, but it will require a larger navy and expenditures to protect the Pacific coast without than with Hawaii.

The control of Hawaii, so far from being a source of expense, will be a measure of economy, in that by fortifying one point in Hawaii, the battle ships of all nations can be prevented from getting to the Pacific coast, because they can not carry coal enough to cross the Pacific without recouling at Hawaii.

Therefore the one fortification at Hawaii will answer the same object that would the fortification of all the principal points on the Pacific coast.

Johnson's point 16.—Annexation will form a bad precedent and will be followed by the annexation of Cuba and Samoa. (Paragraphs 45 and 46.)

This "will be fortified by artful sophistries of men who will pander to the national vanity and cupidity." (Paragraph 46.)

Annexation is, as a rule, a source of weakness. (Paragraph 46.)

Reply.—So far as precedent is concerned, the United States does not stand in need of any precedent in the way of annexing territory.

It has annexed territory all the way from the Tropics to the Arctic, on the Atlantic, the Gulf, the Pacific, and the islands of the Pacific, and in the Caribbean Sea.

So far as precedents are concerned, there are precedents enough on hand to form a basis of justification for annexing anything in the Western Hemisphere.

So far as the annexation of Hawaii is concerned, there is no parallel between it and the islands on the Atlantic side, for the reason that Hawaii stands alone as a base of supplies within practical steaming distance of the Pacific coast.

The securing of this one point removes practically all possible bases of trans-Pacific attack.

On the other hand, there are so many islands on the Atlantic side, any one of which can be made a base of attack, that in order to secure immunity from attack on that side all the islands must be annexed, a practical impossibility.

The status of Hawaii, therefore, is unique and entirely different from Cuba or any other Atlantic island.

Johnson's point 17.—The United States should heed the advice of Wash-

ington and "avoid all entangling alliances," and turn its attention to the development of its own resources. (Paragraph 51.)

"We shall be wise if we devote ourselves to internal development and growth." (Paragraphs 57 and 58.)

Reply.—The annexation of Hawaii is in direct conformity with the advice of Washington to "avoid entangling alliances."

The opponents of annexation have advocated in the past, and advocate now, that the United States should enter into a joint agreement with European nations concerning Hawaii, thereby directly entering an "entangling alliance."

By absorbing Hawaii the United States will remove the possibility of "entangling alliances" and will effectually eliminate Hawaii from international disagreements.

As long as Hawaii remains independent, without the power to maintain its independence, it will be a source of international irritation and be a menace to the peace of the Pacific.

The necessary incidentals to the development of internal resources are the development of foreign commerce, and Hawaii is directly incidental to the control of that commerce in that all the commerce to and from the Pacific and trans-Pacific nations must pass its door.

Johnson's point 18.—The United States is all powerful. All people realize our great strength and therefore seek no difficulty with us. (Paragraph 65.)

Reply.—Whether or not the strength of the United States is sufficient to prevent foreign aggressions is unnecessary to discuss in view of current events.

The reiterated sentiments of Washington, Jackson, and others, "that preparedness for war is the most certain method of maintaining peace," applies as well to Hawaii as it does to Spain.

The history of the Navy belies the statement that it has bred a "spirit of insouciance."

The incidents of the day demonstrate more than argument the necessity of a navy, and if the United States is to have any navy on the Pacific it must, in order to maintain its control of the Pacific, have a coaling station at Hawaii, and it can not have that coaling station in time of war unless it owns the country.

I have taken pains also to prepare declarations from distinguished statesmen of the country. I make the statement that there has not been given one single statement, except that one to which I have already referred about the northern harbors, that has not been made over and over again by statesmen that have gone before us, from all sections of the country, growing not only out of the admission of territory as States, but the acquisition of territory without specific declaration of law authorizing it.

Now, Mr. Speaker, in conclusion, I advocate the adoption of this resolution upon a ground wholly distinct from any question of war necessity. I believe that the growth of the commerce of this country, independent of anything which is to result from the war, is in very large part bound up in the acquisition of this half-way house to the great markets of the East by way of the Pacific Ocean. I find that the intelligent people upon the Pacific slope are keenly alive to this proposition, and have been for many months. I am not going to turn aside here to assail any influence or interest that is opposing this matter. If there is not anything stronger in opposition to it than the sordid interests of somebody that acquired special advantages by reason of a treaty that never ought to have been made—if there is nothing stronger than that, the argument will not stand.

If we have to stand on no stronger ground than the overriding of interests, they will not stand in this House. I stand on grounds that have more to justify them than any such statements. The Government which to-day is in power, it is said, believes that there is to-day a military necessity for the acquisition of these islands. I want to say right here on that question I take the word of those who know more than I do. I know nothing personally of that subject. My opinion on this general question was born before this Administration was elected to office. I was just as zealous for the acquisition of these islands before 1896 as I have ever been since.

And we are told that there is an absolute and indispensable necessity for the acquisition of these islands. Now, let us see what is probably going on at this moment of time, while we are discussing the question whether we will take from the people of Hawaii the magnificent, the princely gift they come here and offer; and in the argument I shall submit in writing, which will be printed, I will show the gentlemen that there has been no higher demonstration of popular approval, nor can there be, than has been made by the people of these islands in favor of annexation. It is not true that the intelligence is opposed to annexation. It is not true that the people of these islands are uneducated and do not know what is being done for them by others.

I will put into my remarks proof positive that will make some of us here in this boasted land of education somewhat doubtful of the laurels of our educators when they read the facts as to development of education in the Hawaiian Islands. It is a mistake to let it be understood that we are trying to annex a barbarian population. We are trying to annex an intelligence, whether in the majority or in the minority, an intelligence that has approved under the forms of law this act as it has always been approved when we have acquired territory either by treaty or by purchase.

Gentlemen talk about a plebiscite, and the gentleman from Missouri is willing to have a vote, as I understood his argument. When was the like of that ever done in the history of nations? It is said that Texas ratified something that had already been done. But would it ever have made any difference to the status of Texas in this nation if she had voted the other way? It was a fact

accomplished, and she approved of it, to the glory of the common sense of her people and the mighty building up of this Government of ours. While we are debating this question the people of Honolulu are standing with outstretched arms to embrace the men of the United States who are going to the Orient to fight for and to uphold the flag of our country.

While we are charging them with being barbarians they are violating every law of neutrality and exposing themselves to the wrath of every foreign government which is opposed to our success and our progress, and throwing themselves upon the generosity of the people of the United States; and what are they offering to us now? They are offering to us a place where the eagle of war, not the dove of peace, but the eagle of war that has been sent out from the ark of this mighty nation, may rest its foot on the soil of a free and friendly country, while the men from these transports may take fresh courage and fresh hope and fresh vigor to go forward to victory at Manila. [Applause.]

They are offering us an indispensable resting place, so out of these crowded and fever-breeding transports the free men of this country may step forth and bless God that there is a halfway house to their destination owned and occupied by her people, a liberty-loving people, friends of the United States, and they may raise the banner of the United States now upon these islands and it will never be pulled down while the sun of God shines in the firmament. [Applause.] Every principle of self-aggrandizement, every principle of loyalty and friendship, every principle of duty to country, calls upon us without distinction to wheel into line on this magnificent onward march.

Now, gentlemen, when this is accomplished as an independent proposition, I scorn to discuss with any man what is to come of this acquisition. Here is an argument which has been made, and if ultimately carried to its utmost extent, let me tell you what might come. It is said that if we took Honolulu you have entered upon a system of territorial aggrandizement. What will come of it? The gentleman from Missouri [Mr. CLARK], with that wonderful prophetic forecast of mind, sees coming up here into this House of Representatives all sorts of horrors; and I imagine, if he had stood at the opening of Manila Harbor when Dewey, in the gray light of dawn, heading the magnificent fleet into that harbor, began to destroy the enemy, my friend would have cried out, "Hold on! Hold on! There is danger that something may come out of this in the future!" [Laughter.]

Let us discharge our duty in the present and trust to the Benign Being and the intelligence of the American people that all questions which shall arise hereafter will be settled wisely, patriotically, and that out of the smoke of the battle, out of the triumph of our arms in war, this country, anchored on the intelligence of its own people, and trusting to God, will go forward to be the light of the world and the home of the free. [Prolonged applause.]

APPENDIX A.

On April 4, 1864, it was resolved without dissent by the House of Representatives that "the Congress of the United States are unwilling by silence to have the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America under the auspices of any European power."

We recognize the right of sovereign nations to carry on war with each other, if they do not invade our right or menace our safety or just influence. The real cause of our national discontent is that the French army which is now in Mexico is invading a domestic republican government there, which was established by her people and with whom the United States sympathizes most profoundly, for the avowed purpose of suppressing it and establishing upon its ruins a foreign monarchical government, whose presence there, so long as it should endure, could not but be regarded by the people of the United States as injurious and menacing to their own chosen and endeared republican institutions. (Mr. Seward, Secretary of State, to Mr. de Montholon, December 6, 1865; MSS. Notes, France.)

It has been the President's purpose that France should be respectfully informed upon two points, namely: First, that the United States earnestly desire to continue and to cultivate sincere friendship with France; secondly, that this policy will be brought into imminent jeopardy unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico to overthrow the domestic government existing there, and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capital of that country. (Mr. Seward, Secretary of State, to Mr. Bigelow, December 16, 1865; MSS. France.)

On April 6, 1866, Mr. Motley was instructed by Mr. Seward to state to the Austrian Government "that in the event of hostilities being carried on hereafter in Mexico by Austrian subjects, under the command or with the sanction of the Government at Vienna, the United States will feel themselves at liberty to regard those hostilities as constituting a state of war by Austria against the Republic of Mexico; and in regard to such war waged at this time and under existing circumstances the United States could not engage to remain assiduous and neutral spectators."

"The revolution which recently occurred in Mexico was followed by the accession of the successful party to power and the installation of its chief, Gen. Porfirio Diaz, in the Presidential office. It has been the custom of the United States, when such changes of government have heretofore occurred in Mexico, to recognize and enter into official relations with the de facto Government as soon as it should appear to have the approval of the Mexican people and should manifest a disposition to adhere to the obligations of the treaties and international friendship."

"In the summer of 1864 a conference was held by the ministers of the United States accredited at London, Paris, and Madrid, with a view to consult on the negotiations which it might be advisable to carry on simulta-

neously at these several courts for the satisfactory adjustment with Spain of the affairs connected with Cuba. The joint dispatch of Messrs. Buchanan, Mason, and Soule to the Secretary of State, dated Aix-la-Chapelle, October 18, 1864, after remarking that the United States had never acquired a foot of territory, not even after a successful war with Mexico, except by purchase or by the voluntary application of the people, as in the case of Texas, thus proceeds: 'Our past history forbids that we should acquire the island of Cuba without the consent of Spain, unless justified by the great law of self-preservation.'

"We must, in any event, preserve our own conscious rectitude and our self-respect. Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home."

"Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure. We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity should we permit Cuba to be Africanized and become a second San Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union. And lest there might be any misapprehension of this language as implying the alternative of cession and seizure, except as the result of absolute necessity, Mr. Marcy, Secretary of State, writes, November 13, 1854, to Mr. Soule:

"To conclude that, on a rejection of a proposition to cede, seizure should ensue, would be to assume that self-preservation necessitates the acquisition of Cuba by the United States; that Spain has refused and will persist in refusing our reclamations for injuries and wrongs inflicted, and that she will make no arrangement for our future security against the recurrence of similar injuries and wrongs." (Congressional Document, Thirty-third Congress, second session, H. R. No. 93.)

"The United States have regarded the existing authorities in the Sandwich Islands as a government suited to the condition of the people and resting on their own choice; and the President is of opinion that the interests of all commercial nations require that that Government should not be interfered with by foreign powers. Of the vessels which visit the islands it is known that the great majority belong to the United States. The United States, therefore, are more interested in the fate of the islands and of their Government than any other nation can be; and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought neither to take possession of the islands as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government or any exclusive privileges of preference with its matters of commerce." (Mr. Webster, Secretary of State, to Messrs. Haallio & Richards, December 10, 1842. 6 Webster's Works, 478.)

"Owing to their locality and to the course of the winds which prevail in this quarter of the world, the Sandwich Islands are the stopping place for almost all vessels passing from continent to continent across the Pacific Ocean. They are especially resorted to by the great numbers of vessels of the United States which are engaged in the whale fishery in those seas. The number of vessels of all sorts and the amount of property owned by the citizens of the United States which are found in these islands in the course of a year are stated, probably with sufficient accuracy, in the letters of the agents."

"Just emerging from a state of barbarism, the Government of the islands is as yet feeble; but its dispositions appear to be just and pacific, and it seems anxious to improve the condition of its people by the introduction of knowledge, of religious and moral institutions, means of education, and the arts of civilized life."

"It can not be but in conformity with the interest and the wishes of the Government and the people of the United States that this community, thus existing in the midst of a vast expanse of ocean, should be respected and all its rights strictly and conscientiously regarded. And this must also be the true interest of all other commercial states. Far remote from the dominions of European powers, its growth and prosperity as an independent state may yet be in a high degree useful to all whose trade is extended to those regions, while its nearer approach to this continent and the intercourse American vessels have with it, such vessels constituting five-sixths of all which annually visit it, could not but create dissatisfaction on the part of the United States at any attempt by another power, should such an attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native Government."

Considering, therefore, that the United States possess so large a share in the intercourse with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity. Its forbearance in this respect under the circumstances of the very large intercourse which American vessels have with the islands should justify this Government, should events hereafter arise to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power. Under the circumstances, I recommend to Congress to provide for a moderate allowance, to be made out of the Treasury, to the consul residing there, that in a Government so new and a country so remote American citizens may have respectable authority to which to apply for redress in case of an injury to their persons and property, and to whom the Government of the country may also make known any acts committed by American citizens of which it may think it has a right to complain. (Message of President Tyler, December 30, 1842; 6 Webster's Works, 463-464.)

The Hawaiian Islands bear such peculiar relations to ourselves that "we even feel justified, consistently with our own principles, in interfering by force to prevent their falling (by conquest) into the hands of one of the great powers of Europe." (Mr. Legare, Secretary of State, to Mr. Everett, June 13, 1843; MSS. Inst., Great Britain.)

The Department will be slow to believe that the French have any intention to adopt with reference to the Sandwich Islands the same policy which they have pursued in regard to Tahiti. If, however, in your judgment, it should be warranted by circumstances, you may take a proper opportunity to intimate to the minister for foreign affairs of France that the situation of the Sandwich Islands in respects to our possessions on the Pacific, and the bonds, commercial and of other descriptions, between them and the United States are such that we could never with indifference allow them to pass under the dominion or exclusive control of any other power. We do not

ourselves covet sovereignty over them. We would be content that they should remain under their present rulers, who, we believe, are disposed to be just and impartial in their dealings with all nations. (Mr. Clayton, Secretary of State, to Mr. Rives, July 5, 1850; MSS. Inst., France.)

"The proceedings of M. Dillon and the French admiral there, in 1849, so far as we are informed respecting them, seem, both in their origin and in their nature, to have been incompatible with any just regard for the Hawaiian Government as an independent state. They can not, according to our impressions, be accounted for upon any other hypothesis than a determination on the part of those officers to humble and annihilate that Government for refusing to accede to demands which, if granted, must have been at the expense of all self-respecting and substantial sovereignty. The further enforcement of those demands which, it appears is the object of Mr. Perrin's mission, would be tantamount to a subjugation of the islands to the dominion of France. A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government.

"This is a result to be deplored. If, therefore, it should not be too late, it is hoped that you will make such representations upon the subject to the minister of the foreign office of France as will induce that Government to desist from measures incompatible with the sovereignty and independence of the Hawaiian Islands, and to make amends for the acts which the French agents have already committed there in contravention of the law of nations and of the treaty between the Hawaiian Government and France." (Mr. Webster, Secretary of State, to Mr. Rives, June 19, 1851. MSS. Inst., France.)

"The Hawaiian Islands are ten times nearer to the United States than to any of the powers of Europe. Five sixths of all their commercial intercourse is with the United States, and these considerations, together with others of a more general character, have fixed the course which the United States Government will pursue in regard to them. The announcement of this policy will not surprise the Governments of Europe, nor be thought to be unreasonable by the nations of the civilized world; and that policy is that while the Government of the United States itself, faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial countries of Europe, nor can it consent that demands manifestly unjust and derogatory and inconsistent with a bona fide independence shall be enforced against that Government." (Mr. Webster, Secretary of State, to Mr. Severance, July 14, 1851. MSS. Inst., Hawaii.)

"I do not think that the present Hawaiian Government can long remain in the hands of the present rulers or under control of the native inhabitants of these islands, and both England and France are apprised of our determination not to allow them to be owned by or to fall under the protection of these powers or any other European nation.

"It seems to be inevitable that they must come under the control of this Government, and it would be but reasonable and fair that these powers should acquiesce in such a disposition of them, provided the transference was effected by fair means." (Mr. Marcy, Secretary of State, to Mr. Mason, December 16, 1853. MSS. Inst., France.)

"This Government will receive the transfer of the sovereignty of the Sandwich Islands, with all proper provisions relative to the existing rights and interests of the people thereof, such as are usual and appropriate to territorial sovereignty. It will be the object of the United States, if clothed with the sovereignty of that country, to promote its growth and prosperity. This consideration alone ought to be a sufficient assurance to the people that their rights and interests will be duly cherished by this Government." (Mr. Marcy, Secretary of State, to Mr. Gregg, January 31, 1855. MSS. Inst., Hawaii.)

"The acquisition of territory beyond the sea, outside the present confines of the United States, meets the opposition of many discreet men who have more or less influence in our councils. It can not be entered upon without very grave deliberation and in full view of all the advantages and disadvantages that may result.

"This question, in its relation to the Sandwich Islands, is full of interest, and has long attracted as a possible question the attention of many persons here as well as in those islands. It seems that events are likely to precipitate it upon us for consideration as a practical question.

"The position of the Sandwich Islands as an outpost fronting and commanding the whole of our possessions on the Pacific Ocean gives to the future of those islands a peculiar interest to the Government and people of the United States. It is very clear that this Government can not be expected to assent to their transfer from their present control to that of any powerful maritime or commercial nation. Such transfer to a maritime nation would threaten a military surveillance in the Pacific similar to that which Bermuda has afforded in the Atlantic. The latter has been submitted to from necessity, inasmuch as it was congenial with our Government, but we desire no additional similar outposts in the hands of those who may at some future time use them to our disadvantage." (Mr. Fish, Secretary of State, to Mr. Pierce, March 25, 1873. MSS. Inst., Hawaii.)

"The United States was one of the first among the great nations of the world to take an active interest in the upbuilding of Hawaiian independence and the creation of a new and potential life for its people. It has consistently endeavored, and with success, to enlarge the material prosperity of Hawaii on such independent basis. It proposes to be equally unremitting in its efforts hereafter to maintain and develop the advantages which have accrued to Hawaii and to draw closer the ties which imperatively unite it to the great body of American Commonwealths.

"In this line of action the United States does its simple duty both to Hawaii and itself, and it can not permit such obvious neglect of national interest as would be involved by silent acquiescence in any movement looking to a lessening of those American ties and the substitution of the alien and hostile interests. It firmly believes that the position of the Hawaiian Islands as the key to the dominion of the American Pacific demands their neutrality, to which end it will earnestly cooperate with the native Government. And if, through any cause the maintenance of such a position of neutrality should be found by Hawaii to be impracticable, this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented." (Mr. Blaine, Secretary of State, to Mr. Comly, December 1, 1881. MSS., Hawaii.)

"There is little doubt that were the Hawaiian Islands, by annexation or distinct protection a part of the territory of the Union, their fertile resources for the growth of rice and sugar would not only be controlled by American capital, but so profitable a field of labor would attract intelligent workers thither from the United States.

"A purely American form of colonization in such a case would meet all the phases of the problem. Within our border could be found the capital, the intelligence, the activity, and the necessary labor trained in the rice swamps and cane fields of the Southern States. And it may be well to consider how, even in the chosen alternative of maintaining Hawaiian independence, these prosperous elements could be induced to go from our shores to the islands, not like the coolies, practically enslaved, not as human machines, but as thinking, intelligent, working factors in the advancement of the material interests of the islands." (Mr. Blaine, Secretary of State, to Mr. Comly, December 1, 1881. MSS. Inst., Hawaii.)

"The United States are not averse to having the great powers know that they publicly recognize the peculiar relations between them and Liberia, and that they are prepared to take every proper step to maintain them. To this end it is not inexpedient that you, and Mr. Lowell also on his return to his post from his present leave, should evince a lively interest in the movements of both Great Britain and France in the neighborhood of Liberia, without, however, showing any undue anxiety or offensive curiosity in the matter." (Mr. Evarts, Secretary of State, to Mr. Hoppin, April 21, 1880. MSS. Inst., Great Britain.)

"In its intercourse with foreign nations the Government of the United States has from its origin always recognized de facto governments. We recognize the right of all nations to create and reform their political institutions according to their own will and pleasure. We do not go behind the existing government to involve ourselves in the question of legitimacy. It is sufficient for us to know that a government exists capable of maintaining itself, and then its recognition on our part inevitably follows. This principle of action, resulting from our sacred regard for the independence of nations, has occasioned some strange anomalies in our history. The Pope, the Emperor of Russia, and President Jackson were the only authorities on earth which ever recognized Don Miguel as King of Portugal.

"Whilst this is our settled policy, it does not follow that we can ever be indifferent spectators to the progress of liberty throughout the world, and especially in France. We can never forget the obligations which we owe to that generous nation for their aid at the darkest period of our Revolutionary war in achieving our own independence. Those obligations have been transmitted from father to son, from generation to generation, and are still gratefully remembered. They yet live freshly in the hearts of our countrymen. It was, therefore, with one universal burst of enthusiasm that the American people hailed the late glorious revolution in France in favor of liberty and republican government. In this feeling the President strongly sympathizes. Warm aspirations for the success of the new republic are breathed from every heart. Liberty and order will make France happy and prosperous. Her destinies, under Providence, are now in the hands of the French people. Let them, by their wisdom, firmness, and moderation refute the slanders of their enemies and convince the world that they are capable of self-government." (Mr. Buchanan, Secretary of State, to Mr. Rush, March 31, 1848. MSS. Inst., France.)

"The prompt recognition of the new government by the representative of the United States at the French court meets my full and unqualified approbation, and he has been authorized in a suitable manner to make known this fact to the constituted authorities of the French Republic. Called upon to act upon a sudden emergency, which could not have been anticipated by his instructions, he judged rightly of the feelings and sentiments of his Government and of his countrymen when, in advance of the diplomatic representatives of other countries, he was the first to recognize, so far as it was in his power, the free Government established by the French people.

"The policy of the United States has ever been that of nonintervention in the domestic affairs of other countries, leaving to each to establish the form of government of its own choice. While this wise policy will be maintained toward France, now suddenly transformed from a monarchy into a Republic, all our sympathies are naturally enlisted on the side of a great people who, imitating our example, have resolved to be free. That such sympathy should exist on the part of the people of the United States with the friends of free government in every part of the world, and especially in France, is not remarkable. We can never forget that France was our early friend in eventful Revolution and generously aided us in shaking a foreign yoke and becoming a free and independent people." (President Polk, special message, April 8, 1843.)

"We, as a nation, have ever been ready and willing to recognize any government de facto which appeared capable of maintaining its power; and should either a republican form of government or that of a limited monarchy (founded on a popular and permanent basis) be adopted by any of the states of Germany, we are bound to be the first, if possible, to hail the new government and to cheer it in every progressive movement that has for its aim the attainment of the priceless and countless blessings of freedom." (Mr. Clayton, Secretary of State, to Mr. Donelson, July 3, 1849. MSS. Inst., Prussia.)

"Your dispatches of the 10th of November, Nos. 5 and 6, have been received. In your No. 5 you announce that a revolution has taken place in Costa Rica, which was effected by the mere display of military force, unresisted, and without effusion of blood. You further announce that in that movement the President, Señor Castro, was deposed, and the first provisional substitute, Señor Jimenez, had assumed the executive power. The further transactions mentioned are an acquiescence of the several provinces, the suspension of the constitution, and the call of a national convention to adopt a new constitution. As a consequence of these events you have recognized the new President, subject to direction on the occasion from the President of the United States. It does not belong to the Government or people of the United States to examine the causes which have led to this revolution, or to pronounce upon the exigency which they created. Nevertheless, great as that exigency may have been, the subversion of a free republican constitution, only nine years old, by military force, in a sister American Republic, can not but be an occasion of regret and apprehension to the friends of the system of the republican government, not only here, but throughout the world. It only remains to say that the course which you have pursued is approved, inasmuch as it appears that there is not only no civil war, but no government contending with the one which has been established." (Mr. Seward, Secretary of State, to Mr. Blair, December 1, 1863. MSS. Inst., Costa Rica.)

"In your last dispatch you informed this Department that the Chilean Government refused absolutely to recognize General Pierola as representing the civil authority in Peru, and that Señor Calderon was at the head of a provisional government.

"If the Calderon government is supported by the character and intelligence of Peru, and is really endeavoring to restore constitutional government with a view both to order within and negotiation with Chile for peace, you may recognize it as the existing provisional government, and render what aid you can by advice and good offices to that end.

"Mr. Elmore has been received by me as the confidential agent of such provisional government." (Mr. Blaine, Secretary of State, to Mr. Christianity, May 9, 1881. MSS. Inst., Peru.)

"The question of recognition of foreign revolutionary or reactionary governments is one exclusively for the Executive, and can not be determined internationally by Congressional action." (Mr. Seward, Secretary of State, to Mr. Dayton, April 7, 1864. MSS. Inst., France.)

Jefferson's letter to Breckenridge, August 12, 1803:

"The Constitution has made no provision for our holding foreign property, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of the country has done an act beyond the Constitution. The legislature, in casting behind them metaphysical subtleties and risking themselves like faithful servants, must ratify and pay for it and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it."—Jefferson's Writings, volume 3, page 512.

C. J. Ingersoll, of Pennsylvania (January 5, 1845, House of Representatives):
 "I shall merely add that if we can acquire foreign territory by purchase or by conquest, if these are rights appurtenant to natural sovereignty, I do not see why we may not by act of Congress, by compact, though it be not by treaty technically so called."

Mr. Belser, of Alabama:
 "This is a question that has been already decided by that omnipotent tribunal, the people, and enough has been said upon it throughout the Union. When gentlemen say that the legislative power of this Government had no right to annex foreign territory to it, I ask them to point out any express power in the Constitution which authorized the treaty-making power to do it. The treaty-making power has acquired territory as an incident of sovereignty in the legislative department to erect new States out of territory acquired by law, as it is to obtain the territory out of which they were to be formed by treaty."

Mr. Payne, of Alabama:
 "In regard to the power of this Government to admit new States into the Union, I propose to refer to a clause in the Constitution which settles that question. 'New States may be admitted by the Congress into the Union.' In regard to this the Constitution is clear and express."

Mr. Douglas, of Illinois:
 "I am one of those who believe that there is nothing to fear from the acquisition of freemen to the States of this Union, or of territory to this Republic, and while I would not violate treaty stipulations or the law of nations in any respect, I would use all legal means to extend the territory of this Republic from the Atlantic to the Pacific and drive from this continent the last vestige of foreign power."

Mr. Yancy:
 "Like the star which of old drew the shepherds' attention from their humble pursuits to the manger where slept the Saviour of the world, does this culminate over an infant republic, appealing to us as freemen to forego our wrangling and to accomplish in harmony the great destiny to which our principles devote us—the spread of the blessing of our liberty."

Mr. Bayley:
 "The importance of Texas as a means of military defense, and its consequent intimate connection with the war power, I shall show hereafter. If we might go to war to prevent Texas from falling into the hands of a foreign power, may we not still more effectually provide against it by her peaceable acquisition? * * * Authority for the admission of new States carries with it everything which is necessary and proper to accomplish it, and Congress may take such initiatory steps as may be necessary. * * * I maintain that independent of the authority to admit Texas into the Union, derived from the war power and the power to admit new States, she may be admitted by virtue of the power in Congress not to make treaties, for it has no such power, but to contract alliances, enter into confederacies, and make agreements and compacts, each of which powers I have shown Congress to possess."

Mr. Owen, of Indiana:
 "A sovereign power without the power of receiving an accession of domain would be an anomaly in jurisprudence, if not a contradiction in terms."

Citing Grotius:
 "According to the law of nations, not only the person who makes war upon just grounds, but anyone whatever engaged in regular and formal war becomes absolute proprietor of everything which he takes from the enemy, so that all nations respect his title and the title of all who derive through him claim to such possessions, which as to all constitutes the true idea of dominion. * * * Nations have decided that a person is understood to have made a capture when he detains a thing in such a manner that the owner has abandoned all probable hope of recovering it."

Citing Webster's reply to Buchanan:
 "The Government of the United States does not maintain and never has maintained the doctrine of perpetuity of natural allegiance. And surely Mexico maintains no such doctrine, because her actual existing Government, like that of the United States, is founded on the principle that men may throw off the obligation of that allegiance to which they were born."

Also Vattel:
 "Some writers confine this term (civil war) to a just insurrection of the subjects against their sovereign, to distinguish that lawful resistance from rebellion which is an open and unjust resistance. * * * The sovereign never fails, indeed, to bestow the appellation of rebels on all such of his subjects as openly resist him; but when the latter have acquired sufficient strength to give him effectual opposition and to oblige him to carry on the war according to the established rules, he must necessarily submit to the term 'civil war.'"

Shepherd Cary:
 "I would ask wherein Congress would exceed its authority by admitting Texas by legislative enactment? It is authorized by the Constitution to make all laws to carry its provisions into effect; and authority clearly grants the power to admit new States."

Mr. Dean, of Ohio:
 "One of the greatest incitements with me to annex Texas is that we might extend the blessings of civil and religious liberty which we enjoy. I would rejoice to see our free institutions extended throughout this continent."

Mr. Bowlin, of Missouri:
 "The acquisition of territory is one of our inherent rights as a sovereign power. * * * I would ask if at the time the Constitution was adopted the powers of Europe were not enlarging their territories and the spheres of their power? And can we suppose that the framers of the Constitution intended to deny to the confederated States the power to extend the limits of this Republic beyond those to which it was then confined? Can it be supposed that such a thing ever entered their minds for a single moment? No; they intended to place the Government on a basis which would make it as powerful as any government on the face of the globe—one whose influence should be spread with its civil and religious liberties to the utmost possible limits."

Mr. Benton:
 "The annexation of Texas is a great national measure and should never be degraded into anything sectional or partisan."

Mr. Atchison:
 "Texas has a right to transfer and the Government of the United States the right to accept the territory of Texas without giving any just cause of offense to any other power."

Mr. Hammett, of Mississippi:
 "She offers us her republican spirit; she offers us her wide domain; she offers us the valor of her sons and gives us a guaranty that if ever dangers threaten our land the spirit of San Jacinto would make common cause with that of Louisiana."

Mr. Rhett, of South Carolina:
 "If it is admitted that the treaty-making power is authorized to do that to which there is no express reference made in the Constitution (viz, to purchase territory), why can not the Congress, to which the power is expressly given, use the same means or any other means to acquire this territory out of which they are expressly authorized to admit new States?"

Mr. Caldwell, of Kentucky:

"We present the astonishing spectacle to the world of having offered to us such a boon as has been offered to no nation of the earth, and yet we are standing here debating whether we will accept the proffered boon. To me this is the greatest matter of wonder and astonishment."

Mr. White, of Kentucky:

"This bill is one in execution of a system of policy countenanced by the Government during half of its existence, and it is as familiar to the Constitution as the preamble to the Constitution itself."

Mr. Picklin, of Illinois:

"I knew this not as a party or sectional measure, whether Southern or Northern, but as one having 'as large a charter as the wind,' and coextensive with the varied interests of soil and climate of our great and glorious Republic. * * * The progress of civilization will be promoted, hand in hand with the spirit of the age, where beneficent light will permeate to those dark abodes where ignorance, superstition, and crime have reigned."

Senator Walker (February, 1845):

"The clause authorizing Congress to admit new States into the Union was not confined to our existing territory, but was without limitation, and the framers of the Constitution had expressly refused to limit the general power contained in this clause to the territory then embraced in the Union. The general power, then, is in express words, and no man has a right to interpolate restrictions, and especially restrictions which the framers of the Constitution had rejected."

Senator Merrick:

"New States may be admitted by the Congress into the Union. How plain, how explicit, how comprehensive. Language could not be plainer and words could not show more plainly and more directly our authority and power to pass the joint resolution now on the table than these words."

Senator McDuffie:

"Has Congress the power to admit a new State into the Union arising without the limits of the original territory of the United States? I believe there has not been a Senator on that side of the House (excepting, perhaps, the honorable Senator from Massachusetts) who has not admitted that the Government of the United States, through one of its departments, may acquire territory, and that the Congress of the United States may admit new States erected out of that territory thus acquired. * * * Senators must stand upon the plain, express grant as it is, or they must stand upon no grant at all."

"This is the simple alternative: The powers of the Constitution either intended, as honorable Senators have said, to confine the powers of Congress to the admission of territory that existed within the limits of the Union at the time of the adoption of the Constitution, or there is no limitation at all in relation to the admission of territory. * * * Do gentlemen on the other side find in the Constitution such a rule as this, that territory can only be acquired, first by the treaty-making power, and then admitted by Congress? It is not so written in the Constitution. * * * Is there anything there to prove that territory can be acquired at all by the treaty-making power?"

"If this clause authorizing Congress to admit new States into the Union did not exist, if there had been no clause on the subject, if foreign territory is to be acquired at all, the power properly belongs to Congress. * * *

Which is the more dangerous, to acquire territory by Congress or by purchase? If it is acquired by Congress, it is done at all events by the same power which is to pay for it and by the same power that exercises the war-making power. * * * Now, in regard to precedents upon the subject. If my recollection is correct, Scotland was united to England by a mutual act of Parliament. * * * and it was also by an act of Parliament that Ireland was united to England."

Senator Allen (February 25, 1845):

"What England wants are stations about the world to promote her commerce and navigation. At the Congress of Vienna, where the smaller kingdoms of Europe were unceremoniously partitioned among different nations, she did not ask for a part of the Kingdom of Saxony or Italy, but she asked for a few islands, forest and rocks. She wanted Malta, and she retained it. She was perfectly willing to see Norway, Italy, Saxony, the ancient German Empire, etc., partitioned off to Austria and other powers, but she held on to her strong posts. She held on to the costly Canadas, and spent millions in putting down rebellion there when even in peace they were a dead expense. Was this merely to gratify a desire for territorial possessions? Certainly not, for England is wise and calculating; but it was for gain."

"She had Halifax, a great naval depot, which affords her the means of annoying our commerce in time of war. She has a long line of frontier and she retains the Canadas to aid her in hemming us in. One of her prime ministers acknowledged that the people were taxed to the starving point, yet Canada was held fast. Look at the line which was adopted in the Ashburton treaty. A ridge of mountains was acquired by her as a barrier against us. It was not Peel, but Wellington—the military spirit of Wellington—who dictated that line. Why these preparations on the part of Great Britain? Because she foresees a commercial rivalry."

Senator Walker:

"What Government in the world, from ancient to modern times, ever confined itself to the rule that it could not enlarge its territory?"

Senator Buchanan:

"What new States? The convention has answered that question in letters of light, by rejecting the proposed limitation of this grant, which would have confined it to States lawfully arising in the United States."

Senator Yates (January 11, 1871; part 1, third session, Forty-second Congress, page 430):

"Because we are free and have risen to a high scale of civilization, morality, and independence, it is argued that we should not extend freedom and liberty to others. It was to be ruin to the Government if we annexed Louisiana and Florida. It was to be ruin with the \$10,000,000 debt of Texas; ruin if we took California; ruin if we took New Mexico."

Senator STEWART (part 1, third session, Forty-second Congress, page 429):

"So long as our destiny continues to be growth, so long as it continues to be prosperity, so long will it continue to be expansion."

Senator Cox (part 1, third session, Forty-second Congress, page 408):

"I belong to the school which believes the greater nation will gradually absorb the less on this continent."

Senator Stevenson (part 1, third session, Forty-second Congress, page 400):

"Some gentlemen seem to fear the expansion of the Republic. Such fears have haunted every epoch of our national growth as we have spread from the Atlantic to the Pacific, yet every acquisition has proved a priceless treasure."

Senator Pomeroy (part 1, third session Forty-second Congress, page 200):

"It is no question of cheap sugar or cheap tobacco with me, or of dollars and cents particularly. It is a question whether we have a government that can be extended over a people for their benefit and not to our injury."

Senator Morton (part 1, third session Forty-second Congress, page 277):

"The annexation of San Domingo will come. I prophesy here to-night that it will come. It may not come in the time of General Grant or in my time, but I believe it is destined to come, and with it, too, the annexation of Cuba and Puerto Rico."

APPENDIX B.

Report of L. A. Thurston on the Hawaiian anti-annexation petition.

The petition consists of 556 pages, of which 308 pages contain what purport to be male signatures and 248 pages female signatures.

NUMBER OF NAMES.

The number of male signatures purports to be..... 10,378
The number of female signatures purports to be..... 10,801

Making the total number of signatures..... 21,209

NUMBER OF ADULTS.

The petition contains a column in which, opposite each name, the age of each petitioner purports to be written.

THE MALE PETITION

contains a summary in which it is stated that the adult signers number 8,116, and the minors between the ages of 14 and 20 years 2,262, making the total of 10,378 males.

THE FEMALE PETITION

contains no summary of adults and minors, but examination thereof shows that there purport to be—adults, 8,215; under 20 years of age, 2,676.
The face of the petition, therefore, shows that there are:

	Adults.	Minors.
Male.....	8,116	2,262
Female.....	8,215	2,676
Total.....	16,331	4,938

PERCENTAGE OF MINORS.

It thus appears, even from the face of the petition, that 29 per cent of the petitioners are minors.

There is strong reason to believe that a much larger number of the petitioners are minors, for reasons hereinafter stated.

REASONS FOR DISCREDITING THE PETITION.

The following facts, tending to discredit both the genuineness and the good faith of the petition, appear upon its face.

FIRST FACT TENDING TO DISCREDIT THE PETITION.

The certificate or summary accompanying the male petition states that the minors are all between 14 and 20 years of age.

The petition shows on its face that there are 350 male petitioners and 327 female petitioners, or 677 in all, under 14 years of age, of whom 7 boys and 6 girls are only 2 years of age.

The page of the petition and number of each male petitioner under 14 is given in Table 1, hereto attached, and of each female petitioner in Table 2, hereto attached.

There is strong reason to believe that the number of minors under 14 is much greater than that given above, by reason of the fact that several hundred fraudulent changes in the ages of petitioners is apparent on the face of the petition, particulars of which are hereinafter given.

The number above enumerated is simply that appearing on the face of the petition.

SECOND FACT TENDING TO DISCREDIT THE PETITION.

The ages of 53 of the male petitioners and 228 of the female petitioners, making 281 in all, have been fraudulently changed from a lower to a higher figure.

The object of these changes is manifestly to try and make the face of the petition comply with the statement contained therein that the minors are over 14, and second, to give an appearance of greater responsibility and weight to the petition than it would have if so many young children appeared to be signers.

The page of the petition and number of each male signature which has been fraudulently changed is given in Table 2, hereto attached.

The page of the petition and number of each female signature the age opposite which has been fraudulently changed is given in Table 3, hereto attached.

There are a great number of other ages which appear to have been tampered with, but only these are enumerated above which have plainly been fraudulently changed.

THIRD FACT TENDING TO DISCREDIT THE PETITION.

The signatures of over 1,400, or nearly 10 per cent, of the adult petitioners are not original, but forgeries.

There are an immense number of other signatures that appear to be forgeries, but only those plainly appearing to be so are enumerated above.

The pages of the petition and numbers of each of the signatures which are not original are enumerated, as to the male signatures in Table 4 and as to the female signatures in Table 5, hereto attached.

The following are some of the most glaring instances of wholesale incorporation of signatures, all in one handwriting.

On page 95 of the male petition 19 signatures, Nos. 23 to 40, are all in the same handwriting.

On page 161 of the male petition 18 signatures, Nos. 33 to 50, are all in the same handwriting.

On page 163 of the male petition 7 signatures, Nos. 9 to 15, are in one handwriting; 9 signatures, Nos. 17 to 25, are in one handwriting, and 14 signatures, Nos. 26 to 45, are in one handwriting.

On page 164 of the male petition 46 signatures, Nos. 5 to 50, are all in one handwriting.

On page 165 of the male petition 20 signatures, Nos. 30 to 49, are in the same handwriting.

On page 212 of the male petition 20 signatures, Nos. 20 to 43, are in the same handwriting.

On page 255 of the male petition 12 signatures, all there are on the page, are in the handwriting of Edward K. Lilikalan.

All of the signatures on page 8 of the women's petition, 16 in number, are also in this man's handwriting.

On page 77 of the women's petition 16 signatures, Nos. 34 to 49, are in the same handwriting (not Lilikalan's, but a number of the names signed by Lilikalan on page 8 are written again by some one else on page 77).

A strong side light is thrown upon the petition as a whole by the fact that Lilikalan is an intimate personal adherent of the late reigning family, a prominent officeholder, and member of the legislature under the monarchy, and is now an implacable Royalist and advocate of restoration of the monarchy.

In addition to signing his own and all the other names on the two pages above indicated, he attests his enthusiasm by again signing his own name on

pages 55 and 255 of the male petition. I am personally and intimately acquainted with Lilikalan's handwriting. Mr. John Ross also signs his name on page 307, and again on page 308.

On page 200 of the male petition 25 signatures, Nos. 3 to 27, are in the same handwriting.

On page 204 of the male petition 23 signatures, Nos. 2 to 24, are in the same handwriting.

On page 5 of the female petition all the 43 signatures and the ages are in the same handwriting.

On page 8 of the women's petition all of the 16 signatures are in the same handwriting.

On page 12 of the women's petition 44 of the 43 signatures are in the same handwriting.

All the signatures on pages 108, 109, and 111 of the women's petition, 125 in all, are in the same handwriting.

All of the signatures (except 13 on page 120) on pages 116, 120, 121, and 122 of the female petition, 173 in all, are in the same handwriting.

On page 340 of the women's petition C. K. Pa, a man, has signed all the names from Nos. 6 to 30, 31 in all. His own signature appears as No. 1 on page 130 of the men's petition. All the numbering of signatures on pages 130, 131, and 132 of the men's petition is in his handwriting.

The pages of the petition and numbers of the signatures of male petitioners which do not appear to be original signatures are given in Table No. 4, and of females in Table No. 5, hereto attached.

FOURTH FACT TENDING TO DISCREDIT THE PETITION.

The petition purports to give the ages of the petitioners.

The ages on whole pages of the petition are filled in all in the same handwriting, and manifestly without attempt on the part of the enumerator to insert the real age of the petitioners, the ages all ending in even or round numbers.

The following examples will suffice to demonstrate that no reliance can be placed on the correctness of the ages given:

On page 73 of the male petition signatures Nos. 30 to 49, inclusive, have set opposite them, all in one handwriting, the following as their respective ages: 30, 30, 30, 35, 43, 42, 45, 40, 20, 48, 45, 42, 30, 40, 60, 30, 25, 30, 40, 60 years.

On page 78 the ages set opposite signatures Nos. 9 to 22, inclusive, all in the same handwriting, are 45, 40, 20, 30, 40, 25, 40, 45, 30, 50, 55, 40, 60, 45 years.

There are scores of other instances of ages all in one handwriting, manifestly inserted by a different person and at a different time from the signatures.

Again, the ages of 273 certainly, and probably many more, petitioners have been fraudulently changed. The ages of petitioners are not ordinarily an essential part of a petition, but having in this case been made a part, frauds in connection affect the bona fides of the whole petition.

FIFTH FACT TENDING TO DISCREDIT THE PETITION.

Each and every page of the male petition is countersigned with the original signatures of Enoch Johnson, secretary, and James K. Kaula, president of the "Hawaiian Patriotic League," and each page of the female petition is countersigned with the original signatures of Mrs. Lilia Aholo, secretary, and Mrs. K. Campbell, president of the "Women's Hawaiian Patriotic League."

These four people are all intelligent. Johnson and Kaula are members of the bar of the supreme court of Hawaii. Kaula is now chairman of the royalist delegation in Washington, and personally brought the petition from Honolulu.

There is no possibility that the officers of the organizations named did not know of the frauds and forgeries enumerated above, and yet they have certified to the correctness and genuineness of each individual page, and have even taken oath before a notary public certifying thereto, and secured the certificate of the United States consul as to the official standing of the notary.

SUMMARY OF FACTS INCONSISTENT WITH JOHNSON'S AND KAULIA'S CERTIFICATES OF GENUINENESS OF PETITION.

A summary of the facts which appear upon the face of the male petition inconsistent with its genuineness and bona fides, which must have been known to Kaula and Johnson when they certified it, are as follows:

1. The petition certifies that the minor petitioners are between 14 and 20 years of age.

The male petition shows on its face that out of a total of 308 pages, 105 pages, or more than one-third, contain the names of 350 minors, ranging from 2 to 13 years of age.

2. That on 31 pages of the male petition the ages of 53 petitioners who are under 14 have been fraudulently changed to 14 or upward.

3. That on 18 pages 23 persons have signed 203 signatures, as high as 46 signatures on 1 page being in the same handwriting (page 164, male petition).

4. In a great number of instances the ages are all in the same handwriting and in round numbers only.

5. The signatures of the boys, 2 and 3 years of age, are in good round handwriting. This may be claimed as evidence of the advanced educational system of Hawaii.

Each and every page above indicated is countersigned by Johnson and Kaula.

SUMMARY OF FACTS INCONSISTENT WITH MRS. AHOLO'S AND MRS. CAMPBELL'S CERTIFICATE OF GENUINENESS OF PETITION.

1. The female petition shows on its face that 327 of the minors are under 14 years of age.

2. There is no separate certificate on the female petition that minors are over 14, but the common management of the two petitions is evidenced by the fact that on 73 pages of the female petition the ages of 228 petitioners who are under 14 have been fraudulently changed to 14 or upward.

3. On 42 pages 43 persons have signed 1,104 names, as high as 126 signatures in one case and 178 in another being all in the same handwriting; and in one instance 16 female names (page 8) and in another 31 (page 240) are in the handwritings of well-known men.

4. In a great number of instances the ages are all in the same handwriting and in round numbers.

5. The signatures of the 2 and 3 year old girls are in good round handwriting, impossible to be genuine.

Each and every page indicated above is countersigned by Mrs. Aholo and Mrs. Campbell.

In conclusion, I desire to make some explanation concerning the getting up and signing of petitions in Hawaii.

It is common knowledge there that even to a greater degree than in this country there is little feeling of responsibility attached to signing a petition.

Among the native Hawaiians especially the feeling is that it is rather an honor to see one's name attached to a petition, and that it would be unfriendly to refuse to sign a petition, an act which costs nothing.

For example, the petition in question was, I am credibly informed, taken to many prominent supporters of annexation and they were requested to sign it simply to show that there was no hard feeling in the matter.

Subscription papers were also passed around to raise money to send the royalist delegation now in Washington, and leading annexationists asked to subscribe thereto.

As an example of the irresponsible signing of petitions which has come to my personal knowledge, I was a member of the Hawaiian legislature in 1886, and noticing a native member sitting at my side, writing at the top of a document which contained a number of signatures, I asked him what he was doing.

He replied that he was preparing a petition in support of a bill which he had introduced.

I said, "Why, you don't mean to say that you get your petition signed first, and write in the heading afterwards, do you?"

"Why, certainly I do," he replied. "It's too much bother to send clear to my district to get a petition, so I had a lot of blank sheets signed up in advance, and every time I want a petition to back up one of my measures, I write in a heading on one of these sheets." He thereupon pulled open the drawer of his desk and showed me some twenty or thirty sheets all signed in blank, with a space at the top in which to insert the object of the petition.

Another member of the Hawaiian Legislature once made a wager that within a given time he could secure a hundred signatures to a petition praying the Legislature to make an appropriation to move one of the islands so that it would be nearer to headquarters and easier to get at. He got the signatures within the time named.

Dated Washington, March 4, 1898.

TABLE No. 1.—Showing the page of the petition, number of each signature, and age of each male petitioner who, on the face of the petition, is under 14 years of age.

Petition.	Signature No.	Age.	Petition.	Signature No.	Age.
		Years.			Years.
Page 2.....	12	8	Page 97.....	28	4
Page 11.....	5	11	Page 98.....	30	3
	14	7		12	6
	38	11		13	13
Page 38.....	45	10	Page 99.....	26	4
Page 63.....	46	13		19	6
	16	13		22	10
	18	13		23	12
Page 67.....	20	11		25	7
	20	13		26	8
	21	13		27	7
	23	13		31	11
	24	10	Page 100.....	5	6
	25	11		8	10
	26	11		11	3
	27	11		14	7
	28	11		15	3
	29	11		16	5
Page 70.....	25	13	Page 101.....	6	12
Page 74.....	6	13		7	10
Page 77.....	3	10		8	7
	10	10		9	5
Page 79.....	4	10		10	2
	5	10		13	3
	14	12	Page 102.....	20	11
	29	12		21	6
	35	12		22	3
	40	8	Page 103.....	6	3
Page 80.....	4	12		9	9
Page 81.....	8	13		10	8
	15	12		13	10
	16	12		15	12
	17	13	Page 104.....	2	5
	20	12		2	5
	21	12		16	13
	30	12		20	12
	31	12		21	11
Page 92.....	39	11		22	3
Page 93.....	46	6		23	3
Page 94.....	6	6		24	2
	13	6		30	12
	14	12		33	6
	29	4		40	12
	32	0		45	10
	33	10	Page 105.....	1	5
	35	2		2	3
	37	6		3	5
	38	7		45	10
	41	13	Page 106.....	2	4
Page 95.....	3	10		18	4
	4	11		29	13
	7	9		38	12
	8	10		45	13
	9	11		46	12
	10	4		48	12
	22	4	Page 108.....	7	12
	23	2		4	13
	25	10	Page 110.....	4	10
	29	12		7	12
	33	3	Page 111.....	1	12
	34	2	Page 113.....	39	6
	35	8	Page 118.....	10	6
	36	6	Page 121.....	4	8
	37	5		45	10
	38	6		11	13
Page 96.....	6	9	Page 135.....	2	13
	7	4	Page 142.....	14	18
	42	13	Page 155.....	47	13
Page 97.....	3	10	Page 160.....	10	13
	9	10		27	10
	7	5		32	12
	9	2		37	12
	13	2		40	10
	14	4		40	10
	18	4		50	13
	19	5	Page 161.....	5	11
	22	11	Page 163.....	3	12

TABLE No. 1.—Showing the page of the petition, number of each signature, and age of each male petitioner, etc.—Continued.

Petition.	Signature No.	Age.	Petition.	Signature No.	Age.
		Years.			Years.
Page 164.....	2	10	Page 200.....	22	8
	3	7		24	7
Page 165.....	32	10		25	10
Page 166.....	23	11		26	9
	24	11		41	10
Page 167.....	15	13		44	13
	26	13		45	12
	28	12		46	12
	30	11		47	13
Page 168.....	19	10		48	7
Page 172.....	2	13	Page 201.....	47	12
	3	10		48	9
	4	10	Page 202.....	43	13
Page 173.....	15	11	Page 204.....	32	12
Page 174.....	5	11		33	11
	16	12		34	10
	17	10	Page 205.....	5	13
Page 175.....	16	8		6	11
Page 176.....	31	13		7	12
	48	13		12	13
Page 177.....	19	11		35	13
	20	8	Page 206.....	4	13
	26	12		5	12
	27	8		9	13
	33	8		11	10
	37	13		14	10
Page 178.....	15	10		17	13
	24	13		18	10
Page 179.....	4	11		21	13
	5	10		23	11
	38	11		26	4
Page 180.....	8	13		37	13
	11	13		40	13
	12	12	Page 207.....	4	13
	13	10		11	11
	17	10		29	13
	19	12		41	11
	27	10		50	13
	38	13	Page 208.....	33	13
	39	10		34	10
	40	9		35	9
Page 181.....	12	13		36	10
	13	10		37	7
	21	10		45	11
	32	10		47	9
	34	13	Page 209.....	23	13
	43	12		50	13
	47	11	Page 210.....	27	11
Page 182.....	20	11		29	11
	46	8	Page 211.....	15	12
	48	9		27	12
Page 183.....	3	10		37	10
Page 184.....	3	10		37	10
	4	12		49	13
Page 185.....	33	11	Page 212.....	35	10
	38	12		37	10
	40	12		40	11
Page 186.....	14	12		42	10
	20	13	Page 213.....	17	12
	34	12		21	13
	40	13		22	10
	45	12		36	10
Page 187.....	22	11		40	12
	44	13		47	12
	45	12	Page 214.....	3	13
Page 188.....	45	12	Page 228.....	3	13
	47	10		33	12
Page 190.....	3	10	Page 229.....	9	13
	13	12	Page 232.....	9	13
	14	12		23	13
	38	13	Page 234.....	47	12
	39	11	Page 257.....	8	13
Page 193.....	21	11	Page 268.....	14	10
	22	10	Page 267.....	6	11
Page 194.....	2	11	Page 268.....	11	11
	35	13		16	13
Page 195.....	2	7		20	13
	4	11		22	12
	5	13		23	10
	6	12		24	12
	18	12		34	13
	25	12		41	11
	28	9		42	10
	37	10	Page 270.....	34	13
	38	12		21	12
	39	12	Page 271.....	4	12
	40	10	Page 274.....	6	12
Page 197.....	25	13		16	13
	35	11	Page 281.....	6	12
	36	13		36	13
	39	12	Page 286.....	44	13
	40	10	Page 287.....	34	13
	50	13		11	11
Page 199.....	3	12	Page 289.....	20	13
	10	10	Page 295.....	23	13
Page 200.....	4	13	Page 296.....	34	15
	6	11	Page 297.....	17	13
	18	9	Page 301.....	39	13

SUMMARY.

Total number of pages on which minors under 14 appear 100
Total number of minors under 14 350

TABLE No. 2.—Showing the page of the petition and number of each male petitioner whose age, written opposite his signature, has been fraudulently raised from a lower to a higher figure.

Petition.	Signature No.	Age (in years) raised from—	Petition.	Signature No.	Age (in years) raised from—
Page 4.....	5	12 to 14	Page 238.....	3	13 to 14
Page 6.....	13	11 to 14	Page 237.....	33	12 to 14
Page 9.....	16	13 to 18	Page 257.....	8	13 to 18
Page 25.....	24	12 to 17	Page 266.....	14	10 to 16
Page 46.....	19	10 to 19	Page 267.....	6	11 to 14
Page 47.....	26	12 to 14	Page 268.....	11	11 to 16
Page 61.....	13	12 to 14	Page 269.....	16	13 to 18
	33	12 to 14		23	10 to 16
	43	10 to 16		24	12 to 17
	44	12 to 14		34	13 to 18
	46	13 to 18		41	11 to 14
Page 65.....	20	13 to 18		42	10 to 16
	24	13 to 18	Page 270.....	34	13 to 18
	25	13 to 18	Page 271.....	4	12 to 17
	26	13 to 18	Page 274.....	16	13 to 18
	27	12 to 14		6	12 to 15
	29	18 to 18	Page 271.....	6	12 to 15
Page 68.....	12	13 to 18	Page 285.....	36	13 to 16
	29	12 to 14	Page 287.....	9	16 to 46
	38	9 to 19		34	13 to 18
	40	2 to 21		11	11 to 14
	42	6 to 16	Page 289.....	30	13 to 18
Page 103.....	12	10 to 16	Page 295.....	23	13 to 18
Page 183.....	9	17 to 37	Page 296.....	24	13 to 18
Page 190.....	20	10 to 16	Page 297.....	17	13 to 18
	21	12 to 14	Page 301.....	30	13 to 18
Page 225.....	62	13 to 14			

* And from 15 to 16.

SUMMARY.

Total number pages on which changes in ages have been made..... 31

Total number ages fraudulently changed from a lower to a higher..... 63

TABLE No. 3.—Showing the page of the petition and number of each female petitioner whose age, written opposite her signature, has been fraudulently raised from a lower to a higher figure.

Petition.	Signature No.	Age (in years) raised from—	Petition.	Signature No.	Age (in years) raised from—
Page 14.....	11	16 to 46	Page 120.....	34	12 to 22
	12	12 to 14		40	12 to 22
	14	13 to 18		41	9 to 19
Page 17.....	8	13 to 23		44	11 to 21
Page 22.....	40	13 to 23	Page 130.....	2	12 to 22
Page 39.....	11	12 to 14		5	12 to 22
Page 43.....	11	13 to 18		6	12 to 19
	36	13 to 15		31	12 to 22
Page 53.....	15	13 to 23	Page 131.....	32	11 to 21
	16	12 to 22		29	10 to 19
	24	11 to 14	Page 132.....	40	10 to 19
	26	11 to 14		14	12 to 23
Page 54.....	13	11 to 16		18	12 to 14
	17	12 to 18		22	12 to 15
	20	11 to 16		24	11 to 14
Page 55.....	45	12 to 72		25	12 to 22
Page 61.....	19	12 to 14		40	10 to 19
	30	11 to 17		41	9 to 19
	32	13 to 18		42	8 to 18
	36	12 to 14		43	9 to 19
	46	10 to 17		44	10 to 20
Page 66.....	42	12 to 22		45	12 to 22
	38	13 to 23	Page 133.....	46	11 to 41
	32	10 to 20		47	10 to 20
Page 68.....	30	12 to 22		48	9 to 61
	35	12 to 14		49	9 to 19
Page 71.....	18	13 to 23		50	13 to 23
Page 82.....	37	12 to 23	Page 134.....	3	12 to 22
	44	13 to 14		12	12 to 14
	2	12 to 14		13	10 to 20
Page 92.....	10	10 to 18		16	13 to 23
	41	13 to 18		19	11 to 21
Page 101.....	110	10 to 17		25	12 to 14
	202	10 to 19		35	13 to 23
	221	10 to 19		47	10 to 20
	301	10 to 19		48	11 to 19
	307	10 to 19		49	10 to 20
Page 113.....	23	13 to 23		50	10 to 20
	25	13 to 23	Page 157.....	17	12 to 22
Page 119.....	2	12 to 22		37	13 to 23
Page 120.....	29	13 to 23		38	12 to 23
Page 123.....	22	10 to 20		39	12 to 23
	10	10 to 20		41	13 to 23
Page 126.....	6	12 to 22		42	12 to 22
	7	13 to 23		46	10 to 20
	13	12 to 22		47	12 to 14
Page 127.....	45	11 to 19	Page 160.....	2	12 to 22
	46	13 to 16		37	13 to 23
	47	12 to 14		26	12 to 14
Page 128.....	32	10 to 20	Page 164.....	20	12 to 14
	47	12 to 22	Page 165.....	7	12 to 22
Page 129.....	15	11 to 14		18	12 to 22
	20	10 to 19		33	13 to 23

1 Original in purple ink; changed with black ink.

2 Original in black ink; changes in blue ink.

3 Original in black ink; changes in indelible pencil.

4 Original, red ink; changes, blue ink.

5 Originals in black ink; changes in blue ink.

6 Originals and changes are in different shades of ink.

TABLE No. 3.—Showing the page of the petition and number of each female petitioner, etc.—Continued.

Petition.	Signature No.	Age (in years) raised from—	Petition.	Signature No.	Age (in years) raised from—
Page 168.....	15	13 to 22	Page 192.....	485	11 to 14
	38	12 to 14		493	11 to 14
	41	12 to 14		500	12 to 14
	50	12 to 22	Page 194.....	30	10 to 20
Page 169.....	23	10 to 15		3	12 to 22
	26	10 to 15	Page 201.....	5	10 to 20
	31	9 to 19		30	8 to 18
	36	12 to 14		34	6 to 16
Page 170.....	25	11 to 16		35	12 to 23
	27	13 to 15		38	9 to 19
Page 170.....	30	10 to 15	Page 202.....	4	10 to 20
	44	12 to 15		5	7 to 17
Page 171.....	14	12 to 22		9	5 to 15
	37	10 to 14		13	7 to 17
	47	12 to 14		14	12 to 22
Page 172.....	30	10 to 20		16	4 to 14
	37	10 to 14	Page 203.....	6	11 to 17
	47	12 to 14		7	7 to 17
Page 173.....	43	13 to 14		9	7 to 70
	47	12 to 14		10	5 to 50
	48	13 to 14		12	11 to 19
Page 175.....	15	11 to 19		13	4 to 14
	16	12 to 14		15	4 to 14
Page 176.....	7	13 to 23		17	5 to 15
	8	10 to 20		18	2 to 20
Page 180.....	9	12 to 23		23	4 to 14
Page 181.....	16	12 to 22		24	4 to 40
	17	10 to 20		27	4 to 40
	18	9 to 19	Page 204.....	19	11 to 16
	23	8 to 18		20	13 to 23
	31	12 to 14		23	12 to 22
	32	9 to 19		24	13 to 23
Page 182.....	6	12 to 24		26	13 to 23
Page 184.....	61	10 to 16		28	13 to 23
	65	10 to 14		29	10 to 20
	70	10 to 14		30	9 to 30
	72	12 to 14	Page 223.....	23	10 to 20
	73	12 to 14		30	10 to 20
	84	12 to 16	Page 227.....	4	12 to 14
	89	13 to 14	Page 230.....	2	13 to 23
	92	10 to 14		6	13 to 23
	94	12 to 14	Page 233.....	6	11 to 21
	95	13 to 14		7	10 to 20
Page 185.....	100	11 to 14		8	10 to 20
	115	12 to 14		10	10 to 20
	131	10 to 14		12	13 to 23
Page 186.....	175	10 to 19	Page 236.....	14	10 to 18
	185	12 to 16		19	10 to 20
	186	10 to 90	Page 242.....	31	9 to 18
Page 187.....	251	11 to 14		36	5 to 15
	266	8 to 18	Page 243.....	4	12 to 23
Page 188.....	272	9 to 19		15	10 to 20
	278	13 to 14		48	10 to 20
	279	9 to 19	Page 244.....	8	12 to 22
	280	11 to 14		10	9 to 19
	306	10 to 19		27	12 to 22
	310	10 to 14		36	12 to 22
Page 189.....	311	12 to 14	Page 245.....	23	10 to 20
Page 190.....	358	13 to 14	Page 246.....	9	7 to 17
Page 192.....	414	11 to 14		28	11 to 21
	478	12 to 14		29	10 to 20

1 Nos. 3, 4, 5, 6, 7, 9, 10, 11, 16, and 24 appear to have been changed, as in each case one of the figures denoting the age is in different colored ink from the other.

2 In each case original in black ink; changes in indelible pencil.

TABLE No. 4.—Showing the page of the petition and number of each male petitioner whose signature bears evidence of forgery.

Page 30.—Nos. 20 to 24, inclusive, are in the same handwriting.
Page 31.—Nos. 17 to 23, inclusive, are in the same handwriting.
Page 60.—Nos. 40 to 43, inclusive, are in the same handwriting.
Page 64.—Nos. 11 to 14, inclusive, 17 to 19, inclusive, and 32 to 34, inclusive, are in the same handwriting.
Page 65.—Nos. 8, 9, 21, and 22, and 25 to 29, inclusive, and 32 to 34, inclusive, are in the same handwriting.
Page 95.—Nos. 22 to 40, inclusive, are in the same handwriting.
Page 130.—Nos. 4 to 33, inclusive, are in the same handwriting, with a few exceptions.
Page 161.—Nos. 33 to 50, inclusive, are in the same handwriting.
Page 162.—Nos. 42 to 49, inclusive, are in the same handwriting.
Page 163.—Nos. 9 to 15, inclusive, 17 to 25, inclusive, and 32 to 45, inclusive, are in the same handwriting.
Page 164.—Nos. 5 to 50, inclusive, are in the same handwriting.
Page 165.—Nos. 30 to 49, inclusive, are in the same handwriting.
Page 171.—Nos. 23, 33, 34, 38, and 44 to 48, inclusive, are in the same handwriting.
Page 174.—Nos. 13 to 17, inclusive, are in the same handwriting.
Page 212.—Nos. 29 to 48, inclusive, are in the same handwriting.
Page 235.—Nos. — to 12, inclusive, are all in the same handwriting, that of Edward K. Lilikalani.
(Lilikalani has also signed all the signatures, sixteen in number, on page 8 of the women's petition.)
Page 290.—All of the signatures from Nos. 3 to 27, inclusive, are in the same handwriting.
Page 294.—Nos. 2 to 24, inclusive, are in the same handwriting.

SUMMARY.

Number of pages on which a number of signatures in the same handwriting appear..... 18
Number in different handwritings..... 23
Number of signatures signed in these twenty-three handwritings..... 306

TABLE No. 5.—Showing the page of the petition and number of each female petitioner whose signature bears evidence of forgery.

Page 5.—With 48 signatures; both signatures and ages are all in the same handwriting.

Page 8.—With 16 signatures; names and ages are all in the same handwriting. (These signatures are in the handwriting of Edward K. Lilikalani, with whom I went to school and with whose handwriting I am intimately acquainted. This page, in common with all the others, is countersigned by Mrs. Campbell and Mrs. Aholo.)

Page 9.—Nos. 1, 2, 3, 4, 5, 36, 37, 38, 39, 40, 41, and 42 are in the same handwriting.

Page 9.—Names Nos. 31, 32, 33, and 34 are in the same handwriting.

Page 12.—Forty-eight signatures; all but the first 4 are in the same handwriting.

Page 10.—Nos. 41 to 46, inclusive, are in the same handwriting.

Page 17.—Nos. 13 to 17, inclusive, are in the same handwriting.

Page 17.—Nos. 30 to 36, inclusive, are in the same handwriting.

Page 17.—Nos. 41 to 44, inclusive, are in the same handwriting.

Page 22.—Nos. 45, 46, and 47 are in the same handwriting.

Page 23.—Nos. 30 to 43, inclusive, are in the same handwriting.

Page 22.—Almost the entire page is in the same handwriting, with an apparent attempt to conceal the handwriting by changing the inclination of the letters. But see the letter "K" is the same in almost every signature.

Page 66.—Nos. 30 to 49, inclusive, are in the same handwriting.

Page 67.—Nos. 5 to 17, inclusive, are in the same handwriting.

Page 71.—Nos. 32 to 35, inclusive, are in the same handwriting.

Page 72.—Nos. 24 to 31, inclusive, are in the same handwriting.

Page 73.—Nos. 22, 23, 30 to 35, inclusive, are in the same handwriting.

Page 91.—Nos. 1 to 5, inclusive, are in the same handwriting.

Page 91.—Nos. 28 to 32, inclusive, are in the same handwriting.

Page 99.—Nos. 51 to 72, inclusive, are in the same handwriting.

Page 103.—Nos. 13 to 43, inclusive, are in the same handwriting.

Page 104.—Fifty signatures. Are all in the same handwriting—in indelible pencil.

Page 109.—Forty-eight signatures.

Page 111.—Twenty-eight signatures.

Page 116.—Forty-eight signatures.

Page 120.—Thirty-four signatures.

Page 121.—Forty-eight signatures.

Page 122.—Forty-eight signatures.

Page 123.—Nos. 1 to 12, inclusive, are in the same handwriting.

Page 127.—Nearly all the signatures are in the same handwriting. Nos. 11 to 15 appear to be in a different handwriting.

Page 130.—Nos. 1 to 8, inclusive, are in the same handwriting. Nos. 10 to 14 are in the same handwriting. Nos. 17 to 50 are in the same handwriting.

Page 132.—Nos. 1 to 20, inclusive, are in the same handwriting.

Page 133.—Nos. 7 to 25, inclusive, are in the same handwriting.

Page 134.—Nos. 36 to 40, inclusive, are in the same handwriting.

Page 143.—Nos. 30 to 37, inclusive, are in the same handwriting.

Page 148.—Nos. 11 to 15, inclusive, are in the same handwriting.

Page 152.—Nos. 1 to 5, inclusive, and 12 to 15, inclusive, are in the same handwriting.

Page 154.—Nos. 1 to 19, inclusive, are in the same handwriting.

Page 157.—Nos. 13 to 21, inclusive, are in the same handwriting.

Page 168.—Nos. 36 to 39, inclusive, are in the same handwriting.

Page 201.—Most of the 43 signatures are in the same handwriting.

Page 224.—Nos. 32 to 46, inclusive, are in the same handwriting.

Page 228.—Nos. 22 to 50, inclusive, are in the same handwriting.

Page 233.—Nos. 1 to 20, inclusive, are in the same handwriting.

Page 237.—Nearly all the signatures are in the same handwriting.

Page 240.—Nos. 6 to 36, inclusive, are in the same handwriting.

Page 240.—These are all in the handwriting of C. K. Pa, whose name is signed to the men's petition, page 130. No. 1. The numbering appearing on the men's petition, pages 130, 131, and 132, are all in his handwriting.

NOTE.—Part of the names on page 8 are repeated on page 77, where signatures Nos. 31 to 40, inclusive, are all in the same handwriting. Examples: No. 2, page 8, is the same name as No. 35, page 77; No. 4, page 8, is the same as No. 37, page 77; No. 9, page 8, is the same as No. 39, page 77; No. 14, page 8, is the same as No. 41, page 77; No. 16, page 8, is the same as No. 40, page 77. There is no knowing how many other names have been duplicated. I simply happened to stumble onto this duplication.

Mr. GROSVENOR. I now yield the remainder of my time to the chairman of the committee [Mr. HITT].

Mr. RICHARDSON. Mr. Speaker, I want to make my acknowledgment, in the first place, to the gentleman from Kentucky [Mr. BERRY], who occupies a different position on this measure from the one I advocate, and to other gentlemen on our side of the House who have kindly given me a portion of their time. I feel that I am indebted especially to the gentleman from Kentucky because of the fact that he and I differ upon the pending question.

Mr. Speaker, the proposition to annex the Sandwich Islands to the United States, with or without the consent of their population, meets with my unqualified and unalterable opposition. I am also opposed to the permanent conquest and acquisition of Cuba, Puerto Rico, the Philippines, and all other isles of the sea. Nations have always acted, and should govern themselves at all times, upon principles entirely different from those which actuate individuals. I admit that individuals do, and should oftentimes, act for the good of others regardless to a greater or lesser extent of the result of their action on themselves. But this is not true of nations.

Governments must base their action upon purely selfish considerations. In looking at the question of the annexation of Hawaii, or of any foreign territory, the only question that should enter into consideration by us is the one question: Is it best for the United States? The weal or woe, the misery or happiness, the poverty or prosperity of the foreigner or those to be annexed is not involved, and not to be considered in making up our minds as to the annexation of foreign territory.

I am so devout and devoted a lover of my own country that I admit without a moment's hesitation that there is no territory remote from or lying near by us that would not be better off in most if not all its conditions by annexation to and by becoming amalgamated with ours. The superiority of our institutions and

the excellence of our form of government, which to my mind is the world's ideal, place this matter beyond peradventure or dispute.

The chief question, then, involved in the resolution before us to decide is, Shall we for our own benefit annex the Sandwich Islands? The laboring oar in this contention and in the effort to answer this interrogatory in the affirmative is upon those who favor the passage of the pending measure. The procedure or plan of annexation is of doubtful constitutionality and involves fundamental principles. The annexation of Hawaii and the acquisition of far-away colonies involves a permanent policy that is far-reaching and of paramount importance to this Republic. It is, in my judgment, in palpable violation of all our traditions and our past conduct.

We have not only not heretofore entered upon a policy of the acquisition of foreign territory and of outlying colonies from which we are separated by seas and oceans, but, on the contrary, we have persistently and uniformly maintained a different policy. We have been demonstrative and aggressive in the pursuit of our policy. At the very outset of our existence as a nation the greatest of our great and the wisest of our wise men earnestly and eloquently advocated the policy we have pursued. The policy of this Government in respect to this matter, and indeed of all foreign questions, was laid down in the beginning by Washington, Jefferson, Madison, and Monroe, each of whom, in terms which can not be misunderstood, warned us of the dangers of foreign complications, of entangling alliances with other nations, and of annexing territory beyond the sea.

For more than a century the policy so firmly established by these great men has been pursued with unbroken harmony, has proved a bulwark of strength to our own people, and at the same time has won for us the respect and admiration of the world. For one I shall not violate this policy and advocate another which to my mind is so un-American, unwise, and fraught with so much danger to the Republic. I will not make a complete departure from the safe course we have followed so long and so profitably.

I am opposed to the new policy provided in the pending measure because it is plainly in contravention of the Monroe doctrine. We can not as an enlightened people say to all the nations of the earth, "You shall not extend your possessions on this hemisphere," and at the same time reach out ourselves for lands and colonies in theirs.

Mr. BERRY. I desire to ask the gentleman a question right here, because he is conversant with the Monroe doctrine. Does he say that the Monroe doctrine prohibits us from taking as a part of our country an island 2,000 miles from our shores and 4,000 miles from the nearest point of the Eastern Continent? Might not that island be more properly the property of the United States than of any country that lies beyond the seas?

Mr. WM. ALDEN SMITH. Is it not in the Western Hemisphere?

Mr. RICHARDSON. I do not understand that the fact that Hawaii may be nearer to us than to any other country will interfere with or prevent the application of the Monroe doctrine. That doctrine in essence and spirit forbids our going out into the sea and the ocean to acquire territory.

Mr. TAWNEY. Did we not do that in the Alaska purchase?

Mr. RICHARDSON. I will come to that in a moment. The case which the gentleman mentions is not parallel with this.

Mr. TAWNEY. Have we not done it in the case of fifty-seven islands which we have annexed, exclusive of the Aleutian Islands?

Mr. RICHARDSON. I think not. Though separated in some degree, like the Florida reefs from Florida or the Aleutian Islands from Alaska, they are part and parcel of the territory annexed; and if we have annexed others of a different character it has been for mere coaling stations, or something of that kind.

Mr. TAWNEY. The fifty-seven islands that I referred to are exclusive of the Aleutian Islands and in no way connected with the Alaska purchase.

Mr. RICHARDSON. They have not been annexed in the sense in which we propose to annex Hawaii. I will come to that point, I think, a little further on.

Mr. TAWNEY. The Island of Midway, a part of the Hawaiian group, is certainly an analogous case.

Mr. RICHARDSON. If we are to demand of other nations that they keep their hands off American colonies and not intermeddle with American affairs, it certainly behooves us, nay, it is imperatively required of us, to set them the example by refraining from intermeddling with the affairs of Europe, in the Orient, and elsewhere. I am a firm believer in the Monroe doctrine in all its force and consequences. I would not modify it at all, and for this reason I would not invite its violation in letter or spirit by other nations by our attempting the conquest of territory beyond the seas.

If I believed or could be convinced that such conquest and acquisition were essential to our longer existence as a free and independent people, I might hold a different opinion. If I believed that such a course contributed even remotely to our happiness

and prosperity, I might entertain the abandonment of the views I am expressing. But, sir, a departure from the course we have pursued under the guidance and inspiration of the fathers is not demanded for our happiness as a people, and, in my judgment, instead of bringing increased prosperity and blessings to our country, will entail upon us decay and disaster, and finally dissolution and death. I know it is claimed, in the consideration of this measure to annex Hawaii, that the acquisition of Cuba, the Philippines, Puerto Rico, and other colonies is not necessarily involved and should not be taken into consideration. If gentlemen are honest and sincere in this contention, they will not hesitate to support an amendment to the measure annexing Hawaii which I shall offer at the proper time, if no other gentleman does, declaring that a colonial policy is not to be entered upon and that acquisitions are to stop with Hawaii.

But, sir, this measure is but the forerunner of others. It is the beginning of a new policy on our part. The boldest, if not the discreetest, of its advocates admit this. If the question stood by itself and did not involve other conquests or acquisitions, I should oppose it then as unwise. It is claimed that the annexation of Hawaii would strengthen the strategic position of the United States by giving us a great naval advantage; that, is the command of the eastern Pacific Ocean, thereby protecting our western coast. This contention must fail, as all will admit who listened attentively to the able argument of the gentleman from Arkansas [Mr. DINSMORE] on this point. But supposing this were admitted in a partial sense; what protection do we need that the possession of Hawaii would afford?

In our present condition we do not need any such protection. It is only after we shall have entered upon the policy of conquest and annexation of outlying colonies that it can be truly said we need such protection. I concede if we are to change our policy and enter upon that of colony and land grabbing as a nation, then we should need Hawaii and other remote islands and colonies. The acquisition of one creates at once the demand and a necessity which becomes urgent for others. When we start out on this new policy, we can not stop with the acquisition of one, but must go on until we absorb all.

Let us enter upon such a policy and get our appetite once whetted in that direction, there will be no way of satisfying that appetite until all the isles of the sea have been engulfed by us. Then our foreign complications will multiply beyond computation and war will ensue. Indeed we should not emerge from one war before we would be plunged into another, until our Republic, which has hitherto loved peace and the ways thereof, will become the bully of the world and the despised of all peoples.

I do not mean to disparage or put in question our ability to fight successfully all the world if they only come to our shores and fight us upon our chosen ground. We might do this by reason of our inexhaustible resources, indomitable courage, and unfaltering patriotism. But why provoke such a stupendous controversy? Can it be supposed that we can with one breath forbid all other nations (many of them of great power and fighting ability) to enter upon this hemisphere for any purpose whatever, and at once ourselves enter upon the conquest or acquisition of or even interference with provinces in the Eastern Hemisphere or elsewhere? The position of this Republic has always been that of concentration and not diffusion.

Our policy has been to foster and build up the nation as a land power in contradistinction to sea power. Our position among nations is unique. No reason exists for a change in our policy. By its pursuit we have won and have held the esteem and the admiration of the world. We should not be beguiled now by the glamour of conquest or the excitement of the hour engendered in a large degree by a recent great naval victory in a distant sea to abandon our well-chosen position. So long as we pursue the policies of the fathers and founders of the Republic and adhere to the practices of the hundred years of the past which they bequeathed to us, and which have brought us unparalleled prosperity and unalloyed happiness, we need no protection for the Pacific coast other than that which God has given us.

Our position on our western coast and as a nation at large is exceptionally strong. We have no insular territories to defend. All our possessions are on our own continent, and, with the exception of Alaska, all is continuous land territory. No navy of the world nor the combined navies of all nations can cut us off from our possessions. Our vast area and limits, with our opportunities for defense, stand as impassable barriers to invasions from any part of our coast.

Washington, in discussing our relations with foreign countries and reviewing subjects closely akin to the one involved in the pending resolution in his Farewell Address to the people of the United States, uttered words which I shall presently quote of unsurpassed wisdom. I would rejoice to-day if they could be read and understood in all their force, power, and beauty by all of our people everywhere. The following are his words:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as

possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

Again Mr. Jefferson taught us that the true doctrine was and is:

Peace, commerce, and honest friendship with all nations—entangling alliances with none.

Mr. GAINES. The gentleman will allow me to ask whether if we should acquire these islands it will not necessitate our building and continuing to build a larger navy.

Mr. RICHARDSON. Yes; I will come to that point directly.

Mr. Speaker, President Washington, it seems to me, could see as if with the natural eye our present situation.

Sir, we want no islands away out in the sea which can in a few days at any stage of our existence become the prey of hostile navies. The other great powers of the world, England, France, Germany, Italy, and Spain, indeed, all the great nations, except, possibly, Russia, have such colonies and islands to defend; and while no one can truthfully say that the United States could not successfully defend them, if she had them, it is the un wisdom of the policy of seizing and annexing them I am attempting to demonstrate.

I am opposed to the new policy for another reason. It involves the building of a mighty navy and the maintenance of a standing army at all times of stupendous proportions and magnitude. These two things will be absolutely necessary for the respectable enforcement of the new order of things. Why should we incur the enormous expense of a great navy for the Atlantic Ocean, another for the Gulf of Mexico, and a third for the Pacific Ocean? A corresponding increase will be required for a standing army.

Mr. Speaker, we have had enough of war and of the expenditures incident thereto. As a nation we are now, year by year, and every year, paying a tribute to war of \$150,000,000 in the form of pensions alone. I fail to see in the near future any hope for a reduction on this account. On the other hand, the war with Spain in which we are engaged is to add how much no one can tell to our pension roll. In addition to this immense sum, we are also paying as a further annual tribute in the shape of interest on our public debt about \$35,000,000 and to a sinking fund for its retirement the further sum of about \$51,000,000.

Why, then, should we incur the additional expenses for great armies and navies? They serve to provoke war sometimes when without them war could be avoided with honor. Enter upon the new policy I am discussing and add to our present enormous expenses the still greater and more oppressive expenditures incident thereto, and we will lay excessive burdens on our people which will be without a parallel in their history. For one, representing a constituency as proud, patriotic, and intelligent as any represented on this floor, I will not give my voice and vote to any measure or policy which in my judgment will create the necessity and lay the foundations for the fearful and extravagant expenditures to which I have referred. No nation prior to this period has sought or desired a conflict of arms with the United States.

If nations act upon the principle I mentioned at the outset of my remarks—that is, that they govern themselves in their course and conduct toward other nations upon selfish grounds—why should they desire war with us? What could any nation gain by such a conflict of arms? All great powers realize that they have more to lose than to gain by war with us. Then let us not provoke them to attack us, but go on for all ages to come, growing in prosperity as the years and decades and even centuries go by, adding each year to the sum of human happiness by giving our people the freest, the best, and most prosperous Government on the globe.

The other great nations I have mentioned have their outlying colonies, and must maintain their powerful armies and navies, for the support of which excessive burdens in the shape of taxes are annually laid upon their people. Let us not grind the faces of our people by exorbitant taxation and make ourselves weak by enforcing a policy of colonial possessions.

Gentlemen in their stress for plausible arguments upon which to place their advocacy of the annexation policy they now favor have referred to the former acquisitions of territory by our beloved country. They cite the Louisiana purchase by Jefferson, and the annexation of Texas, with the acquisitions of the Californias, and so forth, by Polk, and of the Floridas by Monroe. These,

sir, are not parallel cases to the proposition we are now discussing. If Hawaii or the Philippines touched California, or Cuba touched Florida, there might be plausibility in such arguments and comparisons. The former acquisitions by us of territory meant no change in our land or sea policy, no increase of our Army or Navy, no abandonment of the Monroe doctrine, and no entangling alliances with foreign peoples and courts.

These acquisitions were almost or quite essential to our existence as a republic. It is shocking to compare the annexation of Hawaii with the acquisition of the Louisiana territory alone, to say nothing of Texas and the Californias. I resent the comparison as one totally unworthy to be made. Mr. Blaine, in his great book, speaking of the acquisition of the Louisiana territory by Mr. Jefferson, said:

It brought incalculable wealth, power, and prestige to the Union, and must always be regarded as the master stroke of policy which advanced the United States from a comparatively feeble nation lying between the Atlantic Ocean and the Mississippi River to a continental power of assured strength and boundless promise.

Mr. Speaker, this was the largest conquest of territory ever achieved without war. The cost was only about \$15,000,000, a sum which does not equal the revenue which is collected by the Government on its soil in a single month. The territory thus acquired was then, much of it—

A solitude of vast extent, untouched
By hand or art, where nature sowed herself
And reaped her crops.

This territory to-day comprises the States of Louisiana, Arkansas, Missouri, Iowa, Kansas, Nebraska, North and South Dakota, Wyoming, and Montana, nearly all of Minnesota, a portion of Colorado, and the Indian Territory. Reasonable and fair-minded men should not cite this as a precedent for the annexation of Hawaii. Let us look for a moment from that picture to the other. What do we get when we annex Hawaii? According to the census of 1896 the population of these islands consisted of the following elements (omitting some of the smallest):

Population.	Number.	Population.	Number.
Hawaiians (pure and mixed)	89,504	Americans	3,080
Japanese	25,407	British	2,250
Chinese	21,616	Germans	1,432
Portuguese	15,291		

It will be seen that in a population of about 109,000 only 3,080 are Americans, 2,250 British, and 1,432 Germans, the remainder, about fifteen-sixteenths, or nearly 16 to 1, being Japanese, Chinese, Portuguese, and natives of the Sandwich Islands, wholly unfit for free representative or local self-government.

The advocates of the annexation of Hawaii have not told us what we shall do with it after we get it. That is to say, they do not agree in their conclusions on this point. The able chairman of the Committee on Foreign Affairs, Mr. HITT, failed and refused to tell us, when pointedly asked to do so, in his opening speech. He frankly admitted he did not know. Is it to become a State of the American Union? Heaven forbid! Two Senators in the other body and one Representative upon this floor from the free and sovereign State of Hawaii! Three more votes in the electoral college, enough sometimes to settle the Presidency! May we be spared such a travesty on our politics and institutions.

Mr. JOHNSON of Indiana. The gentleman from Tennessee will allow me to remind him that the gentleman from Ohio [Mr. GROSVENOR], one of the most zealous advocates of annexation, said a few moments ago in the course of some very carefully prepared remarks: "I scorn to discuss what is to come from this annexation." That is the kind of statesmanship we are invited to follow—a statesmanship that does not see an inch ahead of its nose.

Mr. RICHARDSON. That is true.

If it is not to become a State, what then shall we do with it? Shall it be held permanently as a Territory? Will it be contended that the inhabitants of those islands can govern themselves by and through a Territorial legislature? No one will make such a claim.

Mr. BERRY. The gentleman will allow me to remind him that the treaty with reference to annexation provides that there shall be three commissioners representing this country and two representing the Hawaiian Islands, who shall recommend measures to be passed upon by the Congress of the United States for the future government of the territory which we acquire. It is possible that in these two bodies there might be found wisdom enough to govern these islands.

Mr. RICHARDSON. The gentleman has anticipated a point to which I will come in a moment. We know that the attitude of a Territory with us has always been one of expectation and hope. Expectation and hope that it would soon be permitted to take upon itself the form, conditions, and responsibilities of a proud

and equal State in the American Union. There is no reasonable hope that by time or circumstance the conditions in Hawaii will so radically and materially change and improve as to render the inhabitants thereof qualified to become citizens of a sovereign State.

A hot sun, the tropical climate, the rough, barren, mountainous lands of a large portion of the islands, not to enlarge upon the fatal plague which unhappily afflicts them, all forbid their general occupation and tillage by our people. It seems to me they must inevitably remain the heritage of the Sandwich Islander, the Asiatic races, and half-breeds who can never approach to our American civilization nor partake of nor participate in our American institutions.

The only form of government then left for them would be a board or commission of some kind, appointed by the President of the United States to manage and control the affairs of the islands. These boards would vary and change as Administrations come and go with us. They would not be permanent, and, if they were, would be utterly and entirely in contravention of our laws and institutions, which are rooted and grounded on the principles of equality and self-government.

I oppose annexation again in the interest of labor and the laboring classes of our people. We have been enacting immigration laws for the protection of our homes. Congress has exhausted its resources in the efforts to pass wise measures prohibiting certain classes by reason of their poverty, their ignorance, or diseased conditions from entering our ports and coming in competition with our laborers and demoralizing our people. By the proposed measure we annex the very classes we have sought to exclude by legislation from our shores.

It is the supremest folly in Congress to formulate legislative anathemas against undesirable immigration from Europe and close the Pacific coast, and, indeed, all ways of ingress to our country, to the Chinese, and then in one act admit nearly 80,000 Chinese, Japanese, and Hawaiians to become a part of our population. We will probably by this act admit more Chinese than San Francisco now contains, besides many other obnoxious and objectionable foreigners.

Mr. BERRY. Permit me to say that the treaty which we have been negotiating provides that no citizen of China and no native of the islands shall by reason of annexation become a citizen of the United States.

Mr. SMITH of Arizona. We are not considering their citizenship, but their presence.

Mr. BERRY. But the gentleman from Tennessee is arguing that they are to be admitted as citizens.

Mr. BLAND. Will the gentleman from Kentucky say that any treaty with those people is above the Constitution?

Mr. BERRY. You have now laws upon your statute books prohibiting Chinamen from becoming citizens of this country, and that provision is only reasserted in the constitution of that country.

Mr. BLAND. The constitution makes every native of that island a citizen.

Mr. BERRY. Yes, but you have done away with that.

Mr. RICHARDSON. The trouble is that we undertake to annex to our country and make a part of it a population that can not come among us and be a part of us; and that is really inconsistent with the idea of our Government under our Constitution.

Mr. Speaker, in this connection I desire to say, in my opinion, it is monstrous to contemplate the evil effects upon the laboring people of our land and upon the American farmer if this Government embarks upon the plan of imperial colonization.

The cheap cool labor of the tropical colonies we would acquire, directed and managed by competent hands, and their products manipulated by world-wide trusts would close up all our sugar industries, both of cane and beets, destroy our tobacco growing and tobacco manufacture, and so cheapen our Southern products of cotton, rice, hemp, and all fiber crops, by the competition and increased production in the East and West Indies, and other tropical colonies as to forever destroy these industries in the United States. We have been forced to endure prices below the cost of the production of nearly all of these commodities for years past under a high protective tariff system, but these former low prices would be prosperity itself as compared with those which would obtain under the new system.

It is contended by some persons that we must enter upon the policy of annexation in order to extend our commerce and to plant our flag in all harbors. In order to do this they say we must of necessity change our former course and conduct and must possess a powerful navy. I grant you it is desirable to widen our markets and extend our trade with other nations. They say, and truthfully, that commerce follows the flag. But let me ask, how are we to inaugurate and pursue this new policy successfully unless we abandon that old policy which its advocates proudly denominate the American policy, a policy which we have heretofore pursued and which is altogether at variance with the proposed new one?

It is all very well to talk of commerce following the flag and of sending our merchant ships abroad until their sails whiten every sea. This is a consummation devoutly to be wished. But I submit we can not hold fast to the policy of a high protective tariff and at the same time whiten every sea with the sails of our merchantmen. Commerce will never follow very enthusiastically the flag of that nation which hedges itself in as by a Chinese Wall with high protective tariff rates and schedules. We can not expect nations and peoples to come to us to buy when by law we forbid them to bring something to sell to us. And thus we find again that the friends and advocates of the new policy are confronted with another insurmountable obstacle.

Mr. HEPBURN. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON. Yes, if it is along the line of what I am talking about.

Mr. HEPBURN. Does not the gentleman think that the experience of this year, when our exports will exceed our imports by \$600,000,000, disputes his proposition and disproves it?

Mr. RICHARDSON. No; I do not think that at all. The gentleman is speaking of present conditions, while I am speaking of and attempting to depict the future condition which will be brought about by reason of the new policy, which I am attempting to show is unwise.

Mr. HEPBURN. The condition of a protective tariff exists now, and the exports this year exceed the imports by \$600,000,000.

Mr. BERRY. That is on account of the exportation of wheat.

Mr. GAINES. Hungry Europe did that.

Mr. RICHARDSON. That may be for some reason which I am not going to discuss now, but the conditions will materially change then, and if they are at all prosperous now, they will fail to be under the new policy which I am attempting to describe. Mr. Speaker, unless they can batter down and demolish the hitherto impregnable fortress of protection their contention in favor of annexation and an increase in our Navy, to the end that our commerce may be extended and our markets increased, must fail.

I heard a distinguished member of this House in a public speech a few days ago say we had already entered upon the new era, that our time-honored policy had been abandoned, and that henceforth we were to acquire and permanently hold colonies everywhere. This thought, too, was liberally applauded by his audience. Like the commercial firm in the well-known play of the "Gilded Fool," we are "to progress," we are "to reach out." I do not subscribe to this doctrine. I deny that that is to be our policy.

What, sir, was the first solemn declaration made by this Congress, and which was approved by the Chief Executive of the nation, when we entered upon the present war a little over thirty days gone by? In declaring war we announced openly to all the world a wholly different course of conduct. That policy we then avowed with emphasis and unanimity is contained in the resolution I now quote, and which forms a part of our solemn declaration as we took up arms and made our appeal to Him who controls the destiny of nations. It is as follows:

Resolved, That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island (meaning the Island of Cuba) except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. Speaker, many of us thought and undertook to teach our people that when our Government, speaking through its representatives, solemnly gave this pledge to all mankind we were honest and sincere; that when she drew her sword and unfurled her flag in this contest, it was to wage a holy war (if war can ever be holy) for humanity. It was not supposed it was to degenerate into a campaign of conquest or boodle.

During this entire controversy Spain, our adversary, through her statesmen and public journals, has persistently charged that the sole object of the war on our part was not humanity, but that we were bent on despoiling her of her territory. We have denied it. Shall we by our own action now or hereafter prove that her allegations were true and that our own were false? If we are to be justified at all before the world for our part in this terrible war, for all war is terrible, let us not take advantage of the situation to add one foot of territory to our now already ample domain.

Let us demonstrate not only to Spain but to all the world that the people of the United States had but one object and purpose in this great controversy, and that was and is to see that justice is done even though the heavens fall. Let Cuba be made free and Spain removed with all her medieval cruelties and atrocious crimes from this hemisphere, and then the only purpose we have or can have in this war will have been accomplished.

Mr. Frederic R. Coudert, who is a recognized authority on international questions, was asked his views on the subject I am discussing, a few days ago. I take the liberty of quoting here

what he said, for he expresses the opinion of many thinking men in our country. He said:

In a very few words I can tell you what, in my opinion, the United States should do with the Philippine Islands—

In the first place, Rear-Admiral Dewey should blow up the fortifications, turn the islands over to the insurgents, and then sail with his fleet for home. The insurgents are the ones to settle all questions as to the future government of the archipelago, and we should put them in a position to do so, and then leave them alone.

We started to accomplish one single, declared, definite object, a most noble one, based purely on humanitarian grounds. Our sincerity in our philanthropic professions is the only possible excuse for the war. To maintain good faith and our reputation with the rest of the world is worth a dozen Philippines and millions of coolies, Chinamen, and Malays.

We may count upon the sympathy of Europe so long as we adhere to our programme as deliberately set forth to the entire world. We can only depend upon jealousy and distrust if we depart from it. We told Spain she must leave Cuba. The war was entered upon to drive her from the island. That was our declared object, and we should do all that is properly necessary under the laws of war for the purpose without departure from that object.

I quote the following from the American Agriculturist:

The policy of colonial expansion, now so extravagantly urged in interested quarters, may not at present contemplate interference in European politics, but such interference would be less a departure from the new policy than this policy is a departure from the Monroe doctrine. The new idea sounds very grand at first, and in the flush of victory the appeal to extend our domination beyond the seas is so alluring that the consequences of such action are lost sight of.

The policy of colonial empire would at once expose us to embroilment with other nations. It would vastly magnify the power and expense of Army and Navy. It would perpetuate increased taxes. It would inaugurate an era of corruption in our foreign possessions, a debasement of the blood, that could not fail to in time affect the physical and mental stamina of our people at home. It would be un-American, unwise, unconstitutional, and in results unworthy of the effort.

On still higher ground a colonial policy is objectionable. It would degenerate the holiest war ever waged for humanity into a campaign of conquest. This would lower the United States before the world, but its moral effect upon our own people would be still worse.

The gentleman from Arkansas [Mr. DINSMORE] in his opening remarks quoted Hon. John Sherman, as he gave his opinion in his great book a few years since, as to the conquest or acquisition of foreign territory. He showed that Mr. Sherman in his palmy days opposed such a policy. I now quote here from a recent interview with him published in the St. Louis Republic of May 29. This interview shows he is still opposed to conquest of territory. On the subject of the war he was asked:

"Will it become a war of conquest?" He replied:

"Certainly not. We want neither the Philippines nor Cuba. We want no foreign outposts which we will have to defend with our ships. We do not want to be constantly in trouble with France, Germany, and possibly England. This is a self-contained nation. It has limitless resources in itself. It wants no entanglements with foreign nations. It wants to keep them off its shores and it wants to keep off theirs. Our trade treaties with every civilized nation on the globe are sufficient.

Mr. Speaker, I could quote other eminent authorities, but time and space will not permit.

There may be something alluring in a policy of annexation and conquest of territory. An individual naturally feels as if he were adding riches and wealth to himself when he acquires lands and tenements. This is true of a nation under some circumstances. There are no colonies or possessions open to us, however, the acquisition of which would add to our wealth. We should not then demoralize our people by a departure from our uniform course of action for more than a century and that which I have just shown was our avowed policy at the outset of our impending war with Spain.

If we "reach out," as we are advised by some to do, and expand our policies and rule of action, we will assuredly neglect our domestic interests. Our Army and Navy will be increased, our foreign policy will be developed, our interest in other nations will be enhanced, but our home interests, which vitally concern and deeply affect all our home people, will be neglected or abandoned. Let us give more careful and serious attention to our internal affairs and foster and develop our home concerns.

Let us strive to give our people better educational opportunities, a better banking system, more mail facilities, free deliveries and cheaper postage, better roads, improved waterways, better protection against monopolies, better laws to control corporate greed and extortion, better laws for the regulation of trusts, better laws for the distribution of the currency, and impose lighter burdens of taxation upon the country, and, in short, the reform of all existing abuses. We do not want the enemies of social progress and of good government to hold high carnival at home while National and State legislatures are entirely engrossed concerning themselves with our newly acquired wards, many of them much "off in color," in far-away colonies, and with our business relations with foreign nations.

Again, Mr. Speaker, if the era of territorial pelf and pillage has begun with us as a nation, and we are to start out for more territory and greater landed possessions, we should not begin the attack upon a poor, weak, and half-civilized nation, such as Spain. As a brave, courageous, and self-respecting people, we should

commence this warfare with some government that ranks in the first class in the family of nations. For our country to seize the colonies of Spain for permanent use and occupation would place us on a par in our action with that of the giant who robs a dwarf or a big boy among school children despoiling the small boy of his favorite marbles.

As a brave and powerful people, if we are really in need of other lands and must have them, we should either buy them and pay for them or should say to Great Britain, "You must withdraw from this continent." Why not say to her that we need Canada and intend to have that country? This would be the manly thing to do and would give us contiguous territory of great value and resources. If a change of policy is determined upon and we must of necessity rob somebody, why not attack Great Britain, a member of our class, and proceed to take that which is valuable and worth possessing? Do not despoil the weak by seizing that which is worthless, and degrade and dishonor ourselves in the act.

Mr. Speaker, as I am about to close, allow me to sum up briefly something of what the new policy means:

1. It means the abandonment of the Monroe doctrine, a doctrine which is the guiding star of the Western Hemisphere, and next to the Constitution itself has been the greatest blessing to our land.
2. It means the abandonment of economy and simple government, which Jefferson, the father of Democracy, said was a landmark thereof.
3. It means immense standing armies and powerful navies.
4. It means the admission of undesirable foreigners into our midst to corrupt our body politic and impair true American institutions.
5. It means the magnifying of the National Government and national power, as against local and State authority. It is centralization itself.
6. It means colonies abroad of foreign tongues and nationalities ruled by military satraps instead of self-governing States in harmony with republican institutions.
7. It means the neglect and consequent decay of our local home governments and domestic concerns, the bulwarks of our strength and glory in the past.
8. It means odious entangling alliances with other nations.
9. It means wars on land and wars on the sea.
10. It means the downfall of the protective system and the first step in the march toward free trade.
11. It means a very large falling off in revenues from tariff duties and a correspondingly large increase in internal taxes, which so much impoverish the country and vex the taxpayer.
12. It means the destruction of the American farmer, that happy and independent class who have always been the peculiar pride of our beloved and favored land.

These are some of the things which will inevitably follow the new policy.

Mr. Speaker, we need no additional territory. Our domain is now ample and sufficient. We have an area exclusive of Alaska of 3,025,600 square miles, and including Alaska of 3,557,000 square miles. We have existed as a Republic something over one hundred years. Our development has been marvelous and our prosperity unprecedented. We have now a population of 70,000,000 of people and can easily accommodate 500,000,000.

We have a climate varied and temperate, in which flourish abundant crops of all the cereals, as well as the tropical fruits; broad acres which in fertility rival those of the famed banks of the Nile; mineral resources comprising in part gold, silver, iron, coal, lead, copper, zinc, etc., which are inexhaustible in supply; railroads, telegraph, telephone, and all other improvements which annihilate time and space, unequaled by any; the grandest lakes and the mightiest rivers; a civilization which is unsurpassed; and have more newspapers and better ones to disseminate the news and elevate public thought; more churches in which to worship the true and living God; more manufactories in which are produced more than three-fifths of the manufactured products of the world; more schoolhouses in which the youth of our land is educated and trained for life's battles; more happy homes, and, in short, in every conceivable fashion we have more to bless our lands and people than any nation on this globe.

Let us, then, be content with that which we have. We should hold fast to the old and good, and strive not for the new and the bad. And supremest and above all else, our people North, South, East, and West, from ocean to ocean and from the pines of the North to the magnolias of the South, are once more lovingly united. All sectional animosities have been dissipated, a new era of peace and good will among men has been inaugurated—

And all the clouds that lower'd upon our house,
In the deep bosom of the ocean buried.

Henceforth and forever we are to be one people—one in mind, one in sentiment, one in patriotic endeavor, one in our hopes and aspirations, one in all that make a nation great, one in all that make a free people contented, prosperous, and happy.

Mr. HITT. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, this nation needs the Hawaiian Islands for the benefit of its commerce in peace and its protection in war. It is a fact conceded by everybody that for commerce between the western shores of this continent and Asia there must be some intermediate land for a coaling station for ships engaged in commerce. The Hawaiian Islands hold such a position, being for all practical purposes about midway between the two continents, with a land-locked harbor unsurpassed in size and safety. To secure the possession of this harbor for the future against all contingencies the sovereignty of the islands is necessary, for whoever owns the islands owns the harbor. All treaties whatsoever would fall with a change of ownership.

It is claimed by the opponents of annexation that there is another route of equal commercial advantage and less in distance from continent to continent by the way of Unalaska. It is a route discovered in the argument of this question and not heretofore discovered by commerce. I venture the assertion that few, if any, vessels in trade between the American and Asiatic continents ever yet sailed on this route from San Francisco to any port in Asia, unless it was one in the Arctic seas.

When presented in this debate, it reminded me of the chap in New York who surprised the stockbrokers for a short time with a declaration that he had found a railroad route between New York and Chicago 250 miles shorter than any existing one, or any other that could be constructed, and he could prove it by his map. When the map was produced, there was a heavy red straight line drawn from New York to Chicago, which crossed the Alleghany Mountains at the highest summit in the range. And this was his shortest route. The map was correct, but the capital to build the railroad was not in sight.

Lines drawn on the map of a wide ocean representing the channels of commerce are very well if commerce follows such lines. But if it does not, reasons why it might do so are of little consequence. If the reasons urged against annexation now had prevailed while the purchase of Alaska was pending, we should not have this new logical route at all, for Alaska itself would still be Russian territory. There never has been any acquisition of territory without more or less opposition at the time of the acquisition, and the reasons were very much the same as those now offered—unconstitutional and dangerous to the liberties of the country.

I will not take the time of the House in discussing any constitutional question relative to the acquisition of territory by this Government. Mr. Jefferson said in 1803 that there was no grant of power in the Constitution for such acquisition; yet, beginning with his Administration, we have acquired foreign territory in area more than three times as great as that claimed by the original thirteen colonies or which the Government owned at the time of the adoption of our present Constitution.

For almost a century, beginning with Jefferson, the nation has been acquiring territory by treaty and by joint resolution and under Administrations of different political parties. If anything can be settled by the uniform practice of the Government, the power to acquire territory ought to be settled by this uniform, unbroken practice for almost a century, sustained by every branch of the Government and ratified universally by the people.

I am content to follow this uniform, unbroken practice in the exercise of a power that must certainly rest somewhere in the Government, or it could not have been thus sustained by all departments of the Government for this long period.

This question is not a law to be construed; it is a power of government to be exercised. And by that exercise in the past and by that alone the nation has in this first hundred years of its existence been enabled to expand from thirteen feeble colonies, hemmed in by the Atlantic Ocean in front, the Mississippi River in the rear, and Spanish and French dominion on the south, to forty-five independent Commonwealths, spanning a whole continent from ocean to ocean and extending through almost every zone.

For the exercise of this power to acquire territory it only needs a clear, unequivocal commercial necessity for the American people and a willing consent of the people occupying the territory to be acquired. In such case, while there could be no question as to constitutional power, the circumstances existing at the time would determine as to the wisdom of its exercise.

The great reason for the exercise of this power now by the Congress of the United States applies to Hawaii and not to any other portion of the earth. It does not apply to Mexico, Canada, Cuba, or any other territory on the American Continent. For the reason that after Cuba shall have established a republic, the institutions of all these countries being substantially republican can not be a menace in any way to our liberties, and there are no great commercial necessities, nor can there be any, requiring any government changes in our territorial relations with either of these nations. Hence in our commercial necessities Hawaii stands alone, separate and distinct from any other portion of the earth's

surface, and in no way connected with any question that may hereafter arise as to other nations.

The ultimate annexation of the Hawaiian Islands to the United States is not a new question. Every President except one for half a century has notified the nations of the earth that the people of these islands could never unite their destinies with any nation except our own. When England, in 1843, took possession of these islands, Mr. Legaré, then Secretary of State, notified the Government of Great Britain of our position, and she withdrew. Later, when France attempted to take possession, Mr. Webster, then Secretary of State, repeated to France in substance Mr. Legaré's dispatch to England, and France withdrew.

For fifty years every President except Cleveland has notified the world that no other nation would be permitted to establish their sovereignty over these islands, and that the people thereon must be allowed to control their own destiny. Grover Cleveland was the first official in the administration of this Government to attempt a reversal of its historical policy relative to Hawaii.

He undertook to restore over that people a monarchy overthrown by its liberty-loving subjects, and, using the revenue cutters and war ships of the nation with shotted guns as a menace in the harbor of Hawaii, he directed his accredited agent to the new Republic to demand, in the name of the United States, that its chosen officials should abdicate their powers, and, kneeling in abject submission at the foot of the restored throne, kiss the extended hand of its dusky Queen. This attempt by the President of the United States to restore a defunct monarchy will brand Grover Cleveland through all time in the annals of impartial history as recreant to liberty and false to the spirit and genius of free institutions.

If I had any doubt as to the vital importance of these islands to the future commercial well-being of the United States, I should hesitate long before setting up my own judgment against the united opinions of the long line of eminent statesmen who have been intrusted with the administration of public affairs, and who are held in so high estimation for political wisdom by their countrymen of all political parties. The gentleman from Arkansas [Mr. DINSMORE] quoted a general opinion by Mr. Sherman against the acquisition of foreign territory, and then attempted to impeach his own witness, who, as Secretary of State, signed the treaty for the acquisition of these very islands included in the resolutions before us.

He could have quoted with equal force from Mr. Legaré and Mr. Webster in their correspondence with England and France in which they declared that it was not the policy of this Government to acquire colonial possession, and yet they both insisted that these islands, by the consent of their people, must some day become a part of American territory, or at least that they never could by our consent become a part of any other. And now when their people desire to cast their political fortunes with ours and we refuse, will it be claimed by anybody that henceforth we can rightfully prevent them from casting their lot with any other nation? Such a refusal would be an attempt on our part to impose upon them a despotic control more odious than was that of Cleveland.

The gentleman from Arkansas [Mr. DINSMORE] said that the time might come when it would be, perhaps, advisable to annex these islands, but not now. Now is the only time that the United States can rightfully dispose of that question. After our rejection the destiny of these islands is in the keeping of their people, and to be determined by them alone. Whether their fortunes shall then be cast with England, France, Japan, or any other nation will be for them to determine.

All questions arising out of the existing war with Spain properly belong by themselves and are to be settled in view of the circumstances and conditions existing at the time of their settlement.

In the discussion on the question before us we have heard much about wars and their dangers to liberty. War prosecuted for selfish ends in upholding despotic dynasties or for the mere extension of territorial dominion is an unmitigated, inexcusable barbarism.

But wars, with all their miseries and woes, in the interest of humanity, in behalf of struggling races or nationalities, to secure or regain their inalienable rights, have been of great benefit to mankind. In the world's decisive battles from Marathon to Gettysburg, such battles as have changed for all time the current of human events and the destiny of empires, great battalions have always marched in the rear of great ideas.

The generation of the American people now fast passing away have had not a little home experience in the horrors of war. They have seen their country shrouded in the sable habiliments of mourning and woe and flooded with widows' and orphans' tears. And to the end of this generation an occasional tear for the unreturning brave will glisten in the eye of bereavement around disconsolate firesides. But the new Republic is worth over the old the priceless sacrifice of blood and sorrow which it cost. While "peace has its victories no less renowned than war," yet

most of the mighty achievements in the onward progress of the race to a better civilization have been wrought by the sword.

It seems to be a part of the plans of Divine Providence that every marked advance in civilization must begin in mighty convulsions. The moral law was first proclaimed in the thunders of Sinai, and the earthly mission of the Saviour of mankind closed with the rending of mountains and the throes of the earthquake. The Goddess of Liberty herself was born in the shock of battle, and amid its carnage has carved out some of our grandest victories, while o'er its crimson fields the race has marched on to higher and nobler destinies. As the lightnings of heaven rend and destroy only to purify and reinvigorate, so freedom's cannon furrows the fields of decaying empires and seeds them anew with human gore, from which springs a more vigorous race to cherish the hopes and guard the rights of mankind.

The millennium, long promised, when the lion and the lamb will lie down together and a little child shall lead them, will some time come. But not till all governments are based on the consent of the governed and every human being is in the enjoyment of liberty protected by law. Then, and not till then, can the sword be beat into plowshares and the spear into pruning hooks. Until that time the ear of humanity will be pained with the roar of hostile cannon and the angels must weep over the martyred brave.

When the smoke vanished from the last battlefield of the American civil war and its armed hosts returned to their homes, laying aside their armor for the implements of the various avocations of peace, there was a universal belief that the Republic had seen its last war. It was not thought then that any circumstances could possibly ever arise for the Government to call its citizens again from their peaceful pursuits to the tented field. But such a summons has gone forth, and the drumbeat and tramp of marching armies are again heard, and the thrilling reports of unprecedented naval victories come floating over the seas.

This nation is at war with Spain to end her brutal warfare upon women and children and to put a stop to the infliction of her cruel atrocities upon a neighboring people, and because she failed to maintain in the Island of Cuba a government able and willing to protect the lives of American seamen under the flag of their country on a mission of peace to her ports.

In justice to the memory of the hero martyrs who died under the flag of their country by Spanish treachery, and in behalf of the claims of a common humanity, of a people doomed to extermination by starvation and the sword, this nation demanded that Spain should withdraw her flag and forever abandon her sovereignty over the Island of Cuba.

For this purpose the President was authorized to intervene with the Army and the Navy of the United States and stop this doubly cruel and barbarous warfare. When that shall have been done the people of Cuba can then establish for themselves a free and independent government to be recognized by the United States of America as a sister republic.

In the discharge of this national obligation to humanity and to liberty, as well as the higher obligation and duty of protecting the lives of American seamen, under the flag of their country wherever it floats, this nation has intervened with its great power for the accomplishment of such a purpose. And when it shall have been accomplished, the vindication of the patriot heroes who found a watery grave in the harbor of Havana will be the expulsion forever of Spanish sovereignty from the American Continent. And these heroes will not then have died in vain. The tablet that will bear their memory through all time can then be inscribed:

Whether on the scaffold high
Or in the battle's van,
The fittest place where man can die
Is where he dies for man!

The objects to be obtained, and the only ones expected when Congress passed the declaration of war against Spain, were confined to the Island of Cuba. And the gentleman from Missouri [Mr. BLAND] and the gentleman from Tennessee [Mr. RICHARDSON] quoted the declared purpose in that declaration of war to sustain their positions against any acquisition of territory as a result of the war.

I agree with them that when that declaration of war passed there was no purpose or thought by anybody of acquiring additional territory as a result of this war. Humanity alone controlled in the passage of this declaration. But a nation which appeals to battle for the settlement of any question must be ready to meet any and all responsibilities resulting therefrom, whether foreseen or not.

The same Congress of the United States which authorized the equipment of 500,000 men to preserve this Union declared by resolution that the war was not to be prosecuted for the emancipation of slavery. Yet the first gun fired in that conflict was the death knell of human bondage, and the sun in his course across the continent from ocean to ocean no longer rises on a master or sets on a slave.

In our national destiny what new pathways may be blazed out by American cannon on land and battle ships on the seas no prophetic ken can now foresee. And how and in what way the American people ought to discharge the new, unforeseen, unexpected responsibilities cast upon them in far-off Asia no human sagacity can now foretell.

If the intervention of this nation in the affairs of Spain in behalf of humanity and liberty in Cuba shall result, in the providences of God, in the emancipation of ten millions of people in her colonies from her despotic rule, shall the American people shrink from these new responsibilities in behalf of liberty and humanity? Has the rule of Spain in the Philippines been any more humane than in Cuba? Through a long history her cruelty in peace and brutality in war have produced at intervals long or short the Alvas and the Weylers, counterparts of the Neros and Caligulas of pagan Rome in the zenith of her brutal shows of dying gladiators and women and children torn to pieces by wild beasts in the arena of her Coliseum, a gala-day spectacle for Roman holidays.

Within a week after the declaration of war against Spain by the Congress of the United States 8,000,000 of people in the Philippines that had been subjected for four hundred years to the despotic, cruel rule of Spain, such as she had exercised over the Island of Cuba, were liberated from their thralldom by a naval victory in battle unparalleled in the world's history, unexpected and unthought of when the declaration of war against Spain passed.

Commodore Dewey, with a squadron of the American Navy, cruising in Asiatic waters on the customary mission of his Government to friendly nations, suddenly finds himself shut out of the ports and harbors of every nation by the enforcement of the international law of strict neutrality between belligerents. With the Stars and Stripes flying at the masthead of his squadron he enters a harbor of Spain, destroying its land fortifications and sinking a formidable navy moored there for their defense, without the loss of a man or a ship, and with slight injury to either.

Does anyone who believes in the control of an overruling Providence in the affairs of men believe that such a victory was a mere accident? There is a divinity in the destiny of nations as well as in the lives of individuals—

That shapes our ends, rough hew them how we will.

In the retributions for organized national wrongs it is fixed in the immutable decrees of that overruling Providence that nations which incorporate into their institutions, their customs, or their laws a barbarism that blunts the sense of justice and chills the humanity of their people will soon or late surely die. It is the great fact stamped on all the crumbling ruins that strew the pathway of empires.

If we divest ourselves of the egotistical belief so congenial to human nature that the generation of the present is wiser than any that will succeed it, we can then safely intrust the settlement of all public questions to the considerate judgment of the generation that may be called upon to settle them, in full confidence that it will be done quite as wisely and as well as it would be if done by ourselves. Let the present generation with bold and manly hearts meet its own responsibilities to liberty and humanity, and settle them in its own best judgment in view of surrounding circumstances, without reference to supposed conjectural conditions in the future.

Trust no future, howe'er pleasant!
Let the dead past bury its dead!
Act, act in the living present!
Heart within, and God o'erhead!

The starry banner of our fathers, baptized in patriot blood in the first and second war of American independence, and rechristened in the mighty conflict of arms in this generation will henceforth, over whatever portion of the earth's surface it may float, be the emblem of liberty, justice, and the inalienable rights of mankind.

TIME OF MEETING ON WEDNESDAY.

Mr. HITT. Mr. Speaker, there are so many demands for time to address the House upon this question, upon both sides, that I ask unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 10 o'clock, for debate upon this question. I ask to modify the order that far.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that when the House adjourn to-day it adjourn to meet at 10 o'clock to-morrow.

Mr. SULZER. That does not interfere with the session to-night, does it?

Mr. HITT. It does not. It is simply that when we adjourn to-night we adjourn to meet to-morrow at 10 o'clock.

There was no objection.

HAWAII.

Mr. HITT. I yield sixteen minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN of Missouri addressed the House. See Appendix.]

Mr. HITT. I now yield to the gentleman from Missouri [Mr. PEARCE].

Mr. PEARCE of Missouri. Mr. Speaker, I listened with deep and pleasurable interest on Friday last to the very eloquent argument of my learned friend from Arkansas [Mr. DINSMORE], because, however much I may disagree with him in his views, I have come to know that he is a fair debater, and I sought to learn from the views which he presented on the subject the gist of the contention against the resolutions which are before us for consideration. He gave us much generality over the alleged unconstitutionality of this proceeding, but without going into an extended discussion of the question, I sincerely hope that some gentleman who succeeds me in this debate will take the trouble to point out one single sentence, or line, or word of the Constitution of the United States that contravenes the adoption of these resolutions. It is a matter of history familiar to everybody that every square mile of territory which has been annexed to the United States since the foundation of the Government has been so annexed under the "general welfare" clause of the Constitution.

The Louisiana Territory, embracing 1,179,981 square miles, was annexed under that provision in 1803; Florida, embracing 59,268 square miles, was annexed under it in 1819; Texas, embracing 376,133 square miles, was annexed under it in 1845; New Mexico and California, embracing 545,783 square miles, were annexed under it in 1848; the Gadsden purchase, embracing 45,535 square miles, was made in pursuance of it in 1853; Alaska, embracing 577,390 square miles, was annexed under it in 1867; and under it it is proposed to annex the Territory of Hawaii, with its 7,000 square miles, in this year of our Lord 1898.

The constitutional questions connected with these various transactions, by which the national area has been increased from first to last nearly 3,000,000 square miles, have been passed upon time and time again by the Supreme Court of the United States, and I had supposed until this hour that the right of annexing foreign territory was a settled question and not open to further discussion excepting for a filibuster against the proposed resolutions.

My learned friend has announced an apparently unique discovery, but which in point of fact is well known to everyone who has ever studied the map of the world or has traveled upon the Pacific Ocean; he states to us that the distance from San Francisco via Unalaska to Hongkong, and of course to the Philippine Islands, is shorter as a sailing route than the distance from San Francisco to the same points via Honolulu, and therefore the acquisition of the Hawaiian Islands is an unnecessary measure for purposes of public defense.

It is true that there is a port at Unalaska; it is also true that the northern route from San Francisco to Hongkong and to the Philippine Islands is shorter than the route via Honolulu; it is also true that the Empress Line of steamers, an English line which sails from Vancouver to Yokohama and thence to Hongkong, crosses the Pacific Ocean within sight of the Aleutian Islands. I myself have been over that route, and so has the gentleman from Arkansas, and the statement which he makes in regard to it is unquestionably true. But, Mr. Speaker, what does that prove? Does it establish the contention that the annexation of the Hawaiian Islands is an undesirable act upon the part of this Government? Does it establish the contention that those islands are not necessary to the proper defense of the Pacific coast? By no means.

Suppose, for instance, that the Hawaiian Islands should pass under the control of the English Government, a contingency not altogether improbable or remote if we do not take them in ourselves. Now, draw a line from Vancouver or Esquimalt to the Hawaiian Islands, a distance of a little more than 2,000 miles; draw another line from the Hawaiian Islands to the Isthmus of Panama, a distance of a little more than 4,000 miles; consider the fact that the Hawaiian Islands extend from north to south a distance of 400 miles, and take into consideration the military aspects of that situation, with the English Government fortified at Esquimalt commanding the outlet of Puget Sound, fortified at Honolulu and Pearl Harbor, and fortified at the western terminus of the isthmian canal, and is it not conclusive that under this proposed condition of things the entire Pacific coast will be at the mercy of the British Government in the contingency of war? Let me inform you, gentlemen, that the English Government has already acquired an exclusive franchise upon Lake Nicaragua, and has been seeking an isthmian route across the narrow neck of land that separates North and South America. For this reason, Mr. Speaker, if for no other, the acquisition of the Hawaiian Islands at this time seems to me to be not only a desirable but a necessary measure on the part of the people of the United States.

But, say my learned friend from Arkansas [Mr. DINSMORE] and also my learned friend from Tennessee [Mr. RICHARDSON], the acquisition of the Hawaiian Islands will mark a new era in the history of our country, and that by it we will enter upon a great expansive colonial policy, the end of which no man can measure. Mr. Speaker, not one intimation of a colonial policy has ever been

connected with the acquisition of the Hawaiian Islands. This question has occupied the thought of our country for over fifty years. There never has been and is not now advanced any proposition to annex Hawaii as a colonial possession of the United States, and there is no point whatsoever in the contention that this annexation, in any form, manner, or shape, commits either Congress or any gentleman who votes for annexation to a colonial policy.

I am myself at the present time opposed to such a policy, not as a question of legal and constitutional right, but simply and solely as a question of wisdom; and unless the exigencies of the future shall lead me to modify my judgment in that regard, I shall remain in opposition to such a policy. What may become necessary for us to do in settling the details of a future treaty of peace with Spain no man can tell. No one would be reckless enough to commit himself upon that subject. Let me call your attention to the treaty itself, made by the present Administration and the Government of Hawaii in 1897. I quote the language of the treaty: "And it is agreed that all the territory of and appertaining to the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii." So that upon the consummation of this transaction the relation of the United States Government to Hawaii will become exactly the same as the relation of the United States Government to Alaska at the present time.

Mr. DINSMORE. Will it interrupt my friend if I ask him a question in this connection?

Mr. PEARCE of Missouri. By no means; not at all.

Mr. DINSMORE. I should like my friend to state to the House whether he can trace any relation between that defunct treaty and these resolutions.

Mr. PEARCE of Missouri. It has not yet transpired that the treaty referred to by my friend is in any sense defunct. It stands before the Senate to-day as an open question. But irrespective of whether it is or not defunct, these resolutions if adopted by Congress will be carried out upon the lines of that treaty, and the honor and good faith of the people of the United States require and will demand that they shall be carried out upon those lines. When the Hawaiian Islands are taken in under the sovereignty of the United States Government, they will come to us as the Territory of Hawaii, and in no other form, and there are ample provisions in these resolutions for such a consummation.

This leads me, Mr. Speaker, to answer another question propounded during this debate by nearly every gentleman who has occupied a position of antagonism to the pending measure, and that is, "What are you going to do with these islands? How are you going to govern them?" This question seems to be a great obstacle in the way of very many of my friends who have taken part in this discussion. Of course I can not tell, nor can any other man tell, what the Congress of the United States will do in reference to this question, or what provision of government it will legislate into existence. I can only express my own opinion upon that subject, and whether it be worth much or little, if I should happen to be in Congress when the subject comes to be dealt with, I can tell you without any hesitation what I will do. I will vote for a Territorial government in Hawaii. In my opinion it will have a Territorial governor, it will have a Territorial legislature and judicial officers, a government, in short, of the same or similar character as that which exists in Arizona, in New Mexico, in Oklahoma, and in Alaska, with such modifications, of course, as may be suitable to the present or future condition of things. People who imagine that the constitutional electors of Hawaii are incapable of self-government, or are lacking in intelligence, or are unlettered or illiterate are very much mistaken. I have myself no trouble upon that subject, and it does not constitute the slightest obstacle in my judgment. I greatly wonder why any gentleman on this floor should have any trouble upon this subject.

But, says my good friend from Arkansas [Mr. DINSMORE], the people of Hawaii were not consulted, and therefore we should not take them into our system of government. Let my honorable friend from Arkansas, or any other gentleman on this floor, tell me when in the history of our country, during all the proceedings by which we annexed and incorporated nearly 3,000,000 square miles of additional territory, the question of annexation was ever submitted to the people of either the territory annexed or of the United States to be acted upon by a direct vote?

Mr. DINSMORE. I will suggest to the gentleman the case of Texas.

Mr. PEARCE of Missouri. My friend says Texas. I expected that suggestion. Of course we all know the details of the history of the annexation of Texas, and it is needless to relate them here. But perhaps you all do not know one fact in connection with that transaction. The annexation of Texas was first sought by a treaty which failed of passage through the United States Senate, but it was the basis of another and subsequent treaty, and the endeavor to secure the result finally terminated in resolutions which passed the House of Representatives and afterwards the Senate and became a law by the approval of the Executive. After those reso-

lutions were passed the legislature of Texas was convened, and a convention of the people was summoned to consider the then pending propositions.

A constitution was drafted and was adopted by both the legislature and the convention, and later the people were called upon to vote upon the ratification of the acts which had been done by those bodies. The main question at this time was the adoption of the constitution, and the question of annexation was merely incidental. Yet, Mr. Speaker, although the population of Texas at that time, exclusive of Indians, was over 130,000, only about 4,100 votes were cast for ratification. Only 4,000 votes out of a population of more than 100,000. Now, I invite you to compare that vote with the present case. The people of the Hawaiian Islands for more than fifty years have been living under a constitution granted to them by the third Kamehameha, and that constitution from the outset has prescribed the qualifications of electors.

The provisions of this instrument, although changed at various times by the Hawaiian Legislature, has never taken away the right of suffrage from the people. It existed in the time of Kalakaua, and it was one of the prominent reasons which led the late Queen Liliuokalani to attempt the overthrow of the constitutional rights of the people and to bring about a return to the absolutism of the early kings. The present constitution also prescribes the qualifications of electors, and the qualified electors of Hawaii who have spoken upon this subject, directly or indirectly, constitute as large a percentage of the population of Hawaii as did the votes cast upon the ratification of the annexation of Texas taken in comparison with the population of that State.

I was exceedingly glad to learn from the speech of my good friend from Arkansas [Mr. DINSMORE] that amid all the reasons why the Hawaiian Islands should not be annexed to the United States he freely and frankly admitted that there was one powerful consideration in favor of these resolutions. He says that the possession of the Hawaiian Islands by the United States would greatly increase the power of the American Government to keep foreign nations off our shores. In God's name, what else do we want them for, looking at the subject from a military point of view? We are not seeking the acquisition of the Hawaiian Islands to make aggressive war upon the rest of mankind.

The possession of the islands for purposes of public defense is the exact point, and the only point, for which I am arguing and contending. One of the great reasons why we want and must have those islands is to make it absolutely impossible for a foreign government to assail us, and especially to render it impossible for an Asiatic power, with an Asiatic religion, to seat itself within 2,000 miles of our Pacific coast. In my judgment no admission could be made that would constitute a stronger argument for the adoption of these resolutions than the fair and honest statement of my honorable friend from Arkansas [Mr. DINSMORE].

Another point of difficulty which troubles my friends who oppose this measure is the question of the cost of maintenance. Upon that question the records of the Hawaiian Government furnish us valuable information. Aggregating the public revenues from 1878 to 1893, and deducting from the aggregate the expenditures during the same period of time, we find that for a period of fourteen years the expenditure over revenue is only \$309,534, notwithstanding the fact that during that period the islands suffered two revolutions, with all the extraordinary expenses incident thereto. In 1896 the public revenues were \$1,997,818 and the aggregate expenditures were \$1,904,190, leaving a balance to the credit of the Government on December 31, 1896, of \$93,627. Under any reasonable administration of affairs by an intelligent territorial government the Hawaiian Islands can be made fully self-supporting.

Now, Mr. Speaker, whatever views people may have heretofore had upon this subject, whether those views have been upon general political lines or whether they have proceeded upon commercial lines, we are to-day confronted with the condition of war, and we are compelled to consider this question from a standpoint which the opponents of annexation have always heretofore scouted as a possibility too remote to constitute a reasonable argument. Whether we will or no, we are compelled to look at this subject from that standpoint and legislate with reference to it.

With a voice almost unanimous the people of the United States have declared at the polls and through us, their representatives, that the Island of Cuba shall be hereafter free from the sovereignty of Spain. To make that declaration good and to compel a recognition of that independence by Spain we have declared war upon that Government. By our unanimous voice we have authorized and directed the President of the United States to employ the entire military and naval power of the country, and also its material resources, and have charged him with the tremendous responsibility of conducting that war to a successful issue. Having done that, having charged him with this great and solemn responsibility, we can not, without stultifying ourselves, withhold from him any measure which he thinks is necessary to bring that consummation about.

In the performance of the duties laid upon him by the people

and by Congress, he has a right to ask for any provision, no matter what it may be, that will either contribute to the power of attack or will fortify our own country against every contingency that can possibly arise out of a state of war. We are not playing a game of politics or diplomacy to-day. It is war, and in it is bound up not only the freedom of Cuba but the national honor of our own country. That which a few months ago was thought to be too remote for serious consideration is to-day a stern and unalterable fact. I care not what your views or my views upon this subject might be under ordinary circumstances. It is to-day a measure of war, and as such it stands before this Congress, and I envy not the man who, after having laid upon the President the duty of aggressive attack and also of providing a complete system of harbor and coast-line defense, stops now to split hairs over historical precedents or judicial interpretations of constitutional law.

I envy not the man who in these days of armed conflict will withhold from the President any measure of legislation which in his judgment or in the judgment of his war council is deemed necessary to make his efforts effective. No amount of caviling as to whether the recommendations of the President or the action of Congress were right or wrong, justifiable or unjustifiable; no philanthropic feelings over the sacrifices already made or which shall be made in the future; no protest over the expenditure of money which has been or shall become necessary; no measuring of cause or effect; no predictions as to whether this conflict shall be fought out by Spain and the United States, or whether all the nations of Europe will be involved before the end shall be reached, can avail one jot or tittle to change the grim unalterable fact that we are in a state of war.

Already the field of operations embraces one-third of the water area of the world. Where its limitations will be three months hence no man can tell. Ninety days ago not a man in this House would have ventured the prediction that the first scene of the great drama would open upon the coast of Asia. We thought we were going straightway to Cuba. We never dreamed that the first victory of American arms would be in the far-off archipelago of the Philippines.

Who will venture to predict what the next scene of this swift-moving drama will reveal? Will it be the intervention of the powers to compel Spain to surrender Cuba? Will it be a protest by France against the impairment of her bonded security in Spanish domains, or will it be a German demand for joint occupancy or division of the conquered territory? Will the United States settle this business by force of arms, as she has started to settle it, with Spain alone, or will the next shifting of the scenes reveal an European alliance to protect Spain from destruction, or to play the rôle of Russia in the late war between China and Japan? No man can tell what lies in the future, and in the early future.

While the purposes of the United States in this conflict are directed to freeing the Western Hemisphere from a despotism which for four centuries has been a blight upon civilization and a curse to downtrodden millions of the human race, no man in this presence will dare to say that the American flag, once planted in a just and holy war, at home or abroad, shall ever be removed except by the free act of the American Government.

But, Mr. Speaker and gentlemen, while this is unquestionably the high resolve of the American people, it is your duty and the duty of us all as legislators, as citizens, as patriotic lovers of our country, to discard all our preconceived notions about the desirability or non-desirability of the Hawaiian Islands, and to do that which will strengthen our Army and our Navy, and to see to it that every preparation which statesmanship and human ingenuity can devise shall be made, to meet not only the exigencies of the war with Spain, but also every possible exigency that may follow a European alliance created to take from the hands of the United States Government the settlement of the questions which may logically arise out of this conflict.

I do not know that such an alliance will come to pass. It is enough for me to know that it is one of the possibilities of the future, a possibility which has some threatening aspects at the present time. Notwithstanding the bold and remarkable statement of Mr. Chamberlain, I do not believe in relying upon the sympathetic interference of Great Britain, or of Japan, or of any other country. I would rather rely upon the physical strength and resourceful power of our own 70,000,000 liberty-loving people than upon the sympathy of any foreign nation, however friendly, or upon all Europe combined. God helps those who help themselves.

Mr. Speaker, we have had a rude awakening since this crisis began. Fortunately for us, and perhaps fortunate for the world, we have had to deal with a nation infinitely weaker than ourselves in material resources, and as illy prepared to meet the exigencies of a great war. Less than five years ago nearly 1,000 cities and towns located upon open ports and upon tributary streams along and contiguous to our 5,000 miles of coast were absolutely defenseless against foreign attack. Five years ago the Navy of the United

States was the weakest of the first-class powers and, for lack of munitions and crews practiced in the service of modern ordnance, was comparatively useless for offensive or defensive war; and yet, Mr. Speaker, we were asserting against every nation in Europe a doctrine of exclusion from the Western Hemisphere, never recognized as a tenet of international law, and depending alone for its maintenance upon the moral influence of this Republic. However just and necessary the Monroe doctrine may be from our standpoint of view, and however deep-rooted it may be in the conscience of the American people, it is unquestionably an affront to every nation in Europe, and is to-day acknowledged with illy concealed reluctance by Japan in her relations with the Hawaiian Islands.

I warn gentlemen on this floor that we have seen enough in the last twelve months to satisfy any reflecting man, that the perpetuation of the Monroe doctrine can only be made possible by the speedy development of the naval power of the United States up to a degree of efficiency that will enable us at all times to successfully resist the encroachments of any government on earth. What does this involve, Mr. Speaker? Shall we rely upon the integrity of foreign alliances? Why, sir, no such convention was ever made anywhere or at any time but it was torn into shreds at the dictation of self-interest or by the shifting demands of oncoming exigencies.

I venture the assertion that if Congress had given heed twenty years ago to the warnings which have been iterated and reiterated over and over again on this floor, every American port would to-day be impregnable against assault, our Navy would be peerless upon the seas, no war with Spain would ever have occurred, three hundred millions of money would have been saved, Cuba would be free, her people, wasted by starvation and savagery, would be on the high road of progress, and the *Maine*, instead of rotting beneath the loathsome waters of Havana Harbor with her murdered crew, would be riding the waves.

I ask again, Mr. Speaker, what does the maintenance of the Monroe doctrine involve? We are not so wise, our rights and responsibilities are not so small, our statesmanship is not so far-seeing, but that we can learn a lesson of wisdom from our competitors in the race for national development. With the advent of steam as a motive power Great Britain, without halting for the evolution of the future, began immediately to reconstruct her navy. New armaments and dry docks followed hard after, and then began the establishment of that wonderful system of supply stations which to-day belt the world. While continental Europe and America remained wrapped up in the conservatism of the fathers, Great Britain pushed forward into the new order of things until at every coigne of military and commercial vantage, at Gibraltar, at Malta, at Port Said, at Aden, at Bombay, at Calcutta, at Madras, at Colombo, at Singapore, at Sydney, at Melbourne, at New Zealand, at Hongkong, at Victoria, and at Vancouver, she sits intrenched with limitless stores to reinforce her naval power. For the purposes of this consideration it matters not whether we praise or condemn her foreign and colonial policy. She sits complacent behind her naval ramparts, mistress of the seas, with incalculable powers of defense and offense, able and ready to vindicate her sovereignty everywhere, and to guarantee at all times safety to every advance agent of her commercial enterprise.

Agas before Columbus lifted the veil from the Western Hemisphere Asiatic commerce was the pursuit of empires. Along its shifting routes, from the Phœnicians down to the present day, great cities have risen and passed away, their aggrandizement and decay inexorably measured by their ability to adapt themselves to new developments or by their disposition to hold on to obsolete and worn-out systems. Constantinople, Genoa, Venice, Lisbon, and Amsterdam have each in its day gathered wealth and splendor from the inexhaustible stores of the Orient, and each has fallen from leadership in proportion as it has kept its eye on the past rather than upon the future. England, looking behind, saw the cities of the Mediterranean rise and fall with the shifting of control over the great thoroughfares to Asia. Looking into the future, she saw a great productive population gathering upon the eastern coast of America, spreading in great waves over a continent, subduing mountains and harnessing rivers to its uses, while it reached out across the Pacific for a share in that wonderful commerce. Foreseeing the magnitude of this new competition, she bought the control of the Suez Canal, deepened and widened its channel, enlarged her ship capacity from 3,500 to 7,000 tons, and reduced her freight charges from \$7 to \$3 per long ton. Not content with that provision of security, she built a transcontinental railway through Canada and established a steamship line from Vancouver to China and Australia. Not content with that provision, she undertook to gain a lodgment at the mouth of the Orinoco, in defiance of the Monroe doctrine, and is to-day reaching for an isthmian route to the Indies, to fortify and still further facilitate her monopoly of oriental commerce.

Now, what is all this to us? In the first place, Mr. Speaker, it emphasizes the fact that while the development of the American

Navy is absolutely essential to the maintenance of the Monroe doctrine, and to the development of our commerce with foreign nations, and to the protection of our own coast against foreign attack, a navy without practicable and defensible coaling stations is as useless as an army without food.

No man can foresee the potentiality of the forces which are gathering on the Asiatic coast. With Great Britain in India, in Polynesia, in the Malachian Straits, and in Hongkong, with France in Cambodia, with Russia in Manchuria, with Germany in her newly acquired Chinese ports, and with Japan pushing forward with prodigious strides, it is apparent on the face of the situation that the United States must either surrender the commerce which she has already acquired or she must fortify herself by all the means known to the establishment of commercial power, and which have been advantageous agencies in the experience of competing nations.

It is for these reasons, looking at the subject from a standpoint of national defense and national progress, that I have for many years advocated the peaceful acquisition of the Hawaiian Islands. I happen to have been twice in the Hawaiian Islands. I was there first in 1881, and as a result of that visit I became and have ever since remained an ardent advocate of annexation, believing that action to be not only desirable but necessary, and both not only from a military but from a commercial point of view. I am not guided by any party or political declarations upon this subject. I was thoroughly convinced years ago that the acquisition of these islands, with the facilities afforded in Pearl Harbor, was absolutely necessary in order to a successful defense of our Pacific coast.

From a military point of view the most interesting feature in these islands is the harbor which I have already mentioned. It is situated in the island of Oahu, about 7 miles from the city of Honolulu. The distance from the harbor to the open sea is about 4 miles, and they are connected by a narrow passage not more than a third of a mile in width. At the outer end of this passage there is a sand bar, easily removable at a cost of about \$100,000. In this harbor there are 3 square miles of water which is from 5 to 10 fathoms deep, and an area of smaller size from 2 to 4 fathoms in depth. The locality is free from storms of sufficient severity to endanger shipping, and in the neighborhood are abundant supplies of fresh and healthful water.

The harbor approaches are easily defensible, and it is calculated by military experts that \$500,000 will make it substantially impregnable against naval attacks. Here the entire American Navy can ride in absolute security. There are no other inclosed harbors in the entire group, and none other exists for thousands of miles west or south. Throughout the eastern two-thirds of the North Pacific Ocean it is the only place available as a naval and coaling station outside the American coast. The control of Pearl Harbor, therefore, gives to the nation which holds it the mastery of the Pacific Ocean north of the Equator, and it is, therefore, of incalculable strategic value to the United States. A foreign power possessing Pearl Harbor would be within easy striking distance of the Pacific coast, and in case of war would have the ability to speedily annihilate, not only American commerce on the open Pacific Ocean, but also our coastwise trade, from Alaska to its southernmost point.

What stronger argument for the possession of the Hawaiian Islands can be conceived of than the fact that our Philippine fleet, if compelled by the exigencies of war or by stress of weather to abandon its present vantage ground, has no place of safety or supply short of the harbor of San Francisco, and is subject, while perhaps in a crippled condition, to pursuit and attack throughout that entire distance until within the sheltering embrace of the Golden Gate?

Captain Mahan, whose splendid essay upon sea power has excited the applause of the world, says in a recent paper:

It is not practicable for any trans-Pacific country to invade our Pacific coast without occupying Hawaii as a base.

And further:

It is obvious that if we do not hold these islands ourselves we can not expect the neutrals in the war to prevent the other belligerents from occupying them, nor can the inhabitants themselves prevent it. In short, we should need a larger navy to defend the Pacific coast, because we should have to not only defend our own coast but to prevent by naval force an enemy from occupying the islands, whereas if we preoccupied them fortifications would preserve them to us.

Another eminent authority, George Melville, Chief Engineer of the United States Navy, says:

Hawaii bridges the stretch of seas, which, without the island group, would be, at this stage in the development of marine propulsion, impassable to an enemy's fleet. Pearl Harbor is the sole key to the full defense of our western coast, and that key should lie in our grasp only.

It does not make a particle of difference what the condition of China is to-day. In the philosophy of that mysterious people, "waiting" is the most God-like of human virtues—all things come to him who waits. It matters not how friendly Japan is under present circumstances. It is of no importance that England and Russia are engrossed in a contest for commercial su-

premacy in the far East. There is not an exigency in the great drama of the world's politics to-day that may not be shifted into new relations and unexpected contests to-morrow.

While Pearl Harbor can be made a veritable Gibraltar in point of impregnability, it forms an unparalleled vantage ground from which a naval force can sail with a full equipment of coal and munitions for attack in any quarter. Again says this eminent authority:

Pearl Harbor would form a first line of defense, and an enemy from the open sea would violate some of the cardinal principles of naval strategy and invite sure disaster in attacking our western coast without first blockading or defeating the Hawaiian squadron.

Says Admiral Belknap:

A glance at a chart of the Pacific will indicate to the most casual observer the great importance and inestimable value of this island as a strategic point. Indeed, it would seem that nature had established that group to be ultimately occupied as an outpost, as it were, of the great Republic on its western border, and that the time had now come for the fulfillment of said design.

Lieutenant-General Schofield, after a personal examination of the Hawaiian Islands, expressed the following cogent views:

I have always regarded the ultimate annexation of the islands as a public necessity. I have looked that harbor to a commanding position in front of a defensive line which the army in the field is compelled to occupy. The army must occupy that advance position and hold it at whatever cost or else the enemy will occupy it with his artillery and dominate the main line. If we do not occupy and fortify Pearl Harbor, our enemy will occupy it as a base from which to conduct operations against our Pacific coast and the Isthmian Canal. One of the great advantages of Pearl Harbor to us consists in the fact that no navy would be required to defend it. It is a deep land-locked arm of the sea, easily defended by fortifications placed near its mouth, with its anchorage beyond the reach of guns from the ocean. Cruisers and other war ships which might be overpowered at sea, as well as merchant vessels, would find there beyond the land defenses absolute security against naval attack.

The following is the opinion of Admiral Dupont on this phase of the subject:

It is impossible to estimate too highly the value and importance of the Sandwich Islands, whether in a commercial or military point of view. Should circumstances place them in our hands, they would prove a most important acquisition intimately connected with our commercial supremacy in those seas.

The unqualified and concurring judgment of these distinguished scientists do not by any means stand alone. Everybody who has examined the subject from the standpoint of national defense, and whose opinion is entitled to consideration, is equally emphatic, whereas not a strategist of experience and recognized ability has ever presented an opinion contrary to the expressions which I have taken the liberty to quote. Whatever views members may have upon other phases of the subject, unquestionably from a military standpoint the acquisition of the Hawaiian Islands stands before Congress as a measure equal, if not superior, in importance and urgency to the construction of the Nicaraguan Canal.

Mr. Speaker, I have a profound respect and an instinctive feeling of deference for the opinions of the distinguished ex-Secretary of State who has just retired to private life after a career unsurpassed by that of any American statesman for usefulness and wisdom; but I can not agree with his contention that the Government of the United States has an indefeasible title to Pearl Harbor, irrespective of the maintenance or abrogation of the reciprocity treaty now existing. The grant of an usufructory interest in that harbor was made in consideration of the provisions of that treaty, not in perpetuity, but constructively during the life of the treaty. It is a part of the treaty, and in my judgment is inseparable from it. Its abrogation terminates all of its subsisting provisions, and it would be a violent assumption to hold that the rights vested thereby would continue to exist after the basis upon which they stand had been destroyed by the action of the American Government.

I can not see any validity in the proposition that the American Government can exercise its right to terminate the treaty in twelve months after notice, and notwithstanding that termination hold on to one of the chief considerations of the grant. To do so, even if we had the power to do it, would be a manifest fraud on the Hawaiian Government, and could never find support and countenance in the moral sense of the American people. No such proposition ever entered into the negotiations which culminated in that convention, or in its renewal, nor has it ever existed, nor does it exist to-day in the understanding of the Hawaiian Government. Such is the statement not only of the premier of the Hawaiian Government, but also of Mr. Bayard, late Secretary of State.

If that group of islands should pass by voluntary cession into the sovereignty of a European state, or, through the operations of the peaceful invasion of the Japanese, which during the last ten years has increased that population from 2,700 to nearly if not quite 32,000, should become directly or indirectly absorbed into the Japanese system, I can not for one moment believe that any such pretension of the United States to the ownership of Pearl Harbor would be admitted by any court of international arbitration. In the face of such conditions, either the one or the other of

which is more than a probability, the assertion of the Monroe doctrine or of an exclusive proprietary interest in Pearl Harbor would inevitably precipitate another foreign war. Irrespective of any other consideration, the avoidance of such a risk is, in my judgment, of transcendent importance.

Mr. Speaker, the splendid domain of the Hawaiian Islands, situated within the arc of our existing possessions, is to-day offered with all rights of sovereignty to the United States as the free gift of the existing and established Government, together with all public lands and property, and with no condition whatsoever beyond the assumption of the public debt to the maximum amount of \$4,000,000. If accepted by the passage of this measure, that great entrepôt, lying in the highway of the future commerce of the East and the West, will peacefully pass into the possession of the American people, assuring to them perpetual immunity from hostile attack, a strategic position of incalculable value in time of war, a harbor of refuge in storm or calamity, and a magnificent supply station for our Navy and merchant marine through all the exigencies of our country's future.

If, on the contrary, Congress shuts the door upon this tender, the Hawaiian Islands must of necessity pass under foreign dominion. Not one of the constituent elements of the Hawaiian population is sufficiently strong to maintain for any prolonged period of time an independent form of government against internecine conflict or foreign aggression. If we refuse to extend our own sovereignty and protection, the United States can not, with any show of justice or sanction of right recognizable by other nations, invoke the principles of the Monroe doctrine against a voluntary treaty of cession to Great Britain or to Germany or to France, which may become necessary to the preservation of the rights and the protection of the lives of the Hawaiian people against domestic or foreign violence.

But whether as a matter of principle the Monroe doctrine could be applied or whether it could not be, yet, nevertheless, in the absence of a voluntary cession to a European power, the gravitation to Japan and finally absorption by that country will be the inevitable destiny of the Hawaiian people. Under the constitution of that Republic it is easy to be seen that it is only a matter of time when the Japanese population may lawfully acquire control of all the legislative and administrative functions of the Government, in which event the transition to a colonial system, autonomous in its character, but yielding allegiance to the Emperor, would be altogether too imperceptible to justify interference at any particular period of time, or even to render interference possible without a war with that Empire. Thus, by a movement similar to those which have heretofore characterized the migration of nations, there would be eventually precipitated that greatest of all conceivable calamities, the planting of an Asiatic population and the founding of an Asiatic cult two-thirds of the stretch across the Pacific Ocean.

Mr. Speaker, another point of contention against this measure is that by the acquisition of these islands we will largely increase our coast line necessary to be defended, and therefore the acquisition would be a source of weakness rather than of strength. There is no force in this contention. Pearl Harbor is the only landlocked harbor in the entire Hawaiian group, and the only place that could be made available as a naval base. In the possession of the United States, no foreign enemy could maintain a lodgment anywhere on the entire coast line for any purpose whatsoever. Susceptible of being made as impregnable as Gibraltar, it has the superior advantage of being a refuge against storm as well as against superior forces, while it is a coign of vantage from which every trade route in the Southern Pacific can be flanked, giving unparalleled facilities for the assailing or defending commerce, and absolutely dominating not only the island coast line, but also every ocean highway from Alaska to the Equator.

After traversing all the waters of the globe, I know of no position which can be so cheaply fortified or maintained, which will give to the Government so great an influence in maritime commerce, and which can be made so tremendously effective in the possible conflicts of the future.

Aside from strategic considerations, common justice to a weak and defenseless neighbor demands that the United States shall either recognize the neutrality obligations of a noncombatant or else shall eliminate those obligations from the forum of future contentions by an incorporation into our own system. We are to-day using the Island of Oahu as a base of supplies and a naval station in open defiance of the well-recognized laws governing neutral powers and in absolute contradiction of our own demand upon all other nations in the world.

Can anyone doubt that the principles of the *Alabama* case would determine the judgment of any court of international arbitration if a call for damages should be hereafter made upon Hawaii by the Government of Spain? Can anyone doubt that the collection of a judgment by seizure of Hawaiian revenues, or the occupation of Hawaiian territory until satisfaction was rendered, would be upheld by European nations in spite of the Monroe doc-

trine unless the United States paid the award? Our action already taken is absolutely indefensible upon any other theory than that the treaty already concluded gives quasi jurisdictional rights pending ratification.

The annexation of Hawaii is wholly disconnected from and independent of any questions growing out of our contest with Spain. Repeating what I have heretofore said, this subject in one form or another has been before the American people and before Congress for over fifty years, and it would have been accomplished long ago had it not been for the contentions of political parties and the overshadowing exigencies of the civil war. No proposition of colonial establishment has ever entered into the negotiations of the two Governments. The treaty of 1893 and also that of 1897 both provided that the Hawaiian Islands shall be incorporated into the territory of the United States as an integral part thereof, and shall be known as the Territory of Hawaii, and as such shall be governed by such laws as Congress shall enact.

The undertaking to connect this subject with the fate of the Philippine Islands, of Puerto Rico, is simply and solely a makeshift of the opposition to defeat this measure by the sinuous arts of parliamentary tactics, notwithstanding the fact that a vast majority of the American people have already substantially voted for annexation and that a majority of both Houses of this Congress are waiting to vote for it at the earliest possible opportunity.

Speaking for myself, Mr. Speaker, although for twenty years I have been convinced of the wisdom of this proceeding from every standpoint of view, present and future, yet, laying aside all other considerations which relate to commercial development and the progress of civilization, it is enough for me to know that the President of the United States, charged with the responsibility of prosecuting this war to a successful issue, regards the annexation of the Hawaiian Islands as a military necessity. With that knowledge I will give him my loyal support, and I will never consent that this session of Congress shall adjourn until these resolutions have been fully acted upon.

Mr. Speaker, there is no novelty in the objections which are urged against this measure. They were urged against the purchase of Louisiana in 1803. The Federalists of that day challenged the constitutionality of the acquisition, and even Mr. Jefferson questioned it. But Congress and the Supreme Court decided otherwise. They were urged against the annexation of Texas by the Abolitionists of the North and by many statesmen of the South. Whole tomes of statistics were summoned to prove that the heterogeneous population gathered within those districts could never be ameliorated, and would prove to be an eternal menace to our republican institutions. But they were annexed nevertheless, and to-day they are teeming with wealth, intelligence, and industrial energy. They were urged against the acquisition of New Mexico and California, and one of the greatest speeches Webster ever made was an invective against that terra incognita. Nevertheless, nearly \$20,000,000 was given as the price of that territory, and it has proven to be an inexhaustible storehouse of mineral and agricultural wealth. They were urged still more vehemently against the purchase of Alaska, and Mr. Seward was charged with political lunacy for paying eight millions of good money for a region of eternal icebergs. But, Mr. Speaker, in all these so-called unconstitutional, irrational, and unstatesmanlike performances we builded wiser than we knew, and out of those vast regions of tropical jungle and arctic waste a great nation has grown up to subdue the sterile places of the earth and to bless humanity. Who to-day would turn backward this wonderful march of progress? Who would not rather carry it forward, relying upon the inspirations and the strength of American intelligence and upon the providence of Almighty God?

Mr. Speaker, it is urged that the people of the Hawaiian Islands are incapable of self-government, and therefore annexation must necessarily be hostile to the best interests of the American people. Of the present constituent elements of Hawaiian population, the Chinese, numbering nearly 22,000, can safely be regarded as only temporary sojourners in the islands. With the application of American laws against further immigration, the immediate outgo of this element will begin; and in a comparatively short period of time they will become greatly reduced in point of numbers, if they do not entirely disappear. The Japanese are fairly good material for future citizenship. They are acquisitive of knowledge, industrious and economical, and easily molded in the forms and usages of the society in which they locate.

Taking the native Hawaiians, Portuguese, the British, the Germans, and the Americans into consideration, the percentage of intelligence existing at the present time among these elements is as large as that which exists in any of the new sections of our own country. Out of 15,191 Portuguese residents, 48.8 per cent were born on the islands. The percentage of industrials is over 91 per cent of the entire working population, fully up to the showing of the most advanced nations of the world. Of 93,105 people over 6 years of age, 63.9 per cent are able to read and write. Excluding the Portuguese, the Japanese, and the Chinese, the percentage of those able to read and write rises to nearly 86 per cent.

The percentage of children attending school is still more remarkable. The total number of children within the school age—viz, 6 to 15—was reported in 1896 to be 14,296, out of which the school attendants were 13,744, or 96.2 per cent, an increase of nearly 15 per cent over 1890 and over 25 per cent over 1884. While the natives of full Hawaiian blood appear to be decreasing, the native born of mixed Hawaiian stock is very largely on the increase, such births rising from 1,568 in 1890 to 2,590 in 1896, a gain of 65 per cent. The children born in the islands of parents both foreign have increased from 5,018 in 1890 to 8,339 in 1896, a gain of 65 per cent.

These increases are mostly among Hawaiians, Europeans, and Americans, showing the rise of a new stock thoroughly amenable to the influences of Anglican civilization, into which it is rapidly merging year by year. The contention, therefore, that there is any antagonism, physical, moral, intellectual, or social, between the people who can be regarded as permanent residents of the Hawaiian Islands and the people of the United States is no more valid than the early contention that the people of Louisiana, Texas, New Mexico, and California would never coalesce with the Anglo-Saxon population of the original States.

COMMERCIAL CONSIDERATIONS.

Mr. Speaker, I have been considering this measure more particularly from the standpoint of the proposition that the acquisition of the Hawaiian Islands at this time is necessary for the proper protection of the Pacific coast. A word or two upon the commercial side of this question as it relates to the future prosperity of the United States. For a quarter of a century the demand has come from every quarter of our country for the enlargement of our foreign commerce, and yet during all that time not a single measure of substantial importance has ever been enacted by Congress or by any commercial body of the United States which constitutes a basis upon which that enlargement can proceed.

Outside of Honolulu and the cities of Mexico and Guadalajara there is not an American office of exchange in any foreign port of the Western Hemisphere or in the oriental world where an American negotiation can be carried on. Every commercial bill, every loan of money, every mercantile and affreightment contract, has to be negotiated in an English office and pay tribute in one form or another to English enterprise. Everywhere, in Mexico, in Central and South America, in Polynesia, in India, in Ceylon, in the Straits Settlements, in China, in Japan, and even in Hawaii, English institutions exist, founded under the broad, far-reaching policy of the British Government to increase and monopolize every branch of foreign trade, and not until the people of this country outgrow the swaddling clothes bequeathed to them by the narrow policy of "insular isolation" will they ever have a permanent share in the mighty commerce which beats its wings in the waves of the broad Pacific.

In the face of the universally recognized need of the Nicaragua Canal we have been wasting precious time haggling and splitting hairs over the difference between minimum and maximum estimates of cost when the gain to American commerce in every year after its construction will be more than the entire expenditure. The progressive enterprise of the United States, the manufacturers of the North, the cotton growers of the South, the farmers of Oregon and California, all demand a short route between the oceans, and the peerless voyage of the *Oregon* to join the front battle line in our war with Spain emphasizes that demand with an eloquence beyond the power of human speech.

The construction of this great waterway connecting the two oceans, following upon the acquisition of the Hawaiian Islands and the independence of Cuba, will reach a consummation not less magnificent than those splendid transactions which in the early history of our country laid the foundations of national wealth, national power, and national glory, all which have been the wonder of the world and the honorable pride of every American citizen. Powerful to resist attack from without, loving peace at home and abroad, this great country will then have reached the acme of its destiny, and its beneficent influence upon the nations and the peoples of the earth will be the glory of the twentieth century.

Mr. DINSMORE. I yield to the gentleman from Georgia [Mr. HOWARD] such time as he may desire.

Mr. HOWARD of Georgia. Mr. Speaker, the Hawaiian question in one form or another has been a familiar one in the diplomacy of our Government for fifty years. The pending resolutions, by which it is proposed to annex the Hawaiian Islands to the United States and to pay their debts, amounting to \$4,000,000, for the privilege of adding their troubles to our own, furnishes the first occasion in the history of the question when the representatives of the people of the United States have been called upon to sanction the scheme; and thus it may be truthfully said that while the project is old to diplomacy, it is new to the masses of the people of the country.

Our first interest in the Sandwich Islands was due to whale oil, and was fostered by missionaries, and became superseded by the

Standard Oil Company, who, finding it easier to corner the oil in rocks than the oil in whales, discarded the whaler for the tank car and disappointed the ever-faithful missionary in his hopes of a whale-oil dynasty in the Pacific. It is curious to observe that Great Britain has pinned her faith to incorporated trading companies as the surest means of commercial and territorial acquisitions, while the American puts his trust in the philanthropy of the missionary to accomplish the desired brotherly love of political and commercial union.

Our renewed interest in these islands is due to sugar, and to sugar is due the Hawaiian question, both as it has existed for the past thirty years and in the form in which it is now presented.

The arguments employed in support of annexation may be classified under two general heads: First, the importance of the islands to the United States for military purposes; and second, the importance of the islands for commercial purposes. A candid discussion of the question involves an examination of the merits of the military and the commercial theories.

Happily for us, military experts have given, by direction of our Government, consideration to the value of these islands for naval purposes, and their carefully prepared reports have become a part of the history of the question. The Bureau of Statistics of the Treasury Department has kept accurate accounts of our commerce with the islands for twenty years, and the theories of naval strategists are being tested in the light of the fires of actual war.

The military phase of the question is better understood and better presented by the military experts who have given attention to it, and I am certain that I shall not understate their case if I permit them to speak in its behalf.

In May, 1873, Gen. J. M. Schofield and Gen. B. S. Alexander made a report to Hon. William W. Belknap, Secretary of War, the condition of which I repeat from them in full, because it is important in this and in another connection in which I shall allude to it:

In compliance with your confidential instructions of the 24th of June, 1872, we have the honor to state that we have visited the Sandwich Islands and ascertained the defensive capabilities of their different ports, examined into their commercial facilities, and collected all the information in our power on other subjects in reference to which we ought to be informed in the event of a war with a powerful maritime nation, and we have now the honor to submit the following report:

Material parts of the report are as follows:

We ascertained from the officers of the United States Navy, from maps, and from seafaring men that Honolulu is the only good commercial harbor in the group of the Sandwich Islands.

There are many other so-called harbors or places of anchorage, but they are mostly open roadsteads affording shelter only from certain winds, and they are all entirely incapable of being defended by shore batteries. Even the harbor of Honolulu itself can not be defended from the shore. It is a small harbor lying seaward from the land and only protected from the sea by outlying coral reefs. An enemy could take up his position outside of the entrance to the harbor and command the entire anchorage as well as the town of Honolulu itself. This harbor would, therefore, be of no use to us as a harbor of refuge in a war with a powerful maritime nation.

With one exception, there is no harbor on the islands than can be made to satisfy all the conditions necessary for a harbor of refuge in time of war, and this is the harbor of Ewa, or Pearl River, situated on the Island of Oahu, about 7 miles west of Honolulu.

Then, describing in detail the advantages of Pearl Harbor, the report proceeds:

In case it should become the policy of the Government of the United States to obtain the possession of this harbor for naval purposes, jurisdiction over all the waters of Pearl River, with the adjacent shores to the distance of 4 miles from any anchorage, should be ceded to the United States by the Hawaiian Government.

This would be necessary in order to enable the Government to defend its depots and anchorages in time of war by works located on its own territory. Such a cession of jurisdiction would embrace a parallelogram of about 10 to 12 miles.

It would not be necessary, however, for the Government of the United States to own all this land. On the contrary, Rabbit Island and a few thousand acres of the shore to the northward and westward of it, the limits of which could be determined after careful survey, with sufficient land on either side of the entrance of the harbor for fortification purposes, equal in area to about 1 square mile on either side, would be all the land which it would be necessary for the Government to own. All the land which might be embraced in any cession of jurisdiction could remain in the hands of the present owners.

For the sake of argument, then, I concede that Pearl Harbor is without a rival as a naval station in the Pacific and that it is the only available harbor for naval purposes in the Hawaiian Islands. As to the strategic value of the Hawaiian Islands for the defense of our Pacific coast, we may concede, for the sake of argument, all that is claimed for it by Capt. A. T. Mahan, and for full measure adopt the rhetorical extravagance of those enthusiasts with whom Hawaii is the "Cross-roads of the Pacific," the "Key of the Pacific," and, still more ambitiously, the "Gibraltar of the Pacific." Elaborate these claims of unrivaled advantage as you will, the pith of the case for annexation from the military standpoint is fully stated.

It will be observed that the report of General Schofield was made in 1873, and to secure Pearl Harbor the reciprocity treaty, when renewed in 1887, was extended in these terms:

The exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for

the use of vessels of the United States, and to that end the United States may improve the entrance of said harbor and do all things needful for the purpose aforesaid.

As to the extent and effect of this treaty, I am quite willing to adopt the opinion of those distinguished members of the Foreign Relations Committee of the Senate who signed the Senate report favoring the resolution for annexation now pending in that body: Senators C. K. DAVIS, JOHN T. MORGAN, WILLIAM P. FRYE, S. M. CULLOM, H. C. LODGE, J. B. FORAKER, and CLARENCE D. CLARK. In this report they say:

In the treaty of reciprocity of 1875 the United States demanded, as the consideration of admitting the staple productions of Hawaii free of duty into our ports, that Hawaii should so far renounce her sovereignty over her public domain, her crown lands, and her ports, bays, and harbors that she could not dispose of them, or of any exclusive or special privileges in them, without the consent of the United States.

The gravity of this concession of her sovereign authority over her own territory to the United States was shown in 1894, when Great Britain proposed that Hawaii should grant to her the exclusive right to land a cable on Necker Island, to which Hawaii was willing, but both governments fully recognized the fact that the consent of the United States was necessary to be obtained.

Mr. BERRY. Will the gentleman allow me a question?

Mr. HOWARD of Georgia. Yes.

Mr. BERRY. The understanding I have of the treaty is that in the event of any cessation of the present relations between the Hawaiian Government and the United States all the rights granted under that treaty would cease with it; and that Secretary Bayard wrote a letter, which is now on file in the archives of the Hawaiian Islands, in which he said it should be so construed, and he did so construe it as Secretary of State of the United States.

Mr. HOWARD of Georgia. Is that a statement or a question?

Mr. BERRY. I ask you whether you do not recognize the fact that when the treaty is dissolved, as it may be on one year's notice, would it not do away with all the rights of the United States in the island?

Mr. HOWARD of Georgia. On the strength of my own feeble opinion, I say no; and on the strength of the opinion of these giants in the Senate, I say that they emphatically declare no, and in addition to that I shall quote the figures and make the argument to show that it would not. What I have read is from the report of the Senate Committee on Foreign Relations on the resolutions pending in the Senate.

Mr. NEWLANDS. Will the gentleman allow me a further question?

Mr. HOWARD of Georgia. Yes.

Mr. NEWLANDS. Does not the gentleman think that this extraordinary claim made by the members of the Senate and by public men with reference to permanent rights in the Hawaiian Islands are rather indicative of an intention to hold on to Pearl Harbor by violence rather than by right? Does he not agree that the provision in the treaty was inserted by the Senate itself, not by joint action of the high contracting powers, and that when the minister of Hawaii addressed a letter to Mr. Bayard, then Secretary of State, informing him that his construction of that clause was terminable with the treaty itself, and when Mr. Bayard concurred in that construction, would it not be a high-handed proceeding on the part of the United States to terminate all the benefits of that treaty as far as Hawaii is concerned and then to claim the only real harbor that Hawaii has?

Mr. HOWARD of Georgia. Well, to answer a lengthy question, I can not assume to interpret the motives and sentiments of the gentlemen who have expressed the opinion and incorporated it in the report. To the second proposition, the opinion of officials of either Government, after the treaty was made and ratified, must subordinate itself to the force and terms of the treaty itself. Third, there can be no outrage against Hawaii, there can be no semblance of injustice, even if by force the United States should maintain her right to Pearl Harbor under the treaty, for the all-sufficient reason, as I shall demonstrate before I am through, that we have paid the Hawaiian people \$65,000,000 for Pearl Harbor. [Applause.]

Mr. NEWLANDS. Now, will the gentleman allow me one further question?

Mr. HOWARD of Georgia. Now, I must have additional time if you make me anticipate what I am going to do.

Great Britain is still pressing for that concession. This treaty arrangement, which is permanent in its character, is a complete demonstration that in this high authority the United States is exercising a right of sovereignty over Hawaii that is utterly inconsistent with the independence of that Government in its relations with the United States.

When that treaty was renewed and extended, in November, 1897, the sovereign grasp of the United States was made firmer and more specific upon the Hawaiian Islands by the stipulation that Pearl Harbor should be in the exclusive possession and control of the United States for the purpose of establishing there a permanent naval station. Such a station, with all needful belongings, including fortifications to protect it, in the exclusive possession of the United States, not only shuts out all foreign powers from the harbor, but places it so entirely under the command of our fleets and guns and our military authority that the Hawaiian Government can not enter Pearl Harbor, even with her commerce, if we choose to exclude her by arbitrary military orders.

Pearl Harbor, in a military sense, will be a fortified base for naval operations that completely dominates all the islands and virtually commands the Pacific Ocean for a distance of more than 2,000 miles in all directions.

Thus it will be seen that all which, in the opinion of the military experts of our Government, was necessary for military purposes in these islands is secured to us by existing treaties. But we are told that a refusal on our part to annex the islands will be equivalent to a relinquishment of these treaty rights and will absolve Hawaii from her obligation to us under them. Here again the answer is found in the treaty. Commercial reciprocity and not political annexation was and is the sole consideration in the treaties for the exclusive commercial and Pearl Harbor concessions, and a breach to authorize abrogation must be a breach of the condition on which the treaty rests. Our refusal to accept the islands into political union with us, offered after the treaties were made and in no wise a part of their consideration, can not in any sense affect the preexisting treaty rights.

Annexationists further object that the treaty by which our exclusive rights in Pearl Harbor are secured may be revoked at the will of either the Hawaiian or our Government after twelve months' notice of such intended action. We contend that the right to terminate the treaty on the part of either Government applies to commercial reciprocity, and not to the grant of exclusive privileges in Pearl Harbor. The Pearl Harbor grant was a surrender of sovereignty from one government to another, and as such is irrevocable, and this Government could, with legal right and with justice, maintain this position; but it is insisted that we would not have the moral right to hold, against so weak a government, this concession, after withholding the benefits which accrue to Hawaii from the commercial clauses of the treaty.

Mr. BERRY. Will the gentleman allow me to interrupt him?

Mr. HOWARD of Georgia. Certainly.

Mr. BERRY. Are you aware of the fact that after the treaty was agreed upon and sent to the city of Washington it was modified in the Senate and returned to Honolulu, and that it was sent back by that Government with the statement that they did not understand there was a permanent cession, and that Secretary of State Bayard, whose letter is on file in the archives of Hawaii, conceded that it was not to continue except during the life of the treaty? Are you aware of the existence of that letter?

Mr. HOWARD of Georgia. No; I am not.

Mr. BERRY. This treaty was ratified on that. The correspondence, with this letter, is on file. Afterwards, under the express agreement made by the Secretary of State, Mr. Bayard, it was held that it did not contemplate the existence of the cession of Pearl Harbor beyond the life of the treaty.

Mr. HOWARD of Georgia. In the trial of a case in any court in this country controlled by legal intelligence, do you not concede from the very facts that you have stated that such collateral matters could not be invoked to modify the terms of the contract?

Mr. BERRY. It has become a part of the correspondence between sovereign powers.

Mr. HOWARD of Georgia. It has become a part of the correspondence between sovereign powers, but the sovereign treaty-making power does not lie with the Secretary of State of this Government nor that of Hawaii. [Applause.]

Mr. HITT. But the point is this—

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HOWARD of Georgia. I will have to have additional time if I do so.

Mr. HITT. After the treaty was signed the Senate added that clause, that paragraph, and that correspondence exists to-day between the two Governments, before it was promulgated, and Mr. Bayard conceded that it terminated with the treaty, and Mr. Carter asserted the same thing.

Mr. HOWARD of Georgia. And at last it is nothing more than an agreement between representatives of the Governments who made the treaty after its ratification, and not the treaty-making power.

Mr. HITT. They made that treaty.

Mr. HOWARD of Georgia. They perhaps negotiated it, but the making of the treaty rested with the President acting by and with the advice and consent of the Senate, and the declarations of any other official would not be received to explain away what had thus been done.

This contention assumes that we will abandon the treaty, to which I reply that if the treaty was and is an advantageous one to us, the wisdom of the American people may be relied upon to maintain it; and, on the contrary, if we should abandon it, and thereby forfeit to Hawaii the benefits accruing to us from it, it would be only natural to conclude that the American people in their wisdom considered the disadvantages to them from such a treaty greater than its benefits. Or to state the case in the concrete form, if we abandon it, it would be because we thought the remitted duties on Hawaiian products worth more than her reciprocal trade and the military advantages of Pearl Harbor.

But Hawaii might give notice that she would abandon the treaty and reclaim all the privileges, including those of Pearl Harbor, conceded to us by it. The adequate reply to this, however, involves an examination into the motives on the part of

the Hawaiians which induced them to enter into the treaty, and an accounting of the benefits which they have derived from its operation, to the end that we may judge whether the people of these islands know a good thing when they see it and have sense enough to hold on to it when once they have it.

Three forces dominate the Hawaiian population—the political force, which is controlled by sugar; the commercial force, supported by sugar, and the moral force, which is animated, as we are assured, by the missionaries, and these missionaries, we are told, are of New England stock. Reviewing classes, there are natives, called Kanakas, numbering some 31,000, who, we are assured, are rapidly dying out. There are Japanese to the number of 24,400, according to the census of 1896, and this class of the population is said to be increasing. There are 15,100 Portuguese, 21,800 Chinese, and a blended population, many of whom, in the judgment of Solomon, would be wise if they knew their own fathers. There are also 8,000 Americans, 2,200 British, 1,400 Germans, 479 Norwegians and French, and 1,055 of all other nationalities.

The islands of the group which they are able to inhabit are only eight in number, and are situated in the Northern Pacific Ocean, more than 2,000 miles from San Francisco, 3,850 miles from Auckland, New Zealand, 4,917 miles from Hongkong, 3,339 miles from Yokohama, Japan, and about 4,500 miles from the Philippines, and have an area, approximately, as great as that of the State of Massachusetts. The climate is described as salubrious, the soil as fertile, the surface mountainous, and the products such as are common to tropical regions. Sugar, coffee, rice, and fruit are produced in greater or less abundance. There are minor details as to volcanoes, lepers, morals, manners, and mountains, which we need not stop to inquire closely into until after annexation. [Laughter and applause.]

This grouping of statistical and other information is made in this connection to throw light on the probable dealing of these people with the existing reciprocity treaty with the United States. The area cultivated with sugar cane in 1896 was, approximately, 80,000 acres, and the export of sugar in 1896 amounted to 221,000 tons. The output of sugar can not be much increased, as most of the sugar lands are already occupied, and to subject the higher lands to cultivation requires an expensive system of irrigation. Prior to the negotiation of the Hawaiian reciprocity treaty, which went into effect in 1876, the commerce of the islands was considerable and was in a languishing condition. Population, exports, imports, and shipping all were steadily decreasing, as the following figures show:

Table showing condition of the Hawaiian trade for six years prior to reciprocity treaty.

Year.	Imports.	Domestic exports.	Customs receipts.	Merchant vessels entered.	Whaling vessels entered.
1890.....	\$2,040,000	\$1,743,000	\$215,000	127	102
1870.....	1,930,000	1,514,000	223,000	159	118
1871.....	1,625,000	1,733,000	221,000	171	47
1872.....	1,746,000	1,402,000	218,000	146	47
1873.....	1,437,000	1,725,000	198,000	100	63
1874.....	1,210,827	1,622,000	183,000	120	43

From the day the reciprocity treaty went into operation the islands' trade increased rapidly, as the following table will show:

Table showing improved condition of Hawaiian trade for the last five years, the result of the reciprocity treaty.

Year.	Imports.	Domestic exports.	Customs receipts.	Merchant vessels entered.
1892.....	\$4,634,000	\$3,081,000	\$494,000	262
1893.....	5,946,000	10,742,000	545,000	315
1894.....	6,625,000	8,581,000	524,000	350
1895.....	5,713,000	8,358,000	547,000	313
1896.....	7,164,000	15,515,000	656,000	386

From which I will repeat that in 1874 their imports were \$1,210,827, their domestic exports \$1,622,000, and their customs receipts \$183,000; and in 1896 their imports were \$7,164,000, their domestic exports \$15,515,000, and their customs receipts \$656,000. As the friends of annexation so persistently point out that 80 per cent of this commerce each way is with the United States, it is easy to see that what has been their great gain must have been to us an equivalent loss, unless the inequality is stayed by the mystic wand of reciprocity.

In this connection I invite attention to the trade balance sheet as it appears in the Monthly Summary of Finance and Commerce of the United States for the month of December, 1897, prepared in the Bureau of Statistics of the Treasury Department of the United States under the title "Trade of the United States with the Hawaiian Islands," from which it appears that the domestic exports from the United States to the Hawaiian Islands from 1877 to

1897, inclusive, amounted to \$67,300,921, and the imports from the Hawaiian Islands into the United States for the same period of time amounted to \$181,702,609, by which it appears that we bought from the Hawaiian Islands \$114,402,688 more of their products than we sold to them in this period of twenty years of reciprocal trade.

This enormous balance of trade against the United States is not the whole story, for, in order to get this opportunity to sell to them, we agreed by the treaty in which the Pearl Harbor rights were conceded to us to admit free of duty certain of their products, the chief of which was sugar, and the amount of remitted duties on sugar and molasses imported into the United States from the Hawaiian Islands from 1877 to 1897, inclusive, aggregates \$61,137,408, whereby it appears that we only lacked \$6,072,513 of giving by way of remitted duties on sugar and molasses alone as much to the Hawaiian Islands as the total value of all we sold to them in the same period, and the total amount of duties remitted on all imports from Hawaii to the United States for that period of twenty years is \$65,468,720, from which it will appear that, contrasting the value of all the domestic products sold to them with the remitted duties on the domestic products bought from them, we lacked \$1,721,191 of giving them by way of remitted duties as much as all that we sold them was worth.

Mr. KING. Under that provision we got the goods which we obtained from Hawaii very much cheaper; so that there was no loss to the American people.

Mr. HOWARD of Georgia. Do you suppose so? Let me state the facts. The American people do not get the benefit that is claimed as the result of these remitted duties. They do not get it, in the first place, because when we remitted the duty on sugar it went to the sugar producer, not to the American consumer. You may suggest that as this sugar is largely consumed on the Pacific coast they get it at a reduction in price equivalent to the difference in the freight on sugar brought from the West Indies and across the Continent. Unfortunately that is not true. The fact stands that that difference in freight does not inure to the consumer of sugar, but, on the contrary, it is pocketed by the dealers in sugar, and thus it stands; and the people of the Pacific coast derive no scintilla of benefit or advantage by way of cheaper sugar.

There can be, therefore, no room to doubt who gets the best of this reciprocity bargain, and I have gone into these figures to show that these Hawaiian people, at least the American, British, German, French, and missionary portion, fully understand it. The Kanaka, bothered by his inevitable racial decay and the long-continued absence of his queen in Washir-ton, may not be fully aroused to the splendid advantage got in the deal whereby Pearl Harbor was sold to us for free sugar and free bananas, but it would be an insult to our own blood to suppose that that New England stock of missionaries is in the dark about it. [Laughter and applause.]

It is an injustice to ourselves to imagine that we are ignorant of the results of this treaty to us, for bear in mind the treaty was ratified and went into operation in 1876, remained in operation to 1887, during which period the same ratio of balance against us was being piled up, and yet it was extended in 1897 for a period of seven years, with the Pearl Harbor concession added and with the right to extend it indefinitely beyond that period of limitation, subject only to be revoked after twelve months' notice by either of the contracting parties.

The figures published by the Treasury Department render it impossible to believe that we have continued this treaty for the commercial benefit it has afforded us. It is said that we carry in American ships about 80 per cent of this commerce both ways, and that the banks and business men of the Pacific coast furnish the exchange and sell the goods involved in this trade; and while I am not disposed to interpose in this connection the objection that these banks and these business men and these shipowners are deriving at the expense of the whole people a somewhat unfair advantage, yet I am disposed to remind you that if every dollar they have sold Hawaii in the past twenty years is profit, that their profits are only \$1,721,191 more than the duties the entire people have remitted for their benefit.

I am, therefore, disposed to think and to insist, in reply to the contention that we would have no moral or just right to hold Pearl Harbor if the reciprocity treaty were annulled, that we have bought and paid for Pearl Harbor at a cost of \$65,500,000, and we should hold it forever without any further concession. To my mind no government that may ever be established in the Hawaiian Islands under the auspices and by the procurement of the sugar interests there, nor any other element of its heterogeneous population, will ever voluntarily renounce the advantages of such a treaty. I am not now concerned with the question that might be suggested by this discussion, as to whether this treaty should or should not stand. I am dealing with the fact that it exists and with the results that flow from it, as they affect the pending question.

Much is claimed for the monopoly of the Hawaiian commerce, which the United States has enjoyed since this treaty went into operation. There is no increase or advantage in our commerce with Hawaii during this period which could not be easily reproduced with any other country under like conditions of reciprocity.

The effect of annexation on the commerce between Hawaii and the United States would add nothing to the revenues of either Government, nor cheapen American products to the Hawaiian consumers, nor would it increase the value of Hawaiian products. If, therefore, we refused annexation but maintained reciprocity, Hawaii would be at no disadvantage commercially compared with her present condition, nor should it be forgotten that the loss of revenue to our Treasury by remitted duties on sugar does not result in any corresponding benefit to the American consumer of sugar by a reduction of the price of Hawaiian sugar in our markets. This benefit accrues to the Hawaiian sugar planter, exclusively.

It is insisted that it is not for the Hawaiian trade alone that annexation is desirable, but that we should become the master of the commerce of the Pacific, and that to do this our merchant marine should have a coaling station, and the proportionately increased navy to protect it should have a naval station on these islands, and that no extensive plan of commercial conquest in the Pacific can ignore these necessities of a successful career. All that I have said as to our rights in Pearl Harbor for a navy applies equally to the merchant marine. The treaty that secures it for the one purpose embraces also the other.

Before leaving the case of the annexationists, I desire to comment on the emergency argument, to catch, if I can, hold and analyze the ghost story with which we are to be frightened into annexation, that if we do not annex Hawaii some other nation will. Hawaii can only be annexed by her consent or against it. Annexation by her consent implies that she will consider it desirable and seek it, and presumably for her material or political advantage, or both, and if for her material advantage, the nation with whom the alliance is sought must do as well or better by her than our commercial reciprocity treaty now results.

Or if for political advantage, she confesses the instability of the Republic, or, deeper still, her incapacity for self-government by any form of political organization. As it is, we pay her for the privilege of giving her what she needs of us. I can hardly believe that any other nation would be disposed to a like sacrificing liberality. If any other power can better protect her than ourselves, then how could we protect her either as our colony or as a sister State of our Union, if such more puissant and ambitious power sought to sever the relations between us. [Applause.]

Hawaii annexed as a State or as a Territory of the United States is not more secure in that relation than the power of our arms on land and sea can make her, and Hawaii as a friendly and independent Government, under theegis of our protection, could not be conquered till we ourselves were conquered, and if the power existed to conquer us neither alliance nor annexation could increase our resistance or her security. [Applause.] The power of Cuba or of Puerto Rico, offensive or defensive, is the power of Spain, and the power of Jamaica is but the power of Great Britain.

It has transpired in the history of this question that Germany was reputed to desire our missionary protégé, at another time that France would make her a French post in the Pacific, and still at another that Great Britain was anxious to thicken her chain of forts and coaling stations around the globe, and the ghost of these mighty powers have been made to flit with threatening menace across our vision. But these islands still stand commercially betrothed to the great Republic. The growing power of Japan in the Pacific Ocean is the new bogey, and is upheld as a menace to our permanent power in the affairs of Hawaii, and as if to add terror to the threat, Japan is called the "England of the Pacific." If Japan was even Britain herself and cherished the purposes ascribed to her, she would acknowledge with complacency the rightfulness of our dominion over Hawaii. What England has acknowledged, Japan may well content herself with as settled.

What France has acknowledged she will be wise not to controvert, and while youth is not synonymous with discretion, diplomacy, which is an aid to reflection, usually precedes war. If the fear, which is now so freely expressed, of European domination in the Pacific as an argument is really deceiving those who profess its feeling, what of this fact? In 1887 we secured the exclusive right by treaty to possess, improve, and fortify Pearl Harbor. We were told by General Schofield in 1873, in the report to which I have heretofore referred:

It is to be observed that if the United States are ever to have a harbor of refuge and naval station in the Hawaiian Islands in the event of war, the harbor must be prepared in advance by the removal of the Pearl River bar.

When war has begun it will be too late to make this harbor available, and there is no other suitable harbor on these islands.

By the voice of this authority you were warned of your necessities in the Pacific. By the force of his opinion you were urged to prepare before the emergency arose. The naval and military ex-

perts who warned you then are those whose warning you quote now. The sagacity of your diplomats of to-day foresee no advantage, foretell no danger, that Adams, Webster, Everett, Marcy, Seward, Fish, Evarts, Foster, and Blaine did not each in his turn reiterate till they burnt it into the American brain with the brand of the Monroe doctrine, that we would not permit the acquisition of these islands by any other nation, and on the 7th of February, 1894, the House of Representatives of the United States declared by resolution:

RESOLUTION OF UNITED STATES HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1894.

Resolved, * * * That foreign intervention in the political affairs of the [Hawaiian] Islands will not be regarded with indifference by the Government of the United States.—*Congressional Record*, Fifty-third Congress, second session, page 2001.

And on the 31st of May of the same year the United States Senate declared by resolution:

RESOLUTION OF UNITED STATES SENATE, MAY 31, 1894.

Resolved, That * * * any intervention in the political affairs of these islands [Hawaii] by any other government will be regarded as an act unfriendly to the United States.—*Congressional Record*, Fifty-third Congress, second session, page 5499.

Yet, professing this fear, you have not to this good day dug a foot into the coral reef that girds and guards Pearl Harbor; you have never planted there a cannon in the assertion of your rights or to allay your pretended fears, when for less money by half than would build a battle ship you could make of Pearl Harbor a "Gibraltar." Why not? Will you answer, because the battle of the Yalu had not been fought, and the blood-stained foam of the Yellow Sea had not christened the birth of the "England of the Pacific"? You profess to be in fear of your security by a new-born power into the naval world, 6,000 miles from your shores, whose imagined prowess is the outcome of a victory over an unequal foe, while Great Britain, mistress of the seas for a hundred years, bounds you on the north from ocean to ocean with the Dominion of Canada and sentinels your eastern coast from Halifax to Jamaica. [Applause.]

I have consumed more time than was intended should be occupied by me.

Several MEMBERS. Go ahead.

Mr. HOWARD of Georgia. Great stress has been laid on the character of our diplomatic relations with Hawaii to justify annexation. Liberal quotations from the correspondence between our State Department and our representatives at Honolulu have been made, beginning with the letter of instructions of Mr. Webster to Commissioner Brown in 1853. In the first place, it is only by indirection that the attitude of the State Department can be said to represent the popular will on a given question; but waiving this criticism, I affirm that close study of our diplomatic relations will not reveal any purpose on the part of our Government other than the exclusion of every other nation from dominion over Hawaiian affairs, and that the resolutions passed by Congress in 1894 expressed the full measure of the popular will in reference to these islands.

The diplomatic correspondence does show persistent agitation for annexation. It reveals that the majority of our diplomatic representatives to these islands have espoused the cause of annexation, and have repeatedly urged it upon this Government, to be as repeatedly declined, until the Administration of President Harrison. Much of this correspondence is still further employed in reporting to our Government the classes of persons and the kinds of agricultural and commercial interests in the islands who favored, from time to time, and as their interests dictated, reciprocity treaties, political protectorates, and annexation.

Not only this, but our Government has been advised of the schemes and machinations to bring to pass reciprocal trade relations and annexation. The existing Dole Government is but the consummation of a revolutionary scheme projected thirty years ago and fostered and made triumphant by the sugar interest in these island and their abettors. That Government, in the light of its history, may be aptly described as a government of sugar, for sugar, and by sugar [laughter and applause], and its foster parent is the Boston Annexation Society, which was in existence thirty years ago.

Mr. WILLIAMS of Mississippi. Gather the souls of the heathen to God and the profit to themselves.

Mr. HOWARD of Georgia. The surest guide to the attitude of the United States toward the Hawaiian Islands is to be found in the official utterances of our Government and in the declaration of Congress on that subject, and that the annexation of the Sandwich Islands was never the policy of our Government nor of any political party of our country from the earliest diplomatic relations down to the Administration of President Harrison is abundantly proven by the official utterances of the Government. That we have often been tempted and in many ways is no doubt true, but it is equally beyond contradiction that the Administration of President Harrison is the first and the present Administration is the second in the history of this question to have yielded

to the tempter the traditional policy of Washington and Jefferson. [Applause.]

For proof of this I shall cite our history. In the message which President Tyler sent to Congress December 30, 1842, the following pertinent passage occurs:

Owing to their locality and to the course of the winds which prevail in this quarter of the world the Sandwich Islands are the stopping place for almost all vessels passing from continent to continent across the Pacific Ocean. They are especially resorted to by a great number of vessels of the United States which are engaged in the whale fishery in those seas.

It can not but be in conformity with the interest and wishes of the Government and the people of the United States that this community thus existing in the midst of a vast expanse of ocean should be respected and all its rights strictly and conscientiously regarded. And this must also be the true interest of all other commercial states. Far remote from the dominions of European powers, its growth and prosperity as an independent state may yet be in a high degree useful to all whose trade is extended to those regions, while its near approach to this continent, and the intercourse which American vessels have with it—such vessels constituting five-sixths of all which annually visit it—could not but create dissatisfaction on the part of the United States at any attempt by another power, should such attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native Government.

Considering, therefore, that the United States possesses so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity. Its forbearance in this respect, under the circumstances of the very large intercourse of their citizens with the islands, would justify the Government, should events hereafter arise to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power.

Here we have the fullest recognition of the commercial importance of these islands in their relation to the commerce of the Pacific, a statement that five-sixths of the vessels annually visiting the islands being American, a recognition of the rivalry of the great powers of Great Britain and France with ourselves for commercial supremacy in the Pacific; and yet with this clear insight of existing conditions and as clear foresight of future conditions, not only is annexation not encouraged, but a fixed boundary solemnly set up whereby the policy of this Government is marked out to be the maintenance of these islands independent of foreign as well as American political control; and while with the extension and sharper rivalry of their commerce, both France and Great Britain sought the acquisition of these islands and by their aggression jeopardized their independence and by their encroachment rendered the fate of the Sandwich Islands a matter of solicitude, which seriously engaged the attention of our statesmen, the sequel shows that France and England were beaten back and our own commercial supremacy maintained and the independence of the islands made sure by our guaranty against European dominion.

In 1851 France made demands on the Hawaiian Government which this Government felt called upon to resent and resist, and Mr. Webster, then Secretary of State, in his official letter to Luther Severance, our representative at Honolulu, wrote:

The Hawaiian Islands are ten times nearer to the United States than to any of the powers of Europe. Five-sixths of all their commercial intercourse is with the United States, and these considerations, together with others of a more general character, have fixed the course which the Government of the United States will pursue in regard to them.

The announcement of this policy will not surprise the governments of Europe, nor be thought to be unreasonable by the nations of the civilized world, and that policy is that while the Government of the United States, itself faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands, manifestly unjust and derogatory and inconsistent with a bona fide independence, shall be enforced against that Government.

Growing out of the aggressions of the French in Honolulu, in 1851 the King of the Hawaiian Islands invoked the protection of the United States, and to enable our Government to exercise this power without an apparent violation of its own policy of maintaining the independence of the islands the subterfuge of a contingent surrender by the Government of the islands of their sovereignty to the United States, or of their annexation to this country, was accepted by our minister there, Mr. Severance, and when this fact was made known by Mr. Severance to Mr. Webster, Mr. Webster in a letter dated July 14, 1851, said:

The act of contingent or conditional surrender, which you mentioned in your letter as having been placed in your hands, you will please return to the Hawaiian Government. You will see by my official letter, which you are at liberty to communicate to that Government, the disposition of the United States to maintain its independence; beyond that you will not proceed. You inform us that many American citizens have gone to settle in the islands; if so, they have ceased to be American citizens. The Government of the United States must of course feel an interest in them not extended to foreigners, but by the law of nations they have no right further to demand the protection of this Government. Whatever aid or protection might under any circumstances be given them must be given, not as a matter of right on their part, but in consistency with the general policy and duty of the Government and its relations with friendly powers.

You will, therefore, not encourage in them, nor, indeed, in any others, any idea or expectation that the islands will become annexed to the United States.

Thus it is clear that up to this point our policy toward Hawaii had undergone no change. In 1854 a revival of British and French aggressions upon the islands in the form of a naval demonstration, together with the persistent effort of American residents in the

islands, precipitated anew the question of annexation to the United States, and the correspondence of Mr. Gregg, as the minister to Hawaii, with Mr. Marcy, Secretary of State, very clearly portrays the influences by which the reigning King was induced to negotiate a treaty of annexation in 1854.

This treaty was based on the representations that the islands would fall into the hands of France or Great Britain, and to prevent it the idea of cession, which was advanced in 1851, was revived in the form of a treaty. The King who authorized this treaty died before its ratification, and his successor to the Hawaiian throne repudiated it. This chapter in the history of the question shows the first attempt at a modification of the policy of the United States, and it can not be better stated than by quoting the language of Mr. Marcy to Mr. Gregg, in a letter of January 31, 1855, in which he said:

The policy of the United States in relation to the future of the Sandwich Islands is presented in the instructions heretofore given to you. That policy is not to accelerate or urge on any important change in the government of that country, but if it has or should become so far enfeebled that it can not be continued, and the sovereignty of the islands must be transferred to another power, then a state of things will exist in which it will be proper for the United States to have a regard to the future condition of that country.

Here the question of annexation was made to turn, not on the increasing interest of Americans in the islands, nor upon the mere will of the Government of the islands itself, but solely upon the condition that the Government should become so enfeebled as to be unable to resist falling into the hands of some other foreign power.

In 1863, beginning with the career of Mr. McBride as minister to Hawaii, the question of annexation was begun and urgently pressed upon the attention of our Government, alternating with propositions for treaties for reciprocity, until Mr. Seward, President Lincoln's Secretary of State, repressed it by an emphatic refusal to consider it. It will not be out of place at this juncture to throw some light on the sources, character, and motives of this agitation in the islands for annexation. In the letter from Mr. McBride to Mr. Seward dated October 9, 1863, speaking of a debt of \$90,000 loaned by an Englishman to the Hawaiian Government, he said:

The payment of this debt by the United States, and if need be the loan of a half million more, together with presents both ornamental and useful to their majesties and to the heir apparent, cautiously and wisely bestowed, might be the means of giving Americans the vantage ground in point of court influence and other interests which may come up in the future.

I beg leave to further say that American interests greatly predominate here over all others combined, and not less than four-fifths of the commerce connected with these islands is American. The merchants, traders, dealers of all kinds, and planters are principally Americans. The capacity of these islands for growing sugar cane is of world-wide celebrity, and is known not to be inferior to that of any other country. All the sugar plantations of any note on these islands, with the exception of two or three, belong to Americans.

Again, in the letter of Mr. McCook, then minister to the islands, to Mr. Seward, dated September 3, 1866, this additional light is thrown on the question of annexation:

Many of the American residents have rendered themselves obnoxious to the King and his cabinet by personal abuse of the ministers and unwarranted interference in the political affairs of the Kingdom. The natural result of this has been dislike, freely expressed, on both sides. • • • Another class of Americans, the missionaries, have controlled the political affairs of the country since 1820. They are dissatisfied because within the last few years they have lost their hold upon the Government and its offices.

The first class of Americans are generally disappointed adventurers, the second class are religionists, who, having once exercised supreme power in church and state, feel all the bitterness of disappointment at seeing their political power pass into other hands and knowing that the native population is beginning to listen to a religion preached from other pulpits than their own. The American missionaries have undoubtedly labored faithfully; but it is their own fault if, after forty years experience as keepers of the conscience to the natives and their princes, they permit themselves to be driven from the field by an adroit English priest, whose church is a mere political machine, and who possesses apparently neither the intelligence nor the virtue of his more experienced and Puritanical brother missionaries.

In the same letter Mr. McCook said:

There is still another class—the planters of the country. They are nearly all Americans, both in nationality and sympathy; they are the better class of the residents of the islands, possess its substantial wealth, control its resources, and annually ship 20,000,000 pounds of sugar to the Pacific coast of the United States. Their pecuniary interests, their political sympathies, their business relations, and their personal attachments are all with the United States and its citizens.

The health of the present King is most precarious. When he dies the race of Hawaiian kings dies with him, and I feel confident that he will not name a successor.

And when this dynasty ends, as end it will probably within the next year, I am sure that if the American Government indicates the slightest desire to test in these islands the last Napoleonic conception in the way of territorial extension, you will find the people here, with great unanimity, "demanding by votes, freely expressed, annexation to the United States."

In 1867 Secretary Seward sent as the confidential agent of the State Department Mr. Z. S. Spalding to Honolulu to study the effect the reciprocity treaty would have on the future relations of the United States and Hawaii. Mr. Spalding reported adversely to the reciprocity treaty, on the ground that he thought it would impede or prevent annexation of that country in the near future,

and advocated and suggested to Mr. Seward the policy of annexation.

Mr. Spalding, after the treaty of reciprocity, which he opposed, was ratified, bought 25,000 acres of land in the islands and engaged in the manufacture of sugar cane into sugar, and was one of the largest producers of sugar in the islands. To the advice of Mr. Spalding Mr. Seward made the following reply on July 5, 1868:

SIR: Your letter of the 14th of April has been received and carefully read. The information which you give of the excitement which is prevailing in Honolulu in regard to the annexation of the Sandwich Islands is very interesting. You suggest a system of proceeding here with reference to that object which could not possibly at the present time obtain the sanction of any department of this Government. * * *

The public mind refuses to dismiss questions growing out of the civil war, even so far as to entertain the higher but more remote questions of national extension and aggrandizement. Each of the political parties seems to suppose that economy and retrenchment will be prevailing considerations in that election, and the leaders of each party, therefore, seem to shrink from every suggestion which may involve any new national enterprise, and especially any foreign one. How long sentiments of this sort may control the proceedings of the Government is uncertain, but in the meantime it will be well for you not to allow extravagant expectations of sympathy between the United States and the friends of annexation in the islands to influence your own conduct.

Thus, as far down as 1868, we have the repeated and distinct repudiation of annexation on its merits, but the question could not be put down. Our missionaries and our sugar planters were determined to deliver the islands into the hands of the American people whenever an Administration could be found which would receive them, and thus, on April 14, 1869, Mr. Spalding's son, writing from Honolulu to his father, said:

Our latest advices, by the *Idaho*, seemed to convey the idea that the reciprocity treaty is beyond hope, and the effect is beginning to be generally felt and seen. Men who have kept silent for months, guarding their words and actions, have openly expressed themselves of late as being in favor of annexation, and begun to talk of forming an organization or party with that end in view.

What they want is to know that they will be backed up by the United States and its representatives here in all proper measures taken by them to secure a change in the political sentiment of the islands and their annexation at the earliest possible period. * * * The Hawaiian Club, of Boston, write that the treaty is undoubtedly dead and that although they never favored annexation heretofore they do so now. * * * There are many good men who will come out boldly for annexation and strain every nerve for its success if they can be satisfied that the United States will help them through.

The reciprocity treaty just as completely tied Minister McCook's hands as did the Hawaiian minister of foreign relations bind our commissioner, Mr. Gregg, by getting him in his debt. The ministers of this Government never wanted "reciprocity" or any other connection with the United States, but they entertained the subject to quiet the demand for annexation, intending to kill it in the end. They have either hamboozled or bought up our representatives before General McCook, and he they allowed to run wild on reciprocity. * * * The American party here is composed of men mostly from the New England States.

On February 17, 1873, Henry A. Pierce, then our representative at Honolulu, wrote the Hon. Hamilton Fish, then Secretary of State:

Should the great interests of the country, however, demand that "annexation" shall be attempted, the planters, merchants, and foreigners generally will induce the people to overthrow the Government, establish a republic, and then ask the United States for admittance into its Union.

Here we have the prophecy which finds its fulfillment in the conditions of this debate on the resolutions for the annexation of Hawaii. Mr. Pierce advised as feasible what Mr. Spalding condemned.

Mr. Seward had killed the hopes of annexation, and in its stead the reciprocity treaty grew in strength until it was consummated in 1874, and under its provisions I have pointed out the effect on Hawaiian commerce and the sugar industry, how the Pearl Harbor concession was ingrafted on its renewal in 1887; and this history brings us to the Administration of President Harrison. In the meantime the sugar interests grew and waxed strong, but it lacked that thorough intrenchment in the favoritism of a strong government, which would foster to its greatest possibilities the power of monopoly in its control, and hence we are brought to the final chapter that resulted in the overthrow of the Monarchy, the establishment of the Dole Government, and the tender of the islands to become American soil.

The SPEAKER pro tempore. The gentleman's hour has expired.

Mr. DINSMORE. I yield to the gentleman such time as he wants.

Mr. HOWARD of Georgia. I feel constrained not to accept the courtesy extended to me by the gentleman from Arkansas, because it means necessarily a denial to other gentlemen who desire to speak of an opportunity to do so.

Mr. WILLIAMS of Mississippi. The gentleman need not concern himself about that. I have twenty minutes coming to me, and I will yield a part or the whole of it to the gentleman.

Mr. SIMS. We want the benefit of the rest of that speech, and do not want to hunt it up in the RECORD.

Mr. ADAMSON. I hope that every member who is absent and the jingo press will read it prayerfully.

Mr. HOWARD of Georgia. The benefits derived by the sugar planters in the islands from reciprocity were so vast that it resulted in the open formation of an annexation party in the islands, because a commercial advantage which was limited in duration by the terms of a treaty should, if possible, be made permanent by annexation, and however much annexationists concealed their desire before the treaty, and however stealthily it had been sought to be accomplished, the mask was now thrown off and their purposes generally known.

American ministers, forsaking the prudence of concealing their personal beliefs, openly countenanced schemes for annexation, and in the revolution of 1893, when Liliuokalani was dethroned and the provisional government, which was later succeeded by the Dole Government, begun the administration of the affairs, it was with the American flag transferred from our war ship in the harbor of Honolulu and raised on the islands, and American marines left the decks of the *Boston* for the streets of Honolulu, where, under the command of American officers and by the direction of an American minister, they stood guard over the interests of the provisional government, which had established itself by revolution.

So flagrant was this conduct of our minister that the treaty of annexation, which the Republic adopted and which the President submitted to the Senate for ratification, was withdrawn from the Senate by Mr. Cleveland, who succeeded Mr. Harrison to the Presidency, and the Senate ordered an investigation of the conduct of our minister and our naval forces as they related to the establishment of the new government. The result of this investigation, at least, contributed to the decision of President Cleveland to reject the treaty, and thus ended the question during his Administration.

And, as an expression of the mind of the American people through their representatives in Congress, was passed in 1894 the resolutions to which I have previously alluded, thus again giving expression in this instance by the people through their representatives rather than the executive department of our Government to that policy which declared for the independence of the islands of all foreign interference or domination.

This expression of policy was made a plank in the platform on which Mr. McKinley was elected President, and the negotiation by him of the pending treaty of annexation and its submission to the Senate of the United States, and the present consideration of the pending resolutions, which in effect embrace the terms of the treaty, and which are introduced and urged to passage solely because the treaty can not command the requisite two-thirds majority of the Senate for its ratification, violates the policy of this Government from the Administration of President Tyler and the will of the American people to the moment of the declaration of war with Spain.

It will hardly be denied that up to the victory of Dewey at Manila there was no reasonable hope for the annexation of these islands by this Government, and the argument from the standpoint of American annexationists is augmented by the alleged necessity of owning Hawaii to defend the Philippines. In other words, it is a practical application of the argument theoretically advanced of the strategical importance of the islands for naval purposes.

The argument favoring annexation from the Hawaiian standpoint remains the same, and while I have heretofore characterized it as the scheme of those who control sugar-producing interests of the islands, I will add in support of this the testimony of Mr. Z. S. Spalding, who was a witness before the Senate investigating committee in 1894, already alluded to. Referring to the time of his testifying in 1894, Mr. Spalding said:

That the total value of investments of American citizens in the Hawaiian Islands was anywhere from thirty to fifty million dollars. Thirty millions under the conditions then existing he considered to be worth fifty millions if these conditions were improved. When the price of sugar goes down, as it is now, our plantations are valueless as producers of revenue. Last year we received as high as 44 cents per pound for sugar. That was the market price. This year it is down to 2 1/2 cents per pound. Hawaii is not a sugar country, and with all our advantages—and we have given more thought to the business and developed it to a higher scientific degree than any other sugar country known—at the same time I am quite confident that with all those advantages with capital I could go to the Island of Cuba and with my knowledge of the sugar business I could produce sugar for \$10 per ton, half a cent cheaper than in Hawaii.

Hence I do not regard Hawaii as a sugar country a valuable country. We would not have arrived at the point we are now except for the benefits of the reciprocity treaty. We received great encouragement from that—received what you might term a large bonus from the United States, and the money received was put in these plantations to build them up. * * * I do not think that there are any advantages except the climate. I saw advantage in the reciprocity treaty, and I would not have stayed there had it not been for reciprocity, because before the reciprocity treaty had passed all the plantations had gone through bankruptcy. I do not think there was a single plantation that had not gone into bankruptcy. * * *

If it is not desirable for the United States to hold Pearl River, if it is not desirable for the United States to have that country as an outpost, it is not worth while for them to have anything to do with the country, because as an agricultural country, mineral, mercantile, or manufacturing, it is of small value.

Further, in illustration of the benefits annexation would afford, Mr. Spalding said:

If we have a powerful Government to back us, we get rid of a large proportion of the expenses of the present form of government and the expenses of the last government, the monarchical government.

When it is borne in mind that Mr. Spalding is the second largest sugar producer in the islands, is himself an American, and states that nine-tenths of all the property in Hawaii is owned by the white population and that Americans own over three-fourths of the whole property, he is no inferior witness on the question about which he has testified.

My purpose in this argument has been to trace out and lay bare the purposes and motives which moved the Hawaiians to desire annexation, and to render clear the interests and motives of the annexationists from the standpoint of the United States, believing that with the motive clear, the argument may be better weighed.

I have admitted for the sake of argument the full contention of those who insist on the importance of Hawaii as a coaling station, and I will not deny that it possesses some value as such; but let us see to what extent it is valuable as a coaling station, either for commercial or naval purposes. In the first place, no coal has ever been discovered in the islands nor does their formation indicate that any coal exists there, and coal for any purpose which is taken on there must be brought to the islands, and it is shipped to them from Australia, China, Japan, Canada, or the United States, with the result that for commercial purposes it would not be much used because of the great cost of it, and for naval purposes in time of war it must either be stored in advance of war or the transportation of it after war is declared would be subject to all the hazards of war.

The great existing lines of commerce in the Pacific are apt to remain as they are. From the Pacific side of North America we have Vancouver, Portland, San Francisco, and San Diego, which must necessarily retain their prominence as seaports, because, besides their excellent harbors, they are the termini of the four great transcontinental railways, and from either of these ports to China, Japan, or India the steamship routes lie well north or south of Hawaii, varying from 500 to 1,200 miles, and for these ships to deflect from the direct course to touch at Hawaii, resulting in lengthening their passage from two to five days, there must be some compensating advantage.

In freight and passenger transportation time is money; and if the commerce of these islands is not sufficiently important to attract these great lines to swerve from their course to pick it up, then they could only be expected to touch there for the advantage of recoaling. Now the ships which leave Vancouver and Puget Sound, San Francisco, or San Diego could purchase coal cheaper at either of these original supply points than they possibly could at Honolulu, and therefore no merchant ship would do this unless her own coal capacity was insufficient for an unbroken trans-Pacific voyage, and this contingency in the argument is met by the fact that the ships now built for these great transportation companies are provided with a coal capacity sufficient for a continuous journey, and for the well-understood reason that it is cheaper to displace freight for a sufficient coal supply to accomplish a continuous passage than to fill that space with freight and suffer the loss of delay necessary to recoal at Honolulu. [Applause.]

Mr. WILLIAMS of Mississippi. I will state to the gentleman that Admiral Walker, in his testimony before the Committee on Foreign Affairs, said that very few vessels trading with China do touch here.

Mr. HOWARD of Georgia. The fact that ships do make the deflection and call at Honolulu is explained by the fact that mail subsidies warrant the sacrifice; that most of them do not, proves the fact that it is not profitable to do so.

The idea prevalent in our minds that Hawaii is at the "cross-roads of the Pacific" comes from the days of sailing ships, when the course of this class of vessels was determined by winds and tides, and it is a fact that the winds and currents of the Northern Pacific are such as to favor navigation in the vicinity of these islands; then, too, in the days of sailing ships the fresh-water supply had to be taken in port. Now the steam vessel supplies herself by condensation of sea water. There is little favoritism in business, and the currents in which it now flows are those which are regulated by profit and not sentiment, and to transfer to Hawaii the American flag will change no existing Pacific route.

Now, further, as to the necessity for a naval coaling station. In times of peace no problem of advantage or disadvantage is presented, and in times of war every naval power of the world has possessions in the Pacific. In going into the Pacific for a naval station, either for the better defense of our Pacific coast or annexing Hawaii as a necessary protection for the Philippines, we run into a hornet's nest.

Japan, producing her own coal and with her own ports and possessions extending as far south as Formosa, within 600 miles

of Manila; Great Britain at Wei-hai-wei, Hongkong, the Straits Settlements, North Borneo, Southern New Guinea, Australia, Gilbert Islands, Fiji Islands, and the Cook Islands; France at Annam, and in the Southern Pacific the Loyalty Islands and the Society Islands; and Germany at Hachow in the Yellow Sea, at New Guinea in the Southern Pacific, Marshall Islands, Admiralty Islands, and the Solomon Islands, none of which are so near our shores as Hawaii, none of which, perhaps, affording such impregnable harbors as Pearl River, but all of them brought 2,000 miles nearer to our outposts with Hawaii annexed to us than they now are, and all of them capable of storing coal for a fleet.

I am aware that the naval experts say that it is impracticable to coal at sea, but I am further aware that Sampson and Schley have been coaling at sea within 1,200 miles of Key West for the past two weeks. Coaling at sea is no doubt both difficult and hazardous, but if it can be accomplished at all, it then becomes a relative difficulty only.

If it is said that these observations are pertinent only to existing conditions, but that by cutting the Nicaragua Canal, thereby changing the routes of commerce and altering the conditions for its protection, we should then doubly need Hawaii for its protection, I ask, Why protect from the Pacific side at a distance of 3,600 miles, when on the Atlantic side and at the very mouth of the canal stands Great Britain at the Bahamas, Balize, Jamaica, Antigua, Trinidad, Barbados, and Bermuda; France at Guadeloupe and Martinique, making the Caribbean a closed sea, and shutting the Gulf of Mexico off from the Atlantic? Annexationists who profess to believe that we should have the Hawaiian group in order to render Pearl Harbor available as a "Gibraltar" would by like reasoning insist that Great Britain should own Spain and Portugal to make Gibraltar available.

I am opposed to the annexation of the Hawaiian Islands because I believe that the Government which tenders them to us does so in violation of the will of the masses of the people. I am opposed to it because I believe that the introduction of that heterogeneous population is not a desirable addition to our population. It is no reply to say that annually we have taken into the United States immigrants exceeding in number the entire population of the islands and of as many distinct and different types as exist there, because in the case of immigration to the United States the immigrants are absorbed by diffusion throughout the mass of 70,000,000 people, and their identity is as completely lost as the waters of the Mississippi as they empty into the Gulf.

At Hawaii these people will remain surrounded by the conditions that to-day surround them, addicted to habits, social, moral, religious, and political, which to-day characterize them, and there they will remain to stagnate as the waters of the Dead Sea.

I am opposed to annexation because, while annexed as a Territory, it will eventually seek and acquire statehood. The influences which have made annexation possible will make statehood equally certain.

We shall not be able to resist the demand. We were ourselves at the beginning the colonies of Great Britain, and because we resisted the right to tax without representation we became free States and a powerful republic. Taxation without representation to the American mind means revolution, and it is as well to view the annexation of these islands in the beginning in the light of statehood, and from this view it can but add to our troubles to annex them.

Already within our borders are we unfortunately divided into cotton States, silver States, manufacturing States, wheat States, grazing States, whose divergent interests, clamoring for recognition in Congress, add to the problems of self-government. The annexation of Hawaii means the addition of a sugar State, and its sugar must have either tariff or bounty protection. Protected industries feed on the great body of the people and sap rather than build up their strength; they fatten the individual and famish the masses.

I am in favor of the extension of our commerce, but I do not regard commercial extension as synonymous with territorial aggrandizement. So far as our commerce with these islands is concerned, I have quoted enough of the opinions of those who are competent to speak, and shown by the statistics of our foreign trade that the balance sheet of Hawaiian trade is against us. The war with Spain has infused a spirit of territorial aggrandizement that is the support of this movement for Hawaiian annexation.

There are those who, infatuated with the example of European powers, are impatient to tread in their footsteps. They admit that it is a wide digression from our history and traditional policies; they concede that the wisdom of our fathers was sufficient for the times in which they lived, but falls short of the necessities of the present, and if adhered to will dwarf our expansion in the future. For my part, I can not agree that this spirit is either in itself wise or the legitimate outcome of the conditions which will confront us resulting from the war with Spain.

We may know more of the uses of steam, electricity, stock gambling, and trusts than the framers of the Constitution, but in

no essential principle of a democratic form of government are we any wiser than they. We have forbidden slavery which they permitted, and thereby enlarged the class who shall enjoy the blessings of freedom, but we have added no new attribute to freedom.

On the whole, it may be said that we have administered the Government we inherited with the wisdom which justifies the right of self-government. That we are living out successfully the plan of government formed for us does not imply that we are wiser than they who planned it, and, planning, first administered it. This proposition of annexation is not only hurtful in itself but is the forerunner of a policy of colonial empire which challenges the wisdom of the past and bids the American people abandon their traditions and build their future from new plans copied from the war charts of the monarchies of Europe and Asia.

You can not build a lasting commerce on conquest, nor can you maintain by force an empire of alien races scattered over the globe. We have excluded the Chinese from our shores, and the agitation has almost ripened into law to prevent the further immigration of the poor and the ignorant of Europe. The policy of exclusion which these acts indicate is inconsistent with any theory of territorial expansion which embraces the alien races of the Pacific.

England and France and Germany may plausibly find a pretext for their experiment in extraterritorial empires. They are densely populated and stand in need of homes for their surplus population. On the other hand, our area and present population compared with theirs, we are not one-fourth full. In their system of colonial governments, supported by vast standing armies and navies and administered by a system of colonial officials, trained in such service and maintained in authority by the strength of centralized power, are conditions which we could not imitate without the overthrow of cherished and fundamental principles of our own system of popular and free government.

The object of this dream is commercial expansion, but, I repeat, it can not be obtained in this way. If we conquer the markets of the world, it must be by the competition of quality and price. Undertake a colonial system as an aid to commerce and those colonies upon whom you force your wares by law will harass you with rebellion as surely as the tea tax started one in Boston Harbor. Spain in her effort to derive support by force from her colonies presents one problem of colonial government which our own armies in the field and our fleet on the seas give the solution.

I favor as earnestly as any man can the legitimate extension of our commerce. I am not unmindful that the excessive production of our fields and our factories must have an outlet. And I have full faith that the productiveness of our soil, the energy, intelligence, and skill of our people, can successfully compete for the prize of commercial supremacy if the conditions of production, manufacture, and transportation are unhindered by unwise laws. But you can not build up a foreign commerce for manufactures under a system which makes your home market the dearest in the world.

The best expression of the purposes for which our Government was formed is to be found in the preamble of the Constitution upon which it rests, and by that it was declared that—

The people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

We are organized for these and no other purposes, and elastic as has become the idea of "general welfare," it is difficult for me to conceive that the framers of this Constitution, fresh from the victories of independence of British tyranny, could have had it in contemplation that one purpose of the Government (they were forming) should be to engage at any period of its history in a scheme of colonial empire. Their minds were consecrated by the blood of the Revolution to the idol of liberty, and perish in shame the lust of power and the greed of wealth that would prostitute their idol.

We have advanced far since the birth of the Republic, but it is worth the inquiry whether, in the science of self-government, we have passed the wisdom of our fathers. In the arts and sciences the nineteenth century is unparalleled in its achievements; but at last the measure of it all may be found in the Patent Office. Human nature remains the same, and with this the science of self-government deals. For me and for my people the wisdom of Washington and of Jefferson shall be the lamp by which our feet are guided, and in this moment of its apparent obscurity in the minds of many of us let it shine as a pillar of cloud and of fire. Washington, in his Farewell Address, said:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary

viciissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

Supplementing this, Jefferson, in his inaugural address in 1801, laid down the following rule of action:

"Peace, commerce, and honest friendship with all nations—entangling alliances with none."

[Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4763. An act to provide American registers for the steamers *Specialist* and *Unionist*;

S. 4750. An act granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company;

S. 3144. An act for the relief of Finetta Nalle; and

S. 2916. An act relating to the Washington, Woodside and Forest Glen Railway and Power Company, of Montgomery County, Md.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10682. An act making appropriation to pay the Bering Sea awards.

H. R. 10293. An act to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia;

H. R. 6954. An act to regulate plumbing and gasfitting in the District of Columbia;

H. R. 6460. An act for the relief of Galen E. Green;

H. R. 4078. An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; and

H. R. 2080. An act to correct the military record of Edward P. Jennings.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 914) to compel street-railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.

The message also announced that the Senate had passed with amendments the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the House of Representatives (the Senate concurring), That 48,000 copies of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," be printed—32,000 copies for the use of the House and 16,000 copies for the use of the Senate.

AMENDMENTS.

Line 2, strike out "forty-eight" and insert "sixty-eight."

Line 6, after "printed," insert "with paper covers and index."

Line 8, after "Senate," insert "and 20,000 copies for the use of the Commissioner of Internal Revenue."

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On June 13, 1898:

H. R. 10100. An act to provide ways and means to meet war expenditures, and for other purposes.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4740. An act to provide American registers for the steamers *Victoria*, *Olympia*, *Arizona*, *Columbia*, *Argyle*, and *Tacoma*; and

S. 4749. An act to provide an American register for the steamer *Arkadia*.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2916. An act relating to the Washington, Woodside and Forest Glen Railway and Power Company of Montgomery, Md.—to the Committee on the District of Columbia.

S. 3144. An act for the relief of Finetta Nalle—to the Committee on the District of Columbia.

S. 4750. An act granting right of way through the Pikes Peak

Timber Land Reserve and the public lands to the Cripple Creek District Railway Company—to the Committee on the Public Lands.

PRINTING WAR REVENUE BILL.

Mr. DINGLEY. Mr. Speaker, if gentlemen will pardon me, there is a concurrent resolution for printing the war revenue act which has been returned from the Senate with amendments, and I ask unanimous consent to take it up and dispose of it.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Maine asks unanimous consent for the present consideration of the resolution for printing the war revenue act. Is there objection?

Mr. DINSMORE. Will it excite any debate?

Mr. DINGLEY. None at all.

The Clerk read the Senate amendments, as follows:

In line 2 strike out "forty-eight" and insert "sixty-eight."

Line 6, after "printing," insert "with paper covers and index."

In line 8, after "Senate," insert "20,000 copies for the use of the Commissioner of Internal Revenue."

Mr. DINGLEY. The Senate amendments simply increase the number and provide that they shall have a cover and an index. I move, Mr. Speaker, that the House concur in the Senate amendments.

The motion was agreed to, and the Senate amendments concurred in.

MESSAGE FROM THE PRESIDENT.

The SPEAKER pro tempore laid before the House the following message in writing from the President of the United States:

To the Congress of the United States:

I transmit herewith (having reference to Senate Document No. 4, Fifty-fifth Congress, second session), a report made by Thomas W. Cridler, Third Assistant Secretary of State, who, upon the death of Moses P. Handy, I designated to continue the work as special commissioner, under the act of Congress approved July 19, 1897, in relation to the acceptance by the Government of the United States of the invitation of France to participate in the international exposition to be held at Paris from April 15 to November 5, 1900.

I cordially renew my recommendation that a liberal appropriation be immediately granted.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,

Washington, June 15, 1898.

HAWAII.

Mr. HITT. Now, Mr. Speaker, I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, let me say at the very beginning of my remarks that it is a matter of great personal regret to me that from sincere convictions I am compelled to differ on this momentous question of the annexation of the Hawaiian Islands with some of my Democratic colleagues for whose judgment and opinions I have great respect. I had indulged the hope that on this question we would stand as a unit in favor of the policy of annexation.

At the same time I desire to say that it is a matter of great personal gratification to me that at last the important question of annexing the Sandwich Islands is before the House of Representatives for final determination; that at last something is going to be done about this very important matter; that at last the people will be heard on this question through their representatives in this House.

The question of the annexation of the Hawaiian Islands is one in which I take a very deep interest, and I have given some study and some thought to the matter. For many years I have been a consistent and an ardent advocate of the annexation of these Pacific islands. They should have been annexed long ago. There is no good reason why they should not be annexed now. And I congratulate this House and the country upon the fact that they soon will be annexed, forever to remain under the American flag.

Mr. Speaker, I favor these resolutions and shall vote for them with all my heart, because I believe, after careful investigation, that the annexation of the Hawaiian Islands to this country at this time is essential, both from a military and a commercial standpoint, to our supremacy on the Pacific Ocean. In my judgment, the Hawaiian Islands are the key to the Pacific and are, and of right ought to be, a part of the sovereign territory of the United States. Their acquisition is absolutely necessary for the protection of our great Pacific coast line.

In this respect they constitute the sentinel of the North Pacific, and to us a Gibraltar indispensable for the protection of our Pacific coast. All our great naval and military authorities say this, and there can be no doubt about it in the opinion of any person who will give the question investigation and due consideration. Our possession of these islands will give us a strategical position in the Pacific that will always be an incomparable advantage in case of trouble. It is well known that the Pacific is so wide that war vessels can not cross it from any foreign naval station to our shores without recoaling, and there is no place to recoal in all the Pacific but Hawaii. The exclusion of foreign countries from Hawaii will practically protect our Pacific coast from trans-Pacific attack. And no less an authority than Captain Mahan has said

that the possession of these islands by the United States is a military necessity; that no greater navy would be needed for the defense of our Pacific coast than would be required with the islands unannexed, and with them annexed the advantage would be entirely with us. This opinion is concurred in, I believe, by all our naval and military authorities.

To-day we are confronted with this situation: The people of the Hawaiian Islands through their duly elected officers petition us for annexation. They have a little Republic away out there on the Pacific, and they believe they should become, and they want to become, a part of the great Republic of the United States. They ask us to take them under the protection of the Stars and Stripes. They give us everything. Shall we accept the magnificent gift they offer or shall we refuse it? Looking at this question from every standpoint, I say for one we should accept. Why should we hesitate? Why should we not welcome them to the protection of the great Republic?

If we accept them, there is no nation on earth that can or will object. If we refuse to accept this paradise of the Pacific, then, in my judgment, we are morally precluded in the future from objecting to any other power accepting them and annexing them. We should annex them now or never. We should annex them now or be manly enough to declare to all the world that we have no interest in them and do not want them. We should not adopt the policy of the dog in the manger. I feel confident that if we refuse now to take them, that if we spurn their generous offer, some other nation will not be so blind to the many advantages of the situation; and if some other nation should annex them after our refusal, the complications that would be sure to arise sooner or later would no doubt lead to trouble.

We should take them now when there will be no trouble. We should take them now while everything is propitious. We should take them now because we need them in our military operations in the Pacific, and because we shall need them forever in the future for the protection of our coasts and our interests in the Pacific.

A few moments ago I called your attention to the testimony of Captain Mahan, our greatest naval authority. Let me now cite you a great military authority. I refer to Gen. John M. Schofield. He has recently said over his own signature that for years he has regarded the annexation of these islands for military and naval purposes a public necessity, and he says that not to annex the islands now, when we have the opportunity, would be a blunder worse than a crime.

All the military and naval authorities in this country are of the same opinion and have always been in accord on this subject. To my mind it seems apparent that we must accept these islands as a protection, from a naval and military standpoint, to our Pacific coast. We must hold and govern them for our own preservation. No halfway measure will suffice. This Government must take these islands or else some other great nation will do it.

Besides the great advantages of these rich and beautiful islands from a naval and military point of view, I favor their annexation to this country because I believe the time is at hand when the great and growing commercial interests of this country in the Orient demand it. [Applause.]

We are a great commercial country. Our commerce is growing, and must continue to grow, if we would be prosperous. I want to see this country the greatest commercial nation on earth. If we are wise, if we take advantage of opportunity, I doubt not we soon shall be. I will always do all in my power to foster, to build up, to develop, and to extend our commercial industries. To do otherwise would be shortsighted and unpatriotic. The commerce of a nation makes it rich and great. Asia and Africa and the East Indies are being opened up and developed to-day, and we must look to the Orient and get our share of its trade and commerce. We know to-day that we can not successfully compete with England, France, and Germany in the manufacture of many goods that are sold in Europe.

They have the markets there, and they hold the markets there. They are great manufacturing countries, and they can manufacture materials just as cheap if not cheaper than we can. They pay, as a general thing, less wages than we do, and their workmen and artisans labor more hours a day. We, too, are a great manufacturing country. We must find a market for our surplus goods. What we can not sell in Europe we must find a market for in Central and South America, in Asia and Africa, in the East Indies and the South Seas. Here is a new outlet and a great market. There is no doubt our merchants are aware of it and alive to its great advantages and rich opportunities. On account of time, distance, and the cheapness of transportation, the advantages are all with us for profitable trade and commerce in the Pacific.

Let me say to the business men of America, Look to the land of the setting sun, look to the Pacific! There are teeming millions there who will ere long want to be fed and clothed the same as we are. There is the great market that the continental powers

are to-day struggling for. We must not be distanced in the race for the commerce of the world. In my judgment, during the next hundred years the great volume of trade and commerce, so far as this country is concerned, will not be eastward, but will be westward; will not be across the Atlantic, but will be across the broad Pacific. The Hawaiian Islands will be the key that will unlock to us the commerce of the Orient, and in a commercial sense make us rich and prosperous.

Mr. GAINES. Will the gentleman permit a question?

Mr. SULZER. Certainly.

Mr. GAINES. Does the gentleman say that this country can not compete with Europe in manufactures?

Mr. SULZER. I say in the manufacturing of many things from raw materials this country can not successfully compete with England, France, and Germany in the trade and commerce of Europe. There are many reasons for this, but I will only mention the difference in price of labor and transportation. These countries can manufacture and sell their goods cheaper in Europe than we can. The statistics, I think, will conclusively prove this; and hence I say we must get our share of the trade in the Orient.

If we do not, the balance of trade will each year be against us. If we increase our trade in the Pacific, business will increase here, new and more industries will spring up and grow, the idle labor of the land will find ready and remunerative employment, more men will be employed, more and higher wages will be paid, and the whole country will be more prosperous. In the great struggle now going on among the leading nations of the world for the markets and the commerce of the millions beyond the Pacific we must take the lead; we must not lag behind. [Applause.] The Hawaiian Islands are essential to our commercial supremacy in the Pacific. I believe every far-seeing business man in this country who will give a little time and study to this question will concur in this conclusion.

The Hawaiian Islands are not alone of great strategic advantage to us from a naval and military point of view in case of hostilities, but I believe they are of immense importance to us commercially, and will become more and more so every year. For us to refuse to annex them now would, in my judgment, be a grave political blunder, a mistake that might vex us sorely in the future; one that we may never be able to rectify without a terrible and devastating war.

It has been said on this floor several times that if we annex these islands it will mean an increase in the Navy. Against that bare assertion I place the testimony of the greatest naval and military authorities in the country. They all agree that the possession of these islands will not require an increase of the Navy. They all say that with the expenditure of a small amount of money comparatively these islands could be so fortified that the combined fleets of the world could not take them. That they would be a very bulwark of defense to us for the protection of our Pacific coast in time of war, and that as a safe place of refuge and of supplies for our merchant marine and our ships of war in times of danger their value and position can not be overestimated.

But, sir, even if the annexation of these islands required a larger Navy, I would still cast my vote for annexation. I believe in the Navy. Ever since I have been in Congress I have advocated and voted for all measures in the interest of the Navy. In my opinion, we want, and must have, a navy that will be large enough to protect our shores at home and our citizens and our interests in every foreign land. [Applause.] Who is there here to-day who will belittle our Navy? We are proud of it, proud of its past, and we have every reason to believe we will be proud of its future. We need a strong navy. We ought to have as good a navy as any nation in the world. We must build up our merchant marine. We must carry American goods in American ships and under the American flag. There was a day when the sails of our ships were seen on every ocean and our flag in every harbor of the world. That day will come again, and the policy we contemplate to-day will hasten it.

There is another reason why I favor the annexation of the Hawaiian Islands. The day, in my judgment, sir, is not far distant when this Government must build the Nicaragua Canal. That will shorten the distance to the Pacific possessions more than one-third. The trip of the Oregon has demonstrated that the canal across the Isthmus must be built as quickly as possible. It should have been built long ago. We must build it with our own money, we must own it ourselves, and we must hold it and manage it ourselves.

There is no work to-day more important for the Government to do. From all the information I can get I believe the canal can be built in less than two years, and that it will not cost \$100,000,000. It would be one of the greatest things the Government ever did, and would pay for itself in less than twenty years. The Nicaragua Canal must be built, should be the watchword of the American people from now until it is completed and in successful operation. If we build the canal across the Isthmus, we must own the Hawaiian Islands. The latter is essential to the former.

When we accomplish these two things, I feel confident that a great step will have been taken to protect our coast, promote our commerce, and increase our prosperity.

Mr. Speaker, the question of the annexation of the Hawaiian Islands is not a new one. For more than half a century it has been considered and advocated by the leading statesmen and the ablest thinkers in our country. Years and years ago it was seen that sooner or later the islands would come to us and would be ours. All our history teaches this. A few years ago, when the monarchy died and the Republic of Hawaii reared its head among the nations of the world, all farseeing men knew it was only a question of a little while when she would come to us and ask us to make her a part of our domain. The time is at hand and we intend to grant her request. We know, and the people out there know, that a little state like Hawaii can not stand alone among her great competitors, all of whom covet her incomparable harbor, her rich and fertile lands, her salubrious climate, her commercial position and resources, and her invaluable natural strategic advantages. She must have the protection of this country or some other great power. So she comes to us in her helplessness and we gladly bid her welcome.

Another thing, sir, I desire to say at this time, and that is that this question is not a party question. It never was a party question, and it never ought to be made a party question. There should be no politics in it. It is a question of American statesmanship and American patriotism; nothing more, nothing less. If it can be made a party question at all, it is a Democratic one. The first man in this country to favor Hawaiian annexation, years and years ago, was that great Democrat from the State of New York, William L. Marcy, the greatest Secretary of State this country has ever had since the days of Thomas Jefferson. He saw the advantages of our acquiring these islands away back in the early days of the Republic. And since his day every Democratic Administration save one has done all it could to bring these islands under the sovereignty of this country.

Let me say to my Democratic colleagues on this side of the House that the policy of annexation has been good Democratic doctrine ever since this Government was founded. Every bit of territory, save Alaska, which has been annexed to this country since England recognized our independence has been annexed under and by virtue of a Democratic Administration. For years and years every leader in the Democratic party has been in favor of acquiring the Hawaiian Islands. The Democratic party, as a party, has never been opposed to it, and as I said before, I regret that to-day we are not a unit in favor of these resolutions. In my judgment, we ought to be. From the press and from the people all over this country, there comes to this House a cry to-day in favor of the annexation of those islands. Public opinion and public sentiment all over the country seem to be all one way.

Mr. GAINES. Why, then, when the Democrats had control of this House and the Senate, did they not pass this measure?

Mr. SULZER. Ask them; do not ask me. I was not a member then.

Mr. GAINES. You are making a declaration that Democrats have always favored the policy of annexation.

Mr. SULZER. Yes; in the past all but a few. One Democratic Executive was opposed to Hawaii. He hauled down the American flag on those islands. He tried to restore the monarchy and came very near succeeding. I am glad he failed. I believed then, and I believe now, that his action in this case was the most unwise, the most impolitic, and the most unpatriotic thing he did during his Administration. I know many Democrats stood by him in Congress then, and some of them who are here to-day no doubt take the stand they do because they dislike to stultify their records. I said then, and I say now, that it was a mistake, a sad political mistake, when a Democratic Executive ordered the Stars and Stripes that floated over Hawaii hauled down, and sought in every way to overturn the provisional government and restore the disgraced and degenerate monarchy. [Applause.]

The American people are not in sympathy with any man who hauls down the American flag in favor of monarchy. [Applause.] When the Hawaiian Monarchy collapsed it fell like a rotten tree on the bank of a turbulent stream, quickly to be swept away and never to be restored. It is not democratic policy to restore a dead monarchy in the place of a live republic on this hemisphere. Our sympathies are all with the people, with free institutions; they are all against monarchies, and with governments deriving their just powers from the consent of the governed. The day is not far distant when a monarchical flag will not wave over an inch of territory on the Western Hemisphere or on the islands adjacent thereto. Jefferson's dream is coming true when this Western World, from Baffin's Bay to the Straits of Magellan, will be dedicated to freedom and to free institutions. [Applause.]

Mr. Speaker, the assertion has been made that the annexation of the Hawaiian Islands is a departure from the Monroe doctrine. I want to controvert that statement. I am as firm a believer in the Monroe doctrine as anyone. If I thought for one moment

that the annexation of these islands was a violation of the Monroe doctrine I would abandon annexation and stand by the Monroe doctrine. I say the Monroe doctrine has nothing whatever to do with this question. The Monroe doctrine precludes foreign powers from acquiring additional territory on this hemisphere, but it surely does not prevent us from annexing contiguous territory essential to our own preservation. To contend otherwise would be ridiculous.

The history of this country is a record of national progress, national development, and national expansion. From a child we have grown in a little over a century to a giant among the powers of the earth.

The whole history of this country teaches, if it teaches anything, that it is unwise politically to get in the way of national progress.

Every foot of territory heretofore acquired has been gained in the teeth of violent opposition. Yet who would part with any of it to-day? The annexation of Alaska, the annexation of the Californias, the annexation of Texas, the annexation of the Floridas, and the annexation of Louisiana and the great northwest territory by Jefferson, the greatest thing ever done in this country since the Revolution, were all bitterly fought and opposed. Every purchase, every acquisition, has been more than justified. And so, in my judgment, will be this acquisition of the Hawaiian Islands.

Sir, we are making history very fast during these closing years of the nineteenth century—faster than most people imagine. This is an era of rapid progress and development. Why should we not accept the Hawaiian Islands? There are a thousand reasons why we should. I know of not one good valid reason why we should not. It is said the sugar trust is opposed to annexation; but that opposition should not deter us from doing our duty. It is said that some of the great powers do not think kindly of annexation. I answer, if that be true, that is the best reason why we should at once acquire these islands, and that now not a nation on earth can or will dare object. And I proclaim that if we now turn our backs on Hawaii and refuse to accept her generous and magnificent gift, we will be, and we ought to be, the laughingstock of the civilized world.

Standing here to-day, I voice my own views and my own sentiments. I speak only for my own constituency. But yet, sir, I do not hesitate to say that I regret exceedingly that these resolutions can not pass this House with the same unanimous voice and vote as the resolutions to make Cuba free. On the 1st day of April, 1893, the American flag was hauled down at Honolulu. Five years afterwards, under the same American flag, the booming guns of Dewey's battle ships sounded a new note on the Pacific shores, a note that has been echoed and reechoed around the world, and that note is that we are on the Pacific, that we are there to stay, and that we are there to protect our rights, promote our interests, and get our share of the trade and commerce of the opulent Orient. [Prolonged applause.]

Yes, sir; in my judgment, if we but use ordinary care and watchfulness we are destined to become, in spite of ourselves, the richest and the greatest commercial nation the world has ever seen. Look at our past. What may be expected of the future? Already most of Europe is jealous and envious of us, and our ancient foe, England, now begs an alliance. But we need no alliance with England or any other country. All we need is a firm reliance on ourselves. Our mission on earth is a mission of peace. We seek no quarrel; neither do we fear one, as haughty Spain has learned to her sorrow. [Applause.]

We are now commercially great, but we must grow and expand and become greater. We should strive to extend our trade and commerce. We have the men, the climate, the brain, the brawn, and the genius. For one I stand for national progress, national development, and national growth. I do not believe nations, any more than individuals, can stand still very long without retrograding. The past is secure. We must legislate for the present and the future. I have no sympathy with the Bourbonism that never forgets and never learns. We must keep abreast of the times and be up to date. We must meet each new question as it arises, and with a singleness of purpose for the public good decide it for the best interests of all the people.

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman from New York has expired.

Mr. SULZER. I should like to have a little more time.

Mr. HITT. I can yield to the gentleman only ten minutes more. I yield to the gentleman ten minutes more.

Mr. SULZER. Mr. Speaker, I thank the gentleman for his courtesy.

Now, sir, I contend that no gentleman here who has studied the situation in Europe, that no gentleman here who has watched the march of the European nations into Africa and Asia, can possibly misunderstand the drift of the times.

The great powers of Europe are seeking new markets for their manufactured goods. They know that the markets of the world

control the commercial destiny of nations. We must watch our rights and protect our interests in the Pacific. If we do not, I believe we will do the commercial interests in this country an irreparable injury. Our first step should be to annex Hawaii. That is the key to the whole situation. Our next step should be to build the Nicaragua Canal, and our third step should be to rebuild and reestablish our merchant marine. Annex Hawaii, and all the others will follow like the day the night.

Mr. GAINES. Will the gentleman from New York again permit me to interrupt him?

Mr. SULZER. Certainly.

Mr. GAINES. Were you in the Chicago convention?

Mr. SULZER. Yes; I was a delegate.

Mr. GAINES. Did you offer any pro-Hawaiian resolution there?

Mr. SULZER. No; I offered a resolution there for free Cuba, and I am glad to say it was adopted.

Mr. GAINES. Why did you not offer the other?

Mr. SULZER. Well, sir, one thing at a time has always been my motto.

Mr. GAINES. Then let us get through with Cuba, and then we will consider this other matter.

Mr. SULZER. One thing at a time. Sufficient unto the day is the duty thereof. Cuba is now free to all intents and purposes, and we have this matter before us. I am on record in this House and out of it in favor of Cuban independence and Hawaiian annexation. On several occasions in this House I have spoken briefly in favor of Hawaiian annexation. I was for the Cubans first. When they got their independence, I was for the Hawaiians. I want to see the Hawaiians also free and happy, and I do not think they can be unless, as they say themselves, we take them under the protecting folds of the Stars and Stripes. [Applause.]

Mr. GAINES. Did you bring in a minority report in favor of Hawaii or say anything about it in the Chicago convention?

Mr. SULZER. The Democratic national platform is silent about Hawaii. How it was left out I know not. I was not a member of the committee on resolutions and platform. Perhaps it was omitted out of personal regard for certain distinguished Democrats; perhaps not. I can not tell. I do not know. I respectfully refer the gentleman to my speeches in this House and to the record of the proceedings of the last Democratic national convention. I say now that the time has come when we are going to place "Old Glory" once more over the ramparts of the Government buildings in Honolulu, never again to be hauled down. [Applause.]

Now, sir, Hawaii is the key to the whole Pacific, and the commercial value of Hawaii, and its consequent importance to the United States, can be very clearly seen from the following study of distances from Honolulu:

	Miles.		Miles.
Unalaska.....	2,016	New Zealand.....	3,900
San Francisco.....	2,009	New Guinea.....	4,000
Marshall Islands.....	2,008	Nicaragua Canal.....	4,210
Portland, Oreg.....	2,200	Sydney, Australia.....	4,800
Samoa.....	2,220	Panama.....	4,885
San Diego, Cal.....	2,250	Manila.....	4,700
Victoria, British Columbia.....	2,300	Borneo.....	4,850
Tahiti.....	2,380	Hongkong.....	4,917
Sitka.....	2,395	Vladivostok.....	5,006
Caroline Islands.....	2,602	Callao.....	5,147
Fiji.....	2,730	Singapore.....	5,760
Yokohama.....	3,380	Valparaiso.....	5,916
New Caledonia.....	3,500	Cape Horn.....	6,900
Kamchatka.....	3,800		

No one can study these figures carefully and be in doubt as to his duty as a patriotic American citizen, having the best interests of the whole country at heart. And with the Nicaragua Canal built and owned by us the proposition in favor of annexation is emphasized beyond successful controversy.

Now, Mr. Speaker, I desire to say in conclusion, because I observe that my time is nearly exhausted, that events are potent and incontrovertible arguments; and recent events, which no man can mistake or misunderstand, demonstrate beyond dispute the absolute necessity of our annexing the Hawaiian Islands now and at once in order to more successfully prosecute our war with Spain. Those in authority say the annexation of these islands is an immediate military necessity. For that reason and for the reasons I have already expressed, I shall cast my vote for annexation. I feel confident of my position, and sincerely believe the future and subsequent events will justify the stand I now take.

I shall cast my vote in favor of the annexation of the Hawaiian Islands, because we need them as a naval and military necessity now and in the future for the purpose of protecting and defending the territory and the commerce which we already own. We need the Hawaiian Islands for national defense. They are the key to the Pacific, and the only coaling station in the Pacific Ocean between the Arctic Ocean and the Equator, between the continent of Asia and the coast of North America. Not to annex them now would be national folly; to annex them, security, peace, and national insurance. [Long applause.]

[Here the hammer fell.]

Mr. HITT. I yield to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I do not share the apprehension of the gentleman from Missouri [Mr. CLARK] that the policy of annexation of Hawaii involves a policy which may include within the ultimate membership of this House a member from Patagonia or a gentleman from the Cannibal Islands.

The Constitution of the United States has been interpreted many times in favor of the general power of annexation, notably in the cases of Louisiana, California, Alaska, and Florida, and under the act of 1856 this Government has extended its dominion over many islands remote from our shores, one of them, Midway Island, being 1,000 miles to the westward of Hawaii.

This is no new question. It has been a part of American diplomacy for many years to preserve these islands from control of any other nation.

As it has been a part of our diplomatic declarations in the past that we could not with indifference see Cuba passing from Spain to any other European power, so it has been the consistent policy of this Government for more than fifty years, beginning with the Administration of President Tyler, in 1842, that we could not with indifference see Hawaii passing into the control of any other power.

During all this time the declared policy of this Government for successive Administrations has been against control by any other power, and at the same time we have fostered relations with Hawaii tending to ultimate annexation.

Mr. Blaine, Secretary of State in 1881, declared that "the situation of the Hawaiian Islands, giving them strategic control of the North Pacific, brings their possession within the range of questions of a purely American policy." A Democratic President, Pierce, and a Democratic Secretary of State, Marcy, caused a treaty of annexation to be negotiated in 1854, and President Johnson, in 1867, by special message to Congress, urged a reciprocity treaty with Hawaii as a step toward the time when the people of Hawaii should of their own volition apply for admission to the Union.

Under Harrison an annexation treaty was negotiated and failed of confirmation.

In 1897 Mr. McKinley caused an annexation treaty to be negotiated with Hawaii, and in his message accompanying the treaty on its transmission to Congress, after reviewing the history of our Hawaiian relations, concludes with the declaration that annexation is not a change, but a consummation.

This question has resolved itself practically into this, whether this Government is willing to receive a conveyance in fee simple of the Hawaiian Islands without money, price, or conquest.

I predicate no argument upon territorial acquisition. These islands are small. Their extent of territory is inconsiderable. We have much unimproved territory, many overgrown fence corners to clean out and much water power running to waste.

In my opinion the most powerful argument in favor of annexation is that we thereby preempt the only anchorage ground, the only coaling station and base of supplies from which a hostile fleet could make descent upon our western coast and to which it could retire.

England, France, Germany, Japan, and Russia all have powerful squadrons in the Pacific, and each of these squadrons is stronger than our own.

If Hawaii once passes into the possession of a first-class power, it will not lightly change possession again.

Gibraltar is the grim example of how much easier it is for a stronghold to get into the possession of a strong nation and how hard it is to get it out again.

The chairman of the Committee on Foreign Affairs reports that it is estimated that Pearl Harbor could be fortified at a cost of \$500,000 to resist the attacks of fleets far stronger than our own.

Holding this all-important strategic point—

The report continues—

the enemy could not remain in that part of the Pacific, thousands of miles from any base, without running out of coal, sufficient to get back to their own possessions.

The weight of testimony is that the possession of these islands would make secure both our fleet and our western coast.

Naval experts agree that it would cost far less to protect the Pacific coast with the Hawaiian Islands than without them.

In this connection permit me to quote from the testimony of General Schofield before the Foreign Affairs Committee:

The most important feature of all is that it economizes the naval force rather than increases it. It is capable of absolute defense by shore batteries; so that a naval fleet, after going there and replenishing its supplies and making what repairs are needed, can go away and leave the harbor perfectly safe under the protection of the Army. Then arises at once the question why this harbor will be of consequence to the United States. It has not been easy to make that perfectly clear to the minds of men who have not made such subjects the study of a lifetime till now; but the conditions of the present war, it seems to me, ought to make it clear to everybody.

At this moment the Government is fitting out quite a large fleet of steamers at San Francisco to carry large detachments of troops and military supplies

of all kinds to the Philippine Islands. Honolulu is almost in the direct route. That fleet, of course, will want very much to recoal at Honolulu, thus saving that amount of freight and tonnage for essential stores to be carried with it. Otherwise they would have to carry coal enough to carry them all the way from San Francisco to Manila, and that would occupy a large amount of the carrying capacity of the fleet, and if they recoal at Honolulu all that will be saved. More than that, a fleet is liable at any time to meet with stress of weather, or perhaps a heavy storm, and there might be an accident to the machinery which will make it necessary to put into the nearest port possible for repairs and additional supplies. By the time it reaches there its coal supply may be well-nigh exhausted. It then has to replenish its coal supply to carry it to whatever port it could reach.

If I am not misinformed in regard to the laws of neutrality, the supply of coal that can be taken on board at neutral ports is only sufficient to bring it back to the nearest home port, and not enough to carry it across the ocean, so that if we had to regard Honolulu as a neutral port we could only load up coal enough to bring us back to San Francisco; and if I am misinformed in regard to that point Admiral Walker will correct me. Now, let us suppose, on the other hand, that the Spanish navy in the Pacific as well as in the Atlantic, or both, were a little stronger than ours instead of being somewhat weaker. The first thing they would do would be to go and take possession of the Sandwich Islands and make them the base of naval operations against the Pacific coast.

You have only to consider the state of mind which exists all along the Atlantic coast under the erroneous apprehension that the Spanish fleet might possibly assail our coast to see what would be the case if the Spanish fleet were a good deal stronger than ours and took possession of Honolulu and made it a base of operations in attacking the points on the Pacific coast. We would be absolutely powerless, because we would have no fleet there to dispute the possession of the Sandwich Islands, whereas, if we held that place and fortified it so that a foreign navy could not take it, it could not operate against the Pacific coast at all, for it could not bring coal enough across the Pacific Ocean to sustain an attack on the Pacific coast. Then the Sandwich Islands would be a base for naval operations just as Puerto Rico is against the Atlantic coast. If Spain is strong enough to hold Puerto Rico, so that a squadron can replenish with supplies, coal, ammunition, and provisions there, the whole Spanish fleet can raid our Atlantic coast at will.

The Spanish fleet on the Asiatic station was the only one of all the fleets we could have overcome as we did. Of course, that can not again happen, for we will not be able to pick up so weak an enemy next time. We are liable at any time to get into a war with a nation which has a more powerful fleet than ours, and it is of vital importance, therefore, if we can, to hold the point from which they can conduct operations against our Pacific coast. Especially is that true until the Nicaragua Canal is finished, because we can not send a fleet from the Atlantic to the Pacific. We can not send them around Cape Horn and repel an attack there. If we had the canal finished, we would be very much better off than now in that respect, but even then we would want the possession of that base very much, without which no power on earth except England can carry on a war against us.

It is admitted that a protectorate can not accomplish these results, because a protectorate imposes responsibility without control.

Besides, a protectorate is unknown to and has no part in our American system.

It is a device of Great Britain intended for temporary lien on territory which she is not ready to annex outright.

Annexation means responsibility with control.

A protectorate means responsibility without control, with all the disagreeable possibilities growing out of such relation.

By annexation we post these islands like sentinels in the midst of the Pacific.

By reason of the vast waste of water that surrounds them and because of the limited coaling and steaming capacity of even the most powerful vessels, these islands command the North Pacific as Gibraltar commands the Mediterranean, as Constantinople commands the Black Sea. As Captain Mahan says, "As a strategical post Hawaii stands alone, having no rival and admitting no rival."

Hawaii lies 2,100 miles out from San Francisco.

From Honolulu to Yokohama is 3,400 miles and from Honolulu to Hongkong is 4,900 miles.

From Unalaska, the nearest port on the north, to Tahiti, the nearest port to the south, is 4,400 miles.

Nowhere in the Pacific north of the equatorial line is there another port from which a hostile fleet could operate against our western coast.

The lines of ocean travel intersect there.

It is the crossroads of the sea.

In spite of the icy and stormy allurements of the theoretic route discovered by the gentleman from Arkansas by way of Kyska, of the seven trans-Pacific steamship lines plying between North American ports and Japan, China, and Australia all but one make the port of Honolulu a way station, and not one touches at the Aleutian Islands.

Macaulay somewhere observes that the true surgeon is made at the bedside and the true mariner upon the rolling waves.

The gentleman from the maritime State of Arkansas, however, in his own proper person, illustrates the fallacy of this proposition. [Laughter.]

Frobisher, Drake, Gilbert, and Magellan explored the trackless waste in the teeth of storms or slept becalmed in unknown seas and limned new lands upon the map of the world by actual exploration.

But the gentleman from the State of Arkansas, in the seclusion of the committee room of Foreign Affairs, by diligent study of globes, maps, and atlases, has found a new port far out beyond the scimitar point of Alaska, a port in the midst of arctic snows and storms and frost and fog, lying where the ceaseless current

sweeps up the Asiatic coast and swerves southward along the North American shore, on an island to be dedicated to the uses of a shorter route to Asia.

This island should be renamed in honor of its discoverer, that no wrong shall be done to geographical enterprise. [Laughter.]

Gentlemen say Hawaii is remote from our western coast, and it is so; but modern means of travel and communication have almost annihilated time and space.

It took Washington weeks to travel from Mount Vernon to Boston. Now the traveler can go from Washington to Boston in 16 hours without changing cars.

Napoleon estimated distance by days' marches. A day's march was 25 miles. Six days from Paris, then, was 150 miles.

Now, six days' voyage from San Francisco to Honolulu is 2,100 miles. Therefore, Hawaii is no farther out from San Francisco now than a point 150 miles out, was distant from Paris in the days of Napoleon.

This is the miracle of steam and a sample of the possibilities hidden under the lid of Watt's teakettle.

COMMERCE

The Hawaiian Islands lie in the track of commerce, and commerce seeks always the best market. Trade seeks the people who do not produce, but who want what we produce.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DINSMORE. I yield three minutes to the gentleman.

Mr. HAMILTON. I am very thankful to the gentleman. I want to print as a part of my remarks something which is of great interest to Southern gentlemen, namely, a presentation by Mr. Barrett, our minister to Siam, of a theme important not only to the South but to commercial circles generally.

Minister Barrett says:

SOUTH'S PRODUCTS—OPPORTUNITY FOR BUILDING UP TRADE IN FAR EAST—ASIA'S MILLIONS IN NEED OF COTTON—ARGUMENT FOR NICARAGUAN CANAL AND HAWAIIAN ANNEXATION—IMPORTANT STATISTICS.

"Does the South appreciate her opportunity in the far East? Does she realize that the mighty markets of Asia's millions await her best efforts at exploitation? If not, she should. The far East is not reserved for our Pacific coast alone, not for the manufacturing cities of our Atlantic seaboard only, not for the exclusive control of Europe; no, not by any means, but for the South of the United States as well, provided the opportunity is seized before it is too late.

"Some parts of the South and some Southerners, more enterprising than their competitors, are already at work, and, if they are reading what I write, can doubtless foretell my proposition. The average Southerner, however, will be skeptical in accepting my suggestion that his particular portion of the United States has any particular interest in the far East.

"To get to my point: King Cotton can tell the story!

"The far East wants the South's cotton; it wants a lot of it! It wants it now, and it wants a lot of it! It wants it now and in years it will want twenty times what it demands now.

"ASIA'S MILLIONS WANT COTTON."

"First. There are nearly 500,000,000 inhabitants of these lands—far surpassing the United States in area—whose shores are washed by the Pacific and are directly across the seas from our western coast.

"Second. The demands of these millions, though small individually, are vast in the aggregate, and are increasing with great rapidity—even more rapidly than the chief experts in commerce and trade have dared prophesy in their wildest moments of hypothetical reasoning—and still China is hardly awake yet. When she does move, look out for her. It will be like an avalanche.

"Third. Of this half billion population, 350,000,000 wear almost nothing but cotton clothing and use nothing but cotton materials for the hundred and one other uses that cloth is put to. * * * It is noticeable that the demand for cotton goods of all kinds has increased during the last few years far more rapidly than the population, and that sales are on an ascending scale, which means a brilliant future for the trade in cotton goods and raw cotton.

"CONDITION OF COTTON SUPPLY."

"Fourth. The supply of raw cotton in China is so small, compared to the total consumption of cotton goods, that it could never meet the demand if supplies from other lands, like India, Egypt, and America, were cut off. It is true that China even exports cotton, but that goes only to Japan and simply for manufacture, to be shipped back as cotton yarn or piece goods. Then, again, cotton-growing is not a science in China, while the soil and sun do not seem to suit it like our own favored Dixie's warmth and fertility. The product of 1 acre of good cotton land in the United States will equal that of 5 to 10 in China. The time may come when China's millions will learn how to grow all their cotton in China's numberless acres, but that day is so far distant as not to discourage the planters and manufacturers of the South in exploiting these Asiatic markets. And mind, please, I have only spoken of China. Japan can never supply her own mills with the raw product, now over one hundred in number and being added to every year. Eastern Siberia, Corea, Formosa, Cochinchina, Siam, Straits Settlements, Java, Borneo, and the Philippines are great purchasers of cotton goods, and even if mills should be started in their cities the raw product must still be imported.

"WILL THE SOUTH MEET THE DEMAND?"

"Fifth. The tendency now of the far East, illustrated by the development of cotton manufacturing in Japan with headquarters at Osaka, and by the working and construction of numerous mills at Shanghai and other points in China, is to supply the market on the spot with the finished product instead of depending entirely on Europe and America. So the demand for raw cotton in Japan and China has suddenly jumped ahead into considerable proportion; and now comes the question: Can and will the South meet this demand and so provide herself with a vast new market, eventually free her from absolute reliance on those of Europe and home, and making her great staple an increased source of wealth to every cotton-producing State, and hence collectively to the entire South?

"INDIA, CHINA, AND EGYPT."

"Sixth. The field is not one to be controlled without competition. Far from it. The cotton merchants of India, China, and Egypt are making a vig-

orous effort to supply the far Eastern demand. Egypt counts on her near route by the Suez Canal and her cheap labor to eventually rule the market, while India and China contend that they have even a greater advantage in both these respects; but there are certain conditions favorable to American cotton which, if followed up properly, will more than counterbalance the nearness and cheapness of Indian, Chinese, and Egyptian supplies. One is the quality of American cotton. Both the Japanese and Chinese manufacturers distinctly prefer it. It is manufactured more easily and seems to make more and better cloth. Then, when placed on the market, the buyers prefer both the yarn and cloth made from it.

"FREIGHT RATES CHIEF EMBARGO."

"Seventh. The only serious difficulty in the way of American cotton is the price, which is made high solely by the freight rates from the South to Japan and China. I have visited every cotton manufactory of any importance in these two countries, and wherever I found them using Indian, Chinese, or Egyptian cotton the managers frankly told me that they would buy American cotton exclusively if the combined rail and steamer charges were not often prohibitive. The American cotton now shipped to the far East is consumed by mills which have a special market, but they represent a small proportion of the total. In short, were freight rates favorable and did the Southern exporters push the market American cotton would monopolize the supply for the mills of trans-Pacific lands. What, then, remains to be done?

"NICARAGUA CANAL THE KEY."

"Eighth. The supreme advantage to be gained, which will, with 'one fell stroke,' accomplish the end desired, is the early construction and operation of the Nicaragua Canal. Unless that waterway is dug I can not see how the South can ever win permanently even a fair share of this mighty Pacific trade, and that is the opinion of nearly all experts in the far East whom I have consulted. A trans-isthmian canal is the key to the trans-Pacific. The long rail haul from the South to the Pacific seaboard will always keep the delivered cost of American cotton just beyond the point of general and successful competition. Dig the canal, and a large fleet of steamers will carry cotton in bulk from all Southern ports to the far East for the same rate that is now charged from San Francisco to Kobe and Shanghai. As this statement is read I can imagine a skeptical look on many faces and an insinuation that I am indulging in exaggeration.

"Ninth. Let us see. In the first place, the rates charged by steamers crossing the Pacific are equal to or greater than those charged by steamers from the Mediterranean going a greater distance, and not much less than the through rates from London, Liverpool, Hamburg, Bremen, and Amsterdam, thus showing that there is yet a large margin on the Pacific route that can be taken off if necessary.

"MOST IMPORTANT STATEMENTS."

"In the second place, I desire to lay before the planters and exporters of the South two most important statements made to me, respectively, by leading stockholders of the Nippon Yusen Kaisha, Japan's great navigation company, and the Peninsular and Oriental Steamship Company, England's chief foreign line, which two companies combined control more steamers than any other three, barring one German and one French system, in the world.

"The representative of the former said to me that the moment the Nicaragua Canal was opened his company would put on a fleet of at least ten large steamers to run from Japan and China to the leading ports of the South, the principal object of which would be to carry cotton. In order to have outward cargoes they might touch en route at San Francisco, and then possibly on the Atlantic side go on to Baltimore, Philadelphia, New York, and Boston, but their chief destination would be the Southern ports like Galveston, New Orleans, Mobile, Tampa, Charleston, Savannah, and Norfolk. He said this plan had been carefully considered by the company, and, in expressing surprise that the United States had not already dug the canal, added with pride, 'If Japan controlled the opportunity or concession, the canal would have been completed and opened to the world's traffic before this.'

"The representative of the Peninsular and Oriental informed me almost in a confidential way that his company had long considered the revolution of the trade of the world that would be accomplished by the construction of the isthmian canal, and intended to put on a special line of large carriers to run practically around the world via the Southern ports of the United States and through the canal to Asia, in order to carry the cotton of the South to Japan and China. From the latter they would take cargoes via Suez to Europe, from Europe to America, and so on. Certainly both of these are practical schemes, while they show the importance of the South's opportunity in the Pacific. Both authorities told me that their steamers would carry cotton from Southern ports to Japan and China at competitive rates with other sources of supply, and less than those now charged from San Francisco, Portland, and Seattle to Yokohama, Kobe, and Shanghai.

"HAWAIIAN ANNEXATION AND PACIFIC CABLE."

"Without weakening the force of my main proposition by introducing ulterior issues, but desiring to make my treatment of the question comprehensive, I would urge the South to use its powerful influence in favor of two other projects whose consummation is necessary if the United States would control the commerce and trade of the Pacific or become the great material and moral power in its waters—the annexation of Hawaii and the construction of a Pacific cable.

"We need Hawaii to properly protect our cotton, flour, and richly laden ships which, with the opening of the canal and the inevitable growth of our merchant marine, will one day ply on the Pacific like the Spanish galleons of old; to provide them with a coaling station in mid-ocean under our flag; to prevent other nations from seizing and utilizing it as a point from which to dispatch commerce-destroying squadrons, and, in short, to make ourselves actual and not the theoretical masters of the Pacific seas. We require a Pacific cable under American control to telegraph cotton and other orders and fill or change them at the shortest notice and without the cost, surveillance, uncertainty, and roundabout way of the present system through Asia and Europe, on which we are now absolutely dependent.

"A FINAL APPEAL."

"In conclusion, therefore, I would appeal to the South to look carefully to the far East, to prepare to supply its demands and vigorously meet competition; to send capable and untiring agents to deal directly with Asiatic buyers; to sell at the lowest prices possible for the successful introduction of cotton; to place samples on exhibition in the principal markets; to urge the construction of a Pacific cable and the annexation of Hawaii; to try in the meantime to make railway and steamship companies quote the lowest rates possible in order that she may keep what little hold she already has, and, finally, and above all other considerations, bend her energies for the immediate construction of the Nicaragua Canal.

"The far East, with uncounted millions to clothe and feed, and with wealth to pay for such clothes and food, invites the United States to supply her wants. The Pacific coast is awakening to the knowledge that she can supply the food in the form of flour. Will the South realize that she can supply the clothes in the form of cotton?

"The South's great opportunity to win new markets for her chief staple lies in the trans-Pacific lands. Will she seize the opportunity?"

Mr. Barrett reminds the people of the South that the touch of advancing civilization will galvanize into life an active demand for the cotton product of the South along the western coast of the Pacific, and that the opening of the Nicaragua Canal will bring the South and East about 10,000 miles nearer the lines of North American trans-Pacific trade.

The recent cruise of the *Oregon*, creeping down the western coasts of two continents and up the other side, is an object lesson of the importance of a short cut to the Pacific.

SUGAR.

The gentleman from Georgia states in effect that annexation would operate in the interests of the sugar trust.

The sugar trust is engaged in the business of refining sugar, not in its production.

It operates upon the raw product as the Standard Oil Company operates upon oil and the coffee trust upon coffee.

Under our reciprocity treaty with Hawaii, only raw sugar is admitted duty free.

The trust buys the raw product of Hawaii at a somewhat less figure than it buys raw sugar elsewhere, because the longer carriage to other markets and the comparative nearness of the American market compel Hawaiian sugar producers to take this lower price.

The trust does not own an acre of sugar-producing lands in Hawaii.

It converts the raw sugar into the granulated or refined sugar, making its money in the process of refining and in the magnitude of its operations.

With annexation all grades of sugar, refined and unrefined, could come in free.

The Hawaiian producers would speedily erect their own refineries and compete with the trust in our markets for the sale of their own refined product.

I would be glad indeed, sir, if we could annex conditions to annexation to prevent any trust or combination ever gaining control of Hawaiian sugar.

As to this country, I look forward to a time when the beet-sugar industry will make sugar beats the common product of our farmers, giving them another staple product besides wheat.

The policy of encouraging and fostering the beet-growing industry in this country under wise Republican legislation is the most splendid policy conceivable at present for the practical benefit of American agriculture.

I call attention to the following statistics on this subject:

United States sugar consumption statistics.

	Tons.
World's production of sugar, crop of 1896-97.....	7,837,000
Sugar consumption of the United States for 1896.....	2,263,000
Sugar imported from Hawaii, 1896.....	176,000
Sugar imported from countries other than Hawaii in 1896.....	1,774,500
Cane sugar produced in United States in 1896.....	200,000
Beet sugar produced in United States in 1896.....	44,500

United States Treasury statistics for the last twenty-three years show that the average annual increase of sugar consumption in the United States has been 12 per cent.

If the increase for 1896 is up to the average, it will amount to nearly 300,000 tons, making a total consumption of approximately 2,560,000 tons for the year.

If the increased consumption should amount to only one-third the previous average, say 100,000 tons per annum, the United States consumption in ten years would amount to 3,200,000 tons per annum.

WHAT WILL BE REQUIRED TO SUPPLY THE UNITED STATES WITH DOMESTIC BEET SUGAR.

Average size of beet-sugar factory, capacity for producing 2,500 tons of sugar per crop.

Average cost of such factory.....	\$350,000
Amount of sugar imported from countries other than Hawaii during 1896..... tons..	1,774,500
To produce this quantity would require 500 factories, costing.....	\$177,000,000
If the annual increase in consumption of sugar in the United States is only 6 per cent instead of 12 per cent, as it has been for the last twenty-three years, there will be required each year 42 additional factories, costing each year.....	\$14,700,000
Thus in the next ten years it will require at least 420 additional factories to supply the annual increase in consumption alone, costing.....	\$147,000,000

Until the present amount imported and all the increased consumption is supplied by beet sugar, there will be no "competition" by Hawaii in sugar.

With every farm growing its crop of beets for this mighty home consumption the sugar trust will no longer be a factor for consideration.

It has been suggested that by annexation we annex a sugar-producing area that will injuriously compete with our own home producers.

This is a view industriously fostered, I am told, by the sugar trust at some expense.

But to say that the small Hawaiian product could appreciably affect the general sugar market here would be like saying that a carload of wheat shipped into the Northwest could modify the general price of wheat.

The controlling intelligent forces of Hawaii are bone of our bone and flesh of our flesh.

In the annexation of Hawaii we merge no alien nationality.

We annex American institutions, American holidays, American courts, and American laws.

Americans now own approximately three-fourths of all the property in Hawaii.

Americans consume 98 per cent of their exports.

Americans furnish 75 per cent of their imports.

And 75 per cent of their foreign trade is carried in vessels flying the American flag.

The people are American in sympathy, and lately Hawaii harbored and is still harboring our vessels on their way to Manila in defiance of the law of nations, which forbids a neutral power to harbor, aid, or support a belligerent in time of war.

These islands have been repeatedly seized by other powers, but have hitherto escaped conquest.

But without invasion, without conquest, and without force the old Stars and Stripes went up there four years ago spontaneously, as emblematic of a government already American from choice.

Someone hauled them down then, it is true, but willing hands are still waiting to haul them up again and nail them there, to flap for all time in the winds of the Pacific. [Applause.]

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that the order of yesterday be so modified as to permit the session of this afternoon to extend until fifteen minutes past 5 o'clock.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that the order of yesterday be so modified as to extend the time for taking the recess until fifteen minutes past 5. Is there objection?

There was no objection.

Mr. DINSMORE. Mr. Speaker, I yield the remainder of the time up to the recess to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the House. See Appendix.]

The SPEAKER pro tempore (Mr. LACEY). The hour of 5 o'clock and 15 minutes having arrived, the House stands in recess until 8 o'clock this evening, the evening session from 8 to 10.30 o'clock to be for debate only upon the pending resolution.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session, with Mr. LACEY in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from California [Mr. BARHAM] is recognized.

Mr. BARHAM. Mr. Speaker, it is not my purpose to enter at length upon the discussion of the resolutions now under consideration; nor do I hope or expect to advance any new ideas upon the argument of a question which has so thoroughly met consideration through the public press by the Secretaries of Agriculture, War, and Navy, and in reports by committees to Congress.

I have long favored the annexation of Hawaii from a commercial and military point of view. These islands, in my opinion, should become a part of the territory of the United States.

The first proposition which I desire to call to the attention of the House is the first point which was made by the gentleman from Arkansas [Mr. DINSMORE], and that is as to the constitutionality of the resolutions. It seems singular to me, Mr. Speaker, that at this day and age it should be necessary to discuss questions of this kind, for the action proposed in the resolutions has long been settled to be constitutional, not only by legislative construction, but by judicial construction and by the voice of the people, pronounced in every possible way.

There are a number of provisions of the Constitution under which the power to pass these resolutions may be found. First, there is the power to promote the general welfare and the common defense of the country. It has been repeatedly declared upon the floor of this House by members that in their opinion these islands are necessary for the common defense of this country. If there was no other provision in the Constitution, that of itself would warrant this character of procedure.

Now, take the general-welfare clause. Under that these resolutions may be passed by Congress and be within the provisions of our Constitution. Those of us who believe that it is for the best interest and general welfare of the country to annex the islands, believe so from commercial, military, and other reasons. So far as I am concerned, I believe these islands are of great military and commercial importance, therefore coming under two rules, the general welfare and common defense of the country. But, Mr. Speaker, there is another provision of the Constitution under which these resolutions are also constitutional and within the power of Congress to adopt—under that provision which declares that Congress shall have power to admit a State. Now, it is an elementary principle of law as old as civilization itself, it is concurrent with the birth of jurisprudence itself, that the "greater contains the less." It is conceded on all sides that the Congress of the United States has the power to admit a State. Now, taking the elementary principle conceded by everybody,

that the "greater contains the less." Congress has of necessity the right and power to annex a Territory. And that is not without judicial construction.

Now, what is a State? A State, in a strict construction of the word, means a political body, an independent sovereignty. Under that definition there is no such a thing as a State in the American Union, nor is there such a thing under that definition either as to the General Government, the National Government, because the States have only the power which has been reserved to them, and such incidental power as is necessary to carry out the reserved power. The General Government only has the power which has been granted by the States, with the incidental power necessary to carry out the granted power.

Now, early in the history of the country the question arose in a suit by the District of Columbia as to whether it had the power to sue, to bring action. Unless it was a State it could not bring an action. The Supreme Court of the United States held that in the broader and primary sense of the word "State" that the District of Columbia is a State. Well, anybody knows that it is not a State in the ordinary acceptance of the terms as used in America. It never had any representation by Senators. It did at one time have representation upon the floor of this House.

Again this question arose under the revenue laws of this country, where the revenue laws provided for the manner of collecting the revenues—the internal revenues—among the States. The Supreme Court of the United States found no difficulty in holding that a Territory is a State within the meaning of that act. And, again, in the Dred Scott case it necessarily followed from the decision which was rendered in that case that a Territory was a State. Dred Scott, his wife, and two babies were slaves. They were taken from the State of Missouri into Illinois, and from Illinois to Fort Snelling, which was west of the Mississippi River. That was then a part of the territory of the United States. The point, of necessity, arose as to whether the Territory was a State.

Now, I want to read, right in connection with this, just exactly what the Supreme Court said in the Dred Scott case, commencing where the gentleman from Arkansas [Mr. DINSMORE] left off by the remark that the opinion following what he had read was obiter dictum. I think, however, that the gentleman from Arkansas is the last man in America who should raise any question about what was settled in the Dred Scott case.

Before I read that, however, I want to call attention of the House to a point that was submitted. He based his argument on the declaration of Mr. Madison as to the unconstitutionality of the admission of the territory known as the Northwest Territory, that which was granted to the Confederation by Virginia before the Constitution was adopted and during the Federation. Mr. Madison thought that that was beyond the power of the Confederate States, and probably it was. The Confederate States really had no Congress. They were only kind of ministers or ambassadors to Congress with limited power. But this great Northwestern Territory was admitted by the Congress of the Confederate States.

Now, if Mr. Madison meant that the Congress of the United States which was to come after the adoption of the Constitution should have no such power, he certainly misconstrued the provision of the Constitution. For the fact is that immediately following the adoption of the Constitution on the 2d of April, 1790, the Congress of the United States accepted just such a cession from the State of North Carolina. The State of North Carolina held a certain territory, and deeded it to the United States, and by an act of Congress, which you will find in the first statutes of the Congress of the United States, the Congress of the United States—not the treaty-making power, but the Congress of the United States—accepted that cession, and out of that cession was formed the State of Tennessee.

Now, if the Congress of the United States did not have the power to accept the cession and to annex the territory to the United States because before that it had been the territory of North Carolina, and could take it from any other government as well as North Carolina, certainly, then, the State of Tennessee has never been in the Union and her Representatives upon the floor of this House are trespassers and usurpers. And again, following that, immediately upon the heels of this action was an act of Congress upon the cession made by Georgia.

Georgia had not ceded to the Confederate States the territory which she claimed, and out of that territory was carved and made the State of Alabama. The Congress of the United States, as everybody knows, admitted the Republic of Texas under a resolution to annex the Republic of Texas. That is the language of the resolution. That is the title of the resolution—a resolution "to annex the Territory of Texas."

Mr. DINSMORE. Will the gentleman allow me an interruption?

Mr. BARHAM. Yes.

Mr. DINSMORE. I want to call the gentleman's attention to the fact that while that was the original title, it was changed before the passage of the resolution.

Mr. BARHAM. It was changed in the act admitting the State into the Union, not in the resolution for annexation. Now, I want the gentleman from Arkansas to give his attention to what he failed to read in the Dred Scott case.

This Dred Scott case came up and was determined by the Supreme Court of the United States after the admission of the territory ceded by North Carolina, after the annexation to the United States of the territory ceded by Georgia, after the Republic of Texas was made a State of the Union, after the acquisition of the Louisiana purchase, after the California purchase, and after Arizona and New Mexico and the Gadsden purchase; with all these facts of history before the Supreme Court of the United States, and the question, in my opinion, being squarely and properly before the court whether a Territory is a State or not—because if Dred Scott and his family had been taken without the jurisdiction of the United States, they were free and no longer slaves—the court rendered that decision.

Now, what does the Supreme Court say, following the declaration of Mr. Madison, at which point the gentleman from Arkansas ceased to read? This is what the court, by Chief Justice Taney, said; and Justice Swaine, following, said that the court discussed no question which was not involved in the determination of the case, which the gentleman from Arkansas forgot also to read. The court says:

We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

It is a question for the political department of the Government and not the judicial; and whatever the political department of the Government shall recognize as within the limits of the United States, the judicial department is also bound to recognize, and to administer in it the laws of the United States, so far as they apply, and to maintain in the territory the authority and rights of the Government, and also the personal rights and rights of property of individual citizens, as secured by the Constitution.

Now, Mr. Speaker, if there ever was a direct, positive declaration of the supreme tribunal of the United States upon any proposition, it is shown in that declaration, and I would not now take up the time of the House in discussing this question but for the fact that I do not desire, nor do I think it proper, that the statement of the gentleman from Arkansas [Mr. DINSMORE] should go unchallenged on the floor of the House, except by the statement that the question had heretofore been settled.

In my opinion, Mr. Speaker, these islands are of very great commercial importance. Our trade in the year 1897 reached \$18,500,000, or over \$53 for every inhabitant upon the islands. Our whole trade with Uruguay, Peru, Turkey, Portugal, and Greece reaches less than \$15,000,000. The whole trade with Chile, Sweden, and Norway is not as great as it is with Hawaii. Our trade with Russia and the three Guianas combined does not equal our trade with the islands. It is greater than our total trade with Central America, or with Spain, Argentina, Switzerland, Venezuela, or Austria, and is equal to our combined trade with Denmark and Colombia.

It is perfectly apparent to my mind that the island can not maintain an independent responsible government. A protectorate over the islands would make this Government liable for the errors of that, without corresponding benefits. So that it seems to me that the question resolves itself into annexation or to quietly sitting by and see England, Japan, Germany, or some other nation take the islands and their trade and military advantages. I think we can not too highly estimate Hawaii from a commercial view, and unless we propose to bottle up and Chinaize this nation, we should not longer hesitate about annexation.

The islands are of great importance from a military point of view. The strategic importance of Hawaii has been demonstrated by facts developed during the pending war with Spain. In order to reach a correct conclusion upon any subject it seems to me that we must seek light from persons, treaties, or commentaries of recognized ability and standing devoted to such subject. If I am sick, I take treatment from doctors learned in medicine. In attempting to work a correct solution of a legal question, the views of writers learned in the law and the opinion of courts of recognized standing and ability are consulted and almost universally followed. So it seems to me, in military and naval affairs, that we should be largely guided by the opinions of men learned and trained upon these subjects.

It is no argument to say that the officers in the Army and Navy can not be relied upon because of their desire for larger acquisitions so as to extend the Army and Navy. They are not subject to this character of criticism. They have just as much interest in the honor, integrity, and perpetuity of this nation as any other of our fellow-citizens, and they are just as loyal and patriotic and

brave. It is not argument to say that the opinion of men learned and trained in military and naval affairs are biased and not honest. I think they are just as loyal and true to the best interest of this Government as I am or anyone else in official life. The judgment of our military and naval officers upon the strategic importance of Hawaii are practically unanimous.

I desire to read a portion of the letter of General Schofield, dated January 12, 1898, as follows:

From the time, twenty-five years ago, when I made a personal examination for the purpose of ascertaining the value of those islands to this country for military and naval purposes I have always regarded ultimate annexation of the islands to this country as a public necessity. But the time when this should be accomplished had to depend on natural political development. In the meantime our national interests should be secured by the exclusive right to occupy, improve, and fortify Pearl River Harbor, so as to insure our possession of that harbor in time of war.

To illustrate my views on this subject, I have likened that harbor to a commanding position in front of a defensive line which an army in the field is compelled to occupy. The army must occupy that advanced position and hold it at whatever cost, or else the enemy will occupy it with his artillery, and thus dominate the main line. If we do not occupy and fortify Pearl River Harbor, our enemy will occupy it as a base from which to conduct operations against our Pacific coast and the Isthmian Canal, which must, of course, in due time be constructed and controlled by this country. The position of such a base at a convenient distance from our Pacific coast would be a great temptation to an unfriendly nation to undertake hostile operations against us.

One of the greatest advantages of Pearl River Harbor to us consists in the fact that no navy would be required to defend it.

These views he again expressed before the House Committee on Foreign Affairs a few days before the pending resolutions were reported.

I am in accord with these views. In addition to this, I am satisfied that the Commander in Chief of our Armies, the President of the United States, and his Secretaries of War and Navy, are convinced of the strategic importance of these islands. They proclaim their military importance. If Congress were not in session, no doubt they would forcibly seize the islands as a military necessity.

While these islands can be peacefully accepted by the passage of these resolutions, why should Congress adjourn and compel the President, in order to prosecute the war as he thinks it should be, to forcibly seize the islands? So far as I am concerned, I am willing to remain, and hope Congress will continue in session until these resolutions are adopted, if it takes all summer.

The annexation of Hawaii presents no "entangling alliances."

At this point Jefferson's "entangling alliances" are relied upon by the opposition as a warning, carrying with it sufficient force to frighten us out of the idea of further extension of territory. Did Jefferson mean by "entangling alliances" that the United States should not acquire or extend its territorial limits? If he did mean that, he most certainly forgot to retract it when the United States made the Louisiana purchase.

Should we accept the proposition recently made by Hon. Joseph Chamberlain, secretary of state for the English colonies, this would be an alliance with England. Whether it would prove an "entangling alliance" is a question I will not now pursue. With whom did we ally ourselves when we acquired Louisiana and Texas and California? With whom will we ally ourselves when the Stars and Stripes wave over Hawaii? If we adopt these resolutions, will we necessarily accept Mr. Chamberlain's Anglo-American alliance? I think not. It will only be doing that which should long since have been done and which the war with Spain so fully demonstrates we must do, or sacrifice the unparalleled achievement of our arms upon the seas, so heroically won by Admiral Dewey and his men at Manila, and endanger him, his men, and our soldiers who so recently left the port of San Francisco to aid in holding the fruits of that victory.

When the United States shall take such outlying necessary posts of military defense, and provide herself with a sufficient navy to command the respect of the world, then, and not until then, will we be secured in peace. Let American battle ships plow the furrows through the Atlantic and Pacific, in which shall follow the white wings of American commerce in a peaceful struggle for commercial advantage.

But a great discovery has been made very recently at Unalaska by the opponents of this measure. It is argued the segment of the circle of the earth's surface drawn from San Francisco to the Orient, which passes far to the north of Hawaii, bends more closely to the Aleutian Islands than the Sandwich groups, furnishing the shortest track for vessels, and a coaling station at Unalaska. I prefer to rest my conclusion upon the opinion of men trained and learned in this direction, and content myself with the evidence of Commodore Melville upon this subject. He says: "The point has been made in this debate that there is no advantage in having Honolulu as a port of call on the way to Yokohama and Hongkong, inasmuch as Unalaska, which is already in our own territory, is on the shortest route to the Orient, and therefore we now have a port without annexing any other territory."

This statement is one of those specious half truths which are

often worse than absolute errors in deceiving persons who have not possession of all the facts, and I shall now proceed to show that for the purposes of commerce this raising the question of Unalaska is a mere farce.

I shall discuss in a few moments the question of the difference in distance from San Francisco to Yokohama via Honolulu and via Unalaska, but I shall first call attention to the fact that a less desirable port of call than Unalaska would be hard to find. It is situated above the fiftieth parallel of north latitude, and has practically nothing but a harbor to recommend it. There is no trade or commerce, no repair shops; in fact, nothing whatever to attract a great mail steamer proceeding from the metropolis of our Pacific coast to the gateway of the Orient at Yokohama.

Anyone at all familiar is aware that one of the greatest dangers to navigation is fog, and the sea about Unalaska is one of the foggiest regions in the whole world. Probably nearly everybody present has enjoyed reading the poems of Rudyard Kipling known as The Seven Seas, which include a short one called "The rhyme of the seven sealers," and he there depicts in the most graphic style the density of the fog which is found in the neighborhood of this port which my friends have advertised as so desirable as a port of call. Of course I have not rested content with Mr. Kipling's poem alone, but have taken pains to verify the statements there made by inquiring of naval officers and others who have spent considerable time near the Aleutian group, and they have told me that Mr. Kipling's picture is not overdrawn at all.

There are times, however, in the winter when there is clear weather, but then this most attractive port is closed by the ice, for, in spite of the Japan current, which corresponds with the Gulf Stream in the Atlantic, the region around Unalaska is blocked with floe ice. There are, of course, openings in this ice, and vessels that make a business of arctic cruising might utilize them; but it can be readily appreciated that the fine passenger and freight steamers sailing from San Francisco are not going to run this risk.

Now, let us compare with this region of ice and fog the earthly paradise which Hawaii will furnish us. Here there is never a fog, and perpetual summer makes ice a luxury of manufacture. Situated in the belt of the northeast trades, the climate is almost perfect, and navigation is rarely troubled with a storm. Honolulu itself is practically an American city planted in these isles of the Pacific, with all the modern features of civilized life, and already a port of call for several steamship lines. The industries of the island group have built up machine shops that are capable of making almost any of the repairs needed on steam vessels short of complete breakdown of the larger shafts. In other words, we have at Honolulu not only a strong harbor, but all the other features which go to make up a desirable port of call, almost midway in the great ocean which separates our western shores from the Orient.

While a recollection of the geometry we studied in our school days teaches us that a great circle on a sphere is the shortest distance between any two points on its surface, experience in the Atlantic should teach us that this alone would not throw the steamer route in a given direction, and it is a well-known fact to all who have crossed the Pacific that the course now followed by steamers, even when they do not touch Honolulu, is by no means on the great-circle course which goes near Unalaska. The people who run the merchant-steamer lines are very practical, and when they take a given course it is because it means a saving of money to the owners and in length of voyage to the passengers.

On the more southerly route the weather is uniformly fine, and the Pacific deserves its name; but on the route which would be taken if ships went by way of Unalaska there is not only the difficulty of fog and ice, but terrific storms and dangerous rock shoals, which are entirely absent from the more southerly route. It is very safe to say that the line of steamers which would undertake to make the voyage from San Francisco to Yokohama by way of Unalaska would very shortly surrender all its business to those who follow the more southerly routes.

It thus seems to me very clear that the argument against the annexation of Hawaii on the grounds that Unalaska would answer as an intermediate point of call instead of Honolulu is not only utterly untenable, but, in the light of all the facts of the case, simply ridiculous.

As a matter of fact, the great circle track from San Francisco to Yokohama does not pass through Unalaska, but is 370 miles south of it. The distance between San Francisco and Yokohama on the great circle route is something over 4,500 miles, but the majority of tonnage engaged in trans-Pacific navigation passes back and forth along tracks varying in length from about 4,800 to 5,500 miles.

Hitherto, in considering the steamship routes between San Francisco and the Orient, Yokohama has always been the first port of call; but if we consider the possibility that the Philippines may become a part of our possessions, the route via Honolulu would be no farther from the great circle track than that via

Unalaska, while, as has already been shown, the conditions are such as to make a northerly route not a matter for serious consideration.

But we are told that in addition to "entangling alliances," to annex Hawaii is to strike a deathblow at the sugar-beet industry in this country. There is no State in the American Union more interested in that subject than is California. Her people are practically unanimous for annexation, notwithstanding the repeated and constant declaration of injury to her beet-sugar industry. The legislature of California which elected Hon. STEPHEN M. WHITE United States Senator in 1893 adopted the following resolutions:

CHAPTER XI.—Senate joint resolution No. 10, relative to annexation of Hawaiian Islands.

[Adopted February 10, 1893.]

Whereas a crisis has arisen in the affairs of the Hawaiian Government, and a desire has been expressed by a large number of the citizens of that Government that their country should be annexed to and become a part of the United States; and

Whereas a delegation of citizens of the Hawaiian Government is now on its way to the national capital to secure such national legislation as will secure the result above suggested; and

Whereas the interests of California and of our entire country would be enhanced by the annexation to our domain of the islands now comprised in the territory of the Hawaiian Kingdom: Therefore,

Resolved by the senate of California, the assembly concurring, That whenever the Hawaiian Government shall signify a desire that its territory should be annexed to and become a part of the territory of the United States, our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means at their disposal to bring about such a result upon such terms and conditions as may be most beneficial to the inhabitants of both countries; and further

Be it resolved, That it is the sense of the people of the State of California that under no circumstances and under no conditions shall any power other than the United States of America ever be permitted to obtain any control or protectorate over the islands comprising the territory of said Hawaiian Kingdom.

Resolved, That the governor be requested to immediately telegraph these resolutions to our Senators and Representatives at Washington.

The desire for annexation has greatly increased and is practically unanimous now.

The people of California know full well that there is not the slightest truth in the declaration, and hence have no fears in that direction. The islands produce cane sugar, not beet sugar. Add all the cane sugar which it is possible to produce in those islands to the product of the cane in Louisiana and elsewhere in the Union, and we must still import much cane sugar into the United States, for purposes for which beet sugar can not and will not be used, and of course there is not and can not be any competition between the cane sugar of the islands and the beet sugar of California.

In round numbers the people of the United States consume annually 2,000,000 tons of sugar. The total product of this country is less than 336,000 tons.

The highest importation of sugar from the islands was reached in 1897, and amounted to less than 200,000 tons, or 9 per cent of the total consumption in the United States.

By the report of the Secretary of Agriculture it is shown that Hawaii has reached its maximum in the production of sugar, and taking into consideration the character of cultivation, the exhaustion of the soil, and the cost of fertilizers in the islands, the Secretary concludes, and I think properly, that the production would decrease instead of increase.

There must annually be produced over 1,500,000 tons of sugar in the United States before we can equal the consumption, without taking into consideration the increase of consumption. Secretary Wilson proceeds to show that the soil of this country is not exhausted by the sugar industry, and says:

These considerations lead me to conclude that the system of agriculture pursued in Hawaii, which is certainly reducing the fertility of the soil, can not compete with a system of farm management in the United States, where the fertility of the soil is not at all reduced.

So I think I am amply justified in saying that the people of the Pacific coast have no reason to fear competition from the islands. But the Chinese and Japanese are held up as an all impending danger if we acquire the islands. Why? Oh, because it is said the Chinese will literally overrun the country. Any one who will read the pending resolutions must know that this can not be so.

The Chinese now upon the island are expressly prohibited from coming from there into this country by the provisions of the resolutions, and after annexation further Chinese immigration into these islands is also prohibited by existing law. But we are told that the Japanese will swarm in upon us if we take the islands. There is less than nothing in this proposition. All of the Japanese in the world can now come into the United States without the slightest obstruction, just as freely and as legally as the English, Germans, French, or anybody else, so that that scarecrow is lowered while the Stars and Stripes is being raised over Hawaii.

Mr. Speaker, the milestone marking the close of the nineteenth century finds America facing problems undreamt of when Washington penned his immortal address. We must advance. The commerce of the future demands way stations on its transportation lines. Before the commencement of the twentieth century let the flag of our country be waving over Hawaii in the

Pacific and Puerto Rico in the Atlantic, and the two oceans be connected by the Nicaragua Canal, constructed, maintained, and operated under American ownership and American control, [Applause.]

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. SPERRY. Mr. Speaker, perhaps a few words of a historical character may not be out of place in the discussion of Hawaiian matters. There are some facts concerning this question that should not be lost sight of, and the part that some of my people bore in the first steps taken in relation to the civilization of Hawaii it would be well to mention.

The early history of the Hawaiian Islands is involved in great obscurity, and the best efforts to obtain a reliable history is attended with great difficulties and with uncertain results.

Some of the facts pertaining to the Hawaiians which reflect credit upon us ought to be more fully known. In 1809 two natives of the Hawaiian Islands attached themselves to an American trader commanded by Captain Brintnel, of New Haven, Conn. These young natives soon found sympathy with the people of New Haven, and were somewhat impressed with the attention they received, not only from the citizens of New Haven, but from the students of Yale University, who offered to teach them. They accepted the advantages offered, and success crowned the efforts of the students. One of these natives was a homeless orphan, his father and mother having been killed by a victorious party (in the youth's presence) in a bloody strife to see which should be the greatest.

These young natives of Hawaii became so impressed with our Christian civilization that they soon became converts to the Christian faith. This soon became known to the American Board of Foreign Missions, who looked upon the landing and presence of these natives as providential, in view of the fact that they appeared to be anxious to learn our ways and our faith as to Christian duty.

This gave rise to the idea in the American Board of Missions of establishing a school in Cornwall, Conn., where all foreign, aboriginal, or heathen tribes could be educated. This school had as students the young natives whom Captain Brintnel brought to New Haven. This school, established by the American Board, sent out a number of missionaries to convert and civilize the natives of Hawaii. In 1823 a body of missionaries, under the auspices of the American Board of Foreign Missions, went forth from the old Center Church, of New Haven, Conn., to civilize and Christianize the natives of the island. This mission was a great success and firmly established Christianity in Hawaii. The voyage from New Haven to Honolulu occupied one hundred and fifty-eight days.

The departure of these missionaries, as I have said, took place in 1823. In 1836 a letter was received by the American board, showing in a marked degree the effects of the missionaries in Hawaii, which ought to be recalled as a stimulant to those who help along the cause of missions and civilization. The letter is signed by fifteen leading natives of Hawaii, and is as follows:

LAHAINA, August 23, 1836.

Love to you, our obliging friends in America. This is our sentiment as to promoting the order and prosperity of these Hawaiian Islands. Do give us additional teachers, like the teachers who dwell in your own country. These are the teachers whom we would specify: A carpenter, tailor, mason, shoemaker, wheelwright, paper maker, type founder, agriculturists skilled in raising cane, cotton, and silk, and in making sugar; cloth manufacturers, and makers of machinery to work on a large scale, and a teacher of the chiefs in what pertains to the land, according to the practice of enlightened countries, and if there be any other teachers that could be serviceable in these matters, such teachers also.

Should you assent to our request and send hither these specified teachers, then will we protect them and grant facilities for their occupation, and we will back up these works that they may succeed well.

Some twenty-four years ago, when the King, Kalakaua, came to this country, he was for a short time a guest at my house. One of the first places he wished to see was the Center Church, at New Haven, from which the missionaries went forth to Christianize the island, at the same time remarking that the band of men sent forth from New Haven in 1823 had been the salvation of Hawaii.

A few years ago, when the Center Church was remodeled and repaired, the old pulpit in which the band of missionaries stood to receive the benediction, good will, and Godspeed of the people was sent to Hawaii, and is now to be seen in the church at Honolulu established by the missionaries. Truly it is a memento at least and greatly cherished by the people of Honolulu.

Another incident worth mentioning at this time, in order to show what part Americans have taken in the affairs of Hawaii, is the part that Captain Brintnel, of New Haven, Conn., took when in the harbor of Honolulu to aid the King of the island (who was residing at Honolulu) to bring the islands of the Sandwich group under one government.

With cannon mounted on the deck of his vessel, by and under the command of the King and his followers, these islands of the Pacific were brought under one government, and have so remained

from that time to this. Truly, if I were to speak of all the incidents that have occurred in which Americans have taken part in Hawaii and the good that has been done (now that the islands are offered us), we could not withhold our votes for its annexation. We would simply call it ours, and take it.

I am sorry to take up the time of the House in relating incidents and facts pertaining to the Hawaiian Islands. Yet these facts should not be forgotten. I am one among others in this House who will vote to annex Hawaii. It seems to me that we can not well avoid doing so. The use of steam instead of sail on our great battle ships exacts this. I will not repeat arguments already made on this floor favoring the annexation of Hawaii. It is unnecessary.

It is, in my opinion, one of the demands of the times. We are making history. It may not be observed by all, but we are making it fast. The thoughts of one year ago are not the thoughts of to-day. Times are changing. I do not know what the future will be, or what questions will arise, but out of this war will come new questions which will demand our utmost skill and courage to handle. The one question is now the annexation of Hawaii. I do not believe it can or should be resisted or deferred any longer. It seems to me the gentleman from Illinois [Mr. HITT] has made our course clear, and to resist or neglect that which seems an imperative duty to many would amount to almost a national wrong. [Applause.]

Mr. HITT. Mr. Speaker, I now yield fifteen minutes to the gentleman from Ohio [Mr. DANFORD].

Mr. DANFORD. Mr. Speaker, the question under consideration by the House is one that has attracted the attention of our leading statesmen as well as Presidents and Cabinet officers for more than a half century.

The right of the United States to annex territory will scarcely be seriously disputed. The Constitution of the United States, it may be said, is silent upon that subject so far as the direct power to annex territory is given. The only provision touching upon this question is the one by which it is declared that Congress "may admit new States;" but it is clear that those who have given thought and attention to this subject in the past have held that the right to acquire additional territory by the Government of the United States was one of the inherent rights that belong to sovereign countries and that this right belongs to the United States as well as to Great Britain, France, Germany, or any other of the great powers of the world.

We have from time to time extended the boundaries of the original thirteen colonies, and we have increased the territorial limits of the United States until in territorial extent we are at least three times as large as at the close of the Revolutionary war, and when the United States was first recognized by Great Britain in 1783 as an independent sovereignty.

We began acquiring territory in 1803, when France ceded to us the Territory of Louisiana, followed by the cession to us of what is now the State of Florida by Spain in 1819. Then in chronological order we annexed Texas in 1845, then we acquired, in 1848, by cession from Mexico, the large tract of our country lying on the Pacific, followed by what is known as the "Gadsden purchase" in 1853, while Alaska was ceded to us by Russia in 1867.

These several acquisitions of territory from time to time, as I before remarked, have largely extended the boundaries of this country, made it great and powerful, and added population, strength, and wealth. There are none of these several acquisitions that have ever, in any manner, given us as a people anything but strength and power.

But it is said that the territory just spoken of was within the limits or boundaries of North America; and the question is raised as to whether we have the right to go outside of the boundary lines of the continent and acquire in any way territory that is not, to use a phrase that comes down to us from the forefathers, "contiguous territory." There is nothing in the Constitution that prevents us from annexing the Sandwich Islands, or in fact annexing any other territory that may seem to be of advantage to us. It is a matter alone of policy, and, I think, in some degree, a matter of sentiment.

As to the Hawaiian Islands, the question of remoteness does not lie against them except in a relative way. These islands are nearer to the United States than to any other great power. It is apparent that they can not longer remain as an independent country; and the question forces itself upon us at this time as to whether these islands, being nearer to us than to any other great power, shall be taken by us and governed and controlled by the laws and institutions of the United States, and by our people, or whether they shall pass under the dominion of Japan, or of England, or of some other country that will hold them as a part of its realm.

We had a treaty entered into with the existing Government of Hawaii in 1896 by which this group of islands was offered to us by the controlling power in the Government of Hawaii, and a treaty was formulated during the Administration of President Harrison

by which these islands were to be annexed to the United States and to become a part of this country. In transmitting this treaty to the Senate for confirmation, President Harrison, speaking of the then disturbed condition of things in the islands, among other things said:

The influence and interest of the United States in the islands must be increased and not diminished. Only two courses are now open—one, the establishment of a protectorate by the United States, and the other, annexation full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interests of the United States. These interests are not wholly selfish. It is essential that none of the great powers shall secure these islands. Such a possession would not consist with our safety and with the peace of the world.

President Harrison, as it would seem, had very seriously considered the situation of these islands and the relations existing between them and the United States. He had in view, no doubt, their intrinsic value, but no doubt to a much greater degree their strategic importance. His great Secretary of State, Mr. Blaine, dealt with this question also, and in correspondence with our minister at Honolulu, in a dispatch dated December, 1891, he made use of the following emphatic language upon the subject of our relations with the Hawaiian Islands:

This Government firmly believes that the position of the Hawaiian Islands, as the key to the dominion of the American Pacific, demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government. And if, through any cause, the maintenance of such a position of benevolent neutrality should be found by Hawaii to be impracticable, this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented.

In a further dispatch he said:

The Government of the United States * * * has always avowed and now repeats that under no circumstances will it permit the transfer of the territory or sovereignty of these islands to any of the great European powers. It is needless to restate the reasons upon which that determination rests. It is too obvious for argument that the possession of these islands by a great maritime power would not only be a dangerous diminution of the just and necessary influence of the United States in the waters of the Pacific, but in the case of international difficulty it would be a positive threat to interests too large and important to be lightly risked.

There is little doubt that were the Hawaiian Islands, by annexation or district protection, a part of the territory of the Union, their fertile resources for the growth of rice and sugar would not only be controlled by American capital, but so profitable a field of labor would attract intelligent workers thither from the United States.

Throughout the continent, north and south, wherever a foothold is found for American enterprise, it is quickly occupied, and this spirit of adventure, which seeks its outlet in the mines of South America and the railroads of Mexico, would not be slow to avail itself of openings for assured and profitable enterprise even in midocean.

And we have had, Mr. Speaker, very few men who studied more the broad relations that this country has to the countries lying contiguous to us than Secretary Blaine. And I commend the opinions of this broad-minded statesman and enthusiastic American to gentlemen on the other side who are here doubting the propriety of annexing these islands and who see nothing but disaster to follow from territorial expansion.

Though our flag was run up at Honolulu during the Administration of President Harrison, and the people of these islands were asking admission to our Union and asking for protection and looking to us for safety, after the Administration of Mr. Cleveland came in, he sent a former member of the House of Representatives to Honolulu to consider what no other President of the United States had ever considered and I trust no President ever will consider again—the propriety of taking down the American flag where it had been raised by loyal hands; and after consideration, in defiance of the protests of the minister of this country and upon the advice of his special emissary, the flag was hauled down, the protection of the United States withdrawn from the country, and so it has remained to this day.

After President McKinley had been inaugurated and entered upon the duties of his office, another treaty of annexation was negotiated with the Hawaiian Government. And in transmitting this treaty President McKinley spoke at length as to the policy of incorporating the Hawaiian Islands into the body politic of the nation, and of the great necessity there was of excluding other great powers from making a permanent lodging in these islands. I quote from his message transmitting the treaty as follows:

Not only is the union of the Hawaiian territory to the United States no new scheme, but it is the inevitable consequence of the relation steadfastly maintained with that mid-Pacific domain for three-quarters of a century. Its accomplishment, despite successive denials and postponements, has been merely a question of time. While its failure in 1893 may not be a cause of congratulation, it is certainly a proof of the disinterestedness of the United States, the delay of four years having abundantly sufficed to establish the right and the ability of the Republic of Hawaii to enter, as a sovereign contractant, upon a conventional union with the United States, as thus realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian Governments through some twenty years of their virtual dependence upon the benevolent protection of the United States. Under such circumstances annexation is not a change. It is a consummation.

Secretary Sherman, in his report accompanying the annexation treaty of 1897, and in summing up upon this subject, said:

There remained, therefore, the annexation of the islands and their complete absorption into the political system of the United States as the only solution satisfying all the given conditions and promising permanency and

mutual benefit. The present treaty has been framed on that basis, thus substantially reverting to the original proposal of 1893, and necessarily adopting many of the features of that arrangement. As to most of these the negotiators have been constrained and limited by the constitutional powers of the Government of the United States.

I give these extracts, Mr. Speaker, as showing the opinion of some of the leading minds of the country who have given thought to this subject in a general way, covering, as they did, no doubt, the intrinsic value of these islands, their commercial value, as well as their great strategic importance.

The trade of these islands with the United States during the last fiscal year amounted to \$18,000,000, and this amounted to more than 75 per cent of the entire trade of the islands.

But these islands are capable of very great development in the future; and if they are once touched by the quickening hand of American thrift and industry, they will, no doubt, quadruple their trade relations with this country. The coffee plant that flourishes in these islands is capable of very great development, and of a very great development with very little capital. There are also other industries that will spring up in these islands that will make them valuable to us in the way of business.

It has been said, however, that the annexation of these islands would in some way greatly interfere with the beet-sugar development in this country; and we have a great business in this country, or, as our friends on the other side of the House term it, a great "trust," that has been appealing to the farmers of the United States especially to resist the annexation of the Hawaiian Islands because it would be detrimental to the beet-sugar industry.

Just one word as to "the milk" there is in that particular "cocoanut." There is a treaty with the Hawaiian Islands, procured very largely, no doubt, through the influence of the sugar refiners of the United States, by which raw sugars of a certain standard and quality are admitted free of duty into the United States. A very great portion of the products of these islands come into our country duty free because of this treaty and of the quality of the sugar.

These sugars go entirely to the great refiners that are organized into what is denominated a "trust," and they have grown immensely rich in the last few years. They refine the sugars and put them on the market in the United States. Now, mark, this great trust—or the sugar-refining interests—succeeded in getting into the tariff legislation known as the Wilson bill, as well as into the last tariff bill, a good round protective duty upon refined sugars. So that, as things exist to-day, the sugar trust is enabled to get the Hawaiian raw sugars free of duty, and at the same time sugar refiners in Germany or in Hawaii, if there be any there, are compelled to pay a tariff upon their refined product. And so the great "sugar trust" is very seriously concerned about the beet-sugar industry of the United States, and you can judge for yourselves, gentlemen of the House, as to whether this concern is to the interest of the farmer or of the gentlemen who refine the sugars.

But, further than this, these islands will never be a dangerous competitor to the beet-sugar industry for the reasons given in an article that I shall quote from by Secretary Wilson, of the Department of Agriculture, a gentleman who has given this subject more thought than any other man in the country, and a gentleman devoted to the interests of the farmers, and especially to the farmers of the West. I quote from an open letter addressed to the Evening Star, of this city, of January 19 last, in which he speaks of the competition of Hawaiian sugar with the beet-sugar product of the United States. He said, among other things:

These considerations led me to conclude that the system of agriculture pursued in Hawaii, which is certainly reducing the fertility of the soil, can not compete with a system of farm management in the United States, where the fertility of the soil is not at all reduced. We consume in the United States about 2,000,000 tons of sugar. Something like a million acres devoted to this purpose would produce all the sugar we import into our country at the present time, or 10 acres grown on each one of 100,000 farms, in rotation with other crops, would meet home demands and do no injury to the soils.

The American farmer will use this crop to diversify his farm system. The Hawaiian sugar grower is a one-crop man, and wherever one crop is perpetually grown, be it wheat or maize, beets or cane, cotton or tobacco, the available plant food in the soil is certain to be reduced below the point of profitable production and fertilizers are required.

And also, in speaking of the possibilities of the climate of these islands, said:

Hawaii, then, will not seriously compete with sugar producers in the States. When the people of those islands come to consider, with scientific assistance, the possibilities of coffee production that can be extended over much of the limited sugar belt, it will be found that in that industry they have a monopoly with which no State in the Union can interfere. It is a singular fact that no scientific improvement of the coffee tree with regard to the excellence of the berry and increased yield of the tree through intelligent selections has ever been made. The climate of these islands is admirably adapted to the production of many fine fruits that can not be grown in any of our States. They can grow many choice subtropical and tropical fruits that have never been scientifically developed, the improvement of which would lead to very profitable production. In these directions the farmers of the States could not compete with Hawaii.

These islands are, no doubt, far more valuable in a commercial way than they seem to be at the present time. There are, no

doubt, many undeveloped riches in the Hawaiian Islands that will be developed in the future.

Gentlemen on the other side of the House who are never interested in the labor of this country when they come to consider questions relating to the protection of labor by levying duties upon imported goods or who have very little interest in protecting labor against the foreign immigration that is thrown upon our shores from year to year, when they come to consider this question are alarmed because 100,000 inhabitants of the Hawaiian Islands will in some way be brought in conflict with American labor.

I do not suppose that any of the inhabitants of Hawaii will migrate to this country, certainly not the laborers of these islands. They will not compete with the farmers in raising grain, because they do not raise grain. They will not compete with the men who make iron and steel and glass, and who are engaged in the great manufacturing industries of the country, because these people themselves are not manufacturers, and they are not workmen in such fields of labor. They will, no doubt, continue to raise sugar, and in the future more than in the past, no doubt, will grow the coffee plant, and in some ways add to the riches and wealth of the country; but they can never come in competition with the labor of the United States that needs protection, and that we on this side of the House have been endeavoring to protect from time to time against foreign competition.

Now, Mr. Speaker, I come to the question that is of more vital importance, in my opinion, than the intrinsic value of these islands themselves, or than the mere trade relations we will ever have with the people of Hawaii. I refer now to the great strategic importance of these islands in time of war. It must be apparent to everyone who will stop for a moment to consider present conditions in the Pacific that the possession of these islands at this time by a hostile power, or even by a power that was strictly neutral, would be a very great disadvantage to us. The Government of Hawaii is not neutral in the contest that is now going on between Spain and the United States, but they are our friends.

They permit our ships to enter the harbor of Honolulu without question, and to remain there as long as they please. We took thousands of tons of coal and deposited it there for the use of our ships of war, and the fleet of vessels that left the Pacific coast a few days ago stopped at Honolulu and replenished their coal bunkers, and went on their way to the relief of Dewey at Manila. If these islands were in the possession of a hostile power, or even a neutral power, we would be compelled to make the entire distance of more than 7,000 miles from San Francisco to Manila Bay without the opportunity of re-coaling our vessels. In the olden times, when the winds blew our ships around the world and across the seas, a friendly harbor for our vessels of war was not of the great and essential importance that it is now.

We rush our ships across the oceans by steam, and it is necessary to have coaling stations wherever we desire to operate with our Navy. The Spaniards who are now beleaguered in the harbor of Santiago no doubt sought that harbor for the reason that their coal bunkers were empty, or nearly so. The Spaniard left his own country and came across the ocean to protect his possessions in Cuba and Puerto Rico. He finds himself without the means of further propelling his men-of-war, and is at a very great disadvantage. What would have become of Dewey and his fleet after they were ordered out of a neutral port had they not been able by a wonderful stroke of courage, as well as fortune, to find a harbor of the enemy into which they could enter and remain as long as they chose?

But upon this question we have the opinions of the great soldiers and sailors of the country as to the great strategic importance of the Hawaiian Islands. I read a short extract from the opinion of one of the leading soldiers of the country upon this point—General Schofield:

From the time, twenty-five years ago, when I made a personal examination for the purpose of ascertaining the value of those islands to this country for military and naval purposes, I have always regarded ultimate annexation of the islands to this country as a public necessity. But the time when this should be accomplished had to depend on natural, political development. In the meantime our national interests should be secured by the exclusive right to occupy, improve, and fortify Pearl River Harbor, so as to insure our possession of that harbor in time of war.

To illustrate my views on this subject, I have likened that harbor to a commanding position in front of a defensive line which an army in the field is compelled to occupy. The army must occupy that advanced position and hold it, at whatever cost, or else the enemy will occupy it with his artillery and thus dominate the main line. If we do not occupy and fortify Pearl River Harbor, our enemy will occupy it as a base from which to conduct operations against our Pacific coast and the Isthmian Canal, which must, of course, in due time be constructed and controlled by this country. The possession of such a base at a convenient distance from our Pacific coast would be a great temptation to an unfriendly nation to undertake hostile operations against us.

Also to the opinion of Chief Engineer Melville, of the Navy, as to the great strategic advantage of these islands:

To the westward the acquisition by Germany of a commanding position on the Shan-Tung Promontory, and the rumored desire for Hai-Nan by

another Government, with the occupation since 1842 of Hongkong by the British point to the seemingly inevitable Europeanizing of the long littoral of China. Northward of that Empire Russia marches steadily on, pushing her Siberian railway to completion, extending her already vast resources and strength at Vladivostok, wintering her fleet at Port Arthur, and apparently entering into the affairs, domestic and foreign, of the Korean Peninsula.

In place, then, of facing China, peaceful, and in war inert, with no force to dispatch far afield by sea or land, and Japan, eager, brilliant, but yet young and weak, there will presently confront the United States on its western as well as its eastern shore the powers of Europe, with their relatively large fleets and home reserves established, not only in the far East, but in many of the nearer Pacific islands, the acquisition of which in these later years has been not a "blind grab for territory," but in pursuit of definite strategic aims. To these forces on the west there must be added also that of the New Japan, whose navy will soon surpass our own in fighting power.

I desire to refer those who object to the annexation of these islands for the reason that we will require a greater navy in the Pacific after acquiring these islands than before, to the opinion, or rather to the testimony, of Captain Mahan on this subject, given before the Committee on Foreign Affairs:

In replying to the second question, I must guard myself from being understood to think our present Pacific fleet great enough for probable contingencies. With this reservation a greater navy would not be needed for the defense of the Pacific coast than would be required with the islands unannexed. If we have the islands, and in the Pacific a fleet of proper force, the presence of the latter, or of an adequate detachment from it, at the Hawaiian Islands will materially weaken, if not wholly cripple, any attempted invasion of the Pacific coast (except from British Columbia), and consequently will proportionately strengthen us. With a fleet of the same size and Hawaii unoccupied by either party, the enemy would at least be in a better position to attack us, while if he succeeded in establishing himself in any of our coast anchorages he would be far better off. For in the latter case the islands would not menace his communications with home, which they would if in our possession, because Hawaii flanks the communications.

It is obvious also that if we do not hold the islands ourselves we can not expect the neutrals in the war to prevent the other belligerents from occupying them; nor can the inhabitants themselves prevent such occupation. The commercial value is not great enough to provoke neutral intervention. In short, in war we should need a larger navy to defend the Pacific coast, because we should have not only to defend our own coast, but to prevent, by naval force, an enemy from occupying the islands; whereas if we preoccupied them, fortifications could preserve them to us.

Whilst I said, Mr. Speaker, that these islands are of great importance in time of war, yet I do not by any means concede that this is simply a war measure. I believe that we should have these islands without reference to the present war with Spain. I know that there has been a change, and a very great one, in the sentiment of our people upon this subject since the breaking out of the Spanish war. But men who looked at the broad questions that are now concerning us as a great people, men like President Harrison, President McKinley, Secretary Blaine, and many others, regarded these islands as of very great importance to us before the outbreak of the Spanish war.

It is said, Mr. Speaker, that the way to insure peace is to prepare for war. I am not sure but that there is great truth in this saying. To-day the great powers of Europe are armed as they never were before, armed specially on the seas, and they are confronting one another now in the far East with mighty battleships, with shotted guns, and all that goes to make up and to show the great and mighty strength of these powers. China, that pursued its own way in the world, and built its walls, put up its gates, and thought to have nothing to do with the outside world, finds itself prostrate now. The great powers of Europe are shaking down its gates and despoiling China of its territory. Who are these powers that are to-day despoiling China? They, every one of them, are Christian nations; all fly the banner of the Prince of Peace; and yet the great and powerful nations of the earth are depending to-day upon the weight of their artillery and upon the power and swiftness of their mighty ships of war.

Now, as to the United States. What are we to do in the great future that is opening up to the world? Men may sit down and write homilies of the good old days of the past and talk about entangling alliances with the powers of Europe and deprecate the spirit of jingoism that is abroad in the world, yet we must either move along with the procession or we will find ourselves some day, perhaps, in the position that China finds herself at the present time. No matter what homilies politicians may write, no matter how much we may talk about the good old days of our fathers and about our isolation and about our great growth in the century that is just passing away, yet the truth remains that the people of the United States are moving forward with strides more rapid than ever before at any time in our history.

The past century has prepared us for being one of the very great powers of the world. I believe, and believe it from evidence that I think ought to be apparent to everyone, that we will be the leading power of the world within the next quarter of a century and that the time is coming when we will have no peer among the nations of the world. For a hundred years the American people were engaged in subduing the wilderness, driving out the savage, and that, together with the experience of our great civil war—the greatest war of modern times—made us the most alert nation of people that the world has ever known. We are no longer content with the pastoral conditions of our fathers. We have ceased to be a country or a people producing simply grain and cotton and

other raw materials, but we are to-day almost, if not quite, in the van of the great manufacturing nations of the world.

Our people are acute and alert. They are pushing forward into every line of trade or business. We have crossed the continent, and our people are straining their eyes from the Golden Gate into the Pacific. There they intend to and will carry their trade. There their manufactures will go. We will meet Russia at Port Arthur. We will get much of the trade that will go into that great country through the trans-Siberian railroad. Russia has just sent an order to the United States for fifty locomotives for the use of that railroad. She is having built on the Pacific coast two war ships that are to duplicate the *Oregon*. We will, no doubt, be brought into close trade relations not only with Russia, but with all the countries that are now seeking trade around the Orient. I do not say this in a spirit of boasting, but I believe that the United States, especially in the manufacture of machinery, and especially of all things that tend to aid and save labor, is now and will in the future be the leader among all the countries of the world.

Political parties can not prevent this. It may be a question, and is a question now, as to what the future has in store for us. We may be going in a direction that will prove to be one that will bring great anxiety to us in the future; but I believe that we will in the outcome win for the trade and business of the United States a place that we have never had heretofore. I should like to see a political convention or a political party attempt to stem the present current of events in this country. I do not believe that it can be done. I believe that we will not only annex Hawaii but that we will retain in the Philippine Islands; if not the entire group, that we will maintain a supremacy and a power there that will give us a harbor and will enable us to protect with our fleet our commerce in the far East.

The trade balances in our favor this fiscal year are surprising. We are selling more abroad and buying less from other countries than at any other time in our history compared with the general business one way and the other. We will sell within the present fiscal year twelve hundred millions of dollars of the products of our labor and of our skill, while we are buying from abroad but six hundred millions. And we are not only selling abroad our grain, our petroleum, and what may be regarded as raw material, but we are selling abroad the work of our shops and of our mills. We are placing ourselves in trade relations with other countries, not alone through our breadstuffs and our cotton and the like, but through our manufactures.

And so I say, Mr. Speaker, that the destiny of this country is toward further evolution and greater development. I believe the hand that is raised to stay this evolution and to stay this development will be an idle hand indeed. As I remarked some time back, this movement of the people in trade and business, and in the direction that tends toward territorial aggrandizement and territorial expansion, is not born of political parties. It did not come as the declaration of platforms. Indeed, the people of the United States in their business affairs, in their business methods, in the development of the country, in the evolution of our people from a mere pastoral people to one engaged in skilled labor and skilled industry, has not been developed to a very great extent through political parties; but it has been a development that came naturally from the alert, keen business sense of the American people.

The very management of our ships of war, the keen-sighted officers and sailors on our fleets, are far more than a match for the dull-brained Spaniard, although he is equal in courage, perhaps, to the American or to any other people on the face of the earth. We are still a growing people; we are still developing, and we will continue to develop until we have reached the very highest point to which a people can go.

I believe that our institutions are more capable of standing the strain of great enterprises and of wonderful developments than any nation that has preceded us. We will always carry with us wherever we go the liberty of the Declaration of Independence, the principles of the Constitution, the liberty that is lawful, that is not licensed merely, but that is founded solely and entirely upon the free and expressed will of the majority of the people.

No such nation and no such country has ever been tried before with any of the problems that confront us now. And so, Mr. Speaker, I do not see ahead of us the storms and the trouble that are predicted from a policy of territorial expansion. Whilst I speak only for myself, I have no fears of territorial expansion. I have no fear that any harm will come to this country from the annexation of Hawaii, from the taking of Puerto Rico, from the annexation of Cuba in due time, and from maintaining our flag at Manila. These questions, however, are questions of the future that I have no doubt will be dealt with in the same spirit—the same broad-minded spirit that has characterized our country in the past.

Mr. HITT. Mr. Speaker, I now yield fifteen minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, after thirty years of peace at

home and abroad we are to-day in the midst of war's alarm; the drumbeat and the bugle call once more resound throughout the land; gathering hosts are hurrying to the front; Old Glory waves over American soldiers marching in battle array; on our ships of war, more deadly than ever before, the crews stand ready for action; a naval victory, unique in the history of warfare, has placed the name of Dewey with those of Farragut, Decatur, and Nelson, and those of Bagley and Hobson fill the world with admiration.

Another brilliant page is about to be added to the history of American triumph by land and sea over a hostile foe. Our arms are turned no longer against American soldiers and brethren in other States of the Union. The struggle is not maintained, as in the civil war, against the perpetuity of the American Government and the preservation of free institutions. We stand a united people in a united cause for a united purpose, to extend the privileges of liberty to an oppressed people from the cruelty of a country which has for hundreds of years been a disgrace to the civilization of the world, and to avenge an act of barbarism of which no other nation on earth would have been guilty save Spain.

Side by side are the companies and regiments and brigades from the North and South. Northern soldiers will march under WHEELER and Lee, and Southern troops will fight with Miles and Merritt. On the quarter-deck and in the gun rooms of our cruisers and battle ships will stand the men whose homes are on the Gulf with the men whose homes are on the Lakes. We have become a homogeneous people with one aim, one aspiration—the honor and glory of a common country.

Thirty-five years ago the melodies of Dixie went up from one side of the armed fortifications, while the music of the Star Spangled Banner floated upward from the other. To-day the strains of both are heard in every camp and float across the water from every seacoast city on the oceans and the Gulf. In the armies which will ere long be marching through the Cuban Island will be found the children of Southern slaves, the children of their masters and of those who set them free, guided by a common purpose, with a common motto, "Cuba libre."

LESSONS TO BE DRAWN FROM PRESENT WAR.

From such a war we can not, if we are wise, but draw lessons for our future conduct as a nation. We have slept for thirty years contented with our internal resources, strong in our material growth and development, self-confident to meet any struggle in which we should be called to engage. We have reasoned that our isolation from the great powers of the other hemisphere would continue to be our protection and our strength. We have forgotten the mighty progress which has been made in bringing more closely together the remotest corners of the earth.

With no occasion to demand them, we have failed to keep abreast of the progress of the rest of the world in offensive and defensive preparations for war. While the first little monitor, the product of American invention and genius, has revolutionized naval warfare, we have allowed ourselves to fall behind in our naval equipment until we have ceased to rank among the leaders in the matter of naval strength, and even the antagonism of a sixth-rate power has found us unprepared for immediate action and filled with solicitude for immediate results.

In the advancement of modern military science requiring months of preparation for the emplacement of modern batteries in our seacoast fortifications and years for the construction of naval vessels and their armament and the manufacture of high-power explosives, we can not afford, in time of peace, to neglect these great works until the call to war shall sound. When the *Maine* was blown up by the Spanish assassins not enough powder and shells were in the hands of the Ordnance Department to fight a single day's battle; not a fortification along the coast was in a condition to sustain the bombardment of a hostile fleet; not a sufficient force of troops, drilled and disciplined for active service, was at the disposal of the General Commanding the Armies for an invasion of Cuba. It has taken more than a hundred days of constant, unremitting, strenuous work to reach the point where we may feel that we are at last prepared for offensive movements. I believe that this lesson will not have to be again repeated to the American people.

In the history of England we read of one monarch, a Saxon king, who, surrounded by foreign foes, by procrastination failed to place his people in a proper condition to meet them, and his reign was a prolonged series of disasters. So conspicuous was this neglect that he has come down to us under the name of "Ethelred the Unready." We have within our own experience seen even modern nations guilty of a similar blunder. France was overrun by Germany, China defeated by Japan, because they had not in time of peace properly prepared for time of war. Pray God that never in our history shall we be found, in a contest with a foreign nation, so unworthy as to be called "The United States the Unready." We have been dangerously near it in the present instance.

True, it costs vast sums of money to provide and maintain a

naval armament and a coast defense which will put us on a fair footing of equality with the European powers; but the cost of hurried preparation, the expense of organizing and maintaining a great army called together for an emergency, is far in excess of the outlay which would be required to place ourselves in a state of preparation in times of peace such as would make unnecessary in most, if not all, cases a state of war.

NECESSITY OF COALING STATIONS.

Another lesson which comes home to us is the fact that it would not do for us as a nation to ignore the necessity of acquiring and maintaining in other parts of the world, even though remote from our shores, places of rest and supply for the vessels of our Navy. In the days of Nelson and Decatur, when the wind was the only motive power, cruises of months or years could be made by a naval fleet without the necessity of stopping at a port. But with the introduction of steam and the harnessing of the lightning to perform so many of the functions of a ship of war the usefulness of a fleet or vessel is limited by its capacity to carry its own supply of coal.

However magnificent and almost invulnerable a modern battle ship may seem to be, it becomes a helpless derelict upon the face of the waters when its bunkers are empty of coal and its supply station remote. Were the necessities of our naval service confined to our own immediate waters this would be perhaps a matter of little concern to us, for so long as our mines yield their stored-up treasures and our great railroad systems carry their black but precious loads to our seaboard, our ships of war could supply their needs under the protection of skillfully equipped and well-manned coast defenses. [Applause.]

REVIVAL OF MERCHANT MARINE.

But we should not forget that the hope is cherished that at no remote time in the future the great merchant marine of the United States shall again be rebuilt; that our commerce will be found on every ocean and in every inlet floating on American bottoms; that American citizens will be found either in the pursuit of business or pleasure in every city in every corner of the earth. It will be our duty to spread the protection of this glorious banner of freedom over every American, however humble; over every American vessel, however remote.

To do this will require an American Navy to enforce our just demands and command the respect of even the most powerful nation. We shall build more ships, we shall train more men for this service, we shall make our coasts invulnerable, and we shall rank among the most powerful instead of among the weakest in our military and naval strength. Not for aggression, except in the cause of right; not for oppression or territorial aggrandizement, but for the enforcement of justice to our own people and protection of liberty and free government to the countries of this Western Hemisphere. With this necessity for the promotion of our naval welfare are intimately associated two great subjects which have demanded the attention of the American nation and which the present war will no doubt bring to a fitting conclusion—the annexation of Hawaii and the construction of the Nicaraguan Canal.

NICARAGUAN CANAL.

Their necessity has come home to us as it never could had it not been for the experience of the last three months. The run of our magnificent battle ship, the *Oregon*, through 13,000 miles of water, amidst not only the perils of the sea, but of the danger of attack by a hostile fleet, is a wonderful one in the history of naval warfare. But how many sighs have gone up, how many apprehensions have been felt for her safety and that of her men, which might have been spared had the shorter route through the Nicaraguan Canal been given her. We are sending relief to the gallant Dewey, adequate, I hope, even should a Spanish fleet be sent to the Philippines to recover those islands.

With the great canal across the isthmus it would be at least an even race and a fair chance for our Atlantic fleet to succor Dewey and his gallant men. We need it for the proper defense of our western coast. We need it for the purpose of obviating the necessity of maintaining at a great expense a double line of naval vessels when with it one alone would be sufficient. We need it to save the delay in sending our vessels from one coast to the other when the loss of a day might mean the destruction of lives and property more precious and valuable than any outlay we may make in its construction. We need it, too, in times of peace as well as in times of war. The great western coast of South America should be the market for the manufactures of the East and the agricultural productions of the South and the great Mississippi Valley.

We need it for the opening trade with the countries of eastern Asia, one day destined to eclipse all the other commerce of the world. We need it in times of war for our defense and in times of peace for our commerce. Before the dawn of the twentieth century I hope and I believe that it will be under way to its completion.

But important as this great enterprise is, we are confronted

with the necessity of prompt action upon another far more important from every standpoint and more urgent upon our demands for attention. That subject is the one now under discussion in this House—the annexation of the Hawaiian Islands.

CONSENSUS OF OPINION OF PUBLIC MEN.

I can hope to add nothing new to the discussion that has occupied the attention and best minds of the country for the last fifty years. The messages of our Presidents; the state papers of our Cabinet officers, our ministers, and our consuls; the professional opinions of our best military and naval experts; the careful study and expression of judgment of leading statesmen of both Houses of Congress, and the editorial utterances of the great press of the country, over the faithful reflector as well as the mold of the sentiments of the people at large, have united in one general, grand consensus of belief that it is a national duty which we owe to ourselves to annex these islands.

While it is true perhaps that there is a certain amount of sentimentality connected with this belief, arising from the fact that the progress of these islands from a state of paganism to the highest plane of Christian civilization has been due to the efforts of American missionaries; that the development of her magnificent natural resources and the upbuilding of her commerce have been the result of American immigration; that the overthrow of a corrupt and dissolute monarchy and the establishment of a constitutional republican government, modeled largely from the pattern of our own, have been wrought by American sympathizers, there is added to this a practical phase of the question which appeals not only to our self-interest but to considerations of the highest importance affecting our future welfare and protection.

Divorcing, therefore, from our consideration of this subject all questions of mere sentiment, ignoring the fact that American interests dominate and control its affairs, shutting our eyes even to the sympathy which has heretofore existed between the two countries, and which has made the Government of Hawaii during the present war assume the onerous duties and liabilities of an ally to this country instead of confining herself to the safe bounds of a neutral position, let us look at the question from the hard, practical, selfish, if you will, standpoint of the benefits which will accrue to the United States from this annexation when completed.

Naturally a question of this kind divides itself into a consideration of the positive arguments in favor of the plan and an answer to the objections which are urged against it, but these are so inseparably connected that I shall not attempt to enumerate them as distinct from each other, for the answer to each objection that is raised forms of itself a link in the chain of the argument in behalf of annexation.

STRATEGIC IMPORTANCE.

The first argument in favor of the annexation of these islands is based upon their strategic value for the defense of our Pacific coast growing out of their unique and isolated position in the midst of the great Pacific Ocean and the limitations upon the effectiveness of the modern vessels of war by reason of the absolute necessity of either carrying immense supplies of fuel or of having coaling stations at convenient intervals.

Mahan, in his article in the Forum of March, 1898, says:

The military or strategic value of a naval position depends upon its situation, upon its strength, and upon its resources. Of the three, the first is of most consequence, because it results from the nature of things, whereas the two latter, when deficient, can be artificially supplied in whole or in part. Fortifications remedy the weakness of a position, foresight accumulates beforehand the resources which nature does not yield on the spot; but it is not within the power of man to change the geographical situation of a point which lies outside the limit of strategic effect.

Let us examine from this standpoint the unique position of these islands. They stand at the center of a circle within a few hundred miles of whose circumference may be found the most important points on the western coast of the United States, the southern shores of Alaska and the Aleutian Islands, the eastern coast of Japan and the Polynesian Archipelago. Within easy steaming distance of the coaling stations of European powers in these eastern waters, no other nation on earth would hesitate to acquire possession of them were the opportunity given as it is to the United States. The following table will show their distance from these most important points:

Hawaii to—	Miles.
San Francisco.....	2,080
Nicaragua Canal.....	4,210
Tahiti.....	2,389
Papeete, Samoa.....	2,263
Auckland, New Zealand.....	3,850
Fiji.....	2,736
Marshall Islands.....	2,098
Caroline Islands.....	2,002
Hongkong.....	4,917
Yokohama, Japan.....	3,309
Unalaska, Aleutian Islands.....	2,016
Sitka.....	3,395
Vancouver.....	2,305

The location of these islands with respect to the nearest coaling stations of other nations is very concisely but comprehensively stated in the remarks of Mr. Draper, of Massachusetts, in this House in February, 1894, from which I make the following quotation:

Until 1896 Hawaii was nearer to the territory of the United States than to that of any other power, the distance to San Francisco being but 2,100 miles, while the British fortified port of Victoria, with its neighboring dockyard of Esquimalt and coal mines of Nanaimo, was 2,380 miles distant. The next nearest British port was Leontika, in Fiji group, 2,700 miles distant in an opposite direction.

French territory was 2,380 miles distant at Tahiti; Germany held the Admiralty Islands, distant 3,400 miles; and Spain the Caroline Islands, 2,900 miles distant, and the Ladroneas, about 2,900 miles distant.

Since that time Germany has moved up to a distance of 2,006 miles by annexing the Marshall Islands and placing herself in a flanking position on both the South Pacific and trans-Pacific trade routes.

France, by the acquisition of the Low Archipelago and the Marquesas Islands, is 2,050 miles distant from Hawaii, on the South Pacific route. Great Britain has advanced from Fiji toward the intersecting point on clearly defined lines, annexing group after group and detached islands when they were in the line of approach, even though uninhabited or without harbors or commercial value, until in 1891 her flag was planted on Johnston Island, 600 miles from Hawaii and the nearest point she can approach to her American territory, unless the next move be the occupation of Hawaii itself.

Hon. Lorin Thurston says:

In the Pacific Ocean from the Equator to Alaska, from the coasts of China and Japan to the American Continent, there is but one spot where a ton of coal, a pound of bread, or a gallon of water can be obtained by a passing vessel, and that spot is Hawaii.

In the necessities of modern naval warfare, the architect is confronted by the three serious problems of formidable armament, invulnerable armor, and coal-carrying capacity, and the nice adjustment of these three elements in such a way as to procure, at the same time, the greatest speed is the one problem which is engaging the attention of naval experts throughout the world. Any one of these three features abnormally developed at the expense of the others impairs the efficiency of the fighting machine.

A battle ship or cruiser with large storage capacity for coal can carry proportionately fewer guns of lighter caliber and with armament more liable to penetration by the modern projectile. So that while she might obtain the advantage of remaining long at sea without recoaling, she would at the same time be at a serious disadvantage in conflict with a vessel carrying heavier armor and throwing a greater weight of projectile to a greater distance. On the other hand, it matters not how impervious her armor or deadly her armament, if she can not carry within herself her means of locomotion, she becomes worthless except for purposes of coast defense.

"A modern battle ship without coal is like a caged lion—magnificent, but harmless."

So unanimous are modern strategists upon the importance of Hawaii as a strategic point that it has been aptly named and universally referred to as "the key of the Pacific." Its importance to the United States as a means of protection to our western coast has attracted the attention of this Government for many years. General Schofield, who visited the islands under the instructions of the Secretary of War in 1872, said:

The Hawaiian Islands constitute the only natural outpost to the defenses of the Pacific coast. In possession of a foreign naval power in time of war, as a depot from which to fit out hostile expeditions against this coast and our commerce on the Pacific Ocean, they would afford the means of incalculable injury to the United States. If the absolute neutrality of the islands could always be insured, that would suffice; but they have not and never could have the power to maintain their own neutrality, and now their necessities force them to seek alliance with some nation which can relieve their embarrassment. The British Empire stands ready to enter into such an alliance, and thus complete its chain of naval stations from Australia to British Columbia. We can not refuse the islands the little aid they need and at the same time deny their right to seek it elsewhere. The time has come when we must secure forever the desired control over these islands or let it pass into other hands. The financial interest to the United States involved in this treaty is very small, and if it were much greater it would still be insignificant when compared to the importance of such a military and naval station to the national security and welfare.

Quoting again from Captain Mahan:

Shut out from the Sandwich Islands as a coal base, an enemy is thrown back for supplies of fuel to distances of 3,500 or 4,000 miles—or between 7,000 and 8,000 going and coming—an impediment to sustained maritime operations well-nigh prohibitive. The coal mines of British Columbia constitute, of course, a qualification to this statement; but upon them, if need arose, we might at least hope to impose some trammels by action from the land side. It is rarely that so important a factor in the attack or defense of a coast line—a sea frontier—is concentrated in a single position, and the circumstance renders doubly imperative upon us to secure it if we righteously can.

Admiral Bellknap reinforces these opinions in the following language:

A glance at a chart of the Pacific will indicate to the most casual observer the great importance and inestimable value of these islands as a strategic point and commercial center. * * * Not to take the fruit within our grasp and annex the group now begging us to take it in would be folly indeed—a mistake of a gravest character, both for the statesmen of the day and for the men among us of high commercial aims and great enterprises.

OUR PRESENT NEED OF THE ISLANDS.

But we need not depend upon the theoretical considerations which evolve the opinions of these distinguished experts. We are having to-day a practical illustration of the absolute necessity of these islands to the United States in the conduct of the war we

are waging against Spain. Not a vessel that we are sending to Dewey's relief could reach him, not a battalion of the troops which are being carried on transports to complete the subjugation of Manila could be landed at that port, if we were deprived of the privilege of obtaining fresh supplies at this great halfway port in the long journey cross the broad expanse of the Pacific. It is not sufficient to say that when the war with Spain is ended there will be little occasion for offensive operations by American fleets and armies in the waters of eastern Asia.

Little did we imagine before the present war that we should find it necessary to carry offensive operations to so remote a point as the Philippines, and it will not do for us to blindly shut our eyes to the possibility of just such future contingencies again arising. We have learned the lesson that in a war with a foreign power we must be prepared for offensive as well as defensive action, and with every European nation stretching out for bases of supply from which their fleets may operate, and already forming a cordon of advanced posts drawing nearer year by year to our Pacific coast, we shall soon be hemmed in on the west as we are now upon the east and south. With Hawaii in our possession we shall be reasonably secure. Without it, and especially in the hands of an unfriendly nation, we have a menace continually threatening us.

I shall not comment upon the importance of these islands to us from a commercial standpoint, although their accession to our control would mean a vast increase in profitable commerce by the investment of American capital and a rapid growth of our merchant marine for handling the trade of these islands. These mere pecuniary and commercial considerations are so far overshadowed by their importance to us for offensive and defensive purposes that they may be left out of consideration.

SOME OBJECTIONS CONSIDERED.

And now let us see what are some of the objections to and arguments against the union that is proposed.

The first, and what would be the most serious one if it were tenable, is the claim that such action would be contrary to our own Constitution.

This claim of unconstitutionality proceeds upon the theory that because there is not a distinct grant of power to annex territory, or because the territory is not contiguous, or because the character of its people is not similar to those of the territory now occupied by the United States, we have not the power to act.

ANNEXATION OF TERRITORY ALREADY MADE.

Fortunately these questions are not new and have all been settled by the highest authorities known to our system of government. While it may be true that the Constitution does not, in so many words, refer to our right to annex additional territory, as a matter of fact we commenced such annexation in the very infancy of our Republic and have continued in that policy down to the present time. We have annexed by purchase, we have annexed by treaty, and we have annexed practically by conquest, or by treaty as a result of conquest. We purchased Louisiana in 1803; Florida in 1819; California, New Mexico, and Arizona, in 1849, came to us as a result of the Mexican war; we annexed Texas by joint resolution of Congress in 1844, and bought Alaska from Russia in 1867. We have occupied and practically annexed the Midway Island in the North Pacific, even farther from our coast than the Hawaiian Islands, and the right to make these annexations has been passed upon by the highest constitutional authority in existence, the Supreme Court of the United States.

CONSTITUTIONALITY OF ANNEXATION.

Chief Justice Marshall, in 1 Peters, 542, said:

The Constitution confers absolutely on the Government of the Union the power of making wars and making treaties. Consequently that Government possesses the power of acquiring territory, either by conquest or treaty.

And this doctrine has been even more recently reaffirmed by the same court in the following words:

The power to acquire territory is derived from the treaty-making power, and the power to declare and carry on war.

The incidents of these powers are those of national sovereignty, and belong to all independent governments.

So much, then, for the objection that because the Constitution does not contain a specific grant of power we have no authority; for we see that this power to annex is a necessary consequence of our existence as a sovereign and independent nation. These decisions would seem to be broad enough to cover equally the other two constitutional objections, even if they were strictly new questions. But here again we have precedents, upon which no questions have been raised, to establish our rights. The objection that Hawaii is not contiguous becomes of little importance when we recall that the greater portion of the magnificent domain of Alaska is more remote from the nearest point of the rest of our United States territory than is Hawaii and that we are separated from the former by the domain of a foreign government as well as by an equal stretch of ocean, and that the Midway Island and the Aleutian Islands are absolutely detached from contiguous territory. This objection, therefore, fails.

CHARACTER OF INHABITANTS.

That the inhabitants of Hawaii, or at least a majority of them, are of different race and civilization from those of the United States is undoubtedly true; but did not the same objection lie to the inhabitant of all the territory which we have annexed from the beginning? At the time of the Louisiana purchase the Indians far exceeded in number the white inhabitants, and the latter were largely made up of men alien to our civilization, laws, and customs. Alaska contained nothing but a few Indian tribes, Esquimos, and Russian traders. In comparison with these the population of Hawaii would be far more desirable, for they have had the benefit of Christian education and the enlightening influences of commercial intercourse with civilized nations.

The fear that we would not assimilate this population deserves but little consideration in the face of our experience with the immigration from foreign countries and the rapidity with which within one or two generations at the most they become homogeneous with our other citizens. Once in our possession, too, suitable restrictions can be thrown around the further settlement of these islands by the undesirable class of Asiatics who have within the last few years threatened to overwhelm with their numbers the white population.

All other objections to the annexation of these islands seem to be based rather upon the question of the wisdom of the policy than upon the power to annex. One of the most frequently urged objections on this score is that its remoteness from the continental portion of the United States would render it an object of special attack by hostile nations and would entail upon us the necessity of keeping up a much greater navy and of entailing much heavier expenditures in order to protect it in time of war. Neither of these positions is, in the judgment of those best qualified to speak, tenable.

WILL SAVE EXPENSE OF KEEPING UP LARGE NAVY IN THE PACIFIC.

With Pearl Harbor, the only inlet upon any of the islands capable of receiving and protecting a fleet of large war vessels, well defended, and Honolulu, a few miles distant, properly fortified by American soldiers drawn from the Hawaiian residents, a mere handful of men and one or two battle ships or monitors could protect the island against any hostile fleet that might be sent against it. An attack, if made and unsuccessful, would almost necessarily mean the loss of the attacking fleet, for no vessels that could be sent from any other coal-supply station could run to Hawaii, remain any considerable time to make an attack, and then return to the station which it had left. Its coal bunkers would, long before its arrival, be exhausted, and it would be helpless and defenseless against not only a hostile fleet but even the elements themselves.

As to the fear that it would require a greater Navy and entail greater expense to this Government, it would seem to be reasonable that if by maintaining two or three modern vessels of war at the Hawaiian Islands we can absolutely prevent the approach of hostile fleets from eastern Asia, it would be far less expensive than maintaining a large number of vessels at each of our unprotected points upon the Pacific coast. An ounce of prevention would, in this case, be far better than a pound of cure. Especially does this argument become convincing should the Nicaraguan Canal be constructed and controlled by the United States, for then our vessels in the Atlantic fleet could reinforce our squadron in the Pacific before the vessels of a hostile power could reach Hawaii from any except the nearest outlying station.

It is the opinion of those best qualified to judge that its annexation will obviate the necessity for large expenditures rather than cause them. We have to take care of Hawaii in the sense of not allowing any other nation to occupy it. This doctrine we have affirmed and reaffirmed on many occasions, and it is now recognized and conceded by every nation on earth that we have that right. It is sufficiently within the sphere of the American influence to bring it strictly within the provisions of the Monroe doctrine, and on more than one occasion that doctrine has been invoked to prevent the occupation of those islands by other powers.

If, therefore, we have this responsibility cast upon us, and remembering that in carrying it out we may become involved at almost any time with another nation who finds it necessary to take military possession of them, how much wiser, easier, and less expensive it would be to us were we to exercise this control not as a mere protectorate over a little helpless nation, but as a part of our own independent and sovereign territory.

RIGHT OF HAWAIIAN GOVERNMENT TO ACT.

As to arguments which are raised against the project for reasons growing out of the fact that the governing element of the island constitutes but a mere minority of the entire population, that a large number of its people are denied the right of suffrage, and that any proposition to annex should be submitted to a vote of the entire people instead of the Government now in existence, it is sufficient to say that none of these things have been regarded as of any importance in other cases in which we have acquired

territory. With the exception of Texas, the consent of these people was neither asked nor received.

The negotiations were conducted with the sovereign authorities controlling the territory. Even in the case of Texas the people themselves did not pass upon the question directly. It is sufficient for us to know, therefore, that there is a stable Government in these islands, which, acting under constitutional provision specifically set forth, has the right to propose and consummate this annexation. This Government has been recognized by every civilized nation not only as *de facto* but *de jure*. It has all the powers of sovereignty, including that of joining the island by cession to a foreign power. This has been universally recognized as a result of conquest and as preliminary to the sale or cession of territory by peaceful means. We are not hampered, therefore, by any question of the power of the Government with which we will deal.

SUMMARY.

The whole situation, therefore, seems to resolve itself into this: There is no constitutional prohibition, but, on the contrary, ample power; as to the policy which should control the Government, there is no division of sentiment among those who have considered it from the standpoint of strategic necessity; as to its value for commercial purposes, the whole course of our official action, including the negotiation of treaties of commerce and reciprocity, bears evidence. We would need it at the present time as a military necessity, but even in times of peace we shall need it as a resting place for the fleet we shall have to keep in eastern waters and the relief and assistance which our peaceful commerce will need in its long passage across the Pacific.

It comes to us without war, without bloodshed, without a foreign complication, a voluntary donation of its own Government, its own freewill offering. It is asked for by the Administration as a necessity, and I am ready to grant the request.

For my part, I do not fear that we shall depart from the traditional policy of our country of noninterference in the affairs of foreign nations, but I do believe that the surest safeguard against the interference of foreign governments in our affairs will be the enlargement of our naval armament, the procurement of stations scattered at suitable intervals as harbors of refuge and supply, the building of the Nicaraguan Canal, the retention of Puerto Rico as a guard to its entrance, and the annexation of Hawaii as the "Key of the Pacific." [Applause.]

Mr. HITT. I yield to the gentleman from Pennsylvania [Mr. ERMENTROUT] such time as he may desire.

[Mr. ERMENTROUT addressed the House. See Appendix.]

Mr. DINSMORE. I yield thirty minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I am opposed to the annexation of the Hawaiian Islands to this country because, upon the whole, it appears to me that the project would bring more burdens than benefits. It probably would bring some benefits, for it is hard to conceive of a scheme so wild that has not some compensatory features. But, sir, in a matter of such grave importance as this, involving, as it does, a radical change of our historical policy, it ought not to receive our sanction unless it is clear, considering its future as well as its present effects, that there is a decided preponderance of advantage in it, and every doubt should be resolved against the proposition.

We should accept nothing by faith alone in a matter of such transcendent importance. It is claimed that the people of this country, almost as a unit, are in favor of the proposition. That assertion I deny; the masses of the people have given the subject very little thought, but almost every expression from the farmers and wage earners has been against it. It is true, there appears to be considerable sentiment in its favor, judging from public prints and utterances, but even that is largely sentiment, that has not ripened into conviction. It has been well said that one noisy man will make more noise than forty quiet ones; and that aphorism is peculiarly true of the situation respecting the question of annexation.

THE CONSTITUTIONAL ASPECT.

In the first place, the resolutions ought to be defeated because it is an attempt to accomplish by the legislative department of the Government that which the organic law clearly requires to be done by the Executive. Without entering upon an analysis of the Federal Constitution, I desire to advert to the fact that each department of the Government is and must be independent of the others, and it would be dangerous and revolutionary for one department to arrogate functions and powers vested by the Constitution in the others. Under the division of powers the President has absolutely no legislative authority except the qualified negative in the form of the veto. Every member of this House will admit not only that the President has constitutional authority to negotiate for the annexation of territory, subject to the approval of the Senate, but that his is the only proper agency to accomplish that end, because it involves the exercise of the treaty-making power exclusively vested in the President by the Constitution.

The question is purely an executive one, without a single legislative feature. There is no express authority in the Federal Constitution for the acquisition of territory, and in the early history of the Republic the existence of that authority was denied by many able statesmen. But the always convenient doctrine of inherent power was conceived, and now no one questions the authority of the people through their constitutional agencies to enlarge the public domain by the annexation of additional territory. But every lawyer must admit that negotiations for the annexation of outlying territory are executive in character, regardless of the form in which they are placed. The legislative formula, "*Be it resolved, etc.*," can not change a proposition essentially executive in its character to one of a legislative nature.

This body has no executive powers whatever, excepting such as are incident to its own organization and government. Negotiations for the annexation of the Hawaiian Islands were first entered upon by the President in the form of a treaty with those assuming to act for the islands, containing the same provisions as the pending resolutions; but the treaty required the assent of two-thirds of the Senators, and it became apparent that it could not command that assent, so it has been abandoned and this expedient invented to evade the limitations of the Constitution. The simplest treaty with a foreign country must be ratified by two-thirds of the Senators, but it is gravely claimed that a treaty of annexation affecting the destiny of the whole nation may be sanctioned by a bare majority of the Senators.

Any measure that fails to receive the sanction of the people, through their constitutional organism, ought to be defeated in an attempt to subvert the Constitution, whatever may be its merits. The preservation of the constitutional limitations and guaranties is of infinitely greater importance than the acquisition of new territory, however desirable. No end will justify means of such a revolutionary character. But it is claimed that a precedent exists for the proposed action in the acquisition of Texas. It is true that Texas was admitted into the Union by a joint resolution of Congress, after a treaty for its annexation had failed to be ratified by the Senate, but it was admitted as a State and not as a Territory.

Section 3, Article IV, of the Constitution, confers upon Congress the power to admit new States into the Union, and it was insisted that as Texas was to be admitted into the Union as a State and not annexed as a Territory it could be done by joint resolution. That doctrine was combated by the ablest lawyers and statesmen of the time, on the ground that the power to admit States into the Union embraced only States created out of territory already a part of the national domain. Congress took the other view, however, and Texas was admitted into the Union as a State by joint resolution, and the action was acquiesced in by the people. But never in the history of the country has territory been admitted as such by joint resolution or by Congressional action.

Florida, Louisiana, and Alaska were annexed by treaty, and California by conquest. The attempts to annex St. Thomas and the Dominican Republic were by treaty, and not by joint resolution. Upon the failure of the treaty to annex San Domingo President Grant suggested that it be done by Congressional action, but the power to so acquire it was quite generally denied. Senator Thurman, of Ohio, one of the ablest lawyers of the country, in discussing the question, said:

You can not by joint resolution annex San Domingo as a Territory; you must annex her as a State if you annex her by joint resolution. There is no clause in the Constitution that provides for the acquisition of territory by joint resolution, unless it be that Congress may admit new States into the Union. It was upon the argument that there was no limitation upon that power to admit new States into the Union; that it was not limited to territory belonging to the United States, but that territory belonging to a foreign power might be admitted into the Union as a State. It was upon that doctrine that the resolution in the case of Texas was passed. But no one has ever pretended that you could by joint resolution annex territory as a Territory without admitting it as a State.

The history of this country affords no precedent for the annexation of territory as such by joint resolution of Congress, and any such attempt is clearly repugnant to the Constitution.

The Federal Supreme Court has repeatedly affirmed the views of Chief Justice Marshall in the case of *Insurance Company v. Canter* (1 Peters, 542), that the constitutional methods of acquiring additional territory are by treaty and conquest. Will anyone contend that this body has any share in the treaty-making power? I assert, as a proposition of law, that the House of Representatives and the President possess no concurrent powers. If the pending proposition is legislative in its character the President had no authority to negotiate the treaty in the first place, and if it is executive this body has no constitutional authority over it whatever. It is altogether probable that if the resolutions shall pass both branches of Congress and receive Executive approval no one will ever question our title to the islands, but the habit of inventing subterfuge to evade the plain provisions of the Constitution is dangerous and destructive in its tendencies.

Suppose the President should disagree to the resolutions and should veto them and they should subsequently pass both branches of Congress by a two-thirds vote, notwithstanding the veto, would it be claimed that annexation so attempted would have any constitutional sanction? I apprehend not. The courts have no authority to review the exercise of political powers, and for this reason greater

caution should characterize the action of the Government, because of the danger of overriding established limitations by insidious encroachment.

CLIMATIC CONDITIONS.

I am opposed to the project because it will incorporate into our political system territory over 2,000 miles from our coast, under a blazing, tropical sun—territory that can contribute but little to the greatness of the Republic and will necessarily detract from the high standard of its citizenship. The dignity of labor is the glory of our civilization, and its standard can never be lowered without material injury to the general welfare. White labor never has gone into tropical countries and it never will go there. It is proposed to annex territory capable of supporting a million people, in which all labor must be performed by people of a very low order of civil and industrial life, and bring them into direct competition with the high-class, intelligent labor of the States.

That policy, sir, has been repeatedly repudiated by the people of this country at the polls. The protection of American labor from competition with the cheap labor of other countries has been a cardinal doctrine of the Republican party ever since its organization. The ingenuity of our statesmanship is now being taxed to invent methods of removing convict labor from competition with free labor, and yet it is asserted that it will not degrade the intelligent labor of America to put it into direct competition with ill-paid sea-island, Japanese, and Chinese workmen. That competition can not be avoided if annexation shall be accomplished. Unity of interest, sentiment, and destiny, so far as it can be attained, is highly necessary to the happiness of our people and the perpetuity of Republican institutions, and we are already so diversified that perplexing and dangerous political and economical problems confront us, demanding solution.

The difference in the degree of development in various parts of the country are so marked that ugly antagonisms exist and popular discontent is fomented. Measures adapted to one section are unsuited to the demands of another, and legislation, general in its scope, must be so compromised to secure something near equality of operation, that its efficiency is in a large degree impaired. These discordant elements constitute the gravest danger with which we have to contend, whether domestic or foreign. Gentlemen contend that laws may be made for the government of colonial acquisitions, adapted to the degree of civil development, and that we need not admit the inhabitants of the Hawaiian Islands into full political partnership with us until it is deemed expedient.

The principle that all citizens are equal before the law is the bed-rock of Republican institutions, and a policy that will discriminate between citizens is repugnant to the genius of free government. Equality is the soul of the Republic, and it is the beginning of the end when this great country can find excuses to make invidious distinctions between its own citizens. Besides this, there is no place in our political system for permanent colonial governments. The Constitution contemplates that every foot of territory within our dominion, outside of the District of Columbia, shall ultimately form part of a State with a citizenship equal to that of all the States. The Federal Supreme Court, in the famous Dred Scott decision, declared that—

There is no power given by the Constitution to the Federal Government to establish and maintain colonies bordering on the United States, nor at a distance, to be ruled and governed at its pleasure, nor to enlarge its territorial limits, except by the admission of new States: . . . The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the Departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority.

What becomes of the policy advanced by annexationists that the Government can permanently control the islands by a system fitted to their situation, capacity, and development? It is not the policy of the Government to admit any class of people into the political household that can not intelligently and helpfully participate in free government and profit by its privileges. I confess that I have some sentiment upon the question of citizenship. I love to look upon my fellow-citizen with the consciousness that, however humble his station in life, he is the equal before the law of the greatest in the land, and that from his loins may spring a posterity that will bless humanity and glorify republican institutions. A race that does not possess these splendid possibilities must lower the dignity of our citizenship.

The marvelous growth and uneven development of the country are largely responsible for present conditions, and many of our most troublesome questions will be removed by time. Our interests will be more equitably adjusted and grow into more harmonious relations with further development. The standard of life in all parts of the country must be measured according to a common scale, and we have now as great a diversification of climate, resource, and tendency as can be successfully trained together under one political organization. The Temperate Zone, by inexorable law, has always contained, and always will contain, the highest intelligence of the world and all that is most helpful in civilized life. The tropical climate stifles growth and impedes progress in the individual, and,

of course, in society, for the individual is the social unit. Our exigencies should be pressing indeed to justify the incorporation into our social system of territory which, from its unalterable conditions, can not keep pace with us in our march to a higher destiny.

The situation certainly does not justify that radical departure at this time, and I sincerely hope it never will. The islands are as widely separated from us socially and industrially as they are physically. There is not a single tendency or interest in common between us, and our destinies are unalterably divergent. The people of the islands are incapable of self-government, and always will be. No progressive republic can ever endure in the torrid zone. The infusion of that exotic into our national currents will tend to corrupt our whole system; it will be a festering sore in the body politic, to irritate and annoy for all time. A pressing necessity is recognized for the exclusion from our domain of immigrants whose influence upon our institutions would be deleterious, and yet it is proposed to introduce at one coup a whole race of people so stolid and unresponsive in their very natures that they can not be assimilated by our civilizing forces.

The suggestion that the Mongolians shall be excluded from the islands when they shall have passed under our control is no remedy, for the natives are equally objectionable, and no desirable people can become inured to that environment. The climate and soil preclude the hope of a high civilization, and if the islands should be stocked with the best Anglo-Saxon blood they would degenerate into a race of indolents in a few generations, under the influence of the enervating surroundings. He who declares to the contrary disputes an immutable law of individual development and goes into the face of all history and experience.

Do we want a country incapable of keeping step with us to the inspiring music of progress, a country that will operate as a check, a drawback, to our forward movement? Insular possessions so far away from the continent would add to the causes for international complications and embarrassments and become a luxuriant soil for the growth of political speculation and scandal.

THE COMMERCE OF THE ISLANDS.

Much has been said about the importance to us of the trade of the islands. Those who have given the matter careful consideration for years past must know that their trade has been an expensive luxury. It is unquestionably true that the islands produce staple articles of commerce similar to those produced by other tropical countries, but they do not contribute a single article to the world's trade the like of which can not be gotten elsewhere. The surroundings and habits of living of the inhabitants are such that they require comparatively few of the products of this country. Their trade naturally belongs to us to the extent that it is mutually beneficial, and their geographical situation guarantees us almost absolute control of it without annexation or treaty concessions.

It is not necessary to admit them to our political freinds in order to obtain that which we can have without. It would be dearly purchased, indeed, if we were compelled to do that. Their commerce was insignificant prior to the treaty with this country, in 1875, admitting their products into our ports free of duty. Their chief article of export is sugar, and the concessions extended by the treaty gave a powerful impulse to sugar growing on the islands. The attention of American investors had been attracted to the situation and private corporations were organized to control the sugar plantations. Substantially all the sugar plantations of the island are now in the hands of those corporations and over 75 per cent of the stock is owned by American investors.

It was the influence of those stockholders that procured the treaty. With the enormous advantage secured by the treaty over other sugar-producing countries, the corporate influences induced the Hawaiian Government to negotiate treaties with Japan, China, and other countries to enable the planters to import laborers under the contract system, that they might have cheap labor to cultivate the plantations. Thousands of Japanese and Chinese laborers were brought to the islands under those treaties, and they now constitute the chief industrial force of the country.

With the coolie system of labor and a rebate of duties by this country, the profits of the sugar barons were enormous. The planters have sold substantially the entire product to the sugar refiners' trust in this country, delivered at San Francisco, at a price one-fourth of a cent a pound below the current New York price. The rebate of duty did not cheapen sugar to the consumers in this country, but it was a clear bonus to the sugar planters' trust of Hawaii and the refiners' trust in America. Our trade with the islands last year amounted to \$18,377,000. We purchased from them \$13,687,000 of products, mostly sugar, and sold them goods to the amount of \$4,690,000. We paid them about \$9,000,000 more than we received from them, and in addition, the rebate of duties we gave them for the privilege of purchasing their sugar at the same rate we could have gotten it from other countries amounted to \$5,354,512.80.

What did the people of this country receive for this enormous concession? Not a farthing, outside of the sugar trust. We gave more in the way of rebate by over \$600,000 than our entire sales to them amounted to. In other words, we paid the people of those

islands full market price for their sugar, the same as if no rebate had been granted. We gave them \$4,890,000 of our products and \$600,000 in cash in addition! That is called a commercial reciprocity treaty! The reciprocity feature is a fiction. If the sugar planters and refiners had sufficient influence to bring about that treaty and the treaties between Hawaii and Japan and China respecting contract labor in 1875, if they had the two Governments by the throat then, why have they not power enough to accomplish political union between them in 1898?

IS THE SUGAR TRUST AGAINST ANNEXATION?

Why, Mr. Speaker, gentlemen tell us that the American sugar trust is opposing annexation, and therefore we ought to establish it. Questions of this magnitude ought to be settled by reason, and not by prejudice. It is not very complimentary to the statesmanship of this body to attempt to influence its action by considerations of that kind. But what is the truth respecting the attitude of the sugar trust toward the scheme? Agents of that institution are men of adroitness, and they know well enough that if they openly espoused a measure it would have to be exceptionally meritorious to muster votes enough to prevail. They fully appreciate the intensity of the prejudice against that organization, and if they desire a proposition to succeed they can not help it more than by ostensibly opposing it.

But where do the interests of that organization lie? For where its treasures are, there will its heart be also. The sugar refiners' trust receives directly about one-fourth of the bonus granted by the Government to the Hawaiian sugar, and it is known that officers of the trust are large stockholders in the sugar-producing corporations on the islands. The bonus has averaged over \$3,000,000 a year since the date of the treaty, and has aggregated the enormous sum of \$65,000,000. A sum more than sufficient to buy every foot of land in the islands taken from the pockets of the people of this country without any compensatory return! The treaty is liable to be abrogated at any time and this immense source of revenue cut off. It is the umbilical cord through which the sugar-growing barons and the refiners' trust have been absorbing nourishment, and they can not afford to have it severed.

Annexation would secure free markets in this country and all the benefits enjoyed under the treaty, and in addition it would secure stability of government on the islands. Without going into the ethical questions involved in the proposition to annex, it must be admitted that the existing government is not deeply rooted in the affections of the people and a revolt is liable to occur at any time. By annexation they would secure open markets and a stable government, two factors highly essential to the sugar interests. The commerce of the islands has been largely developed under the impetus of the treaty and depends for its maintenance upon the extension of the treaty or annexation. Our trade with any foreign country might be vastly increased by similar one-sided concessions, but we would soon grow poor under that kind of traffic.

But, Mr. Speaker, gentlemen assure us that annexation would put an end to the contract-labor system on the islands. Would it? Let us examine that question briefly. In the first place, if it did, the planters could afford to pay twice as high a rate of wages as they are paying under the present system, and then have an annual bonus over legitimate profits of \$2,000,000. But American labor never will cultivate the sugar plantations on those islands, and unless Mongolians and South Sea Islanders are employed they will go uncultivated. White labor will never contest with the half-civilized hordes of the Orient and the Pacific islands for industrial supremacy in that field, and natives and coolies must do the work. They are immune; it is their element; and the cheap-labor system can never be terminated without materially impairing production. The sugar barons and refiners know this, and they know that production will not be stopped.

This is foreshadowed in President McKinley's message submitting the annexation treaty to the Senate in these words:

What the conditions of such a union shall be, the political relation thereof to the United States, the character of the local administration, the quality and degree of the elective franchise of the inhabitants, the extension of the Federal laws to the territory, or the enactment of special laws to fit the peculiar condition thereof, the regulation, if need be, of the labor system therein, are all matters which the treaty has wisely relegated to Congress.

The labor system will be regulated to meet the peculiar conditions on the islands. That is, the coolie system will be permitted, because of the inability to procure other labor. The sugar barons know what that means. They know what regulation of the labor system and laws of the United States is required by the "peculiar condition." By annexation they would secure everything to be desired, and with their monopoly of the interest they would go on accumulating millions upon millions at the expense of the citizens of this country. I firmly believe that much of the annexation sentiment is inspired by the sugar barons on the islands and the sugar refiners of this country. I am convinced that if the treaty had to run for a quarter of a century yet the Hawaiian authorities would not have proposed annexation.

Last year there were 25,782 laborers employed on the sugar plantations, and only 1,617 of them were natives. There were 12,823 Japanese, 6,289 Chinese, 2,268 Portuguese, and 715 of other nationalities,

nearly all under the contract system, and not an American amongst them. Great solicitude is expressed by gentlemen for the high-minded Americans who are said to have gone to the islands to carry with them the beauties of American civilization. We are told that they have rescued the islands from heathenism and educated and Christianized the natives. There doubtless have gone to that benighted people many worthy representatives of our Christian civilization; but of those who are there actively urging the scheme of annexation we know they have gotten substantially all the productive resources in their clutches; they have monopolized the Government; they have overrun the natives with sun-worshippers from the South Sea Islands and pagan coolies from China and Japan, that they might grow rich from their cheap sweat and toil.

These high-minded gentlemen have overturned established institutions and fixed upon the people an industrial system hardly a degree above absolute slavery. They are entitled to sympathy and encouragement indeed! The Saviour stigmatized better men as thieves and robbers and scourged them out of the Temple. Are we, Mr. Speaker, to be made the tools of these designing mercenaries and loan the great forces of our Government to enable them to further prey upon helplessness?

What possible interest has the American Sugar Trust in defeating the scheme of annexation? Hawaiian sugar has come to our markets free of duty for twenty-five years, and annexation would only make the arrangement permanent. That sugar comes here in a raw state, and the trust does all the refining. The Hawaiian Sugar Trust is behind the whole scheme, and it is prolific of resources. Under the tariff law of 1890 duties were removed from sugar, and Hawaii had no advantage in our markets over other sugar-growing countries. A bounty was paid to American sugar growers, and the Hawaiian barons had the audacity to set forces in motion with the view of effecting annexation so they could share in the bounty. Local disturbances were created, and the revolution of 1893 occurred and was made the pretext for immediate tender of dominion to this country. There is scarcely a doubt that that revolution was encouraged by the sugar planters for the purpose of effecting political union with this country and securing a bounty on their sugar product. In 1889 Mr. Merrill, who was our minister to the Hawaiian Government, wrote:

It is noticeable that among the American residents in Hawaii there are several who, from personal motives, contemplate with satisfaction periodical disquietude in the Kingdom, hoping that frequent revolutionary epochs will force the United States Government to make these islands a part of its territory. * * * In order to keep affairs in as much turmoil as possible, baseless rumors are constantly put in circulation, many of which find publication in other countries.

Under the terms of the treaty of annexation negotiated by President Harrison the Hawaiian planters were assured the benefits of our bounty law. Minister Stevens, under date of February 1, 1893, wrote Secretary of State Foster:

As to terms of "annexation," I still adhere firmly to the opinion that the sugar bounty to be paid to the Hawaiian planters should be limited to 6 mills per pound—\$12 per ton.

A bounty of \$12 a ton on an output of 250,000 tons a year, paid by the people of this country to the Hawaiian sugar barons! Three millions of dollars a year from American sweat and toil! Is it any wonder the oligarchy was keen to surrender the sovereignty of the islands to this country? They were willing to sell the birthright of the inoffensive natives, which they had gotten by artifice, for three millions a year of American gold. As far back as 1873 the same schemers were at work attempting to secure free markets in this country. They were willing to surrender the most sacred rights of the people for gain. General Schofield, who is so frequently quoted by the friends of annexation, wrote from the islands in 1873 these words:

The great object of the Hawaiian Government in seeking a reciprocity treaty with the United States has been, and will probably continue to be, to relieve the sugar planters from the operation of our tariff on their sugar. * * * Indeed, the sugar planters are so anxious for a reciprocity treaty, or so anxious, rather, for "free trade" in sugar with the United States, that many of them openly proclaim themselves in favor of "annexation" of these islands to the United States.

That, Mr. Speaker, clearly exposes the motives and methods of the Hawaiian oligarchy in seeking annexation. Greed is their motive, and disingenuousness their method. I deplore the existence of the American Sugar Trust, but as between it and the Hawaiian trust my sympathies are with the American, for it does employ intelligent labor and contributes somewhat to the support of free institutions, while, on the other hand, the Hawaiian trust employs none but cheap Asiatic labor and contributes to the maintenance of the coolie industrial system.

Hawaii is the paradise of commercial jobbers; it is the worst trust-ridden country of the hemisphere; its commerce, its production, its politics, and its conscience are all controlled by corporations. Do we need it? Is there a necessity for any more trusts in our country? We are asked to assume the Hawaiian public debt, amounting to \$4,000,000, and remit taxes amounting to over \$6,000,000 a year for all time. Can we afford to pay that immense price for the slight benefit we would derive from control of the islands? And that is only the beginning, for there will be forts, fortifications, ocean cables, mail contracts, warships, enlarged armies and navies, and the Lord only knows what all!

THE SUGAR-BEET INDUSTRY.

A new impulse has been given to beet-sugar production in this country by the existing tariff law, and it is confidently hoped that in the near future American farmers will grow all of the sugar required for our consumption. Our farmers can never compete with Hawaiian sugar growers, with their advantages of climate and coolie labor, and the effect will be either to retard beet-sugar production here or continue to put enormous profits in the coffers of the Hawaiian sugar barons at the expense of American consumers. We can afford neither. These islands produce annually about 250,000 tons of sugar—over one-sixth of our entire importation. The farmers and wage earners of this country, who constitute the power and glory of our civilization, stand as a unit against annexation.

The question for us to decide is, Will we legislate in favor of the millions of farmers and laborers of America, who support our institutions, or in favor of the sugar barons of the Hawaiian Islands, who have been preying upon our substance like commercial cormorants for the last quarter of a century? I am for the farmers and laborers of this country.

THE STRATEGICAL QUESTION.

The principal argument in support of annexation is that the islands are so located that they would constitute a valuable naval outpost and would be especially dangerous to our Pacific coast in the hands of a hostile power.

They are declared to be the key to the Pacific Ocean, and we are told that if we do not annex them, since they are so generously tendered to us, that we will have no right to object to their occupancy by some other country. It is the same old story that was told when we had under consideration the proposition to purchase the Island of St. Thomas of Denmark during President Johnson's Administration and the proposition to annex Santo Domingo during President Grant's Administration. They were a key to something or some place, and we needed them for strategical reasons and to develop commerce.

President Grant, the greatest military genius of the century, threw all the weight of his personal, professional, and political influence in favor of acquiring Santo Domingo, and failed. He demonstrated its necessity from a military standpoint, and the danger of allowing it to go into the hands of a foreign power. He expatiated upon its peculiar advantages in developing South American trade, and solemnly warned the country that if we failed to annex it a European power stood ready to pay \$2,000,000 for Samana Bay alone, and that it would be sold. The Senate refused to ratify the treaty, and the subject was dropped altogether out of politics. Samana Bay is still there under the same control, and our sense of security has not been disturbed a particle by our failure to acquire it. Our trade with South America has continued to develop, and no one now thinks the country made a mistake in refusing to adopt the recommendations of President Grant.

The same old argument has been resurrected, galvanized over, and made to do service in support of the proposition to annex the Hawaiian Islands. It is supported by the opinions of a number of very respectable naval experts, who are fertile in theory and barren in experience, but they fail to make a better case for the pending project than that greater military expert, President Grant, made in favor of Santo Domingo twenty-five years ago. It is not an expert question, and must be settled by the application of common-sense rules and principles. The political, industrial, and economical phases of the proposition should receive attention as well as the strategical. While I have a high regard for the opinions of naval experts on expert propositions, they are more than human if their judgments are not highly colored by professional training. A long course of study of one branch of government is apt to lead to an exaggerated estimation of its relative importance.

Mr. TAWNEY. Will the gentleman allow a question?

Mr. CRUMPACKER. I prefer not to yield.

Mr. TAWNEY. I only wanted to ask the gentleman whether there is any relation whatever between the policy which the Government of the United States has pursued in the past with respect to the islands of Hawaii and our policy with regard to San Domingo, of which the gentleman has just been speaking.

Mr. CRUMPACKER. Yes; I think they are all within the range of the Monroe doctrine. And I will take occasion to say right here—

Mr. TAWNEY. Just one word further. Have we ever maintained the policy of not allowing other nations to interfere with San Domingo as we have done with respect to the islands of Hawaii for the last half a century?

Mr. CRUMPACKER. We have, most assuredly. Those islands are within the range of the Monroe doctrine; and if now we should permit the Sandwich Islands to go into the hands of a foreign power we should still be infinitely safer on the Pacific coast, according to the opinion of all naval and military experts, than we are on the Atlantic; and everybody in the country knows that we are in no danger whatever on the Atlantic coast. [Applause.]

Mr. GIBSON. Wait till we get into war with a country that has a navy, and you will find out whether our Atlantic coast is in danger.

Mr. CRUMPACKER. The countries that have great navies are so weakened in their domestic situation that they do not dare to go to war. They have jealousies at home. Spain has none, because she is too small and inconsequential.

There are numerous islands in much closer proximity to our eastern coast than the Hawaiians are to the western, and we do not own a single one of them; they are owned largely by European powers, and yet we apprehend no danger from that source. In fact, the Hawaiian Islands are substantially as far from our western shores as Europe is from our eastern, and with all of our years of experience and intercourse I doubt if we would have Europe moved farther away if we could. Are islands in the hands of a foreign power a greater menace to us on the west side than on the east? If so, for what reason?

Would the Hawaiian Islands, under the control of Great Britain, be a source of greater danger to the Pacific coast than the Bermudas, only a few hundred miles away, are to the Atlantic coast? Contingencies may arise that would make the islands of some importance to us as a base of naval operations; conditions might exist under which their occupancy by a foreign power would be a matter of some concern to us. But the question is, Are those contingencies and conditions so likely to exist as to justify us in departing from our historical policy and entering upon the dangerous experiment of territorial expansion? Would they not bring us more evil than good? Six months ago no one would have dreamed of the highly sensational naval conflict that recently occurred at the Philippine Islands.

If that brilliant event could have been foreseen, naval experts would have been profuse in theories favoring the acquisition of territory for strategical purposes in the Orient. Warfare is a succession of surprises, and no wisdom has foresight enough to know where the next battle will be fought. Naval warfare must make its own facilities; it is not within the range of reason that we should acquire possessions all over the globe for naval depots. There are stronger reasons for the acquisition of territory on the continent of Asia for naval purposes than in the center of the Pacific Ocean. If we owned those islands we would be compelled to protect them; they are within 2,000 miles of other islands in the South Sea that could be made the base of formidable naval operations. They can not protect themselves, and Pearl Harbor, however well fortified, could only protect the entrance to Oahu. There are six or seven other inhabited islands in the group, with means of ingress and egress more or less adequate, and they could be approached and devastated by a naval force. They must be protected and the maintenance of a squadron of warships there would be necessary.

Mr. TAWNEY. Will the gentleman name one of those harbors?

Mr. CRUMPACKER. I suggested that there were five or six islands with means of ingress and egress more or less adequate. They are approached by commercial agencies; they can be approached by soldiers as well.

Mr. BROMWELL. Will the gentleman allow me to ask—

Mr. CRUMPACKER. I prefer not to be interrupted. In war we would then be compelled to fight in mid ocean, 2,000 miles from our natural stronghold, where our invincible force could not be available. As we are now situated we can select the theater of action; we can withdraw to our coasts or attack an enemy wherever he is exposed. We have no insular territory to defend and consequently can select the battle ground. Do we desire to surrender that important advantage? Spain had a fortified harbor in Manila as strong as Pearl Harbor, and yet there was a Dewey. Are we to learn nothing from Spain's experience? Her naval outpost at the Philippines is a source of weakness—a cause of her overthrow. She has, in addition, Porto Rico, Cuba, and the Canaries to defend, all far removed from her continental stronghold, and she is helpless.

In the present conflict we can choose the battlefield. We can attack her most vulnerable point. If she had no insular possessions she could withdraw to the continent and be almost invincible against our arms, and yet gentlemen insist that such possessions are a source of military strength. If it had not been for her islands Spain would not have been involved in the war. That is a point of no mean significance. England, with her mighty navy, is compelled to distribute it around over the world so that it can hardly be said to be formidable. The more naval outposts and supply depots a country has scattered over the seas in time of war the more its naval power must be divided. Outlying possessions give rise to complications in ways that can not be foreseen, and that country is safest from disturbance that has the fewest of them, and it is strongest in time of war. They excite jealousies and distrust and breed misunderstandings; they afford a pretext for burdening the productive energies of a country with a large army and navy, and handicap it in the conquest of trade.

But friends of the proposition express the fear that if we continue to maintain the policy of excluding foreign control of the islands we will be involved in dangerous complications with other powers which would be averted by annexation. What has been our experience in that line? During all our relations with the islands we have had infinitely less trouble with them and on their

account than we have had with Alaska since our purchase of that Territory. There is now a judgment of half a million dollars standing against us growing out of complications brought with the Alaskan possessions—more than Hawaii has cost us in all her history. It is conclusively demonstrated that annexation multiplies perplexities from which we could otherwise be free.

But, Mr. Speaker, we are told that if we control the Hawaiian Islands our Pacific coast will be secure from attack, because no war ship can carry coal enough to steam from any other port on the Pacific Ocean, do any fighting, and return. Naval engagements are usually of short duration; a few hours are sufficient to destroy a mighty fleet, so destructive are the implements of warfare. We have existed with safety for a hundred years without control of the Hawaiian Islands, and they grow of less importance to us with every improvement of war ships.

Russia just contracted for a number of war ships and cruisers, some of which are to be constructed by American contractors, and they are to have capacity enough to carry coal to steam from St. Petersburg to Port Arthur, a distance of 17,000 miles. A ship of that capacity could leave Hongkong and run to the Pacific coast, bombard the coast cities for a week, and return without any inconvenience. It could demolish every city on the coast outside of Alaska and have time to spare. With continued improvement and the prospect of revolution in motive power by electricity, warships are likely to be constructed within the next decade that will carry supplies enough to circumnavigate the globe. Our strength is in our isolation and a patriotic citizenship, and our shield is in an attitude of dignity and justice toward all mankind.

The policy of territorial expansion will necessarily involve us in complications in foreign politics, with which we should have no concern. We need no additional territory for any of the purposes of peace, and war is justified only when there is no other honorable recourse. If we intend to annex the islands at all, it would be most unwise to consummate the act in the face of the present situation. Statesmanship will not be misled by the prevailing excitement to do that which might materially cripple us in the prosecution of the present war. We have a foothold on the Philippine Islands, and indiscreet declarations are heard on all hands, that it shall be our policy to permanently occupy them. Foreign countries are apt to misjudge our purposes. Precipitate annexation would be looked upon as a movement preliminary to the complete subjugation of the Philippines, and would be construed as the inauguration of an aggressive policy of territorial expansion. It would excite the apprehension of European powers and lose us their moral support, and perhaps invite intervention against us; our pretension of humanity would be justly regarded as hypocritical cant.

We have our Monroe doctrine, the existence of which is recognized the world over, and by force of an analogous law controlling the politics of the Old World the powers would find abundant justification to intervene and rebuke what they would regard as audacity on the part of this Government.

THE "WAR NECESSITY."

There is nothing in the exigencies of the present war that requires the annexation of the islands. Our occupation of the Philippines, if our protestations and professions are to be regarded, will be only temporary. Unless we permit the war to degenerate from a righteous movement for the relief of oppressed humanity into a greedy conquest for colonial spoils, our military foothold in the Orient will soon terminate. The only need we have for Hawaii now is for a supply station on the line of communication between the continent and the Philippines, and that we have already in our unqualified right to Pearl Harbor for that purpose. Our right to that harbor is complete and exclusive, and our use of it, under the terms of the grant, can not possibly involve the Hawaiian Government in complications, because it has no control over the harbor as against this country.

The grant is in these terms:

His majesty, the King of the Hawaiian Islands, grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

If the grant should be terminable with the treaty, which is a debatable question, it could not be terminated by either party under a year, and that, in all probability, will be as long as we will be required to maintain our force in the Philippines, unless it shall be the intention to continue to occupy those islands for the purpose of coercing annexation. The possibility of the Hawaiian Government terminating the treaty is too remote to be worthy of consideration unless the oligarchy should conclude to take the preliminary step in the existing crisis in the hope that it would compel annexation. The stream of gold, at the rate of \$6,000,000 a year, flowing from this country into the pockets of the sugar barons in Hawaii is an adequate guaranty that the treaty will continue.

I have no doubt there are influential citizens of those islands who would gladly involve their Government in the existing complications with the view of promoting the scheme of annexation.

Let that Government declare neutrality between the belligerents and its declaration, if honestly kept, will be respected. Let this country depend upon its grant for the use of Pearl Harbor for a supply station and the question will be solved. We will have all that we require and Hawaii will be entirely free from the controversy.

And, besides this, it is an undeniable fact that there is a feasible route from San Francisco to the Philippines by way of our Aleutian possessions which is over 800 miles shorter than the Hawaiian route. It is always open and practicable, and possesses as safe, convenient, and adequate a harbor and supply station as Pearl Harbor. The temperature in the coldest weather is never lower than 7° Fahrenheit, and it very rarely reaches that point. But there have been no sugar kings on the Aleutians to advertise their advantages; consequently that important line has been almost overlooked by the country. It answers every purpose of a supply station in supporting our forces in the Philippines, and we already own it.

Mr. TAWNEY. I suppose the gentleman knows that Pearl Harbor can not be entered by a single vessel at the present time, owing to the bar.

Mr. CRUMPACKER. I know that the Hawaiian Government has permitted us to store 12,000 or more tons of coal in an accessible harbor, and will subject herself to no liability whatever under the laws of nations in permitting us to go and take that coal.

Mr. TAWNEY. That is in the harbor of Honolulu. The gentleman was talking of Pearl Harbor.

Mr. CRUMPACKER. It can make no difference; when we placed our coal there we acquired the right to go after it.

THE ISLANDS WILL NOT GO TO ANOTHER COUNTRY.

But if we don't take the islands some other country will, is the alternative that is submitted to us by the advocates of the proposition. Suppose Mexico should propose political union with this country and notify us that if the proposition were not accepted she would tender a surrender of her sovereignty to France or Germany; do gentlemen confess that we would be remediless? Are they willing to have the Monroe doctrine so construed and limited? I imagine not. We do not want Mexico in our political household, and would resist any proposition that placed her under the control of any European power. The same is true in relation to the Hawaiian Islands. If we do not choose to accept them we will not be estopped to prevent their passing under the dominion of any foreign power. But there is no danger of such a contingency. The specter of foreign control is conjured up for the purpose of exciting our cupidity and apprehension.

Have we forgotten Santo Domingo so quickly? The sugar barons of the islands, who constitute the governing power, realize full well that union with any foreign country would mean the abrogation of the commercial treaty and the loss of their great advantage in the American markets. It would cost them over \$5,000,000 a year, and that they will never submit to willingly. There is no liability of their proposing annexation to any other country, and if any power should attempt to take them by conquest this country would immediately prevent it. That fact is a guaranty of their safety from foreign molestation, as no government will take the hazard of a war with this country to possess those islands. There is absolutely no force in the suggestion that they are becoming orientalized and will ultimately go to Japan by absorption.

The Japanese and Chinese laborers on the islands were brought there by the sugar barons under the contract system. Thousands of them were imported by the Dole oligarchy. They are there for fixed terms, and are required to return to their own country when the term of service expires. The treaties require the Hawaiian Government to guarantee the performance of the contracts, and to furnish them transportation back to their homes at the termination of the period of employment. They are not naturalized, and have no political rights. They do not have their families, and are only sojourners. This accounts for the large discrepancy between the sexes on the islands. The sugar growers need their labor, and there is no sentiment for their exclusion.

Japan has evinced no disposition to seize the islands. It is true she protested against annexation to this country, because it would dissolve the Hawaiian sovereignty and destroy the guaranty under the Japanese treaty. Japan quite likely has some concern on account of the well-known hostility of this country toward Mongolian immigration. There need be no fear whatever of annexation to or absorption by any other country as long as we protest. Our protest alone, of which the world already has notice, is a sufficient guaranty of their safety and neutrality.

The operations of European powers in China is a cause for no apprehension on the part of this country. Europe is no more dangerous in Asia than it is in Europe. It is in easy access to our eastern coast, and has given us no disturbance, and it will be equally as harmless in Asia.

HAWAII AND THE PACIFIC COMMERCE.

Mr. Speaker, much importance is attached to the islands because of their relation to the commerce of the Pacific Ocean. There is no reason why we can not fully enjoy their benefits from a commercial standpoint without annexation. We can not hope to profitably extend our foreign trade by the policy of territorial expansion.

Commerce has no sentiment or affection—the ethics of international trade are those of the bargain counter—and the country that has the greatest advantages in production will control the greatest share of the world's trade. We already have Pearl Harbor for a coaling station. All civilized countries are engaged in trade, and they gladly welcome cargoes of commerce into their ports and readily extend hospitalities to the carrying vessels.

It is not necessary that we have a coaling station in our own right wherever we send a trading vessel. Ships are provided with coal in the various parts of the world with as much alacrity as their crews are provided with entertainment at the hotels. What would be thought of the proposition to maintain a United States shoe store in London, so Americans traveling abroad could procure footwear? How many foreign countries have coaling stations upon our coasts? Where have our ships gone on commercial missions that they have had any difficulty in procuring coal if any was to be had?

Who is ready to confess, in the face of our marvelous growth, that our commercial policy has been a failure? Sir, with high-priced labor and high rate of interest in this country our producers have made wonderful conquests in the world's markets in the last few years. Our foreign trade is increasing at an unparalleled rate, notwithstanding the many disadvantages we labor under and the proverbial wastefulness of the American people. The manufacturing nations of the Old World, by force of habit and surroundings, are compelled to maintain enormously expensive standing armies and navies. It has been said that every toiler in Germany has to carry a soldier or a sailor on his back.

Those countries are badly handicapped by that condition, from which we are now comparatively free. Our isolation is our principal safeguard, and the advantages it contains has enabled us to achieve remarkable triumphs in production and trade. We do not realize the enormous advantage our position gives us, or there would be no sentiment in favor of surrendering it. The burden is so great on foreign countries that they are now contemplating a treaty for the purpose of limiting, by mutual covenant, the size of their armies and navies. It is shortsighted and suicidal for us to enter upon a policy that will take from us the important advantage we now enjoy.

Our trade can never be extended by cannon or warships, but it will continue to increase until we have achieved commercial supremacy, if we do not surrender the immense advantage we now possess. Our strength is not, and will never be, in our Army and Navy, but in the contentment and intelligence of our citizenship. Our greatest danger is not from external force, but from internal discontent and disintegration. As long as our people are united in sentiment and prosperous we are invincible against the whole world, but if we are torn by discord and shattered by discontent our strength will depart though we have the mightiest navy that ever rode the seas. We are strongest when the burdens of Government are lightest.

I deprecate the policy that would cause this country to take from the multitude their hard-earned substance, so much needed in industrial development, to build a navy equal to those maintained by the European powers. The policy of territorial expansion will compel us to do that. It would be immeasurably better in an emergency to go into the markets of the world to buy war ships and cruisers than to invest millions upon millions of money in times of peace, needed in developing production, to the construction of floating palaces of steel and have them rust and rot on the sea.

A large navy does not, in my judgment, tend to secure peace. Nations, like individuals, often act upon impulse, and if there be time for reflection difficulties may be settled amicably and war obviated. Does any gentleman on this floor contend that it would promote domestic peace for all of our citizens to carry firearms and dirk knives in their daily intercourse? That which is true of individuals is likewise true of nations.

I am in favor of a navy reasonably commensurate with our necessities, considering our isolated situation. I would have war ships sufficient for coast police and defensive purposes and a reasonable nucleus, in addition, for offensive operations; but I would not unnecessarily burden the people of the country for the support of a great navy just for its glory.

If we take the proposed step in this crisis, it will surely launch us upon a policy of territorial aggression and colonial imperialism, carrying complications in all parts of the earth, and our national peace will be constantly threatened. I warn gentlemen that thirst for power is a dangerous passion and hard to satisfy, for it will not be controlled by reason. The appeal to national pride always has a fascination hard to resist, and it is doubly powerful when the public mind is in an abnormal state of excitement, as it is to-day. The wisdom of statesmanship would defer action upon matters of such high importance until the passions of war subside and conditions will permit calm consideration.

This is a Government "of the people, by the people, and for the people," and I have faith in its splendid destiny and am jealous of its great powers, fearful always that they may, through excessive zeal or mistaken judgment, be perverted. Let us try no dangerous or uncertain experiment; let us hesitate to change a policy the suc-

cess of which is the acknowledged envy of the world; let us profit by the wrecks of nations and individuals who were not satisfied to let well enough alone. [Applause.]

Mr. HITT. I yield to the gentleman from Virginia [Mr. Wise] such time as he may desire.

Mr. WISE. Mr. Speaker, in the limited time that has been allotted me to discuss this question I will be compelled to confine myself to only a few points. I confess that up to a recent date I was opposed to the annexation of any more territory by the United States, but a condition of things has arisen in connection with the war with Spain that in my opinion makes the annexation of Hawaii a military necessity, and I shall vote for it just as I voted to give the soldiers in camp the right to vote in our elections and as I voted for the war-revenue bill, in spite of the fact that it had been hampered by certain Senate amendments to which I am opposed, some of which I deemed inexpedient, and one of which I regarded as a violation of a principle which was advocated by the sound-money people of this country in 1896.

The responsibility for this latter amendment, namely, the compulsory coinage of one and one-half million dollars of silver monthly, I shall leave to those who fathered it. These measures are demanded by the exigencies of the times, and, being necessary to the successful conduct of the war and the upholding of the hands of the Administration now, I vote for them. When we recognize that Hawaii is only about 2,100 miles from our Pacific coast, and that the heaviest battle ship, steaming at the rate of 15 miles an hour, can reach it in less than six days, and that it took more than that time for George Washington to move his army from the neighborhood of Philadelphia to Yorktown in 1781, we can see how conditions have changed since then and how thoroughly fallacious it is to quote, as others have done, the sayings of Washington about the acquirement of other territory. The principles enunciated by Washington are correct, but the application of the principles vary under varying conditions. Since his day we have acquired much territory, some by conquest and some by purchase.

Alaska is practically farther away from us than Hawaii. At any rate, Mr. Speaker, it appears to be a well-settled fact that the judgment of the American people demands this annexation, and as one of their representatives, since they are in favor of the verdict, I am not disposed to set myself up as the "stubborn twelfth juror."

Naval battles were heretofore fought by ships with sails, that could be absent for years from their base of supply; to-day the most powerful battle ship is unable to exert her power either for offense or defense unless supplied with coal. It is said we have by treaty a coaling station in Hawaii which is sufficient to supply our needs in that direction.

Will it not be as hard, or, indeed, harder, for us to defend this station in time of war should other nations assail it as it would be for us to defend the whole island as part of our territory? But, Mr. Speaker, all these questions have been gone over and more ably discussed than it is possible for me to do. I will confine myself solely to one objection which has been raised in opposition to the annexation of this territory, namely, the existence of leprosy there.

It has been said that we will be annexing a colony of lepers to spread the disease over the United States. This shows the great ignorance on the part of some people in regard to this disease. What is leprosy? Osler, who is the author of one of our best and most modern works on medicine and who stands as high as anyone else in medical authority, defines it to be—

A chronic infectious disease caused by the bacillus lepræ, characterized by the presence of tubercular nodules in the skin and mucous membranes (tubercular leprosy) or by changes in the nerves (anæsthetic leprosy). At first these forms may be separate, but ultimately both are combined, and in the characteristic form there are disturbances of sensation.

The disease is widespread and there is a popular belief that it is on the increase.

Osler says:

It is one of the oldest of known diseases. At present it prevails widely, particularly in hot countries. In India it is estimated that there are over 250,000 lepers. In Europe, where it prevailed in the Middle Ages, it has become almost unknown, except in Norway and the Orient. It exists in the Gulf States and extensively in Mexico.

At Key West, Berger states that there are 100 cases, and Blanc found 40 cases in New Orleans. In the Northwestern States a few cases exist among the Norwegian and Icelandic settlers. On the Pacific coast cases are seen not infrequently among the Chinese.

An endemic focus is at Tracadie, New Brunswick; a few cases are also met with in Cape Breton, Nova Scotia. At Tracadie, which is on a bay of the Gulf of St. Lawrence, the disease is limited to two or three counties which are settled by French Canadians. The disease was imported from Norway about the end of the last century. The cases are confined in a lazaretto, to which place they are sent as soon as the disease is manifest. I made a visit to the settlement two years ago with a medical officer, A. C. Smith, of Chatham, at which time there were only eighteen patients in the hospital. It is interesting to note that the disease was gradually diminished by segregation; formerly there were over forty under surveillance.

The disease attacks all classes and persons of all ages. It is probably communicated by contagion. Inoculation was successfully performed by Arning in a Hawaiian convict. Graham, who, some years ago, carefully investigated

the Tracadie settlement, came to the conclusion that the disease was very probably transmitted by contagion, and A. O. Smith, the present medical officer, tells me that he knows of no facts which are opposed to that view. It is, however, only contagious in the same sense as syphilis, and just as accidental contamination with this virus is extremely rare so it is with leprosy. The closest possible contact may take place for years, as between parent and child, without transmission, and not one of the Sisters of Charity who have for more than forty years so faithfully nursed the lepers at Tracadie has contracted the disease.

It is difficult to explain the rapid spread of the disease in the Sandwich Islands on any other view than contagion, and yet it is strange that there is no evidence of a primary lesion or external sore comparable to that of syphilis. Morrow states that—

In the immense majority of cases the disease is propagated by sexual congress. The disappearance of the disease in the Middle Ages no doubt resulted from isolation enforced at that time. The disease had possibly, in some instances, been transmitted by vaccination. Hereditary transmission can not be excluded, and there is no good reason why the disease should not be communicated, as in syphilis, from parent to child.

Hansen, of Bergen, first discovered this organism, which has many points of resemblance to the bacillus tuberculosis, but can be differentiated from it. It occurs in extraordinary numbers in the tuberculous tissue. It has been cultivated successfully (Bales), but inoculation experiments on animals have been negative.

I quote this high authority, as it clearly defines the disease much better than I could. My object is to show that, while it is a disease that is hard to cure by medicine and which is very chronic, running from three to twenty-two years in the tuberculated cases and in the anæsthetic cases running from five to thirty-five years, its ability of contagion is very slight.

The words infection and contagion here, it is well to say, can not well be separated and defined differently in the light of the modern germ theory. A man may take into his system a germ that has emanated from the body of another and become infected through the atmosphere or by the water he drinks, or he may by actual contact with a person be infected by the germ direct. These are confusing terms for many, but they may be regarded almost as convertible.

It is not my intention to give a dissertation upon medicine, but simply to state that the most enlightened medical opinions of to-day show that by proper cleanliness and nutritious food and the isolation of infected subjects this disease may be stamped out. For years past in the Hawaiian Islands a colony for the segregation of lepers has been established at Molokai; but while the number of lepers on these islands has diminished to a considerable extent under this system, the safeguards which have been thrown around the colony to prevent the spread of the disease have been defective in many respects. Friends and kokuas (or helpers) have been permitted to associate on the most intimate terms with the lepers. These kokuas receive no rations from the Government, and in many instances are reported as having tried to catch the disease that they might be fed and clothed and furnished with tobacco free of cost as the lepers were.

In an article on "Leprosy in Hawaii," published in Berlin at the time of the recent international leprosy conference, and written by Dr. J. Ashburn Thomason, of Sydney, he says:

As the good management of the settlement became better known and natives began to see that lepers, once deported, had no cares, but were fed, clothed, and furnished with tobacco, without any need to work for the rest of their lives, many persons actually sought to acquire the disease in order that they might share that fortunate lot. So that while all natives would without hesitation, and apparently without noticing the unsightly and sometimes disgusting aspect presented by the lepers, continue to live in ordinary household intimacy with them, there sprung up a number who are reputed to have actually done their best to acquire leprosy.

As regards natives outside the settlement, Mr. Meyer told me that he had recently reproved a dozen men whom he found eating out of the same pot bowl with a tuberculated leper advanced in illness (pot being eaten by dipping the fingers in the sticky mass and sucking them); but the only answer he got from the party was given by one who at last said, sententiously, "Do you call it a bad disease? I say it is good. If I catch it, what then? I shall go to the settlement and work no more." As regards natives already within the settlement, though not affected, Dr. Swift, at that time resident physician, wrote to the board in 1893: "Let it be understood (for I can prove it) that to be a leper is a desideratum; if not on the outside, it is so at the settlement;" and, "Let me state that I can at any time get twenty or twenty-five Kokuas to submit to inoculation with a view of contracting the disease, to the end that they may be endowed with the privileges and supplied with the rations of the regular leper."

Strange to say, in spite of these disgusting facts and the laxity of the segregation of the lepers, only a very few of these Kokuas contracted the disease. The original holders of the territory on which the settlement is located, known as Kamaainas, and who live there still on their property, have been singularly exempt from the disease, although they associate constantly with the lepers. The report of the American representative to the Berlin conference has not yet been printed, but I have ascertained that said report will confirm the idea that leprosy may be stamped out by proper quarantine regulations. Much confusion existed as to the true character of this disease prior to the isolation of the bacillus lepræ. Now its real nature is understood, and its extermination or confinement to a few localities may be well assured by proper legislation and governmental control.

Despite the large number of lepers in India it was stated by Dr. Phineas S. Abraham, of London, before the Berlin conference, as follows:

In 1889 Sir James N. Dick, K. C. B., the director of the medical department of the navy, informed me that "not a single case of leprosy among the of-

ficers or men of the navy could be traced in the office," and at the same date the late Sir Thomas Crawford, K. C. B., director of the army medical department, could discover but little evidence of the disease among the British troops. Only one case, indeed, had come to light, viz. in a soldier taken in Madras, whose father was an Irishman and mother a native. Sir Thomas Dick has also, upon the present occasion, kindly investigated the matter, and he has been able to state again that no case of leprosy has ever occurred in the navy.

The present director-general of the army medical department has also been good enough to have the records of the service again examined, and it appears that—

During the past ten years only one case of leprosy has been reported to have occurred among the British troops and non-European troops (exclusive of native troops) in India. This case appears in the annual report for the Madras command for the year 1890. It is probably the one referred to above.

I could multiply these statistics to a great extent, but I have not time, nor will I worry you with such quotations. I will conclude by quoting the following.

In the transactions of the American Dermatological Association for 1883 a report by Drs. Fox and Graham is given which embodies the results of their combined investigations. The following ten propositions were submitted by them as their deductions from the facts observed:

First. Leprosy is a constitutional disease, and in certain cases appears to be hereditary.

Second. It is undoubtedly contagious by inoculation.

Third. There is no reason for believing that it is transmitted in any other way.

Fourth. Under certain conditions a person may have leprosy and run no risk of transmitting the disease to others of the same household or community.

Fifth. It is not so liable to be transmitted to others as is syphilis in its early stages. There is no relation between the two diseases.

Sixth. Leprosy is usually a fatal disease, its average duration being from ten to fifteen years.

Seventh. In rare instances there is a tendency to recover after the disease has existed for many years.

Eighth. There are no valid grounds for pronouncing the disease incurable.

Ninth. Judicious treatment usually improves the condition of the patient and often causes a disappearance of the symptoms.

Tenth. There is ground for the hope that an improved method of treatment will in time effect the cure of leprosy, or at least that it will arrest and control the disease.

Walter Wyman, M. D., Supervising Surgeon-General United States Marine-Hospital Service, in the Medical News of June 16, 1894, in an article on the national control of leprosy, says:

National control of leprosy within the United States has been frequently advocated, particularly by State and municipal boards of health when finding such cases upon their hands and desirous of being relieved of their care. The arguments for such control, of course, are based upon the presumption of the contagiousness of the disease (even though moderately contagious), and also upon the claim that where no segregation of cases or no supervision of cases not colonized is enforced the disease gradually increases in prevalence and that where segregation and colonization have been enforced the disease has been made to disappear.

Granted that the danger of contagion is small; granted, in the language of another, that a case of leprosy within a family should be regarded with less concern in its relation to the health of the remaining members of the family than a case of tuberculosis; granted that the disease appears chiefly among the lower classes. In the movement which is now only near the starting point, but which promises to be a controlling movement, and which will mark the close of the present century and the beginning of the next, so far as medical science is concerned, as distinctly as any other evidence of progress in the healing art (I refer to the settled resolution to exterminate every contagious disease), it would appear to be incumbent on the profession to leave nothing undone to exterminate this, together with other communicable diseases. Now, with regard to national control, there are two considerations involved.

First. Does the right of national control exist?

Second. If it does, how may that right be exercised?

Concerning the first consideration, I find a difference of opinion among eminent medical men with whom I have conversed, based upon their different views regarding the Constitution of the United States. A strict constructionist will inform you that the United States Government can only legislate in accordance with powers expressly delegated by the Constitution, and that the general-welfare clause of the Constitution applies as a qualifying clause to the specified prerogatives—that the latter are only granted when necessary for the general welfare.

The Doctor says again:

For this purpose, and that Congress may be assured that the medical profession and sanitary officers had not acted upon insufficient premise, it is suggested that a leprosy commission should be appointed, of three or five members, to make report upon the prevalence of leprosy in the United States and the necessity and proper method of its control. A preliminary bill might be introduced, empowering the President to appoint such a commission, and as the success of the bill would be enhanced if it called for an additional appropriation, there might be included a provision setting aside a portion of what is known as the "epidemic fund" to meet the expense of this commission. Whether a national leper hospital would be the result of this action or not, a commission of this character would cause a sense of relief to the people of the United States, whatever its conclusions, either affirmative or negative, as to such an establishment. As for myself, I believe that leprosy should be under national control.

Mr. Speaker, I heartily concur in the ideas expressed by Dr. Wyman, and I think this Congress should at once take measures to pass such a bill. I also favor a national quarantine law as the one method by which we can prevent and control the spread of any infectious diseases in the United States. I believe, sir, that our forefathers in constructing the Constitution gave us under the general-welfare clause ample powers to protect the people against disease. I am not one of those who believe in that parietic view of the Constitution that is taken by certain "statesmen" whom we find here crying out for a crippled and narrow-minded

construction of that instrument. We are now truly one people, and the Constitution is sufficiently elastic to protect us in every way.

By taking a few of the islands of the sea we are but extending our pickets for the protection of our homes. Along with the military features of this extension I have particularly dwelt with this subject of leprosy, as it is much misunderstood by our people. It is a loathsome disease, but not beset with the horrors with which it is painted. I have said nothing that is original, but I believe it all to be true, in the light of modern medical knowledge. It may be well for people to know it, and to disabuse their minds of the scarecrow which some people have attempted to make of it. The power, the energy, and the inventive genius of the United States I believe is capable to meet any emergency and protect itself and its people against any conditions that may hereafter arise. Let us use this power for the good of the people in every way, and let us, in the light of modern science, adopt an advanced and liberal policy whereby we may overwhelm our enemies, whether they come as martial hosts in all the panoply of war or in the insidious forms of disease. I will add that it is estimated there are about 250 lepers in the United States.

Mr. HITT. I yield to the gentleman from California [Mr. HILBORN].

Mr. HILBORN. Mr. Speaker, one Sunday morning, only a few weeks ago, there occurred in the harbor of Manila the most remarkable sea fight the world has ever seen.

It was notable for the faultless strategy of the commander of the American squadron and the valor of the officers and men under his command.

We are proud of the matchless heroism displayed by the American seamen, and we are proud, also, of the American mechanics who built the vessels and guns which made the victory possible.

Future generations will be slow to believe that a squadron of unarmored vessels met and destroyed the entire squadron of the enemy, as well as its forts, without the loss of a ship or a man.

That fight will also be memorable for its effect upon the American people. It has changed the thoughts, the aspirations, and the policy of the American people. They arose from the perusal of the story of that naval engagement a changed people. It marks an epoch in our history, if not in the history of the world.

Our nation is like a man who suddenly finds himself mysteriously endowed with the gigantic strength of a Samson. How is America to use this strength in the future?

Our policy as a nation has been a policy of peace. We took no heed of the contentions of nations striving for territorial aggrandizement.

We were content to build up and develop this continent which God had given us for a home. The world looks upon us now as a martial nation, ready to participate in the struggles which change the map of the world.

When we went into this war we solemnly proclaimed to the world that we desired no new territory, and we meant it. But a power greater than the American people has ordained otherwise. Without design on our part, we have been irresistibly swept into a position where we must become a warlike nation.

Our army of occupation is now on its way to the Philippine Islands. Many of our brave boys will find there their last resting place.

Miles of headstones will mark the burial place of soldiers from every State of the American Union.

To thousands of American mothers there will be a spot in those far-away islands which will be hallowed ground.

No foreign flag will ever wave over an American burial ground where rest America's brave defenders.

To whom shall we surrender these islands? To Spain? No; we must never permit that country to repeat her practice of misrule.

To what nation can we transfer these islands without complications with other nations? I fear there is only one course left open to us, and that is permanent occupation of the Philippine Islands.

However distasteful it may be to us, there seems to be no alternative. And what is true of these islands in the far Pacific is also true of the islands under Spanish rule in the Atlantic. To maintain our flag where we shall plant it on two oceans and protect our citizens and our commerce will require a large navy and a large army.

The objection to the annexation of Hawaii has been that it meant the overturning of our traditions for a century. Those are overturned already.

That annexation meant a large army and navy.

They are already necessary. That the territory is not contiguous; that the people are not of our race; that they are incapable of taking on our civilization—these problems are already upon us, and annexation will not render the solution more difficult.

Hawaii will constitute one of the stepping-stones in the ford upon which our Government can place its feet in crossing the Pacific to reach our more distant possessions in the Orient. [Applause.]

Mr. HITT. I now yield to the gentleman from Pennsylvania [Mr. SHOWALTER].

Mr. SHOWALTER. Mr. Speaker, the distinguished gentleman from Arkansas, in his eloquent speech Saturday, said he was opposed to the annexation of Hawaii because it was a departure from the traditions of the fathers. I take issue with the gentleman, and declare it is not a departure from the practice of our Government, from its early existence down to the present time.

The great apostle of Democracy, Thomas Jefferson, from whom my friend from Arkansas draws his inspiration, believed in the acquisition of valuable territory when he negotiated from Napoleon the great Louisiana purchase, that great and inestimable act. He also believed in it when afterwards, in a letter to a friend, he declared in favor of the annexation of Cuba. In fact, sir, it has been the policy of our Government to acquire territory from its early existence. One needs only to look at the map of the original thirteen States to be convinced that our policy has been to acquire more territory. Unfortunate, indeed, would it have been for the cause of liberty and self-government by the people had a short-sighted policy, such as is now advocated by the opposition to this bill, prevailed in the time of Jefferson and on down through the time of Grant and Seward.

The gentleman forgets, when he declares this is a departure, that we already own many islands of the sea. We own the Aleutian Islands, which reach a thousand miles farther west in the Pacific than Honolulu. We own Midway Island, the westernmost of the Hawaiian group. We own some seventy other islands in the Pacific and Caribbean Sea.

From the day that our Government sent its representative to the Hawaiian Islands, in 1820, down to the present hour, American influences have predominated and, in a sense, controlled them, and have excluded all foreign influences, with the view and intent of ultimate annexation. Secretary John M. Clayton, in 1850, in a dispatch to our minister at Paris, declared the United States could never allow Hawaii to be controlled by any other power. Secretary W. L. Marcy, in 1853, in a letter to our minister to France, declared Hawaii must be controlled by the United States, and foreshadowed annexation. Secretary William H. Seward, in a letter to our minister at Honolulu in 1867, declared that annexation was deemed desirable by the United States. Secretary Hamilton Fish, in a dispatch to our minister at Honolulu in 1873, declared that this Government could not assent to the transfer of their control to that of any powerful maritime or commercial nation. Secretary James G. Blaine, in a dispatch to our minister at Honolulu in 1881, declared Hawaii the key to the dominion of the American Pacific, and declared that should it be impracticable for Hawaii to maintain a benevolent neutrality, this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented.

In a further dispatch he says the Government of the United States has always avowed and now repeats that under no circumstances will it permit the transfer of the territory or sovereignty of these islands to any of the great European powers. Secretary John W. Foster, in the report accompanying the treaty negotiation in 1893, says: "The policy of the United States has been consistently and constantly declared against any foreign aggression in Hawaii inimical to the necessarily paramount rights and interests of the American people there, and the uniform contemplation of their annexation as a contingent necessity." But beyond that it is shown that annexation has been on more than one occasion avowed as a policy and attempted as a fact.

General Schofield says he went to Hawaii twenty years ago to look the question over from a military point of view. He made a report that he regarded annexation inevitable and but a matter of time, but the conditions were not then ripe for it. He says there can be no doubt now about the time, and that it should be the outcome of the present negotiations.

Capt. A. T. Mahan, the great naval expert and author, says:

The United States finds herself compelled to make a decision. * * * Whether we wish to or no, we must make the decision. * * * To anyone viewing a map that shows the full extent of the Pacific, * * * two circumstances will be strikingly and immediately apparent. He will see at a glance that the Sandwich Islands stand by themselves in a state of comparative isolation, amid a vast expanse of sea; and, again, that they form the center of a large circle whose radius is approximately the distance from Honolulu to San Francisco. * * * This is substantially the same distance as from Honolulu to the Gilbert, Marshall, Samoan, and Society Islands, all under European control except Samoa, in which we have a part influence. * * *

Remarkable strategical position of Hawaii.—To have a central position such as this, and to be alone, having no rival and admitting no rival, * * * are conditions that at once fix the attention of the strategist. * * * But to this striking combination is to be added the remarkable relations borne * * * to the great commercial routes traversing this vast expanse. * * * Too much stress can not be laid upon the immense disadvantage to us of any maritime enemy having a coaling station well within 2,500 miles, as this is, of every point of our coast line from Puget Sound to Mexico. Were there many others available, we might find it difficult to exclude from all. There is, however, but the one. Shut out from the Sandwich Islands as a coal base, an enemy is thrown back for supplies of fuel to distances of 3,500 or 4,000 miles—or between 7,000 and 8,000 going and coming—an impediment to sustained maritime operations well-nigh prohibitive. * * * It is rarely that

so important a factor in the attack or defense of a coast line—of a sea frontier—is concentrated in a single position, and the circumstance renders doubly imperative upon us to secure it if we righteously can.

Mr. Speaker, we must take Hawaii in or else we must absolutely keep hands off and allow her to drift helplessly into the arms of an Asiatic or European power. We can not fold our arms and sit idly down and say to her and to the nations of the world, we do not want you, we will not take you, nor will we permit you to seek or other nations to give you shelter. When we look back over the record of the last eighty years, and see that during that time these islands have been taken once by Russia, once by England, and twice by France, and quite recently an endeavor to capture them by colonization and absorption by Japan, and which was only prevented by negotiations for annexation, we can not close our eyes to the fact that other nations are quite willing, in fact very willing, and anxious to take in Hawaii; and if now, when they are tendered to us by a unanimous vote of the Hawaiian Senate, we absolutely refuse to accept the proffered gift, we can not in right, in justice, in law interpose any obstacle, any objection, to them seeking an alliance elsewhere. Nor can we object to any other power thus absorbing them. Is there an American who loves his country and who desires her future peace, tranquillity, and glory who wishes to see a foreign power in possession of these islands?

From the coasts of Japan and China to the Golden Gate, from Alaska to the equator, there is but one place in the Pacific where food, water, and coal can be obtained; that place is Hawaii. The roads of the Pacific with Hawaii ours, our Pacific coast can be protected easier than without them. It has been repeatedly officially stated by naval authorities that the trans-Pacific countries and islands, with the exception of Hawaii, are so far distant from the American coast that unless the ships of such nations can recoil at Hawaii it is practically impossible for them to get to our coast for effective military operations. If this is true—and who is there to deny it?—does not common sense dictate to us to possess them, to close Hawaii to them all, and thus make our Pacific coast unassailable?

It is evident to everyone that the Hawaiians are unable to maintain themselves against any foreign power. They are weak and helpless. They are a tempting bait to the nations of the Old World. Let us remove this tempting bait. Let us do it for our own protection, for the protection of a helpless friendly power, and for the protection of the future peace of the world.

The possession of these islands has now become a military necessity; we need them in our business. The flag of the Republic now waves over Cavite, in the harbor of Manila. The unparalleled victory of Commodore Dewey and his gallant officers and men has made plain our duty. We owe it to these dauntless American heroes, whose bravery, courage, and skill have added luster to our flag and imperishable honor, glory, and fame to the American Navy, to at once annex these islands. We owe it to the Government at Honolulu, that has steadily proven its friendship, that opened its port to our war ships and our soldiers, and has thrown itself liable for heavy damages by thus breaking the laws of neutrality, to annex them and thus secure and protect them. It would be an act of cruel injustice and one the American people would never condone should we refuse to do so.

Mr. Speaker, from the day that our noble battle ship with her 266 brave seamen went down to death in the bark, sullen, and mysterious waters of Havana Harbor, victims of cruel, treacherous Spanish hatred, I knew, every one who felt the public pulse knew, that nothing but armed intervention in the affairs of Cuba to the end that the struggling patriots fighting for liberty and independence should triumph, would appease the just and awful wrath of an aroused, awakened American conscience. Mr. Speaker, we have entered upon a war for humanity, the most holy war ever waged. We have entered upon a struggle to rescue and succor starving childhood and outraged womanhood, over 300,000 of whose starved and outraged bodies have enriched the soil of Cuba in the last three years.

That we did right every liberty-loving, patriotic citizen believes. We expected no recompense except the approval of our own conscience and the smiles of an approving God. That we are to be recompensed by the acquisition of valuable territory is now apparent. That the results of this war will be of inestimable value to us as a nation is now a certainty. That it will result in a wider, fuller, and better knowledge of us and our institutions by the civilized nations of the world is also a certainty.

When we have fought this war to a glorious finish and the Stars and Stripes wave proudly over Cuba, Puerto Rico, Hawaii, and the Philippines, let us build a navy that will have no equal upon the seas. Let us take our place as the greatest maritime power upon the earth. Let us foster our merchant marine, our shipbuilding interests, until their numbers become as countless as the stars in the blue vault of heaven, sailing every sea, and commanding the commerce of every zone.

Let us build the Nicaraguan Canal, connecting the Atlantic and

Pacific, which will unite the nations of the Western Hemisphere in one indissoluble bond of commercial and trade relations, giving us the supremacy not only in the trade of these countries but also in the trade with Japan and the countries of the Orient. How necessary it becomes, then, from a trade point of view, that we should own the Hawaiian Islands; that this "crossroads of the Pacific" should belong to America; that our ships, carrying the commerce of every clime, should have a safe, friendly harbor in their long voyages across the Pacific, a home harbor, where all their necessities may be supplied and where they may be welcomed under the Stars and Stripes.

Mr. Speaker, the guns of the immortal Dewey and his brave men have boomed in the dawning of a new day, when American ideas, American civilization and commerce, and American Christianity shall permeate and influence every section of this old earth of ours, and will hasten the coming of that glad day yet hidden in the womb of time, to which faith looks forward with ardent joy, when war shall be no more, when one law shall bind all nations, tongues, and creeds, and that law shall be the law of universal brotherhood. [Applause.]

Mr. HITT. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SNOVER].

Mr. SNOVER. Mr. Speaker, it seems to me that a glance at the map of the world and a careful study of the situation of the Hawaiian Islands and their relations to the coasts of the Pacific Ocean must be followed by the conviction that possession and control of them are absolutely essential to the United States. They are a necessity to this Government. The logic of the events that have transpired in the present year has impressed this upon the mind and judgment of every thinking man as never before. The gentleman from Missouri [Mr. CLARK] on Saturday last, in speaking upon this question, paid a well-deserved tribute to General Jackson and drew a glowing picture of the battle of New Orleans and of the magnificent achievement of the conqueror of Florida, with inferior numbers of raw and undisciplined volunteers, over the seasoned veterans who had fought under the eye of Wellington in Spain, and closed the incident with the question, "Did he need any island behind him?"

I would without hesitation answer "No." General Jackson, however, like the skillful general he was, took advantage of every resource in his control to make his position secure, to place every possible obstacle in the pathway of the attacking foe, and obtained a great victory under apparently adverse circumstances. If the possession of an island would have added in the slightest degree to his military resources, or would have furnished an additional means of defense to his army or country, the same iron will that afterwards, in 1833, nullified nullification would not have hesitated to take an island or anything else to aid his purpose. And right here let us look for a moment at the wonderful changes that have taken place since that time which have revolutionized military methods and changed political theories.

The battle of New Orleans was fought January 8, 1815. The treaty of Ghent was signed on December 24, 1814, two weeks before, so that the bloodiest battle of the war of 1812 was fought long after the signing of peace articles, and had not the slightest influence on the result.

The news of the signing of the treaty of Ghent was not received here until some weeks after the battle, for the reason that communications over the ocean were only possible by means of sailing vessels, the swiftest of which required from a month to six weeks to cross the Atlantic. The power of steam for the propulsion of vessels was practically unknown. It was not applied to railroads until 1830, and the use of electricity for transmission of news did not commence until 1844. Since then space has been annihilated, so far as the transmission of news is concerned, and for other purposes far distant States and nations are as close together now as towns of adjoining counties were at that time.

The signing of the treaty of peace between Spain and the United States, wherever it takes place, whether at London, Berlin, Paris, St. Petersburg, Geneva, or Hongkong, will be known in every nook and corner of the globe within as many minutes as it required weeks to communicate the treaty of Ghent. One can now converse with his friend as if sitting by his side, even when so far apart as New York and Chicago; and the hour is near at hand when oral conversation will be possible between London and San Francisco or Boston and Honolulu. Steam and electricity have become the absorbing factors in all the problems of the age, whether military or civic, private or public, local or general.

In all our wars with foreign nations up to the present difficulty with Spain our naval vessels were built of wood, and the motive power was the wind, a power universal and omnipresent, accessible to all nations and individuals, and ever ready to do the will of the mariner, whether in peaceful or warlike pursuits.

Given free access to the motive power, an equal footing with competitors, American genius, ingenuity, and skill have always been able to build ships of a speed and strength equaled by few of the modern nations and excelled by none. With wooden ships

and broad sails spread to the wind, manned by our hardy seamen and commanded by men whose names will ever shine in history and be household words throughout the Republic, the United States Navy covered itself with glory in our earlier wars.

The *Bon Homme Richard*, the *Constitution*, the *Wasp*, the *Peacock*, the *President*, are proud names in our early annals, and the fame of John Paul Jones, Decatur, Hull, Bainbridge, Perry, and McDonough have not faded by the addition to the record of the names of the heroes of our civil war, Farragut, Porter, Cushing, and Ericsson—who won distinction in a new type of vessel—and will not grow dim before the transcendent glory of the heroes of the present year, Dewey and Hobson. The clumsy man-of-war of the sixteenth century would have been able to defeat the multitude of Roman galleys that battled for the control of the world at Actium.

Nelson's flagship at Trafalgar would have been more than a match for the fleets of Christian and Moslem that met at Lepanto, and the battle ship of to-day, single handed and alone, could destroy the combined squadrons of France and Great Britain that contested for the supremacy of the Mediterranean at Aboukir. Heavy guns, power of resistance to projectiles, and, above all, speed, are the essential elements in the naval contests of the present. Motive power obtained by harnessing the winds can no longer be relied upon. The wooden sailing frigate is obsolete.

The efficiency of the modern naval squadron depends very largely upon its supply of coal and its ability to replenish its supply as fast as it is exhausted. Without coal its motive power is gone and its great guns useless. Such being the case, the strategic importance of the Hawaiian Islands as a coaling and refitting station for that part of our Navy stationed in the Pacific Ocean must be recognized, as well as the importance of preventing its falling into the hands of those with whom future complications may arise, in which case, instead of being a bulwark of defense, it would be a vantage ground of offense and a menace to our Pacific coast.

President Tyler, as early as 1842, recognized the superior interests of the United States in these islands, and said, in substance, that the Government should prevent any of the great powers from gaining control of them. This was at a time when the importance to us was infinitely less than now. If the United States annexes Hawaii she will be able to advance her line of defense 2,000 miles westward from the Pacific coast.

In 1823, when the celebrated Monroe doctrine was first promulgated, we had very little Pacific coast to defend, and under the conditions of naval warfare at that time Hawaii was of no special importance to us. But their annexation to-day is in strict consonance with every principle involved in the Monroe doctrine. It will do more to preserve "America for Americans" than many millions invested in battle ships, will make those already built available, and will make the islands a perpetual warning to all hostile and prying powers to keep hands off the affairs of the American republics, great and small.

Annexation has been favored by some of our greatest statesmen and military commanders. Annexation is desired by the Hawaiian Government itself. It is, I believe, eagerly hoped for by the great majority of our people. The Delphic Oracle charged the Greeks to depend on their navy, their "wooden walls." The navy of England has been her great means of defense and offense for hundreds of years, and has given her the proud place she holds among the nations. Our Navy has been a source of pride to us from its very infancy.

Since the commencement of the present war with Spain it has increased our prestige a hundredfold, and has caused our flag to be honored and respected in the four quarters of the globe as never before in our history. It seems to me that it would be more than a blunder, that it would be almost a crime, to refuse annexation offered to us by a willing people and of so much importance and value to us. Let us not be like the base Indian, who "threw a pearl away richer than all his tribe." [Applause.]

Mr. HITT. Mr. Speaker, I yield to the gentleman from California [Mr. DE VRIES] such time as he may desire.

[Mr. DE VRIES addressed the House. See Appendix.]

Mr. HITT. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. PACKER].

Mr. PACKER of Pennsylvania. Mr. Speaker, the proposition now under consideration is one of the utmost importance to the country. Since the question was presented to us in such an attractive form, and the Government and people of the Hawaiian Islands sought admission into the Union under the Administration of General Harrison, I have taken a lively interest in it and have been an ardent friend of the cause of annexation. As I have carefully noted the progress of the war and observed each day the developments in the Orient, my interest in the subject has intensified and the reasons for annexation of this group of islands have increased, or at least become more apparent to me. While our attention has been particularly drawn to this question during

the past five or six years, it is by no means a novel one to our people, the inhabitants of Hawaii, or the citizens of other great powers.

During the past century the people of these islands have had a stormy time. They have been seized twice by France and by Great Britain. These respective governments have released them only upon diplomatic pressure from other powers. In 1854 negotiations were had between the United States and the King providing for a treaty of annexation, but before they were consummated the King died. We are all familiar with the progress of the treaty in 1893. While the treaty was pending in the Senate a change of Administration took place and President Cleveland withdrew it. The conduct of foreign affairs under his Administration, so far as the same related to the Hawaiian Islands, was most unsatisfactory to the American people. A treaty of annexation similar to the joint resolution now pending was agreed to by the Hawaiian Government and ratified by the Senate.

The position assumed by a majority of our Presidents and many of our leading statesmen since 1842 in reference to these islands is well known. In June, 1851, Daniel Webster, then Secretary of State, addressed the American minister at Paris instructing him to advise the French Government that the enforcement of the French demands against Hawaii—

would be tantamount to the subjugation of the islands to the dominion of France. A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government.

In a correspondence with United States Minister Severance at Honolulu a few weeks later the same distinguished premier said:

The Hawaiian Islands are ten times nearer to the United States than to any of the powers of Europe. Five-sixths of all their commercial intercourse is with the United States, and these considerations, together with others of a more general character, have fixed the course which the Government of the United States will pursue in regard to them.

At this time the French were so threatening and persistent in their demands, and the situation being represented in person by our consul to Secretary Webster, he replied:

I trust the French will not take possession; but if they do, they will be dislodged, if my advice is taken, if the whole power of the Government is required to do it.

It is interesting to note the attitude of Secretary Seward in reference to the questions of reciprocity and annexation and the policy this great diplomat considered the most advantageous. In a dispatch to United States Minister McCook, at Honolulu, of September 12, 1867, he says, *inter alia*:

You will be governed in all your proceedings by a proper respect and courtesy to the Government and people of the Sandwich Islands; but it is proper that you should know, for your own information, that a lawful and peaceful annexation of the islands to the United States, with the consent of the people of the Sandwich Islands, is deemed desirable by this Government; and that if the policy of annexation should really conflict with the policy of reciprocity, annexation is in every case to be preferred.

The American people are indebted to the sagacity and wisdom of Mr. Seward for our extensive and valuable possessions in the Northern Pacific and arctic regions, which have in many ways been such a source of revenue, and will without doubt continue to be for a long period of time. His marvelous conception of our future as connected with the Pacific Ocean is now realized and appreciated as at no time heretofore. Secretary Fish, in correspondence with the American minister at Honolulu, in March, 1873, said:

There are also those of influence and wise foresight who see a future that must extend the jurisdictions and limits of this nation, and that will require a resting spot in midocean between the Pacific coast and the vast domains of Asia, which are now opening to commerce and Christian civilization.

Mr. Blaine in 1881 considered "the Hawaiian Islands as the key to the dominion of the American Pacific." He regarded the islands as "an outlying district of the State of California," and was a friend of annexation. He said:

The Government of the United States . . . has always avowed and now repeats that under no circumstances will it permit the transfer of the territory or sovereignty of those islands to any of the great European powers.

At that time the Government of Japan had not become one of the great powers nor an important factor to be considered in the Northern Pacific.

I have, for obvious reasons, presented at some length the views of several of our foremost statesmen upon this absorbing question. It has been undeniably the policy of our Government to prevent the absorption of these islands by any other power and their ultimate annexation. The time seems to be opportune for their admission to the Union. Will the proposed annexation be advantageous to us? The Government and people of Hawaii are now anxious for such admission, and are patiently awaiting the response of the American Congress to their appeal.

Persons familiar with the history of these people, their location, business, and commercial relations, language, education, religion, and characteristics, can readily see why they desire to relinquish their present governmental relations for membership in a stronger government, affording a more perfect union and greater security of person and property. If we refuse to annex these islands, we

can not well occupy the illogical position of protesting as heretofore to their being annexed to another power, if it is the desire of the people of the islands to be so annexed. We can not with justice say: "We will not take you, nor will we permit another power to annex or dominate you." The advantages of annexation are in my judgment reciprocal.

I will briefly consider some of the advantages likely to accrue to the United States by reason of the establishment of this new relationship. An independent, weak government is in constant danger from stronger ones. The history of the Hawaiian Islands during the last eighty years is proof of this assertion. The population is mixed, and comprises about 109,000 people—24,407 Japanese and 21,616 Chinese. Less than one-half the entire population are Asiatic. This element would be considerably reduced after annexation. As a result of the changed conditions, many citizens of all classes would go from the United States to the newly acquired territory.

American business men and laborers would resort to the islands with the same enthusiasm as has marked their progress and success in other fields of activity. The resolutions forbid further Chinese immigration, and, as I understand them, they forbid those now in Hawaii from going to other parts of the United States. The Hawaiian laws exclude them from homestead rights, and the experience there as here is, as soon as they get a few hundred dollars, their longing for home takes them back.

The Portuguese constitute 15,191, and of these 7,000 are natives and speak the English language. The British population comprises 2,250, the Germans 1,432, and other Europeans about 1,000. There are 33,000 of the native Hawaiian race. There are less men of the native race than of the Japanese. The Japanese Government is demanding that her people shall have the same rights and privileges that all others have there, which includes voting and holding office. If annexation to the United States is rejected, the probability is this demand will be pressed with renewed energy by the Government, with prospect of success. With the right of suffrage secured, many thousand more Japanese would invade the islands, claim the right to vote and hold office, and thus gain the supremacy.

The American colony exceeds 8,000 souls, and they own three-fourths of the property and control the business of the islands. They have encouraged and built up the commercial trade in the interests of the United States. The American trade with these islands last year amounted to over \$18,000,000. We have the greater part of the shipping business. Two hundred and forty-seven of our ships were employed in the Hawaiian trade in 1896. Much of this trade has been promoted by the reciprocity treaty between the two countries. If this treaty were abrogated by a party in power adverse to American interests, the business would largely decrease and disappear. The territory once a part of us, all danger from this source will be forever removed. In this event the whole trade would come to our country and be greatly enhanced from year to year, and all foreign complications that have unhappily harassed the people and hampered the development of the islands would be overcome. The value and importance of this trade to our people, and especially to that portion of them that reside on the Pacific coast, is incalculable.

The Hawaiians are the best customers they have—the largest consumers of their various products of any one country in the Pacific. Reference to a table of the commerce of San Francisco will surprisingly illustrate this statement. Under our present reciprocity laws we give a free market for practically only rice, sugar, and bananas. With the exception of these three products enumerated, the great resources of these fertile islands are undeveloped. The moment these islands are merged in the Republic, a free market for all products will ensue. In 1896 she had a foreign trade of over \$208 per capita for every adult and child of the country—a trade unsurpassed. Thousands of acres of this productive land, formerly a barren waste, have been recently brought under cultivation by artificial irrigation. These islands can easily be made to support a population ten times greater than they now have. With an increase of population proportionate to the West Indies, the commerce of the country would speedily become of the first importance. It is difficult to estimate the enormous trade relations that will result under the benign and stimulating influences of good government, rich soil, tropical yet moderate climate, and free markets.

Serious objections have been urged against annexation on account of the ethnic character of the people. I have indicated the numbers of the various races inhabiting the country. The native Hawaiians are Polynesians, not Africans. They enjoy the same political, social, and religious liberty and equality as the white people. They readily assimilate with and take on American ways and manners. Many of them are supporters of the Republic and advocates of annexation. A majority of the present House of Representatives consists of full-blood native Hawaiians. The speaker of the House is a native.

The Chinese and Japanese are industrious and peaceable citizens,

and as they are not permitted to enter into political matters or control, no danger can come to this country from so small a number. As heretofore stated, the matter of future immigration is guarded against. They are now aliens in Hawaii and not eligible to become citizens. Annexation will not enlarge their civil rights. The Portuguese are a large contingent of the population. About one-half of them are native and educated in the public schools, where the English language is taught. They are an industrious and quiet people, and are said to constitute the better laboring element there. The Americans, English, and Germans are a strong, vigorous, and potential element. They have impressed themselves, their forms of government, laws, customs, and manners, upon the larger population. They have acquired ownership over most of the property and control the bulk of the business transacted in the islands. If they have accomplished so much under the unfavorable monarchical government, it is not unreasonable to expect greater things under a republican form of government.

In contemplating the history of annexation of territory in the United States, from the Louisiana purchase to the present, we have never had a larger contingent of Anglo-Saxons than live in Hawaii. When Florida was annexed she had a population of a few Spaniards and Indians. Texas at one time had a population solely of Mexicans, Spaniards, and Indians. In ten years from the date of annexation, I venture the prediction that the foreign element in Hawaii will not be any more noticeable nor objectionable than the same element in many of the States of the Union is at this time.

It is a pleasing subject, and one in which our friends upon the other side of the Chamber often indulge. The danger consequent upon a mixture of the races and blending of foreign customs and habits is more fancied than real. The stronger races always have and always will dominate the weaker. This doctrine has never been more forcibly illustrated than in the recent history of the people of these islands. A handful of heroic Americans have overthrown the monarchy, grown hoary with age, and established upon its ruins a Republic fashioned after our own, with a constitution that gives the subjects the utmost freedom consistent with adequate protection.

They enjoy legislative, executive, and judicial departments of government along the lines guaranteed by the American Constitution. Many of their statutes are copies of those enacted in the United States, and legal documents are modeled after our own. Most of the lawyers and judges are either from the United States or educated there. The public-school system is largely a transcript from that of the States of the Union. There are 187 schools, taught by 436 teachers, and containing 12,600 pupils, all taught in the English language. A majority of the teachers are Americans. The English language is the one that obtains in the schools, courts, and business circles.

The money of the United States is the current money there, and all bonds, notes, and mortgages are made payable in United States money. There are no paupers or tramps in the islands, and no poorhouses are required. The American holidays are enthusiastically observed as here. Have any of our people residing in territories heretofore annexed had such a training and preparation for American citizenship as have the people of Hawaii? She is not wanted as a State, to swell the membership in the upper House of Congress. She does not ask it, nor do we concede it. The treaty provides that she shall come in as a Territory, and her government will be left entirely in the hands of Congress.

It has been erroneously urged by opponents of annexation that annexation will be ruinous to the beet-sugar culture of the United States. Let us examine into this favorite argument and ascertain the true situation. If the Hawaiian product can be produced in such large quantities so as to displace the American beet product, or by reducing the price and lowering it to the producers, and thus make the cultivation of it unprofitable, then there may be some force in their argument.

The sugar territory of these islands has been increased until there are no lands remaining except a limited amount of barren lands that can only be utilized by expensive artificial irrigation. Hawaii can never produce sugar enough to supplant the beet-sugar culture or any other sugar culture in the United States. During the year 1896 she produced a little over 200,000 tons, or about one-tenth of the consumption of the United States. This is the largest output after years of successful production.

Sugar is a world's product, and the price is determined by the world's price, which is fixed in London and New York. A considerable portion of this product is sent to New York. If the sugar product of Hawaii were doubled, the world's supply would be so imperceptibly increased that the price would not be affected. A total failure of the crop would not change the price fixed as above stated. The difference in expense of growing cane sugar in Hawaii and beet sugar in the United States is decidedly in favor of the latter. The time required for growing a crop of the former is more than twice as long as that of the latter.

There can be, however, no reason why the interests of the cane

grower and beet grower should clash. There is an ample market at good prices for all. It has been urged that annexation will increase our foreign complications. No foreign power except Japan has protested against it, and her objections have been substantially overcome. Most of our leading statesmen for the past fifty years, as shown by liberal quotations made from their utterances upon this subject, have emphasized the importance of acquiring these islands, and they agree that at some time we must annex them.

When will a time come when we can accomplish the long-desired result with so little expense and friction? The interests of Japan and the other great powers in the Pacific will continue to increase, and their hostility to annexation may be aroused at any time. There is danger in delay. But if immediate action is taken little apprehension is to be felt from foreign complications. A weak, isolated country is a continuing temptation to powerful nations. Once an integral part of the United States, the temptation is removed and the danger gone.

I proceed now to a discussion of what is regarded as the most important question—the necessity of annexation from a strategic standpoint. The proximity to the Pacific coast is such that our Government has at all times protested against occupation by other powers. Honolulu, the capital of these islands, is located in a southwesterly direction from San Francisco, a distance of about 2,100 miles. It is the principal town and port in this group of eight islands. The annexation of the islands is in accord with the Monroe doctrine, which excludes European powers from interfering in the American continent and outlying islands, but does not limit or abridge the United States.

The possession of Hawaii is necessary to the protection of the Pacific States. No nation, European or Asiatic, excepting Great Britain, possesses a coaling station near enough to the Pacific coast to be advantageous as a base of hostile naval operations against the coast or its commerce. The President and Congress would be grossly derelict in duty if they permitted a foreign power to seize these islands or establish a protectorate over them. Such occupancy would be, from a commercial standpoint, most injurious to our interests and result in the loss of trade established after so many years of patient labor and foresight.

The testimony given by General Schofield and Admiral Walker before the Committee on Foreign Affairs last May clearly and conclusively demonstrates the great importance of Pearl Harbor and Honolulu as bases of naval and military operations. Speaking of Pearl Harbor, General Schofield says:

Its natural adaptability to naval purposes is perhaps not surpassed by any harbor in the world in regard to its secure anchorage for large fleets, its distance from the sea, beyond the reach of guns of war ships, and the great ease with which the entrance to the harbor could be defended by batteries so as to make it a perfectly safe refuge for merchant shipping or naval cruisers, or even a fleet that might find it necessary to take refuge there; for coaling grounds, for navy-yard repair shops, storehouses, and everything of that kind.

He further says:

The most important feature of all is that it economizes the naval force rather than increases it. It is capable of absolute defense by shore batteries, so that a naval fleet, after going there and replenishing its supplies and making what repairs are needed, can go away and leave the harbor perfectly safe under the protection of the Army.

Under the treaty with Hawaii the United States enjoys certain rights and privileges in this harbor—the right to hold and use, fortify and improve—but thus far has not to any extent exercised the rights conceded. The land for miles about the harbor should be owned by the Government before any large expenditure of money would be justified in dredging the channels and fortifying the approaches. The right to annul this reciprocity treaty is reserved by either party thereto giving the other one year's notice of intention so to do. So it is evident under provision of this treaty the Government of the United States has not deemed it wise to open and improve the harbor.

The control of these islands and this superb natural harbor will insure the key to the North Pacific Ocean. These islands are on the route from the prominent ports of the Pacific States to the important cities of Asia, many of the islands of the Pacific, and Australasia. The commerce of the Pacific is in its infancy. It is the great theater for future commercial expansion and development of trade relations between the Old and New worlds. In 1851 Admiral Dupont made report to the Navy Department "upon the condition and requirements of the coast defenses of the United States." He said:

It is impossible to estimate too highly the value and importance of the Sandwich Islands, whether in a commercial or military point of view. Should circumstances ever place them in our hands they would prove the most important acquisition we could make in the whole Pacific Ocean—an acquisition intimately connected with our commercial and naval supremacy in these seas.

This distinguished officer of our Navy is prophetic in the language used concerning these islands, our trade relations with them, and our naval supremacy in the waters of the Orient. It would seem that nature established this archipelago by some great upheaval, and that they have been reserved as an outpost

in the Pacific to guide and sustain our naval ships of war and transports on the mission of help and succor to our gallant men that so heroically upheld our "naval supremacy in these seas," and as a result of their valor subdued and acquired the Philippine Islands, and present them as a ransom for the life and treasure expended in prosecuting the war.

A strange coincidence secures to the great Republic these twin pearls of the Pacific. The one the happening and culmination of events covering a period of fifty years. The other the result of a glorious victory of our Navy, consuming but a few hours, in a war prosecuted for humanity's sake, with no thought of conquest or extension of territory. It is proverbial that the accidents of war are manifold. Our recent experience in the waters of the Orient is a striking illustration of this adage. The disability or destruction of the enemy's navy in the remote harbor of Manila was deemed an essential incident in the progress of the war.

The task assigned our gallant commander was so brilliantly conceived and promptly executed that one morning, a few weeks since, the American people awakened to a realization of the fact that our incomparable Navy had fought the most signal naval battle in the history of the world. As the unexpected result of this great victory, a group of the richest islands in the Pacific, and without doubt the most productive in all the seas, has fallen into the possession of the United States, like ripened fruit from an overburdened tree. Now that our heroic men have braved the terrors of mines, shot and shell, and accomplished such a victory, are we who remain at home in ease and comfort to be indifferent to their sacrifices and great results?

The fulfillment of the destiny of this great Republic comprehends a policy of territorial and commercial expansion. An unexampled opportunity is presented for advancement along these lines, recognized and pursued by the great nations of the earth. If we are to profit by their experience, we will not hesitate to pass these resolutions. If the Philippines are to be retained as compensatory damages for loss of life and treasure in the present war, then Hawaii as a port of call is indispensable to the Government that is to own and control the former. [Applause.]

Mr. HITT. I yield to the gentleman from Wisconsin [Mr. DAVIDSON] such time as he may desire.

Mr. DAVIDSON of Wisconsin. Mr. Speaker, the subject under discussion, the annexation of Hawaii, is not a new one. For fifty years it has been before our people in one form or another, and during this time the leading statesmen and the best military and naval authorities of our country have expressed themselves in favor of the proposition.

In 1853 Secretary of State Marcy said:

It seems to be inevitable that they [the Sandwich Islands] must come under the control of this Government.

Prior to that time Webster, Buchanan, and Clayton had each expressed similar sentiments, while in later years Seward, Fish, and Blaine were of the same opinion. President Harrison was strongly in favor of annexation, and there is no question concerning the views of our present Chief Magistrate on this subject.

Captain Mahan, the well-known authority in naval affairs, says:

From a military point of view, the possession of Hawaii will strengthen the United States. It is not practicable for any trans-Pacific country to invest our Pacific coast without first occupying Hawaii as a base.

Chief Engineer Melville, of the Navy, says:

Pearl Harbor is the sole key to the full defense of our western shore, and that key should lie in our grasp only.

Admiral Dupont said:

It is impossible to estimate too highly the value and importance of the Sandwich Islands, whether in a commercial or military point of view. Should circumstances ever place them in our hands, they would prove the most important acquisition we could make in the whole Pacific Ocean, an acquisition intimately connected with our commercial and naval supremacy in these seas.

General Schofield, of the Army, says:

It constitutes the only natural outpost to the defenses on the Pacific coast. I have likened that harbor to a commanding position in front of a defensive line which an army in the field is compelled to occupy. The army must occupy that advanced position and hold it at whatever cost, or else the enemy will occupy it with his artillery and thus dominate the main line. If we do not occupy Pearl Harbor, our enemy will occupy it as a base from which to conduct operations against our Pacific coast. One of the greatest advantages of Pearl Harbor to us consists in the fact that no navy would be required to defend it. It is a deep, land-locked arm of the sea, easily defended by fortifications placed near its entrance, with its anchorage beyond the reach of guns from the ocean. The value of such a place of refuge and supplies for merchant marine and cruisers in time of war can hardly be overestimated, yet the greatest value to us of that wonderful harbor consists in the fact that its possession and adequate defense by us prevents the possibility of any enemy using it against us.

The logic of these statements is apparent when we remember that there is in the Pacific Ocean, from the equator to Alaska and from the coasts of China and Japan to the American continent, but one place where a passing vessel can obtain supplies or enter for repairs, and that place is Hawaii.

The expressions which I have quoted were made not when we were in the midst of a conflict with a foreign nation, but in a time of peace, when these eminent naval and military authorities and

patriotic statesmen were looking to the perfection of our national defense, at which time they realized the importance of these islands as a strategic point from which the whole Pacific coast could be controlled.

The events of the last few weeks have demonstrated the wisdom of their judgment and shown the necessity of our having control of these islands.

No ship has yet been constructed which can cross the Pacific Ocean and engage in actual combat and still be in a position to return to its original port for supplies. No hostile fleet can possibly menace our Pacific coast without first obtaining control of Pearl Harbor, and we have found that the converse of this proposition is true—that it is impossible for us to send a fleet to the relief of Dewey at Manila, 7,000 miles from San Francisco, without having some place midway in that broad waste of waters where our vessels can enter for supplies and repairs and where our soldiers being thus transported may be permitted to land and be refreshed.

Through the kindness of the people of that little Republic our soldiers have been granted this privilege, and our vessels have been able to make use of this harbor.

That this is in violation of the laws of neutrality may be conceded, but there is a law higher than that of nations; it is the law of humanity, the law of God.

It is the observance of this higher law which has prompted the people of that Republic to jeopardize their own interests and endanger even the very existence of their Government in order that a favor might be extended to us.

In our present difficulty with Spain the Republic of Hawaii stands alone, a single exception among the nations of the earth, the only one that has extended a helping hand to us. And why is this? Because for years the people of those islands were crushed beneath the despotism of a rotten kingdom, but now they are enjoying the blessings of freedom, and they appreciate, as do not the crowned kingdoms of the earth, how high and noble is our purpose in this war with Spain. They see in the Stars and Stripes a harbinger of freedom, a refuge and strength to suffering humanity, and they gladly bid us enter.

You who fail to see the necessity of the annexation of those islands at this time think what might have been the result had Dewey's attack at Manila resulted disastrously, and he been compelled to turn back and traverse a distance of 7,000 miles before he could reach a harbor for repairs or for supplies. Had such been the result, instead of having a fleet, the pride of our nation, floating so majestically and victoriously in the harbor of Manila, those ships would ere this have been but broken hulks, dead, deserted derelicts, drifting aimlessly in that broad sea.

The principal argument of the gentlemen who are opposed to this proposition is that it is unconstitutional. There are certain gentlemen in this Chamber before whose eyes the Constitution ever stands an impassable barrier to everything which looks to the advancement of civilization or to the progress of our country.

Some of these gentlemen years ago failed to understand aright the terms of the Constitution, and it seems the passing years have not added wisdom to their understanding. Sufficient answer to the objection is that the same question has been raised five times during our national history. It has been brought forward every time a proposition for the acquisition of territory has been presented and as often has it been passed upon and overruled, so that it now has no standing in court.

The people and the Government of Hawaii have offered these islands to us. To accept their offer will not take from the Treasury of the United States one dollar nor from the American people one drop of blood. Failing to accept their offer, we are forever estopped from objecting if a like offer should at some future time be made to and accepted by some other nation.

We can not be heard to say that we will not annex these islands ourselves and in the same breath that we will not permit any other nation to annex them.

It is well known that within a century these islands have at four different times been possessed by other nations, and their present independence has only been attained after a heroic struggle. The future stability of this little Republic is uncertain. Standing alone, without wealth, without population, it can hardly hold its own against more powerful nations, and should we fail to control or protect it, it will undoubtedly soon be acquired, peacefully or otherwise, by some of the great powers.

I am opposed to maintaining a protectorate over any country. Our nation should never assume the responsibilities of another nation except under such conditions as will enable us to dictate the laws of that nation and compel their observance.

I do not profess to be versed in military affairs. Whether the annexation of these islands is a military necessity at this time is a question, however, upon which I am willing to accept the opinion of military authorities, and when we know that not only the best military authorities have expressed themselves in favor of

annexation, but that our present Chief Magistrate believes that in order to successfully prosecute the present war it is necessary to secure these islands as a base of supplies, I for one am prepared to accept their judgment and vote accordingly.

I propose to support the President in everything which he believes is necessary for the successful prosecution of this war, and I know that in so doing I represent the united sentiment of the people of my district.

This question of annexation has for fifty years been an open and debatable one; but it seems to me that when Admiral Dewey's guns awoke the echoes in Manila Harbor on the morning of the 1st of May, they "moved the previous question" upon this proposition, and from that time debate has not been in order.

Prior to that date our people undoubtedly were divided upon this proposition, but I believe they are no longer divided. They realize the necessity of the acquisition of these islands at the present time, in order that the boys who have gone from your town and from mine, from every hamlet over this broad land, to defend the honor and the integrity of the nation and to bring relief to suffering humanity may find within that broad expanse of water some place where their feet may touch mother earth, where they can breathe the pure air, and where the vessels bearing them may be supplied with coal and bread and water, to the end that their expedition may result successfully and to the honor of the American people.

But there is another reason why these resolutions should be adopted. Year after year there has come to us from across the seas rumors of trouble in those Eastern countries. Year after year there have been indications that the great powers might become involved in a war over their Eastern possessions. Japan, which lately surprised the world by its defeat of China, is one of the coming nations of the world, and with its magnificent navy and with the energy and progress of its citizens it will soon become a strong competitor of England, of Russia, and of Germany.

China as a nation has been dead for years. It has not kept pace with the advancement of the nations around it. It may revive and progress. Failing to do this, however, this great Empire will soon be a thing of the past. Its territory will be divided among the great powers, each portion being subject in all its trade relations to the power which controls it.

Ours is a nation of peace and progression. Its broad acres are now all under cultivation. Its cities are black with the smoke of furnaces, its workmen busily employed in the manufacture of every article capable of construction. To continue this condition of things our people, our manufacturers, our farmers must seek a foreign market. If we are to furnish employment for the brain and brawn and muscle of our mechanics, we must find a market for the wares they construct. If those engaged in agricultural pursuits are to prosper, a market must be found for their surplus grain.

The Latin-American countries and the great Eastern countries offer the best opportunities for acquiring such a market. Our competitors will be England, Germany, Austria, and Russia. To successfully compete with them we must take advantage of every opportunity which offers. Within the next few years our people will awake to the necessity of the construction of the Nicaragua Canal and its control by this Government. That canal, when completed, will become the gateway through which will pass the commerce of the world. Then Cuba and Puerto Rico will stand as sentinels guarding its eastern approach, while on the west will be the impregnable fortress of Pearl Harbor, a strong factor in shaping and controlling the commerce of the Western Continent. Being a part of our possessions, Hawaii's trade will be entirely subject to our control. Not only this, but every vessel passing in either direction across the Pacific must touch at this point before reaching its destination.

With these islands under our control, our trade relations will be established and our commercial interests in the East forever protected.

It can not be said that the policy of our nation has been one of territorial acquisition. We have not aspired to the attainment of colonial possessions. The islands of the seas have not been to us prizes toward which we have looked with longing eyes, but we have, from time to time, acquired such territory as seemed to be necessary for the best interests of our nation; and should these resolutions prevail and Hawaii be annexed, it does not necessarily follow, nor is it possible, that such action will have any influence upon the future. It stands a single and independent proposition, to be determined upon its merits and in such a manner as will be for the best interests of our country.

Some gentlemen are loath in their declarations that the war in which we are engaged has now become one of conquest and that the policy of our nation from now will be one of territorial acquisition. These statements have been made with reckless disregard for accuracy and truth, and there is absolutely nothing to substantiate them. The possession of the Philippines, the possession of Puerto Rico, the possession of Cuba, yea, even the possession of

Madrid itself, if these should finally be possessed by American armies, will be but incidents of a war commenced for the cause of humanity and prosecuted only for that purpose.

A war can not be successfully prosecuted and every movement confined to the immediate scene of action. In order that this war may be successfully waged, the power of the enemy must be weakened and destroyed. Her fleets must be driven from the seas, her forts must be destroyed, her armies captured, her territory acquired. These are the lines along which the war must be waged, and these are the lines along which the present Administration will prosecute, vigorously and effectively, the present war until the Kingdom of Spain is ready to cry, "Hold, enough!"

The question as to what will be done with the territory acquired by our armies during the present war is no part of the subject now under discussion. The disposition of all such territory will be determined when the war is over. The Philippines are now, or soon will be, entirely under the control of the American Army. The flag of freedom, the Stars and Stripes, will float where once floated the red and yellow of the Spanish Kingdom. Whether the Stars and Stripes shall come down and the flag of despotism, of tyranny, and of treachery be again restored is a question which can safely be left to the American people for disposition at the proper time, without fear but what it will be settled right—right in the eyes of humanity, right in the eyes of God.

The gentlemen upon the other side of this Chamber need have no fear of the future of this Republic. It is safe in the hands of the people, safe in the hands of those chosen by the people to administer its affairs.

Mr. Speaker, I am in favor of the adoption of these resolutions. Aside from the question of their commercial importance, it is sufficient that the acquisition of these islands at this time is a war necessity. This being true, I believe we should acquire them.

Our hearts, our hopes are with the boys who have gone to the front, and, whether their destiny be Cuba, Puerto Rico, or Manila, our every action should be for their best interests. Let us not hesitate, let us not put aside this opportunity of establishing a base of supplies midway between our own coast and the future battlefield whereon our soldiers will soon be engaged in actual conflict—a battlefield a portion of which will undoubtedly become for all time a sacred spot to which the longing eyes of many a mother will turn as she remembers that in that far distant land her son lies sleeping, his life given for the cause of humanity and for the preservation of his nation's honor. [Applause.]

Mr. DINSMORE. I yield to the gentleman from North Carolina [Mr. KITCHIN.]

Mr. KITCHIN. Mr. Speaker, to one who respects the wisdom of his forefathers, who rejoices in Americanism, and who regards with love and hope those who are to live after us, this question of annexation is of great interest. A great duty is upon this Congress, to settle it, not in accord with the wishes of Hawaii, but in accord with the best interests of our own people. There is no rule or principle that requires us to annex any territory because the people of that territory desire it. Our Government is for our people, and in its conduct our people should be considered.

I shall briefly discuss the situation. As I did not think our policy in the past was correctly stated by the advocates of annexation, I have quite thoroughly investigated it; and in order that it may now be understood, I shall read a few extracts which I have culled from our public history.

Mr. Webster, as Secretary of State, in 1843, wrote that it was the sense of the Government of the United States regarding these islands—

That no power ought either to take possession of the islands as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences with it in matters of commerce.

President Tyler, in a message to Congress, in December, 1842, said of these islands:

Considering therefore that the United States possess so very large a share in the intercourse with those islands, it is deemed not unfit to make the declaration that this Government seeks nevertheless no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity.

Mr. Clayton, as Secretary of State in 1850, wrote to Mr. Rives, our minister to France, in regard to these islands:

We do not ourselves covet sovereignty over them.

Mr. Webster again, as Secretary of State in 1851, wrote to Mr. Severance:

This Government still desires to see the nationality of the Hawaiian Government maintained, its independent administration of public affairs respected, and its prosperity and reputation increased.

Mr. Marcy, as Secretary of State in 1853, wrote of these islands:

While we do not intend to attempt the exercise of any exclusive control over them, we are resolved that no other power or state shall exact any political or commercial privileges from them which we are not permitted to enjoy, far less to establish any protectorate over them.

Two years afterwards Mr. Marcy was willing to annex them.

Mr. Fish, as Secretary of State under President Grant in 1873, wrote in reference to these islands:

The acquisition of territory beyond the sea, outside the present confines of the United States, meets the opposition of many discreet men who have more or less influence in our councils.

Mr. Blaine, as Secretary of State in 1881, of these islands wrote:

I view that sentiment [American sentiment at Honolulu] as the logical recognition of the needs of Hawaii as a member of the American system of States rather than as a blind desire for a protectorate or ultimate annexation to the American Union.

This Government has on previous occasions been brought face to face with the question of a protectorate over the Hawaiian group. It has as often as it arose been set aside in the interest of such commercial union and such reciprocity of benefits as would give to Hawaii the highest advantages and at the same time strengthen its independent existence as a sovereign State. In this I have summed up the whole disposition of the United States toward Hawaii in its present condition.

The policy of this country with regard to the Pacific is the natural complement to its Atlantic policy. The history of our European relations for fifty years shows the jealous concern with which the United States has guarded its control of the coast from foreign interference, and this without extension of territorial possession beyond the mainland.

Such, Mr. Speaker, has been the policy, not of any particular political party, but of our country toward Hawaii, in its beginning disclaiming the desire of exclusive control, always declaring that no other country should control them, and that their independent condition was desired. It is conceded that the people of those islands are more intelligent, more experienced, wealthier, and more capable of an independent government now than heretofore, yet I do not deny that we have had eminent statesmen who advocated our acquisition of those islands. But let me cite some additional authority upon the principle involved. Mr. Frelinghuysen, as Secretary of State under President Arthur in 1883, wrote:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial dominion beyond intervening seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific.

Again in 1884 he wrote:

A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it inexpedient to attempt territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses has led this Government to decline territorial acquisitions. Even as simple coaling stations, such territorial acquisitions would involve responsibility beyond their utility. The United States have never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce.

Mr. Bayard, as Secretary of State, in 1885 wrote:

The policy of the United States declared and pursued for more than a century discontinuances and in practice forbids distant colonial acquisitions.

In 1885 President Cleveland, in his first annual message, used this language:

Maintaining as I do the tenets of a line of precedents from Washington's day, which prescribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.

Mr. Jefferson, who always desired and expected Cuba to some day be ours, wrote to President Madison in 1809 relative to Cuba:

It will be objected to our receiving Cuba, that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.

Mr. Speaker, we acquired the Louisiana country, Florida, Texas, and the California country without violating this principle. Acting upon that principle, we have often refused territory. In 1848, when Mr. Polk was President, Yucatan offered "to transfer the dominion and sovereignty of the peninsula to the United States." The offer was not accepted. During President Grant's Administration Santo Domingo offered annexation to the United States. General Grant earnestly urged its acceptance, but the treaty was rejected by the Senate.

During President Johnson's Administration Denmark offered us the Islands of St. Thomas and St. John for \$7,500,000. The Administration, through Secretary Seward, negotiated the treaty. It went to the Senate. There was an adverse report on it, and the matter was dropped.

But, Mr. Speaker, the spirit of annexation, with a contempt for our past conservative policy, exclaims that a new era is upon us. Annexationists exclaim that we must have the Philippine Islands, the Canaries, Cuba, and Puerto Rico, and wherever we can place our flag there it must go. The jingo press takes up the cry and denounces those who stand where Webster, where Blaine, where Jefferson stood upon this question of territorial acquisition. They exclaim that we annexed Texas, Louisiana, Florida, and California. Yes; but we annexed pillars of strength and empires of possibilities, and not a burdensome and unnecessary subject for strife and complications. They were a part of our mainland, requiring no great navy to defend. But what and where are the Sandwich or Hawaiian Islands which the Administration so anxiously desires to become a part of our country? We should understand

what we are annexing, for if once annexed they will never be divorced from us. Usually bad laws can be repealed, but bad unions usually last.

These islands are in the Pacific Ocean, 2,100 miles from our coast. Start in London, cross the English Channel, cross Belgium, cross the German Empire, cross the Austrian Empire, cross Turkey, and stand in the palace of the Sultan; even more, transform the map and in that journey also cross the great Republic of France, and you have not traveled so far as from San Francisco to Honolulu, the capital of these islands, and yet gentlemen speak of their proximity as an argument for annexation.

There are eight principal islands, with many small ones, altogether containing about 6,000 square miles—but a little larger than the district which I have the honor to represent. About one-half of that area is uninhabitable. Their population is 109,000, composed of 40,000 natives, called Kanakas, 25,000 Japanese, 23,000 Chinese, 15,000 Portuguese, 3,000 Americans, and 4,000 British and Germans. Less than 3 per cent of the people there are Americans. It is an undesirable population—not bone of our bone and flesh of our flesh. There are many lepers on the islands. Our laws exclude Chinese from our shores, and yet you would incorporate at one swoop 23,000 Chinese with us.

We tell you annexation violates American doctrines, and you shout your admiration for the policy of England, Germany, and Russia. You want a coaling station there, and there is not a coal mine in 2,200 miles of those islands. You want a harbor there, when we already have Pearl Harbor, the finest in the islands, and have had it for twenty years by treaty. You want them as a half-way place to Japan, when we have a route to Japan by way of the Aleutian Islands, a part of our Alaska Territory, 800 miles nearer to Japan than by way of the Hawaiian Islands. Kiska, one of the Aleutian Islands on this route, with a fine harbor and a line of steamers running regularly, is 1,300 miles nearer than Honolulu to Japan. You say it is wrong for us not to take them and then not allow another country to take them, yet that has always been our position, and it is our position in regard to Brazil, Patagonia, and every other country in this hemisphere. We want them to be independent. You want a fortification there; then fortify what we now have, Pearl Harbor.

If you want to do so, make it impregnable, but do not annex that mixed population to us, do not enter upon a policy of imperial colonization without hearing from the people about it. You have not heard from them. The great metropolitan press is a mighty power for good when it is right, but also a mighty power for evil when it is wrong, as it has been when advocating the gold standard and annexation. Annexationists want to see our country enlarge its area. Remember all increase is not muscle; it may be useless, surplus fat. Even more, it may be a deadly growth. Our country now is like a trained athlete—bone and sinew—compact, closely knit together, full of vitality, and free from easily vulnerable spots. Add islands in the far Pacific, and we attach a vulnerable position. We must then dissipate our power, and monarchic tyranny and corruption begin to course through our political veins.

We remind you of labor conditions on those islands, and you reply that the United States must regulate the hours of labor wherever our flag waves. On many occasions in this Congress have we witnessed your growing determination to interfere with the hours of labor in the several States by act of Congress and amendment of the Constitution, but you can not succeed.

We remind you that annexation of territory beyond the seas will necessitate a large army and navy, and you defiantly reply that we must have the best navy that floats on the sea. In some respects a standing army of a million men would be admirable, but its dangers and its expense would vastly outweigh its benefits.

The greatest navy afloat would be admirable, but it is not necessary and its burdens upon the people and its danger would vastly outweigh its benefits. Thus with annexation it may have benefits, but it has greater burdens, responsibilities, and tendencies to evil. I would have a good navy, capable of protecting our interests. Unlike the monarchies of Europe, we have no thousands of islands scattered over the world to protect, we have no colonies to rob and oppress, we are not seeking new nations to place under the bonds of tyranny for the sake of greed. But you say military and naval men want a large army and a mighty navy. They see only the Army and the Navy. They see only one side of the public Treasury. The side that pours out money to build armies and navies. We should see the other side, as that money goes into the Treasury from the hard earnings of our people.

The Army and Navy are for the country, not the country for the Army and Navy. England, France, Germany, and Russia are like duellists with left hands linked together, and in their right hands they must carry gigantic navies and armies; but oceans roll between us and our enemy in any war. When Spain, at the end of the present war, gets off of this continent, what will remain

upon which to base a reasonable fear of war? Nothing but the jingo spirit which may lead us into "entangling alliances."

To increase and maintain our Navy equal to England's constantly increasing navy would require at least \$100,000,000 annually which the taxpayers of our country would have to pay. If gentlemen had more consideration for those who have to bear all the costs of navies, they would not declaim so loudly for the mightiest navy in the world. A moderate, well-equipped, well-manned, effective navy is all that our needs require. The very fact that distant territorial possessions would require an enormous navy should prevent them.

Again, while annexation would benefit the holders of the \$4,000,000 of Hawaiian bonds, and probably save the present Government there from overthrow, it is well understood that a majority of the people of the islands are opposed to annexation, and, in my opinion, a majority of the American people are opposed to annexation. I understand that a short time ago a great many Republicans in this House were against it, but the Administration has favored it, and many of them have reversed their positions to be in line with the President.

Our Revolutionary war was fought to break the colonial grasp of England. The present war was begun, according to the theory of the Administration, to break the colonial grasp of Spain on Cuba, and the resolutions which passed Congress expressly disclaimed any intention of obtaining sovereignty over Cuba. How inconsistent is it now for us during this war to fasten our colonial rasp upon Cuba, Hawaii, Puerto Rico, and the Philippines! And yet annexationists boldly announce that such shall be our policy. The whole spirit of our institutions repels distant colonization.

If there is any one principle greater than another that inspired the authors of the Declaration of Independence, it was that of local sovereignty of States; it was home rule; it was hostility to rule from abroad. Annexation of distant islands will violate this principle of local independent self-government. To bring the world under one political rule has been the dream of tyrants, not of lovers of humanity. Liberty loves independent states. How would we govern the Philippines? Would their 10,000,000 of people, nearly all of an inferior race, send to this Congress fifty Representatives in the House and several Senators? Or would we rule them as monarchies rule their colonies?

Not a single advocate of annexation of Hawaii has suggested what manner of government we would give them. If it were known that annexation would stop with Hawaii, and that no other far-distant lands were now or hereafter to be annexed, there would not be so much danger in the pending resolutions. But most of those who advocate them boldly proclaim that we should adopt the colonization policy that characterizes European powers. Why should we abandon the wise and safe policy of Washington and Jefferson? Why should we abandon our great mission of encouraging the establishment of free states in the world and sow the seeds that shall perhaps destroy democratic government from the earth? We want no colonies for robbery. We need no colonies for protection. A nation should be large enough to be strong, but small enough to be just; strong to resist any aggressor, just to every citizen. Our country is large enough, and we are the mightiest nation on earth. I hope that we may some time be the most just to every citizen.

Ineloquence gentlemen have exclaimed that they live not in the past, that new conditions have arisen, that Dewey's victory at Manila broke to pieces our past policy and ushered into our national life a different one. It is talked that we must help decide the "Eastern problem" and have a say in taking territory from poor old China. It is talked among Republican members, as I understand, that new issues are being made for political parties; that the financial issue will be superseded; that the Republican party, on account of the war and annexation, will get a new lease of power. I do not wish to comment upon all this talk, but if Dewey's great victory at Manila should result in our country's abandonment of its great principles which have safely guided her for more than a hundred years, and in their stead the adoption of the policy of the crowned heads of Europe—the policy of territorial aggrandizement and colonial oppression—though we to-day shout the praises of that victory from patriotic hearts, yet our posterity will curse it as the beginning of the destruction of individual liberty, political justice, and independent government from the face of the earth. [Applause.]

Mr. HITT. Mr. Speaker, I desire to yield twenty minutes to the gentleman from Tennessee [Mr. GIBSON], but inasmuch as that will extend the time beyond the hour of 10.30 o'clock, the hour fixed for adjournment, I ask unanimous consent to postpone the hour of adjournment to 11 o'clock, as my friend from Arkansas [Mr. DINSMORE] desires to yield the remainder of the half hour to a gentleman on the other side.

The SPEAKER pro tempore (Mr. GRAFF). Unanimous consent is asked to postpone the hour of adjournment until 11 o'clock. Is there objection?

There was no objection.

Mr. HITT. I yield twenty minutes to the gentleman from Tennessee [Mr. GIBSON].

[Mr. GIBSON addressed the House. See Appendix.]

Mr. DINSMORE. I yield the remainder of the time to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. BROUSSARD. Mr. Speaker, in the discussion of the project advanced by the pending resolution it is evident that we are not occupied with the benefits that are to accrue to the people of Hawaii, but our concern is how our people are to be affected. I take this to be the sole question at issue with us. I shall make no attempt to convince those who in this or any other matter of public import assume the position that the policy of our Government should seek to benefit any people save our own. Those who argue that we should annex Hawaii because it will result beneficially to the people of the islands will not be heard patiently by me, nor shall I stoop to argue the matter with them. The advantage or disadvantage to them is a question of supreme indifference to me. Let them look to their own interests.

The greatest good to the greatest number of the American people should be the inexorable rule of every American, in or out of Congress, in the solution of all public problems.

I therefore lay down the proposition as self-evident that it is not only our right but our highest duty to consider no other but our own interests in discussing this project.

Accepting this as the true criterion by which we are to be guided in considering this resolution, it necessarily follows that with those who advocate annexation rests the burden of proving that we shall be benefited by annexation.

But before entering into a discussion of the advantages or disadvantages to accrue to us through annexation, I desire to emphasize the fact that, in my opinion, the House is without power to pass upon this question in the shape presented.

Generally speaking, a nation may acquire territory by conquest, by purchase, or by discovery. The framers of our Constitution laid down the rule of action, however, that we may, apart from the *modus operandi* just mentioned, acquire territory by treaty. Under this provision Jefferson negotiated the purchase of Louisiana and the Northwest from France in 1803. Under President Monroe, in 1819, in the same way we acquired Florida from Spain, and during the Presidency of Mr. Johnson, in 1870, Alaska was ceded to us by Russia. Upper California, including what is now California, Nevada, Utah, Wyoming, New Mexico, and Arizona, we acquired in 1848, under Mr. Polk's Administration, as a result of our war with Mexico. Our title to this latter territory is by force of conquest.

We purchased Alaska from Russia in 1867. The title was conveyed by treaty. The only other territory acquired by us was Texas, in 1845, under President Tyler's Administration. Texas, an independent republic, was admitted into the Union as a new State. It was never annexed in the true sense of the word, nor can it be quoted as a precedent for this "scheme," for it is not here sought to admit Hawaii into the Union as a new State. Nowhere in the Constitution do I find authority vested in this House to acquire territory, except to admit new States into the Union, and then this authority is exercised conjunctively with the Senate.

The Senate alone is vested with power to ratify or reject treaties having for their purpose acquisition of territory. The territory of Upper California, then, was obtained by conquest; Louisiana, Florida, and Alaska were acquired under the treaty-making power, and Texas was admitted into the Union under the express power given Congress to admit new States. But I shall not further deal with this phase of the question. Able men have long since settled it in the debate that led to the admission of Texas into the Union.

But lest, in their greed to acquire foreign territory, the advocates of annexation should, by brute force, brush aside this constitutional plea, as they evidently propose to do, I shall return to a discussion of the merits of the controversy.

I can conceive of but three ways that we can be benefited by the acquisition of any territory—that is, from a commercial standpoint, or from a military standpoint, or from a political standpoint.

Now, in annexing Hawaii, shall we be benefited in a commercial way? Let us see.

Since 1875 our Government has been in commercial treaty with Hawaii. Our trade relations with her under the treaty make absolutely certain the benefits or disadvantages which must follow annexation. Under the treaty the products of the islands are placed on our markets free of duty, while in return the duties of many of the manufactured articles of the United States are remitted to us. Our present trade relations with Hawaii, therefore, are exactly what they will be after annexation, if we commit the blunder of annexing. Now, have we lost or gained by this exchange of commodities under the treaty?

I here attach a comparative statement of our export and import trade with Hawaii:

TRADE OF THE UNITED STATES WITH HAWAIIAN ISLANDS.
Total exports and imports of merchandise.

Year ending June 30—	Exports.			Imports.			Excess of im- ports.
	Domes- tic.	For- eign.	Total.	Free.	Duti- able.	Total.	
1875	\$921,974	\$40,190	\$962,164	\$168,771	\$1,058,420	\$1,227,191	\$565,027
1876	724,267	64,900	789,267	192,071	1,184,610	1,376,681	597,414
1877	1,109,429	165,530	1,274,959	2,385,368	164,969	2,550,337	1,277,386
1878	1,683,440	52,650	1,736,090	2,641,628	37,202	2,678,830	942,731
1879	2,288,178	86,740	2,374,918	3,243,988	13,950	3,257,938	883,020
1880	1,985,506	100,642	2,086,148	4,565,918	40,526	4,606,444	2,520,294
1881	2,694,583	89,489	2,784,072	5,517,737	15,263	5,533,000	2,754,928
1882	3,272,172	78,609	3,350,781	7,621,690	24,604	7,646,294	4,295,519
1883	3,683,400	92,805	3,776,205	8,195,837	42,624	8,238,461	4,462,256
1884	3,446,024	77,329	3,523,353	7,900,000	25,955	7,925,955	4,402,612
1885	2,708,573	78,249	2,786,822	8,817,067	40,430	8,857,497	6,070,675
1886	3,115,899	76,799	3,192,698	9,741,924	63,783	9,805,707	6,613,009
1887	3,620,599	101,436	3,722,035	9,892,899	30,186	9,923,085	6,201,046
1888	3,025,898	59,353	3,085,251	11,050,038	10,341	11,060,379	7,975,126
1889	3,336,040	39,621	3,375,661	12,832,910	14,890	12,847,800	9,472,139
1890	4,006,900	104,517	4,111,417	12,309,758	4,150	12,313,908	8,202,491
1891	4,935,911	171,301	5,107,212	13,865,648	29,949	13,895,597	8,788,385
1892	3,602,018	119,610	3,721,628	8,002,076	13,806	8,015,882	4,294,254
1893	2,717,338	110,325	2,827,663	9,067,856	58,911	9,126,767	6,319,104
1894	3,217,713	88,474	3,306,187	9,960,981	95,338	10,056,319	6,750,130
1895	3,648,472	74,553	3,723,025	7,870,304	18,657	7,888,961	4,165,936
1896	3,928,187	57,820	3,986,007	11,743,348	14,361	11,757,709	7,771,907
1897	4,632,581	67,494	4,700,075	13,663,012	24,787	13,687,799	8,987,724

A mere glance at these figures shows that for every dollar's worth of merchandise that we have been permitted to place upon the Hawaiian market without paying duty to the Hawaiian Government the people of the islands have been allowed to use our markets free of duty for from two to three dollars' worth of their goods.

In other words, for every dollar's worth of advantage we have secured from them under the treaty we have paid them from two to three dollars; and in doing this we have placed American toil, in field and factory, in direct competition with the cheap contract labor of Hawaii.

Strange to say, this "scheme" finds its greatest supporters on the other side of this Chamber, where men most prize the protection of American labor. It appears, too, from these statistics that a large percentage of the goods exported by us to Hawaii is of foreign manufacture, so that American laborers are greater sufferers from the treaty than at first is apparent.

To adopt this resolution would be to perpetuate these conditions and to continue the competition between American and Asiatic labor, not in the markets of the world, but to invite the competition at home on an equal footing with us.

Mr. Speaker, I have the honor to represent the greatest sugar-producing district in the United States. Rice within the last few years has become a staple product in my district.

These two articles are practically the only products raised for exportation in the Sandwich Islands. Both commodities are admitted into this country under the present treaty free of duty.

Annexation would forever keep our markets free for the admission of both of these articles. Representing, as I do, a district whose main dependence is in these two products, I take it that I have the right to voice the opinion and to advocate the rights of my people in opposition to this "scheme."

Laborers, mechanics, and chemists in the sugar fields and refineries of Louisiana receive good wages to-day. On the rice farms and in the rice mills of southwest Louisiana men find employment readily and at remunerative figures. There no strikes are heard, menacing the security of the community. No injunctions are resorted to to coerce one man to starve that his more fortunate neighbor might enrich himself. There the shrill and discordant voice of anarchy is never heard. There there is contentment and happiness and plenty. Men enjoy more independence and liberty there than anywhere on earth. Your proposition is to strike a deathly blow at all these blessings.

In the great West men are learning to appreciate the possibilities of sugar-beet culture. Up to recently it seemed to be the one ambition of the Secretary of Agriculture to advance and foster the sugar-beet industry in the section of the country from which he hails. We in Louisiana felt that the beet sugar would at no distant time supplant cane sugar, because it can be produced cheaper, but we welcomed our neighbors in this field of operation. Their competition was to be American competition amongst American citizens, white man competing against white man. We were glad to meet them, and we would have rejoiced at their success; but what do you propose to do with this budding hope of the West? Suffocate it, stifle it, strangle it, together with its older brother of the South; and for what and for whom? For a trade in which the American people lose three times as much as they gain. For a race of negroes, of Chinese, half-breeds, and lepers.

What have these done that they should be paid to receive better treatment at our father's house than we, the children, should have?

Pause and consider before you take such a course. The step into the abyss is easily taken; once taken it can never be retraced. For all time to come, should you annex Hawaii, must my people surrender to these people their heritage and the West her hopes of adding to her already great achievements in agriculture? And the surrender will be all the more mortifying when in return we shall receive a "mess of pottage."

But, says the Secretary of Agriculture and the advocates of an-

nexation here, you overestimate the possibilities of sugar and rice in the Hawaiian Islands. Let us see if this is so.

In Hawaii, the Philippines, and the West Indies sugar cane is indigenous to the soil. Here it is not. Sugar can there be raised, according to governmental statistics, at a cost of 1½ cents per pound. Here it costs nearly 4 cents. To the sugar trust, which controls the entire imported output, transportation is cheap.

How long then, I ask, can our people maintain this unequal and unjust competition? You great protectors of American labor and American industries, answer me this, if you dare.

The following is an official statement:

TRADE OF THE UNITED STATES WITH HAWAIIAN ISLANDS.

Total imports of sugar and molasses, and the estimated amounts of duty remitted.

Year ending June 30—	Molasses.		Sugar, Dutch standard in color.										Total value of sugar and molasses.	Estimated duties remitted. a
			Above No. 7 and not above No. 10.		Above No. 10 and not above No. 13.		Above No. 13 and not above No. 16.		Above No. 16 and not above No. 20.		Total.			
	Gallons.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.	Dollars.	
1877	138,072	23,509	3,980,804	230,155	11,291,315	714,490	10,183,556	737,525	5,186,406	426,308	30,642,081	2,108,473	2,131,982	
1878	87,634	14,449	2,437,920	161,922	10,805,253	757,734	12,227,780	993,550	4,897,345	391,224	30,368,328	2,274,430	2,288,879	
1879	98,112	14,936	3,174,146	501,850	16,615,686	1,099,164	15,670,564	1,118,118	1,232,673	92,061	41,693,069	2,811,198	2,820,129	
1880	111,950	19,835	7,793,349	450,090	28,416,596	1,892,737	25,885,886	1,089,061	1,477,493	108,659	61,556,324	4,135,487	4,155,322	
1881	196,987	35,037	5,373,005	286,707	28,486,889	1,774,952	43,048,613	2,895,362	1,905,297	177,770	78,009,307	4,027,021	4,062,068	
1882	152,700	25,256	3,962,806	182,873	33,228,379	3,416,318	44,973,293	3,023,236	2,234,111	157,606	114,132,670	7,340,030	7,377,586	
1883	238,773	37,499	5,179,726	243,582	55,797,719	3,553,651	60,921,114	3,385,194	2,702,792	1,905,297	125,148,080	7,108,292	7,166,256	
1884	163,347	22,964			78,249,593	4,287,730	44,969,790	2,702,792	1,003,237	52,865	199,652,788	9,196,124	9,208,068	
1885	71,649	9,054			116,365,096	5,490,517	52,193,930	2,856,511	782,932	84,873	218,290,836	9,255,351	9,270,063	
1886	61,127	7,786			133,638,543	6,275,442	57,331,700	2,856,511	782,932	84,873	218,290,836	9,255,351	9,270,063	
1887	113,574	14,712			157,390,390	6,535,021	60,740,925	2,713,232	159,571	7,066	238,547,018	10,280,048	10,296,405	
1888	52,582	6,417			208,137,536	9,119,890	25,402,978	1,140,149			243,542,513	12,079,618	12,084,666	
1889	48,140	6,148			235,445,211	11,641,400	7,879,472	437,028			274,219,828	7,396,215	7,399,715	
1890	81,443	9,314			217,674,398	11,139,662	6,782,673	409,906			352,175,200	11,396,796	11,398,698	
1891	76,019	8,560			169,157,107	7,682,749	138,097,909	5,499,975			431,217,116	13,165,084	13,166,613	
1892	51,139	5,911											(b)	
1893	67,324	7,561											(b)	
1894	7,370	653											(b)	
1895	51,879	3,500											(b)	
1896	33,705	1,902											(b)	
1897	26,866	1,523											(b)	

a The collector of customs at San Francisco, under date of February 26, 1886, forwards a statement of his appraiser that the polariscopic test of the Hawaiian sugar brought into that port during the fiscal years 1884 and 1885 would average a little above 99°. The estimated duty remitted, has, therefore, since 1883, been computed, on sugar not above No. 13, at 2½ cents per pound, which is the equivalent of the polariscopic test above indicated.

b Duty remitted calculated only to April 1, 1891, when sugar imported from all countries was made free.

Our loss in governmental revenues from this treaty from sugar alone is nearly \$60,000,000, while from rice importations five millions more were lost to us. Annexation will perpetuate this condition of affairs, and with the continued increase of the production of sugar on the four islands comprising the coveted territory we must expect to surrender to these people every year from five to eight million dollars of our revenues, for what? For the pleasure of paying the national debt of the people of the islands, of protecting them from foreign invasion, building up their commerce, and fortifying their coast.

Strange as it may seem, the strongest supporters of this "scheme" are the men who wrote in their party platform in 1896 these words:

Resolved, We condemn the present (Democratic) Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually.

In the face of this solemn declaration, this harrowing condemnation of the Democratic party, we find the President, elected on that platform, advocating this "scheme." We find his Secretary of Agriculture in one breath urging the West to engage in sugar raising and in the other advocating the annexation of Hawaii, with the full knowledge that this must be the ultimate destruction of that industry. We find the Republican majority of the House committee urging to a man the annexation of these islands. And, finally, we see practically a solid Republican vote back of the resolution.

Why give us a tariff on sugar if you propose to admit free of duty more sugar than the American people consume? Did you give it to us that the differential in favor of the sugar trust might not appear isolated? Did you offer us assistance that our destruction might be more keenly felt? Is it another exemplification of the Greeks bearing gifts? The ancient proverb said that the gods made blind those whom they would destroy, but you would seem to pet and pamper your victims.

But whenever you confront these modern sleight-of-hand platform manipulators with this declaration, they reply that the Hawaiian Islands produce too little sugar and rice to affect the American price of either. This same argument was advanced when the treaty was being discussed in 1875, yet this treaty stimulated the sugar production in the islands fully forty-five fold since 1877. The islands then produced 10,183,556 pounds of sugar, while last year the production was 451,196,980 pounds.

But let us examine this statement more closely. We are great sugar eaters. We consume, next to the English, more sugar than any other people on earth. Our consumption is 64½ pounds of sugar per capita per annum. In 1897 we consumed 2,096,263 tons,

or a little over 4,000,000,000 pounds. Louisiana produced of this 631,699,561 pounds; other American States, 12,475,763 pounds; total American production, 644,175,323 pounds. We imported from Hawaii, free of duty, 431,196,980 pounds, making a total of 1,075,372,303 pounds. This is over 25 per cent of our entire consumption.

If we annexed Hawaii and her sister islands and stopped there, perhaps my complaint would be ill-founded. But listen to the "tale of woe" of the annexationists. First, we simply wanted the Sandwich Islands because they were necessary to us in our Asiatic trade. In the other Chamber the discussions on this proposition were long and extended. We must have the islands, said they, because Pearl Harbor, in the Island of Oahu, is necessary for our defense. In case of war our western coast would be at the mercy of our enemies. Lo and behold, the war did come, and the false prophets saw the conditions of their prophecy reversed. Not our coast was in danger, but the enemy's possessions, 5,000 miles farther east. And, with these conditions confronting them, we find them playing on the other string. We must have the islands, say they now, so as to maintain our possessions in the East.

It is clear to my mind that the possession of Hawaii is but the entering wedge to a colonial policy by this Government.

The "scheme" is not only to possess ourselves of Hawaii, but maintain sovereignty over the Philippines and Puerto Rico, once these are captured, as captured they must be in this war. And then, pursuing the policy further, to subsequently declare we are unable to maintain a "stable government" in Cuba, and take her, too.

That this is the policy of the present Administration is apparent even to the blind.

Now, what will all this mean to the sugar and rice industries of this country?

Following is our sugar importations from the islands:

Islands.	Year.	Pounds.
Philippines	1897	72,463,577
	1898	274,809,362
	1899	85,607,317
Puerto Rico	1898	116,653,909
	1897	576,280,597
Cuba	1894	2,127,497,454

I have arranged these figures in this shape for this reason: In the last few years all of these islands have been in revolution. Particularly is this true of Cuba. The result has been that, in

